



Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** June 15, 2009

FROM: CITY ATTORNEY

SUBJECT: SERIES IV ZONING CODE AMENDMENTS

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE), INCLUDING LIMITING CONTINUANCES OF PUBLIC HEARINGS AND REQUIRING RENOTICING THEREOF; REGULATING MERCHANDISE DISPLAYS ASSOCIATED WITH PERSONAL PROPERTY SALES; CHANGING THE TITLE OF THE NORTHWEST ENTERPRISE ZONE; ALLOWING PARK AND RECREATION FACILITIES IN THE PS DISTRICT WITH A CONDITIONAL USE PERMIT; AND A SERIES OF OTHER MINOR AMENDMENTS

PURPOSE OF ORDINANCE

This ordinance amends provisions of the Zoning Code related to, among others: (1) limiting continuances of public hearings and identifying when re-noticing of public hearings is required (Ord. § 25); (2) prohibiting the outdoor display of merchandise for sale on fences (Ord. § 20); (3) changing the name of the Northwest Enterprise Zone to the Enterprise Zone Business Development Area (EZBDA) (Ord. § 12); (4) correcting the zoning code land use tables to re-establish that parks and recreation uses are allowed uses in the PS District with a conditional use permit (Ord. § 5), and other minor amendments that are driven by state law (in the case of density bonus regulations, see Ord. §§ 14, 15) or are necessary as "clean up" to the Zoning Code.

REASON WHY LEGISLATION IS NEEDED

This is the fourth in a series of smaller correction and clean up changes under the new Zoning Code which was adopted in February of 2005. This update includes policy changes as well as minor amendments, corrections and codification of interpretations.

MEETING OF 06/15/2009

AGENDA ITEM NO. 8.A.1.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department will implement the proposed ordinance.

FISCAL IMPACT

This ordinance is likely not to have any fiscal impacts.

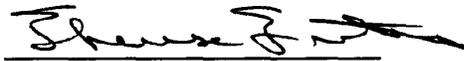
ENVIRONMENTAL DETERMINATION

On June 15, 2009, Council will be asked to consider adoption of an Initial Study and Negative Declaration for this ordinance, pursuant to the California Environmental Quality Act.

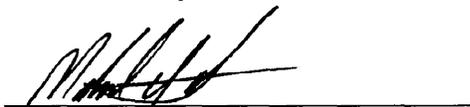
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Theresa E. Fuentes
Assistant City Attorney

Concurred by:


Michael J. Beck
City Manager

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE), INCLUDING LIMITING CONTINUANCES OF PUBLIC HEARINGS AND REQUIRING RENOTICING THEREOF; REGULATING MERCHANDISE DISPLAYS ASSOCIATED WITH PERSONAL PROPERTY SALES; CHANGING THE TITLE OF THE NORTHWEST ENTERPRISE ZONE; ALLOWING PARK AND RECREATION FACILITIES IN THE PS DISTRICT WITH A CONDITIONAL USE PERMIT; AND A SERIES OF OTHER MINOR AMENDMENTS

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, among other things: limit continuances of public hearings and require notice upon certain continuations; regulate merchandise displays associated with personal property sales; change the title of the Northwest Enterprise Zone; allow park and recreation facilities in the PS district with a conditional use permit; and makes a series of other minor amendments, corrections and codification of zoning code interpretations, practices and definitions.

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

SECTION 2. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22,

Section 17.22.040 is amended to read as follows:

“Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in ~~Tables~~ Table 2-3, in addition those in Section 17.22.050 (RS and RM-12 District Additional Development Standards), and the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).”

SECTION 3. Pasadena Municipal Code, Title 17, Article 2, Section 17.22.030, TABLE 2-2 - ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS is amended:

- a. As shown in Exhibit - 1 attached hereto and incorporated by this reference.
- b. By adding Note #5 on all pages to read as follows: “5. Not used.”

