

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (ZONING CODE), CHAPTER 17.40, SECTION 17.40.100 OF THE PASADENA MUNICIPAL CODE TO REVISE THE CITY'S PUBLIC ART REQUIREMENTS AND DESIGN STANDARDS ORDINANCE

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

This proposed ordinance amends Section 17.40.100 of Title 17 (Zoning) of the Pasadena Municipal Code to revise the City's Public Art Requirements and Design Standards Ordinance, which consists of public art requirements, applicable boundary references, clarifications of the art program, and other technical changes. Maps showing the boundaries of the areas to which this ordinance is applicable are attached to the October 17, 2016 staff report that originated this ordinance, and are on file in the City Clerk's Office.

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

SECTION 2. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.40, Section 17.40.100 (Public Art Requirements) is amended as follows:

“17.40.100 – Public Art Requirements and Design Standards

A. **Purpose.** This Section implements the policies of the ~~Cultural and Recreational Element~~ of the Pasadena Comprehensive General Plan that call for provisions for the arts and other cultural resources in new development. This Section will further this program goal by establishing a requirement that the design of certain projects incorporate a public art component.

B. Applicability.

1. **Projects over 25,000 square feet.** Each commercial, industrial, mixed-use project and parking structure over 25,000 square feet of gross floor area shall incorporate in its design a public art component. For the purpose of this section, the gross floor area calculation shall include parking garages (including below grade and at or above grade garages).
2. **Northwest Enterprise Zone Boundary Area.** Each new or renovated commercial, industrial, multi-family residential (three units or more), mixed-use project, and any parking garage with a valuation of \$500,000 or more shall be subject to the public art requirement. A map showing the boundaries of this Area is attached to the October 17, 2016 staff report to City Council and is on file in the City Clerk’s Office.
3. **Downtown and Old Pasadena Redevelopment areas.** Each new or renovated commercial, multi-family residential (three units or more),

mixed-use project, and any parking garage with a valuation of \$500,000 or more shall be subject to the public art requirement. The boundaries for these areas shall be the same boundaries as those used by the current and/or former Downtown and Old Pasadena Redevelopment Plans. These boundaries are geographic only and shall be used for the duration of the public art program regardless of whether the corresponding redevelopment plan is active or expired. Maps showing the boundaries of these Areas are attached to the October 17, 2016 staff report to City Council and are on file in the City Clerk's Office.

3-4. All City projects. All City construction projects (e.g. Capital Improvement Projects) shall also incorporate in their design a public art component.

4-5. Public art defined. For the purposes of this Section, "public art" shall mean the creation of an original work or service of an artist for a publicly accessible space which could be, but is not limited to, earthworks, mosaics, murals, and sculpture.

5-6. One percent of Building Permit Valuation. The minimum standard of performance used to measure compliance with this Section shall be that the public art component shall have a value of not less than one percent of the Building Permit valuation.

C. Exceptions. This Section shall not apply to a project:

1. Having a fully executed owner participation agreement ("OPA"), disposition and development agreement ("DDA") or development agreement, or a Vesting Tentative Map approved before the effective date of the ordinance enacting this Section;
2. Within the boundaries of a master plan or planned development zone change area approved before the effective date of the ordinance enacting this Section; or
3. For which a Building Permit was issued before the effective date of the ordinance enacting this Section. A Building Permit for additions to the same project which is issued after the effective date of the ordinance enacting this Section shall be subject to this Section; and
- ~~4. Within the boundaries of any redevelopment project area outside the Northwest Enterprise Zone. As to applicable redevelopment project areas, the applicant shall comply with the design for development adopted in compliance with to the applicable redevelopment plan.~~

D. Guidelines for compliance.

1. The Arts and Culture Commission shall recommend and the Council, by resolution, shall adopt guidelines to be used in determining whether there has been compliance with this Section.
2. The Arts and Culture Commission shall be responsible for determining compliance with this Section.

E. **Verification of compliance.** No Certificate of Occupancy shall be issued for a project subject to the requirements of this Section until the Arts and Culture Commission has made a written determination of compliance with this Section."

SECTION 3. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 4. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2017.

Terry Tornek
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 _____ 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney