

Agenda Report

February 23, 2015

TO: Honorable Mayor and City Council
FROM: Planning & Community Development Department
SUBJECT: **CONSIDERATION OF AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY LIMITING DEMOLITION AND CONSTRUCTION IN THE LOWER HASTINGS RANCH NEIGHBORHOOD, AND OPTIONS FOR INTERIM URGENCY ORDINANCES TO PROTECT OTHER NON-HILLSIDE AND NON-HISTORIC PROPERTIES ZONED SINGLE-FAMILY RESIDENTIAL, INCLUDING PROPERTIES ALONG GLEN SUMMER ROAD**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed interim ordinance is exempt from the California Environmental Quality Act (CEQA Guidelines Sections 15061(b)(3) and 15262 because the interim ordinance does not have the potential for causing a significant effect on the environment and because the project involves only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities;
2. Find that the proposed moratorium is consistent with the objectives and policies of the General Plan;
3. Find that there is a current and immediate threat to public health, safety and welfare pursuant to the standards and policies set forth in the General Plan in that the proposed interim ordinance is necessary to preserve the established and potentially historic neighborhood character of the Neighborhood Overlay District, and that there has been a change in circumstances since the adoption of interim urgency Ordinance #6380 in that the homes in the Neighborhood Overlay District not only contribute to a consistent neighborhood character but may also be eligible for designation for historic significance;
4. Adopt an interim urgency ordinance for the Lower Hastings Ranch Neighborhood temporarily prohibiting the following: demolition of more than 50 percent of exterior

walls of a structure; second-story development or second-story additions of any size; a single-story addition to a dwelling unit that increases the gross floor area by more than 500 square feet or 20 percent of the existing floor area of the primary structure including an attached garage, whichever is greater, and a single-story detached accessory structure that constitutes more than 20 percent of the primary structure's gross floor area including an attached garage.

EXECUTIVE SUMMARY:

The City is conducting a neighborhood compatibility code revision study to encourage development in single-family neighborhoods to be compatible in scale and character with neighboring properties. Planning staff worked with Planning Commission to develop a strategy to divide the City's single-family residential (RS) designated parcels into three study areas. On January 26, 2015, the City Council directed staff to prepare a moratorium for the City Council's consideration to temporarily limit development in the Lower Hastings Ranch neighborhood and to study the feasibility of taking similar action for non-hillside and non-historic properties, including properties along Glen Summer Road.

BACKGROUND:

The City of Pasadena's neighborhood character is a tremendous community resource and can be diminished each time a dwelling unit is constructed out of character and scale with the other homes in the neighborhood; therefore, the City is conducting a code revision study to encourage development in single-family neighborhoods to be compatible with neighboring properties. Staff worked with the Planning Commission and devised a strategy to divide the code revision efforts into three phases: Lower Hastings Ranch (Phase 1) estimated to be completed at the end of Summer 2015; Non-Hillside and Non-Historic Properties (Phase 2) estimated to be completed in late Fall 2015; and Hillside Properties (Phase 3) estimated to be completed in Summer 2016. The exact timing will depend upon the issues that arise during discussions with the various neighborhoods and the complexities of the new regulations that are formulated.

As part of Phase 1, the City is studying a variety of options for permanent regulations to encourage development to be consistent with the existing single-story ranch style homes in the Lower Hastings Ranch neighborhood, including establishing a Historic Landmark District or revisions to development standards to control massing, bulk, setbacks and design. Staff conducted a neighborhood meeting in the Lower Hastings Ranch neighborhood on December 18, 2014. At that meeting, residents discussed the need to change the existing development standards to be more reflective of the manner in which the neighborhood had been developed and maintained over the years and also expressed concerns that some homes in the neighborhood were under immediate threat of demolition and that the new replacement homes would be out of scale and character with the existing neighborhood. Because of this potential threat, the residents stated a desire for the City Council to implement a moratorium on new development

while permanent development regulations are being prepared. On January 26, 2015, staff presented an update on the code revision efforts to the City Council, including the desire of the residents at the neighborhood meeting to establish a moratorium. At the City Council meeting, the Lower Hastings Ranch moratorium issue was discussed and additionally, residents on Glen Summer Road raised concerns about adverse impacts to neighborhood character resulting from a recent event where a home was partially demolished and a new addition was built that was out of character and scale with the surrounding homes. The City Council also raised the issue of recently demolished and reconstructed homes in the RS zones outside of Lower Hastings Ranch and Glen Summer Road that were out of scale with their neighborhoods and the concern that this could be a trend in the future. At the conclusion of the meeting, the City Council directed staff to prepare a moratorium ordinance for the City Council's consideration to temporarily limit development in the Lower Hastings Ranch neighborhood and to study the feasibility of taking similar action for non-hillside and non-historic properties, including properties along Glen Summer Road, while the code revision study is being conducted and permanent regulations are being developed.

STATE LAW AND MORATORIA HISTORY:

Pursuant to California Government Code Section 65858, the City Council may, in order to protect public safety, health, and welfare, adopt an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. Legislative findings are required to be made that there is a current and immediate threat to the public health, safety, and welfare. A four-fifths vote of the body is necessary and the interim ordinance may be in effect for 45 days. The legislative body may, after proper notice and public hearing, extend an interim ordinance for a 10 month and 15 day period, and extend again with proper notice and a public hearing for another one year period, with a four-fifths vote, for a total period of two years, if additional findings are made. The findings are related to specific, adverse impacts on health and safety, the necessity of the moratorium, and the absence of a feasible alternative.

Additionally, State law requires that when an interim ordinance has been adopted, every subsequent ordinance adopted covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first interim ordinance or any extension of the ordinance. However, State law also provides that the City Council may adopt another interim ordinance "provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance." Therefore, only one moratorium on the same issue can be adopted affecting the same property, at any time in the City's history, unless the Council can find that a new event, occurrence or set of circumstances requires a moratorium to protect the public safety, health, and welfare.

Planning staff has conducted research of the City's past moratorium ordinances. In 1990, the City Council adopted Ordinance #6380, "An Ordinance for the City of Pasadena Placing a Moratorium on the Issuance of Building Permits for Single Family Residences in Specified Single Family Residential Districts Pending the Completion of a Zoning Study to Address the Mansionization Phenomenon," which was applicable to most RS designated parcels, including the Lower Hastings Ranch area (Attachment A), non-hillside and non-historic RS properties (Attachment B), and properties along Glen Summer Road (Attachment C). In order for the City to adopt another interim urgency ordinance to address issues related to mansionization or other neighborhood character concerns, findings would have to be made that the interim ordinance is required to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance.

ANALYSIS

Lower Hastings Ranch (Neighborhood Overlay District):

Based on the restrictions of State law, a moratorium in the Lower Hastings Ranch neighborhood may be possible. At the time Ordinance #6380 was adopted in 1990, none of the residences within the Lower Hastings Ranch were more than 50 years old. Since then, the majority of homes in the Lower Hastings Ranch neighborhood have crossed the 50 year age threshold, which is used by the National Register of Historic Places Program as a criterion to evaluate a property's eligibility for historic status. Therefore, historic significance was not a factor during consideration of the 1990 moratorium. This represents a change in circumstances from the 1990 moratorium and staff believes that the City is able to adopt another interim ordinance in the same area in order to temporarily limit demolition and construction in the Lower Hastings Ranch neighborhood. An interim ordinance for Lower Hastings Ranch has been prepared for the City Council's consideration for first reading this evening.

Purpose. The purpose of the moratorium is to preserve the potential historic character of the Lower Hastings Ranch neighborhood. There is currently a Neighborhood Overlay District covering the entirety of the Lower Hastings Ranch Neighborhood. The Neighborhood Overlay District was established in 1991 and is comprised of 596 parcels. The homes in the Lower Hastings Ranch neighborhood are mostly single-story, ranch-style homes constructed in the 1940's and early 1950's.

