

Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** November 17, 2008
FROM: CITY ATTORNEY
SUBJECT: NORTH LOS ROBLES OVERLAY ORDINANCE

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE ZONING CODE (TITLE 17) TO CREATE THE NORTH LOS ROBLES OVERLAY DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY TITLE 17, CHAPTER 20, SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO IMPLEMENT THE NORTH LOS ROBLES OVERLAY DISTRICT

PURPOSE OF ORDINANCE

This ordinance would implement the zone change study and corresponding zoning map amendment for the area along N. Los Robles Avenue which was initiated by Council in August of 2008. The ordinance would provide for additional density, above that allowed by state law, for affordable housing, and would restore the density at 24 units per acre, as contemplated by a substantially similar ordinance adopted by Council in 2006.

REASON WHY LEGISLATION IS NEEDED

This legislation is needed to replace the previous overlay for workforce housing, which was found invalid in subsequent litigation. This legislation would also fulfill the terms of a contingent settlement of litigation regarding Council's previous attempt to provide additional density for below-market (workforce) units along N. Los Robles Avenue.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department will implement the proposed ordinance.

11/24/2008
MEETING OF 11/17/2008
AGENDA ITEM NO. 8.A.1, 9.A.2.-

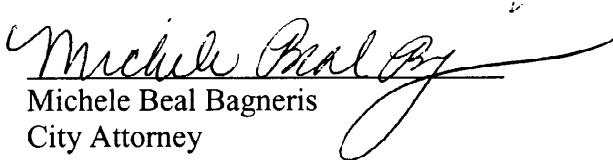
FISCAL IMPACT

There is no fiscal impact to implementing the proposed ordinance.


ENVIRONMENTAL REVIEW

Concurrent with the first reading of this ordinance, Council is being asked to adopt a Negative Declaration pursuant to the California Environmental Quality Act.

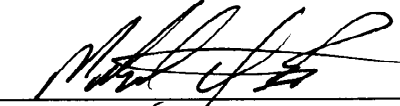
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Theresa E. Fuentes
Assistant City Attorney

Concurred by:


Michael J. Beck
City Manager

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Introduced by _____

ORDINANCE NO _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE ZONING CODE (TITLE 17) TO CREATE THE NORTH LOS ROBLES OVERLAY DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY TITLE 17, CHAPTER 20, SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO IMPLEMENT THE NORTH LOS ROBLES OVERLAY DISTRICT

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its cost of publication, will be published by title and summary as permitted by Section 508 of the Charter of the City of Pasadena. The approved summary of this ordinance is as follows:

“Summary

Ordinance No. _____ amends the zoning code of the City of Pasadena to establish the North Los Robles Overlay District (“NLR”), and amends the official zoning map of the City of Pasadena to establish the North Los Robles Overlay District. The NLR will encourage on-site construction of affordable housing by allowing additional densities above that allowed by the state density bonus law. Maps showing these modifications are attached to the full text of the ordinance and are on file in the City Clerk’s Office.

Ordinance No. _____ shall take effect 30 days from its publication.”

SECTION 2. Pasadena Municipal Code, Title 17, Article 2, Section 17.20.020, **TABLE 2-1 – ZONING DISTRICTS**, is amended by adding the following new row under the “Overlay

Districts” heading in the proper alphabetical sequence:

NLR	North Los Robles	Multi-family Residential
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SECTION 3. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.28 of the Pasadena Municipal Code, entitled, “Overlay Zoning Districts,” is amended by adding a new section as follows:

“17.28.085– NORTH LOS ROBLES OVERLAY DISTRICT

- A. Purpose.** In addition to the general purposes of this article and the purposes of the base district, the specific purposes of the North Los Robles Overlay District are to:
1. Encourage the provision of housing at rates affordable to those households earning very low-, low-, and moderate-income;
 2. Provide for new residential development density that is compatible with the existing historical context and character of the area; and
 3. Provide for additional densities above that allowed by the state density bonus law (Government Code Section 65915).
- B. Applicability.** The provisions of this chapter shall apply to that specific area designated “NLR” on the City of Pasadena Zoning Map along North Los Robles Avenue, and shall be combined with the applicable underlying base district.
- C. Land use regulations.** Land use regulations shall be those of the underlying base district.
- D. Definitions.** All of the terms used in this Section are defined in Article 8 (Glossary of Specialized Terms and Land Use Types) under the term “Affordable Housing Definitions.”

