

Agenda Report

TO: CITY COUNCIL

DATE: APRIL 14, 2008

FROM: CITY MANAGER

SUBJECT: ZONING CODE AMENDMENTS RELATED TO DESIGN REVIEW
OF CITY PROJECTS

RECOMMENDATION:

It is recommended that the City Council:

1. Acknowledge that the proposed code amendments are categorically exempt from the California Environmental Quality Act (CEQA) under §15061, general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment;
2. Acknowledge that the amendments to the Design Review chapter of Title 17 (Ch. 17.61.030) were initiated by the City Council on October 8, 2007 at a joint meeting with the Design Commission where the process for design review of public projects was discussed;
3. Approve a finding of consistency with the General Plan as contained in this report;
4. Approve the proposed Zoning Code Amendments as contained in this report.

PLANNING COMMISSION RECOMMENDATION:

On February 13, 2008, at a noticed public hearing, the Planning Commission recommended approval of this set of Zoning Code amendments.

BACKGROUND:

The City has required design review of City projects for over 25 years. These reviews, which are advisory to the City Council, include new construction (e.g., Conference Center, Water & Power office building), major renovations of existing facilities (e.g., Gold Shell at the Levitt Pavillion) and minor structures (e.g., park restroom buildings). During the past five years, the Commission has reviewed 46 projects from City departments.

The design review procedures for public projects are set forth in Title 2 of the Pasadena Municipal Code (PMC—Ch. 2.80.110). At a joint meeting with the Design Commission on October 8, 2007, the City Council discussed changing the current design review procedure for public projects from an advisory review to a decision-making review, mirroring the process for private projects. It subsequently directed staff to prepare amendments to the Pasadena Municipal Code to change these procedures. There are minor elements in Title 17 (e.g., tables listing design review authority of Planning Director and Design Commission) that will need to be amended to reflect the new procedures in Title 2.

Analysis:

In the relevant sections of Tables 6-1, 6-2, 6-3 and 6-5, the language regarding review of public projects citywide will be changed to mirror the procedure for private projects in the Central District. New construction of buildings 5,000 square feet or more, substantial alterations to existing buildings 10,000 square feet or more and major historic preservation projects (including major projects affecting significant interiors of the Central Library, City Hall and Civic Auditorium) will be reviewed by the Design Commission (with advice from the Historic Preservation Commission for projects affecting city-owned historic resources). New construction of buildings less than 5,000 square feet, substantial alterations to existing buildings less than 10,000 square feet and minor historic preservation projects will be reviewed by the Director of Planning and Development. In addition, there will be a provision allowing the City Manager and executive directors of the Rose Bowl and Convention Center to bring projects directly to the City Council if there are concerns about budget and/or schedule.

Environmental Review:

The proposed code amendments are categorically exempt from the California Environmental Quality Act under §15061, general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment.

General Plan Consistency:

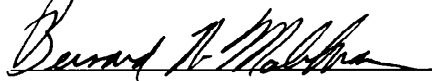
The proposed revisions to the Zoning Code are consistent with the following objective and policies of the City's General Plan.

The amendments are supported by Objective 5 in the Land Use Element, which states, "Objective 5 – Character and Scale of Pasadena: Preservation of Pasadena's character and scale, including its traditional urban design form and historic character, shall be given highest priority in the consideration of future development." Policies related to this objective focus on use of design guidelines and encouragement of high quality contextual design that enhances the well-being of the city.

FISCAL IMPACT:

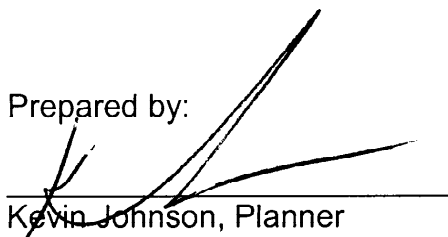
The proposed amendment is not expected to affect the cost of publicly funded projects because the code already requires design review, and there is a provision in the code amendment to allow some projects to proceed directly to City Council if there are concerns about the effects of design review on budget or on schedule.

Respectfully Submitted,

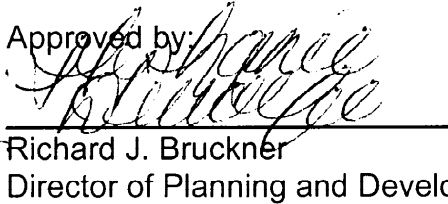


Bernard K. Melekian
City Manager

Prepared by:


Kevin Johnson, Planner

Approved by:


Richard J. Bruckner
Director of Planning and Development

ATTACHMENT A: Revised Tables 6-1, 6-2, 6-3 and 6-5

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
Central District – Floor Area Increase	17.30.050			Decision	Appeal/ CFR
Central District – Height Averaging	17.30.050		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	Appeal		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 - 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

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)

Development Agreements	17.66			Recommend	Decision
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
Master Sign Plans	17.48.060	Decision	Appeal		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)
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)

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 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.

**TABLE 6-2 - THRESHOLDS FOR DESIGN REVIEW
AND DEMOLITION REVIEW IN THE CENTRAL DISTRICT**

Project Type	Review Authority
1. New Construction.	
Structures up to 5,000 sq. ft.* or residential projects with nine or fewer dwelling units.	Director
Structures 5,000 sq. ft.* or more or residential projects with 10 or more dwelling units.	Design Commission
2. Existing Structures: Major Rehabilitation and Substantial Alterations.	
Arroyo Corridor, Civic Center, Lake Avenue, Old Pasadena, Playhouse District, and Urban Housing.	
Structures up to 10,000 sq. ft.*	Director
Structures 10,000 sq. ft.* or more.	Design Commission
3. Existing Structures: Minor Rehabilitation and Minor Alterations.	
A. Civic Center, Lake Avenue, Old Pasadena, and Playhouse District.	
All structures.	Director
B. Arroyo Corridor and Urban Housing.	
Qualifying historic structures, designated or eligible for designation.	Director
All other structures.	No Review
4. New Storefronts and Alterations to Existing Storefronts.	
All structures.	Director
5. Signs.	
New signs and awnings, replacement of existing building identity signs in existing locations (copy/logo change only).	Director
New building identity wall signs.	Design Commission
6. Demolition Reviews; Relief from Replacement Building Permit.	
Structures ineligible for historic designation.	Director
Qualifying historic structures, designated or eligible for designation.	Design Commission
7. Public Projects <u>City-owned property.</u>	
<u>New construction of structures up to 5,000 sq. ft.* (for projects open to public view) and major rehabilitation or substantial alterations to existing buildings up to 10,000 square feet.</u> <u>Minor projects, as defined in §17.80.020(H), affecting qualifying historic structures, designated or eligible for designation. Minor rehabilitation and minor alterations.</u>	<u>Director No Review</u>
<u>New construction of structures 5,000 sq. ft.* or more and major rehabilitation or substantial alterations to existing buildings 10,000 square feet or more.</u> <u>Major projects, as defined in §17.80.020(H), affecting qualifying historic structures, designated or eligible for designation. New construction, major rehabilitation, substantial alterations, and installations within the public right-of-way. (Advisory to the Council only.)</u>	<u>Design Commission</u> <u>(With advisory review by Historic Preservation Commission for projects affecting historic resources)</u>

*Sq. ft. means total amount of gross floor area expressed in square feet.

**TABLE 6-3 - THRESHOLDS FOR DESIGN REVIEW
OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS**

Project Type	Review Authority
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1. New Construction

A. Major Corridors.	
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
B. Areas with Specific Plans.	
East Colorado, East Pasadena, Fair Oaks-Orange Grove, and So. Fair Oaks.	
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
West Gateway Specific Plan	
Structures up to and including 25,000 sq. ft.*	Director
Structures over 25,000 sq. ft. (with or without street frontage)	Design Commission
North Lake Specific Plan.	
Additions up to and including 500 sq. ft.* except on street-facing elevations	Director
All other projects	Design Commission
C. City of Gardens Standards and Senior Housing in PS District.	
Nine or fewer dwelling units.	Director
Ten or more dwelling units.	Design Commission
All projects in a designated landmark or historic district outside of the Central District.	Historic Preservation Commission
D. Elsewhere — Citywide.	
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission

2. Existing Structures: Major Rehabilitation and Substantial Alterations

A. Major Corridors.	
Structures up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.*	Design Commission

*Sq. ft. means total amount of gross floor area expressed in square feet.

**TABLE 6-3 - THRESHOLDS FOR DESIGN REVIEW
OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS (Continued)**

Project Type	Review Authority
2. Existing Structures: Major Rehabilitation and Substantial Alterations - Continued	
B. North Lake Specific Plan.	
Structures up to and including 500 sq. ft.*	Director
All other projects	Design Commission
3. Existing Structures: Minor Rehabilitation and Minor Alterations.	
West Gateway Specific Plan.	
Qualifying historic structures, designated or eligible for designation.	Director
All other structures.	No Review
4. Signs.	
New signs and awnings (for all projects requiring Design Review only).	Director or Design Commission
5. Service Stations and Vehicle-washing Facilities.	
Minor rehabilitation and minor alterations.	No Review
Major rehabilitation of an existing facility.	Director
New construction of a new facility.	Design Commission
6. Public Projects City-owned Property.	
<u>New construction of structures up to 5,000 sq. ft.* (for projects open to public view) and major rehabilitation or substantial alterations to existing buildings up to 10,000 square feet. Minor projects, as defined in §17.80.020(H), affecting qualifying historic structures, designated or eligible for designation. Minor rehabilitation and minor alterations.</u>	<u>Director No-Review</u>
<u>New construction of structures 5,000 sq. ft.* or more and major rehabilitation or substantial alterations to existing buildings 10,000 square feet or more. Major projects, as defined in §17.80.020(H), affecting qualifying historic structures, designated or eligible for designation. New construction, major rehabilitation, substantial alterations, and installations within the public right-of-way. (Advisory to the Council only.)</u>	<u>Design Commission (With advisory review by Historic Preservation Commission for projects affecting historic resources)</u>

*Sq. ft. means total amount of gross floor area expressed in square feet.

**TABLE 6-5
REVIEW AUTHORITIES - POWERS AND DUTIES**

Review Authority	Powers and Duties
Director	<p>Approve/disapprove applications for Certificates of Appropriateness for minor projects affecting designated historic resources and approve/delay major projects (except demolition) affecting historic resources eligible for designation; approve/disapprove applications for relief from the replacement Building Permit requirement of insignificant buildings. Conduct preliminary reviews of applications for designation of a historic monument, landmark, landmark tree, or historic sign.</p> <p>Determine if a property is contributing or non-contributing to a designated historic or landmark district or to a district eligible for designation.</p> <p><u>For public projects, review minor projects affecting designated or eligible historic structures.</u></p>
Historic Preservation Commission	<p>Review applications for designations of monuments, landmarks, historic signs, and landmark trees and either forward a recommendation to the Council to approve the applications or deny the applications.</p> <p>Review applications for designations of landmark districts and either forward a recommendation of approval to the Commission and Council or deny the applications.</p> <p>Outside of the CD zoning district, approve/disapprove, applications for Certificates of Appropriateness for major projects affecting designated historic resources and demolition projects affecting historic resources eligible for designation.</p> <p><u>For public projects, forward recommendations to the Design Commission/Council on proposals for major projects affecting designated City-owned historic resources.</u></p> <p>Review appeals of decisions of the Director.</p> <p>Approve/disapprove applications for relief from the replacement Building Permit requirement for designated and eligible historic resources, outside the CD zoning district.</p> <p>Act as decision-making body on applications for an economic hardship variance outside the CD zoning district. Approve requests to exceed allowable height for accessory structures in compliance with Section 17.52.250.</p> <p>Review appeals of penalties for demolition without required approvals.</p>
Design Commission	<p>In the CD zoning district, approve/disapprove Design Review applications for major projects affecting designated historic resources and approve/disapprove relief from the replacement Building Permit requirement for designated and eligible historic resources.</p> <p>Act as decision-making body on applications for an economic hardship variance in the CD zoning district.</p> <p><u>As specified in Table 6-2 and Table 6-3, review public projects affecting historic resources (after consulting with and receiving advice from the Historic Preservation Commission).</u></p> <p>Forward recommendations to Council on proposals for major projects that affect City-owned historic resources in the CD zoning District.</p>
Planning Commission	<p>Recommend to Council approval/disapproval of landmark district zoning map overlays.</p>
Council	<p>Approve/disapprove designations of landmarks, historic monuments, historic signs, landmark trees, and landmark districts.</p> <p>Call for review/appeals of decision of the Director, and Historic Preservation Commission, and Design Commission.</p>