

ORDINANCE NO. 2021-1204

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 15 (BUILDINGS AND CONSTRUCTION) AND TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE FOR THE DEVELOPMENT STANDARDS OF ACCESSORY DWELLING UNITS.

WHEREAS, the California Legislature enacted legislation amending Government Code Section 65852.2 with the intent to facilitate the construction of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in response to the state's housing shortage; and

WHEREAS, the City's existing ordinances should be updated subject to the provisions of the Government Code to facilitate the production of ADUs and JADUs; and

WHEREAS, on June 2, 2021, the City Council directed staff to conduct outreach with the public prior to drafting the amended zoning ordinance; and

WHEREAS, on August 17, 2021 staff held a community outreach event at Veterans Park and received substantive feedback from the public regarding the design standards recommended to be incorporated into the draft ADU ordinance; and

WHEREAS, on August 19, 2021 the Design Review Board provided recommendations on the development standards that were recommended to be incorporated in to the draft ADU ordinance; and

WHEREAS, on October 20, 2021 the City Council directed Staff to alter the draft ordinance and continue to make the ordinance available for public review pursuant to applicable state regulations; and

WHEREAS, the City circulated this Ordinance for public review for a period of six weeks/45 days pursuant to Title 14 of the California Code of Regulations section 13515 (14 CCR 13515) and California Government Code section 65352; and

WHEREAS, Public Resources Code Section 21080.17 and California Environmental Quality Act (CEQA) Guidelines Section 15282(h) exempt the adoption of an ordinance by a city or county to implement the provisions of Government Code Sections 65852.1 and 65852.2 of (the state ADU law).

NOW, THEREFORE, the City Council of the City of Imperial Beach does ordain as follows:

Section 1. All above statements are true and correct and are incorporated herein as substantive findings.

Section 2. That Title 15 (Buildings and Construction) and Title 19 (Zoning) of the Imperial Beach Municipal Code are hereby amended to read as shown in Exhibit "A" attached hereto and incorporated herein by reference.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4. This Ordinance shall take effect either thirty (30) days after passage or upon approval by the California Coastal Commission, whichever occurs later.

Section 5. The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five (5) days prior to the consideration of its adoption and again within fifteen (15) days following adoption indicating votes cast.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 1st day of December, 2021; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 19th day of January, 2022, by the following vote:

**AYES: COUNCILMEMBERS: SPRIGGS, AGUIRRE, LEYBA-GONZALEZ,
FISHER, DEDINA**
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE




Serge Dedina, Mayor

ATTEST:



Jacqueline Kelly, City Clerk

APPROVED AS TO FORM:


Jennifer M. Lyon, City Attorney

EXHIBIT "A"

1.) Title 15, Section 15.12.030, of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

15.12.030. Minimum floor space for dwellings.

Every dwelling unit hereafter constructed, erected or moved in the City shall have a minimum floor area, including space occupied by exterior and interior walls and excluding space occupied by garages and porches as follows:

A. Single-family dwelling units, eight hundred fifty square feet per dwelling unit for dwellings with two or less bedrooms plus one hundred fifty square feet per dwelling for each additional bedroom:

B. Multiple dwelling units, as follows:

1. Duplex, six hundred square feet per dwelling unit with two or less bedrooms plus one hundred square feet per dwelling unit for each additional bedroom,
2. Apartments (three or more), five hundred square feet per unit,
3. Efficiency apartments, three hundred fifty square feet per unit.

C. Accessory Dwelling Units and Junior Accessory Dwelling Units, as specified in Title 19.

2.) Title 19, Chapter 19.04, of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

19.04.013. Accessory Dwelling Unit

"Accessory dwelling unit" means a dwelling unit on the same property as a primary dwelling that provides complete independent living facilities for one or more people in compliance with Government Code Section 65852.2. An Accessory Dwelling unit may be attached, detached, or internal to a primary dwelling.

19.04.093. Attached Accessory Dwelling Unit

"Attached Accessory Dwelling Unit" means an accessory dwelling unit that shares at least one common wall with the primary dwelling but is not entirely internal to the primary dwelling.

19.04.282. Detached Accessory Dwelling Unit

"Detached Accessory Dwelling Unit" means an accessory dwelling unit that does not share any common wall with the primary dwelling and is not internal to the primary dwelling. A detached accessory dwelling unit may share one or more common walls with another detached accessory dwelling unit.

19.04.316. Efficiency Unit

"Efficiency Unit" means a dwelling unit that has a minimum floor area of 150 square feet, and that may also have kitchen or bathroom facilities.

19.04.417. Internal Accessory Dwelling Unit

"Internal Accessory Dwelling Unit" means an accessory dwelling unit that is entirely internal to the primary dwelling.

19.04.427. Junior Accessory Dwelling Unit

“Junior Accessory Dwelling Unit” means an accessory dwelling unit no more than five hundred (500) square feet and entirely internal to a primary dwelling that includes independent facilities for living, sleeping, cooking, and eating, and shared or independent sanitation facilities.