E. Development standards. The development standards shall be those of the underlying district.

F. Additional density.

- 1. Qualifying projects.** In order to qualify for additional density, a project must maximize the density allowed by the underlying base zoning district and the additional density allowed under Chapter 17.43 (Density Bonus, Waivers and Incentives).
- 2. Permitted density.** Qualifying projects may increase the density up to 24 units per acre (a minimum lot area of 1,815 square feet per unit).
- 3. Rounding numbers.** When calculating the additional affordable units allowed by this chapter, any fraction of a residential unit shall be rounded up to constitute a whole unit.
- 4. Affordable housing component.** Any units approved pursuant to this section shall be for very low-, low-, or moderate-income households.
- 5. Enforcement of affordability.**
 - a. Very low- and low-income: covenant for 30 years.** A covenant or other document satisfactory to the City Attorney shall be recorded before issuance of a building permit, which shall ensure that the very low- and low-income units allowed by this chapter are at all times rented or sold to, and remain affordable at, the applicable income level for at least 30 years. For units also being used to

satisfy the requirements of Chapter 17.42 (Inclusionary Housing Requirements), the longer term of affordability shall apply.

b. Moderate-income: recapture of financial interest. A covenant or other document satisfactory to the City Attorney shall be recorded before issuance of a building permit, which shall ensure that the moderate-income units allowed by this chapter are initially occupied by persons or families at a moderate-income level. Moderate-income units may be offered for subsequent sale to an above-moderate-income purchaser; provided that the sale shall result in a recapture by the City, or its designee, of a financial interest in the unit equal to:

- i. Difference between price and value. The difference between the initial moderate-income level sales price and the appraised value at the time of the initial sale; and
- ii. Proportionate share of appreciation. A proportionate share of any appreciation.

c. Forfeiture of funds. Any individual who rents affordable units in violation of this chapter shall be required to forfeit all rents above the applicable affordable rate; any individual who sells a unit in violation of this chapter shall be required to forfeit all profits from the sale exceeding the difference between the sale price and the applicable affordable sales price. Recovered funds shall be deposited in to the Inclusionary Housing Trust Fund.

6. Location within project. All affordable units allowed by this chapter shall be:

- a. Reasonably dispersed through the residential project;
 - b. Proportional, in number, bedroom size, and location to the market rate units;
and
 - c. Comparable with the market rate units in terms of the appearance, base design, materials, and finished quality.
7. **Timing of construction.** All affordable units shall be constructed concurrent with, or before, the construction of the market rate units. If the City approves a phased project, the required affordable units shall be provided within each phase of the residential project.

SECTION 4. The official zoning map of the City of Pasadena as established by Title 17, Chapter 20, Section 17.20.020 is amended by modifying the boundaries of certain zoning districts established therein as follows:

By reclassifying from RM-16 (Multi-Family Residential, City of Gardens 0-16 units per acre) to RM-16-NLR (Multi-Family Residential, City of Gardens, 0-16 units per acre, North Los Robles Overlay) those properties shown on the map attached hereto, entitled “North Los Robles Overlay,” and incorporated herein by this reference, and on file in the City Clerk’s Office.

SECTION 5. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 6. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2008.

