

SECTION 42. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.48, Section 17.48.115, is amended by relettering subsection A to be subsection B and relettering subsection B to be subsection C and amending the Title and subsection A as follows:

“17.48.115 - Standards for Noncommercial Signs

A. Applicability. The following standards apply to noncommercial signs on residential uses, religious facilities and signs in the PS district.”

SECTION 43. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.48, Section 17.48.140, Subsection B, Paragraph 1, is amended as follows:

“1. Nonconforming signs shall not be altered, enlarged, or moved unless a Sign Exception, in compliance with Section 17.48.050 (Sign Exceptions), is first obtained. Standards exceeding the minimum requirements may be required by the Zoning Administrator in the conditions of approval in order to reduce the impact that the nonconforming sign may have on the surrounding properties.”

SECTION 44. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.48, Section 17.48.170, is amended as follows:

a. By amending the definition of “freestanding sign” as follows:

“Freestanding or pylon sign. A sign that is supported by a base structure that rests on the ground and is not supported by or attached to a building.”

b. By amending the definition of “building frontage” and relocating this definition to be in the proper alphabetical order as follows:

“Primary building frontage. That building elevation that fronts on a street, alley, driveway, parking area, or pedestrian plaza, courtyard or arcade. There shall only be one primary building frontage.”

c. By adding the following new definition in the proper alphabetical sequence:

“Secondary building frontage. Any building frontage other than a primary building frontage.”

d. By amending the definition of “temporary sign” as follows:

“Temporary sign. A sign intended to be displayed for a limited period of time and capable of being viewed at a primary or secondary building frontage.”

SECTION 45. Pasadena Municipal Code, Title 17, Article 5 is amended by adding the following new section as follows:

“17.50.065 - Boarding Houses

A. 500-foot separation required. A boarding house shall be a minimum of 500 feet from another boarding house.

B. How to measure separation. The distance between any structure used as a boarding house and another structure used as a boarding house shall be measured in a straight line, without regard to intervening structures, from the closest property line of the structure used as a boarding house to the closest property line of another structure used as a boarding house.”

SECTION 46. Pasadena Municipal Code, Title 17, Article 5, Section 17.50.080,

Subsection A, Paragraph 6 is amended as follows:

“6. Signs. Signs shall comply with the requirements of Chapter 17.48 (Signs).”

SECTION 47. Title 17, Article 5, Chapter 17.50, Section 17.50.240, Subsection B, Paragraph 2 is amended as follows:

“2. Appurtenance roof coverage encroachments. Section 17.40.060.D.2.a specifies that appurtenances covering not more than 25 percent of the roof area may exceed the height limit established by the applicable zoning district by a maximum of 15 feet. However, the allowable appurtenance roof coverage for research and development facilities may exceed the height limit for up to 50 percent of the roof area.”

SECTION 48. Title 17, Article 5, Chapter 17.50, Section 17.50.250 is amended:

a. By amending Subsection E, Paragraph 1, Subparagraphs c, e, and f as follows:

“c. Encroachment plane and setback. The overall height of an accessory structure (excluding the top plate height) may rise above the nine-foot height limit as it steps or slopes away from the two-foot initial setback, but shall not intercept an encroachment plane sloping inward from a point nine feet in height (beginning at the two-foot setback) and rising a maximum of one and one-half feet for each one foot of distance starting at the two-foot setback. See Figure 5-1.”

“e. Modification by Minor Conditional Use Permit. In order to achieve a design that is architecturally compatible with the main structure, the maximum height (including the top plate height) may be modified by a Minor Conditional Use Permit, granted in

compliance with Section 17.61.050.”

“f. Modification by Historic Preservation Commission. For designated landmarks or structures in a designated historic district, the maximum height (including the top plate height) of an accessory structure may be exceeded without a Minor Conditional Use Permit, but only if approved by the Historic Preservation Commission, and only upon finding that the greater height is necessary in order to achieve a design that is architecturally compatible with the main structure.”

b. By amending subsection G, paragraph 2 as follows:

“2. An accessory structure (or portion of an accessory structure) with a roof that is at least 50 percent open shall not be included in the calculation of the maximum allowable size. All other accessory structures shall be counted in the calculation of the maximum allowable size including carports, gazebos, or covered patio or porches. A basement below an accessory structure or a stand alone subterranean structure shall be included in the calculation of the maximum allowable size.”

