

ORDINANCE NO. 2024-2912

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA AMENDING THE LA MESA MUNICIPAL CODE TO ADD A NEW SECTION 24.05.020(A)(6) TO AUTHORIZE BY-RIGHT APPROVAL FOR PROJECTS WITH 20% AFFORDABLE UNITS ON REUSE SITES AS DEFINED PURSUANT TO GOVERNMENT CODE SECTION 65583.2 AND IN COMPLIANCE WITH THE 6TH CYCLE HOUSING ELEMENT, IMPLEMENTATION PROGRAM 8

WHEREAS, in 2017, the California legislature passed AB 1397, which strengthens and adds specifications to Housing Element Law, Government Code Sections 65580, 65583, and 65583.2, to identify and make sites available for the Regional Housing Needs Allocation (RHNA) for lower-income households;

WHEREAS, AB 1397 applies to housing element updates beginning January 1, 2018 and amends Housing Element Law (see specifically Government Code 65580, 65583, 65583.2);

WHEREAS, Government Code Section 65583.2 adds specifications to Housing Element Law that authorizes by-right approval for projects with 20% affordable units on "Reuse Sites";

WHEREAS, "Reuse Sites" are those sites identified in the 4th and 5th Housing Cycles and relisted in the 6th cycle 2021-2029 Housing Element (Housing Element), as listed in Appendix D of the Housing Element; "

WHEREAS, the Council adopted the Housing Element on July 27, 2021, including Housing Element Program 8, which requires that the City will amend the Zoning Ordinance to allow for by-right approval of projects with 20% Affordable Units on "Reuse Sites";

WHEREAS, this Ordinance would authorize a by-right approval process for projects with 20% affordable units on "Reuse Sites" and would ensure compliance with Housing Element Law pursuant to Government Code Section 65583.2;

WHEREAS, this Ordinance would also ensure compliance with the City's Housing Element, certified on July 6, 2023, by the California Department of Housing and Community Development (HCD);

WHEREAS, the Planning Commission adopted Resolution No. PC-2024-07, on July 8, 2024, on file with the Office of the City Clerk and incorporated by this reference, recommending approval of this Ordinance;

WHEREAS, the City Council conducted a public hearing on July 23, 2024, regarding this Ordinance;

WHEREAS, notices of all said public hearings were made at the time and in the manner required by law; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act Guidelines: Section 15282, "Other Statutory Exemptions", Subsection (r) "Determinations made regarding a city or county's regional housing needs as set forth in Section 65584 of the Government Code".

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of La Mesa, California as follows:

SECTION 1: The City Council finds and determines the following:

- a. That the foregoing recitals are true and correct and an integral part of the City Council's decision, and hereby adopts such recitals as findings.
- b. That the regulations proposed herein are consistent with California Government Code Section 65852.2.
- c. The project is exempt from environmental review pursuant to the California Environmental Quality Act Guidelines: Section 15282, "Other Statutory Exemptions", Subsection (r) "Determinations made regarding a city or county's regional housing needs as set forth in Section 65584 of the Government Code".

SECTION 2: A new section 24.05.020(A)(6) is hereby added to the La Mesa Municipal Code as follows:

6. Housing Element Reuse Sites

"Reuse Sites as identified in the City's Housing Element Appendix B (as certified by the California Department of Housing and Community Development on July 6, 2023) that provide 20% of new housing units as affordable to lower-income households, shall be processed as by-right development and shall not require discretionary approval."

SECTION 3. This Ordinance shall be effective 30 days after its adoption and the City Clerk shall certify to the adoption of this Ordinance. The City Clerk is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing a newspaper of general circulation published in the City of La Mesa.

INTRODUCED AND FIRST READ at a Regular meeting of the City Council of the City of La Mesa, California, held the 23rd day of July 2024, and thereafter PASSED AND ADOPTED at a Regular meeting of said City Council held the 13th day of August 2024, by the following vote, to wit:

AYES: Councilmembers Dillard, Lothian, Parent, Shu, and Mayor Arapostathis

NOES: None

ABSENT: None

APPROVED:

MARK ARAPOSTATHIS, Mayor

ATTEST:

MEGAN WIEGELMAN, CMC, City Clerk

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, CMC, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 2024-2912, duly passed and adopted by the City Council of said City on the date and by the vote therein recited and that the same has been duly published according to law.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)