



Planning & Community Development Department

# Extension of Interim Urgency Ordinance: Demolition and Major Projects Affecting Eligible, Undesignated Historic Resources

City Council Meeting  
December 9, 2019





# Background

## Planning & Community Development Department

- On November 25, 2019, the City Council adopted Ordinance No. 7354 which imposed a moratorium temporarily prohibiting demolition and “major projects” affecting eligible, undesignated historic resources.
- The Ordinance became effective on November 28, 2019, is effective for 45 days and would expire on January 12, 2020.
- Pursuant to State law, this hearing is required in order to extend the Ordinance for an additional 10 months and 15 days.



# Historic Preservation Ordinance Update Process

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- The intent of the moratorium extension is to provide sufficient time for review of proposed permanent modifications to the Historic Preservation Ordinance.
- Permanent Ordinance modifications would address inconsistencies between the current ordinance, General Plan goals and policies, current best practices in historic preservation and the California Environmental Quality Act (CEQA) previously described at the November 18, 2019 City Council meeting.
- Permanent Ordinance modifications would require public hearings before the Historic Preservation Commission, Planning Commission & City Council in first quarter of 2020.



# Interim Urgency Ordinances – State Law

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- City Council may adopt an interim ordinance prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City is considering or studying.
- Council must make a finding that there is a current and immediate threat to the public health, safety and welfare.
- Requires 4/5 vote
- Effective for 45 days
- Hearings may be held to extend for 10 months and 15 days and again for one additional year



# Environmental Analysis

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- Moratorium would impose greater limitations on development and protect historic resources, thereby avoiding potential significant adverse environmental effects.
- Proposed moratorium does not have the potential for causing a significant effect on the environment.
- Proposed ordinance is exempt from CEQA review under the following:
  - > General rule that CEQA only applies to projects that have the potential for creating environmental effects.
  - > Feasibility or planning study for 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.
- Permanent Zoning Code changes will require separate environmental review when they are presented to the City Council.



# Staff Recommendation

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- **Staff recommends that the City Council:**
  - > Find that on November 18, 2019, Council found that the proposed Interim Urgency Ordinance is exempt from CEQA;
  - > Find that the proposed moratorium is consistent with the objectives and policies of the General Plan;
  - > 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 eligible, undesignated historic resources; and
  - > Adopt an urgency ordinance extending Ordinance No. 7354 to November 3, 2020.



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# Extension of Interim Urgency Ordinance: Demolition and Major Projects Affecting Eligible, Undesignated Historic Resources

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# Current Historic Preservation Ordinance Procedures

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Review Category	Type of Resources	Review Body	Possible Decisions
<b>Category One</b>	All designated historic resources.	Demolition and major projects reviewed by HPC.  Minor projects reviewed by staff.	Approve, approve with conditions or disapprove.
<b>Category Two</b>	All historic resources determined to be eligible for historic designation.	Demolition reviewed by HPC.  Major projects affecting resources determined to be eligible for individual designation or as contributing properties to eligible National Register Historic Districts reviewed by staff.  Major projects affecting resources determined eligible for designation as contributing properties to eligible landmark districts not reviewed.	Approve, approve with conditions to which the applicant agrees or delay for up to 180 days, after which the project may proceed as originally proposed or as may be modified by agreement between the applicant and the City.





# Definitions

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- **Demolition.** The complete destruction or removal of a structure or object, removal of more than 50 percent of the perimeter walls, or substantial removal of a structural wall of a street-facing elevation of a structure that may have an adverse affect on the significance of a property.
  
- **Project (Major).** Includes any of the following:
  - > Any demolition or relocation of a structure or object, or removal of a significant feature of a historic resource, including significant interior fixtures designed by the firm of Greene and Greene.
  - > Any undertaking requiring a permit that significantly alters or changes the street-facing elevation or side elevations of a historic resource, including major changes to windows and doors or their openings, the application of new exterior wall cladding or coating which changes the appearance, design, or texture of a property, and the addition of dormers and other architectural features.
  - > Any addition of square footage to a building elevation that faces a street.
  - > Front yard fences and walls in a historic or landmark district (excluding retaining walls), including those proposed on non-contributing properties.
  - > New construction in a designated landmark and or historic district except for accessory structures.
  - > Demolition of a non-contributing building in a designated landmark or historic district.
  - > Any addition of a height greater than that of the existing building, if the addition is visible from the street.



# General Plan Land Use Element Policies

## Planning & Community Development Department

- 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 could affect the integrity of historic resources will be compatible with, and differentiated from, the existing resource.
- Goal 8: Historic Preservation. Preservation and enhancement of Pasadena's cultural and historic buildings, landscapes, streets and districts as valued assets and important representations of its past and a source of community identity, and social, ecological, and economic vitality.
- Policy 8.1: Identify and Protect Historic Resources. Identify and protect historic resources that represent significant examples of the City's history.
- Policy 8.7: Preservation of Historic Landscapes. Identify, protect and maintain cultural and natural resources associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.
- Policy 8.8: Evolving Preservation Practices. Continue to implement practices for historic preservation consistent with community values and conformance with Secretary of the Interior's Standards for the Treatment of Historic Properties, California Historical Building Code, State laws, and best practices.



# California Environmental Quality Act

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- Designated & undesignated historic resources treated the same.
- If major alteration or demolition is proposed in conjunction with a project subject to CEQA, extensive environmental documentation would be required.
- Statement of Overriding Considerations would be required to be adopted if adverse impacts to historical resources are identified in the environmental documentation.



# Staff Analysis – Purpose & Applicability

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- Purpose of moratorium is to preserve eligible, undesignated historic resources while permanent new regulations are prepared and reviewed.
- Moratorium would prohibit demolition and major projects affecting eligible, undesignated historic resources with some recommended exceptions.
- In some cases, an evaluation of potential historical significance may be required if demolition or a major project is proposed.



# Approved Exceptions

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- The following types of projects would generally not involve inappropriate demolition or major exterior alteration of a historic resource:
  - > Major projects that are not visible from a public road
  - > Front yard fences in eligible landmark or historic districts
  - > New construction on non-contributing or vacant properties in eligible landmark or historic districts
  - > Demolition of non-contributing properties in eligible landmark or historic districts
  - > Development projects that have been issued a demolition or building permit prior to the effective date of the proposed moratorium
  - > Development projects involving eligible, undesignated historic resources approved through a Conditional Use Permit, Variance, Hillside Development Permit, Design Review or other similar entitlement that is subject to CEQA
  - > Development projects that have been granted approval of a Certificate of Appropriateness without a delay period



# Processing of Applications

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- During moratorium period, the Planning and Community Development Department would not accept any applications for development projects that meet the moratorium criteria.
- Projects that do not meet the standards would continue to be accepted and processed.