SECTION 49. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.340 is amended as follows:

a. By amending Subsection D, by adding the following new paragraph as follows:

“3. Modification. The Zoning Administrator may modify the required parking in a parking garage (including below grade and at or above grade garages) by allowing the total parking requirement to exceed or be reduced by five percent but not more than 10

spaces.”

b. By amending subsection D, paragraph 3, subparagraph a as follows:

“a. Residential parking shall be a minimum of:

(1) 1 space for each unit for units less than 650 square feet to a maximum of 1.25 spaces per unit; and

(2) 1.5 spaces for each unit for units 650 square feet or more to a maximum of 1.75 spaces per unit.”

SECTION 50. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.360, Subsection A is amended as follows:

“**A. Applicability.** Vehicle repair, when it is the main use or is an accessory use to vehicle sales, shall meet the additional standards identified in this Section.”

SECTION 51. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.60, **TABLE 6-1**, is amended as shown in Exhibit - 16 attached hereto and incorporated by this reference.

SECTION 52. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.60, Section 17.60.040, Subsection C is amended as follows:

a. By amending the title, and Paragraph 1 as follows:

“**C. Predevelopment plan review.**

1. Purpose. The purposes of a predevelopment plan review are to:”

b. By amending Paragraph 1, subparagraph g as follows:

g. Inform the Council and the public of proposed development projects defined in the

administrative guidelines to be of communitywide significance, by presenting the predevelopment plan review report at a Council meeting. This presentation shall only be for the purpose of informing the Council and the public of a proposed project, and not for the purpose of discussing the merits of the proposed project.”

c. By amending Paragraph 2, subparagraph a as follows:

“a. Mandatory review. A predevelopment plan review shall be required for projects subject to one or more of the following approvals:” The remainder of this Paragraph remains unchanged.)

d. By amending Paragraphs 3 and 4 to read as follows:

“3. Procedures.

a. Scheduling. A predevelopment plan review shall be conducted before deeming an application complete, in compliance with Section 17.60.060 (Initial Application Review), below. However, the Director may authorize subsequent phases of a preapplication conference to be conducted after the application is deemed complete.

b. Meeting. The predevelopment plan review shall be conducted at a meeting in which the applicant for a project is invited and the applicable/responsible City department staff is in attendance.

c. Applicable/responsible staff. The City Manager, or designee, shall determine which City departments shall participate. The Director shall designate the staff person(s) to be responsible for scheduling and conducting the predevelopment plan review.

d. Disclaimer. Neither the predevelopment plan review nor information or pertinent

policies provided by the City Departments shall be construed as a City recommendation for approval or disapproval of the application/project.

e. Written report. A written report containing the results of the predevelopment plan review and the staff comments on the project shall be provided to the applicant. For projects that are defined in the administrative guidelines to be of communitywide significance, the written report shall also be presented to the Council.

4. Administrative guidelines. The City Manager, or designee, shall issue administrative guidelines for implementation of the predevelopment plan review process.”

SECTION 53. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.040, Subsection D, Paragraph 1 is amended as follows:

“1. Construction yards – Off-site. Off-site contractors' construction yards, in conjunction with an approved construction project for a maximum period of 12 months. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs. (See also Subsection D.7., below, regarding temporary work trailers.)”

SECTION 54. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.050, Subsection C is amended as follows:

“C. Application requirements. An application for a Conditional Use Permit shall be filed in compliance with Chapter 17.60 (Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout

for Conditional Use Permit applications. The applicant shall be responsible for providing the evidence in support of the findings required by Subsection H. (Findings and decision) below.”

SECTION 55. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.060 is amended as follows:

a. By amending subsection A, Paragraph 2 and Paragraph 4 as follows:

“2. Ensure thorough review. Ensure orderly and thorough City review of applications for certain expressive uses.

4. Protect Constitutional rights. Protect the rights conferred by the United States Constitution to expressive uses in a manner that ensures the continued and orderly development of property within the City and diminishes those undesirable negative secondary effects that recognized studies have shown to be associated with the development and operation of expressive uses.”

b. By deleting Subsection K and relettering the remaining subsections in the proper alphabetical sequence.

SECTION 56. Title 17, Article 6, Chapter 17.61, Section 17.61.080, Subsection C, Paragraph 3, Subparagraph a is amended as follows:

“a. Noticing of the public hearing shall be given in compliance with Chapter 17.76.”

SECTION 57. Title 17, Article 6, Chapter 17.61, Section 17.61.100 is amended as follows:

“17.61.100 - Public Art Requirement

A. Purpose. This Section establishes the procedures for processing applications for public art.

B. Applicability. Projects shall meet the requirements of Section 17.40.100 (Public Art Requirements and Design Standards). The review authority shall be the Arts and Culture Commission.

