

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: July 25, 2011

FROM: CITY ATTORNEY

**SUBJECT: AN ORDINANCE AMENDING THE ZONING CODE REGARDING
MAJOR PROJECT PROCESSING**

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) TO REGULATE NEW CONSTRUCTION OF NON-RESIDENTIAL BUILDINGS GREATER THAN 75,000 SQUARE FEET AND CERTAIN MIXED USE PROJECTS AND TO REQUIRE A CONDITIONAL USE PERMIT FOR CERTAIN NEW CONSTRUCTION PROJECTS GREATER THAN 75,000 SQUARE FEET IN THE SOUTH FAIR OAKS SPECIFIC PLAN OVERLAY DISTRICT

PURPOSE OF ORDINANCE

This ordinance implements and codifies the direction given by Council on May 23, 2011 to amend the Zoning Code (PMC, Title 17) to require that Conditional Use Permits for certain projects exceeding 75,000 square feet be heard and decided by the Planning Commission with the appeal body being the City Council.

REASON WHY LEGISLATION IS NEEDED

This legislation is needed to amend the Zoning Code to change the hearing body for such Conditional Use Permits from the Hearing Officer, which is one person, to the Planning Commission, a nine-person commission. This provides the Planning Commission the opportunity to review major projects at a larger public forum.

MEETING OF 07/25/2011

AGENDA ITEM NO. 14

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning Department will implement the proposed ordinance through processing of such Conditional Use Permits for the affected properties.

FISCAL IMPACT

There will not be an immediate fiscal impact as a result of this amendment to the Zoning Code. Permitting fees will be collected from any future development proposed on the properties impacted.

ENVIRONMENTAL DETERMINATION

On May 23, 2011 the Council found that this amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant CEQA Guidelines Section 15061 because the project is an administrative and procedural change pertaining to the hearing body of an entitlement process and will not result in any potential significant effect on the environment.

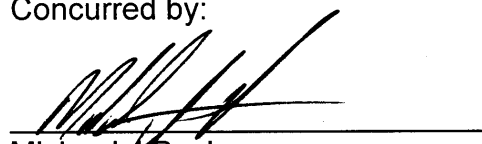
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Theresa Fuentes
Assistant City Attorney

Concurred by:


Michael Beck
City Manager

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) TO REGULATE NEW CONSTRUCTION OF NON-RESIDENTIAL BUILDINGS GREATER THAN 75,000 SQUARE FEET AND CERTAIN MIXED USE PROJECTS AND TO REQUIRE A CONDITIONAL USE PERMIT FOR CERTAIN NEW CONSTRUCTION PROJECTS GREATER THAN 75,000 SQUARE FEET IN THE SOUTH FAIR OAKS SPECIFIC PLAN OVERLAY DISTRICT

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

“Summary

Ordinance No. _____ amends various provisions of Title 17 (the Zoning Code) to change the review authority from Hearing Officer to Planning Commission for new construction of commercial and industrial buildings greater than 75,000 square feet and mixed use projects in which the commercial component is greater than 75,000 square feet and to require a conditional use permit for new construction of offices, administrative business professional, offices, medical, laboratories and industry restricted uses greater than 75,000 square feet in the South Fair Oaks Specific Plan Overlay.

Ordinance No. _____ shall take effect 30 days from its publication.”

SECTION 2. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.26, Note #9 of **TABLE 2-5 - ALLOWED USES AND PERMIT REQUIREMENTS FOR**

COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS is amended as follows:

“(9) Conditional Use Permit approval required for new ~~nonresidential projects and nonresidential portions of mixed-use projects~~ construction exceeding 25,000 sq. ft. of gross floor area; ~~except for a project with an approved master development plan, government offices, tenant improvements, or projects in the City’s approved capital improvement budget.~~ See Section 17.61.050.J. for additional requirements.”

SECTION 3. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.30, Note #13 of **TABLE 3-1 - ALLOWED USES AND PERMIT REQUIREMENTS FOR CD**

ZONING DISTRICTS is amended as follows:

“(13) Conditional Use Permit approval required for new ~~nonresidential projects and nonresidential portions of mixed-use projects~~ construction exceeding 25,000 sq. ft. of gross floor area. See Section 17.61.050.J. for additional requirements. Projects within the Central District Transit-Oriented Development Area (Figure 3-5) shall meet the requirements of Section 17.50.340. ~~This requirement does not apply to a project with an approved master development plan, government offices, tenant improvements, or projects in the City’s approved capital improvement budget.~~”

SECTION 4. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.31, Note #4 of **TABLE 3-3 ALLOWED USES AND PERMIT REQUIREMENTS FOR ECSP**

ZONING DISTRICTS is amended as follows:

~~“(4) Conditional Use Permit approval required for new nonresidential projects and nonresidential portions of mixed-use projects construction exceeding 25,000 sq. ft. of gross floor area; except for a project with an approved master development plan, government offices, tenant improvements, or projects in the City’s approved capital improvement budget. See Section 17.61.050.J. for additional requirements.”~~

SECTION 5. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.32, Section 17.32.050, Note #4 of **TABLE 3-5 - ALLOWED USES AND PERMIT REQUIREMENTS EAST PASADENA SPECIFIC PLAN (EPSP) SUBAREA D1 DISTRICTS** and Note #4 of **Table 3-6 – ALLOWED USES AND PERMIT REQUIREMENTS EAST PASADENA SPECIFIC PLAN (EPSP) SUBAREA D2 AND D3 DISTRICTS** are amended as follows:

~~“(4) Conditional Use Permit approval required for new nonresidential projects and nonresidential portions of mixed-use projects construction exceeding 25,000 sq. ft. of gross floor area; except for a project with an approved master development plan, government offices, tenant improvements, or projects in the City’s approved capital improvement budget. See Section 17.61.050.J. for additional requirements.”~~

SECTION 6. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.33, Section 17.33.040, Note #3 of **TABLE 3-14 - ALLOWED USES AND PERMIT REQUIREMENTS FAIR OAKS/ORANGE GROVE CL, C-2 AND C-3 DISTRICTS** is amended as follows:

~~“(3) Conditional Use Permit approval required for new nonresidential projects and~~

~~nonresidential portions of mixed-use projects construction exceeding 25,000 sq. ft. of gross floor area; except for a project with an approved master development plan, government offices, tenant improvements, or projects in the City's approved capital improvement budget. See Section 17.61.050.J. for additional requirements.~~

SECTION 7. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.35, Section 17.35.050, Subsections A, B, and C are amended as follows:

A. Projects New Construction over 25,000 square feet to 75,000 square feet.

~~Projects New construction that exceeds 25,000 square feet but is less than or equal to 75,000 square feet of gross floor area need not comply with the Conditional Use Permit requirement ~~the IG zoning district for a Conditional Use Permit for projects over 25,000 square feet~~ of Note #9 of Land Use Table 2-3.~~

B. New construction over 75,000 square feet.

New construction that exceeds 75,000 square feet of gross floor area shall require a Conditional Use Permit. The Planning Commission shall be the initial review authority with the City Council serving as the appeal authority. See Section 17.61.050.J. for additional requirements.

B. C. Height bonus.

For parcels that abut Fair Oaks Avenue south of Pico Street but do not abut a residential use, the maximum height shall not exceed 56 feet.”

SECTION 8. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.36, Section 17.36.050, Note #3 of **TABLE 3-16 - ALLOWED USES AND PERMIT**

REQUIREMENTS FOR WGSP ZONING DISTRICTS is amended as follows:

~~“(3) Conditional Use Permit approval required for new nonresidential projects and nonresidential portions of mixed use projects construction exceeding 25,000 sq. ft. of gross floor area; area. except for a project with an approved master development plan, government offices, tenant improvements, or projects in the City’s approved capital improvement budget. See Section 17.61.050.J. for additional requirements.”~~

SECTION 9. Pasadena Municipal Code, Title 17, Article 6, Section 17.60, **TABLE 6-1 - REVIEW AUTHORITY** is amended as shown in Exhibit 1, attached hereto and incorporated by this reference.

SECTION 10. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.050, Subsection J is amended by adding a new Paragraph as follows:

“2. Major construction.

a. Applicability. A Conditional Use Permit shall be required for new construction of a nonresidential project or a nonresidential portion of a mixed use project that exceeds 25,000 square feet of gross floor area as contained on the Land Use Tables in Article 2 - Zoning Districts, Allowable Land Uses, and Zone-Specific Standards and Article 3.- Specific Plan Standards. This requirement shall not apply to public and semi-public uses, projects in the PS and OS Districts, projects with an approved master development plan, tenant improvements, or a project on the City’s approved capital improvement budget.

b. Review authority.

(1) For a major project 75,000 square feet or less, the Hearing Officer shall be the initial review authority and the Board of Zoning Appeals shall be the appeal authority.

