

ORDINANCE NO. 2020-2879

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 ACCESSORY DWELLING
UNITS (ADU) IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE
SECTION 65852.2

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, 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 accessory dwelling units contribute to addressing housing supply and affordability;

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 is 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 State of California enacted in 2019 legislation regarding the development of accessory dwelling units (ADU), including Senate Bill 13, Assembly Bill 68, and Assembly Bill 881, effective January 1, 2020, amending California Health and Safety Code Section 17980.12 and Government Code Sections 65852.2 and 65852.22, intended to further address barriers to accessory dwelling unit construction, which the Legislature has determined is a common-sense, cost effective approach to accommodate future growth and to encourage infill development in developed neighborhoods;

WHEREAS, the City Council seeks to implement the State legislation through adoption of local regulations for the development of accessory dwelling units, as provided by California Government Code Section 65852.2(a), to provide increased affordable housing options and to

further the public health, safety, and welfare;

WHEREAS, pursuant to Section 65852.2 et seq. of the California Government Code, accessory dwelling units are a residential use consistent with the existing General Plan and zoning designation for the lot, and accessory dwelling units do not exceed the allowable density for the lot on which the accessory unit is located;

WHEREAS, the City desires to clearly communicate to the residents and citizens and business community how the City intends to implement Section 65852.2 of the California Government Code;

WHEREAS, the City Council conducted a public hearing on March 10, 2020, 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 California Environmental Quality Act (CEQA) does not apply to the City's adoption of an ordinance to implement Government Code Section 65852.2 regarding accessory dwelling units pursuant to Public Resources Code Section 21080.17.

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.
2. That the regulations proposed herein are consistent with California Government Code Section 65852.2.
3. That this action is exempt from CEQA pursuant to Public Resources Code Section 21080.17.

SECTION 2: Title 24 (Zoning) of the La Mesa Municipal Code (LMMC) is hereby amended as follows, additions are shown as underline and deletions are shown as ~~strikethrough~~:

A. Amend the definition of "accessory dwelling unit" in LMMC Section 24.01.100 (Definitions):

"Accessory dwelling unit" means ~~either a detached or attached dwelling unit which that~~ provides complete, independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel or parcel as the primary

unit is situated. An accessory dwelling unit can be an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code."

B. Amend accessory dwelling unit parking requirement in LMMC Section 24.04.050A(8):

"8. Accessory dwelling units See Municipal Code Section 24.05.020D8(ko)"

C. Delete existing LMMC Section 24.05.020D8:

~~8. Accessory Dwelling Units, Attached and Detached~~

- ~~a. One attached or one detached accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family or two-family (duplex) residence on lots zoned for single-family or multifamily use.~~
- ~~b. An accessory dwelling unit may be permitted on a lot where a junior accessory dwelling unit exists.~~
- ~~c. An accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary residence, but may be rented.~~
- ~~d. Except as provided herein, attached and detached accessory units shall comply with the development standards of the underlying zone and/or overlay zone, and all other ordinances, regulations, and policies, applicable to the development of residential dwelling units.~~
- ~~e. Except as provided herein, attached and detached accessory dwelling units shall comply with all local building and fire code requirements, as appropriate.~~
- ~~f. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~
- ~~g. Projects solely proposing the development of an accessory dwelling unit shall be exempt from public right-of-way dedication and improvement requirements.~~
- ~~h. The floor area of an attached or detached accessory unit shall not exceed 1,200 square feet.~~
- ~~i. Setbacks for accessory units:~~
 - ~~(i). Except as provided herein, attached and detached accessory dwelling units shall comply with the setbacks required for the primary dwelling unit as established by the underlying zoning designation or overlay zone, as applicable.~~
 - ~~(ii). Notwithstanding the setbacks established by the underlying zoning designation or overlay zone, except the Hillside Overlay Zone, attached or detached accessory dwelling units shall have a setback of not less than five~~

~~feet from side and rear property lines, or from the interior edge of adjacent access easements, whichever is more restrictive.~~

