

ORDINANCE NO. 865**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA ADOPTING MUNICIPAL CODE AMENDMENT 16-02, WHICH WOULD AMEND CHAPTER 19.30.050 OF THE DEVELOPMENT CODE RELATING TO A TEMPORARY SUSPENSION OF THE CITY OF DUARTE INCLUSIONARY HOUSING PROGRAM**

WHEREAS, in 2005, the City enacted what is now Chapter 19.30 of the Duarte Development Code, relating to Inclusionary Housing; and

WHEREAS, over the 10-year history of the Inclusionary Housing program, the amount of in-lieu fees collected have amounted to only approximately \$502,000, which has been insufficient to produce materially effective results towards providing additional affordable housing within the City; and

WHEREAS, sharp downturns experienced in the real estate market beginning in 2008 affected the residential housing market in the City of Duarte negatively, and particularly slowed new housing development; and

WHEREAS, the dissolution of the Duarte Redevelopment Agency as part of the larger dismantling of redevelopment agencies statewide has resulted in the loss of the 20% set-aside funds, which were originally contemplated by the City in 2005 to supplement in-lieu fees to be collected under the Inclusionary Housing program; and

WHEREAS, the Inclusionary Housing set-aside or in-lieu fee requirements appear to be inhibiting residential development within the City, rather than encouraging it; and

WHEREAS, the City's Regional Housing Needs Assessment calls for encouragement of development of residential housing units affordable across the full economic spectrum of affordability, including moderate and above-moderate housing; and

WHEREAS, recent commercial vacancies in the City's Huntington Drive corridor area have negatively impacted the number and range of local businesses available to Duarte residents, and which contribute not only to available goods and services, but to the City's sales tax base; and

WHEREAS, measures that would encourage new housing development may likewise have positive impacts on the City's commercial corridor appeal to business tenants and commercial development; and

WHEREAS, the City remains committed to advancing the cause of providing affordable housing within the City and to the long-term goals of the Inclusionary Housing program, but believes a short-term suspension of the obligations created by that program in the wake of present economic realities may help to serve as a catalyst for new residential development generally, which will provide momentum for ultimate provision of affordable housing; and

WHEREAS, the Planning Commission of the City of Duarte conducted a duly-noticed public hearing on May 16, 2016, pursuant to Development Code Section 19.142.040 to consider MCA 16-02, a city-initiated request to amend Section 19.30.050 of the Duarte Municipal Code, relating to a proposed temporary, five-year suspension of the enforcement of the City's Inclusionary Housing Program; and

WHEREAS, after careful study and the completion of the duly noticed public hearings, the Planning Commission adopted Resolution No. PC 16-08, recommending the City Council approve the proposed Municipal Code Amendment 16-02; and

WHEREAS, notice of a public hearing of the City Council on the proposed Municipal Code Amendment 16-02 was given in accordance with applicable law; and

WHEREAS, on June 14, 2016, the City Council of the City of Duarte held a duly noticed public hearing on the proposed Municipal Code Amendment 16-02, and related environmental review. At the public hearing the City Council received and independently considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. **CHAPTER 19.30.050 AMENDED**

Amend Chapter 19.30.050, "Inclusionary Housing", of Article 3, "Regulations Applicable to All Zones", to Title 19 of the Duarte Development Code by adding Subsection D, to read as follows:

- D. Any residential development, which secures certificates of occupancy at any time between July 31, 2016, and July 31, 2021.

SECTION 2. **CEQA DETERMINATION.**

In adopting this Resolution, the Planning Commission finds that the project is both statutorily and categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions and each of them independently: Section 15273, relating to “Rates, Tolls, Fares, and Charges”, as the modification or restructuring of charges by public agencies is statutorily exempt from CEQA; and Section 15306, relating to “Information Collection”, as the collection of data, resource evaluation and research which do not result in serious or major disturbance to an environmental resource is categorically exempt from CEQA. Therefore, no further environmental review is necessary. A notice of exemption will be prepared for this project.

SECTION 3. **SEVERABILITY.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 4. **POSTING OF ORDINANCE.**

The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

SECTION 5. **EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days following its second reading.

PASSED, APPROVED, AND ADOPTED after second reading at a regular meeting of the City Council of the City of Duarte this 28th day of June, 2016.

/s/ Samuel Kang
Mayor Samuel Kang

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 865 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 28th day of June, 2016, by the following Roll Call vote:

- AYES: Councilmembers: Fasana, Finlay, Paras-Caracci, Reilly, Kang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

/s/ Marla Akana
City Clerk Marla Akana
City of Duarte, California