

Agenda Report

TO: CITY COUNCIL **DATE:** September 9, 2002
FROM: MICHELE BEAL BAGNERIS, CITY ATTORNEY
SUBJECT: APPROVAL OF RESOLUTION INTERPRETING THE INCLUSIONARY HOUSING ORDINANCE'S ONE YEAR INTERIM REQUIREMENTS

RECOMMENDATION:

It is recommended that City Council take the following action:

Adopt a resolution approving the City Attorney's interpretation of the Inclusionary Housing Ordinance's one year interim requirements.

BACKGROUND:

On July 9, 2001, the City Council approved the Inclusionary Housing Code Amendment to the City Zoning Code (Inclusionary Housing Ordinance). The purpose of the Inclusionary Housing Ordinance is to require that residential and mixed use projects include a share of housing that is affordable to low and moderate income households. The requirements of the Ordinance apply to projects of ten or more units. The Inclusionary Housing Ordinance requires that 15 percent of newly constructed units be affordable. However, the Ordinance provides that for a period of twelve (12) months from the effective date of the Ordinance residential developments that obtained a discretionary approval, or if no discretionary approval is required, obtained a building permit, would be required to provide 6 percent of affordable units. The Ordinance became effective September 13, 2001.

Section 17.80.050 of the Pasadena Municipal Code provides that an action to approve, conditionally approve, or deny a permit application becomes effective on the 11th day after the date of the decision, unless appealed or called for review prior to the effective date. Section 17.71.040 of the Inclusionary Housing Ordinance does not require that the discretionary approval be "effective" as defined by the City's Municipal Code. Therefore, a developer who obtains an initial discretionary approval from the City, as defined in Section 17.71.020 of the Inclusionary

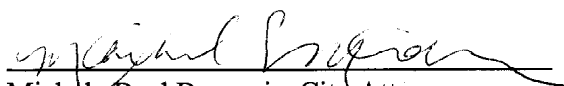
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Housing Ordinance, prior to or on September 13, 2002, is required to meet the 6 percent inclusionary housing requirement.

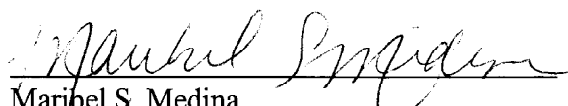
FISCAL IMPACT:

There is no fiscal impact anticipated.

Respectfully submitted,


for Michele Beal Bagneris, City Attorney

Prepared by:


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Assistant City Attorney