

There are seven active projects in danger of expiring before the applicant will be able to complete the necessary steps to move forward. A list of these projects that have been approved for a fourth year and would be eligible for a fifth year were set forth in Attachment A to the September 19, 2011 staff report. It is anticipated that each of these project will apply for the extensions allowed by this ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning Department will implement the proposed ordinance.


FISCAL IMPACT

There will not be an immediate fiscal impact as a result of this amendment to the Zoning Code.

ENVIRONMENTAL DETERMINATION

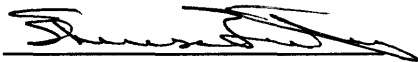
On September 19, 2011, the City Council found this proposed amendment exempt from California Environmental Quality Act (CEQA) under Section 15061 (b)(3) of the CEQA because the Zoning Code Amendment is an administrative and procedural change pertaining to the time limits, extension and phasing of planning entitlements and will not have any potential for causing significant effect on the environment.

Respectfully submitted,



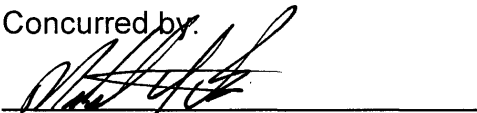
Michele Beal Bagneris
City Attorney

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) TO REVISE THE TIME LIMITS ON PLANNING ENTITLEMENTS

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 revise the time limits on Planning Entitlements. The amendments will change the Zoning Code to provide a longer approval period for certain planning entitlements and to remove the ability to supersede these time limits through the processing of an application for a major change to an approved project. The changes also modify the review authority and findings to provide more clarity and consistency among extensions. These changes will assist projects delayed as a result of the current economic situation, but at the same time will clarify the time at which a project can no longer be extended. Projects which are not yet eligible for any extension under the current code provisions will be automatically extended to the new time limits set forth in the new ordinance.

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

SECTION 2. Pasadena Municipal Code, Title 17, Article 6, Section 17.61.030, Subsection E, Paragraph 4 is amended as follows:

~~“4. Period of validity.~~

~~a. Concept Design Review approval shall be valid for 12 months from the date of approval.~~

~~b. Approval shall expire and be void unless it has been extended by the Director in compliance with Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), or unless an application for Final Design Review has been filed before the expiration date and determined complete.~~

4. Period of validity. Concept Design Review approval shall be subject to the validity provisions of Chapter 17.64 (Permit Implementation, Time Limits, and Extensions).”

SECTION 3. Pasadena Municipal Code, Title 17, Article 6, Section 17.61.030, Subsection F, Paragraph 4 is amended as follows:

“4. Period of validity. Final design ~~Design Review~~ approval shall be valid for 24 months from the date of approval, and subject to the standard validity provisions of Chapter 17.64 (Permit Implementation, Time Limits, and Extensions).”

SECTION 4. Pasadena Municipal Code, Title 17, Article 6, Section 17.61.030, Subsection I, Paragraph 6 is amended as follows:

“6. Modifications.

a. Minor revisions changes. The Director or the Design Commission may, without notice or public hearing, approve minor revisions changes to the plans, elevations, or conditions of approval upon determining that the changes are minor and consistent with the intent of the original approval.

b. Major revisions changes. Major revisions changes shall be subject to the provisions governing modification of permit approvals changes to an approved project in compliance with Chapter 17.64 (Permit Implementation, Time Limits, and Extensions).”

SECTION 5. Pasadena Municipal Code, Title 17, Article 6, Section 17.64.040 is amended as follows:

~~17.64.040 – Time Limits and Extensions~~

~~A. Time limits.~~

~~1. Unless conditions of approval or other provisions of this Zoning Code establish a different time limit, any permit or approval granted in compliance with Chapter 17.64 (Permit Approval or Disapproval) that is not exercised within 24 months from its effective date shall expire and become void, except where an extension of time is approved in compliance with Subsection B. below.~~

~~2. The permit shall not be deemed "exercised" until a Building Permit for the subject project has been issued, and construction diligently pursued to completion; or~~

~~3. A Certificate of Occupancy has been issued by the City.~~

~~B. Extensions of time.~~ Upon request by the applicant, the Director may extend the

~~time for an approved permit to be exercised in the following manner.~~

~~1. The applicant shall file a written request for an extension of time with the Department before expiration of the permit.~~

~~2. The Director may grant the extension, without notice or public hearing, only upon making a determination that the findings and conditions of the original approval still apply.~~

~~3. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire. If the Director determines that the permittee has good faith intent to presently commence the proposed project, the Director may grant a time extension for up to an additional 12 months, from the date of the decision, to extend the permit.~~

~~4. Only one 12-month time extension may be granted.~~

“17.64.040 - Time Limits and Extensions

“A. Time limits. Unless other provisions of this Zoning Code establish a different time limit, the following time limits shall apply to a permit or approval granted in compliance with Chapter 17.61 (Permit Approval or Disapproval).

1. RS districts. A permit or approval shall be valid for 24 months from the effective date of approval. It shall expire and become void, except where an extension of time is approved in compliance with Subsection C below.

2. All other districts. A permit or approval shall be valid for 36 months from the effective date of approval. It shall expire and become void, except where an extension

of time is approved in compliance with Subsection C below.

3. Concept design review.

a. Concept Design Review shall be valid for 12 months from the effective date of approval.

b. Approval shall expire and be void except where an extension of time is approved in compliance with Subsection C below or unless an application for Final Design Review has been filed before the expiration date and determined complete.

B. Exercise of permit.

1. The permit shall not be deemed “exercised” until a building permit for the subject property has been issued, and construction diligently pursued to completion; or

2. A Certificate of Occupancy has been issued by the City, or

3. If no building permit has been required, the use has commenced.

C. Extensions of time. Upon request by the applicant, extension requests shall be processed in the following manner.

1. Application.

a. The applicant shall file a written request for an extension of time with the Department before expiration of the permit.

b. The burden of proof is on the applicant to establish with substantial evidence that the permit should not expire. The applicant shall provide the evidence in support of the findings required by this Subsection.

2. RS districts.

- a. The Director may grant an extension for projects in RS districts without notice or public hearing, upon making the findings in Subsection D (Findings).
- b. The Director may grant a time extension for up to an additional 12 months, from the expiration date of the initial decision.

3. All other districts.

- a. The review authority that originally approved the permit may grant a one-year extension from the expiration date of the initial approval upon making the findings in Subsection D (Findings). A second one-year extension may also be granted.
- b. The consideration of the extension shall occur at a public hearing except for extensions granted by the Director. Notice shall be the same as the original application. For extensions of Final or Consolidated Design Review approval, notice shall be the same as for Concept Design Review or Consolidated Design Review.

4. Concept design review.

- a. The Director may grant an extension for Concept Design Review without notice or public hearing, upon making the findings in Subsection D (Findings).
- b. The Director may grant a time extension for up to an additional 12 months, from the expiration date of the initial decision.

D. Findings and decision. The review authority may approve or disapprove an application for a time extension. The review authority may approve a time extension only after first finding that:

1. The findings and conditions of the original approval still apply; and
2. The proposed project meets the current height, setbacks, and floor area ratio requirements of the Zoning Code and is consistent with the General Plan, any applicable Specific Plan, and the Zoning Map.

E. Exceptions. The following exceptions apply to the findings required by Subsection D (Findings).

1. The second finding shall not apply to a project that has been approved with a Vesting Tentative Map.
2. The second finding shall not apply to a project that has an approved variance unless the Zoning Code has been amended and the variance is now a greater deviation from what was originally approved.”

SECTION 6. Pasadena Municipal Code, Title 17, Article 6, Section 17.64.050 is amended as follows:

a. By amending Subsection A, Paragraph 1 as follows:

1. An applicant may apply for changes to the project as approved, including the conditions of approval, only twice in a single calendar year. Changes to the time limits or extensions shall not be permitted except as allowed under Subsection D (Time limits).

b. By amending Subsection C as follows:

“C. Major changes. Changes to the project that do not comply with Subsection B., above, shall only be approved by the applicable review authority through a new permit

application. Notice shall be given in the same manner as required for the original application, in compliance with Chapter 17.76 (Public Hearings)."

c. By adding a new subsection D as follows:

"D. Time limits.

1. If a major change is approved within three years of the initial approval, the three-year time limit for the entitlement shall start on the date on which the major change was approved. Extensions to the major change may be requested. Any subsequent requests for a major change shall not reset the time limits.

2. If a major change is approved in the fourth or fifth year of approval, the three-year time limit for the entitlement shall start on the date on which the major change was approved. No subsequent requests for extensions of time shall be allowed, and no subsequently granted major change will extend the time limits. ~~Any further requests for a major change shall not reset the time limits.~~"

SECTION 7. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 8. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2011.

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 _____ 2011, by the following vote:

AYES:

NOES:

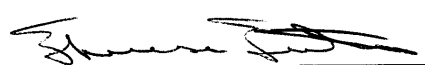
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney

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