

Agenda Report

TO: CITY COUNCIL

DATE: April 26, 2010

FROM: CITY ATTORNEY

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

TITLE OF PROPOSED ORDINANCE

AN EXTENSION OF INTERIM, UNCODIFIED ORDINANCE NO. 7180 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

PURPOSE OF ORDINANCE

This ordinance extends the authority given to the Director of Planning and Development by Ordinance No. 7180 to extend the effective date for an approved land use permit or entitlement for those entitlements that expired between November 15, 2008 and November 15, 2009.

REASON WHY LEGISLATION IS NEEDED

The economic crisis which originally created severe impediments to the financing of new construction at the time that Ordinance No. 7180 was adopted continues to hamper completion of projects whose entitlements lapsed between November 15, 2008 and November 15, 2009 because property owners are unable to proceed with construction. As well, certain project applicants were not aware that they could have taken advantage of the time extension offered by Ordinance No. 7180. This ordinance would extend the time in which the Director could give such projects additional time to seek financing or get through the current economic conditions without concern over the time limits running on their land use approvals. As a result, these projects could have a positive impact on the local economy through the employment of construction industry personnel, the purchase of materials and supplies, and the payment of regulatory fees and taxes.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department will implement the proposed ordinance.

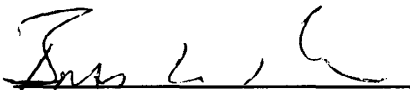
FISCAL IMPACT

The proposed ordinance would not have a direct fiscal impact on the City, but may have 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.

ENVIRONMENTAL DETERMINATION

The extension of Ordinance No. 7180 is exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(9) and State CEQA Guidelines Section 15321 (Enforcement Actions by Regulatory Agencies).

Respectfully submitted,



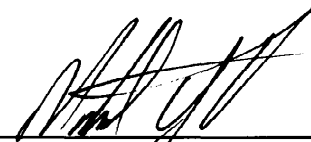
Michele Beal Bagneris
City Attorney

Prepared by:



Theresa E. Fuentes
Assistant City Attorney

Concurred by:



Michael J. Beck
City Manager

Introduced by: _____

ORDINANCE NO. _____

AN EXTENSION OF INTERIM, UNCONDIFIED ORDINANCE NO. 7180 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, On October 12, 2009, the City Council of the City of Pasadena adopted Ordinance No. 7180 which granted the Director of Planning and Development the authority to extend the effective dates for certain approved land use permits or entitlements; and

WHEREAS, the economic crisis which originally created severe impediments to the financing of new construction at the time that Ordinance No. 7180 was adopted continues to hamper completion of projects whose entitlements lapsed between November 15, 2008 and November 15, 2009 because property owners are unable to proceed with construction; and/or certain project applicants were not aware that they could have taken advantage of the time extension offered by Ordinance No. 7180; and

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, time extensions for approximately 31 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 as set forth below.

SECTION 2. For a sixty-day period after the effective date of this ordinance, applicants with planning permits and land-use entitlements which expired between November 15, 2008 and November 15, 2009 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 _____ day of _____, 2010.

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 _____ day of _____, 2010, by the following vote:

AYES:

NOES:

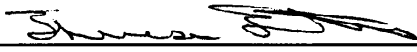
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

APPROVED AS TO FORM:



Theresa E. Fuentes
Assistant City Attorney

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