

Ordinance Fact Sheet

TO: CITY COUNCIL DATE: JANUARY 13, 2003

FROM: CITY ATTORNEY

TITLE OF PROPOSED ORDINANCE: AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 65858 TEMPORARILY PROHIBITING DEMOLITION OF RESIDENTIAL STRUCTURES 20 YEARS OR OLDER IN DESIGNATED STUDY AREAS

PURPOSE OF ORDINANCE: The purpose of the Ordinance is to allow staff 45 days from the date of publication of this ordinance to conduct an analysis of two study areas to ascertain the impact of demolition of older residential structures on neighborhood character and housing affordability. The two proposed study areas are within the multifamily residential and PD-8 zones bounded by East Colorado Boulevard on the north, South Bonnie Avenue on the west, East Del Mar Boulevard on the south and South San Gabriel Boulevard on the east (Designated Study Area 1); and Alpine Street on the north, South Marengo Avenue on the west, Wallis Street on the south, and South Euclid Avenue on the east (Designated Study Area 2) as shown on Exhibit A attached to the Ordinance.

REASONS WHY LEGISLATION IS NEEDED: The urgency ordinance is necessary to avoid the adverse impact upon the public safety, health and welfare, and it requires a 4/5 vote of the City Council to enact. The facts constituting the urgency are these: There is a preponderance of requests for demolition permits in geographical areas with older residential structures. Within these same geographical areas there are numerous requests for certificates of appropriateness for demolition of existing older structures. In addition, the demolition of older residential structures may impact the availability of affordable housing.

It would be destructive to the proposed policies if, during the period they are being studied and are the subject of public hearings, parties seeking demolition permits or certificates of appropriateness are granted such approvals and the right to demolish residential structures.

67171.2

MEETING OF 1/13/2003

AGENDA ITEM NO. 9.A.2.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED: The Planning and Development Department will be responsible for conducting the studies to ascertain the impact of demolition of older residential structures.

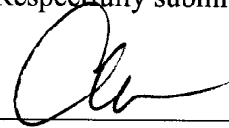
ENVIRONMENTAL: This interim ordinance is exempt from the California Environmental Quality Act pursuant to Section 15262 of the CEQA Guidelines (Feasibility and Planning Studies).

FISCAL IMPLICATIONS: The majority of the associated costs is staff time. Funding for any additional costs will be available from the approved Housing Administration Account No. 8114-801-684120.

POLICY CHANGES: During the 45 day period of this interim ordinance, demolition of residential structures 20 years old or older within the two designated study areas will be prohibited. The interim moratorium on demolition will not apply to replacement projects, residential or commercial which have obtained a discretionary approval prior to the effective date of this proposed ordinance. The proposed ordinance defines a discretionary approval as any entitlement or approval pursuant to Title 17 of the Municipal Code, including, but not limited to, a use permit, variance, design review approval (concept or consolidated) or certificate of appropriateness (Title 2). The appeal period for the discretionary approval must be final.


Respectfully submitted,

01/09/03



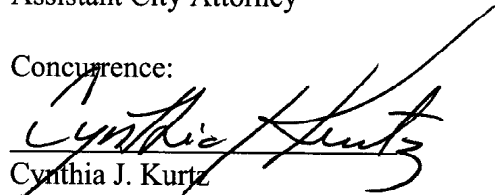
MICHELE BEAL BAGNERIS
City Attorney (Clerks)

Prepared by:



Maribel S. Medina
Assistant City Attorney

Concurrence:



Cynthia J. Kurtz
City Manager

Introduced by Councilmember _____

ORDINANCE NO.

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 65858 TEMPORARILY PROHIBITING DEMOLITION OF RESIDENTIAL STRUCTURES 20 YEARS OR OLDER IN DESIGNATED STUDY AREAS

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the Charter.

The approved summary of this ordinance reads as follows:

"Summary

The proposed interim ordinance is an urgency measure pursuant to Government Code Section 65858 and is for the purpose of avoiding adverse impacts to the public safety, health and welfare. This ordinance will establish a moratorium for 45 days from the date of adoption of the ordinance on demolition of residential structures 20 years or older within multifamily residential and PD-8 zones bounded by East Colorado Boulevard on the north, South Bonnie Avenue on the west, East Del Mar Boulevard on the south and South San Gabriel Boulevard on the east (Designated Study Area 1); and Alpine Street on the north, South Marengo Avenue on the west, Wallis Street on the south, and South Euclid Avenue on the east (Designated Study Areas 2) as shown on the map on file at the City Clerk's office in the City of Pasadena."

Ordinance No. _____ shall take effect upon publication."

WHEREAS, the City of Pasadena ("City") has adopted both the Land Use and Housing Elements of the General Plan; and

WHEREAS, the General Plan's goals and objectives require that the City "*preserve the character, scale, and quality of established residential neighborhoods,*" and "*promote the preservation of existing affordable housing stock*"; and

WHEREAS, the City is in the process of adopting an updated Land Use Element which is contained in the City's General Plan.

NOW THEREFORE, THE PEOPLE OF PASADENA FURTHER ORDAIN AS FOLLOWS:

SECTION 2. The City has an overriding interest in planning and regulating demolition of residential structures within the City. Implicit in any plan or regulation is the City's interest in maintaining residential neighborhoods and prohibiting the demolition of older structures. Without stable, well-planned neighborhoods, residential sections of the City can quickly deteriorate, and infrastructure can be overburdened with detrimental consequences to social, environmental, and economic values. It is the intent of the City Council to assure that residential neighborhoods remain well-planned and that residents maintain a high quality of life. This intent may be effectuated by a comprehensive study of the existing conditions of the proposed study areas to ascertain the impact of recent proposed demolitions and the achievable density/design of potential replacement projects on neighborhood character and housing affordability.

SECTION 3. The purpose of this interim urgency ordinance is to temporarily prohibit the demolition of residential structures 20 years or older within designated study areas zoned multifamily residential and PD-8.

SECTION 4. This ordinance is an interim ordinance adopted as an urgency measure pursuant to Government Code Section 65858 and is necessary to avoid the adverse impact upon

the public safety, health and welfare. The facts constituting the urgency are these: There is a concentration of requests for demolition permits in geographical areas with older residential structures. Within these same geographical areas there are numerous requests for certificates of appropriateness for demolition of existing older residential structures. The demolition of older residential structures may impact the availability of affordable housing.

SECTION 5. In view of the facts set forth in the aforementioned recitals of this ordinance, it is necessary to immediately study and consider an amendment to the City's Zoning Code and/or revisions to the proposed Land Use Element as they may be recommended to the City Council by the Planning Commission. Policies to address the effects of demolition of residential older structures cannot be enacted without the adequate studies. It would be destructive to the proposed policies if, during the period they are being studied and are the subject of public hearings, parties seeking demolition permits or certificates of appropriateness are granted such approvals and the right to demolish residential structures.

SECTION 6. Notwithstanding any provision of the Pasadena Municipal Code to the contrary, there shall be no demolition of structures 20 years or older within multifamily residential and PD-8 zones bounded by East Colorado Boulevard on the north, South Bonnie Avenue on the west, East Del Mar Boulevard on the south and South San Gabriel Boulevard on the east (Designated Study Area 1); and Alpine Street on the north, South Marengo on the west, Wallis Street on the south, and South Euclid Avenue on the east (Designated Study Areas 2) as shown on Exhibit A, attached hereto.

SECTION 7. This ordinance does not apply to demolition in connection with replacement projects, residential or commercial, which have obtained a discretionary approval.

prior to the effective date of this ordinance. A discretionary approval means any entitlement or approval pursuant to Title 17 of the Municipal Code, including but not limited to a use permit, variance, design review approval (concept or consolidated), or certificate of appropriateness (found in Title 2). The appeal period for the discretionary approval must be final.

SECTION 8. A structure that may constitute a threat to health or safety as determined by the City's building official, will be exempt from this moratorium.

SECTION 9. The City Council hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared invalid.

SECTION 10. This ordinance shall take effect upon publication, and shall be in effect for 45 days from the date of publication in accordance with Government Code Section 65858.

SECTION 11. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

Signed and approved this _____ day of _____, 2003.

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 _____,
2003 by the following vote:

AYES:

NOES:

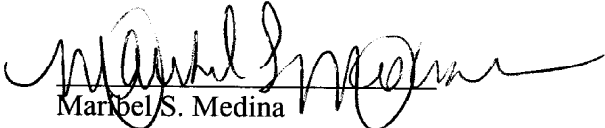
ABSENT:

ABSTAIN:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:


Maribel S. Medina
Assistant City Attorney

