

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: September 12, 2005

FROM: CITY ATTORNEY

TITLE OF PROPOSED ORDINANCE: AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS SECTIONS OF CHAPTERS 17.42 AND 17.80 OF TITLE 17 OF THE PASADENA MUNICIPAL CODE TRANSFERRING SIGNATORY AUTHORITY RELATING TO THE AFFORDABLE HOUSING INCENTIVES AND REQUIREMENTS ORDINANCE FROM THE PLANNING AND DEVELOPMENT DIRECTOR TO THE CITY MANAGER OR ASSISTANT CITY MANAGER.

PURPOSE OF ORDINANCE: This proposed ordinance is necessary to transfer signatory and discretionary authority from the Planning and Development Director to the City Manager or the Assistant City Manager for those matters arising under the Affordable Housing Incentives and Requirements Ordinance.

On June 27, 2005, the City Council directed preparation of this ordinance.

REASONS WHY LEGISLATION IS NEEDED: Authority for the various matters arising under the Affordable Housing Incentives and Requirements Ordinance is established by ordinance in the Zoning Code (Title 17) and can only be amended by ordinance.

ENVIRONMENTAL IMPACT: The Environmental Administrator has determined that this project is Statutorily Exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act, CEQA Guidelines Section 15262, Feasibility and Planning Studies.

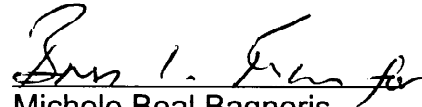
FISCAL IMPLICATIONS: There are no fiscal impacts on the general fund from this ordinance.

MEETING OF 9/12/2005

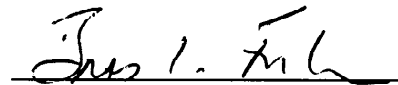
AGENDA ITEM NO. 9.A.2.

POLICY CHANGES: This policy change transferring authority from the Planning and Development Director to the City Manager or the Assistant City Manager for inclusionary housing matters is consistent with the City Council's prior action.

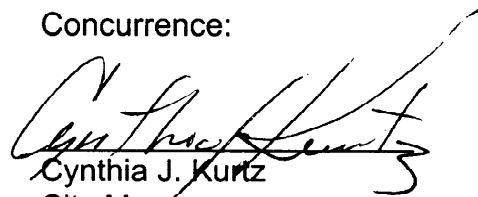
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Brad L. Fuller
Assistant City Attorney

Concurrence:


Cynthia J. Kurtz
City Manager

Introduced by Councilmember _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17, CHAPTERS 17.42 AND 17.80, OF THE PASADENA MUNICIPAL CODE TRANSFERRING SIGNATORY AUTHORITY RELATING TO THE AFFORDABLE HOUSING INCENTIVES AND REQUIREMENTS FROM THE PLANNING AND DEVELOPMENT DIRECTOR TO THE CITY MANAGER OR THE ASSISTANT CITY MANAGER

The People of the City of Pasadena ordain as follows:

SECTION 1. Pasadena Municipal Code, Title 17, Chapter 17.42, Section 17.42.020,

Subsection A is hereby amended to read:

A. Additional regulations. The Council shall by resolution establish regulations for the implementation of this Chapter. (These regulations were first adopted by the Council on September 10, 2001 and are entitled "City of Pasadena Inclusionary Housing Regulations.")
All references to "Director" in said regulations shall mean the City Manager or the Assistant City Manager.

SECTION 2. Pasadena Municipal Code, Title 17, Chapter 17.42, Section 17.42.050, Subsections B and C are is hereby amended to read:

"B. Off-site units. Upon application by the developer and at the discretion of the ~~Director~~ City Manager or the Assistant City Manager, the developer may satisfy the inclusionary unit requirements for the project, in

whole or in part, by constructing or substantially rehabilitating the required number of units on a site other than that of the affected residential project.

“C. Land donation. Upon application by the developer and at the discretion of the ~~Director~~ City Manager or the Assistant City Manager, the developer may satisfy the project inclusionary unit requirements, in whole or in part, by dedicating land to the City for the construction of the inclusionary units.”

SECTION 3. Pasadena Municipal Code, Title 17, Chapter 17.42, Section 17.42.050, Subsection A, Subparagraph 1 is hereby amended to read:

“1. Housing Plan. The developer shall submit an Inclusionary Housing Plan for approval by the ~~Director~~ City Manager or the Assistant City Manager, detailing how the provisions of this Chapter will be implemented for the proposed project.”

SECTION 4. Pasadena Municipal Code, Title 17, Chapter 17.42, Section 17.42.060, Subsection C is hereby amended to read:

“C. Issuance of Building Permit. No Building Permit shall be issued for a residential project subject to this Chapter unless the ~~Director~~ City Manager or the Assistant City Manager has approved the Inclusionary Housing Plan, and any required Inclusionary Housing Agreement has been recorded.”

SECTION 5. Pasadena Municipal Code, Title 17, Chapter 17.42, Section 17.42.090, Subsection A is hereby amended to read:

“A. Determination of a taking of property without just compensation.

1. Initiated by request from developer.

Commencing upon the approval or disapproval of the Inclusionary Housing Plan by the ~~Director~~ City Manager or the Assistant City Manager, in compliance with the City's regulations for the implementation of this Chapter (see Section 17.42.020.A), and within 15 days thereafter, a developer may request a determination that the requirements of this Chapter, taken together with the inclusionary incentives as applied to the residential project, would legally constitute a taking of property of the residential project without just compensation under the California or Federal Constitutions.

“2. Burden on developer. The developer has the burden of providing economic information and other evidence necessary to establish that application of the provisions of this Chapter to the project would constitute a taking of the property of the proposed project without just compensation.

“3. ~~Director's~~ City Manager or the Assistant City Manager's determination subject to appeal. ~~Director~~

The City Manager or the Assistant City Manager shall make the determination, which may be appealed in compliance with Chapter 17.72 (Appeals) except that the Council shall serve as the applicable review authority.”

SECTION 6. Pasadena Municipal Code, Title 17, Chapter 17.42, Section 17.42.130 is hereby amended to read:

“17.42.130 - Appeal Within 15 calendar days after the date of the ~~Director~~ City Manager or the Assistant City Manager’s decision, an appeal may be filed in compliance with Chapter 17.72 (Appeals and Calls for Review).”

SECTION 7. Pasadena Municipal Code, Title 17, Chapter 17.80, Section 17.80.020, Subsection A, Subparagraph 4 of the Paragraph entitled “Affordable Housing Definitions” is hereby amended to read:

“4. Inclusionary Housing Agreement. A legally binding agreement between a developer and the City, in a form and substance satisfactory to the ~~Director~~ City Manager or the Assistant City Manager and City Attorney, containing those provisions necessary to ensure that the requirements of this Chapter, whether through the provision of inclusionary units or through an alternative method, are satisfied.”

SECTION 8. Pasadena Municipal Code, Title 17, Chapter 17.80, Section 17.80.020, Subsection A is hereby amended by adding the following definition in alphabetical order to read:

“City Manager or the Assistant City Manager. The City Manager or the Assistant City Manager for the City of Pasadena.

SECTION 8. This ordinance shall take effect upon the date of publication.

Signed and approved this _____ day of _____ 2005.

Bill Bogaard
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 _____, 2005, by the following vote:

AYES:

NOES:

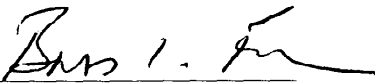
ABSTAIN:

ABSENT:

Published:

Jane Rodriguez, City Clerk,
CMC

APPROVED AS TO FORM:



Brad L. Fuller
Assistant City Attorney