



STAFF REPORT

Date: October 6, 2015

To: Steven A. Preston, City Manager

From: Armine Chaparyan, Community Development Director *AC*

By: Mark Gallatin, AICP, Planning Manager *mg*

Subject: **URGENCY ORDINANCE IMPOSING A MORATORIUM
ON DEMOLITION OF SINGLE FAMILY HOMES AND
ON SECOND STORY ADDITIONS IN THE R-1 ZONE**

SUMMARY

On September 15, 2015 the City Council held a study session on the topic of mansionization. At the conclusion of the study session, the Council directed staff to draft an urgency ordinance placing a moratorium on demolition of single family homes and on second story additions in the R-1 zone. In response, staff has drafted the attached urgency ordinance which would impose a 45-day moratorium. Prior to expiration, the ordinance can be extended for an additional 10 months, 15 days, as provided by state law. Staff recommends adoption of Ordinance No. 621-C.S.

INTRODUCTION

In June 2015, several property owners in the neighborhood north of Las Tunas between Mission Drive and Del Mar Avenue contacted Planning staff to express concern about the recent demolition of existing single family residences (SFRs) and their replacement with new "contemporary style mansions" that would be incompatible with the character of the neighborhood, a character defined by many period homes from the pre-WWII era. After the group met with staff and requested the Council agendaize a discussion of a moratorium on SFR demolitions in R-1 zones until such time as the City adopts a new historic preservation ordinance, the Council directed staff to convene a study session on the issue. This study session was held on September 15. The Council's direction to staff at the study session was to return with an urgency ordinance that would put in place a moratorium on SFR demolitions and on 2nd story additions, with the understanding that Council may choose to remove one of those options after

reviewing it. The Council also directed staff to proceed with the creation of new development code standards and an updated historic preservation ordinance, subject to an extensive public engagement process and to provide that applications for new SFRs that are pending site plan review approval be required to go to the Design Review Commission for review and approval, but not be charged additional fees for that process.

ANALYSIS

At the September 15 study session, staff recommended that the City Council endorse a strategy for further addressing mansionization through a combination of additional tools including, but not limited to, a moratorium on R-1 demolitions tied to an update of the historic preservation ordinance. The Council chose to pursue a moratorium on these demolitions, but also directed staff to include 2nd story additions to existing SFRs in the proposed moratorium ordinance, pending final approval by the Council, as there was some support expressed for doing so. Placing a temporary prohibition on the demolition of SFRs and on 2nd story additions in the R-1 zone would allow time for staff to pursue updates of the historic preservation ordinance and single family development codes, as also requested by the Council. The proposed moratorium permits these updates to proceed without having to worry about a rush on demolition permits in anticipation of new rules.

In the toolkit of strategies presented to the Council, staff suggested that another possible level of review would be to require that all new SFRs be reviewed and approved by the DRC. Doing so would take the decision-making process from an individual one to a collaborative one, as the DRC is made up of three members who are architects or landscape architects. The DRC's meetings are open to the public, although they are not public hearings in the sense that there is no notification requirement to nearby property owners. At the study session, the Council agreed that those applications for proposed new SFRs that are pending site plan review approval should be sent to the DRC for review and approval, with the applicant not having to pay any additional fees to do so.

The attached urgency ordinance implements the direction of the City Council discussed above by imposing a 45-day moratorium on demolition of single family homes and on 2nd story additions to single family homes in the R-1 zone. It also includes provisions for the Council to grant relief from the moratorium, subject to a recommendation from the Planning Commission and very specific findings. Finally, it clarifies that projects which have not submitted construction plans to the Building Division by the effective date of the ordinance are subject to it and that those proposing new SFRs that have not obtained site plan review approval by the Planning Division by the effective date of the ordinance must go before the DRC for review and approval. The attached chart shows that there are a total of 24 applications for new SFRs or for 2nd story additions working their way through the entitlement process. Of these, 11 (seven SFRs and four 2nd story additions) have not submitted construction drawings. In two cases, highlighted in yellow in the attached chart, site plan review approval has been obtained, plan check submittal is pending and the applicants will be allowed to proceed into plan check and permit issuance. The other two 2nd story additions do not have site plan review approval and are therefore subject to the moratorium. The seven SFRs will be referred to the DRC, since they do not have site plan review approval.

