



Agenda Report

December 9, 2019

TO: Honorable Mayor and City Council
FROM: Planning & Community Development Department
SUBJECT: **EXTENSION OF URGENCY ORDINANCE NO. 7354 OF THE CITY OF PASADENA TEMPORARILY PROHIBITING DEMOLITION AND "MAJOR PROJECTS" AFFECTING ELIGIBLE, UNDESIGNATED HISTORIC RESOURCES**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that, on November 18, 2019, the Council found the proposed interim ordinance 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, and no further environmental review is necessary for this extension of the same ordinance;
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 extension is necessary to preserve eligible, undesignated historic resources;
4. Adopt an urgency ordinance extending Ordinance No. 7354 to November 3, 2020.

BACKGROUND:

At the November 25, 2019 City Council Meeting, the Council adopted Ordinance No. 7354 which imposed a moratorium temporarily prohibiting demolition and "major projects" affecting eligible, undesignated historic resources. The adopted interim urgency ordinance became effective on November 28, 2019, is effective for 45 days and is set to expire on January 12, 2020. Tonight's request before the City Council is to

extend the interim urgency ordinance for an additional 10 months and 15 days, setting the new expiration date to November 3, 2020.

DISCUSSION:

The City is undergoing a process to update its Historic Preservation Ordinance to address inconsistencies between the current ordinance, General Plan goals and policies, current best practices in historic preservation and the California Environmental Quality Act (CEQA). On November 25, 2019, the City Council voted to adopt a 45-day interim urgency ordinance. This ordinance places a temporary moratorium on demolition and "major projects" affecting eligible, undesignated historic resources while staff is preparing permanent regulations to address the identified inconsistencies. The requested extension of this interim urgency ordinance provides an opportunity to continue studying the necessary ordinance amendments and develop revised regulations with public input.

PROPOSED REGULATORY REVISIONS

Planning staff has conducted a study session with the Historic Preservation Commission and received support from the Commission regarding the proposed ordinance amendments, which include establishment of a procedure for evaluating properties for potential historical significance and designation eligibility, allowing for disapproval of applications for demolition and "major projects" affecting eligible, undesignated historic resources (thereby ensuring that such reviews are subject to CEQA), and allowing Variances for Historic Resources to be processed for eligible, undesignated historic resources. Staff is currently developing a public outreach program and scheduling public hearings before the Historic Preservation Commission and Planning Commission for the first quarter of 2020.

Any new regulations and corresponding changes to the Zoning Code will require separate environmental review and must be presented to the Historic Preservation Commission and Planning Commission for a formal recommendation prior to consideration by the City Council. This entire work effort is anticipated to take several months and should be completed by the end of spring 2020. Pursuant to State Law, the interim urgency ordinance extension request is for 10 months and 15 days and would allow staff sufficient time to develop revised regulations, conduct additional public outreach, prepare the required environmental analysis and present the revised regulations to the required City Commissions and the City Council. The interim urgency ordinance will be repealed once permanent regulations are adopted.

STATE REGULATIONS:

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.

ENVIRONMENTAL ANALYSIS:

On November 19, 2019, the Council found that the urgency ordinance 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 potentially significant adverse environmental impacts. The Council found that the urgency ordinance does not have the potential for causing a significant effect on the environment, and was therefore exempt from CEQA review pursuant to Title 14, Sections 15061(b)(3) (the General Rule). In addition, Council found that the urgency 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. This proposed extension does not have any new or different potential environmental effects than the original urgency ordinance, therefore no further environmental review is required.

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

FISCAL IMPACT:

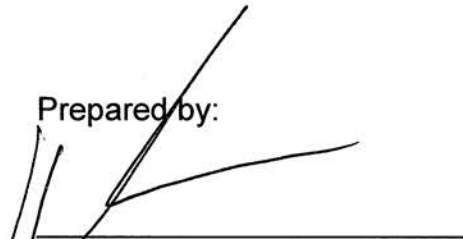
There is no significant fiscal impact associated with the adoption of the interim urgency ordinance.

Respectfully submitted,



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