Applicability. The proposed moratorium would prohibit:

- Demolition of more than 50 percent of the exterior walls of a structure
- Second-story development or second-story additions of any size

- A single-story addition to a dwelling unit that increases the gross floor area by more than 500 square feet or 20 percent of the existing floor area of the primary structure, including an attached garage, whichever is greater
- A single-story detached accessory structure that constitutes more than 20 percent of the primary structure's gross floor area, including an attached garage

Exceptions. The following construction would be exempt from the moratorium:

- Additions of any size that are not visible from a public road
- Development projects that have been issued a building permit as of the effective date of the proposed moratorium

These applicability criteria were developed using current thresholds in the Pasadena Zoning Code to determine when a Hillside Development Permit is required, in conjunction with comments received from the Lower Hastings Ranch residents at a neighborhood meeting in December 2014.

Processing. During the period of the moratorium, the Planning and Community Development Department would not accept any applications for development projects that meet the standards identified in the moratorium. Building permits and other trade permits for projects not subject to the criteria identified in the moratorium would continue to be accepted and processed. The moratorium would apply to any project that meets the applicability criteria listed above and where a building permit has not been issued upon the effective date of the interim urgency ordinance (upon publication after the second reading).

Duration. The moratorium would last a minimum of 45-days or the length of time required to develop new regulations, but would be in effect for no more than two years pursuant to California Government Code Section 65858. New regulations are anticipated to be complete by end of Summer 2015. Pursuant to State law, the City Council may extend an interim ordinance for a 10-month and 15-day period after proper notice and public hearing, and extend it again for another one year period after proper notice and a public hearing, with a four-fifths vote, for a total period of two years, if certain additional findings are made, as described in more detail above.

Non-Hillside and Non-Historic Properties:

The neighborhood compatibility code revision will review development standards applicable to non-historic properties outside of the Hillside Overlay District (Phase 2). As discussed previously, a moratorium was adopted in 1990 to allow the City sufficient time to develop new regulations related to mansionization. In order for the City to adopt a subsequent moratorium to address similar issues, the City would have to find that a different event, occurrence or set of circumstances requires a subsequent moratorium to protect the public safety, health, and welfare. There are approximately 11,546 parcels that are located outside of the Hillside Overlay District and not designated

historic; this constitutes more than half of all RS designated properties within the City. These parcels are distributed throughout the City, and vary in parcel size, topography, neighborhood character, architectural styles and structure size. The age of the homes in this study area differs greatly and some homes may have been more than 50 years old when the 1990 moratorium was adopted; therefore, historic significance eligibility cannot be considered a changed circumstance (unlike Lower Hastings Ranch). For this reason, non-hillside and non-historic properties are not included in the proposed moratorium.

Glen Summer Road:

During staff's discussions with the residents on Glen Summer who were concerned about the construction of an out of scale home on their street, the residents expressed a desire to learn more about a potential Historic Landmark District. Planning staff has conducted a preliminary visual analysis of the residences along a portion of Glen Summer Road in between Melrose Avenue and Nithsdale Road and determined that most of the homes in this portion of Glen Summer Road are constructed in the period revival era prior to 1939 and appear to be eligible for designation as a Historic Landmark District. The process to designate a Historic Landmark District starts with proponents engaging the City to discuss designation and boundaries, followed by a neighborhood meeting to allow all affected property owners to understand the process, effects on their property and development rights should their properties be included in a Historic Landmark District. If a minimum of 51 percent of affected property owners support the landmark designation, proponents could submit a landmark designation application to be reviewed by the Historic Preservation Commission. After a recommendation from Historic Preservation Commission, interim protection becomes effective, requiring projects that include (1) demolition or relocation of a structure, (2) changes that are visible from the public street, (3) or height greater than that of the existing building if visible from the street be reviewed through the Certificate of Appropriateness process.

The interim provisions, however, would only apply to contributing properties and structures. If a more stringent prohibition such as a moratorium is desired, a change in circumstance must be articulated since a moratorium affecting the Glen Summer Road properties was previously adopted in the 1990 to address issues related to mansionization. At present, staff has not identified a change in circumstance that would allow for adoption of an additional moratorium to address mansionization issues in the Glen Summers neighborhood.

Planning staff has been working with several Glen Summer Road residents to organize a neighborhood meeting to discuss the possibility of designating the portion of Glen Summer Road between Melrose Avenue and Nithsdale Road as a Historic Landmark District. The neighborhood meeting is scheduled for February 19, 2015 at the San Rafael Library. The entire designation process is anticipated to take a year but interim protection could be effective in approximately three months.

GENERAL PLAN OBJECTIVES AND POLICIES:

The proposed moratorium is consistent with the General Plan Land Use policies. The Land Use Element of the City's adopted General Plan provides principles, policies and objectives to improve the physical environment in the City and protect neighborhoods from incompatible development. In particular, Guiding Principle No. 2 of the Land Use Element of the General Plan states in part that, "...development must be accomplished in a fashion that enhances and blends with Pasadena's existing qualities, both physical and social," and that, "Development should respect existing social fabric as well as the natural and built environment."

Additionally, OBJECTIVE 5 "CHARACTER AND SCALE OF PASADENA: Preservation of Pasadena's character and scale, including its traditional urban design form and historic character, shall be given highest priority in the consideration of future development" and OBJECTIVE 7 – "RESIDENTIAL NEIGHBORHOODS: Preserve the character and scale of Pasadena's established residential neighborhoods" further supports the implementation of the proposed moratorium for Lower Hastings Ranch neighborhood.

ENVIRONMENTAL ANALYSIS:

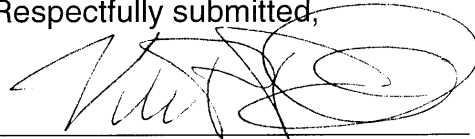
The proposed moratorium would impose greater limitations on development in the City and protect the historic character of the Neighborhood Overlay District in Pasadena, thereby serving to avoid potential significant adverse environmental impacts. The proposed moratorium does not have the potential for causing a significant effect on the environment. The adoption of this ordinance is therefore exempt from CEQA review pursuant to Title 14, Sections 15061(b)(3) (the General Rule). In addition, the proposed ordinance is statutorily exempt from CEQA pursuant to Section 15262 of the State CEQA Guidelines as feasibility or planning study for possible future actions which the City has not approved, adopted, or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities.

Any proposed changes to the Zoning Code will require separate environmental review at the time they are presented to the City Council.

FISCAL IMPACT:

The proposed moratorium would impact the collection of buildings permit fees and development impact fees. The amount of loss or delayed revenues cannot be determined at this time.

Respectfully submitted,



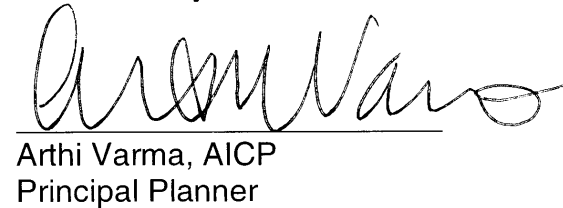
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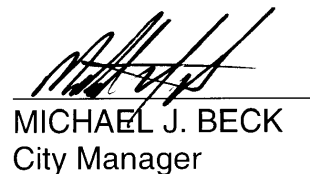
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MICHAEL J. BECK
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Attachments: (3)

Attachment A – Proposed Lower Hastings Ranch Moratorium Area
Attachment B – Non-Hillside, Non-Historic RS Properties
Attachment C – Glen Summer Road Historic District Tentative Boundaries