

Ordinance Fact Sheet

TO: City Council

DATE: March 22, 2004

FROM: City Attorney

SUBJECT Moratorium on Development in Hillside Development Overlay District (HD)

TITLE OF PROPOSED ORDINANCE:

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 65858 TEMPORARILY PROHIBITING NEW DEVELOPMENT IN THE HILLSIDE DEVELOPMENT OVERLAY DISTRICT (SECTION 17.48 OF THE PASADENA MUNICIPAL CODE).

PURPOSE OF ORDINANCE:

There has been a notable increase in new homes and construction projects built on steep, visible, environmentally sensitive lots in Pasadena. In response to these concerns, the Planning and Development Department is preparing revisions to the existing Hillside standards that will promote development that has less environmental impact, is more in character with existing development and natural terrain, and will not overwhelm hillsides and ridgelines. Additional concerns and impacts regarding construction and other vehicles using the narrow roadways characteristic of the hillside area are also under review. A temporary moratorium on such development would allow time for the new development standards and Hillside regulations to proceed through the City's review and approval process and for determining what conditions and/or restrictions may be necessary concerning construction and other traffic.

REASON WHY LEGISLATION IS NEEDED:

Pursuant to Government Code 65858, the City Council may, in order to protect the public safety, health, and welfare, adopt an interim urgency ordinance to place a moratorium on certain development while the City is considering a planning document or modifications to existing code requirements. At its meeting on March 15, 2004, the City Council directed preparation of this ordinance.

The urgency measure requires a four-fifths vote of the legislative body for adoption. The urgency ordinance will be in effect from the date of its publication until 45 days from its date of adoption.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The moratorium will primarily impact property owners and the development community by halting the issuance of building permits for construction projects in the Hillside Development Overlay District unless they meet certain exceptions. The Ordinance may affect 3,829 lots throughout Pasadena. Although staff cannot estimate how many projects are proposed or underway on these lots, there are applications for approximately 21 Conditional Use Permits and Variances that may be impacted.

In compliance with the Permit Streamlining Act, the discretionary approval for these projects will continue to be processed. However, neither building nor grading permits will be issued during the 45 day moratorium period. When the revisions to the Hillside Ordinance come before the City Council, the City Council will need to determine whether to exempt projects that have already received the necessary discretionary approvals or review the projects under the new development standards. Also, it would be appropriate at that time for the Council to determine whether applicants of pending projects would be exempt from repaying fees.

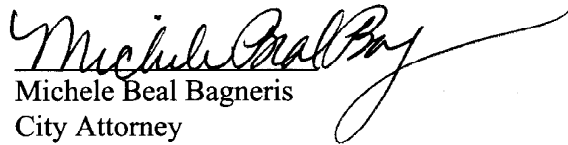
FISCAL IMPACT:

The proposed moratorium on new construction in the hillside would limit the collection of building fees and development impact fees, except for those projects with existing building permits or applications for building permits. Receipt of property tax attributable to construction of new projects currently within the discretionary review process would be delayed. The amount of loss or delayed revenues cannot be determined at this time.

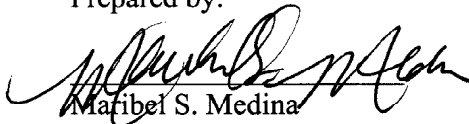
ENVIRONMENTAL:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act, CEQA Guidelines, Section 15060 (C)(2), as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

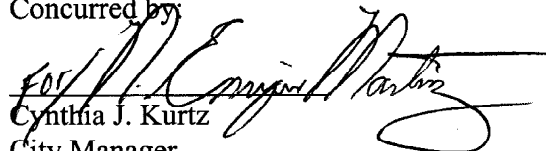
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Mafibel S. Medina
Assistant City Attorney

Concurred by


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 NEW DEVELOPMENT IN THE HILLSIDE DEVELOPMENT OVERLAY DISTRICT (SECTION 17.48 OF THE PASADENA MUNICIPAL CODE).