(2) For a major project greater than 75,000 square feet, the Planning Commission shall be the initial review authority and the City Council shall be the appeal authority.

SECTION 11. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2011.

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 _____ 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney

TABLE 6-1 - REVIEW AUTHORITY

Type of Decision	Role of Review Authority (1)				
	See Section	Director/Zoning Administrator/Hearing Officer	DC/HPC (2)	BZA/Planning Commission (2)	City Council

Administrative and Amendments

General Plan amendments	17.74			Recommend	Decision
Interpretations	17.12	Decision (3)		(BZA) Appeal	CFR
Master Plans	17.61.050			Recommend	Decision
Planned Developments	17.26.020.C			Recommend	Decision
Specific Plans	17.68			Recommend	Decision
Zoning Code amendments	17.74			Recommend	Decision
Zoning Map amendments	17.74			Recommend	Decision

Land Use Permits and other Development Approvals

Adjustment Permits	17.61.070			Recommend	Decision
Certificate of Appropriateness	17.62.090	Decision (4)	(HPC) Decision/ Appeal/CFR		Appeal/CFR
Central District – Floor Area Increase	17.30.050			Decision	Appeal/CFR
Central District – Height Averaging	17.30.050		(DC) Decision		Appeal/CFR
Code Compliance Certificates	17.61.020	Issued by Director			
Conditional Use Permits	17.61.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Creative Sign Permits	17.48.070	Decision	(DC) Appeal/CFR		Appeal/CFR
Density Bonus – Concessions and other Incentives	17.43.050	(HO) Decision		(BZA) Appeal	Appeal/CFR (5)
Density Bonus – Waiver of Development Standards	17.43.060	(HO) Decision		(BZA) Appeal	Appeal/CFR (5)
Design Review (See Tables 6-2 & 6-3)	17.61.030	Decision	(DC) Decision/ Appeal/CFR		Appeal/CFR
Development Agreement	17.66			Recommend	Decision

Type of Decision	Role of Review Authority (1)				
	See Section	Director/Zoning Administrator/Hearing Officer	DC/HPC (2)	BZA/Planning Commission (2)	City Council

Land Use Permits and other Development Approvals (Continued)

Expressive Use Permits	17.61.060	(HO) Decision (3)			Appeal/CFR
Long-term Film Permits	17.61.090	(HO) Decision		(BZA) Appeal	Appeal/CFR
Hillside Development Permit	17.29.010	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Lot Line Adjustments	Title 16	Advisory Agency (HO) Decisions		(BZA) Appeal	Appeal/CFR
<u>Major Construction 75,000 sq. ft. or less Conditional Use Permit</u>	17.61.050.J	(HO Decision) (3)		(BZA) Appeal	Appeal/CFR (5)
<u>Major Construction greater than 75,000 sq. ft. Conditional Use Permit</u>	17.61.050.J			Planning Commission Decision	Appeal/CFR (5)
Master Sign Plans	17.48.060	Decision	(DC) Appeal/CFR		Appeal/CFR
Minor Conditional Use Permits	17.61.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Minor Variances	17.61.080	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Modifications for Persons with Disabilities	17.61.080	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Public Art Requirement	17.61.100	(AC) Decision (2)			Appeal/CFR
Sexually Oriented Business Hardship Extension	17.50.295.D	(HO) Decision		(BZA) Appeal	Appeal/CFR (5)
Sign Exceptions	17.48.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Temporary Use Permits	17.61.040	(ZA) Decision (3)		(BZA) Appeal	CFR
Tentative Tract and Parcel Maps (Including Vesting Maps)	Title 16	Advisory Agency (HO) Decision		(BZA) Appeal	Appeal/CFR
Variances	17.61.080	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Wireless Telecommunications Facilities, Permit Extension	17.50.310	Director		(BZA) Appeal	Appeal/CFR

Wireless
Telecommunications
Facilities, SCL

17.50.310	Director		(BZA) Appeal	Appeal/CFR
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Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.72 (Appeals); and "CFR" means Call for Review, in compliance with Chapter 17.72 (Appeals).
- (2) "DC" means the Design Commission, "HPC" means Historic Preservation Commission, "BZA" means Board of Zoning Appeals and "AC" means Arts and Culture Commission.
- (3) The Hearing Officer may defer action on permit applications and refer the items to the Board of Zoning Appeals (BZA) for the final decision.
- (4) The Director's decision to issue a Certificate of Appropriateness may first be appealed to the Historic Preservation Commission (HPC) and then to the Council.
- (5) Any CEQA document or decision may be appealed to the Council.