C. Application requirements. An application for Public Art shall be filed in compliance with Chapter 17.60 (Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Public Art applications.”

SECTION 58. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, **TABLE 6-2 - THRESHOLDS FOR DESIGN REVIEW AND DEMOLITION REVIEW IN THE CENTRAL DISTRICT**, is amended as shown in Exhibit - 17, attached hereto and incorporated by this reference.

SECTION 59. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, **TABLE 6-3 - THRESHOLDS FOR DESIGN REVIEW OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS**, is amended as shown in Exhibit - 18, attached hereto and incorporated by this reference.

SECTION 60. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, **TABLE 6-5 - REVIEW AUTHORITIES - POWERS AND DUTIES**, is amended as shown in Exhibit - 19, attached hereto and incorporated by this reference.

SECTION 61. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62,

Section 17.62.050 is amended as follows:

a. By amending Paragraph B, Subsection 1 as follows:

“1. At a public hearing, the Historic Preservation Commission shall review the application and designation report and recommend approval of the designation to the Council or disapprove the application. A decision by the Historic Preservation Commission to disapprove the application shall be final unless appealed to or called for review by the City Council.”

b. By amending Subsection D, Paragraph 3 as follows:

“3. If the Council disapproves an application for designation of a historic monument, landmark, or landmark district, or modifies the boundaries of a district to exclude a property proposed for designation, the interim protections shall no longer apply to those properties and a Certificate of Appropriateness shall no longer be required.”

SECTION 62. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.070, Subsection C, Paragraph 1 is amended as follows:

“1. At a public hearing, the Historic Preservation Commission shall review the application and designation report and recommend approval of the designation to the Council or disapprove the application. A decision by the Historic Preservation Commission to disapprove the application is final unless appealed or called for review by the City Council.”

SECTION 63. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.090, Subsection E is amended as follows:

a. By amending Paragraph 2, Subparagraphs h and k as follows:

“h. Demolition project. If a project involves a demolition of a historic resource determined eligible for designation with a 2, 3, 4, 5S2, 5S3, or 5D2 status code as defined by the State Office of Historic Preservation’s Historical Resources Status Codes, the Historic Preservation Commission shall review the application at a public hearing noticed and conducted in compliance with Chapter 17.76 (Public Hearings).”

“k. End of delay period. At the end of a delay period established by either the Director or Historic Preservation Commission, the Director shall issue the certificate of appropriateness, which may include any changes to the original project that were agreed upon during the delay period.”

b. By amending Paragraph as follows:

“4. Additional findings for demolition of historic resources (excluding non-contributing structures). In addition to the findings required in Section 17.62.090.E.3, the Commission must make one of the following findings to approve demolition of a designated historic resource:” (The remainder of this paragraph remains unchanged.)

SECTION 64. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.64, Section 17.64.040, Subsection B, Paragraph 4 is amended as follows:

“4. Only one 12-month time extension may be granted.”

SECTION 65. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.72, Section 17.72.010 is amended as follows:

“This Chapter establishes procedures for the initiation of appeals and Calls for Review of

a decision rendered by the Director, Zoning Administrator, Hearing Officer, Film Liaison, Environmental Administrator, Board of Zoning Appeals, Design Commission, Arts and Culture Commission, Historic Preservation Commission, Advisory Agency (as defined in Section 16.08.020), and Commission.”

SECTION 66. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.72, Section 17.72.020, Subsection D is amended as follows:

“D. Council. The Council shall serve as the review authority for decisions of the Design Commission, Arts and Culture Commission, Commission, Historic Preservation Commission, and the Board of Zoning Appeals.”

SECTION 67. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.72, Section 17.72.030 is amended as follows:

“An appeal may be filed by any person affected by a determination, decision, or action rendered by the Director, Zoning Administrator, Hearing Officer, Board of Zoning Appeals, Environmental Administrator, Design Commission, Arts and Culture Commission, Historic Preservation Commission, Advisory Agency or Commission.”

SECTION 68. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.72, Section 17.72.040, Subsection D is amended as follows:

“D. Commission, Design Commission, Arts and Culture Commission and Historic Preservation Commission decisions. Decisions by the Commission, Design Commission, Arts and Culture Commission and the Historic Preservation Commission may be appealed to the Council.”

SECTION 69. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.72, Section 17.72.060, Subsection A, Paragraph 3, Subparagraph a is amended as follows:

“a. Review. The Council may choose to review a decision rendered by the Director, Zoning Administrator, Environmental Administrator, Hearing Officer, Board of Zoning Appeals, Design Commission, Arts and Culture Commission, or the Historic Preservation Commission. When such decisions are called for review, they shall be reviewed by the Review Authority as contained in 17.72.020.”

