

Introduced by _____

ORDINANCE NO _____

AN EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING DEMOLITION AND “MAJOR PROJECTS” AFFECTING ELIGIBLE, UNDESIGNATED HISTORIC RESOURCES

WHEREAS, the City of Pasadena (“City”) has adopted the Land use Element of the General Plan; and

WHEREAS, the Land Use Element sets forth policies and goals toward the preservation of historic resources; specifically:

- “GUIDING PRINCIPLE 2: Pasadena’s historic resources will be preserved. Citywide, new development will be in harmony with and enhance Pasadena’s unique character and sense of place. New construction that could affect the integrity of historic resources will be compatible with, and differentiated from, the existing resource;”
- “GOAL 8: HISTORIC PRESERVATION. Preservation and enhancement of Pasadena’s cultural and historic buildings, landscapes, streets and districts as valued assets and important representations of its past and a source of community identity, and social, ecological, and economic vitality;”
- “POLICY 8.1: IDENTIFY AND PROTECT HISTORIC RESOURCES. Identify and protect historic resources that represent significant examples of the City’s history;”
- “POLICY 8.7: PRESERVATION OF HISTORIC LANDSCAPES. Identify, protect and maintain cultural and natural resources associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values;” and

- “POLICY 8.8: EVOLVING PRESERVATION PRACTICES.
Continue to implement practices for historic preservation consistent with community values and conformance with Secretary of the Interior’s Standards for the Treatment of Historic Properties, California Historical Building Code, State laws, and best practices;”
and

WEREAS, the California Environmental Quality Act does not currently apply to non-discretionary (ministerial) applications for demolition or major alteration of eligible, undesignated historic resources, yet for discretionary applications, CEQA would treat both designated and eligible, undesignated historic resources the same with regard to analysis of impacts on historical resources; and

WHEREAS, the Planning Department has reviewed existing procedures for demolition and “major projects” that alter eligible, undesignated historic resources and has started analyzing potential code revisions to address inconsistencies among the Zoning Code, the General Plan Land Use Element, current best practices in historic preservation, and the California Environmental Quality Act; and

WHEREAS, further regulation of demolition or major alterations to eligible, undesignated historic resources may be necessary to prevent adverse impacts to such resources; however, City staff needs adequate time to study the matter and complete the public hearing process for potential code revisions; and

WHEREAS, without holding a public hearing and as authorized by California Government Code Section 65858, on November 18, 2019, the City Council considered, made findings in support of, and conducted first reading of an Interim Urgency Ordinance Temporarily Prohibiting Demolition and “Major Projects” Affecting Eligible Undesignated Resources, and conducted second reading of said ordinance on November 25, 2019; and

WHEREAS, at a public hearing on December 9, 2019, the City Council considered, made findings in support of, and conducted first reading of an Extension of Interim Urgency Ordinance 7354 Temporarily Prohibiting Demolition and "Major Projects" Affecting Eligible Undesignated Resources, and conducted second reading of said ordinance on December 16, 2019; and

WHEREAS, on this date of October 19, 2020, the City Council held a duly noticed public hearing to consider an extension of said ordinance, and continues to find that the City of Pasadena's historic character is a tremendous community resource and can be diminished each time a historic resource is demolished or remodeled; and there is a current and immediate threat to public health, safety and welfare because without the moratorium, demolition and major alteration of eligible, undesignated historic resources may continue to occur; and

WHEREAS, pursuant to California Government Code Section 65858, and in order to protect the public health, safety and welfare, the City Council may adopt as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan or zoning proposal that the City intends to study within a reasonable time.

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

SECTION 1. This ordinance, due to its length and the corresponding cost of publication, will be published by title and summary as permitted by Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

"SUMMARY

Ordinance No. ____ extends until October 29, 2021 a temporary prohibition on demolition and "major projects" affecting eligible, undesignated historic resources (with a few exceptions) in order to preserve eligible, undesignated historic resources during an interim period while staff analyzes potential code revisions to address inconsistencies among the Zoning Code, the

General Plan Land Use Element, current best practices in historic preservation, and the California Environmental Quality Act. Proposed permanent new regulations regarding demolition and major alteration of these resources will be reviewed through a public comment process prior to presentation to the City Council for codification.

Ordinance No. _____ shall take effect upon publication.”

SECTION 2. This ordinance extends, for one year (until October 29, 2021), the temporary prohibition of demolition or “major projects” as defined in the Zoning Code, affecting eligible, undesignated historic resources. The City will take into consideration the goals and policies established in the City’s Land Use Element and Zoning Code, to determine the extent to which the City can further regulate demolition and major projects affecting eligible, undesignated historic resources.

SECTION 3. This ordinance shall not apply to the following types of projects:

- a. Front yard fences in eligible landmark or historic districts;
- b. New construction on non-contributing or vacant properties in eligible landmark or historic districts;
- c. Demolition of non-contributing structures in eligible landmark or historic districts;
- d. Development projects that have been issued a demolition or building permit prior to the effective date of the proposed moratorium;
- e. Development projects involving eligible, undesignated historic resources approved through a Conditional Use Permit, Variance, Hillside Development Permit, Design Review or other similar discretionary entitlement that is subject to CEQA; and
- f. Development projects that have been granted approval of a Certificate of Appropriateness without a delay period.

SECTION 4. Unless extended pursuant to California Government Code Section 65858, the provisions of this ordinance shall expire at the end of the one year (October 29, 2021) period following its date of adoption.

SECTION 5. This ordinance is additional to and supplemental to, and shall not affect, except as specifically provided herein, any provision of the Pasadena Municipal Code, which shall be operative and remain in full force and effect without limitation with respect to all such land uses.

SECTION 6. The City Council hereby declares that, should any section, paragraph, sentence, phrase, term or word of this ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared invalid.

SECTION 7. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 8. This ordinance shall take effect upon publication, and shall remain in effect for a period of one year from the date of adoption, in accordance with California Government Code Section 65858, or until an ordinance adopting permanent new regulations regarding demolition and major alteration of historic resources becomes effective, whichever comes first.

Signed and approved this _____ day of _____, 2020.

Terry Tornek
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 this _____ day of _____, 2020, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

APPROVED AS TO FORM:



Theresa E. Fuentes
Assistant City Attorney