

ORDINANCE NO. 1187

**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SAUSALITO EXTENDING THE MORATORIUM
ADOPTED WITHIN THE CITY OF SAUSALITO BY
ORDINANCE NO. 1186 ON THE APPROVAL OF ANY
SUBDIVISIONS, USE PERMITS, VARIANCES OR ANY OTHER
APPLICABLE ENTITLEMENT WHICH WOULD ALLOW FOR EXISTING
MOTELS AND HOTELS TO BE SUBDIVIDED OR
CONVERTED INTO CONDOMINIUMS FOR A PERIOD OF
TEN MONTHS AND FIFTEEN DAYS**

WHEREAS, the City Council recognizes the substantial investment that families and individuals must make when buying condominium properties and wishes to ensure that their investments in aging units converted to for sale units will be protected; and

WHEREAS, the City Council is concerned that conversions of motels and hotels into condominiums without ensuring that such projects are brought as close as possible into compliance with existing building and zoning codes will jeopardize the investment in these properties; and

WHEREAS, the City's current subdivision and zoning codes do not set forth development standards for the City's discretionary review process for condominium conversions of hotels and motels to ensure that non-conforming properties are brought to current building and zoning codes to the maximum extent possible and to ensure that the condominium units created from such conversions are habitable and do not contain latent defects and deterioration which will undermine the investment of families and individuals in these units; and

WHEREAS, on June 19, 2007 the Sausalito City Council adopted Ordinance No. 1186 establishing a 45-day moratorium on the approval of any subdivisions, use permits, variances, or any other applicable entitlement which would allow for existing motels and hotels to be subdivided or converted into condominiums; and

WHEREAS, City staff has begun the process of studying and preparing proposed amendments to the City's subdivision and zoning codes regarding condominium conversions, the process to complete implementation of such code amendment, including public hearings before the Planning Commission and City Council and orderly adoption of appropriate code revisions following the public hearing process will take another three to six months; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety, or welfare from the approval of entitlements or permits relating to condominium conversions of existing motels and hotels in the City; and

WHEREAS, the City Council finds that a moratorium temporarily prohibiting the issuance of subdivisions, use permits, variances, or any other applicable entitlement which would allow for condominium conversions for existing motels and hotels in the City would best serve the public health, safety, and welfare, while the City conducts necessary research into the adequacy of the existing conditions of approval and methods for ensuring that conversions of such existing units into condominiums to bring the converted properties as close to conformity to existing zoning and building codes as is reasonably possible.

WHEREAS, Ordinance No. 1186, which established a 45-day moratorium, will expire on August 2, 2007; and

WHEREAS, Government Code Section 65858 allows the City Council to extend an urgency ordinance for a maximum of 10 months and 15 days and subsequently for one year; and

WHEREAS, notice of the extension of the moratorium established by Ordinance No. 1186 has been provided in accordance with applicable provisions of the California Government Code; and

WHEREAS, the adoption of this interim ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15061 (b)(3), 15262 and 15306 of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that such adoption may have a significant effect on the environment; and because such adoption involves only feasibility and planning studies for possible future adoption of an ordinance that has not yet been prepared or adopted.

NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Part 1. The City Council finds and determines as follows:

- (a) The above recitals are incorporated herein and are each relied upon independently by the City Council for its adoption of this urgency ordinance; and
- (b) The adoption of this Ordinance is exempt from the application of the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*, pursuant to Sections 15061(b), 15262 and 15306 of the State CEQA Guidelines, 14 California Code of Regulations Section 15000, *et seq.*; and
- (c) The City must ensure that condominium conversions result in close compliance with existing building and zoning codes under its General Plan Land Use Element; and
- (d) The City cannot ensure that the City's objectives and policies will be implemented properly without specific development standards in place; and

(e) There exists a current and immediate threat to the public health, safety and welfare, and California Government Code §65858 authorizes the City Council to adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with the contemplated general plan implementing regulations and development standard proposals that the City is considering or intends to study within a reasonable time; and

(f) There is no feasible alternative to enactment of this interim moratorium that will satisfactorily mitigate or avoid the previously identified impacts to the public health, safety and welfare with a less burdensome or restrictive effect; and

(g) In order to ensure the effective implementation of the City's land use objectives and policies, a temporary moratorium is necessary.

Part 2. Imposition of Moratorium.

(a) From and after the date of this ordinance, no approval of any subdivision, use permit, variance, or any other applicable entitlement for the subdivision of existing motels and hotels into residential condominiums shall be approved or issued for a period of 10 months and 15 days.

Part 3. Effective Date and Term. This Ordinance shall take effect immediately upon the expiration of Ordinance No. 1186 (August 3, 2007), and shall be in effect for a period of 10 months and 15 days (June 18, 2008), unless repealed, amended or extended by further action of the City Council as provided in Government Code section 65858.

Part 4. Expiration. Ten days prior to the expiration of this interim ordinance or any extension thereof, the City Council shall issue a written report describing the measures taken to alleviate the threat to public health, safety and welfare that led to the adoption of the ordinance.

Part 5. Publication. Within 15 days after adoption of this ordinance, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City.

PASSED AND ADOPTED at a meeting of the City Council of the City Council on this 31st day of July, 2007, by the following vote:

AYES: Councilmembers: Albritton, Leone, Weiner, Vice Mayor Belser,
Mayor Kelly
NOES: Councilmembers: None
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None

/s/ D. Michael Kelly
Mayor of the City of Sausalito

I hereby certify that the foregoing Ordinance was duly adopted at a regular meeting of the City Council of the City of Sausalito held the 31st day of July, 2007.

/s/ Dale Vaughn
Deputy City Clerk