



# Agenda Report

November 18, 2019

**TO:** Honorable Mayor and City Council  
**FROM:** Planning & Community Development Department  
**SUBJECT: AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING DEMOLITION AND "MAJOR PROJECTS" AFFECTING ELIGIBLE, UNDESIGNATED HISTORIC RESOURCES**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the proposed interim ordinance 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 the proposed moratorium is consistent with the objectives and policies of the General Plan;
3. 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;
4. Adopt an interim urgency ordinance temporarily prohibiting demolition and "major projects" affecting eligible, undesignated historic resources.

## **EXECUTIVE SUMMARY:**

The City is preparing a series of Code Amendments that would strengthen current Zoning Code provisions related to review procedures for Certificates of Appropriateness for eligible, undesignated historic resources. The purpose of the Code Amendments is to align the City's historic preservation ordinance with General Plan goals and policies,

current best practices in historic preservation and the California Environmental Quality Act.

**BACKGROUND:**

***Current Historic Preservation Ordinance***

The City of Pasadena contains a wealth of historic resources, which since 1969 have been protected in various forms by the City's Zoning Code. The most recent comprehensive changes to the City's Historic Preservation Ordinance occurred in conjunction with the adoption of a revised Zoning Code in 2005, with additional changes adopted in 2007. With respect to the review process for demolitions of and "major projects" affecting designated historic resources and historic resources determined to be eligible for designation, the current Zoning Code sets forth the following procedures and possible decisions (note that "HPC" refers to the Historic Preservation Commission):

<b>Review Category</b>	<b>Type of Resources</b>	<b>Review Body</b>	<b>Possible Decisions</b>
Category One	All designated historic resources.	Demolition and major projects reviewed by HPC.  Minor projects reviewed by staff.	Approve, approve with conditions or disapprove.
Category Two	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.

The current codified definitions of "demolition" and "major project" are:

- **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:
  - a. 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.
  - b. 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.
  - c. Any addition of square footage to a building elevation that faces a street.
  - d. Front yard fences and walls in a historic or landmark district (excluding retaining walls), including those proposed on non-contributing properties.
  - e. New construction in a designated landmark and or historic district except for accessory structures.
  - f. Demolition of a non-contributing building in a designated landmark or historic district.
  - g. Any addition of a height greater than that of the existing building, if the addition is visible from the street.

### ***General Plan***

The Land Use Element of the General Plan includes the following policies related to historic preservation:

- **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 (CEQA)***

For discretionary land use entitlements, the California Environmental Quality Act (CEQA) Guidelines state that both designated and eligible, undesignated historic resources are treated the same and, if a major alteration or demolition is proposed in conjunction with a project that is subject to CEQA, extensive environmental documentation would be required and, if adverse impacts are identified, the review authority would be required to adopt a Statement of Overriding Considerations to approve the project.

As noted in the table above, the current Zoning Code allows demolition of and major projects affecting eligible, undesignated historic resources to occur, after a maximum waiting period of 180 days. Because these applications cannot be denied, they are not considered discretionary and are, therefore, not subject to CEQA. As such, the environmental documentation requirements above are not triggered for eligible, undesignated historic resources unless demolition or a major project is proposed in conjunction with another discretionary land use entitlement (such as a Variance, Conditional Use Permit, Hillside Development Permit, Design Review, etc.). An applicant may elect to wait 180 days and proceed with demolition of or major projects affecting eligible, undesignated historic resources.

### ***Current Inconsistencies***

In light of the inconsistencies noted above between the General Plan policies, CEQA requirements and Zoning Code provisions, staff is preparing amendments to the Zoning Code to address these issues, which will require public hearings before the Historic Preservation Commission, Planning Commission and City Council. As the amendment process will likely take several months to complete, and in order to ensure adequate protection of historic resources during the amendment process, staff is recommending that the City Council adopt an Interim Urgency Ordinance to temporarily prohibit demolition and major projects affecting eligible, undesignated historic resources.

### ***State Law***

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. A four-fifths vote of the body is necessary and the interim ordinance may be in effect for 45 days. The legislative body may, after proper notice and public hearing, extend an interim ordinance for a 10 month and 15 day period, and extend again with proper notice and a public hearing for another one year period, with a four-fifths vote, for a total period of two years, if additional findings are made. The findings are related to specific, adverse impacts on health and safety, the necessity of the moratorium, and the absence of a feasible alternative.

### **ANALYSIS:**

**Purpose.** The purpose of the moratorium is to preserve eligible, undesignated historic resources while permanent new regulations regarding demolition and major alteration of these resources are prepared and reviewed.

**Applicability.** The proposed moratorium would prohibit demolition and major projects, as currently defined in the Zoning Code, affecting eligible, undesignated historic resources. Staff also recommends some exceptions, as described further below. In some cases, an evaluation of potential historical significance of a structure may be required if a project is proposed that would meet these definitions.

**Exceptions.** Staff recommends that the following types of projects be exempt from the moratorium:

- 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

These applicability criteria were developed using current thresholds in the Pasadena Zoning Code to determine when a Certificate of Appropriateness is required. The types of cases above would generally not involve demolition or major exterior alteration of a historic resource. Projects that have been reviewed and found to comply with the applicable historic preservation guidelines, without imposition of a delay period, would also be exempt.

Processing. During the period of the moratorium, the Planning and Community Development Department would not accept any applications for development projects that meet the standards identified in the moratorium. Building permits and other trade permits for projects not subject to the criteria identified in the moratorium would continue to be accepted and processed. The moratorium would apply to any project that meets the applicability criteria listed above and where a demolition or building permit has not been issued prior to the effective date of the interim urgency ordinance (upon publication after the second reading).

Duration. The moratorium would last a minimum of 45-days or the length of time required to develop new regulations, but would be in effect for no more than two years pursuant to California Government Code Section 65858. New regulations are anticipated to be complete by end of Summer 2020. Pursuant to State law, the City Council may extend an interim ordinance for a 10-month and 15-day period after proper notice and public hearing, and extend it again for another one year period after proper notice and a public hearing, with a four-fifths vote, for a total period of two years, if certain additional findings are made, as described in more detail above.

#### **GENERAL PLAN OBJECTIVES AND POLICIES:**

The proposed moratorium is consistent with the General Plan Land Use policies outlined in this report, including Guiding Principle No. 2, Goal 8 and Policies 8.1, 8.7 and 8.8.

#### **ENVIRONMENTAL ANALYSIS:**

The proposed moratorium would impose greater limitations on development in the City and protect historic resources, thereby serving to avoid potential significant adverse environmental impacts. The proposed moratorium 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 common sense exemption). In addition, the proposed ordinance is statutorily exempt from CEQA pursuant to Section 15262 of the State CEQA Guidelines as feasibility or planning study 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.

**FISCAL IMPACT:**

The proposed moratorium would impact the collection of buildings permit fees and development impact fees. The amount of loss or delayed revenues cannot be determined at this time.

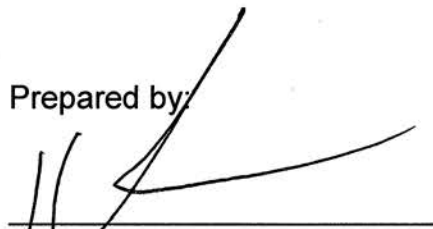
Respectfully submitted,



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