

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

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PASADENA 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 CHANGE THE DESIGNATION FOR THE PROPERTIES LOCATED WITHIN THE SOUTHERN SECTION OF THE LOS ROBLES/ADENA STUDY AREA TO RM-16**

The People of the City of Pasadena ordain as follows:

**SECTION 1.** The official zoning map of the City of Pasadena as established by Title 17, Chapter 20, Section 17.20.020 of the City of Pasadena Municipal Code is amended by modifying the boundaries of certain zoning districts established therein as follows:

By reclassifying from RM-32 (Multi-Family Residential – City of Gardens) to RM-16 (Multi-Family Residential – City of Gardens) the properties located in the Southern Section of the study area, shown on the map entitled “Los Robles/Adena Zone Change Study” dated April 2006, attached hereto as Exhibit A and incorporated herein by this reference.

**SECTION 2.** The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

**SECTION 3.** This ordinance shall take effect 30 days from its publication.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

---

Bill Bogaard  
Mayor of the City of Pasadena

07/17/2006  
9.B.2.

**I HEREBY CERTIFY** that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held \_\_\_\_\_, 2006 by the following vote:

AYES:

NOES:

ABSENT:

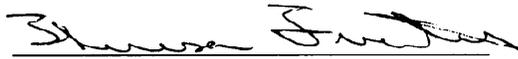
ABSTAIN:

Published:

