

Agenda Report

October 19, 2020

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; and
4. Adopt an urgency ordinance extending Ordinance No. 7354 to October 29, 2021 or until amendments to the Historic Preservation Ordinance are adopted, whichever occurs first.

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, was effective for 45 days, was extended for an additional 10 months and 15 days, and is set to expire on November 3, 2020. Tonight's request before the City Council is to extend the interim urgency ordinance for an additional one year period, setting the new expiration date to October 29, 2021. Staff further recommends that the urgency ordinance expire upon the effective date of Historic Preservation Ordinance amendments that are currently being reviewed, as that will likely occur well in advance of this date.

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 placed 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 public webinar as well as public hearings before the Historic Preservation Commission and Planning Commission regarding 25 proposed ordinance amendments and expects to conduct the final public hearing before the City Council in November. The corresponding permanent ordinance will then be drafted and presented to the City Council for first and second readings, adoption and publishing and would become effective 30 days after publishing. It is anticipated that the ordinance would become effective in January 2021. Pursuant to State Law, the interim urgency ordinance extension request is for one additional year and would allow staff sufficient time to complete the process of developing revised regulations. Staff recommends that the interim urgency ordinance expire once permanent regulations become effective.

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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