

Agenda Report

October 17, 2016

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: TEXT AMENDMENT TO ZONING CODE SECTION 17.40.100 TO BRING CONSISTENCY BETWEEN THE ZONING CODE AND THE EXISTING PUBLIC ART PROGRAM GUIDELINES FOR NEW PRIVATE DEVELOPMENT

RECOMMENDATION:

It is recommended that the City Council:

1. Find the proposed text amendment is exempt from the California Environmental Quality Action (CEQA) pursuant to State CEQA Guidelines, Section 15308 (Class 8 – Actions by Regulatory Agencies for Protection of the Environment);
2. Adopt the Findings of Consistency (Attachment A);
3. Approve the proposed text amendment to Zoning Code Section 17.40.100 to reinstate the intent of the City's Public Art Requirement, ensure that the City's Zoning Code is consistent with its Public Art Program Guidelines for New Private Development, and clarify the geographic boundaries of the Public Art Program; and
4. Direct the City Attorney to prepare an ordinance within 60 days amending Title 17 of the Pasadena Municipal Code (Zoning Code), Section 17.40.100.

PLANNING COMMISSION RECOMMENDATION:

On September 14, 2016, the Planning Commission considered the staff recommendation to amend the Zoning Code, along with the environmental determination, as described in this report. The Commission asked two questions to clarify the purpose and intent of the text amendment. At the conclusion of the public hearing the Commission voted unanimously to adopt the staff recommendation, to be forwarded to the City Council.

ARTS & CULTURE COMMISSION RECOMMENDATION:

On September 14, 2016, the Arts & Culture Commission considered the staff recommendation to amend the Zoning Code, as described in this report. The Commissioners discussed the amendment and expressed support. At the conclusion of the public hearing the Commission voted unanimously to adopt the staff recommendation, to be forwarded to the City Council.

EXECUTIVE SUMMARY

A Zoning Code text amendment has been initiated to clarify the applicability of the public art requirements as specified in Zoning Code Section 17.40.100 (Public Art Requirements and Design Standards) and ensure consistency with requirements set forth in the City of Pasadena Public Art Program Guidelines for New Private Development (Private Development Public Art Program). No new regulations are being proposed.

The proposed text amendment includes clarification to boundary references (no boundary changes are proposed), deletion of obsolete terms, and introduction of language which brings the Zoning Code into conformance with the existing Private Development Public Art Program Guidelines.

BACKGROUND:

The City's first public art program was established in 1988. Since that time, a number of updates to the program have been adopted. On June 21, 2010, the last revision to the City of Pasadena Private Development Public Art Program became effective. The program is intended to promote public art, and art in public places, as well as cultural resources for the community.

Public art is required of qualifying developers of new construction. Projects contribute 1% of the valuation of the building permit toward art. The public art requirement may be satisfied by one of the following:

- Financing cultural and artistic facilities, programs or artwork at or in the immediate vicinity of the development site
- Paying an in-lieu of fee to the Cultural Trust Fund

Developers are strongly encouraged to look for opportunities, with a professional art consultant, to integrate artwork into a project or a cultural program near the development site. However, if no clear opportunity can be identified the developer may choose to place the full 1% public art fee in the Cultural Trust Fund.

The Zoning Code works in conjunction with the public art guidelines. It codifies this public art requirement by providing the boundaries to which the regulations apply. Currently, the Zoning Code makes reference to the Northwest Enterprise Zone and Old

Pasadena and Downtown redevelopment project areas and plans. Legislative actions have resulted in the dissolution of enterprise zones and redevelopment agencies. Because the Zoning Code references boundaries for programs that are no longer active or will be eliminated, the zoning code needs to be amended to clarify that the public art requirements in Old Pasadena, Downtown, and Northwest Pasadena still apply.

ANALYSIS:

Staff analyzed the feasibility and appropriateness of amending the Zoning Code to bring the public art requirement into conformance with the adopted program. In doing so, staff considered consistency with the existing public art requirements and the reasons for changes including obsolete redevelopment plan references and language in need of clarification.

More specifically, the text amendment includes the following changes:

- Remove obsolete reference to retired Cultural and Recreational Element of the previous General Plan
- Clarify application of the Private Development Public Art Program in the Northwest Boundary Area, not the Northwest Enterprise Zone Plan Area which is no longer in effect
- Clarify that the public art requirements still apply to all qualifying projects located within the current and/or former Downtown and Old Pasadena Redevelopment Plan areas
- Remove references to any standards that might have been adopted as part of a redevelopment plan.

Analysis of the text amendment also took into consideration that clarifying the Zoning Code language enables proper enforcement of the Private Development Public Art Program. The Private Development Public Art Program generates revenue to further cultural activities in the City, such as Art Night, which positively affects the general welfare of the City.

REQUIRED FINDINGS

In order to amend the Zoning Code, the proposed amendment must be found to be: 1) in conformance with the goals, policies, and objectives of the General Plan, and 2) not detrimental to the public interest, health, safety, convenience, or general welfare of the City.

General Plan Goals and Policies

The General Plan consists of various goals and policies that cumulatively represent the community vision for the future. The proposed amendment to the Zoning Code

positively corresponds with the goals and policies set forth in the General Plan adopted on August 18, 2015. In particular, the amendment is consistent with Policy 9.6 Public Art in Private Development Program which seeks to refine the Public Art in Private Development Program in order to more actively contribute to Pasadena's cultural identity and reinforce the City's Urban Design principles. Therefore, the Zoning Code text amendment meets the underlying intent of the adopted General Plan.

The proposed amendment will clarify the Zoning Code's consistency with the currently adopted Private Development Public Art Program and ensure it satisfies the goals and policies of the General Plan related to public art. In addition, the proposed amendment is not detrimental to the public interest, health, safety, convenience, or general welfare of the City in that the proposed text amendment requires development within the City to reflect and communicate the City's values and enhance the quality of life in the community. It is intended to create a more unique and human city, engage both citizens and visitors, and enhance the built urban environment. These required findings will ensure that any future development will not be detrimental to the general welfare of the City. Refer to Attachment A for the Findings of Consistency.

COUNCIL POLICY CONSIDERATION:

Continued implementation of the City's General Plan will support the Council's Strategic Planning Goals by:

- 1) Maintaining fiscal responsibility and stability by continuing to generate revenue to further cultural activities in the City;
- 2) Improving, maintaining, and enhancing public facilities and infrastructure by enhancing the City's access to public art and cultural events;
- 3) Increasing conservation and sustainability by supporting a policy for sustaining the creation and maintenance of public art;
- 4) Supporting and promoting the quality of life and the local economy by improving the aesthetic urban environment through art and cultural activities, and providing economic opportunities to local artists.

ENVIRONMENTAL ANALYSIS:

The proposed amendment to Section 17.40.100 of the Zoning Code is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15308 (Class 8 - Actions by Regulatory Agencies for Protection of the Environment). The proposed amendment is to clarify the applicability of the City's Public Art Requirements and Design Standards to provide for consistency with the City's Private Development Public Art Program Guidelines for New Private Development. This action is categorically exempt from CEQA pursuant to Class 8, which exempts "actions taken by regulatory agencies...to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." The proposed zoning text amendment would clarify the applicability of the City's Public Art Requirements and Design Standards which are intended to enhance the urban environment of the City of Pasadena.

FISCAL IMPACT:

Continued implementation of the City's General Plan will implement land use policies to guide the future development of Pasadena. These policies impact not only what the city will look like, but also will directly influence the quality of life and economic well-being of Pasadena by thoughtfully balancing the community's need for housing, jobs, services, and recreation. The public art requirement for qualifying developers of new construction remains in place with the option of putting funds in the City's Cultural Trust Fund. The program revenues are intended to promote public art, and art in public places, as well as cultural resources for the community.

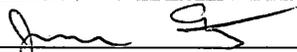
Respectfully submitted,



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Prepared by:

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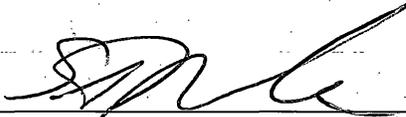


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Approved by:



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Attachment (1):

Attachment A: Findings of Consistency