SECTION 4. Pasadena Municipal Code, Title 17, Article 2, Section 17.22.080, Subsection C is amended as follows:

“C. Incentives for the preservation of historic resources. In developments that preserve historic resources and structures with a California Historical Resources Status Code of 6L (determined ineligible for local listings or designation through local government review process; may warrant special consideration in local planning) or Status Codes of 1 – 5 (properties with a historic designation or eligible for historic designation), a decision may be made through the Design Review process to waive development standards or accept alternative solutions to assist in the preservation of these

structures. The decisionmaker may waive or grant up to a 50 percent reduction to the main garden (and thereby accordingly reduce the total garden requirement), waive some or all of the required architectural elements and modulation requirements, if such action is reasonably necessary to accommodate such preservation. The total garden requirement may not be reduced by more than the amount of square footage reduction of the main garden.”

SECTION 5. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.26, TABLE 2-7 - ALLOWED USES AND PERMIT REQUIREMENTS FOR SPECIAL PURPOSE DISTRICTS as shown in Exhibit - 2, attached here to and incorporated by this reference.

SECTION 6. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.30, Figure 3-3, is amended as shown in Exhibit - 3 attached hereto and incorporated by this reference.

SECTION 7. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.30, TABLE 3 -1 - ALLOWED USES AND PERMIT REQUIREMENTS FOR CD ZONING DISTRICTS, Note #11 is amended as follows:

“(11) ~~Not permitted 140 feet north or south of Walnut Street in~~ In the Walnut Street Urban Village ~~Precinct.~~ Precinct, this use is permitted only when within 140 feet north or south of Walnut Street.”

SECTION 8. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.31, TABLE 3-4 - EAST COLORADO SPECIFIC PLAN DEVELOPMENT STANDARDS is

amended as shown in Exhibit - 4 attached hereto and incorporated by this reference.

SECTION 9. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.32, Section 17.32.050, TABLE 3-6 - ALLOWED USES AND PERMIT REQUIREMENTS FOR EAST PASADENA SPECIFIC PLAN (EPSP) SUBAREA D1 AND D2 DISTRICTS is amended as shown in Exhibit - 5 attached hereto and incorporated by this reference.

SECTION 10. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.32, TABLE 3-8 - EAST PASADENA SUBAREA d2 STANDARDS as shown in Exhibit - 6 attached hereto and incorporated by this reference.

SECTION 11. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40, Section 17.40.070, Subsection A, Paragraph 1 is amended:

“1. The limited hours of operation regulations shall apply as contained on the Land Use ~~Charts~~ Tables in Article ~~3 2~~ - Zoning Districts, Allowable Land Uses, and Zone-Specific Standards and the ~~Specific Plan~~ in Article ~~5 3~~ - Specific Plan Standards.”

SECTION 12. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40, Section 17.40.100, Subsection C, Paragraph 2 is amended as follows:

“2. Within the ~~northwest enterprise zone~~ Enterprise Zone Business Development Area (EZBDA) as that zone may be amended from time to time;”

SECTION 13. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40, Section 17.40.180, Subsection B, Paragraph 3 is amended by changing each subparagraph from a numerical listing (in that 1, 2, 3, etc.) to read in an alphabetical sequence (a, b, c, etc.).

SECTION 14. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.43, Section 17.43.060 is amended as follows:

a. By amending Subsection A as follows:

“A. Waiver of development standards. If compliance with a development standard would physically preclude construction of a residential or mixed-use project utilizing a density bonus, and concession or incentive, pursuant to in compliance with this Chapter, the applicant may submit a proposal for waiver or reduction of the development standard. ~~The applicant shall show that the waiver or reduction of the development standard is necessary to make the housing units economically feasible.~~”

b. By amending Subsection D, Paragraph 3 as follows:

“3. The waiver or reduction in a development standard is necessary, ~~to make the housing units economically feasible~~ because application of the development standards would physically preclude construction of a project utilizing a density bonus, concession or incentive.”

SECTION 15. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.43, Section 17.43.080, Subsection B is amended:

a. By amending Paragraph 1 as follows:

“1. The applicant shall donate and transfer the land no later than the date of approval of the final ~~subdivision map, tract or parcel map, or residential development application~~ application for the construction of residential units.”

b. By adding the following new Paragraph:

“7. A bonus shall not be granted unless a source of funding for the very low income units has been identified not later than the date of approval of the final parcel or tract map, or application for the construction of residential units.”

