

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: AUGUST 8, 2005

FROM: CITY ATTORNEY

SUBJECT: AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE CONSTRUCTION OF STRUCTURES THREE STORIES OR MORE IN HEIGHT IN ANY ZONE WHERE THE PROJECT WOULD ABUT AN RS – SINGLE FAMILY RESIDENTIAL ZONE

TITLE OF THE PROPOSED ORDINANCE:

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE CONSTRUCTION OF STRUCTURES THREE STORIES OR MORE IN HEIGHT IN ANY ZONE WHERE THE PROJECT WOULD ABUT AN RS – SINGLE FAMILY RESIDENTIAL ZONE

PURPOSE OF ORDINANCE:

This proposed ordinance will put in place a 45 day moratorium which would prohibit the issuance of building permits to structures of three stories or more in height when such structures will be located in any zone in the City of Pasadena where the project would abut an RS – Single Family Residential Zone.

On August 8, 2005, the City Council directed preparation of this ordinance.

REASON WHY LEGISLATION IS NEEDED:

Government Code Section 65858 authorizes the City Council to establish a moratorium by way of an ordinance.

FISCAL IMPLICATIONS:

Costs associated with this proposed ordinance are limited to staff time and can be absorbed by the department budget.

MEETING OF 8/8/2005

AGENDA ITEM NO. 9.A.(2)

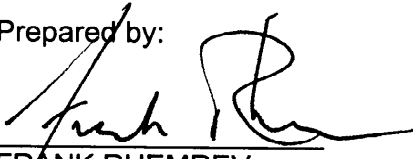
ENVIRONMENTAL IMPACT:

The Environmental Administrator has determined that this project is Statutorily Exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act, CEQA Guidelines Section 15262, Feasibility and Planning Studies.

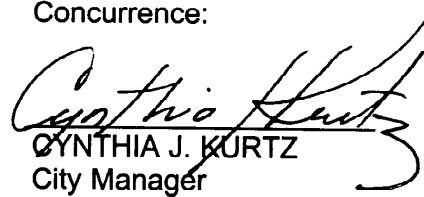
Respectfully submitted,


MICHELE BEAL BAGNERIS
City Attorney

Prepared by:


FRANK RHEMREV
Assistant City Attorney

Concurrence:


CYNTHIA J. KURTZ
City Manager

Introduced by Councilmember _____

ORDINANCE NO.

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA
TEMPORARILY PROHIBITING THE CONSTRUCTION OF STRUCTURES THREE
STORIES OR MORE IN HEIGHT IN ANY ZONE WHERE THE PROJECT WOULD
ABUT AN RS - SINGLE FAMILY RESIDENTIAL ZONE**

WHEREAS, the City of Pasadena (“City”) has adopted the Land Use Element and the Housing Element of the General Plan; and

WHEREAS, one of the stated goals of both the Land Use Element and the Housing Element of the General Plan is “to preserve the character, scale and quality of established residential neighborhoods”; and

WHEREAS, concerns regarding the impacts of height and density of large multi-family projects abutting single family properties were raised by the community after several three story projects were approved under the current regulations; and

WHEREAS, the City will review current development regulations and draft recommended amendments to ensure greater compatibility between new development and adjacent single-family neighborhoods; 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 and commercial projects that are three stories or more in height have been, and more can be, submitted that result in impacts inconsistent with the goals of the Land Use and Housing Elements of the General Plan and which could bring problems related to third stories

overshadowing backyard of residences, lack of set backs allowing new structures to encroach on the property line of residential properties, and a lack of visual transition from large scale to small scale development. Therefore, the issuance of building permits for structures that are three stories or more in height in any zone where the project would abut an RS - Single Family Residential Zone 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 the contemplated modified development standards that the City Staff is studying.

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 zoning study and amendments 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 the construction of any structure of three stories or more in any zone where the property on which the project is

located abuts an RS - Single Family Residential Zone 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.

This prohibition shall not apply to any project that has any entitlement approval pursuant to Title 17 of the Pasadena Municipal Code, including but not limited to a use permit, variance, design review approval (concept or consolidated) or certificate of appropriateness, that is still effective, prior to the effective date of the moratorium.

Ordinance No. _____ shall take effect upon publication.”

SECTION 2. The provisions of this ordinance to temporarily prohibit the issuance of building permits to structures of three stories or more in height apply to any zone in the City of Pasadena where the subject property abuts an RS - Single Family Residential Zone, as more specifically shown on the map titled Exhibit A attached hereto and incorporated herein.

SECTION 3. Notwithstanding any provision of the Pasadena Municipal Code to the contrary, there shall be no issuance of a building permit for a structure that is three stories or more in height in any zone where the property on which the project is located abuts an RS - Single Family Residential Zone as shown on Exhibit A, attached hereto, unless the project has any entitlement approval pursuant to Title 17 of the Pasadena Municipal Code, including but not limited to a use permit, variance, design review approval (concept or consolidated) or certificate of appropriateness, that is still effective, prior to the effective date 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 _____, 2005.

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 _____, 2005 by the following vote:

AYES:

NOES:

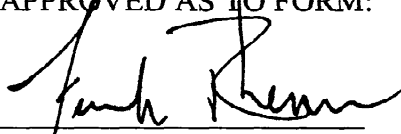
ABSENT:

ABSTAIN:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:



Frank L. Rhemrev
Assistant City Attorney