



# Agenda Report

February 24, 2025

**TO:** Honorable Mayor and City Council

**FROM:** Planning & Community Development Department

**SUBJECT:** **CONSIDERATION OF A TEMPORARY SUSPENSION/ MODIFICATION OF ZONING DEVELOPMENT STANDARDS AND PROCESSES FOR REBUILDING STRUCTURES DAMAGED DUE TO THE EATON FIRE AND TEMPORARY EXTENSION OF CERTAIN LAND USE RELATED DEADLINES FOR ENTITLEMENTS AND PERMITS GRANTED IN COMPLIANCE WITH TITLE 17 (ZONING CODE), TITLE 16 (SUBDIVISIONS) AND TITLE 14 (BUILDINGS AND CONSTRUCTION)**

**RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the action proposed herein, to facilitate the rebuilding of structures destroyed by the Eaton Fire, is not subject to the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(3) and Executive Order N-20-25, related to projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and find that the action to extend land use related deadlines for entitlements and permits is exempt from CEQA pursuant to California Public Resources Code Section 15061(b)(3)(Common Sense Exemption);
2. Direct the City Attorney to prepare an Interim Uncodified Ordinance that there is a current and immediate threat to the public health, safety, or welfare from the Eaton Fire, which resulted in the destruction of structures and displacement of residents, and that current zoning code requirements on the rebuild would exacerbate the existing threat to public health, safety, or welfare by delaying the rebuild of structures and homes.

## **BACKGROUND:**

On January 7, 2025, the City of Pasadena was struck by severe windstorms and destructive fires, causing widespread damage to private property. That same day, the Governor proclaimed a state of emergency due to the dangerous winds and fires impacting Southern California. On January 8, 2025, the City Manager issued a declaration of Local Emergency in accordance with Chapter 2.370 of the Pasadena Municipal Code (PMC), which was ratified by the City Council on January 13, 2025.

In Pasadena, the Eaton Fire destroyed 185 structures. The overwhelming majority were single-family dwelling and accessory structures in the Upper Hastings Ranch, Victory-Rose, Dundee Heights and NATHA neighborhoods (Attachment A). The properties in Upper Hastings Ranch are also located in Hillside Development Overlays (HD and HD-1). This also includes three properties in Special Purpose Zoning Districts (OS, PS and PD) with residential and commercial structures.

Staff is recommending that the City Council direct the City Attorney to prepare an Interim Uncodified Ordinance that will suspend or modify certain development standards and procedures of the PMC to simplify the rebuild process. The ordinance would also incorporate requirements of the Governor's Executive Orders related to rebuilding N-4-25, and N-20-25 (Attachment B). The Ordinance would be valid for 45 days and staff plans to return to the City Council and request it be extended an additional 22 months (for a total of 24 months).

## **ANALYSIS:**

### **Rebuilding**

On January 12, 2025, the Governor issued Executive Order N-4-25 to streamline the rebuilding of homes and businesses destroyed in the recent Southern California firestorms and suspend permitting and review requirements under the California Environmental Quality Act (CEQA) and the California Coastal Act, among other related items. On February 13, 2025, the Governor issued Executive Order N-20-25 to update and replace portions of the previous Executive Order.

As it relates to rebuilding, the Executive Orders suspend CEQA with respect to projects for the rebuilding of destroyed structures (primary and accessory structures), provided the following:

- **Location**: Is substantially in the same location as previously existed.
- **Expansion**: Does not exceed the previous footprint by more than 10%.
- **Height**: Does not exceed the previous height by more than 10%.

In order to provide more options for structures destroyed by the fire, staff recommends the following additional standards beyond the Executive Orders:

- Location: May be at a different location on the site, provided setback requirements are met or match a previously existing setback.
- Expansion: May exceed the previous footprint or overall gross floor area by 10%, whichever is greater. Any added footprint or floor area must meet setback requirements or match a previously existing setback.

These options will provide greater flexibility on the site for locating the new home and allowing gross floor area as a base for the square footage calculation potentially provides a greater increase in size.