- ~~(iii). The setbacks established by the underlying zone and the overlay zone shall apply to attached and detached accessory dwelling units within the Hillside Overlay Zone.~~
- ~~(iv). Notwithstanding any other setback requirement, no setback shall be required for the conversion of existing space wholly within an existing primary residence or an existing garage or accessory structure to an accessory dwelling unit.~~
- ~~(v). Notwithstanding any other setback requirement, an accessory dwelling unit constructed above a garage shall have a setback of not less than five feet from side and rear property lines.~~
- ~~(vi). Building appendages for accessory dwelling units shall comply with Municipal Code Section 24.05.030G.~~
- ~~(vii). Any accessory dwelling unit that is permitted or constructed in reliance on the setbacks established specifically for accessory dwelling units in this Subsection 24.05.020D8i shall be:
 - ~~(1) Maintained as an accessory dwelling unit and shall not be converted to or used for any other purpose without express authorization of the City.~~
 - ~~(2) Limited to a height of one-story and 15 feet for any portion of an attached or detached accessory dwelling unit relying on the setbacks established by Municipal Code Section 24.05.020D8i(ii), except that accessory dwelling units constructed above a garage shall be subject to the height limit applicable to the primary dwelling.~~~~
- ~~j. An additional five percent (5%) of lot coverage above that established for the underlying zoning designation shall be allowed for accessory dwelling units only for lots of 10,000 square feet or less and where there is an existing single-family residence.~~
- ~~k. Parking
 - ~~(i). New or additional parking spaces shall not be required for the creation of accessory dwelling units.~~
 - ~~(ii). Where provided, parking spaces for accessory dwelling units shall comply with Chapter 24.04 (Parking) of the Municipal Code, including but not limited to the design requirements of the Parking Standards adopted by City Council Resolution No. 17128, or as those standards may be amended or modified by City Council action.~~
 - ~~(iii). When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, any required~~~~

~~parking spaces removed shall be replaced on the same lot as the accessory dwelling unit.~~

~~(1) The replacement parking spaces may be located in any configuration on the lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.~~

~~(2) Uncovered replacement parking spaces may be located within setback areas.~~

~~(3) Structures for covered parking spaces shall be required to comply with applicable setbacks.~~

~~I. Utilities~~

~~(i). Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service~~

~~(ii). For an accessory dwelling unit that is contained wholly within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence and the side and rear setbacks are sufficient for fire safety, no new or separate utility connection directly between the accessory dwelling unit and the utility shall be required and no related connection fee or capacity charge shall be imposed.~~

~~(iii). For an accessory dwelling unit that does not meet the criteria of Municipal Code Section 24.020D8j(ii) and where the physical characteristics of the lot on which the accessory dwelling unit is proposed preclude connection to the existing utility connection of the primary dwelling, a new or separate connection directly to the utility shall be required and related connection fees and capacity charges shall be imposed.~~

~~(iv). Connection fees and capacity charges shall be imposed for accessory dwelling unit projects that voluntarily propose a new or separate connection directly between the accessory dwelling unit and the utility.~~

~~(v). When connection fees and/or capacity charges are imposed, the fee and/or charge shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. The fee and/or charge shall not exceed the reasonable cost of providing this service.~~

~~(vi). Prior to approval of an accessory dwelling unit on properties with a private sewage system, approval by the County of San Diego Department of Environmental Health, or any successor agency, shall be required.~~

~~m. Historical sites and districts~~

- ~~(i). An accessory dwelling unit may be allowed on designated historical sites and within historical districts provided that the location and design of the accessory dwelling unit meets corresponding historical preservation requirements in place at the time the accessory second dwelling unit is built and complies with the requirement of this section.~~
- ~~(ii). Detached accessory dwelling units shall be located behind the primary residence and/or historic structure.~~
- ~~(iii). The construction of the accessory dwelling unit shall not result in the removal of any other historically significant accessory structure, such as garages, outbuildings, stables or other similar structures.~~
- ~~(iv). The accessory dwelling unit shall be designed in substantially the same architectural style and finished materials composition as the primary residence or historic structure.~~
- ~~(v). Construction of an accessory dwelling unit shall not result in demolition, alteration or movement of the primary residence/historic house and any other on-site features that convey the historic significance of the house and site.~~
- ~~(vi). If the historic house/site is under a Mills Act contract with the City, the contract shall be amended, as needed, to authorize the introduction of the accessory dwelling unit on the site.~~
- ~~n. Applications for 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.~~
- ~~o. The requirements of Municipal Code Chapter 24.09, Scenic Preservation Overlay Zone, shall apply to the development of accessory dwelling units, except that Planning Commission review shall not be required for a project that solely proposes an accessory dwelling unit.~~
- ~~p. Projects proposing the development of an accessory dwelling unit shall not be subject to the requirements of Municipal Code Chapter 24.11, Urban Design Overlay Zone, or the requirements of the Urban Design Program.~~
- ~~q. The requirements of Municipal Code Chapter 24.13, Hillside Overlay Zone, shall apply to the development of accessory dwelling units, except that Planning Commission review shall not be required for a project that solely proposes an accessory dwelling unit.~~
- ~~r. Within the Bowling Green Overlay Zone, any tree that was required to be planted pursuant to Municipal Code Section 24.17.030D that is disturbed by a project to construct an accessory dwelling unit shall be preserved in place, or replaced in kind on the subject property if disturbed by the project.~~

~~s. Accessory dwelling units shall not be considered in the application of any ordinance, policy, or program to limit residential growth.~~

~~t. For the purposes of this section, the following definitions apply,~~

~~(i). "Accessory dwelling unit" shall be as defined in Municipal Code Section 24.01.100.~~

~~(ii). "Living area" shall mean the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~

~~(iii). "Public transit" shall mean any active trolley station or bus stop.~~

D. Add new LMMC Section 24.05.020D8:

"8. Accessory Dwelling Units, Attached and Detached

- a. One attached or one detached accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residence on lots zoned for single-family or multifamily residential use.
- b. The greater of one accessory dwelling unit or accessory dwelling units totaling not more than 25% of the existing dwelling units in a multifamily dwelling structure may be permitted on lots with existing multifamily dwelling structures in any residential or mixed-use zone. Such accessory dwelling units must be within existing portions of the existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided each unit complies with State building standards for dwellings.
- c. Not more than two detached accessory dwelling units not exceeding 16 feet in height may be permitted on a lot with an existing multifamily dwelling in any residential or mixed-use zone.
- d. An accessory dwelling unit may be permitted on the same lot as a junior accessory dwelling unit.
- e. An accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary residence, but may be rented, except as provided in Section 24.05.020D8(bb).
- f. The rental of an accessory dwelling unit created under Section 24.05.020D8b or c shall be for terms longer than 30 days.
- g. Except as provided herein, attached and detached accessory dwelling units shall comply with the development standards of the underlying zone and/or overlay zone, and all other ordinances, regulations, and policies, applicable to the development of residential dwelling units.

- h. Except as provided herein, attached and detached accessory dwelling units shall comply with all local building and fire code requirements, as appropriate.
- i. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
- j. Projects solely proposing the development of an accessory dwelling unit shall be exempt from public right-of-way dedication and improvement requirements.
- k. The floor area of an attached or detached accessory dwelling unit shall not exceed 1,200 square feet.
- l. Setbacks for accessory dwelling units:
 - i. Except as provided herein, attached and detached accessory dwelling units shall comply with the setbacks required for the primary dwelling as established by the underlying zoning designation or overlay zone, as applicable.
 - ii. Notwithstanding the setbacks established by the underlying zoning designation or overlay zone, attached or detached accessory dwelling units shall have a setback of not less than four feet from side and rear property lines, or from the interior edge of adjacent access easements, whichever is more restrictive, except where the underlying zoning allows a lesser setback. Any accessory dwelling unit that is created by new construction, including additions to existing structures, that does not comply with the setbacks established by the underlying zoning designation or overlay zone shall be:
 - (1) Maintained as an accessory dwelling unit and shall not be converted to or used for any other purpose without express authorization of the City.
 - (2) Limited to a height of one story and 16 feet.
 - iii. Notwithstanding any other setback requirement, no setback shall be required for the conversion of existing space wholly within an existing primary single-family residence, or an existing garage or accessory structure that are accessory to a single-family residence, to an accessory dwelling unit, provided that setbacks are sufficient for fire safety as determined by the Fire Marshal or the Building Official.
 - iv. Notwithstanding any other setback requirement, an existing garage or accessory structure located on the same lot as a single-family residence may be replaced with an accessory dwelling unit in compliance with this section in the same location and to the same physical dimension as the existing accessory structure to be replaced, provided that setbacks are sufficient for fire safety as determined by the Fire Marshal or the Building Official. The area of the existing accessory structure, or the replacement structure, may be increased by not more than 150 square feet solely for the purpose of accommodating ingress and egress provided that the new construction for the expansion complies with setback requirements and the area of the

accessory dwelling unit plus the area of expansion does not exceed the limits on total living area allowed for an accessory dwelling unit.