The ordinance requires a 4/5 vote of the Council for adoption. The moratorium may be extended for ten months, 15 days beyond the initial 45 days after conducting a noticed public hearing.

RECOMMENDATION

Staff recommends that the City Council:

1. Adopt Ordinance No. 621-C.S.

Attachments:

1. Status of Pending SFRs and 2nd Story Additions
2. Ordinance No. 621-C.S.

Status of Pending SFRs and 2 nd Story Additions					
Address	Case No.	Type of Project	Zoning	Site Plan Review Approved?	In Plan Check?
730 Kearns	PL-15-031	New SFR	R-1	Yes	No
1122 Anderson	PL-15-044	New SFR	R-1	Yes	Yes
1512 Gladys	PL-15-066	New SFR	R-1	No	No
1009 S. Pine	PL-15-079	New SFR	R-1	No	No
921 Euclid	PL-15-080	New SFR	R-1	No	No
420 El Monte	PL-15-087	New SFR	R-1	Yes	Yes
280 S. Burton	PL-15-102	New SFR + 2 nd Unit	R-1	No	No
737 Kearns	PL-15-011	2 nd story add	R-1	Yes	Yes
813 Los Olivos	PL-15-027	2 nd story add	R-1	Yes	Yes
1427 Charlotte	PL-15-077	2 nd story add + 2 nd unit	R-1	No	No
1005 S. Pine	PL-15-082	2 nd story add	R-1	No	No
919 S. Pine	PL-14-110	2 nd story add + 2 nd unit	R-1	Yes	Yes
517 Rosenda	PL-14-029	New SFR	R-1	Yes	Yes
115 El Monte	PL-14-045	New SFR	R-1	No	No
1711 Charlotte	PL-14-069	2 nd story add	R-1	Yes	No
700 Sunset	PL-14-071	2-lot subdivision, 2 new SFRs	R-1	No	No
352 Arroyo	PL-14-080	2 nd story add	R-1	Yes	Yes
1120 S. California	PL-14-096	New SFR	R-1	Yes	Yes
608 El Monte	PL-14-102	New SFR	R-1	Yes	Yes
336 Alabama	PL-14-108	New SFR	R-1	Yes	Yes
329 N. San Gabriel	PL-14-138	New SFR	R-1	No	No
917 Ramona	PL-14-151	New SFR	R-1	Yes	Yes
607 Los Olivos	PL-13-080	New SFR	R-1	Yes	Yes
932 Euclid	PL-13-028	2 nd story add	R-1	Yes	Yes

-  Projects w/site plan review approval, in plan check: 12 (8 SFRs + 4 2nd story adds) OK TO PROCEED
-  Projects w/site plan review approval, not in plan check: 2 (2nd story adds) PLAN CHECK PENDING. CAN PROCEED TO PLAN CHECK. DEMO PERMIT OR BUILDING PERMIT MAY BE ISSUED
-  Projects w/o site plan review approval (2nd story adds): 2 ON HOLD
-  Projects w/o site plan review approval: (SFRs): 7 THESE GO TO DRC

ORDINANCE NO. 621-C.S.

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SAN GABRIEL, CALIFORNIA IMPOSING A
45-DAY MORATORIUM ON THE ISSUANCE OF ANY
PERMITS FOR THE DEMOLITION OF EXISTING SINGLE
FAMILY HOMES OR FOR THE ADDITION OF A SECOND
STORY TO EXISTING SINGLE FAMILY HOMES IN THE R-
1 (SINGLE FAMILY RESIDENCE) ZONE**

THE CITY COUNCIL OF THE CITY OF SAN GABRIEL DOES ORDAIN AS
FOLLOWS:

Section 1. While this ordinance remains in effect, no permits for the demolition of existing single family homes in the R-1 (Single Family Residence) zone shall be issued and no building permits for the construction of second story additions to existing single family homes in the R-1 (Single Family Residence) zone shall be issued and no application for such permit(s) shall be accepted.

