

# **Ordinance Fact Sheet**

**TO:** CITY COUNCIL

**DATE:** June 11, 2007

**FROM:** CITY ATTORNEY

**SUBJECT:** ORDINANCE TO EXCLUDE "RESIDENTIAL CARE FACILITIES FOR THE ELDERLY" FROM PAYMENT OF THE FULL RESIDENTIAL IMPACT FEE

### TITLE OF PROPOSED ORDINANCE

### AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.17 OF THE PASADENA MUNICIPAL CODE RELATING TO DEFINITIONS APPLICABLE TO RESIDENTIAL IMPACT FEES

### PURPOSE OF ORDINANCE

This ordinance implements and codifies the amendment to Title 4 (Revenue and Finance) approved by the City Council on April 23, 2007. The purpose of this ordinance is to exclude "residential care facilities for the elderly" as regulated by the State of California Department of Social Services from being charged the full residential impact fee.

#### **REASON WHY LEGISLATION IS NEEDED**

This legislation is needed to allow new "residential care facilities for the elderly" to pay the lower residential impact fee that similarly situated facilities are charged. This change is consistent with the legislative intent that recognizes the minimal impacts that these types of facilities have.

## PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department will implement the proposed ordinance.

	MEETING (	DF	06/11/2007
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AGENDA ITEM NO. 9.A.1.

# FISCAL IMPACT

The fiscal impact on future development is undetermined.

Respectfully submitted,

mal By Michele Beal Bagneris City Attorney

Prepared by:

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Theresa E. Fuentes Deputy City Attorney

Concurred by:

For

Cynthia J. Kurtz City Manager

Introduced by: \_\_\_\_\_

#### ORDINANCE NO.

#### AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.17 OF THE PASADENA MUNICIPAL CODE RELATING TO DEFINITIONS APPLICABLE TO RESIDENTIAL IMPACT FEES

The People of the City of Pasadena ordain as follows:

SECTION 1. Title 4, Chapter 4.17, Section 4.17.030, is amended by adding a new

Paragraph F as follows:

"F. 'Residential carc facility for the elderly' is defined as a facility reserved for and equipped to provide 24-hour care to residents who cannot take care of themselves because of physical, emotional, or mental conditions, wherein the care is provided pursuant to order of the resident's physician, with nursing staff available on-site, 24 hours per day, and is regulated by the State of California Department of Social Services. Excluded from this definition are any units within the facility which are independent living units."

**SECTION 2**. Title 4, Chapter 4.17, Section 4.17.050, Paragraph 4.17.050.F(1) is amended as follows:

"Notwithstanding any other provision contained in this chapter, new residences which are rented or sold to persons and families of low or moderate income (as defined in Health and Safety Code Section 50093) pursuant to the city's inclusionary housing regulations, or which are skilled nursing units, or is a residential care facility for the elderly, or which are student housing residences, shall be assessed a fee of \$756 per unit. This fee may annually escalate at the same percentage as the consumer price index."

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**SECTION 3.** The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

**SECTION 4**. This ordinance shall take effect upon publication.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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 regular meeting held on , 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Published:

Jane L. Rodriguez, CMC City Clerk

APPROVED AS TO FORM:

Theresa E. Fuentes Deputy City Attorney

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