

ORDINANCE NO. 666

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, AMENDING TITLE 3-14.070 TO ALLOW
FOR DEVELOPMENT IMPACT FEE DEFERMENTS
FOR AFFORDABLE HOUSING**

WHEREAS, it is the desire and intent of the State of California to incentivize the production of housing that is affordable to multiple income levels; and

WHEREAS, the City's Housing Element provides policies that ask the City to adopt incentives to facilitate the production of housing; and

WHEREAS, the City's Housing Element Program 2.E asks the City to adopt a development impact fee deferral program that can be applied to housing units that are affordable to lower-income households; and

WHEREAS, the deferral of development impact fees should be identified in the City's Municipal Code as an option to the payment of fees for deed-restricted affordable housing units; and

WHEREAS, the City Council of the City of Atascadero studied and considered the proposed Municipal Code text amendments at a duly noticed Public Hearing held on September 12, 2023, at which hearing evidence, oral and documentary, was admitted on behalf of said amendments; and

WHEREAS, the City Council of the City of Atascadero held a second reading on the draft ordinance on September 26, 2023.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct.

SECTION 2. Public Hearing. The City Council of the City of Atascadero, in a regular session assembled on September 26, 2023, resolved to introduce for second reading by title only, an Ordinance that amends Title 3, Chapter 14.070, of the City of Atascadero Municipal Code as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code is a statutorily exempt activity.

SECTION 4. Approval. Title 3 (Finance), Chapter 14.070 (Development Impact Fee Ordinance, Issuance of Regulations and Setting of Fees) of the Atascadero Municipal Code is amended as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 5. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6. Preservation. Repealing of any provision of the Atascadero Municipal Code or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Atascadero Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Atascadero Municipal Code provision or other City Ordinance to remain in full force and effect for all purposes.


SECTION 8. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Atascadero's book of original ordinances, make a note of the passage and adoption in the records of this meeting and within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

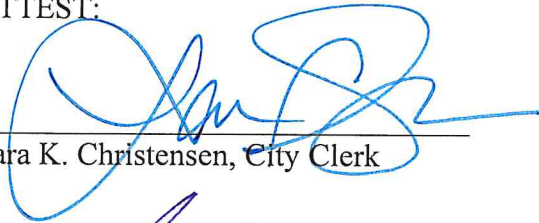
SECTION 10. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

INTRODUCED at a regular meeting of the City Council held on September 12, 2023, and **PASSED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on September 26, 2023.

CITY OF ATASCADERO:


Heather Moreno, Mayor

ATTEST:


Lara K. Christensen, City Clerk

APPROVED AS TO FORM:


Karl H. Berger, Interim City Attorney

ITEM NUMBER: A-4
DATE: 09/26/23
ATTACHMENT: 2A

Exhibit A

3-14.070 Issuance of regulations and setting of fees.

The City Council shall from time to time by resolution, issue regulations and set fees for the administration of this chapter. Any regulations adopted pursuant to this code shall require the payment of any impact fees due to be paid upon final inspection of the property and before occupancy unless an agreement to defer impact fees has been approved by the City for residential units that are affordable to low, very low, and/or extremely low households.