Per the Zoning Code, in the RS and RM zones, no entitlement is needed for new construction (except Design Review in the RM for multifamily projects with three or more units). In the HD overlay, a Hillside Development Permit (HDP) is required for new construction, and in the HD-1 overlay, an HDP is required for new or expanded second stories.

With the Executive Orders and the expanded options above, homes located in the HD and HD-1 zones can expand without an HDP within the defined limitations. Homes that are proposed to be larger may be subject to an HDP depending on how much larger they want to make the home. If an HDP is required, the case would be prioritized and scheduled for the next available hearing date.

#### Other Executive Orders related to Housing

The Governor has also signed Executive Orders allowing:

- Detached Accessory Dwelling Units (ADUs) to be constructed prior to the main dwelling; and
- Recreational vehicles (RVs), mobile homes and modular structures to be used as temporary housing prior to the main dwelling being constructed.

Staff is preparing guidance sheets for ADUs and RVs to explain the State orders and will assist property owners should they be interested in pursuing these options.

#### Time Extensions

Due to the widespread impacts of the emergency, it is anticipated that there will be high demand for labor, technical services (e.g., architects and engineers) and materials for the next several years in the region. This may delay project timelines city-wide, despite even the best efforts by applicants to continue moving forward. Therefore, staff recommends:

- An automatic 12-month extension for all zoning and subdivision entitlements and building permits. This would apply to all existing approvals and future entitlements and permits (not just for properties destroyed by the fires) deemed complete while the Interim Uncodified Ordinance is in effect.

Refer to Attachment C for a summary of staff's recommended temporary PMC provisions.

### Other Recovery Efforts

#### *Assistance for Fire Damages Properties*

Immediately after the emergency, staff established a program to assist the fire damaged properties which consists of the following:

- Dedicated Planner to assist with rebuild and permitting questions
- Dedicated Community Connector to assist with non-permitting questions (including completion of the Right of Entry forms for the Phase 2 debris removal program)
- Virtual consultations
- Exploring a standard plans program for single-family dwellings – similar to the ADU standard plans program already in place
- Expedited Plan Check Review when plans are submitted for the new house with a dedicated interdepartmental team to conduct the review
- Next day building inspections when the permit is issued

#### *Citywide Assistance*

To assist in the overall production of housing staff has already implemented:

- Next day building inspections for any residential project that has an active building permit citywide

Staff is looking for additional ways to prioritize housing production including expedited plan review.

#### *Temporary Uses*

The City has been issuing Temporary Use Permits (TUPs) for the temporary relocation of private schools, religious facilities and daycare centers that have been displaced by the Eaton fire. Staff has been able to process these requests through the City's existing Zoning Code. These changes of occupancy must still meet basic fire/life safety requirements and there is a team in the Building and Safety Division assisting directly with these temporary uses. Temporary Certificate of Occupancies (TCOs) for these specific uses will be granted for 180 days (with additional extensions approved by the Building Official). Typically, TCOs are granted for 30-days at a time. The longer time period provides added surety given these temporary uses will most likely be in place longer than 30-days.

### **NEXT STEPS:**

Staff will continue to assess if other temporary measures will be needed to assist in the rebuilding effort. This may include a review of permit related fees and additional development process adjustments. This is the first in a potential series of temporary amendments.

**COUNCIL POLICY CONSIDERATION:**

The project is consistent with the City Council's strategic planning goals to ensure public safety and to promote the quality of life and the local economy.

**ENVIRONMENTAL ANALYSIS:**

The actions proposed herein are not subject to CEQA pursuant to California Public Resources Code Section 21080(b)(3) and Executive Order N-20-25 and Section 15061(b)(3) (Common Sense Exemption).

**FISCAL IMPACT:**

The fiscal impact associated with this action is negligible when compared against the impact of damage to private property caused by the emergency. The proposed action is intended to help support the reconstruction and restoration of Pasadena's neighborhoods.

Respectfully submitted,

  
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Approved by:

  
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Attachments: (3)

- Attachment A: Map and Summary Table of Pasadena Fire Destroyed Properties.
- Attachment B: Governor's January 12, 2025 Executive Order N-4-25 and February 13, 2024 Executive Order N-20-25.
- Attachment C: Summary of Staff Recommendations to the PMC.