Section 2. Pursuant to the provisions of Section 65858 of the Government Code of the State of California, this is an urgency interim zoning ordinance. This ordinance shall take effect immediately and shall expire forty-five (45) days thereafter unless extended by the City Council after notice and public hearing. The facts constituting the current and immediate threat to the public welfare necessitating an urgency ordinance are as follows:

The unique residential buildings in the City of San Gabriel help to create the identity and atmosphere of the community. The dwindling number of smaller historic homes in the City

and the region, and the risk that very large homes will be constructed in San Gabriel's unique neighborhoods, represent a true danger to the health, welfare and safety of the community in that historic resources are in danger of being lost and replaced with large modern homes that are out of character with the community.

The City continues to experience a number of applications for, and approvals of, building permits for projects that involve historic structures, the addition of a second story to a one-story home or the removal of an existing home in the R-1 (Single Family Residence) zone. Approval of these projects has resulted in the destruction of some of the City's limited historical resources and negatively impacted privacy and neighborhood architectural compatibility resulting from replacing small traditional homes with large imposing structures.

This ordinance will prevent the issuance of permits for projects that will have the most significant impact on the City's historic resources and those that can most negatively impact privacy and neighborhood compatibility and is, therefore, necessary for the immediate preservation of the public health, safety and welfare.

The City Council has directed City staff to continue its study and planning process to find ways to preserve the historic and aesthetic character of the City's residential neighborhoods by updating the City's historic preservation ordinance and development code standards. The City Council hereby finds that San Gabriel's neighborhood character and ambiance created by the look and style of residential structures is a tremendous community resource. Neighborhood character can be diminished each time a home is constructed to be significantly larger than other homes in the neighborhood without appropriate controls. The City Council and staff intend to expeditiously study whether additional reasonable development regulations would be prudent and necessary to reduce the threat of "mansionization" in San Gabriel's residential neighborhoods. During the course of the study and planning process, the City Council finds that developers and others are likely to submit applications for demolition of, or additions of a second

story to, existing single family homes in the R - 1 z o n e o f t h e C i t y. Those projects are likely to conflict with the types of restrictions the City Council may adopt. Given the time required to undertake the study and planning this situation calls for, the City Council finds that it is necessary that this temporary moratorium be declared to ensure that the demolition of, and/or additions of a second story to, homes in the R - 1 z o n e that may be in conflict with the contemplated new development policies are not permitted in the interim.

The City Council finds and determines that the moratorium imposed by this ordinance is enacted to protect and preserve the public health, safety and welfare of the residents of the community pending completion of the creation of an updated historic preservation ordinance and new development code standards, subject to an extensive public engagement process.

Section 3. The City Council may grant relief from the provisions of this moratorium ordinance upon recommendation of the Planning Commission, subject to a finding of the following:

1. The strict application of the provisions of the moratorium to a particular project would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the moratorium; and
2. That there are exceptional circumstances or conditions applicable to the development that do not apply generally to the other projects covered by this moratorium; and
3. That the granting of an exception would not be materially detrimental to the public welfare as defined above.

Section 4. Projects that have active applications pending before the Community Development Department and that have submitted construction plans to the Building Division on or prior to October 6, 2015 are not subject to this moratorium. Furthermore, those projects proposing demolition of an existing single family home and replacement with a new single family home that have active applications pending before the Community Development Department and that have not obtained site plan review approval by the Planning Division on or prior to October 6, 2015 are hereby required to obtain approval

from the Design Review Commission. Applicants for said projects shall not be assessed further fees in association with review and approval by the Design Review Commission.

Section 5. If any provision of this ordinance is held to be unconstitutional, it is the intent of the City Council that such portion of this ordinance be severable from the remainder and that the remainder be given full force and effect.

Section 6. This Ordinance has been determined to exempt from the California Environmental Quality Act pursuant to State Guidelines Section 15061 (b) (3) as a project that has no potential for causing a significant effect on the environment.

Section 7. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED and ADOPTED this 6th day of October, 2015.

Jason Pu
Mayor

ATTEST:

Eleanor K. Andrews
City Clerk