SECTION 16. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.46, Section 17.46.150, Subsection C, Paragraph 2 as follows:

2. ~~Curb cuts~~ Driveway approaches shall be at least 12 feet wide at the curb and shall taper to driveway width at the front property line.

SECTION 17. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.46, Section 17.46.320, subsection A as follows:

“A. Applicability. Bicycle parking facilities shall be provided for any new structure, or an addition to any existing ~~structure~~, structure that exceeds 15,000 square feet in gross floor area.”

SECTION 18. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.48, Section 17.48.170 is amended by changing the following definition:

“Primary building frontage. That building elevation that ~~fronts on~~ abuts a street, alley, or driveway, parking area, pedestrian plaza, courtyard or arcade on the same site. There shall only be one primary building frontage.”

SECTION 19. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.080, Subsection A, Paragraph 6 is amended to read as follows:

“6. Signs. Signs shall comply with the requirements of Chapter ~~17.58~~ 17.48 (Signs).”

SECTION 20. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.190, Subsection C is amended by adding the following new paragraph:
“5. Display of merchandise. Merchandise shall not be displayed on fences, walls or the public right-of-way.”

SECTION 21. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.340, Subsection D is amended by adding the following new paragraph as follows:

“3.4. Modification. The Zoning Administrator may modify the required parking in a parking garage (including below grade and at or above grade garages) by allowing the total parking requirement to exceed or be reduced by five percent but not more than 10 spaces.”

SECTION 22. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.60, Section 17.60.040 is amended:

a. By amending Subsection C, Paragraph 2, Subparagraph b as follows:

“b. Optional review. The ~~preapplication conference~~ predevelopment plan review shall be conducted if requested by an applicant for a project that would require a discretionary land use entitlement or a Zoning Map amendment.”

b. By amending Subsection C, Paragraph 3, Subparagraph a as follows:

“a. Scheduling. A ~~preapplication conference~~ predevelopment plan review shall be conducted before deeming an application complete, in compliance with Section 17.60.060 (Initial Application Review), below. However, the Director may authorize

subsequent phases of a ~~preapplication conference~~ predevelopment plan review to be conducted after the application is deemed complete.”

SECTION 23. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.050, Subsection I, Paragraph 5, Subparagraph A is amended as follows:

“a. Expiration. A Master Plan and any other entitlement that were approved as part of the Master Plan shall expire on the date designated by the applicable review authority only if no building permits have been issued or the Master Plan has not been renewed.”

SECTION 24. Pasadena Municipal code, Title 17, Article 6, Section 17.64.020, Subsection A is amended as follows:

“A. 11th day. A decision of the Director, Zoning Administrator, Hearing Officer, Film Liaison, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission, Historic Preservation Commission (HPC), or ~~certification of an EIR~~ CEQA decision shall become effective on the 11th day following the date of decision on the application by the appropriate review authority, unless an appeal or a Call for Review of the review authority's decision has been filed before the effective date in compliance with Chapter 17.72 (Appeals).”

SECTION 25. Pasadena Municipal code, Title 17, Article 7, Section 17.76, Section 17.76.040, Subsection C and D are amended as follows:

“C. Continuances. If a hearing cannot be completed on the scheduled date, the presiding review authority, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the

hearing will be continued. A hearing may be continued two times in a 90-period. After two continuances or a 90 day period, the hearing shall be renoticed in accordance with Chapter 17.76 (Public Notice). Upon renoticing, a case may be continued two times in a 90-day period before renoticing is required again.

D. Additional notice not required. Additional notice for the continued hearing shall not be required.”

SECTION 26. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.78, Section 17.78.040, Subsection A is amended as follows:

“A. Designated City official. ~~The Neighborhood Services Administrator~~ Code Compliance Manager shall be responsible for enforcing all provisions of this Zoning Code.”

SECTION 27. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.78, Section 17.78.100 is amended as follows:

“This Section describes the procedures for initiating enforcement action in cases where the Zoning Administrator and ~~Neighborhood Services Administrator~~ the Code Compliance Manager have determined that real property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Zoning Code and any conditions of land use permit or subdivision approval. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided. For purposes of this Section, whenever the term

~~"Neighborhood Services Administrator"~~ "Code Compliance Manager" is used, it should be understood that the term also includes the "Zoning Administrator."

A. Notice of Violation. The ~~Neighborhood Services Administrator~~ Code Compliance Manager shall provide the record owner of the subject site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:

1. A description of the violation(s), and citations of applicable Zoning Code provisions being violated;
2. A time limit for correcting the violation(s) in compliance with Subsection B, below;
3. A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violation(s) in compliance with Chapter 1.30 of the Municipal Code and/or initiate legal action as described in Section 17.78.110 (Legal Remedies), below;
4. A statement that the property owner may request and be provided a meeting with the ~~Neighborhood Services Administrator~~ Code Compliance Manager to discuss possible methods and time limits for the correction of the violation(s).

B. Time limit for correction.

1. The Notice of Violation shall state that the violation(s) shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the City, unless the responsible party contacts the ~~Neighborhood Services Administrator~~ Code Compliance Manager within that time to arrange for a longer period for correction.

2. The 30-day time limit may be extended by the ~~Neighborhood Services Administrator~~ Code Compliance Manager upon determining that the responsible party would likely correct the violation(s) within a reasonable time.

3. The ~~Neighborhood Services Administrator~~ Code Compliance Manager may also require through the Notice of Violation that the correction occur within less than 30 days if the ~~Neighborhood Services Administrator~~ Code Compliance Manager determines that the violation(s) constitutes a hazard to public health or safety.

C. Use of other enforcement procedures. The enforcement procedures of Section 17.78.110 (Legal Remedies), below may be employed by the ~~Neighborhood Services Administrator~~ Code Compliance Manager after or instead of the provisions of this Section where the ~~Neighborhood Services Administrator~~ Code Compliance Manager determines that this Section would be ineffective in securing the correction of the violation(s) within a reasonable time.”

SECTION 28. Pasadena Municipal Code, Title 17, Article 8, Chapter 17.80, Section 17.80.020 is amended by:

a. By amending the following definitions as follows:

“Animal Shelter (land use). A facility operated by for the purposes of impounding, harboring, selling, placing and retrieving seized, strayed, distressed, homeless, abandoned or unwanted animals. May include incidental activities including vaccination, training classes, spay/neuter services, and boarding services.”

“Personal Services (land use). An establishment providing nonmedical services to

individuals as a primary use. Examples of these uses include:

barber shops	home electronics and small appliance repair
beauty shops	laundromats (self-service laundries)
Clothing rental	nail salons
Day/health spa	spas and hot tubs for rent
Dry cleaning pick-up stores	shoe repair shops
For <u>Fortunetellers</u> , psychics, and similar services	tanning salons
hair salons	Tailors

These uses may also include the accessory retail sales of products related to the services provided.”

“Senior Affordable Housing (land use). Facilities providing ~~one or more~~ dwelling units in which all units are for senior citizens of low and moderate income as that term is defined in Government Code Section 65915 and by Health and Safety Code Section 33334.2.

This use does not include residential care facilities, transition housing, medical services - extended care, and life/care facilities.”

“Single Housekeeping Unit. The functional equivalent of a traditional family; whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities (e.g., meals, chores, and expenses, ~~and meals~~). This does not include a boarding house.”

b. By amending paragraph g of subdefinition number 20, “Project (Major)” of the definition “Historic Preservation” as follows:

“g. Any addition of a height greater than that of the existing building, if the addition is visible from the street.”

c. By amending paragraphs i - j of subdefinition number 21, “Project (Minor)” under the definition of “Historic Preservation” as follows:

“i. Any undertaking determined minor by the Director.

“j. Side yard fences and walls and driveway gates in a historic or landmark district (excluding retaining walls).”

d. By adding the following new subdefinition in the proper alphabetical sequence to the definition of Telecommunications Facilities:

“Accessory Antenna Array. An accessory antenna array means an antenna array that is mounted on an existing building and is intended to provide wireless telecommunications services solely for the occupants of that building.”

“Enlargement. An increase in the gross floor area or lot coverage on a site.”

SECTION 29. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2009.

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 _____ 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney