

CITY OF PASADENA
City Council Minutes
August 5, 2002 - 5:30 P.M.
City Hall Council Chamber

SPECIAL MEETING

OPENING:

Mayor Bogaard called the special meeting to order at 4:30 p.m.
The Pledge of Allegiance was led by Vice Mayor Little

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Paul Little
Councilmember Victor Gordo (Arrived 4:35 p.m.)
Councilmember Steve Haderlein
Councilmember Chris Holden (Arrived 4:39 p.m.)
Councilmember Steve Madison (Arrived 4:35 p.m.)
Councilmember Joyce Streater
Councilmember Sidney F. Tyler, Jr.

Staff:

City Manager Cynthia J. Kurtz
City Attorney Michele Beal Bagneris
City Clerk Jane L. Rodriguez

PUBLIC COMMENT

Councilmembers Gordo and
Madison arrived at 4:35 p.m.

Councilmember Holden
arrived at 4:39 p.m.

Ms. Barbara Cole, Pasadena resident, expressed concerns that the goals of encouraging residential development to meet the growing demands of new residents and addressing affordable housing may be in conflict. She expressed concern regarding the demolition of single-family residences in older neighborhoods to make way for multi-unit developments. Ms. Cole suggested the Council enact a moratorium on the demolition of single-family residences until the City has done an inventory of current affordable units.

The City Manager responded that the issue of a one-year moratorium is being discussed at the staff level, and the matter is targeted to be addressed by the Planning Commission in September.

Mr. Robert Wittry, Pasadena resident, stressed the importance of having neighborhood representation on the Housing Affordability Task Force.

RECOMMENDATION ON HOUSING AFFORDABILITY TASK FORCE

Recommendation of City Manager: It is recommended that the City Council:

(1) Direct the Housing Affordability Task Force to provide recommendations and a plan for implementation that will address the issues listed in the agenda report and present this plan to the

City Council. An interim report will be submitted within four months including any completed recommendations, and a final report presented within nine months.

(2) Appropriate \$10,000 from the unappropriated Affordable Housing Fund balance to Account No. 810-684120-51011 to the support the work of the Task Force.

(3) Appoint a Task Force with membership which reflects the broad variety of sectors involved in affordable housing (Housing Advocates/Service Providers, Developers/Architects/Builders/Investors, Financial, Business/Realtors, Commissioners, Residents & Others).

(4) Consider one or more appointments to the Task Force from the Community Development Committee.

Mayor Bogaard made introductory comments and noted the expectation that the appointments to the Task Force would be completed on August 12th, with the Task Force to have its first meeting mid-September.

The City Manager summarized the agenda report and reviewed six proposed charges for the Task Force.

Mr. Richard Bruckner, Director of Planning and Development, responded to questions from Council.

Discussion ensued regarding the scope of the charge to the Task Force, and the number and representation of the Task Force members.

During Council's review of the charge to the Task Force, individual suggestions were made that the Task Force review and make recommendations regarding the issues of granny flats and rent control; analyze incentives for participation in affordable housing programs by the private sector; identify tools to address, as a matter of public policy, the economics of providing affordable housing; that the Task Force discuss and make recommendations regarding home ownership vs. rental housing programs, the allocation of resources, and the benefit to the community; and that the Task Force look at the red tape that may obstruct the building of affordable housing.

Regarding the issues of granny flats and rent control, it was noted that there are differing opinions in the community as to whether these are beneficial, and the Task Force may have recommendations for or against granny flats and rent control.

By general consensus, page 3 of the agenda report, Item 3, was strengthened to read "Solutions - recommendations for solutions that are feasible for Pasadena."

Following lengthy discussion, it was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve the City

Manager's recommendation as to Item 1; Item 2; Item 3, with a 15-member Task Force; Item 4, with the Community Development Committee (CDC) to be ex-officio members with however many CDC members that wish to participate; and that the Mayor or his designee be the Chair of the Task Force.

Discussion ensued regarding the pending motion, and the Mayor expressed hope that all three members of the CDC housing subcommittee would participate on the Task Force.

The City Attorney noted that if a quorum of the CDC participated on the Task Force, the meetings would need to be noticed as CDC meetings.

With consent of the maker and seconder, Councilmember Tyler amended Recommendation 4, that the three members of the Community Development Committee's housing subcommittee serve on the Task Force as ex-officio members.

Vote on the motion, as amended:

AYES: Councilmembers Gordo, Haderlein, Holden, Madison, Streater, Tyler, Vice Mayor Little, Mayor Bogaard
NOES: None
ABSENT: None

The City Manager stated staff would revise the charge to the Task Force based on Council discussion, and distribute the revised version for Council review later in this meeting. *(See pages 12-13 of these minutes for additional action on this item.)*

CONSIDERATION OF APPOINTMENT PROCESS FOR THE HOUSING AFFORDABILITY TASK FORCE

There was a general consensus that the appointments would be made from the distributed list of applicants.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Tyler, that the Task Force be composed of eight appointees, one each to be nominated by each member, Vice Mayor and Mayor; that the next seven appointees be nominated at-large, all with the advice and consent of the full Council; and as to the first eight, there be a Pasadena residency requirement.

It was clarified that the seven at-large appointments will be selected by category, and the Mayor or his designee will be a non-voting member in addition to the 15 voting members and the 3 CDC ex-officio members.

Vote on the motion:

AYES: Councilmembers Gordo, Haderlein, Holden, Madison, Streater, Tyler, Vice Mayor Little, Mayor Bogaard

NOES: None

ABSENT: None

RECESS

On order of the Mayor, the special meeting of the City Council recessed at 6:15 p.m. to discuss the following closed session item:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Government Code Section 54956.9(a)

Name of Case: James and Cynthia Nelson v. City of Pasadena, et al.,

Appellate Case Nos. 2 Civil No. B153868 and 2 Civil No. B17239, Los Angeles Superior Court Case No. BC 273319

The above item was discussed, with no reportable action.

RECONVENED

The special meeting of the City Council reconvened at 6:30 p.m. (Absent: None)

PUBLIC HEARINGS

GENERAL PLAN AND ZONING CODE UPDATE - PROJECT OVERVIEW

The City Manager provided introductory comments and commended the Planning Commission for its work on the General Plan.

Mr. John Spalding, Planning Department consultant, provided an overview of the General Plan updates and responded to questions.

Ms. Laura Dahl, Senior Planner, responded to additional questions from Council.

There was no formal action on the overview item.

PUBLIC HEARING: REVISIONS TO OBJECTIVES, POLICIES AND PROCEDURES IN UPDATE OF THE GENERAL PLAN LAND USE ELEMENT

Recommendation of City Manager: 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 agenda report.

Recommendation of the Planning Commission: The Planning Commission recommended conceptual approval of the revised Objectives and Policies, with modifications that have been incorporated in the 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 the staff recommendation.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published in the Pasadena Journal on July 25, 2002 and in the Pasadena Star News on July 29 and August 2, 2002; no letters were received.

Mr. William Trimble, Planner, and Mr. Richard Bruckner, Director of Planning and Development, summarized the agenda report and responded to questions.

Ms. Laura Dahl, Senior Planner, and Mr. Denver Miller, Zoning Administrator, responded to additional questions from Council.

Councilmember Holden suggested that Policy 3.1, Exemption for Affordable Housing, be referred to the Housing Affordability Task Force for its input on the topic, and to look at equitable distribution from the standpoint of incentives and to ensure that there are not any unintended consequences.

Vice Mayor Little expressed concern that he has not seen large-scale community meetings or an attempt to bring people in and talk about successes and failure, and the public's opinion regarding density and development. He urged staff to make sure that members of the public that have something to say have an opportunity to express their opinions.

Mr. Trimble and the City Manager reported on the community outreach process. The City Manager offered to provide Council with additional information on community meetings that have been held to date, and she encouraged Council to provide guidance if Council feels something is lacking in the community meeting process. Mr. Spalding further reported on a community meeting to be held in September regarding the Central District Specific Plan.

Councilmember Tyler stated the public needs to understand what is being proposed for the downtown area, and he urged staff to consider having more than one meeting regarding the Central District as there is a lot of community interest in this area.

The City Manager offered to do additional notification to all of the business districts, neighborhood association leaders, a newspaper ad, and an If Focus article if time permits, and she acknowledged Councilmember Tyler's request to consider having more than one community meeting regarding the Central District Specific Plan.

Mr. Robert Wittry, Pasadena resident, spoke regarding public notification and public participation in the process; stressed the need to have infrastructure in place in order to implement the Land Use Element; and voiced opposition to the proposed wording in Policy 14.5, Impaction.

Ms. Herminia Ortiz, Pasadena resident, speaking through translator Lucy Ferraez-Rivero, expressed concerns regarding fence regulations and concerns regarding public notification of proposed changes.

Mr. Bob Huddy, Pasadena resident, stressed the need for public participation, more outreach to the community, and the need for buy-in from the community in the General Plan process.

