



Agenda Report

January 25, 2016

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: SECOND EXTENSION OF URGENCY ORDINANCE #7256 OF THE CITY OF PASADENA TEMPORARILY LIMITING DEMOLITION AND CONSTRUCTION IN THE LOWER HASTINGS RANCH NEIGHBORHOOD

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed extension is exempt from the California Environmental Quality Act (CEQA Guidelines Sections 15061(b)(3) and 15262 because the interim ordinance does not have the potential for causing a significant effect on the environment and because the project involves only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities;
2. Find that there is a current and immediate threat to public health, safety and welfare pursuant to the standards and policies set forth in the General Plan in that the proposed interim ordinance is necessary to preserve the established and potentially historic neighborhood character of the Neighborhood Overlay District, and that there has been a change in circumstances since the adoption of interim urgency Ordinance #6380 as discussed in Ordinance #7256 in that the homes in the Neighborhood Overlay District not only contribute to a consistent neighborhood character but may also be eligible for designation for historic significance;
3. Adopt an urgency ordinance extending Ordinance #7256 to March 3, 2017.

EXECUTIVE SUMMARY:

At the March 2, 2015 City Council Meeting, the Council adopted Ordinance No. 7256 which imposed a moratorium on new construction in the Lower Hastings Ranch neighborhood (Attachment A) in order to prevent the demolition of existing houses that may have historic significance as well as the construction of new houses or additions

that may be out of scale or character with the neighborhood. The moratorium prohibits the following: demolition of more than 50 percent of exterior walls of a structure; second-story development or second-story additions of any size; a single-story addition to a dwelling unit that increases the gross floor area by more than 500 square feet or 20 percent of the existing floor area of the primary structure including an attached garage, whichever is greater, and a single-story detached accessory structure that constitutes more than 20 percent of the primary structure's gross floor area including an attached garage. The moratorium does not apply to additions that are not visible from a public road, as well as any project that had been issued a building permit as of March 5, 2015.

The adopted interim urgency ordinance was effective for 45 days and would have expired on April 19, 2015. On April 13, 2015, Ordinance No. 7259 was adopted by the City Council and extended the moratorium for an additional 10 months and 15 days, which will expire on March 4, 2016. State law permits one final extension of this moratorium for one year; therefore tonight's request before the City Council is to extend the interim urgency ordinance for one additional year, setting the new expiration date to March 4, 2017.

BACKGROUND:

The City is conducting a multi-phase neighborhood compatibility code revision study to develop regulations that will encourage development in single-family neighborhoods to be consistent in scale and character with neighboring properties. Phase 1 of this study focuses on the Lower Hastings Ranch neighborhood. On December 18, 2014, staff held a neighborhood meeting at the Hastings Ranch Library where many residents raised the need for a moratorium to prohibit construction of out-of-scale homes that were developing throughout the neighborhood. Staff studied the building permit history over the past five years and noted that three houses had been built during that time period (either new one-story, new two-story, or second-story additions) which threatened the character of the Lower Hastings Ranch neighborhood.

State law permits cities to adopt moratoria in order to protect the public safety, health and welfare. For example, in 1990 the City adopted Ordinance #6380, which placed a moratorium on the issuance of building permits for single family residences specifically to address mansionization and which was applicable to RS-designated parcels, including those in Lower Hastings Ranch. However, a moratorium for a particular issue may only be adopted once in the City's history, unless it can be shown that a new event, occurrence, or set of circumstances exists that is different from the circumstances that led to the adoption of the original moratorium.

In the case of Lower Hastings Ranch, Staff determined that at the time of the 1990 moratorium, none of the houses in Lower Hastings Ranch were more than 50 years old, which is one of the criteria used by the National Register of Historic Places program in evaluating a property's eligibility for historic status. By 2015, the majority of houses in Lower Hastings Ranch were at least 50 years old and could be eligible for historic designation. Acknowledging this change in circumstance, and recognizing that

continued development may threaten the potentially historic character of the neighborhood, Staff prepared a new moratorium for the City Council's consideration.

On March 2, 2015 the City Council voted to adopt a 45-day interim urgency ordinance, temporarily placing restrictions on single-family development in Lower Hastings Ranch while staff prepared permanent regulations to address neighborhood compatibility issues. The urgency ordinance has been extended once by the City Council, and may be extended once more under California State law. The first extension was necessary to give staff time to conduct outreach, develop a more complete understanding of the concerns held by residents, and begin preparing revised regulations. The requested second extension will provide an opportunity to develop and finalize appropriately revised regulations that have been thoroughly vetted by residents.

Outreach

In December 2014, staff distributed surveys to residents of Lower Hastings Ranch aimed at understanding community concerns with incompatible single family home development and received a total of 29 completed surveys. Staff reviewed the completed surveys and identified the most prevalent concerns. Concurrent with outreach being done specifically for Lower Hastings Ranch, staff began conducting citywide outreach by holding eight community meetings to discuss mansionization and neighborhood compatibility in non-historic, non-hillside residential areas:

Date	Location
March 26, 2015	Pasadena Christian Church
April 9, 2015	Alkebu-lan Cultural Center
April 16, 2015	Lamanda Park Library
May 7, 2015	Pasadena City College
May 12, 2015	Madison Elementary School
May 20, 2015	Jefferson Elementary School
May 21, 2015	Armenian General Benevolent Union
June 11, 2015	Westridge School

The community meetings were held throughout the City in order to afford staff the opportunity to speak directly with as many residents as possible. Approximately 500 residents attended. While these meetings were targeted specifically at property owners in non-Hillside areas and whose houses are not designated historic, residents from neighborhoods throughout the City attended, including Lower Hastings Ranch, sharing diverse points of view. The majority of comments received were focused on mansionization and neighborhood compatibility, although other issues such as historic preservation, landscaping, and code enforcement were also raised.

Staff met with members of the Lower Hastings Ranch Association Board in July 2015 to further understand concerns related to mansionization and landmark district eligibility.

As a result of this meeting, staff developed conceptual changes to the Zoning code and met with the Lower Hastings Ranch Association Board on September 1, 2015 to share the conceptual code changes before presenting them to the broader Lower Hastings community at a workshop on September 10. On September 23, 2015, staff prepared an informational report to the Planning Commission outlining the City's outreach efforts, potential issues and changes identified by residents, and possible code changes that could address those concerns. Some members of the Commission noted that the survey released in December 2014 resulted in a small number of responses and suggested returning to the community to obtain additional input.

On September 25, 2015, staff met with residents to tour the Lower Hastings Ranch neighborhood to discuss the types of building forms, architectural styles, and design elements that could be considered appropriate for the neighborhood in order to develop potential design guidelines and standards in addition to the conceptual code changes previously identified by staff. Per suggestions made at the Planning Commission meeting, staff is also releasing a follow-up survey developed with resident input, aimed at refining the type(s) of regulatory design measures that could best achieve the community's desire for greater compatibility. The results of this survey will be incorporated into draft regulations and guidelines.

Landmark District Study

Beginning in March 2015, staff began studying the Lower Hastings Ranch neighborhood to determine its eligibility for designation as a landmark district and met with interested community members to get a better understanding of the neighborhood and its history. Staff conducted a windshield survey of the neighborhood on two occasions to evaluate the integrity of existing houses and determine whether or not a sufficient number of intact houses existed that reflected their original historic character. After researching the properties within Lower Hastings Ranch, staff has concluded that a portion of the neighborhood may be eligible for landmark district designation, generally bounded by Shadow Grove Road to the north, Fairmeade Road to the south, Cliff Drive to the West, and Michillinda Avenue to the East. Staff is studying this sub-area in greater depth to further identify contributing and non-contributing properties.

PROPOSED REGULATORY REVISIONS:

While significant analysis and outreach on this issue has been completed to date, finalizing revised regulations and design guidelines that are community-supported will take additional time. To assist staff in developing appropriately revised regulations and guidelines for development within Lower Hastings Ranch, RRM Design Group has been retained as a consultant to assist in tailoring the regulations to reflect the unique character of this neighborhood. Prior to returning to the Planning Commission and City Council with a final set of recommendations, staff will host a community meeting for residents of Lower Hastings Ranch to share final recommendations.

The work for Phase 1 is nearing completion, but may require a few months beyond the current moratorium expiration date. Extending the moratorium would provide for continued preservation of the character of the Lower Hastings Ranch neighborhood while revised regulations are carefully considered and drafted. Staff anticipates that permanent regulations for Lower Hastings Ranch will be in place by Spring 2016.

Pursuant to State Law, the interim urgency ordinance extension request is for one year, allowing staff and the consultant sufficient time to develop the revised regulations, conduct additional public outreach, prepare the required environmental analysis and present the revised regulations to the Planning Commission and City Council. The interim urgency ordinance will be repealed when permanent regulations are adopted.

STATE REGULATIONS:

Pursuant to California Government Code Section 65858, the City Council may, in order to protect public safety, health, and welfare, adopt an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. Legislative findings are required to be made that there is a current and immediate threat to the public health, safety, and welfare. The legislative body may, after proper notice, a public hearing, and by making the required findings, extend an interim ordinance for a total period of two years.

ENVIRONMENTAL ANALYSIS:

The proposed extension of the urgency ordinance would impose greater limitations on development in the City and protect the historic character of the Neighborhood Overlay District in Pasadena, thereby serving to avoid potentially significant adverse environmental impacts. The proposed extension of the urgency ordinance does not have the potential for causing a significant effect on the environment. The adoption of this ordinance is therefore exempt from CEQA review pursuant to Title 14, Sections 15061(b)(3) (the General Rule). In addition, the proposed ordinance is statutorily exempt from CEQA pursuant to Section 15262 of the State CEQA Guidelines as it only involves feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities.

Any proposed changes to the Zoning Code will require separate environmental review at the time they are presented to the City Council.

GENERAL PLAN CONSISTENCY:

An extension of the current moratorium for Lower Hastings Ranch would be consistent with the following General Plan policies:

Guiding Principle #2: Pasadena's historic resources will be preserved. Citywide, new development will be in harmony with and enhance Pasadena's unique character and sense of place. New construction that would affect the integrity of historic resources will be compatible with, and differentiated from, the existing resource.

Policy 21.5 – Housing Character and Design. Encourage the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes, building form, scale, massing, and relationship to street frontages; architectural design and landscaped setbacks.

Policy 22.1 – Appropriate Scale and Massing. Discourage mansionization by requiring building scale and massing that is compatible with existing development in single-family residential neighborhoods.

Extending the moratorium for Lower Hastings Ranch would allow staff the time needed to craft appropriately revised development standards to encourage greater compatibility in terms of housing character, architectural design, building scale, and massing.

FINDINGS:

California Government Code Section 65858 requires cities to make legislative findings that:

- 1) *There is a current and immediate threat to the public health, safety, or welfare, and*
- 2) *The approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.*

The findings made for the original moratorium and subsequent extension determined that the majority of houses in Lower Hastings Ranch were over 50 years old and that many of them exhibited features associated with Ranch-style architecture, resulting in a neighborhood with a distinct identity and character. This neighborhood is potentially historically significant; allowing further demolition and new construction to occur would represent a threat to the neighborhood's potential historic character. Extending the moratorium for an additional year, as permitted by State law, would allow for the creation of appropriately revised development standards that alleviate the current threat to the Lower Hastings Ranch neighborhood.

FISCAL IMPACT:


There is no significant fiscal impact associated with the adoption of the interim urgency ordinance.

Respectfully submitted,




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Prepared by:



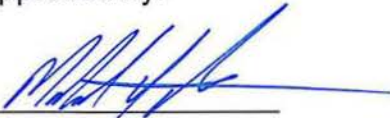
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MICHAEL J. BECK
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Attachments (3):

- Attachment A – Map of Lower Hastings Ranch
- Attachment B – Ordinance Fact Sheet
- Attachment C – Summary of Extension, City Manager Green Sheet