

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Planning Director 

DATE: July 23, 2007 (CC Meeting of August 1, 2007)

SUBJECT: Consider an Interim Urgency Ordinance Prohibiting Condominium Conversions for a Period of 45 Days

BACKGROUND/DISCUSSION

There is a likelihood that the City could soon be presented with one or more applications for condominium conversion projects. There is concern that the current Municipal Code does not adequately ensure that condominium conversions will meet City standards for parking, access, and other site and structural requirements applied to new developments, and that existing affordable housing units could be lost. A Condominium Conversion Ordinance that would address these issues is expected to be presented to the City Council on September 19, 2007. The attached draft ordinance, prepared by the City Attorney's Office, would establish a 45-day moratorium on the conversion of apartment units into condominium units. An extension of this moratorium in the future would be needed to cover the period from the end of the 45-day moratorium to the effective date of the new ordinance. Pursuant to Government Code § 65858, with a 4/5 vote, the City Council may enact this initial 45-day moratorium ordinance.

STAFF RECOMMENDATION (ROLL CALL VOTE 4/5TH AFFIRMATION)

1. Adopt Ordinance No. ___ to establish a 45-day moratorium on condominium conversions.
2. Direct staff to schedule and notice a public hearing for September 5, 2007 or at a special meeting prior to September 14, 2007, to consider extending the Interim Ordinance.

ATTACHMENT:

Draft Ordinance

ORDINANCE NO. _____

AN INTERIM URGENCY ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, MAKING FINDINGS AND ESTABLISHING A TEMPORARY MORATORIUM ON THE CONVERSION OF APARTMENT UNITS INTO CONDOMINIUMS

THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings

A. The conversion of residential apartment buildings into individually owned condominiums has accelerated throughout southern California and Ventura County in recent years.

B. It is likely that developers will seek to convert existing apartment buildings in Moorpark to condominiums in the near future.

C. The Moorpark Municipal Code currently in effect does not adequately ensure that condominium conversions will meet parking, access, and other building and site requirements of a new development.

D. The Moorpark Municipal Code currently in effect does not adequately ensure that tenants who are unable to purchase their converted units are afforded sufficient relocation assistance as permitted by law.

E. City staff requires time to examine current Municipal Code language, and if necessary, propose additions or revisions that will address physical site and tenant relocation concerns.

SECTION 2. Imposition of Moratorium

A. In accordance with the authority granted the City of Moorpark under Government Code Section 65858, and pursuant to the findings stated herein, from and after the date of this ordinance, no use permit, variance, building permit, business license or other applicable entitlement shall be approved or issued for the conversion of existing apartment units to condominium units for a period of forty-five (45) days.

B. "Condominium conversion" includes any change in which existing apartment units become individually owned, including, but not limited to, any process contemplated or authorized by Government Code section 66427 et. Seq.

C. This ordinance is an interim urgency ordinance adopted pursuant to the authority granted to the City of Moorpark by Government Code Section 65858, and is for the immediate preservation of the public health, safety, and welfare. The facts constituting the urgency are:

(1) The Moorpark Municipal Code currently in effect does not adequately ensure that condominium conversions will meet parking, access, and other building and site requirements of a new development;

(2) the Moorpark Municipal Code currently in effect does not adequately ensure that tenants who are unable to purchase their converted units are afforded adequate relocation assistance as permitted by law; and

(3) absent the adoption of this interim urgency ordinance, the City of Moorpark might receive applications for condominium conversions that the City would be unable to examine and approve in a manner that ensured that City concerns regarding building and site features and tenant rights would be adequately addressed.

SECTION 3. Compliance with California Environmental Quality Act: The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated municipal code review.

SECTION 4. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 5. Consistent with Government Code 65858, this ordinance shall become effective immediately upon adoption if adopted by an at least four-fifths vote of the City Council and shall be in effect for forty-five (45) days from the date of adoption unless extended by the City Council as provided for in the Government Code.

SECTION 6. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

Ordinance No. ____
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PASSED AND ADOPTED this 1st day of August, 2007.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

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