---

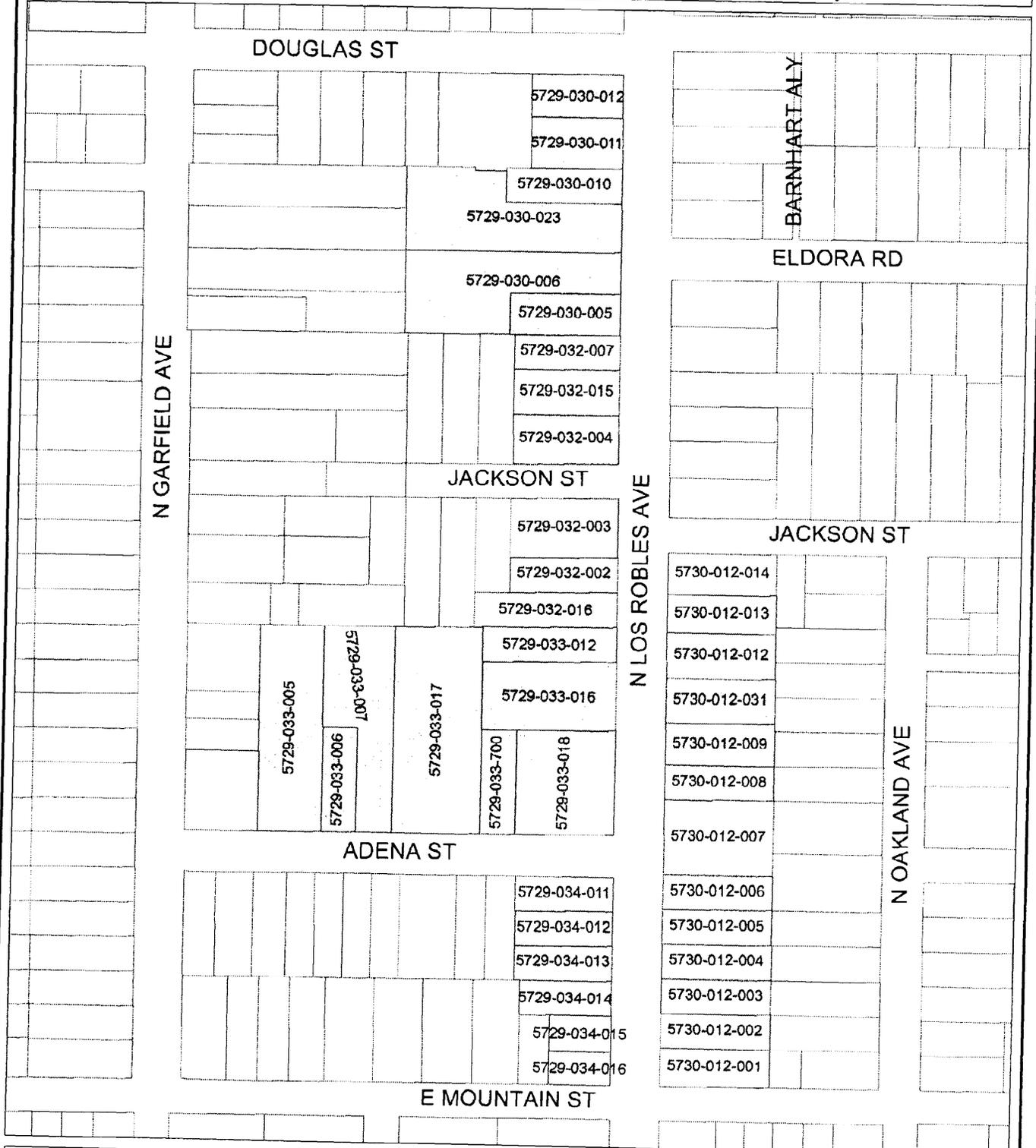
Jane L. Rodriguez, CMC  
City Clerk

APPROVED AS TO FORM:



Theresa Fuentes,  
Deputy City Attorney

# Los Robles / Adena Zone Change Study



The maps and associated data are provided without warranty of any kind. Any resale of this information is prohibited. Copyright © 2001, City of Pasadena.

**Legend**

- NO ZONE CHANGE
- CHANGE TO RM-16

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

# **CORRESPONDENCE**

Affordable  
Housing  
Services



June 26, 2006

Mayor Bogaard and Members of City Council:

Re: Opposition to the Downzoning from RM-32 to RM-16 of Parcels Fronting onto on Los Robles Blvd.

Honorable Mayor Bogaard and Members of City Council:

As noted in previous communications, Affordable Housing Services (AHS) has entered into a purchase agreement to acquire 1121-1123 Los Robles Blvd. to be developed into affordable housing for very low and no income persons and families. It is AHS' intention to take advantage of all available density bonuses in connection with the development of this project.

In May 2006 the Council approved the drafting of an ordinance downzoning of certain parcels that front onto Los Robles Blvd. from RM-32 to RM-16, with a 50% density bonus to be awarded to projects providing "workforce force" housing. The staff proposed, and the Council approved, a condition that developers proposing to develop in this area had to choose between taking advantage of the City and state density bonuses, i.e., choosing to develop housing for work force (121% to 180% of median) housing with a 50% density bonus and affordable (0%-120%) with up to 35% density bonus.

The first reading of this proposed ordinance is before the Council tonight, June 26, 2006. For the following reasons, AHS urges the Council to disapprove this proposed ordinance:

1. ***The proposed ordinance provides a 50% density bonus for the development of work force housing that will discriminate against affordable housing for low and moderate income persons in violation of Government Code Section 65008.***

Government Code Section 65008 (b)(1) states in relevant part that:

No city . . . shall, in enactment or administration of ordinances, . . . discriminate against any residential development . . . for any of the following reasons:

- (C) Because the development . . . is intended for occupancy by persons or families of low and moderate income . . .

By providing a 50% density bonus that is not available to developers of affordable housing, the proposed ordinance discriminates against affordable housing developments.

2. ***The downzoning of this site renders infeasible affordable housing development in violation of Government Code Section 655899.5.***

Pursuant to Government Code Section 655899.5(b),

It is the policy of the state that a local government not . . . make infeasible affordable housing developments . . . without a thorough analysis of the economic, social and environmental effects of the actions and without meeting the provisions of subdivision (d.)

Government Code Section 655899.5(d) further provides that

A local government shall not . . . condition approval . . . (of a housing project) in a manner which renders the project infeasible for development for the use of very low, low-or moderate income households unless it makes written findings, based on substantial evidence in the record, as the one of the following:

- (1) ...[T]he development project is not needed for the jurisdiction to meet its share of the regional housing need for very low, low-or moderate income housing.

*(Since the City has not met its fair share of the region's housing need, this provision is not applicable.)*

- (2) The development project as proposed would have a specific, adverse impact on the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the project unaffordable to low to moderate income households....