WHEREAS, the City of Pasadena (“City”) has adopted the Land Use Element 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 “in recognition of the special character of the hillsides throughout the City, continue strict protections through city grading and hillside ordinances”; and

WHEREAS, pursuant to section 65858 of the California Government Code, the City Council may, in order to protect the public safety, health and welfare, adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City Council is studying; and

WHEREAS, there has been a notable increase in new homes and construction projects built on steep, visible, environmentally sensitive lots in Pasadena; and

WHEREAS, the City staff is currently in the process of proposing revisions to the Hillside Development Overlay Standards that will promote development that has less environmental impact, is more in character with existing development and natural terrain, and will not overwhelm hillsides and ridgelines; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety, or welfare and that the issuance of building or grading permits in the Hillside Development Overlay District would result in a threat to the public health, safety, and welfare unless such development is subject to modified development standards; and

WHEREAS, in evaluating the need for a moratorium, the City Council has determined that there is sufficient evidence to suggest that existing conditions make areas in the Hillside Development Overlay District vulnerable to a change in neighborhood character and the construction of new homes or additions that overwhelm ridgelines and hillsides; and

WHEREAS, because of the scarcity of existing development sites in Pasadena, many hillside lots that had previously been thought unbuildable are being looked at as desirable sites; and

WHEREAS, this leads to proposals for new homes on very steep lots with environmental concerns such as drainage and water runoff, erosion, and fire safety; and

WHEREAS, a key aspect of the proposed revisions to the Hillside Development Overlay District is to review the coordination between regulations from the Fire Department, Building and Safety Division, and Public Works and Transportation Departments and propose modifications in the review process to ensure public safety needs are met; and

WHEREAS, City staff is specifically studying:

1. Regulations for grading, retaining walls and engineering of slopes to be better coordinated with the Zoning Code to ensure that new developments are protecting the integrity of the hillsides, especially when there is over a 2:1 slope; and

2. Surface runoff and drainage which requires significant coordination between the

Current Planning Division and the Public Works Department; and

3. Fire safety review, including the review of landscaping and driveway access, to better coordinate on the front end of projects; when they are in the discretionary review period;

4. Safety of construction vehicles and trucks negotiating narrow, winding roadways characteristic of the hillside areas, including access and egress of construction vehicles and trucks to development sites; and

5. Construction staging for hillside projects.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted by Section 508 of the Charter. The approved summary of this ordinance is as follows:

“SUMMARY

This 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 publication of the ordinance on the issuance of building or grading permits in the Hillside Development Overlay District (HD) as shown on the map titled Exhibit A and on file in the City Clerk’s office of the City of Pasadena.

The following projects will be exempt from the moratorium: (1) prior to the effective date of this ordinance (a) the project has been issued a building permit or (b) the project has received any and all necessary discretionary approvals, plans have been submitted for a building permit and plan check fees have been paid; (2) the project is less than 500 square feet in size or

less than 20% of the existing floor area of the dwelling unit; (3) the project is an accessory structure of less than 20% of the existing floor area of the dwelling unit; or (4) the project is located within a Planned Development (PD) or is within a proposed Planned Development for which a complete letter has been written. Projects within an existing or proposed PD zone will be governed by the rules and regulations of that Planned Development. ”

Ordinance No. _____ shall take effect upon publication.”

SECTION 2. The provisions of this ordinance to temporarily prohibit the issuance of building or grading permits apply to those areas commonly known as the Hillside Development Overlay District as shown on the map entitled “Hillside District” and attached hereto as Exhibit A.

SECTION 3. Notwithstanding any provision of the Pasadena Municipal Code to the contrary, there shall be no issuance of a grading or building permit in the Hillside Development Overlay Zone, as shown on Exhibit A, attached hereto, unless one of the following exceptions is met: (1) prior to the effective date of this ordinance, (a) the project has been issued a building permit or (b) the project has received any and all necessary discretionary approvals, plans have been submitted for a building permit and plan check fees have been paid; (2) the project is less than 500 square feet in size or less than 20% of the existing floor area of the dwelling unit; (3) the project is an accessory structure of less than 20% of the existing floor area of the dwelling unit; or (4) the project is located within a Planned Development (“PD”) or is within a proposed PD for which a letter of completion has been written. Projects within an existing or proposed PD zone will be governed by the rules and regulations of that PD.

SECTION 4. Unless extended pursuant to Section 65858 of the California Government

Code, this ordinance shall expire at the end of the 45 day period following its effective date.

SECTION 5. This ordinance is additional to and supplemental to and shall not affect, except as specifically provided herein, any provision of the Pasadena Municipal Code, which shall be operative and remain in full force and effect without limitation with respect to all such development.

SECTION 6. 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 would have adopted all other portions of this ordinance irrespective of any such portion declared invalid.

SECTION 7. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 8. This ordinance shall take effect upon publication, and shall be in effect for 45 days from the date of adoption in accordance with Government Code Section 65858.

Signed and approved this _____ day of _____, 2004.

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 _____, 2004 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