It was moved by Councilmember Tyler, seconded by Vice Mayor Little, to close the public hearing. (Motion unanimously carried) (Absent: None)

MAIN MOTION

It was moved by Councilmember Streater, seconded by Councilmember Tyler, to approve the City Manager's recommendation.

Discussion ensued regarding the outreach strategy, and whether changes are needed to the outreach approach.

Following discussion, it was noted that the City Manager will provide Council with a report detailing outreach performed and meetings held over the past two years. The City Manager stated the action before Council is for conceptual approval and to allow staff to move forward with the process, and noted there will be an additional one year for environmental reviews and additional meetings.

It was noted that Policy 3.1, Exemption for Affordable Housing, could be forwarded to the Housing Affordability Task Force for its input, per Councilmember Holden's request.

AMENDMENT TO MAIN MOTION

With the consent of the maker and seconder of the main motion, Councilmember Gordo amended the main motion regarding Policy 26.2, Annual Report, to require that the annual report (detailing the status of implementation of the General Plan) be provided to the Transportation Advisory Commission, the Planning Commission, and the Northwest Commission, and that the annual report be scheduled as a public hearing before the City Council.

The Mayor noted that the City Manager would report back to Council in approximately one month with a report documenting past outreach efforts, and perhaps with recommendations for additional outreach, and there would be an opportunity for Council to further focus on outreach efforts at that time.

Regarding public outreach, Councilmember Gordo expressed concern that with some neighborhood associations, communication to the neighborhood leader does not always filter down to all the members, and suggested Neighborhood Connections may be helpful in identifying which neighborhood associations may need additional outreach efforts.

Vote on the motion, as amended:

AYES: Councilmembers Gordo, Haderlein, Holden, Madison,
Streator, Tyler, Vice Mayor Little, Mayor Bogaard

NOES: None

ABSENT: None

PUBLIC HEARING: REVISION OF THE CULTURAL HERITAGE ORDINANCE

Recommendation of City Manager: It is recommended that the City Council:

- (1) Find that the adoption of a revised historic preservation ordinance is categorically exempt from the California Environmental Quality Act, Class 8: An action by a regulatory agency for protection of the environment;
- (2) Acknowledge that Policy 6.2 of the Land Use Element of the General Plan (protection of historic and cultural resources) directs the City to update its historic preservation ordinance and strengthen its protections for historic resources;
- (3) Approve the following policy changes and other regulatory and administrative changes listed on the attached "Summary of Revisions" (Attachment A of the agenda report) for inclusion in a revised historic preservation ordinance:
 - Update and simplify the existing classification system for historic resources and the regulatory procedures based on the classification system.
 - Protect properties listed in the National Register of Historic Places from demolition and inappropriate alterations by treating them equally with locally designated landmarks and landmark districts.
 - Authorize the Cultural Heritage Commission to deny demolitions and alterations to designated historic resources, including properties listed in the National Register; authorize the Commission or Planning Director to delay demolitions and major alterations to undesignated historic resources (if eligible for designation).
 - Authorize the City Council to designate a historic resource as a landmark over the objection of the property owner.
 - Streamline procedures to designate landmark districts.
 - Add penalties to deter demolition by neglect.
 - Update the ordinance to ensure compliance with California Environmental Quality Act and consistency with other State and Federal historic preservation programs. Authorize review and protection of historic resources that are less than fifty years old.
- (4) Direct the City Attorney to prepare an ordinance amending Chapter 2.75 of the Pasadena Municipal Code to implement these policy changes.

Recommendation of Cultural Heritage Commission: On June 17, 2002, the Cultural Heritage Commission reviewed and forwarded a recommendation to the City Council to approve the above policy changes.

Recommendation of Design Commission: On July 8, 2002, the

Design Commission reviewed and forwarded a recommendation to the City Council to approve the above policy changes.

Recommendation of Planning Commission: At a public hearing on July 18, 2002, the Planning Commission reviewed and forwarded a recommendation to the City Council to approve the above policy changes.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 22 & 29, 2002, in the Pasadena Star News, and published on August 1, 2002, in the Pasadena Journal; two letters in support were received, and a third letter was received expressing support with modification.

Ms. Mary Jo Winder, Senior Planner, summarized the agenda report and responded to questions.

The City Manager and Richard Bruckner, Director of Planning and Development, responded to additional questions from Council.

Vice Mayor Little suggested there be consideration in the future for imposing penalties for vacant, blighted, non-historic homes which are not properly maintained. The City Manager offered to have staff look into what could be done to address the issue.

Councilmember Gordo suggested there be flexibility for property owners with financial hardships in maintaining their property, and noted there could perhaps be some type of financial assistance in these situations.

