



# Ordinance Fact Sheet

**TO:** CITY COUNCIL

**DATE:** NOVEMBER 21, 2005

**FROM:** CITY ATTORNEY

**SUBJECT:** ORDINANCE AMENDING THE PASADENA MUNICIPAL CODE TO ELIMINATE THE SUBDIVISION COMMITTEE AND REPLACE IT WITH A HEARING OFFICER

**TITLE OF PROPOSED ORDINANCE:**

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 16 AND TITLE 17 OF THE PASADENA MUNICIPAL CODE TO ELIMINATE THE SUBDIVISION COMMITTEE AND REPLACE IT WITH A HEARING OFFICER

**PURPOSE OF ORDINANCE:**

On August 1, 2005, the City Council approved a Resolution Establishing Guidelines for the Implementation of the Taxpayer Protection Amendment (Pasadena City Charter, Article XVII), and adopted staff's recommendation, among others, to dissolve the Subdivision Committee and transfer its responsibilities to a Hearing Officer.

In working with staff on the proposed deletion, it was determined that both Title 16 and Title 17 required revisions. Since the amendments to Title 17 require a public hearing and recommendation by the Planning Commission, presentation of the ordinance to Council was delayed. The proposed ordinance will amend Titles 16 and 17 of the Municipal Code to dissolve the Subdivision Committee and transfer its responsibilities to a Hearing Officer.

**REASON WHY LEGISLATION IS NEEDED:**

The Taxpayer Protection Amendment applies to the discretionary decisions made by the staff members that make up the Subdivision Committee, and may, among other impacts, severely restrict any future employment options of those employees. Dissolution of the Subdivision Committee and transfer of its duties to a Hearing Officer will transfer application of the Taxpayer Protection Amendment to the Hearing Officer, and away from staff members.

MEETING OF 11/21/2005

AGENDA ITEM NO. 9.A.1.

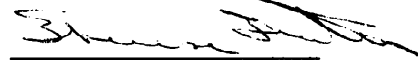
**FISCAL IMPLICATIONS:**

On August 1, 2005, the City Council amended the FY 2006 Operating Budget for the Planning and Development Department Account No. 444100-8115, Planning Administration, increasing it by \$20,000, to account for the expenses of the Hearing Officer services.

Respectfully submitted,

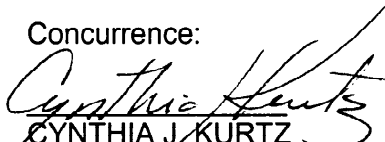
  
MICHELE BEAL BAGNERIS  
City Attorney

Prepared by:



THERESA E. FUENTES  
Deputy City Attorney

Concurrence:

  
CYNTHIA J. KURTZ  
City Manager

Introduced by Councilmember \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 16 AND TITLE 17 OF THE PASADENA MUNICIPAL CODE TO ELIMINATE THE SUBDIVISION COMMITTEE AND REPLACE IT WITH A HEARING OFFICER**

The People of the City of Pasadena ordain as follows:

**SECTION 1.** Title 16, Chapter 16.08, Section 16.08.020 of the Pasadena Municipal Code, entitled “Advisory Agency,” is amended to read in its entirety:

- A. “Advisory Agency” means ~~the subdivision committee of the city~~ a Hearing Officer appointed by the Director. ~~It~~ The Advisory Agency shall make investigations and reports on the design and improvement of proposed divisions of land, including subdivisions as defined in the Subdivision Map Act, and in all cases shall report directly to the subdivider. City staff may provide the Advisory Agency with technical and planning support.
- ~~B. The “subdivision committee” of the city shall be composed of three members. One member shall be a zoning administrator of the city, one member shall be the general manager of the water and power department, or an employee representative designated in writing by the general manager, and one member shall be the director of public works, or an employee representative designated in writing by the director of public works. No map or application shall be considered approved or granted unless it receives the unanimous approval from all three members of the subdivision committee.~~

**SECTION 2.** All occurrences of the term “subdivision committee” are replaced by the term “Advisory Agency,” so that the Pasadena Municipal Code is amended as follows:

1. Title 16, Chapter 16.18, Section 16.18.020 of the Pasadena Municipal Code is amended to read:

“The decision maker for all applications and other actions under this chapter shall be the ~~subdivision committee~~ Advisory Agency, as defined in this title. The ~~subdivision committee~~ Advisory Agency functions as the advisory agency under the Subdivision Map Act.”

2. Title 16, Chapter 16.18, Section 16.18.040 of the Pasadena Municipal Code is deleted in its entirety.

~~“The subdivision committee shall have the authority to grant variances from development standards, which variances are requested pursuant to a tentative map or tentative parcel map application. Variances may not be granted pursuant to applications for lot line adjustments and certificates of compliance.~~

~~The subdivision committee shall have the authority to grant conditional use permits, which conditional use permits are required pursuant to a tentative map or tentative parcel map application, when the creation of a flag lot is proposed. Conditional use permit applications shall not be accepted for the creation of a flag lot pursuant to applications for lot line adjustments and certificates of compliance. Conditional use permits shall be reviewed pursuant to the standards contained in Section 17.64.370 (Flag lot Regulations) of the Zoning Code.”~~

3. Title 16, Chapter 16.46, Section 16.46.020 of the Pasadena Municipal Code is amended to read:

“No tentative tract or parcel map for a conversion project may be approved unless there are provided at least 2 parking spaces per dwelling unit in a garage or carport on the property. Not more than 20 percent of the parking spaces required by this section may be tandem parking spaces, but with the consent of the ~~subdivision committee~~ Advisory Agency, upon a showing that parking on surrounding streets will not be adversely impacted, the ~~subdivision committee~~ Advisory Agency may approve up to 30 percent tandem parking.”

4. Title 16, Chapter 16.46, Section 16.46.074 of the Pasadena Municipal Code is amended to read:

“Each non-purchasing tenant, not in default under the obligations of the rental agreement of lease under which the unit is occupied, will have not less than 180 days from the date of approval of the conversion by the ~~subdivision committee~~ Advisory Agency or, if an appeal is filed, the date of approval by the city council, to find substitute housing and to relocate.”

5. Title 17, Chapter 17.10, Section 17.10.040 of the Pasadena Municipal Code is amended to read:

“This Zoning Code shall be administered by the City Council, Planning Commission, Board of Zoning Appeals, Zoning Hearing Officer, Zoning Administrator, ~~Subdivision Committee~~ Advisory Agency, Design Commission, Arts Commission, Historic Preservation Commission, Director of Planning and Development, and the Planning and Development Department in compliance with Chapter 17.70 (Administrative Responsibility).”

6. Title 17, Chapter 17.40, Section 17.40.05, Subsection A(2) of the Pasadena Municipal Code is amended to read:

“(2) Only if there is no reasonable alternative due to extreme topographic conditions or other physical conditions as determined by the ~~subdivision committee~~ Advisory Agency; and:” (The remainder of this section remains unchanged.)

7. Title 17, Chapter 17.40, Section 17.40.050, Subsections B(2) and (3) of the Pasadena Municipal Code are amended to read:

“(2) Conditional Use Permit. The creation of a flag lot shall also require Conditional Use Permit approval by the ~~subdivision committee~~ Advisory Agency, in compliance with Section 17.61.050.”

“(3) Geotechnical report. A geotechnical report shall be filed for review and approval by the Building and Safety Division attesting to the stability of the site, before consideration of the subdivision map or Conditional Use Permit by the ~~subdivision committee~~ Advisory Agency.”

(The remainder of this section remains unchanged.)

8. Title 17, Chapter 17.40, Section 17.40.050, Subsection E of the Pasadena Municipal Code is amended to read:

“E. Required findings for flag lots. The approval of a Conditional Use Permit for flag lots shall require that the ~~subdivision committee~~ Advisory Agency first make all of the following findings, in addition to the findings required for Conditional Use Permit approval in Section 17.61.050.G (Findings and decision):” (The remainder of this section remains unchanged.)

9. Title 17, Chapter 17.60, Section 17.60.030, Table 6-1 – Review Authority, is amended as shown on Attachment 1, attached hereto and incorporated by this reference.

10. Title 17, Chapter 17.61, Section 17.61.080, Subsection K of the Pasadena Municipal Code is amended to read:

“K. Concurrent processing. If the project that is the subject of an application for a Tentative Map or Tentative Parcel Map in compliance with Title 16 (Subdivisions), or a Master Plan in compliance with Section 17.61.050, would require a Variance or Minor Variance, the applicable review authority for the underlying permit shall have the authority to also act upon the proposed Variance after first making the Variance findings required by this Subsection G. (Findings and decision) above. ~~For subdivision-related hearings, concurrent processing is limited only to Variances for lot size and lot width, no other type of Variance may be considered by the Subdivision Committee.”~~

11. Title 17, Chapter 17.72, Section 17.72.010 of the Pasadena Municipal Code is amended to read:

“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 Liason, Environmental Administrator, Board of Zoning Appeals, Design Commission, Historic Preservation Commission, Advisory Agency (as defined in Section 16.08.020), and Commission.”

