



Agenda Report

TO: CITY COUNCIL

DATE: MARCH 17, 2008

FROM: CITY MANAGER

SUBJECT: ZONING CODE AMENDMENT TO REPEAL THE
WORKFORCE/AFFORDABLE HOUSING OVERLAY PROVISIONS AND
ZONING MAP AMENDMENT TO REMOVE THE OVERLAY ZONE

RECOMMENDATION

It is recommended that, following a public hearing, the City Council:

1. Acknowledge that the Initial Environmental Study and the Negative Declaration (Attachment 1 and 2) approved on May 8, 2006 for the previous Zoning Code amendment and the Zoning Map amendment found no significant impacts resulting from the zone change to Multi-family Residential RM-16;
2. Find that the proposed Zoning Code amendment and Zoning Map amendment is consistent with the goals and policies of the General Plan and Zoning Code as described in Attachments 3 and 4;
3. Determine that the remaining sites identified in the adopted 2000-2005 Housing Element are adequate to accommodate the City's share of the regional housing need for the planning period pursuant to Government Code Section 65584 as described in Attachment 5;
4. Change the Zoning Map in the area shown on Attachment 6 from Multi-Family Residential RM-16 with the Workforce/Affordable Housing Overlay (WAH) to Multi-Family Residential RM-16;
5. Amend the Zoning Code to remove the Workforce/Affordable Housing Overlay (Section 17.28.120) and the related definitions in the Glossary (Section 17.80.020); and
6. Direct the City Attorney to prepare an ordinance amending the official Zoning Map and the Zoning Code of the City of Pasadena in the manner described above.

PLANNING COMMISSION

The Planning Commission reviewed the proposed Zoning Code and Zoning Map amendments on January 9, 2008 and unanimously recommended that the City Council approve the above recommendation.

BACKGROUND:

The Workforce/Affordable Housing Overlay District applies to properties zoned RM-16 (Multifamily Residential, 16 units/acre) along North Los Robles Avenue between East Douglas Street and East Mountain Street. The Overlay allows a project to increase its density from 16 units/acre to 24 units/acre if the additional units are rented or sold to very low, low, moderate, or workforce income households. Projects that received concessions, waivers, or incentives under density bonus law are ineligible to receive the density increase permitted by the Overlay. The specifics of the Overlay can be found in Section 17.28.120, Attachment 7.

The Workforce/Affordable Housing Overlay District was established in connection with the Los Robles/Adena zone changes. The City Council on May 8, 2006 approved a down zoning along portions of Los Robles Ave., Mountain St., and Adena St. Additionally the Council instructed staff to return with a Workforce/ Affordable Housing Overlay District. In October 2006, the City Council approved Ordinance 7071 that added the Workforce/Affordable Housing Overlay District, Section 17.28.120, to the Zoning Code and Ordinance 7072 that placed this new overlay over the area along N. Los Robles Ave. between E. Mountain St. and E. Douglas St. which had been down zoned from RM-32 (Multifamily Residential, 32 units/acre) to RM-16 (see attached map for exact boundaries).

Court Case:

Subsequent to enacting of these two Ordinances, Affordable Pasadena Housing in Distress (APHID) and Eric Winter, a property owner in the Overlay District, sued the City. The Plaintiff argued that the City's actions in down zoning this area and then instituting a Workforce/Affordable Housing Overlay District were inconsistent with State housing laws and the California Environmental Quality Act (CEQA). The court ruled against APHID and Mr. Winter on the CEQA claim. However, the court found that the City had violated Government Code Sections 65915-65918 (Density Bonus Law). The Judge stated in her brief that the Overlay was "not a complement to the Density Bonus Law but a rival to it." The Judge reasoned that developers get the same bonus whether they build affordable or workforce housing. Since developers will build the most profitable type of housing – workforce – the Overlay therefore denudes the State's Density Bonus Law of any incentive to build affordable housing. The City therefore must delete the Workforce/Affordable Housing Overlay District from the Zoning Code and amend the Zoning Map to remove the Overlay.

Environmental Review and Findings:

The Negative Declaration approved with the initial zone changes examined the environmental impact of reducing the allowed density in this area from 32 units/acre to 16 units/acre in the base zoning and found that no significant impacts will result from the

proposed changes. The Council adopted this Negative Declaration and staff recommends acknowledging and relying on the previous environmental analysis.

FISCAL IMPACT

The immediate fiscal impact resulting from this zone change and General Plan amendment is staff time. No fees were paid in order to process this request.

Respectfully submitted,



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City Manager

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Approved by:



Richard J. Bruckner
Director of Planning and Development

Exhibits:

1. Negative Declaration of Environmental Impacts
2. Initial Environmental Study
3. Consistency Findings
4. Map of Affected Parcels
5. Section 17.28.120 of the Zoning Code
6. Existing Zoning Map