Mr. Bruckner responded there are a variety of programs that offer assistance in renovation of homes, particularly historic homes, and blending the two issues (financial hardship cases and financial assistance) would be useful and should work.

Ms. Maribel Medina, Assistant City Attorney, responded to additional questions.

Councilmember Tyler stressed the need to do everything possible to encourage the maintenance of historic properties, such as doing inspections, and issuing warnings and citations to the property owner, prior to a building getting to the point of being completely neglected and falling down.

The City Attorney noted the City is not precluded from citing property owners for other provisions in the Municipal Code regarding property maintenance standards.

Councilmember Streator expressed concerns regarding vacant, derelict homes and public safety/nuisance issues. She stressed the need to be able to do more than require that the grass be cut, the

doors locked, and windows boarded, as this does not stop the deterioration of the building.

The City Attorney responded that the City can do certain things to require maintenance on vacant homes, but she noted there are limitations as to what the City can do.

The Mayor suggested the City Attorney offer some stronger language and interim steps that could be part of the ordinance, and bring this language back when the ordinance is ready for adoption. The City Attorney responded that she will work on language to strengthen the ordinance as much as possible.

The following people spoke in support of the City Manager's recommendation:

Mr. Robert Wittry, Pasadena resident
Ms. Barbara Cole, Cultural Heritage Commissioner
Mr. Bob Kneisel, representing Bungalow Heaven Neighborhood Association
Ms. Renée Morgan-Hampton, Vice Chair, Cultural Heritage Commission
Ms. Marisa Davis, President, Bungalow Heaven Neighborhood Association, referenced her letter in support
Mr. Bob Winter, Cultural Heritage Commissioner
Mr. Steve Haussler, Pasadena resident and realtor
Mr. Kennon Midema, Cultural Heritage Commissioner
Mr. Kelly Craig Jones, Chair, Cultural Heritage Commission
Ms. Renée Rubalcava, Cultural Heritage Commissioner
Ms. Susan Mossman, Executive Director, Pasadena Heritage
Ms. Catherine Phelps, Chair, Board of Directors of Pasadena Heritage, submitted a letter in support
Ms. Lynn Kolberg, Program Director, Pasadena Heritage
Ms. Emina Darakjy, President, East Arroyo Residents Association
Ms. Diana Britt, member of the Board of Pasadena Heritage and Heritage Housing Partners
Mr. Arnold Siegel, Planning Commissioner

Mr. Bob Huddy, Pasadena resident, spoke in opposition to the City Manager's recommendation.

It was moved by Councilmember Streator, seconded by Councilmember Haderlein, to close the public hearing. (Motion unanimously carried) (Absent: None)

Councilmember Streator expressed concern there is not a time limit for designating a landmark district, and requested staff research what other jurisdictions are doing in this regard.

It was noted that Councilmember Streator's request for additional information would not preclude the Council from taking action this evening.

The Mayor added that it would be helpful to know what the City's experience is with other neighborhoods regarding time frames with landmark district designations, as well as what provisions might exist in other jurisdictions' ordinances that are admired as being balanced and effective historic preservation ordinances.

Following discussion, it was moved by Vice Mayor Little, seconded by Councilmember Madison, to approve the City Manager's recommendation, and thank the Cultural Heritage Commission, neighborhood associations, and all others involved for their work on this item. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: APPROVAL OF REVISIONS TO THE ZONING CODE FOR RS (SINGLE FAMILY), RM-12 (TWO UNITS ON A LOT), COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS
Recommendation of City Manager:

- (1) Adopt a finding that the proposed amendments are consistent with the General Plan as outlined in the agenda report; and
- (2) Approve the proposed amendments for the RS and RM-12 districts (including an amendment to prohibit chain-link fences in the front yard), and the commercial and industrial districts as contained in the agenda report.

Recommendation of Planning Commission: The Planning Commission recommends approval of the proposed Zoning Code amendments in RS and RM-12 districts, and the commercial and industrial districts. On the issue of fences, the Planning Commission adopted staff's recommendations for fences relating to materials and setbacks, but recommends that chain-link fences not be prohibited in front yards, as recommended by staff.

The Mayor opened the public hearing.

The City Clerk reported that the notice of public hearing was published July 25 in the Pasadena Journal and July 29 and August 2, 2002 in the Pasadena Star News; no correspondence was received.

Mr. Denver Miller, Principal Planner, provided an overview of the agenda report and responded to questions.

