

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Barry K. Hogan, Deputy City Manager *BKH*

**DATE:** August 15, 2007 (Special CC Meeting of 9/12/07)

**SUBJECT:** Consider an Interim Urgency Ordinance Extending for 5 Months and 15 Days an Interim Ordinance Temporarily Prohibiting Condominium Conversions

**DISCUSSION**

On August 1, 2007, the City Council adopted an interim urgency Ordinance No. 356 prohibiting the conversion of apartments to condominiums for a period of 45 days. This interim ordinance expires on September 14, 2007. There remains 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 urgency interim ordinance would extend the current temporary prohibition on the conversion of apartment units into condominium units by 5 months and 15 days to cover the period from the end of the current 45-day prohibition to the effective date of the new ordinance.

Pursuant to Government Code § 65858, a Report On The Measures Taken To Alleviate The Conditions Which Led The City To Enact The Interim Urgency Ordinance has been prepared and made available to the public through the City Clerk's Office at least 10 days prior to the expiration of the existing interim ordinance. Pursuant to Government Code § 65858, with a 4/5<sup>th</sup> vote, the City Council may extend this interim ordinance.

**STAFF RECOMMENDATION (ROLL CALL VOTE 4/5<sup>TH</sup> AFFIRMATION)**

1. Open the public hearing, accept public testimony, and close the public hearing; and
2. Adopt Ordinance No. \_\_\_\_ to extend a temporary prohibition on condominium conversions by 5 months and 15 days, expiring on February 29, 2008.

**ATTACHMENTS:**

1. 10-Day Report
2. Draft Ordinance

**REPORT ON THE MEASURES TAKEN TO  
ALLEVIATE THE CONDITIONS WHICH LED THE CITY TO ENACT THE  
INTERIM URGENCY ORDINANCE ON AUGUST 1, 2007**

**Background**

On August 1, 2007, pursuant to Government Code § 65858, the Moorpark City Council enacted an interim urgency ordinance (the "45 Day Ordinance") to impose a temporary prohibition on condominium conversions within the city. Absent any additional action, the 45 day ordinance would expire on September 14, 2007. A proposed ordinance ("Extension Ordinance"), for consideration by the City Council at a special meeting on September 12, 2007, would extend the prohibition for an additional 5 months and 15 days (until February 29, 2008).

**Reasons for the 45 Day Ordinance**

The Extension Ordinance, if adopted, would be adopted for the same reasons that the 45 Day Ordinance was originally adopted, as those reasons are still accurate. The 45 Day Ordinance was adopted to improve the public safety, health and welfare of the residents and visitors to the City of Moorpark ("City").

A proposed Condominium Conversion Ordinance was scheduled for Council consideration on August 1, 2007, but was continued to its September 19, 2007 regularly scheduled meeting. Consideration of the ordinance would occur five days after the expiration of the 45 Day Ordinance.

The 45 Day Ordinance was necessary because the City Council continued consideration of the proposed condominium conversion ordinance and all Council meetings for the remaining month of August were cancelled due to a summer recess as well as the first meeting in September cancelled due to conflicts with the California League of Cities Annual meeting and conference. The Condominium Conversion Ordinance proposes requirements and development standards to protect the continued provision of affordable housing and to upgrade or maintain the standard of housing consistent with current development standards.

Further, if the City allowed condominium conversions to occur without providing requirements and development standards current with those requirements and development standards consistent with utilized presently the public's health safety and welfare would not be adequately protected. As such, if the City failed to extend the 45 Day Ordinance, all condominium conversions will create a current and immediate threat to the public health, safety and welfare.

### **Measures Taken to Alleviate the Conditions Which Led to the Adoption of the Ordinance**

The City has prepared a Condominium Conversion Ordinance for City Council consideration. The ordinance was duly advertised and set for public hearing before the City Council at its regular City Council meeting of August 1, 2007 at which time the City Council opened the public hearing and continued consideration of the ordinance to its regularly scheduled City Council meeting on September 19, 2007.

### **Duration of the Extension Ordinance**

If adopted by the City Council, the Extension Ordinance would cause the prohibition on the conversion of existing apartments to condominium ownership within the city to extend through February 29, 2008. However, it is not expected that the Extension Ordinance will be necessary for the entire proposed 5 months and 15 days. The draft Condominium Conversion Ordinance to be presented to the City Council at its September 19, 2007 regular meeting will include a provision for the extension ordinance to expire upon the effective date of the condominium conversion ordinance.

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

AN INTERIM URGENCY ORDINANCE OF THE CITY OF  
MOORPARK, CALIFORNIA, MAKING FINDINGS AND  
EXTENDING A TEMPORARY PROHIBITION 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 additional 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. Extension of Prohibition

A. On August 1, 2007, the City Council adopted Ordinance No. 356, an interim urgency ordinance prohibiting for 45 days the conversion of existing apartment buildings into condominium ownership within the City.

B. 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 through February 29, 2008, an additional five (5) months and fifteen (15) days beyond the period established by Ordinance No. 356.

C. "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.

D. 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 five (5) months and fifteen (15) 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

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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.

PASSED AND ADOPTED this 12th day of September, 2007.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt, City Clerk

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