

Agenda Report

April 26, 2010

TO: Honorable Mayor and City Council

FROM: Planning and Development

SUBJECT: EXTENSION OF TIME LIMITS FOR CERTAIN LAND USE PERMITS AND ENTITLEMENTS

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15321 (Enforcement Actions by Regulatory Agencies);
2. Authorize the Director of Planning and Development to receive applications for and grant one-year extensions to planning permits and entitlements that expired between November 15, 2008 and November 15, 2009 for a sixty-day period after the effective date of the proposed Ordinance; and
3. Conduct the first reading of the Ordinance set forth on the Agenda as Item Number 15.

CITY COUNCIL COMMITTEE RECOMMENDATION:

The subject recommendation was presented in concept to the Economic Development and Technology Committee at its meeting of April 7, 2010 and was unanimously endorsed by the Committee.

BACKGROUND:

At its regular meeting of October 12, 2009 (Attachment A), the City Council conducted the second reading for Ordinance 7180, which granted the Director of Planning and Development the authority to extend the time for an approved land use permit or entitlement. Among other things, Ordinance 7180 provided for a sixty-day period after the effective date of the ordinance during which applicants with planning permits and land-use entitlements which had expired within one year before the effective date of Ordinance 7180 could submit a written request to the Director for the additional one-year extension. The effective date of Ordinance 7180 was November 14, 2009. The sixty-day window closed on January 15, 2010.

A number of developers have indicated that they were unaware of the availability of this sixty-day window, as there was no formal communication by the City. To correct this and to fulfill the intent of the City Council's action last October, staff recommends that the Council authorize, by way of an extension to the previously approved ordinance, the establishment of a new sixty-day window. As drafted this opportunity to apply for an extension would only be available to those parties that could have taken advantage of the original window. Should the City Council approve the staff recommendation, written notification will be provided to all eligible parties known to the City.

COUNCIL POLICY CONSIDERATION:

The City Council's decision will also take into consideration the City's General Plan which sets objectives and policies for the City. Specifically, Objective Five of the General Plan encourages the preservation of Pasadena's character and scale, including consideration of future developments. Furthermore, Objective 10 encourages a diverse economy that serves residents with providing jobs and providing city revenue. With this consideration the projects that have gone through the entitlement process will be allowed to continue in order to meet the character and scale of the City, while allowing the opportunity to employ personnel, resulting in more City revenue.

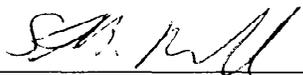
ENVIRONMENTAL ANALYSIS:

The extension of time limits for approved project is Categorically Exempt from the California Environmental Quality Act ("CEQA") pursuant to 15321 (Enforcement Actions by Regulatory Agencies). This specific exemption consists of regulatory actions including enforcement of the original permit terms. A Notice of Exemption has been prepared for adoption by the City Council. The Notice of Exemption will be filed with the Los Angeles County Clerk's Office.

FISCAL IMPACT:

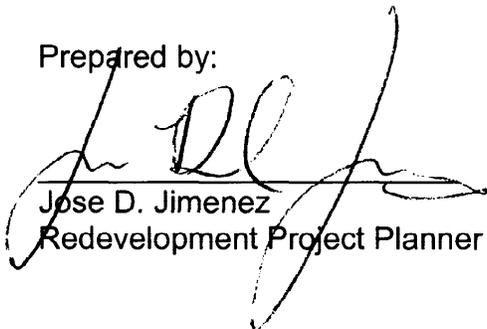
The proposed ordinance would not have a direct impact on finances to the City. However, it has the potential to result in indirect payment of fees for permits, inspection and property taxes if projects, that would otherwise be stalled or abandoned, are able to secure permits and complete construction. The extent of these potential additional revenues from fees and taxes is undetermined.

Respectfully submitted,



STEVE MERMELL
Assistant City Manager

Prepared by:



Jose D. Jimenez
Redevelopment Project Planner

Approved by:



MICHAEL J. BECK
City Manager

Attachments:

- Attachment A – Ordinance 7180
- Attachment B – Partial listing of project entitlements scheduled to expire in 2009
(updated to March 2010)

Introduced by: Councilmember Robinson

ORDINANCE NO. 7180

**AN INTERIM, UNCONDIFIED, ORDINANCE OF THE CITY OF PASADENA
AMENDING TITLE 17 (THE ZONING CODE) TO AUTHORIZE A ONE-YEAR
EXTENSION FOR CERTAIN PLANNING PERMITS AND LAND-USE
ENTITLEMENTS WITH EXPIRED TIME EXTENSIONS**

WHEREAS, The City of Pasadena Zoning Code (at §17.64.040.B) authorizes the Planning Director to approve a one-year extension of planning permits and land-use entitlements if the Director determines that the findings and conditions of the original approval still apply, and that the permittee has a good-faith, present intent to commence the proposed project; and