- v. Building appendages for accessory dwelling units shall comply with Municipal Code Section 24.05.030G.
- m. An additional five percent (5%) of lot coverage above that established for the underlying zoning designation shall be allowed for accessory dwelling units only for lots of 10,000 square feet or less and where there is an existing single-family residence.
- n. No lot coverage limitation, minimum open space requirement, or minimum lot size requirement shall preclude the development of an accessory dwelling unit that is at least 800 square feet in area with side and rear setbacks of not less than four feet, provided that all other development standards are met.
- o. Parking
 - i. New or additional parking spaces shall not be required for the creation of accessory dwelling units.
 - ii. Where provided, parking spaces for accessory dwelling units shall comply with Chapter 24.04 (Parking) of the Municipal Code, including but not limited to the design requirements of the Parking Standards adopted by City Council Resolution No. 17128, or as those standards may be amended or modified by City Council action.
 - iii. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, any required parking spaces removed shall not be required to be replaced.
- p. No impact fees shall be imposed for an accessory dwelling unit that is less than 750 square feet in area. Any impact fees charged for an accessory dwelling unit that is 750 square feet in area or greater shall be assessed proportionately in relation to the square footage of the primary dwelling unit. "Impact fee" as used herein does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
- q. Utilities
 - i. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, except that an accessory dwelling unit proposed to be constructed with a new single-family residence may be considered a new residential use for the purposes of calculations connection fees or capacity charges.
 - ii. For an accessory dwelling unit that is contained wholly within the space of an existing or proposed single-family residence or an existing accessory structure, plus any expansion of the accessory structure as allowed by

Section 24.05.020D8l(iv), has independent exterior access from the existing residence and the side and rear setbacks are sufficient for fire safety, no new or separate utility connection directly between the accessory dwelling unit and the utility shall be required and no related connection fee or capacity charge shall be imposed, unless the accessory dwelling unit is proposed to be constructed with a new single-family residence.

- iii. For an accessory dwelling unit that does not meet the criteria of Municipal Code Section 24.05.020D8q(ii) and where the physical characteristics of the lot on which the accessory dwelling unit is proposed preclude connection to the existing utility connection of the primary dwelling, a new or separate connection directly to the utility shall be required and related connection fees and capacity charges shall be imposed.
- iv. For attached or detached accessory dwelling units constructed on the same lot as an existing multifamily dwelling structure as described in Section 24.05.020D8b and c, a new or separate utility connection may be required between the accessory dwelling unit and the utility. The connection may be subject to a connection fee and/or capacity charge.
- v. Connection fees and capacity charges shall be imposed for accessory dwelling unit projects that voluntarily propose a new or separate connection directly between the accessory dwelling unit and the utility.
- vi. When connection fees and/or capacity charges are imposed, the fee and/or charge shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its area or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code, upon the water or sewer system. The fee and/or charge shall not exceed the reasonable cost of providing this service.
- vii. Prior to approval of an accessory dwelling unit on properties with a private sewage system, approval by the County of San Diego Department of Environmental Health, or any successor agency, shall be required.
- r. Historical sites and districts
 - i. An accessory dwelling unit may be allowed on designated historical sites and within historical districts provided that the location and design of the accessory dwelling unit meets corresponding historical preservation requirements in place at the time the accessory second dwelling unit is built and complies with the requirement of this section.
 - ii. Detached accessory dwelling units shall be located behind the primary residence and/or historic structure.
 - iii. The construction of the accessory dwelling unit shall not result in the removal of any other historically significant accessory structure, such as garages, outbuildings, stables or other similar structures.