12. Title 17, Chapter 17.72, Section 17.72.020, Subsection A of the Pasadena Municipal Code is amended to read:

“A. Board of Zoning Appeals. The Board of Zoning Appeals shall serve as the review authority for decisions of the Director, Zoning Administrator, Hearing Officer, Film Liason, Advisory Agency, and Environmental Administrator.”

(The remainder of this section remains unchanged.)

13. Title 17, Chapter 17.72, Section 17.72.030 of the Pasadena Municipal Code is amended to read:

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

14. Title 17, Chapter 17.72, Section 17.72.040, Subsection B of the Pasadena Municipal Code is amended to read:

“B. Permits/entitlements and hearing decisions. Decisions and actions by the Director, Zoning Administrator, Hearing Officer, Film Liaison, Advisory Agency, and Environmental Administrator may be appealed to the Board of Zoning Appeals.”

(The remainder of this section remains unchanged.)

15. A new Section F is added to Title 17, Chapter 17.72, Section 17.72.040, as follows:

“F. Subdivision Map Act decisions. All decisions made by the Advisory Agency pursuant to the Subdivision Map Act, and appealed to the Board of Zoning Appeals, have a final right of appeal to the City Council.”

16. Title 17, Appendix A, PD-15, paragraph FF is amended to read:



“Thirteen of the existing cottages may be used for residential dwelling units and may, if approved by the ~~subdivision committee~~ Advisory Agency, be subdivided into separate lots. Only the following structures may be used as residential dwelling units:” (The remainder of this section remains unchanged.)

**SECTION 3.** The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

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

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
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 \_\_\_\_\_ day of \_\_\_\_\_ 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

\_\_\_\_\_  
Jane L. Rodriguez, CMC  
City Clerk

Approved as to form:

\_\_\_\_\_  
Theresa E. Fuentes  
Deputy City Attorney

**ATTACHMENT ONE**

**TABLE 6-1 - REVIEW AUTHORITY**

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

**Administrative and Amendments**

General Plan amendments	17.74			Recommend	Decision
Interpretations	17.02	Decision (3)		(BZA) Appeal	CFR
Master Plans	17.61.050			Recommend	Decision
Planned Developments	17.61.110			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)			Appeal/CFR
Code Compliance Certificates	17.61.020	Issued by Director			
Conditional Use Permits	17.61.050	(HO) Decision (3)		(BZA) Appeal	CFR
Creative Sign Permits	17.48.070	Decision	Appeal		Appeal/CFR
Design Review – City Sponsored Projects	17.61.030	Recommend	Recommend		Decision
Design Review – Non-City Sponsored Projects (See Tables 6-2 & 6-3)	17.61.030	Decision	Decision/ Appeal		Appeal/CFR
Development Agreements	17.66			Recommend	Decision
Expressive Use Permits	17.61.060	(ZA) Decision (3)			Appeal/CFR

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

**Land Use Permits and other Development Approvals {Continued}**

Filming Permits	17.61.090	Film Liaison (5)		(BZA) Appeal	CFR
Hillside Development Permit	17.29.010	(HO) Decision (3)		(BZA) Appeal	CFR
<u>Lot Line Adjustments</u>	<u>Title 16</u>	<u>Advisory Agency (HO) Decision</u>		<u>(BZA) Appeal</u>	<u>Appeal</u>
Master Sign Plans	17.48.060	Decision	Appeal		Appeal/CFR
Minor Conditional Use Permits	17.61.050	(ZA) Decision (3)		(BZA) Appeal	CFR
Minor Variances	17.61.080	(ZA) Decision (3)		(BZA) Appeal	CFR
Modifications for Persons with Disabilities	17.61.080	(ZA) Decision (3)		(BZA) Appeal	CFR
Sign Exceptions	17.48.050	(ZA) Decision (3)		(BZA) Appeal	CFR
<u>Tentative Tract and Parcel Maps (Including Vesting Maps)</u>	<u>Title 16</u>	<u>Advisory Agency (HO) Decision</u>		<u>(BZA) Appeal</u>	<u>Appeal</u>
Temporary Use Permits	17.61.040	(ZA) Decision (3)		(BZA) Appeal	CFR
Variances	17.61.080	(HO) Decision (3)		(BZA) Appeal	CFR

**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 and "BZA" means Board of Zoning Appeals.
- (3) The Zoning Administrator/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) The City's Film Liaison is the applicable review authority for short-term Film Permits and Film Conditional Use Permits, in compliance with Section 17.61.090.

Underlined language added.