WHEREAS, the current economic crisis has created severe impediments to the financing of new construction, and time extensions for many projects with planning permits and land-use entitlements have now lapsed or are about to expire, because property owners are unable to proceed with construction; and

WHEREAS, time extensions for approximately 47 planning permits and land-use entitlements have now lapsed or are about to expire; and

WHEREAS, an ability to extend planning permits and land-use entitlements beyond their existing time limits could result in developers continuing to work on these projects until market conditions are more favorable for financing and leasing, and would also allow projects to comply with the regulations in place at the time of their initial

approvals, without the delay and expense of renewing entitlements to address changing regulations; and

WHEREAS, these projects, if they were to proceed, could positively impact the local economy through the employment of construction-industry personnel, the purchase of materials and supplies during construction and operation, the payment of regulatory fees and taxes, the employment and/or housing of local residents after project completion, and the avoidance of a blighted appearance and safety concerns at an abandoned or partially completed construction site; and

WHEREAS, on these bases, the City Council finds that a temporary extension of existing time limits for permit approvals will benefit the City as a whole.

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

SECTION 1. The provisions of this ordinance shall extend on an interim basis the existing time limits for permit approvals in §17.64.040.B.4 of the Municipal Code for an additional one-year extension.

SECTION 2. For a sixty-day period after the effective date of this ordinance, applicants with planning permits and land-use entitlements which have expired within one year before the effective date of the ordinance may submit a written request to the Planning Director for the additional one-year extension authorized herein.

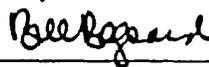
SECTION 3. The existing findings for time extensions set forth in §17.64.040.B of the Municipal Code shall apply to these requests.

SECTION 4. The interim authority of the Planning Director to extend planning permits and land-use entitlements beyond the existing time extension specified in §17.64.040.B.4 shall expire on December 31, 2010, unless specifically extended by the City Council.

SECTION 5. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 6. This ordinance shall take effect 30 days from its publication.

Signed and approved this 12th day of October, 2009.



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 12th day of October, 2009, by the following vote:

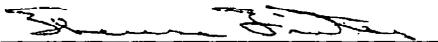
AYES: Councilmembers Haderlein, Holden, Madison, Robinson, Tornek, Vice Mayor Gordo, Mayor Bogaard
NOES: None
ABSENT: Councilmember McAustin
ABSTAIN: None

Date Published: October 15, 2009
Pasadena Journal



Mark Jomsky
City Clerk

APPROVED AS TO FORM:



Theresa E. Fuentes
Assistant City Attorney

0000071313C031

APPROVED PROJECTS NOT FULLY IMPLEMENTED
 Note - Only those projects listed on the April 2009 list are listed here.

CURRENT PLANNING							
March 2010 (Updated)							
Address	Project Description	Case Number/Type	PLN Number	Effective Date	Extension Request	Expiration Date	Bld. Permit (or Bus. Lic.) Status
3051 E. Foothill Blvd.	Ice Skating Rink	CUP#4646	PLN2005-00617	7/18/2006	7/19/2008	7/19/2009	CUP expired. Plan check expired
550 E. Colorado	Medical Office Building 112,850 sq. ft.	CUP#4537	PLN2006-00215	1/31/2006	11/14/2007	1/31/2009	Entitlements have expired. Final design expires 8/22/2010; submitted application for new CUP
311 W. Mountain St.	36,000 sq. ft Office Bldg for Public Works	CUP#4739	PLN2006-00344	9/19/2006	yes	9/19/2009	CUP expired
95 N. Arroyo Pkwy. 95 N. Arroyo Pkwy.	Pawnshop	CUP#4805 CUP#4805 (mod)	PLN2006-00588 PLN2008-00479	4/3/2006	10/3/2008	4/3/2009	CUP expired. Applicant has withdrawn application for modification of CUP as of 2/09.
300 W. Green Street	Ambassador West - 450,000 sq. ft Life Care Facility 70 Residential Condos	CUP#4653 VTM#063103 Relief Repl Bldg Permit	PLN2005-00642 PLN2006-00390 PLN2005-00582 PLN2006-00223- 00231 PLN2007-00001 PLN2006-00663	4/2/2007	4/13/2009 12/12/2009	4/2/2010 7/13/2009	Application for extension being reviewed. Design review process not completed. Repl Bldg permit approval expired.
106 W. Valley Street 134 W. Valley Street 144 W. Valley Street	Westgate Pasadena - Mixed Use urban housing project	MCUP#4703	PLN2004-00488	8/14/2006	yes	8/14/2009	Block 3 bldg permit issued & under construction; Block 2 final design approved, not submitted for plan check; Block 1 concept design approved
25 W. Walnut Ave	200 RM HOTEL/110- UNIT CONDO	CUP# 4865	PLN2006-00578 PLN2006-00650 PLN2007-00690	6/19/2007	yes	6/19/2009	Entitlements expired. No plans submitted for plan check.

DESIGN & HISTORIC PRESERVATION							
March 2010 (Updated)							
Address	Project Description	Case Number/Type	PLN Number	Effective Date	Extension Request	Expiration Date	Bld. Permit (or Bus. Lic.) Status
ALTADENA S 58	12-UNIT	CONS DESIGN	PLN2007-00206	9/21/2007	NO	9/21/2009	Approval expired. Not in plan check
ARROYO PKWY S 496	21-UNIT	FINAL DESIGN	PLN2007-00464	11/2/2007	NO	11/2/2009	Design Approval expired. AHCP expired. Plan check expired
CLAREMONT E 711	REAR ADDITION	CONS DESIGN		1/19/2007	NO	1/19/2009	CoA approval expired. Plan check expired

COLORADO E 2370	NEW DRUG STORE	Concept Design Final Design Master Sign Plan	PLN2007-00208 PLN2008-00241 PLN2008-00271	8/7/2007 3/31/2009 11/25/2008	3/21/2008	8/7/2009 3/31/2011 11/24/2010	Concept Design approval extended. Permit issued 1/27/2010
Del Mar E 175 & 177	8-Unit Mixed Use	Cons Design Major Mod	PLN2006-00606 PLN2008-00506	11/28/2006 1/09/2009	no	11/28/2008	Design approval expired. Plan check expired
EL MOLINO N 1350	4-UNIT	CONS DESIGN	PLN2007-00193	6/26/2007	NO	6/26/2009	Design approval expired. Plan check expired.
FAIR OAKS N 855	14-UNIT RESIDENTIAL	FINAL DESIGN Major Mod	PLN2007-00144	7/10/2007 7/22/2008	NO	7/10/2009	Design Approval expired. No bldg permit/not in plan check.
GREEN W 300	SUNRISE Senior Housing - 248 UNITS	CONCEPT DESIGN	PLN2007-00281	9/7/2007	6/24/2008 12/21/2009	9/7/2009	1st extension approved. Application for 2nd extension pending. No bldg permit/not in plan check
LAKE N 580	2 STORY BLDG IN REAR	CONS DESIGN	PLN2006-00499	10/24/2006	8/25/2008	10/25/2009	CoA expired. Plan check expired.
LOCUST 1588	3-UNIT	CONS DESIGN	PLN2006-00636	2/16/2007	NO	2/16/2009	Design approval expired. Not in plan check.
LOS ROBLES N 550	8-UNIT	CONS DESIGN	PLN2007-00069	10/23/2007	NO	10/23/2009	Design approval expired. No plan check.
MICHIGAN N 277	8-UNIT	CONS DESIGN	PLN2006-00539	1/30/2007	NO	1/30/2009	Design approval expired. No plan check.
MOUNTAIN E 1653	TWO-STORY ADDN	CONS DESIGN	PLN2007-00012	4/6/2007	NONE	4/6/2009	CoA expired. Plan check expired.
OAK KNOLL N 173	3-STORY, 5000 SF ADDITION	CONS DESIGN	PLN2006-00537	2/14/2007	NO	2/14/2009	BUILDING PERMIT ISSUED
OAK KNOLL N 175	MIXED-USE	RELIEF REPLACEMENT	PLN2008-00142	3/28/2008	NO	8/20/2008	BUILDING PERMIT ISSUED
OAK KNOLL N 175		CONS DESIGN	PLN2006--00537	2/14/2007	NONE	2/14/2009	BUILDING PERMIT ISSUED
OAK KNOLL N 175		RELIEF REPLACEMENT	PLN2008-00142	3/28/2008	NONE	8/20/2008	BUILDING PERMIT ISSUED
ORANGE GROVE E 1114	5-UNIT	CONS DESIGN	PLN2006-00689	7/24/2007	NO	7/24/2009	Design approval expired. Plan check expired.
PARKE 270	4-UNIT	CONS DESIGN	PLN2006-00304	3/30/2007	NO	3/30/2009	Design approval expired. Plan check expired.
RAYMOND S 686 - 700	MED. OFFICE	Final Design	PLN2006-00583 PLN2008-00498	11/3/2006	10/6/2008	11/3/2009	Design approval expired. No plan check.
SIERRA BONITA N 167	6-UNIT	CONS DESIGN	PLN2006-00372	1/17/2007	NO	1/17/2009	Design approval expired. No plan check.
WALNUT W 25	200 RM HOTEL/110- UNIT CONDO	CONCEPT DESIGN Relief from Replacement Permit	PLN2006-00690 PLN2007-00284	10/5/2007 7/24/2007	YES	10/5/2009	Approvals expired. No FDR. Not in plan check.
WILSON N 57	6-UNIT	CONS DESIGN	PLN2007-00182	7/14/2007	NO	7/14/2009	Design approval expired. No plan check.
WORCESTER 1080	REAR ADD & GARG App.	Certificate of App.	PLN2007-00066	4/17/2007	NONE	4/17/2009	CoA expired. Plan check expired.