

Agenda Report

January 10, 2022

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: EXTENSION OF URGENCY ORDINANCE NO. 7384 OF THE CITY OF PASADENA PERTAINING TO CONSTRUCTION OF MULTIPLE DWELLINGS ON SINGLE-FAMILY ZONED PARCELS PURSUANT TO SENATE BILL 9

RECOMMENDATION:

It is recommended that the City Council:

1. **Find** that the Municipal Code Amendments are exempt from environmental review pursuant to provisions in Senate Bill 9 which explicitly state that an ordinance adopted by a local agency to implement provisions of SB 9 shall not be considered a project under Division 13 of the Public Resources Code (PRC) and State CEQA Guidelines Sections 15378 (not a project), 15301 (existing facilities) and 15303 (new construction/conversion of small structures); and
2. **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 allow the development of duplexes and urban lot splits on single-family (RS) zoned parcels, subject to objective development standards that are consistent with State law, in order to preserve the established character of such zones and allow sufficient time for staff to analyze impacts of additional density in areas that were not studied for such development under the General Plan and develop appropriate permanent regulations for such development; and
3. **Adopt** an urgency ordinance extending Ordinance No. 7384 to December 11, 2022.

BACKGROUND:

At the December 6, 2021 City Council Meeting, the Council reviewed and conducted first reading of Ordinance No. 7384, which became effective on December 13, 2021. The adopted interim ordinance is effective for 45 days and set to expire on January 27th, 2022. 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 December 11, 2022.

DISCUSSION:

The City is undergoing a process to establish appropriate, objective development standards for the development of duplex units in RS zones. Pursuant to the provisions of Senate Bill 9, staff prepared an urgency ordinance to establish interim development standards for projects involving more than one unit on RS-zoned properties in advance of developing permanent development standards, which was adopted by the City Council in December 2021. The adopted Interim development standards include provisions that are consistent with state law such as:

- Allowing a maximum of 4 units on any given site;
- Landscaping requirements to ensure sufficient open space including the retention of existing trees on-site or planting of new trees; and
- A prohibition on short-term rental of duplex units developed under the provisions of SB 9.

The subsequent ordinance to establish permanent regulations will evaluate additional requirements including revised objective design standards and an affordability requirement.

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 urgency 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. 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 10 months and 15 days and extend again for another one year period, for a total period of two years. Any extension shall also require a four-fifths vote for adoption; not more than two extensions may be adopted.

ENVIRONMENTAL ANALYSIS:

Senate Bill 9 includes a provision explicitly stating that an ordinance adopted by a local agency to implement provisions of SB 9 shall not be considered a project under Division 13 of the Public Resources Code (PRC). The proposed ordinance is also exempt from environmental review pursuant to State CEQA Guidelines Sections 15378 (not a project), 15301 (existing facilities), and 15303 (new construction/conversion of small structures). Section 15378 defines what constitutes a "project" under CEQA. The State Legislature intended that ordinances such as the one proposed here, adopted in order

to implement state law, would not constitute a "project". Further, Section 15301 exempts from environmental review the addition of up to 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the City's General Plan and the area in which the project is located is not environmentally sensitive. All of Pasadena's single-family residential areas meet these two criteria, and it is anticipated that each project undertaken pursuant to SB 9 will not add more than 10,000 square feet of new development. Finally, Section 15303 (new construction/conversion) exempts from review the construction of up to six new residential structures in urbanized areas. Under the proposed ordinance, the maximum number of new residential structures that could be constructed pursuant to a lot split combined with new construction is less than six.

The proposed extension of the adopted urgency ordinance does not have any new or different potential environmental effects than the original urgency ordinance, therefore no further environmental review is required.

FISCAL IMPACT:

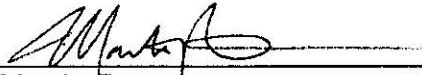
There is no significant fiscal impact associated with adoption of the interim urgency ordinance.

Respectfully submitted,



DAVID M. REYES
Director of Planning & Community
Development Department

Prepared by:



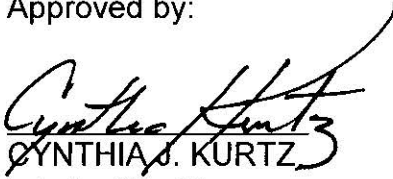
Martin Potter
Planner

Reviewed by:



David Sanchez
Principal Planner

Approved by:



CYNTHIA J. KURTZ
Interim City Manager