Councilmember Tyler expressed concerns regarding early morning truck deliveries in commercial areas, and noted that currently deliveries are allowed as early as 6:00 a.m., even if adjacent to residential areas. Mr. Miller responded that this has been a problem in the Central District. Councilmember Tyler requested that when staff reviews changes to the Central District, that this issue be looked at for possible change. Councilmember Gordo requested that staff also look at the issue of early morning deliveries along Lake Avenue, and noted this may also be an issue along Fair Oaks Avenue as it becomes more developed. Councilmember Gordo also requested that staff review regulations regarding early

morning sweepers and blowers in parking lots, as this is also a problem.

Councilmember Gordo discussed a situation in his district with a 2-foot high wrought iron fence with spikes, and expressed safety concerns as children can be injured jumping over a short fence. Staff was also asked to look at this issue.

Discussion ensued regarding fence height and setback requirements for fences, fencing materials, and costs of various types of fences. Councilmember Streator expressed concern that not all residents may be able to afford the types of fencing materials proposed, and noted that fencing is essential to safety and well-being for some residents. She also expressed concern with the proposed 18-inch fence setback requirement, as some lots have limited front yard areas.

Mr. Robert Wittry, Pasadena resident, urged that fence heights be measured from the lower side of the fence. He stated that if chain-link fencing is allowed, it should be with the top bars facing down, and urged that Code Enforcement make sure that fences are properly maintained. He voiced objection to stucco fencing, and on other issue, expressed concern the floor area ratios are too high.

Mr. John Grech, Pasadena resident, voiced opposition to various proposed Zoning Code revisions for the Commercial and Industrial Districts, in particular, requiring a full conditional use permit for vehicle repair businesses, front yard parking prohibitions, and store front entry and store-front window display requirements. He expressed concern that there will be glass etching/window graffiti problems with the front window display requirement.

Staff responded to questions regarding front window plate glass requirements, the intent to not have blank building walls with no window relief, and whether there are alternatives to the plate glass window requirement. Mr. Bruckner noted that staff could propose some language to address the issue when the ordinance comes to Council.

It was moved by Vice Mayor Little, seconded by Councilmember Streator, to close the public hearing. (Motion unanimously carried) (Absent: None)

It was moved by Councilmember Streator, seconded by Councilmember Gordo, to approve the City Manager's recommendation, as amended to allow chain-link fences in front yard residential districts as recommended by the Planning Commission; that we follow the existing 4-foot front yard fence height requirement with no setback requirement; and that we incorporate other verbiage with regard to plate glass windows.

Vote on the motion:

AYES: Councilmembers Gordo, Holden, Madison, Streator,
Tyler, Vice Mayor Little, Mayor Bogaard

NOES: Councilmember Haderlein

ABSENT: None

PUBLIC HEARING: ADOPTION OF UPDATED DESIGN GUIDELINES AND NEW GUIDELINES FOR THE CENTRAL DISTRICT SPECIFIC PLAN

Recommendation of City Manager: It is recommended the City Council continue the public hearing to October 14, 2002, at 8:00 p.m.

On order of the Mayor, the public hearing was continued to October 14, 2002, at 8:00 p.m.

(Item continued from page 3 of these minutes.)

RECOMMENDATION ON HOUSING AFFORDABILITY TASK FORCE

Staff distributed copies of the revised charge to the Task Force, based on Council discussion earlier this evening.

Following discussion, there was a general consensus to approve the charge to the Task Force, as follows:

Housing Affordability Task Force

1. *Propose specific programs and resources for the creation and preservation of low and moderate income (ownership & rental) housing in Pasadena, especially for families and persons with special needs.*
2. *Identify opportunities to cooperate with regional housing advocates and other cities to expand affordable housing opportunities throughout the west San Gabriel Valley.*
3. *Identify hindrances in the City's approval process and land use regulations for development of a variety of housing projects, as well as incentives for participation in affordable housing programs by the private sector.*
4. *Analyze and recommend how specific programs such as rent control, permitting "granny flats" (and other programs the Task Force may identify) impact housing affordability and neighborhood character in the City of Pasadena.*
5. *Identify potential sites for affordable housing to ensure dispersion throughout the City and suggest methods of promoting projects.*

6. *Recommend strategies to increase awareness and education about affordable housing programs, development, and financing tools.*
7. *Review how effective current programs are and, if not, how they might be made more effective.*

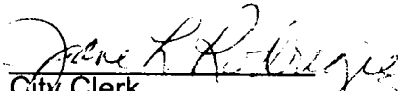
ADJOURNMENT

On order of the Mayor, the special meeting of the City Council adjourned at 10:25 p.m.



Bill Bogaard
Mayor

ATTEST:



City Clerk
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