SECTION 70. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.76, Section 17.76.020, Subsection B, Paragraph 1, Subparagraph a (3) is amended as follows:

“(3) All owners of real property as shown on the County’s latest equalized property tax assessment roll within a 500-foot radius of the subject site’s boundaries; or within a 300-foot radius for minor variances, minor use permits, variances for historic resources, modifications for individuals with disabilities and sign exceptions; and”

SECTION 71. Pasadena Municipal Code, Title 17, Article 8, Chapter 17.80, Section 17.80.020 is amended as follows:

a. By amending the following definition and subdefinitions as follows:

“Affordable Housing Definitions. The following terms and phrases are defined for the purposes of Chapter 17.42 (Inclusionary Housing Requirements) and Chapter 17.43 (Density Bonus, Waivers and Incentives).” (The remainder of this definition remains unchanged.)

“Food Sales (land use). The retail sale of food and beverages for off-site preparation or

consumption. This use may also include bakeries and the provision of other services (e.g., banks, copy services, dry cleaners, film processing, food take-outs, pharmacies, video rentals, etc.) under one roof. The use shall be classified as a convenience store if it is 3,500 square feet or less.”

“Personal Services (land use). An establishment providing nonmedical services to individuals as a primary use. Examples of these uses include:

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| barber shops | home electronics and small appliance repair |
| beauty shops | laundromats (self-service laundries) |
| clothing rental | nail salons |
| day/health spa | spas and hot tubs for rent |
| dry cleaning pick-up stores | shoe repair shops |
| for, psychics, and similar services | tanning salons |
| hair salons | Tailors |

These uses may also include the accessory retail sales of products related to the services provided.”

“Personal Services, Restricted (land use). An establishment providing nonmedical services to individuals as a primary use. Examples of these uses include:

- check-cashing services, tattooing, piercing, and similar services”

“Restaurants with Limited Live Entertainment (land use). A restaurant, including a

fast food or formula restaurant that provides accessory live entertainment, where the performance area does not exceed 75 square feet, and customer dancing does not occur. The use shall be classified as a nightclub (commercial entertainment) if the performance area exceeds 75 square feet or customer dancing is provided. Live entertainment does not include a sexually oriented business.”

“Yard or Court. An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward or from the floor level of the structure requiring the yard or court upward except as otherwise provided in this Zoning Code, including a front yard, side yard, corner yard, rear yard or court between structures. For purposes of this Zoning Code, the term "setback" may be used interchangeably with the term "yard." The following types of yards are defined and required by this Zoning Code. See Figure 8-8.”

b. By renaming Figure 8-7 entitled, “Yard Types” to “Figure 8-8 - Yard Types.”

c. By adding the following new subdefinitions to the Affordable Housing Definitions in the proper alphabetical sequence and the renumbering of the subdefinitions as follows:

“Concessions or Other Incentives. Concessions or other incentives include a reduction in a site development standard or modification of another Zoning Code requirement or design requirement that results in an identifiable, financially sufficient, and actual cost reduction; or, approval of mixed-use zoning in conjunction with the housing project if

commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located; or other concession or regulatory incentive that results in an identifiable, financially sufficient, and actual cost reduction, as determined by the City in its sole discretion. A concession or other incentive does not include additional density beyond that allowed in Chapter 17.43.”

“Density Bonus. A density bonus is an increase in density above the otherwise maximum allowable residential density under this Title and the Land Use Element of the General Plan as of the date the development application for the project is deemed complete. The amount of the density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable dwelling units meets the percentage established in the following section. When calculating the number of density bonus units allowed, any fraction of a residential unit shall be counted as a whole unit. An applicant may elect to accept a lesser percentage of density bonus units. An applicant may not seek a density bonus greater than that provided in Chapter 17.43 or by State law.”

“Development standard. For Chapter 17.43 (Density Bonus, Waivers and Incentives), a development standard includes a site or construction condition that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation. A

development standard subject to waiver does not include additional density beyond that allowed in Chapter 17.43.”

SECTION 72. Pasadena Municipal Code, Title 17, Appendix A, PD-32 is amended as follows:

a. By changing the title of the subsection entitled, “Planning.” to “A. Planning.” and changing the subsection entitled, “Public Works.” to “B. Public Works.”

b. By renumbering the paragraphs under subsection B. Public Works by renumbering paragraph 27 with the number 1. All later paragraphs in subsection B shall be numbered sequentially to follow 1.

SECTION 73. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 74. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2009.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2009, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, CMC
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney