

ORDINANCE NO. 2019-2866

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA
ADOPTING AMENDMENTS TO TITLE 24 (ZONING) OF THE LA MESA
MUNICIPAL CODE FOR THE DEVELOPMENT OF JUNIOR ACCESSORY
DWELLING UNITS (JADUs) IN ACCORDANCE WITH CALIFORNIA
GOVERNMENT CODE SECTION 65852.22

WHEREAS, housing in California is becoming increasingly unaffordable, and the availability of housing is a substantial concern for individuals of all demographics, ages, and income groups in communities throughout the City of La Mesa (City);

WHEREAS, the state is falling far short of meeting current and future housing demand and the housing affordability crisis threatens the public health, safety, and/or welfare of our citizenry;

WHEREAS, junior accessory dwelling units are additional living quarters that are independent of the primary dwelling unit that may be either attached or detached and provide complete independent living facilities, including facilities for living, sleeping, eating, cooking, and sanitation;

WHEREAS, alternative housing models such as junior accessory dwelling units contribute to addressing housing supply and affordability;

WHEREAS, the State of California recently enacted Assembly Bill 2406 regarding the development of junior accessory dwelling units (JADUs) adding California Government Code Section 65852.22, effective January 1, 2017, intended to eliminate barriers to junior accessory dwelling unit construction that the Legislature has determined is a common-sense, cost effective approach to accommodate future growth and to encourage infill development in developed neighborhoods;

WHEREAS, Section 65852.150(a) of the California Government Code provides that accessory dwelling units are a valuable form of housing; that they may provide housing for family members, students, the elderly, in-home healthcare providers, the disabled, and others at below market prices within existing neighborhoods; that they may add income and an increased sense of security to homeowners; that they will provide additional rental housing stock; that they offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character; and that they are an essential component of California's housing supply;

WHEREAS, Section 65852.150(b) of the California Government Code provides that the Legislature's intent with the adoption of SB 1069 was that local agencies adopt an ordinance relating to matters including unit size, parking, fees, and other requirements, that are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance;

WHEREAS, the City Council seeks to implement the State legislation through adoption of local regulations for the development of junior accessory dwelling units, as provided by California Government Code Section 65852.22(a), to provide increased affordable housing options and to further the public health, safety, and welfare;

WHEREAS, the City desires to clearly communicate to the residents and citizens and business community how the City intends to implement Section 65852.22 of the California Government Code;

WHEREAS, the Planning Commission conducted a public hearing on December 19, 2018, regarding the herein proposed amendments to Title 24 (Zoning) of the La Mesa Municipal Code, considered public testimony, and made a recommendation to the City Council to adopt the proposed amendments;

WHEREAS, the City Council conducted a public hearing on February 26, 2019, regarding the herein proposed amendments to Title 24 (Zoning) of the La Mesa Municipal Code, considered all evidence, including testimony and the evaluation and recommendation by staff, presented at said hearing;

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

WHEREAS, this Ordinance is enacted pursuant to the powers vested in the City pursuant to Article XI, Sections 5 and 7, of the California Constitution; and

WHEREAS, the development of junior accessory dwelling units is consistent with the categorical environmental review exemption provided by Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines.

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

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

1. 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.

That the regulations proposed herein are consistent with California Government Code Section 65852.22.

3. That this action is categorically exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines.

SECTION 2: Title 24 (Zoning) of the La Mesa Municipal Code (LMMC) is hereby amended as follows:

A. Add definition of "junior accessory dwelling unit" to LMMC Section 24.01.100:

JUNIOR ACCESSORY DWELLING UNIT shall mean a residential dwelling unit that is no more than 500 square feet in area, contained entirely within an existing single-family residence, and with separate sanitation facilities from, or shared sanitation facilities with, the existing residence.

B. Add new subsection 9 to LMMC Section 24.04.050A:

9. Junior accessory dwelling units No parking spaces required (See Municipal Code Section 24.05.0209(f)(vii))

C. Add new subsection 9 to LMMC Section 24.05.020D, and renumber sections following:

9 Junior Accessory Dwelling Units

- a. One junior accessory dwelling unit may be permitted in conjunction with an existing, previously constructed single-family residence on lots zoned for single-family or multifamily use.
- b. A junior accessory dwelling unit may be permitted on a lot where an accessory dwelling unit exists.
- c. A junior accessory dwelling unit shall not be sold separately from the primary residence.
- d. A junior accessory dwelling unit may be rented, but only with a rental agreement with terms greater than 30 days.
- e. The owner of a lot with a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
- f. Junior Accessory Dwelling Unit Development Standards
 - (i). A junior accessory dwelling unit shall not exceed 500 square feet in total floor area.
 - (ii). A junior accessory dwelling unit shall be contained entirely within an existing single-family residence.
 - (iii). Creation of a junior accessory dwelling unit must include the conversion of an existing bedroom.
 - (iv). A junior accessory dwelling unit shall be provided with a separate exterior entry.
 - (v). An interior connection to the main living area of the primary residence shall be maintained. A second door may be added for sound attenuation.
 - (vi). A junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - (1) A sink with a maximum waste line of one and one-half (1.5) inches.
 - (2) A cooking facility with appliances that do not require electrical service greater than 120 volts or natural or propane gas.
 - (3) A food preparation counter and storage cabinets that are reasonable to the size of the unit.