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 _____, 2008, by the following vote:

AYES:

NOES:

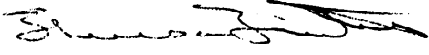
ABSENT:

ABSTAIN:

Date Published:

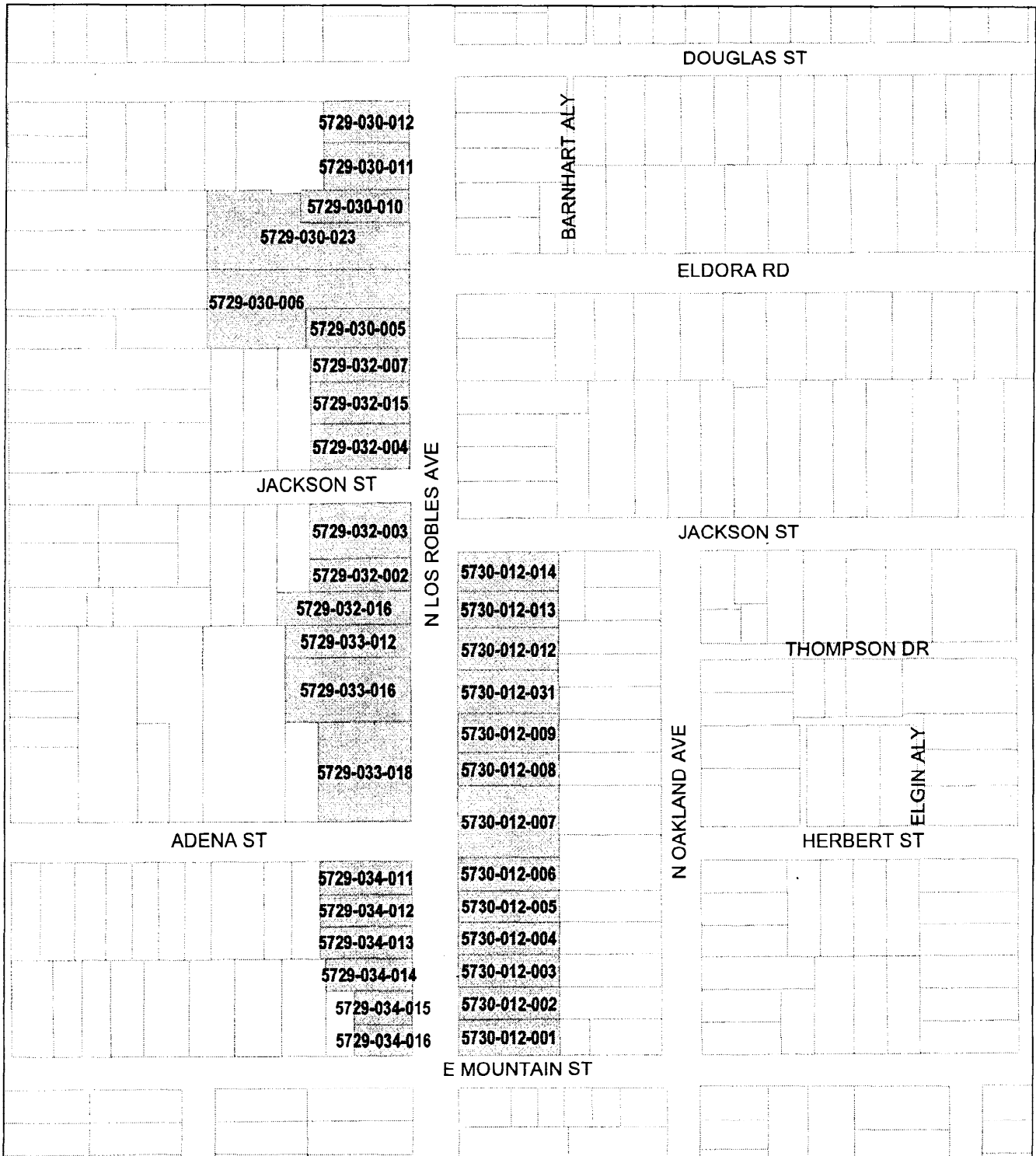
Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:

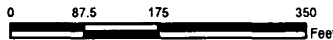


Theresa E. Fuentes
Assistant City Attorney

NORTH LOS ROBLES OVERLAY ZONE



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Coordinate System
State Plane California Zone V
FIPS 405 (Feet), NAD 1983

LEGEND

- ZONE CHANGE
- NO ZONE CHANGE