



SUPPLEMENTAL

COUNCIL AGENDA: 12/9/08
ITEM: 5.2

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Debra Figone
Richard Doyle

SUBJECT: INCLUSIONARY HOUSING
ORDINANCE

DATE: December 5, 2008

COUNCIL DISTRICT: City-Wide
SNI AREA: All

RECOMMENDATION

It is recommended that the City Council direct the City Attorney and City Manager to return to the City Council with an inclusionary housing ordinance, which includes final policy recommendations, at a time to be determined by the City Council.

OUTCOME

The City Attorney and City Manager will receive direction on whether to issue an ordinance in time for consideration at the City Council meeting of December 16, 2008, or whether the ordinance will be posted at a later date, necessitating a delay in the consideration and first reading of the ordinance to January of 2009.

BACKGROUND

For the past 18 months, the City has conducted research and outreach to develop a City-wide inclusionary housing policy. On December 9, 2006, the City Council will consider the recommended policy provisions and provide final comments and any recommended revisions.

At its special meeting of November 10, 2008, the City Council requested that the City Attorney and City Manager return to the Council with an ordinance at the December 16, 2008 Council meeting.

At the Rules Committee meeting of December 3, 2008, the Committee recommended that the City Council as a whole determine whether to release the ordinance after the meeting of the 9th, or to hold off release until a later date.

ANALYSIS

In order to meet posting requirements for the meeting of the 16th, the ordinance would need to be posted for public review on Friday, December 5th, several days prior to the Council's direction on the content of the ordinance. In the event of any City Council requested changes to the staff recommendation at the meeting of the 9th, the ordinance that had been released to the public would be outdated.

The City Council could choose to make comments and request that the ordinance be released as soon as possible after the meeting of the 9th and to hold the first reading of the ordinance on the 16th. To do this, the Council would have to waive Sunshine rules that require that documents be released ten days in advance of Council action. Dependent on the extent of proposed changes, it may be challenging for the staff to revise the ordinance in a timely manner. Alternatively, the City Council could decide to hold off consideration of the ordinance until after the first of the year.

ALTERNATIVES

The following alternatives are available to the City Council.

Alternative #1: *Release the Ordinance following the City Council meeting on Tuesday, December 9th and hold the first reading on December 16th.*

Pros: The City Council would keep on its desired schedule of taking action on the ordinance in 2008.

Cons: This action would require that the City Council waive the Sunshine posting requirements. It may be difficult for the City Attorney and Administration to incorporate recommended changes quickly. Because this ordinance is extremely complex and it is important to ensure that legal issues are thoroughly vetted, staff needs the time to draft the ordinance in a way that facilitates ease of administration and avoids the potential for litigation. The public may not have sufficient time to review the ordinance prior to Council taking action.

Reason for not recommending: N/A

Alternative #2: *Release the Ordinance at a later date and hold the first reading in January.*

Pros: There would be more time to make any recommended changes to the ordinance per the City Council's discussion at the December 9th meeting. The public would have more time to review the ordinance.

Cons: There are expectations from the community that the Council will take action this year. Significant public input has already been incorporated into the proposed ordinance, and the main discussion will take place on December 9th when the Council considers the policies.

Reason for not N/A
recommending:

PUBLIC OUTEACH

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This action does not meet any of the criteria above. However, the memorandum will be posted to the City's website, and to the Housing Department's Inclusionary Zoning web page.

COORDINATION

This memorandum was coordinated with the Housing Department, the Planning, Building and Code Enforcement Department, and the Redevelopment Agency.

COST IMPLICATIONS

N/A

CEQA

CEQA: Resolution 65459 and Addendum thereto, PP08-258


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