- (i). No additional parking shall be required for a junior accessory dwelling unit other than that required when the existing primary residence was constructed.
 - (ii). A junior accessory dwelling unit may share bathroom/sanitation facilities with the primary residence or may provide separate facilities.
- g. Except as provided herein, a junior accessory dwelling unit shall comply with all local building and fire code requirements, as appropriate.
- h. Junior accessory dwelling units shall not be required to provide fire sprinklers or fire attenuation specifications if they are not required for the primary residence. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.
- i. No sewer or water connection fees shall be required for the development of a junior accessory dwelling unit. An inspection to confirm that the junior accessory dwelling unit complies with development standards may be assessed.
- j. Prior to issuance of a building permit for a junior accessory dwelling unit, a covenant shall be recorded between the owner and the City of La Mesa agreeing to the terms stipulated in this chapter. The covenant shall specifically mention that:
 - (i). The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit.
 - (ii). The junior accessory dwelling unit may be rented, but only with a rental agreement with terms greater than 30 days.
 - (iii). The junior accessory unit is limited to the size and attributes set forth by this Section.
 - (iv). The owner of record of the property shall occupy the primary dwelling unit or the junior accessory dwelling unit, except where the primary dwelling and junior accessory dwelling are held by an agency such as a land trust or housing organization in an effort to create affordable housing.
 - (v). The covenant shall be binding upon any successors in interest or ownership of the property and lack of compliance with the provisions thereof may result in legal action against the property owner, including revocation of the right to maintain a junior accessory dwelling unit on the property.
- k. Applications for junior accessory dwelling units conforming to the requirements of this section shall be considered ministerially without discretionary review or a hearing, and the City shall approve or deny such applications within 120 calendar days after receiving the application.
- l. Junior accessory dwelling units shall be exempt from the requirements for public right-of-way dedication and improvement.

910. Accessory uses and structures by conditional use permit:

- a. Tennis, handball or similar courts. (As part of the original construction of a PRD, condominium or apartment development, such court may be approved through the normal project review, providing the judgment is made that its location, lighting and use will not be disruptive to adjacent residential properties.)
- b. Columbarium cabinets with a capacity to store more than two hundred urns, in conjunction with a church use. All such cabinets shall only be installed inside enclosed buildings.
- c. The construction of large objects unrelated to the premises such as boats or airplanes on a one-time basis.
- d. Non-conventional antennas, and satellite dish antennas over three feet in diameter which do not comply with the provisions of Section 24.05.020(D)(1).

~~40~~11. Commercial residential use within a detached single-family residence with six or fewer adult residents upon issuance of a business license, when the following provisions are met:

- a. A minimum of two hundred square feet of living area shall be provided per adult resident.
- b. One parking space shall be provided per adult resident. A maximum of two spaces may be provided in tandem to other required parking spaces (such as in a driveway to a garage), when no more than one vehicle is parked behind one other vehicle and no more than fifty percent of the front setback area is paved.
- c. A minimum of two bathrooms, each including either a bathtub or shower, shall be provided.

~~44~~12. Unattended storage containers for recyclable materials occupying less than fifty square feet located on the premises of residential property and used solely for the recycling of material generated by the residential property, or unattended storage containers for recyclable materials on permitted institutional uses in residential districts for the donation of recyclable materials for noncommercial purposes. Such storage containers shall be located in the general vicinity of other trash collection facilities on the site.

~~42~~13. Small family day care homes located in a single-family residence.

~~43~~14. Large family day care homes located in a single-family residence when the following criteria are met:

- a. A minimum of one off-street parking stall shall be provided for the unloading/loading of children.
- b. All outdoor play areas shall be enclosed within a minimum four-foot high fence.
- c. A plot plan shall be furnished to the planning department with the business license application clearly showing how items a. and b. are being met.

- d. The fire department has conducted an inspection of the property prior to issuance of the business license to ensure that all Fire Codes applicable to such a facility are being met.

4415. Columbarium cabinets or columbaria, with a capacity limited to store two hundred urns or less, in conjunction with a church use. All such cabinets shall only be installed inside enclosed buildings.

4516. Exterior lighting shall be compatible with residential use. All lighting shall be designed, installed and maintained to project the light primarily on the owner's property. This may require the use of shields, and may limit the location, type and height of light fixtures. Any light falling on adjacent properties shall be minimal and incidental. Lighting shall be focused directly on the owner's property, and shall not be focused on adjacent properties.

SECTION 3: This Ordinance shall be effective 30 days after its adoption and the City Clerk of the City of La Mesa is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing the *East County Californian*, 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 on the 26th day of February, 2019, and thereafter PASSED AND ADOPTED at a Regular meeting of said City Council held the 12th day of March, 2019, by the following vote, to wit:

AYES: Councilmembers Alessio, Baber, Parent, Weber and Mayor Arapostathis

NOES: None

ABSENT: None

APPROVED:

Mark Arapostathis, Mayor

ATTEST:

MEGAN WIEGELMAN, CMC, City Clerk

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 2019-2866, 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)