

# Agenda Report

TO: CITY COUNCIL DATE: AUGUST 5, 2002  
FROM: CYNTHIA J. KURTZ, CITY MANAGER  
SUBJECT: REVISIONS TO OBJECTIVES, POLICIES, AND PROCEDURES IN  
UPDATE OF GENERAL PLAN LAND USE ELEMENT

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## RECOMMENDATION

It is recommended that the City Council, following a public hearing, approve in concept the revised Objectives and Policies and the revisions to certain procedures in the Land Use Element Update, as described in the report.

## PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended conceptual approval of the revised Objectives and Policies, with modifications that have been incorporated in this staff recommendation. The Commission considered proposed revisions to various procedures contained within the General Plan as well. The Commission's recommendations concerning the procedures are also reflected in this staff recommendation.

## EXECUTIVE SUMMARY

The General Plan Land Use Element establishes objectives and policies for planning and development in the city, as well as procedures for the Element's implementation. Proposed revisions and additions concern the following issues: whether affordable housing units may be included in the intensity standards for a specific plan area; land use planning provisions for city priorities including industrial-type uses; impaction and concentration of institutional uses; annual reporting; biological, paleontological, and archaeological resources; water quality and pollution; and recycling of construction materials. Proposed modifications to Land Use Element procedures would affect annual reporting, allowing interchangeability under the intensity standards for residential and nonresidential development, and the initiation of amendments.

## BACKGROUND

The update of the General Plan Land Use Element will revise some of the objectives and policies, as well as certain implementing procedures. Existing 1994 objectives, policies, and procedures are presented below, with proposed revisions and comments. A

complete list of Land Use Element Objectives and Policies and proposed revisions is attached (Attachment A).

## **Revisions to Objectives and Policies**

### ***Policy 3.1 – Exemption for Affordable Housing***

*Existing Policy 3.1 – Exemption for Affordable Housing: Allow development of residential units exceeding targeted development area if the units are ownership units affordable to moderate, low and very low income households, rental units affordable to low or very low income households or senior housing.*

The policy to exempt affordable housing units (i.e., very low, low, moderate, and senior units) from the totals allowed in the specific plan areas is generally successful. In certain cases, however, a concentration of affordable units in, or near, a specific plan area may make the exemption inappropriate for the particular area, because it conflicts with the policy to increase the equitable distribution of affordable housing throughout the city (Policy 15.3). The Fair Oaks/Orange Grove Specific Plan, for example, recommends that affordable units should be included, along with market units, in the totals of residential units to be allowed in the Fair Oaks/Orange Grove Specific Plan area. (Bold type highlights the changes.)

*Proposed Policy 3.1 – Exemption for Affordable Housing: Allow development of residential units exceeding **the intensity standard for a specific plan area** if the units are ownership units affordable to moderate, low or very low income households, or rental units affordable to low or very low income households, or senior housing, **unless the specific plan establishes otherwise in order to achieve the purposes of Policy 15.3, i.e., equitable distribution of affordable housing throughout the city.***

### ***Policy 4.2 – City Priorities***

*Existing Policy 4.2 – City Priorities: New development projects shall provide the land uses identified as City priorities in this Element.*

The wording of existing Policy 4.2 could be interpreted as stating that only those uses that are listed in Policy 11.3, which is discussed below, may be approved. That interpretation would be extremely restrictive, however, and probably was not intended. The revision indicates that the priority uses are to be supported in land use plans but does not prohibit other uses from being approved.

*Proposed Policy 4.2 – City Priorities: Land uses that are identified as City priorities in the Element will be supported in city land use plans.*

### ***Policy 10.5 – Industrial Businesses***

*Existing Policy 10.5 – Industrial Businesses: Promote industrial development by protecting existing industrial districts and encouraging new industrial employers, and by restricting Industrial (IG) zoning districts to industrial businesses and ancillary retail and service activities, including, but not limited to restaurants and child care.*

The Zoning Code allows several uses in IG (Industrial) districts that are not Industrial uses *per se*. (Examples include uses such as Laboratories; Offices, Business and Professional; Warehousing and Storage, among many others.) The existing policy, if read strictly, prohibits almost all of the uses that the Zoning Code allows in the district. The revision emphasizes the promotion of uses that are associated with industry and technology and explicitly allows a greater variety of priority uses.

*Proposed Policy 10.5 – Industrial Businesses: Promote technological and manufacturing activities by protecting existing industrial (IG) zoning districts and encouraging new industrial employers.*

### **Policy 11.3 – Priority Opportunities**

*Existing Policy 11.3 – Priority Opportunities: Adopt Specific Plans, zoning designations and development standards appropriate for priority employment opportunities, including: (a) industries requiring technical expertise; (b) uses associated with the manufacture of goods requiring skilled employees; (c) incubation of small businesses; (d) health care and senior care industries, biotech research, development and manufacturing facilities; (e) opportunities for crafts workers, artists, artisans and tradespeople and (f) environmental engineering.*

With preparation and adoption of the specific plans nearly complete, the revised policy would apply more generally to City plans and to their implementation. (Bold type highlights changes.)

*Proposed Policy 11.3 – Priority Opportunities: **Adopt and implement land use plans** appropriate for priority employment opportunities, including: (a) industries requiring technical expertise; (b) uses associated with **manufacturing that require** skilled employees; (c) incubation of small businesses; (d) health care and senior care industries; **(e)** biotech research, development and manufacturing facilities; **(f)** opportunities for crafts workers, artists, artisans and tradespeople and **(g)** environmental engineering.*

### **Policy 14.5 - Impaction**

*Existing Policy 14.5 – Impaction: The following institutional uses will be prohibited from locating within the boundaries of the Northwest Community Plan: Group Residential/Residential Hotel, Single Room Occupancy, Adult Day Care General, Convalescent Facilities, Detention Facilities, Hospitals, Maintenance and Service Facilities and Residential Care, General.*

In 1999, the City adopted an ordinance “to implement code amendments that are consistent with the federal Fair Housing Act. The amendments including (*sic*) adding new use classifications for temporary homeless shelters and transitional housing, and specifying the zoning districts in which these uses are permitted, modifying the existing definition of charitable institutions, and replacing the use classification group residential and residential hotels with boarding houses, fraternities/sororities and dormitories.” The existing Land Use Element policy listed the land use classifications in effect in 1994. The revision maintains as closely as possible the effect of the existing policy, except that the Residential classifications that replaced Group Residential/Residential Hotel (i.e.,

Boarding Houses, Dormitories, Fraternities/Sororities, and Transition Housing) are not prohibited. (Bold type and strike-through highlight changes.)

*Proposed Policy 14.5 – Impaction: The following institutional uses **shall not be established as new uses** within the boundaries of the Northwest Community Plan: ~~Group Residential/Residential–Hotel~~, Single Room Occupancy, Adult Day Care General, Convalescent Facilities, Detention Facilities, Hospitals, Maintenance and Service Facilities, Residential Care, General, **or a use classification that includes a use listed here with another use.***

#### **Policy 14.6 – Permitted Uses**

*Existing Policy 14.6 – Permitted Uses: Institutional uses that are permitted in the Zoning Code will require a Conditional Use Permit. A finding of consistency with the General Plan must be made for approval of a CUP, and may not be made if there is an over concentration of a particular use in an area.*

Although the list of uses considered “institutional” in Policy 14.5 applies only to the area of the Northwest Community Plan, the application of Policy 14.6 is citywide. The intent of 14.6, however, is to avoid “over-concentration,” not add further limitations on a particular area of the city. The existing policy could be read to require a Conditional Use Permit for every “institutional use” that is otherwise permitted without a Conditional Use Permit in the Zoning Code. In 1999, the City Council approved Resolution No. 7720, identifying the uses that require a finding concerning over-concentration and establishing a 300-foot radius for that over-concentration. The revision removes the possible contradiction (i.e., requiring a conditional use permit for a use permitted by right by the Zoning Code) while authorizing the City Council’s 1999 resolution. (Bold type highlights the changes.)

*Proposed Policy 14.6 – **Institutional** Uses: Institutional uses **may require** a conditional use permit. A finding of consistency with the General Plan must be made for approval of a CUP, and **for certain institutional uses, the finding** may not be made if there is an over- concentration of a particular use in an area.*

#### **Policy 26.2 – Annual Report**

*Existing Policy 26.2 – Annual Report: In a public hearing, provide an annual report to the Transportation Advisory Commission, the Northwest Commission, the Planning Commission and the City Council detailing the status of implementation of the General Plan.*

The policy is repeated in the implementing procedures. It is important that adequate reviews be provided. In practice, however, the requirement for annual public hearings before four separate bodies does not appear to provide greater accountability than would annual reports to the four bodies. (Bold type and strike-through highlights the changes.)

*Proposed Policy 26.2 – Annual Report: ~~In a public hearing~~, provide an annual report to the Transportation Advisory Commission, the Planning Commission, the Northwest Commission, and the City Council detailing the status of implementation of the General Plan.*

## **New Objectives and Policies for Biological and Paleontological/ Archaeological Resources**

New objectives and policies concerning biological and paleontological/ archaeological resources will provide a legal basis for consideration of the resources in environmental reviews.

*NEW OBJECTIVE – Biological, paleontological, and archaeological resources: Protect and enhance remaining areas of the City containing important biological resources; protect and minimize disturbance of any important paleontological and/or archaeological resources that might remain in the city.*

*New Policy – Special Status Species Surveys: All project proponents proposing to develop within areas that have not been previously developed shall conduct surveys according to applicable protocols in consultation with the appropriate trustee agencies (including, but not limited to, the U.S. Fish and Wildlife Service and the California Department of Fish and Game) to determine if special status species (including, but not limited to, California Gnatcatcher and Least Bell's Vireo) or potential habitat for special status species (including but not limited to Coastal Sage Scrub and Riversidian Alluvial Fan Sage Scrub) are present or potentially present. If the surveys and/or consultation indicate that such species or habitat are present or potentially present, appropriate measures shall be required as conditions of project approval to minimize and/or offset the project's potential effects on those species and/or habitat.*

*New Policy – Wetlands and Riparian Habitat Surveys: All project proponents proposing to develop within areas containing wetlands, riparian habitat, and/or jurisdictional waters of the U.S. or the State of California shall conduct surveys in consultation with appropriate trustee agencies (including, but not limited to, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and/or the Los Angeles Regional Water Quality Board). If the surveys and/or consultation indicate that wetlands, riparian habitat, and/or jurisdictional waters are present or potentially present, appropriate measures shall be required as conditions of project approval to minimize and/or offset the project's potential effects on those resources.*

*New Policy – Paleontological/Archaeological Resources Survey: Project proponents proposing substantial grading or earthmoving in areas that might contain important paleontological and/or archaeological resources shall conduct a pre-excavation field assessment and literature search to determine the potential for disturbance of paleontological and/or archaeological resources. If warranted, grading and other earthmoving activities shall be monitored by a qualified professional who, if necessary, shall undertake salvage and curation. Any paleontological or archaeological resources recovered shall be documented and archived appropriately. Any human remains recovered shall be treated according to applicable State and federal regulations.*

## **New Storm Water Policies and Construction Materials Recycling Policy**

*OBJECTIVE 18 - Improved Environment: Improve the quality of the environment for Pasadena and the region.*

*New Policy – Water Quality: Coordinate with local, regional, State, and federal agencies (including the Los Angeles Regional Water Quality Control Board and the Los Angeles County Flood Control District) to continue to define appropriate standards to improve water quality.*

*New Policy – Water Pollution Prevention: Continue to require, monitor, and enforce National Pollutant Discharge Elimination Systems (NPDES) permits, Standard Urban Stormwater Mitigation Plans (SUSMPs), Best Management Practices, Total Maximum Daily Loads for impaired water bodies, Storm Water Quality Management Programs, and Storm Water Pollution Prevention Plans, as applicable and appropriate.*

*New Policy – Construction Materials Recycling: Promote recycling of construction materials to reduce use of natural resources and minimize impacts in waste management.*

### **Revisions to Procedures**

The Land Use Element includes procedures for reporting, for amendments, and for limiting development in the specific plan areas, among other provisions. Experience with the Land Use Element since 1994 suggests that it may be implemented more effectively with the following changes.

First, annual reviews with multiple public hearings are required by the Land Use Element procedures, as they are by Policy 26.2 – Annual Reporting. This procedure implements the requirement in Policy 26.2.

*Existing Land Use Element Text, page 66 - The annual review process will consist of public hearings before the Planning Commission, Transportation Advisory Commission, Northwest Commission and City Council on the progress in meeting the goals and objectives of the General Plan. This process will provide an opportunity to update residents on the implementation process of the General Plan.*

The following alternative, which follows the proposed revision to Policy 26.2, is proposed:

*The annual review process will consist of a report to the Planning Commission, Transportation Advisory Commission, Northwest Commission, and City Council on progress in meeting the goals and objectives of the General Plans.*

Second, the Element is silent concerning whether an applicant may initiate an amendment to the text of the General Plan. General Plan amendments may apply to either the text or to the Land Use Diagram, i.e., map. (The Zoning Code allows only the Planning Commission and the City Council to initiate amendments to the Zoning Code text, though an applicant may initiate amendments to the zoning map.) The following revision would allow only the Planning Commission and the City Council to initiate General Plan text amendments:

*Applicants may initiate amendments to the Land Use Diagram but not to the text of the General Plan. Only the Planning Commission and the City Council may initiate amendments to the text.*

Third, the Land Use Element does not address the question of allowing interchangeability between residential and nonresidential development under the limits of the intensity standards. The intensity standards for residential development (i.e., dwelling units) and for nonresidential development (i.e., building floor area) may be used interchangeably either through conversion of one to the other or through FARs (Floor/Area Ratios). The following revision would explicitly authorize that interchangeability:

*Specific Plans may determine whether dwelling unit totals and building floor area for residential and nonresidential development may be converted and interchanged to allow more flexibility among uses.*

Revisions to objectives, policies, and procedures are intended to facilitate interpretation and application of the Land Use Element framework in the city's planning documents and project reviews.

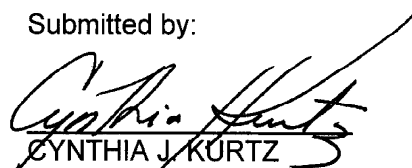
#### **ENVIRONMENTAL REVIEW**

An Environmental Impact Report will be prepared for the Draft Land Use Element Update, along with the Draft Mobility Element Update and other planning documents. No environmental review is required for the conceptual approval of the revised Objectives and Policies and of revisions to the procedures.

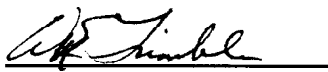
#### **FISCAL IMPACT**

Fiscal impacts of the Land Use Element will be analyzed when the Draft Land Use Element Update, with Environmental Impact Report, is recommended to the City Council.


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