

Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** October 15, 2007

FROM: CITY ATTORNEY

SUBJECT: AN URGENCY ORDINANCE TEMPORARILY PROHIBITING THE
CONVERSION OF CONDOMINIUMS

TITLE OF PROPOSED ORDINANCE

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA
TEMPORARILY PROHIBITING THE CONVERSION OF RENTAL APARTMENT
UNITS TO FOR-SALE CONDOMINIUM UNITS

PURPOSE OF ORDINANCE

This ordinance implements the direction given by Council at its regular meeting on October 8, 2007. The ordinance imposes an initial 45 day moratorium on the issuance of approvals for condominium conversions.

REASON WHY LEGISLATION IS NEEDED

Council is concerned that conversion of rental apartment units to for-sale condominium units may be taking place at such a rate in the City as to undermine the City's rental housing stock and resident socio-economic population mix, and therefore have negative social and economic effects throughout the City that impact the public health, safety and welfare. The Planning Department has been asked to study the issue to determine the extent of the problem and whether there is a planning solution, and needs time to do so during which conversions will not outpace the City's ability to rectify any negative effects.

The moratorium shall not apply to applications for such conversions that were deemed complete on or before October 8, 2007. As of that date, the City had set for hearing three condominium conversions. Two of these conversions are subject to vesting tentative tract maps, and pursuant to the Subdivision Map Act, any change in the zoning code could not apply to these conversions

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(at the Del Mar Station mixed use project at S. Arroyo and Del Mar, and the Livingstone Hotel project on South Los Robles). Each of these conversions includes affordable units. The third is for four units (at 865 Wright Avenue). One pending application at 1588 Locust Street has been found incomplete, and will be subject to the moratorium.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department will implement the moratorium.


FISCAL IMPACT

There will not be an immediate fiscal impact as a result of this temporary moratorium.

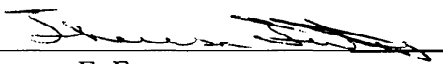
ENVIRONMENTAL DETERMINATION

This ordinance is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to State CEQA Guidelines Section 15262, because the ordinance involves only feasibility or planning studies for possible future actions which the City has not approved, adopted or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities.

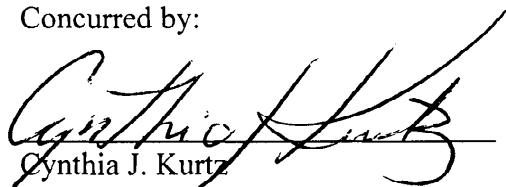
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Theresa E. Fuentes
Assistant City Attorney

Concurred by:


Cynthia J. Kurtz
City Manager

Introduced by: _____

ORDINANCE NO. _____

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA
TEMPORARILY PROHIBITING THE CONVERSION OF RENTAL
APARTMENT UNITS TO FOR-SALE CONDOMINIUM UNITS**

WHEREAS, the City of Pasadena (“City”) has adopted the Land Use Element, and a Housing Element, of its General Plan; and

WHEREAS, the Land Use Element sets forth policies and goals toward the protection of land use planning that is protective of the social impacts of land uses, and the Housing Element sets forth the City’s policies and goals toward providing a supply and range of housing opportunities throughout the community; and

WHEREAS, the Housing Element’s overarching “housing vision” is as follows:

All Pasadena residents have an equal right to live in decent, safe and affordable housing in a suitable living environment for the long-term well-being and stability of themselves, their families, their neighborhoods, and their community. The housing vision for Pasadena is to maintain a socially and economically diverse community of homeowners and renters who are afforded this right.

WHEREAS, the City Council of the City of Pasadena has expressed concern regarding the potentially adverse impacts that the conversion of rental apartment units to for-sale condominium units may have on the City’s rental housing stock and resident socio-economic population mix; and

WHEREAS, in September of 2007, the City received from the State Department of Housing is Regional Housing Needs Assessment (“RHNA”) allocation, and is in the process of revising its Housing Element in compliance with the Government Code, to account for the RHNA allocation; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety and welfare because, without a moratorium, condominium conversions could occur at such a rate as to drive out of Pasadena those residents that cannot afford to purchase a condominium, thus eroding not only the City’s resident socio-economic population mix, but also impact City businesses who rely on residents in that mix as a valuable employee pool; and

WHEREAS, further regulation of condominium conversions through amendment to the Zoning Code may reduce the potential for adverse impacts on the City’s rental housing stock and resident socio-economic population mix; however, to better understand the impacts of conversion, City staff would need adequate time to study the matter; and

WHEREAS, pursuant to California Government Code Section 65858, and in order to protect the public health, safety and welfare, the City Council may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan or zoning proposal that the City intends to study within a reasonable time.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. The provisions of this ordinance temporarily prohibit the conversion of rental apartment units to for-sale condominiums. This ordinance shall not apply to applications for such conversions that were deemed complete on or before October 8, 2007.

SECTION 2. During the effectiveness of this ordinance, the City will undertake a review of its land use regulations and study whether any amendments to the Zoning Code, particularly whether the addition of an inclusionary housing requirement for condominium conversions, may avoid or reduce the

potentially adverse impacts of a loss of rental apartment units, in consideration of the goals and policies established in the City's Land Use Element, Housing Element, and Zoning Code.

SECTION 3. Unless extended pursuant to California Government Code Section 65858, the provisions of this ordinance shall expire at the end of the 45 day period following its date of publication.

SECTION 4. The City Council hereby declares that, should any section, paragraph, sentence, phrase, term or word of this ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared invalid.

SECTION 5. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 6. This ordinance shall take effect upon publication, and shall remain in effect for a period of 45 days from the date of publication, in accordance with California Government Code Section 65858.

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 meeting held this _____ day of _____ 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Jane L. Rodriguez, CMC
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney