

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.19 AND CHAPTER 8.16 OF THE PASADENA MUNICIPAL CODE TO REMOVE PROVISIONS ALLOWING FINANCIAL INCENTIVES FOR SPECIFIC TYPES OF BUSINESSES WITHIN THE PASADENA LOCAL DEVELOPMENT AREA AND REPEALING THOSE UNCODIFIED ORDINANCES NUMBERED 6131, 6140, 6312, 6588, 6883, 7098, AND 7236, ALL REGARDING FINANCIAL INCENTIVES FOR THE PASADENA ENTERPRISE ZONE AND THE PASADENA LOCAL DEVELOPMENT AREA

WHEREAS, on January 27, 1986, the City Council of the City of Pasadena, California ("City"), adopted Ordinance No. 6131, which established financial incentives for specified businesses within the Northwest Plan Area; and

WHEREAS, on March 4, 1986, the City Council adopted Ordinance No. 6140 to clarify, modify, and provide a sunset date for the previously established incentives; and

WHEREAS, on March 9, 1989, the City Council adopted Ordinance No. 6312 to encourage economic development in specific areas of the City (Enterprise Zone); and

WHEREAS, on April 18, 1994, the City Council adopted Ordinance No. 6588 to extend the financial incentives to the 1992 Pasadena Enterprise Zone "Original Area"; and

WHEREAS, on January 14, 2002, the City Council adopted Ordinance No. 6883 to the extend the financial incentives to the "Expanded Area" of the 1992 Pasadena Enterprise Zone; and

WHEREAS, on May 21, 2007, the City Council adopted Ordinance No. 7098 to extend the financial incentives to the 2007 Pasadena Enterprise Zone; and

WHEREAS, in mid-2013, the State passed Assembly Bill 93 and Senate Bill 90 that eliminated state and local benefits for all enterprise zones statewide as of January 1, 2014; and

WHEREAS, on December 16, 2013, the City Council adopted Ordinance No. 7236, creating the Pasadena Local Development Area and extended financial incentives, previously provided by the Pasadena Enterprise Zone, to that area; and

WHEREAS, Ordinance No. 7236 adopted on December 16, 2013, amended Ordinance No. 6691 adopted on November 4, 1996, to allow business license fee waivers within the "Pasadena Local Development Area" for pushcart owners; and

WHEREAS, the City recognized the benefits of extending local development incentives until December 31, 2014, to coincide with the revenue generated from the final operations of the expired Pasadena Enterprise Zone.

Now, therefore, 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 by Section 508 of the Pasadena City Charter. The approved summary of this Ordinance is as follows:

"Summary

Ordinance No. _____ eliminates financial incentives for the Pasadena Enterprise Zone and the Pasadena Local Development Area, amends certain financial incentives for certain businesses within the Pasadena Local Development Area, formerly associated with the Pasadena Enterprise Zone. This Ordinance also reinstates the traffic reduction and transportation improvement fee levied by Chapter 4.19 of the Pasadena Municipal Code and requires all pushcart owners to pay the business license

fee required by Chapter 8.16, Section 8.16.020 thereby removing the exemption previously provided to pushcart owners in the Pasadena Local Development Area.

Ordinance No. _____ shall take effect upon publication.”

SECTION 2. Pasadena Municipal Code, Title 4, Revenue and Finance, Chapter 4.19, Traffic Reduction and Transportation Improvement Fee, Section 4.19.050- Exceptions, shall be amended by deleting Paragraph F to read as follows:

A. The reconstruction of any building destroyed or damaged by fire, explosion, natural catastrophe or Act of God to the extent that the reconstruction does not add to the floor area of the structure prior to its being damaged or destroyed;

B. Any development for which a building permit has lawfully been issued prior to the effective date of the ordinance codifying the traffic reduction and transportation improvement fee;

C. Developments with plans complying with all of the following:

1. The plans were deemed complete by the building official prior to the effective date of the ordinance codifying the traffic reduction and transportation improvement fee, or
2. Project entitlements were issued prior to the effective date of the ordinance codifying the traffic reduction and transportation improvement fee;

D. Parking structures, facilities and areas;

E. Affordable Housing Incentives.

1. The traffic reduction and transportation improvement fee is waived for all for-sale or rental affordable housing units built on-site. Affordable housing units built off-site shall receive a 50 percent discount on the traffic reduction and transportation improvement fee,
2. For-sale or rental workforce housing units shall receive a 50 percent discount on the traffic reduction and transportation improvement fee when at least 15 percent of a development is within the price range of 121 to 150 percent of Average Median Income (AMI) for Los Angeles County,

3. For-sale or rental workforce housing units shall receive a 35 percent discount on the traffic reduction and transportation improvement fee when at least 15 percent of a development is within the price range of 151 to 180 percent of Average Median Income (AMI) for Los Angeles County; “

SECTION 3. Pasadena Municipal Code, Title 8, Health and Safety, Chapter 8.16, Food Transportation Vehicles, Section 8.16.020-Pushcarts, shall be amended by deleting Paragraph D and sequentially re-lettering the remaining sub-sections to read as follows:

“A. It is unlawful for any person to sell food or drinks intended for human consumption from a pushcart on any public walkway in a residential area without a current and valid health permit issued by the Pasadena public health department, a city business license, and an operator's permit.

B. The owner of the pushcart shall be required to obtain all necessary permits unless the pushcart is operated by another person. In that circumstance, the owner shall obtain the health permit and the business license, and the operator shall fill out an application and obtain an operator's permit.

C. Pushcart vendors shall comply with all applicable state health code requirements.

D. Pushcart vending shall be permitted on public walkways in residential areas only for no more than 5 minutes in a single location.

E. A pushcart owner must obtain a separate health certificate for each pushcart used in the city. No more than 1 health certificate will be issued per owner. The vendor shall keep in his/her possession the health certificate, business license and operator's license during operations in the city.

F. Pushcart vending shall be permitted in a public park for no more than 4 hours in one location, provided another entity or group using the park has not secured a permit for concessions. If a pushcart is moved to a subsequent location in the park, the new location shall be not less than 500 feet away from the prior location. It is unlawful to vend from pushcarts on other public properties, excluding public walkways in residential areas as authorized in subsection E of this section, without a special event permit. Special event permits shall be required for New Year's Day, the Black History Festival, Cinco do Mayo and other events as determined by the city.

G. It is unlawful for vendors to use amplified sound on pushcarts in residential areas.

H. Pushcart permits shall be issued annually on a first-come first-served basis. A minimum of 30 pushcart permits shall be issued annually. The maximum number of permits shall be determined by the public health department based on departmental staff availability. Annual renewal of any permit shall be in the sole discretion of the city.

I. At the time of application for an operator's permit, the police department shall conduct an appropriate background investigation of the applicant. An operator's permit shall not be issued to an applicant convicted of crimes of violence or moral turpitude.”

SECTION 4. The following uncodified ordinances are repealed: Ordinance No. 6131, Ordinance No. 6140, Ordinance No. 6312, Ordinance No. 6588, Ordinance No. 6883, Ordinance No. 7098, and Ordinance No. 7236.

SECTION 5. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

SECTION 6. This Ordinance shall be in full force and effect upon publication.

SECTION 7. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published in its entirety.

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Signed and approved this _____ day of _____, 2015.

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 on _____ day of _____ 2015 by the following vote:

AYES:

NOES:

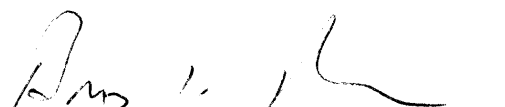
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:



Brad L. Fuller
Assistant City Attorney