



## CITY COUNCIL STAFF REPORT

DATE: MAY 3, 2017

HEARING

SUBJECT: ADOPTION OF AN INTERIM URGENCY ORDINANCE (EXTENDING INTERIM ORDINANCE NO. 1923) OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS BY THE CITY OF PALM SPRINGS TO APRIL 5, 2018 AND MAKING APPROPRIATE FINDINGS UNDER CEQA (4/5THS Vote Required).

FROM: David H. Ready, City Manager

BY: Douglas Holland, City Attorney

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### SUMMARY

The City Council adopted Urgency Ordinance No. 1923 on April 5, 2017. Ordinance No. 1923, which expires on May 3, 2017, established interim regulations for the imposition of certain tenant relocation and protection as a condition of approval of discretionary land use entitlements by the City of Palm Springs. The proposed Interim Urgency Ordinance would essentially extend these protections to April 5, 2018.

### RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Waive reading of the full text and adopt an interim urgency ordinance:

ADOPTION OF INTERIM URGENCY ORDINANCE NO. \_\_\_\_ "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NO. 1923 OF THE CITY COUNCIL, REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS BY THE CITY OF PALM SPRINGS. (4/5THS Vote Required)."

ITEM NO. 2.A.

DISCUSSION

In approving the initial urgency ordinance on April 5, 2017, the Council determined that Interim Urgency Ordinance No. 1923 would only be in effect through May 3, 2017, the Council's first meeting in May of 2017. However, the Council also indicated that it would consider adoption of a longer term urgency ordinance after the public was afforded a reasonable opportunity to review and comment on the urgency ordinance. A hearing on the proposed ordinance was calendared for May 3, 2017 and a notice of the hearing was prepared and posted. A copy of the notice is attached to this Staff Report. The current interim urgency ordinance expires on May 3, 2017; the proposed Interim Urgency Ordinance would extend that period to April 5, 2018.

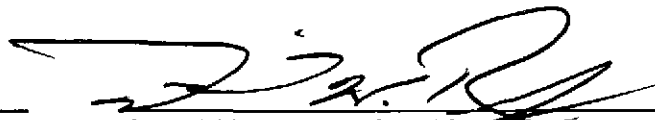
The City receives, reviews, and approves various applications involving the conversion of multi-family rental housing to condominiums, hotels, or other uses. These conversions result in the displacement of the occupants and residents of the rental multi-family housing. The Council has expressed concerns that such displacement creates hardship and costly relocation expenses for these occupants and residents and that such displacement exacerbates existing homeless issues in the City. The proposed interim urgency ordinance would require that each conversion be conditioned upon certain minimum tenant relocation assistance to ensure an orderly, fair, and reasonable opportunity for displaced occupants and residents to find and relocate to suitable replacement housing.

FISCAL ANALYSIS

No significant change to City revenue or expenditures is expected as a result of adopting the proposed urgency ordinance.



\_\_\_\_\_  
Douglas Holland, City Attorney



\_\_\_\_\_  
David H. Ready, City Manager

Attachments:

Notice of Public Hearing

Proposed Interim Urgency Ordinance

**CITY OF PALM SPRINGS**

**CITY COUNCIL**  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

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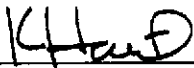
Date: May 3, 2017  
Subject: Tenant Relocation

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**AFFIDAVIT OF PUBLICATION**

I, Kathleen D., MMC, Interim City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on April 21, 2016.

I declare under penalty of perjury that the foregoing is true and correct.



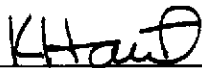
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Kathleen D. Hart, MMC  
Interim City Clerk

**AFFIDAVIT OF POSTING**

I, Kathleen D. Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on April 20, 2017.

I declare under penalty of perjury that the foregoing is true and correct.



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Kathleen D. Hart, MMC  
Interim City Clerk

**NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS**

**PROPOSED ORDINANCE REQUIRING THE IMPOSITION OF CERTAIN  
TENANT RELOCATION AND PROTECTION REQUIREMENTS AS  
CONDITIONS OF APPROVAL OF DISCRETIONARY LAND USE  
ENTITLEMENTS**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of May 3, 2017. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider requiring the imposition of certain tenant relocation and protection requirements, including notice and relocation assistance as conditions of approval of discretionary land use entitlements by the City of Palm Springs.

**ENVIRONMENTAL DETERMINATION:** There is no possibility the adoption of this Ordinance will have a significant effect on the environment. This Ordinance is therefore exempt from environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations

**REVIEW OF INFORMATION:** The proposed ordinance and related documents are available for public review at City Hall between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.


**COMMENT:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments can be made to the City Council by email at [City.Clerk@palmspringsca.gov](mailto:City.Clerk@palmspringsca.gov) or letter (for mail or hand delivery) to:

Kathleen D. Hart, MMC  
Interim City Clerk  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Any challenge of the proposed in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009[b][2]).

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed Douglas C. Holland, City Attorney, at (760) 323-8362.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253.

  
\_\_\_\_\_  
Kathleen D. Hart, MMC  
Interim City Clerk

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

AN INTERIM URGENCY ORDINANCE (EXTENDING INTERIM URGENCY ORDINANCE NO. 1923) OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS BY THE CITY OF PALM SPRINGS. (4/5<sup>THS</sup> Vote Required).

*City Attorney Summary*

*The City receives, reviews, and approves various applications involving the conversion of rental multi-family housing to condominiums, hotels, or other uses. Such conversions result in the displacement of the occupants and residents of the rental multi-family housing. The Council finds that such displacement creates hardship and costly relocation expenses for these occupants and residents and can contribute to the existing homeless issue in the City. This Ordinance requires that each conversion will be conditioned upon certain minimum tenant relocation assistance to ensure an orderly, fair, and reasonable opportunity for displaced occupants and residents to find and relocate to suitable replacement housing.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS:

A. This interim urgency ordinance provides an interim set of regulations to protect occupants and residents displaced by the conversion of multi-family housing units by requiring the provision of minimum relocation assistance to ensure an orderly, fair, and reasonable opportunity to find and relocate to suitable replacement housing. This interim urgency ordinance extends Interim Urgency Ordinance No. 1923, adopted on April 5, 2017 and which will expire on May 3, 2017.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDAINS:

SECTION 1. Each application for any entitlement for the conversion of any rental multi-family housing unit or units to any use other than rental multi-family housing, shall be conditioned upon the provision of the tenant assistance components described in Section 2 of this Ordinance, subject to the conditions provided. Except as otherwise provided in Section 3 of this Ordinance, each tenant assistance component specified herein shall be provided to each tenant residing in the property subject to the conversion at the time the application is submitted and for each tenant who resided therein during the period one year immediately prior to the application.

SECTION 2. The following are the required tenant assistance components to be

imposed as a condition of any conversion:

- A. An amount equal to three months' rent paid by the tenant, plus one additional month for each year over three years the tenant resided in the unit.
- B. During the pendency of the application, the year immediately prior to the date of the application, and the period of time between approval of an application for conversion and the date the tenant is required to vacate consistent with the provisions of this Ordinance, no tenant shall be required to vacate the premises unless the tenant is afforded the rights and benefits provided in this Ordinance.
- C. During the period identified in Subsection B of this Ordinance, rent shall not be increased more than once every twelve (12) months in an amount that does not exceed an amount equal to the cost of living for such twelve month period as determined by the City Manager or the City Manager's designee.
- D. Each tenant shall receive at least ninety (90) days' notice for any eviction, rent increase, or non-renewal of lease. Tenants who are seniors or persons with disabilities shall receive no less than One Hundred and Eighty (180) days' notice for any eviction, rent increase, or non-renewal of lease.
- E. At the time the application is submitted, and before the application will be accepted as complete, the City shall be provided (1) a list of the names of all tenants covered under the terms of this Ordinance under Subsection B above and their addresses and relevant contact information, and (2) documentation acceptable to the City Manager that each tenant received a letter that adequately describes and explains the rights provided under the provisions of this Ordinance. The City shall also be notified of each eviction, rent increase, or non-renewal of lease within 10 days of such notice to any tenant under Subsection C above.

**SECTION 3. CEQA.** The City Council finds and determines that the adoption of the instant interim urgency ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) because the ordinance does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and is thus not a "project" as that term is defined in Public Resources Code Section 21065 and Section 15378 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"). Public Resources Code Section 21065 defines "project" as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The adoption of this interim urgency ordinance does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment as the ordinance does not provide for any discretionary land use entitlements but rather requires each application for certain entitlements to be conditioned upon the provision of certain tenant relocation assistance components.

The City Council further finds and determines that if the adoption of this interim urgency ordinance were considered to be a "project" under CEQA, the adoption of the interim urgency ordinance would qualify for the "common sense" exemption set forth in CEQA Guidelines Section 15061(b)(3). CEQA's "Common Sense" Exemption applies

where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (CEQA Guidelines Section 15061(b)(3)) The adoption of the instant interim urgency ordinance would extend Interim Urgency Ordinance No. 1923 and would not result in a change to the existing environmental conditions. As indicated above, the interim urgency ordinance does not provide for any discretionary land use entitlements but rather requires each application for certain entitlements to be conditioned upon the provision of certain tenant relocation assistance components. Accordingly, it can be seen with certainty that there is no possibility that the adoption the instant interim urgency ordinance may have a significant effect on the environment and is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3).

#### SECTION 4. Findings.

A. The City is a charter city and this urgency ordinance is adopted pursuant to Section 312 of the Charter of the City of Palm Springs.

B. Apartments are multi-family residential rental properties that provide affordable housing for residents. Although the City provides a minimum amount of tenant protection when apartments are converted to condominiums, the City Council finds that these minimums are not sufficient in the current economic and housing environments nor do these protections apply to all situations involving the conversion of apartments from multi-family rental housing to other alternative uses, including without limitation hotels.

C. Aspects of the public peace, health, and safety are not adequately protected due to lack of regulation for evictions from apartments without cause displacing residents with minimum notice and little if any relocation assistance. The impacts on the City, city resources, and the general public include without limitation that residents displaced as a result of such conversions face high degrees of difficulty or outright inability to find suitable, affordable, and accessible housing, thereby compelling such residents to live on the streets, in public places, or in their automobiles, exacerbating the existing homeless issues in the City and placing further strain on the minimal resources the City has to deal with its homeless issues.

D. The Council finds the current and immediate problem constitutes a threat to the public peace, health, and safety of the City's residents due to the adverse impacts that result from no cause evictions and displacement of City residents with minimum, insufficient notice and inadequate relocation assistance, if any.

E. The City Council declares this emergency measure is necessary to preserve the public peace, health, and safety and that this Ordinance is necessary to prevent further evictions of tenants without cause, sufficient notice, and adequate relocation assistance.

SECTION 5. Effective Date. The City Council hereby declares, on the basis of the findings set forth in the Ordinance, that an urgency ordinance is warranted and that this Ordinance is necessary to preserve the public peace, health and safety.

Accordingly, this Ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption. This Ordinance shall expire on April 5, 2018 unless otherwise extended by action of the City Council prior to such date.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS \_\_\_\_ DAY OF MAY, 2017.

ATTEST:

\_\_\_\_\_  
ROBERT MOON, MAYOR

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KATHLEEN D. HART, MMC  
INTERIM CITY CLERK