

TO: Mayor and Council Members
Marlene Best, City Manager
Shawn Hagerty, City Attorney

FROM: Annette Ortiz, CMC, City Clerk

DATE: October 26, 2022

SUBJ: **Updated Council Meeting Materials – October 26, 2022**

CONTINUED BUSINESS:

- (5) **Second Reading and Adoption of Ordinances Amending the Zoning District Map in Accordance with Rezone R2021-2 and Amending Title 13 (“Zoning Ordinance”) of the City of Santee Municipal Code in Accordance with Zoning Ordinance Amendment ZOA2021-2, Related to the Housing Element Rezone Program Implementation Project. (Development Services – Planning)**

The attached pages reflect changes to the following attachments (revised text is underlined):

Ordinance to approve Rezone R2021-2
Ordinance to approve Zoning Text Amendment ZOA2021-2



Ordinance to approve Rezone R2021-2 (Page 4):

ORDINANCE NO. ____

SECTION 4: On October 12, 2022, the City Council certified the Final Program EIR (AEIS2021-3; State Clearinghouse Number SCH# 2021100263) pursuant to the California Environmental Quality Act and adopted Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the Project, which fully disclosed, evaluated and mitigated the environmental impacts of the proposed Project to the extent feasible, including the Rezone contemplated in this Ordinance. No further environmental review is required for the City to adopt this Ordinance.

SECTION 5: Findings Related to State Housing Law.

A. The City Council finds that the adoption of this Ordinance is necessary to comply with state law governing the provision of housing and is necessary for HCD certification of the City's Housing Element. In compliance with Government Code section 65588, the City Council adopted the 6th Cycle Housing Element on July 14, 2021 and revised on May 11, 2022, which covers the planning period from April 15, 2021 to April 15, 2029. Pursuant to Government Code section 65583, the City's Housing Element is required to contain a Sites Inventory. With the adoption of the 6th Cycle Housing Element, the City adopted two separate programs related to the Sites Inventory: Program 9, which requires the City to complete the rezones of the 25 sites identified for rezoning in Sites Inventory within 12 months of adoption of the Housing Element; and Program 10, which requires the City to update the Zoning Ordinance to allow by-right approval of housing development on qualifying sites where the project proponent voluntarily includes 20 percent of the units as affordable to lower income households. The adoption of the City's Housing Element creates a mandatory duty to take the actions mandated in the Element. This Ordinance is necessary to comply with state law, including but not limited to Government Code section 65583, by implementing Housing Element Programs 9 and 10.

B. The City Council finds that this Ordinance permits no greater density than is necessary to accommodate the required housing, including affordable housing requirements. Government Code section 65863 (SB 166 or No Net Loss) requires that cities must maintain adequate sites throughout the eight-year Housing Element planning period so that if a site is developed for another use, the city will have to find new sites to ensure there is an ongoing supply of sites available to accommodate the portion of the RHNA that has not yet been built. To satisfy No Net Loss requirements, the 6th Cycle Sites Inventory includes an 891 housing unit buffer, particularly in the low income category. This buffer would allow development to proceed in the City, while maintaining the City's compliance in meeting its RHNA obligation. Accordingly, no greater density is permitted beyond what is necessary to accommodate the required housing, accounting for No Net Loss pursuant to Government Code section 65863.

C. The City Council finds that the Sites Inventory, including the sites designated for rezoning pursuant to the Housing Element Rezone Program Implementation project, have been selected in accordance with state law, including but not limited to Government Code sections 65583, 65583.2, and 65584.09, and alternative sites are not available to satisfy state housing law. Sites included in a housing element must be real, developable, and

Ordinance to approve Zoning Text Amendment ZOA2021-2 (Page 3):

ORDINANCE NO. _____

Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City of Santee City Council, after considering the evidence presented at the public hearing, as follows:

NOW, THEREFORE, the City Council of the City of Santee, California, does ordain as follows:

SECTION 1. Findings Related to State Housing Law.

A. The City Council finds that the adoption of this Ordinance is necessary to comply with state law governing the provision of housing and is necessary for HCD certification of the City's Housing Element. In compliance with Government Code section 65588, the City Council adopted the 6th Cycle Housing Element on July 14, 2021 and revised on May 11, 2022, which covers the planning period from April 15, 2021 to April 15, 2029. Pursuant to Government Code section 65583, the City's Housing Element is required to contain a Sites Inventory. With the adoption of the 6th Cycle Housing Element, the City adopted two separate programs related to the Sites Inventory: Program 9, which requires the City to complete the rezones of the 25 sites identified for rezoning in Sites Inventory within 12 months of adoption of the Housing Element; and Program 10, which requires the City to update the Zoning Ordinance to allow by-right approval of housing development on qualifying sites where the project proponent voluntarily includes 20 percent of the units as affordable to lower income households. The adoption of the City's Housing Element creates a mandatory duty to take the actions mandated in the Element. This Ordinance is necessary to comply with state law, including but not limited to Government Code section 65583, by implementing Housing Element Programs 9 and 10.

B. The City Council finds that this Ordinance permits no greater density than is necessary to accommodate the required housing, including affordable housing requirements. Government Code section 65863 (SB 166 or No Net Loss) requires that cities must maintain adequate sites throughout the eight-year Housing Element planning period so that if a site is developed for another use, the city will have to find new sites to ensure there is an ongoing supply of sites available to accommodate the portion of the RHNA that has not yet been built. To satisfy No Net Loss requirements, the 6th Cycle Sites Inventory includes an 891 housing unit buffer, particularly in the low income category. This buffer would allow development to proceed in the City, while maintaining the City's compliance in meeting its RHNA obligation. Accordingly, no greater density is permitted beyond what is necessary to accommodate the required housing, accounting for No Net Loss pursuant to Government Code section 65863.

C. The City Council finds that the Sites Inventory, including the sites designated for rezoning pursuant to the Housing Element Rezone Program Implementation project, have been selected in accordance with state law, including but not limited to Government Code sections 65583, 65583.2, and 65584.09, and alternative sites are not available to satisfy state housing law. Sites included in a housing element must be real, developable, and adequate for housing. In formulating the Sites Inventory for the 6th Cycle Housing