

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA AMENDING THE LA MESA MUNICIPAL CODE TO REVISE THE EXCEPTIONS TO PROVIDE STREET IMPROVEMENTS AS PER LA MESA MUNICIPAL CODE SECTIONS 24.05.040C – PREREQUISITES TO DEVELOPMENT, AND 24.06.040B – PREREQUISITES TO DEVELOPMENT, TO EXCEPT BUILDING ADDITION AND ACCESSORY STRUCTURE PROJECTS 1,200 SQUARE FEET IN AREA OR LESS AND ACCESSORY DWELLING UNITS

WHEREAS, Ordinance No. 2631 adopted October 12, 1993, established the current exceptions from street improvement requirement for projects of \$50,000 or less valuation as per La Mesa Municipal Code Sections 24.05.040C – Prerequisites To Development, And 24.06.040B – Prerequisites To Development;

WHEREAS, the valuation amount established by Ordinance No. 2631 was based on the 1993 building valuation of prototype projects consisting of a residential project of 685 square feet or a commercial project of 1,350 square feet, both of which had a valuation of \$50,000 at that time;

WHEREAS, the costs of construction and therefore the valuation of construction projects has increased greatly in the over 27 years since the exceptions were established, resulting in much smaller projects triggering the requirement for street improvements;

WHEREAS, the City engaged Willdan Financial Services (Willdan) to assess the \$50,000 valuation in 1993 to current construction costs, and to provide recommendations for updating the exceptions currently provided;

WHEREAS, Willdan found that construction costs had increased generally by 125 percent since 1993, that the current valuations of the 1993 residential and commercial prototype projects had increased to \$89,450 and \$231,941, respectively;

WHEREAS, Willdan further found that recent applicants for lower valuation projects would not pursue projects for which public improvements exceeded 9.5 percent to 12.4 percent of building valuation based on City permit data;

WHEREAS, Willdan recommended that the City update the exceptions to street improvement requirements in response to the increase in construction costs and building valuation;

WHEREAS, Willdan further recommended that the exceptions to street improvement requirements be based on the square footage rather than valuation, and be reassessed every five years to ensure the exceptions to street improvement requirements continue to be a reasonable burden relative to the overall valuation of a project;

WHEREAS, the Willdan study showed that commercial and residential projects of 1,000 square feet would have a public improvement cost of approximately nine percent at current construction valuation, which is less than the public improvement cost shown as acceptable according to City permit data, and would represent a reasonable burden relative to the overall construction value of a project;

WHEREAS, the Planning Commission conducted a public hearing on June 16, 2021, regarding the herein proposed amendments to Title 24 – Zoning of the La Mesa Municipal Code, considered public testimony, and adopted a resolution recommending that the City Council to adopt the proposed amendments;

WHEREAS, the City Council conducted a public hearing on July 27, 2021, 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; and

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.

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 this action is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because the activity is covered by the common sense exemption since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Further, future projects affected by this ordinance would be individually considered relative the requirement for environmental review under CEQA.

SECTION 2: La Mesa Municipal Code (LMMC) Section 24.05.040C1 – Prerequisites to Development is hereby amended as follows:

“C. PREREQUISITES TO DEVELOPMENT. The following requirements shall be accomplished at no cost to the city in connection with development:

1. If a public street upon which the building site has frontage is substandard with respect to either width or improvements as prescribed in either the Street Standards Resolution or General Plan, then land needed for street widening shall be granted to the city and street improvements, specified in such resolution shall be made to the satisfaction of the city engineer. Such improvement shall include but is not limited to preparation of the street right-of-way by grading, removal of obstructions, construction of retaining walls, guardrails or other protective devices determined by the city engineer to be necessary together with the preparation of engineering plans for all improvements.

a. Exception: The foregoing requirements shall not apply to (i) interior alterations of buildings which do not add dwelling units, (ii) swimming pools and accessories ~~less than \$50,000 value~~, or (iii) building additions or accessory structures ~~less than~~

~~\$50,000 value~~ that are 1,200 square feet in area or less, or (iv) the area of an alteration, addition, or structure dedicated for use as an accessory dwelling unit.

- b. When a property is developed on an incremental basis, the cumulative development over the period of previous five years for the property in total shall be considered for the 1,200 square-foot threshold for exception.
- c. If the City Engineer finds that the requirement to construct street improvements concurrent with the development of the project would cause undue hardship on the owner or it does not make sense to construct the improvements concurrently with the project for reason such as inconsistency with existing improvements on adjoining properties, the City Engineer may, with the concurrence of the Director of Community Development, require the owner to enter into a secured agreement to construct the required improvements in lieu of completing the improvements as a part of the development project.”

SECTION 3: LMMC Section 24.06.040B1 – Prerequisites to Development is hereby amended as follows:

“B. Prerequisites to Development. The following requirements shall be accomplished at no cost to the city in connection with development:

- 1. If the building site has frontage on a public street which is substandard with respect to either width or improvements as prescribed in the Street Standards Resolution or General Plan, then land needed for widening of each such substandard street shall be granted to the city and needed street improvements specified in such resolution shall be made to the satisfaction of the city engineer. Such improvement shall include but is not limited to preparation of the street right-of-way by grading, removal of obstructions, construction of retaining walls, guardrails or other protective devices determined by the city engineer to be necessary, together with preparation of engineering plans for all improvements.

a. Exceptions:

- i. The foregoing requirement shall not apply to (i) interior alterations of buildings ~~less than fifty thousand dollars value~~ involving 1,200 square feet or less of existing area, (ii) swimming pools and accessories ~~less than fifty thousand dollars value~~, or (iii) building additions or accessory structures less than fifty thousand dollars value that are 1,200 square feet in area or less., ~~within any five year period,~~(iv) fences, nonbuilding walls or retaining walls.

- ii. The city council may authorize the guarantee of such improvements if less than fifty percent of the frontage in the same block is not improved to the same standards.

- iii. When a property is developed on an incremental basis, the cumulative development over a period of the previous five years for the property shall be considered in total in determining the 1,200 square-foot threshold for exception.

- c. If the City Engineer finds that the requirement to construct street improvements concurrent with the development of the project would cause undue hardship on the

owner or it does not make sense to construct the improvements concurrently with the project for reason such as inconsistency with existing improvements on adjoining properties, the City Engineer may, with the concurrence of the Director of Community Development, require the owner to enter into a secured agreement to construct the required improvements in lieu of completing the improvements as a part of the development project.”

SECTION 4: 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 on the 27th day of July, 2021, and thereafter PASSED AND ADOPTED at a Regular meeting of said City Council held the 10th day of August, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

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. 2021-__, 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)