*(No such public health or safety condition has been documented as a basis for the enactment of the proposed ordinance.)*

- (3) The ...imposition of the conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the project unaffordable to low to moderate income households.

*(To the contrary, State law encourages the development of affordable housing, which the proposed downzoning would inhibit or eliminate.)*

- (5) Approval of the development project would increase the concentration of lower income households in a neighborhood that already has a disproportionately high number of lower income households ....

*(The evidence reveals that there has been a dramatic loss of affordable housing units in the affected neighborhood which have not have replaced, so this provision is inapplicable.)*

- (6) The development project is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation ....

*(This provision is equally inapplicable.)*

Subsection (i) requires that the City provide "substantial evidence in the record" when it "imposes restrictions, including the reduction of allowable densities ... which have a substantial adverse impact on the viability or affordability of a housing development affordable to very low, low-or moderate income households." This evidence is not, and cannot be made, available.

3. ***The proposed downzoning increases the cost of providing affordable housing in a manner that is at variance with the City's responsibility under Government Code Section 69513.1 to contribute significantly to making affordable housing for persons and families of low or moderate income available at the lowest cost.***

Government Code Section 69513.1 provides in relevant part that: "In exercising its authority to zone for land uses, a city... shall designate and zone sufficient vacant land for residential use with appropriate standards ... to meet the needs as identified in the general plan. For the purposes of this section, "appropriate standards" shall mean densities and (other) requirements ... which contribute significantly to the economic feasibility of producing housing at the lowest possible cost given economic and environmental factors, public health and safety, and the need to facilitate the development of housing for persons and families of low or moderate income...."

4. ***The downzoning of the area along Los Robles from RM-32 to RM-16 cuts in half the number of housing units affordable to low and moderate income households that AHS may develop on this site, which, in turn, violates state and federal fair housing laws.***

The City's Housing Element and Consolidated Plan document that the decrease in the number of the kinds of units that AHS intends to build will have a disproportionately negative impact on families with children, families of color and

persons with disabilities. Enacting land use policies that have these kinds of impacts is violation of the State and federal fair housing laws. The State law is most specific in this regard. Government Code 12955.1 states in relevant part that:

It shall be unlawful to discriminate through public ...land use practices ...because of race, color, [or] ...national origin.... Discrimination includes ... zoning laws that make housing unavailable.

The downzoning of the Los Robles area and specifically this parcel immediately makes available half the units that AHS intended to develop. In addition, the downzoning put at serious risk the fiscal feasibility of developing the remainder of the affordable housing units.

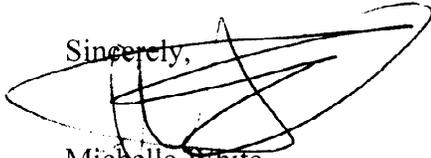
Government Code Section 12955.8 (b) further states in relevant part that proof of this type of fair housing can be either intentional or non-intentional. The section states in relevant part that:

Proof of a violation causing discriminatory effect is shown if an act or failure to act that is other otherwise covered by this part, and that has the effect, regardless of intent, of unlawfully discriminating on the basis of race, color...familial status, ...disability...[or] national origin.... [A local jurisdiction] whose action or inaction has an unintended discriminatory effect shall not be considered to have committed an unlawful housing practice in violation of this part if the ...[jurisdiction] can establish that the action or inaction is necessary to achieve an important purpose sufficiently compelling to override the discriminatory effect and effectively carries out the purpose it is alleged to serve.

The Council has not articulated what goal/goals that is/ar so important to override the denials of affordable housing on the bases of race, familial status and disabilities that this downzoning will accomplish or how downzoning in this manner is the most effective way to achieve this/these unarticulated goal/goals. Until Council articulates its goal/goals and establishes a record for overriding the fair housing rights of its residents, it should not approve this proposed ordinance.

For the reasons stated above, AHS respectfully requests that the proposed Ordinance to downzone portions of the Los Robles area from RM-32 to RM-16 be disapproved.

Sincerely,



Michelle White  
Executive Director