



Ordinance Fact Sheet

TO: City Council

DATE: May 3, 2004

FROM: City Attorney

SUBJECT Moratorium on New Residential and Mixed-Use Construction in the Central District Specific Plan Area – Re-Introduction and First Reading

TITLE OF PROPOSED ORDINANCE:

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 65858 TEMPORARILY PROHIBITING NEW RESIDENTIAL AND MIXED-USE CONSTRUCTION IN THE CENTRAL DISTRICT SPECIFIC PLAN AREA.

BACKGROUND:

The City Council conducted first reading of this proposed moratorium ordinance last Monday, April 26th. However, it has been determined that the ordinance as introduced did not sufficiently capture the intent of the Council motion directing preparation of the ordinance. Specifically, the proposed ordinance is being amended to add the following:

- Language clarifying that projects for which a predevelopment plan review application was submitted on or before April 19, 2004 are not subject to the moratorium; and
- Language clarifying that projects that received discretionary approval that became effective on or before the date of adoption of the ordinance are not subject to the moratorium.

The attached ordinance reflects changes from the ordinance introduced last week. Accordingly, it would be appropriate to have first reading of the ordinance tonight and second reading next Monday night.

PURPOSE OF ORDINANCE:

The purpose of this ordinance is to reduce the number of projects being developed in the Central District Specific Plan (“Specific Plan”) Area that are inconsistent with the Draft Specific Plan and which have an adverse impact on the public health, safety and welfare. This moratorium will be in effect for a period of 45-days after the date of adoption (second reading).

Building permits will not be issued for any project that involves construction of ten or more dwelling units or any combination of non residential floor area and dwelling units totaling 10,000 square feet or more, in the Central District Specific Plan Area, excluding the residential Central District Subdistricts CD -7A and CD-7 south of Cordova Blvd., east of Marengo Avenue and west of Oak Knoll Avenue, and including properties within the following zoning districts: CD-1, CD-2, CD-3, CD-4, CD-5(all subdistricts), CD-6, CD-8, CD-9, CD-10, CD-11, CD-12, CD-13, CD-13A, CD-14, CD-15, CD-16, WGSP-3 and any IG zone fronting on Arroyo Parkway between California Boulevard on the north and Glenarm Street on the south, and as more specifically shown on the map titled Exhibit A attached to the ordinance.

The following projects will be exempt from the moratorium: (1) all exclusively nonresidential projects (i.e., with no dwelling units); (2) all rehabilitations, tenant improvements, changes of

use, including residential and any project that does not add square footage over the 10,000 square feet threshold; (3) projects that are subject to a planned development; (4) projects that are subject to a Master Development Plan; or (5) projects that have submitted a development application for a discretionary approval for a project that is consistent with current zoning and general plan requirements and paid the applicable fees on or before April 19, 2004.

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 April 19, 2004, the City Council directed preparation of this ordinance.

The urgency measure requires a four-fifths vote of the legislative body for adoption.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

In compliance with the Permit Streamlining Act, during the moratorium period, applications for discretionary approval and applications for building plan check will continue to be accepted. However, applicants will be advised of the moratorium and that no building permit will be issued

during the moratorium period. In addition, hearings will continue to be held and decisions on discretionary approvals rendered.

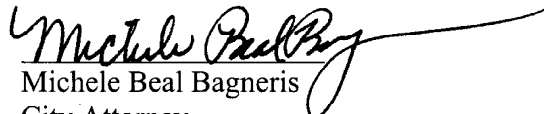
FISCAL IMPACT:

The proposed moratorium 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.

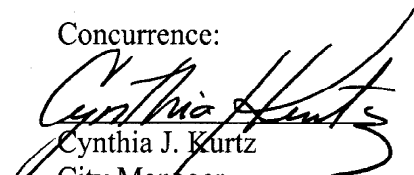
ENVIRONMENTAL:

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

Concurrence:


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 RESIDENTIAL AND MIXED-USE CONSTRUCTION IN THE CENTRAL DISTRICT SPECIFIC PLAN AREA.

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 and scale, including its traditional urban design form and historic character; and

WHEREAS, the Land Use Element of the General Plan emphasizes clustering development near transit to support use of transit and pedestrian mobility; and

WHEREAS, the City is completing the drafting of the Central District Specific Plan which will establish standards to accomplish the policy direction outlined above; and

WHEREAS, there has been a notable increase in development throughout the Central District; and

WHEREAS, the City staff is currently in the process of completing the Central District Specific Plan which will include modifications to development standards in the Central District; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety, or welfare in that without the moratorium, applications for residential projects have been, and more can be, submitted that result in densities inconsistent with a

proposed specific plan and which could bring problems related to traffic, parking, and additional impact on the City's infrastructure. Therefore, the issuance of building permits in the Central District Specific Plan Area would result in a threat to the public health, safety, and welfare unless such development is subject to modified development standards; 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, City staff is specifically proposing the following changes:

1. Modifications to the Floor Area Ratios (FARs) and maximum densities to reduce the impacts of new development by concentrating development served most efficiently by transit; and
2. Requiring mixed-use project to include adequate open space in order to address the imbalance between new units and open space.

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 protecting the public safety, health, and welfare and is being adopted to prohibit development which may be in conflict with a contemplated specific

plan that will be considered by the Planning Commission and City Council. This ordinance will establish a moratorium for 45 days from the date of adoption of the ordinance on the issuance of building permits for any project that involves construction of ten or more dwelling units or any combination of non residential floor area and dwelling units totaling 10,000 square feet or more, in the Central District Specific Plan Area, excluding the residential area Central District Subdistricts CD-7 and CD-7A south of Cordova Blvd., east of Marengo Avenue and west of Oak Knoll Avenue, and including properties within the following zoning districts: CD-1, CD-2, CD-3, CD-4, CD-5(all subdistricts), CD-6, CD-8, CD-9, CD-10, CD-11, CD-12, CD-13, CD-13A, CD-14, CD-15, CD-16, WGSP-3 and any IG zone fronting on Arroyo Parkway between California Boulevard on the north and Glenarm Street on the south, and as more specifically 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) all exclusively nonresidential projects (i.e., with no dwelling units); (2) all rehabilitations, tenant improvements, changes of use, including residential and any project that does not add square footage over the proposed 10,000 square feet; (3) projects that are subject to a planned development; (4) projects that are subject to a Master Development Plan; or (5) projects that have submitted a development application or an application for predevelopment plan review and paid the applicable fees on or before April 19, 2004, and are consistent with the development standards and land use regulations of Title 17 and with the Land Use Element of the General Plan in effect on April 19, 2004; or (6) projects that received a discretionary approval that becomes effective on or before the date of adoption of this ordinance.”

Ordinance No. _____ shall take effect upon ~~adoption~~publication.”

SECTION 2. The provisions of this ordinance to temporarily prohibit the issuance of building permits apply to those areas commonly known as the Central District Specific Plan Area for any project that involves construction of ten or more dwelling units or any combination of non residential floor area and dwelling units totaling 10,000 square feet or more, in the Central District Specific Plan Area, excluding the residential Central District Subdistricts CD-7 and CD-7A south of Cordova Blvd., east of Marengo Avenue and west of Oak Knoll Avenue, and within the following zoning districts:

CD-1, CD-2, CD-3, CD-4, CD-5(all subdistricts), CD-6, CD-8, CD-9, CD-10, CD-11, CD-12, CD-13, CD-13A, CD-14, CD-15, CD-16, WGSP-3 and any IG zone fronting on Arroyo Parkway between California Boulevard on the north and Glenarm Street on the south, and as more specifically shown on the map titled Exhibit A attached hereto.

SECTION 3. Notwithstanding any provision of the Pasadena Municipal Code to the contrary, there shall be no issuance of a building permit in the Central District Specific Plan Area, as shown on Exhibit A, attached hereto, unless one of the following exceptions is met: (1) all exclusively nonresidential projects (i.e., with no dwelling units); (2) all rehabilitations, tenant improvements, changes of use, including residential and any project that does not add square footage over the proposed 10,000 square feet; (3) projects that are subject to a planned development; (4) projects that are subject to a Master Development Plan; or (5) projects that have submitted a development application or an application for predevelopment plan review and paid the applicable fees on or before April 19, 2004, and are consistent with the development standards and land use regulations of Title 17 and with the Land Use Element of the General Plan

in effect on April 19, 2004; or (6) projects that received a discretionary approval that becomes effective on or before the date of adoption of this ordinance.”

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 date of adoption.

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