- iv. The accessory dwelling unit shall be designed in substantially the same architectural style and finished materials composition as the primary residence or historic structure.
- v. Construction of an accessory dwelling unit shall not result in demolition, alteration or movement of the primary residence/historic house and any other on-site features that convey the historic significance of the house and site.
- vi. If the historic house/site is under a Mills Act contract with the City, the contract shall be amended, as needed, to authorize the introduction of the accessory dwelling unit on the site.
- s. Applications for 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 60 calendar days after receiving the application, if there is an existing single-family or multifamily dwelling on the lot. If a permit application for an accessory dwelling unit is submitted with an application for a new single-family dwelling on the same lot, the action on the accessory dwelling unit shall be delayed until the City acts on the permit application for the single-family residence. If the applicant requests a delay, the 60-day time period shall be extended for the period of the delay.
- t. A certificate of occupancy for an accessory dwelling unit shall not be issued before issuance of a certificate of occupancy for the primary dwelling.
- u. The requirements of Municipal Code Chapter 24.09, Scenic Preservation Overlay Zone, shall apply to the development of accessory dwelling units, except that Planning Commission review shall not be required for a project that solely proposes an accessory dwelling unit.
- v. Projects proposing solely the development of an accessory dwelling unit shall not be subject to the requirements of Municipal Code Chapter 24.11, Urban Design Overlay Zone, or the requirements of the Urban Design Program.
- w. The requirements of Municipal Code Chapter 24.13, Hillside Overlay Zone, shall apply to the development of accessory dwelling units, except that Planning Commission review shall not be required for a project that solely proposes an accessory dwelling unit.
- x. Within the Bowling Green Overlay Zone, any tree that was required to be planted pursuant to Municipal Code Section 24.17.030D that is disturbed by a project to construct an accessory dwelling unit shall be preserved in place, or replaced in kind on the subject property if disturbed by the project.
- y. Accessory dwelling units shall not be considered in the application of any ordinance, policy, or program to limit residential growth.
- z. The correction of nonconforming zoning conditions shall not be required as a condition for approval of a permit application for the creation of an accessory dwelling unit.

- aa. At the request of the owner of an accessory dwelling unit, enforcement of State building standards related to the accessory dwelling unit shall be delayed, subject to compliance with Section 17980.12 of the Health and Safety Code, provided that the accessory dwelling unit was built prior to January 1, 2020.
- bb. An accessory dwelling unit may be conveyed separately from the primary residence provided that all of the following apply:
- i. The property was built or developed by a qualified nonprofit corporation.
 - ii. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
 - iii. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
 - (1) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - (2) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.
 - (3) A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - (4) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
 - iv. A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the Office of the San Diego County Recorder. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
 - v. Notwithstanding Section 24.05.020D8q, if requested by a utility providing service to the primary residence, the accessory dwelling unit shall have a separate water, sewer, or electrical connection to that utility.
 - vi. For purposes of this section, the following definitions apply:
 - (1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.
 - (2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has

received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

cc. For the purposes of this section, the following definitions apply:

- i. "Accessory dwelling unit" shall be as defined in Municipal Code Section 24.01.100.
- ii. "Living area" shall mean the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- iii. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- iv. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- v. "Public transit" shall mean a location, including but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public."

E. Amend LMMC Section 24.05.030B, Note 3b:

"b. The maximum height of a detached accessory structure shall be one story not to exceed 15 feet, except by special permit. This limitation shall not apply to the construction or permitting of accessory dwelling units, which shall comply ~~to~~with the standards set forth in Municipal Code Section 24.05.020D8."

F. Amend LMMC Section 24.18.030B:

"B. Permitted Uses. All uses and accessory uses of the underlying zone shall be permitted unless modified as follows:

1. Residential is permitted on the ground-floor level with development standards as described in this overlay zone.
2. Accessory dwelling units constructed in accordance with Municipal Code Section 24.05.020D8.

~~2-3.~~ A conditional use permit shall be required for the following uses:

- a. Automobile gas station;
- b. Automotive repair shops, automotive body and paint shops, tire stores, car sales or similar related auto repair or auto equipment installation businesses;
- c. Drive-thru sales;
- d. Parking lots or parking garages not associated with a permitted use.

3.4. Retail sales from shops in the RB-D zone may exceed three thousand square feet of gross floor area."

SECTION 3: This ordinance shall be effective 30 days after its adoption and the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published at least once within 15 days of its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of La Mesa, California, held on the 10th day of March, 2020, and thereafter PASSED AND ADOPTED at a regular meeting of said City Council held the 14th day of April, 2020, by the following vote, to wit:

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

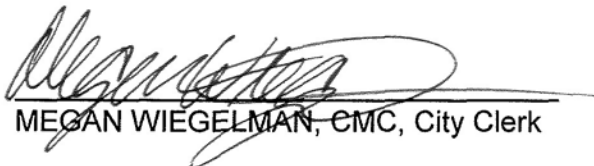
NOES: None

ABSENT: None

APPROVED:

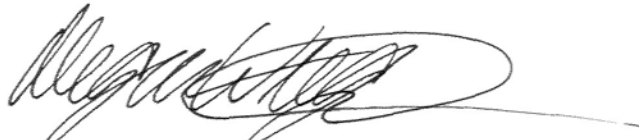

MARK ARAPOSTATHIS, Mayor

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. 2020-2879, 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)