19.04.622. Primary Dwelling

“Primary Dwelling” means the main dwelling on a property with an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

19.04.751. Tandem Parking

“Tandem Parking” means two or more vehicles that are parked on a driveway or in any other location on a lot, lined up behind one another.

3.) Title 19, Subsection 19.12.020(A), of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

19.12.020. Permitted uses.

- A. The following uses are permitted in the R-1-6000 zone:
 - 1. One single-family detached dwelling per lot;
 - 2. Accessory buildings, structures and uses customarily incidental to any permitted use;
 - 3. Private garages to accommodate not more than four cars per dwelling unit;
 - 4. Family day care facilities as permitted in Chapter 19.64;
 - 5. Home occupations as permitted in Chapter 19.74;
 - 6. Swimming pools, spas and hot tubs as permitted in Chapter 19.70;
 - 7. Signs as permitted in Chapter 19.52;
 - 8. Satellite dish antennae as permitted in Chapter 19.71;
 - 9. Accessory Dwelling Units and Junior Accessory Dwelling Units as permitted in Chapter 19.66.

4.) Title 19, Section 19.12.110, of the Imperial Beach Municipal Code is hereby deleted as shown below:

~~19.12.110. — Preclusion of second family units.~~

~~—A. Second family units, as described in Government Code Section 65852.2(d)(3) are precluded in the R 1 6000 Single Family Residential zone.~~

~~—B. Whereas, the city council acknowledges that precluding second family units in the R 1 single family residential zones may limit some housing opportunities of the region, the city council determines it is not in the best interest of the public health, safety and welfare to permit second family dwelling units in the R 1 single family residential zones, based upon the following adverse impacts:~~

- ~~—1. Existing neighborhood patterns will be disrupted;~~
- ~~—2. Excessive density will adversely affect police and fire protection services;~~
- ~~—3. Health and psychological problems will be created due to overcrowding;~~
- ~~—4. In light of decreasing state subventions, an added fiscal drain would be placed on the city to enforce a permissive second unit ordinance;~~
- ~~—5. Further strain will be placed on the existing sewer system;~~
- ~~—6. Additional traffic congestion would be caused on major streets;~~
- ~~—7. Aesthetic impacts on neighborhoods will result from unplanned residential construction;~~

- ~~—8. An increase in neighborhood noise levels and demands for noise ordinance enforcement would occur;~~
- ~~—9. New construction would deprive existing residences of adequate natural light and air circulation.~~
- ~~—C. Whereas, the city council further finds that the city meets the intent of state legislation regarding second family units in that:~~
 - ~~—1. There is an abundance of low and moderate income housing as documented by the San Diego Association of Governments and census information indicating:~~
 - ~~—a. San Diego County fair market rent for a two bedroom apartment is six hundred eighty four dollars which the median contract rent in the city is five hundred thirty nine dollars;~~
 - ~~—b. 1990 census information reported six thousand three hundred eighty eight rental units in the city, with three thousand three hundred ninety eight (fifty three percent) renting for five hundred forty nine dollars or less and four thousand nine hundred fourteen (seventy six percent) renting for six hundred forty nine dollars or less;~~
 - ~~—c. The median age for the entire San Diego region is 31.9 years and the median age for the city is 25.8 years;~~
 - ~~—2. The St. James senior citizens housing project provides one hundred units in low income housing for senior citizens;~~
 - ~~—3. The city is an extremely young community with a senior citizens population with only 7.9 percent of its population over sixty years of age or older.~~

5.) Title 19, Section 19.13.020, of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

19.13.020. Permitted uses.

The following uses are permitted in the R-1-3800 zone:

- A. One single-family detached dwelling per lot;
- B. Accessory buildings, structures and uses customarily incidental to any permitted use;
- C. Private garages to accommodate not more than four cars per dwelling unit;
- D. Family day care facilities as permitted in Chapter 19.64;
- E. Home occupations as permitted in Chapter 19.74;
- F. Swimming pools, spas and hot tubs as permitted in Chapter 19.70;
- G. Signs as permitted in Chapter 19.52;
- H. Satellite dish antennae as permitted in Chapter 19.71;
- I. Accessory Dwelling Units and Junior Accessory Dwelling Units as permitted in Chapter 19.66.

6.) Title 19, Section 19.13.110, of the Imperial Beach Municipal Code is hereby deleted as shown below:

~~**19.13.110. Preclusion of second family units.**~~

- ~~—A. Second family units, as described in Government Code Section 65852.2(d)(3) are precluded in the R-1-3800 single family residential zone.~~
- ~~—B. Whereas, the City Council acknowledges that precluding second family units in the R-1 single family residential zones may limit some housing opportunities of the region, the City Council determines it is not in the best interests of the public health, safety and welfare to permit second family dwelling units in the R-1-3800 single family residential zone, based upon the following adverse impacts:~~
 - ~~—1. Existing neighborhood patterns will be disrupted;~~

- ~~—2. Excessive density will adversely affect police and fire protection services;~~
- ~~—3. Health and psychological problems will be created due to overcrowding;~~
- ~~—4. In light of decreasing State subventions, an added fiscal drain would be placed on the City to enforce a permissive second unit ordinance;~~
- ~~—5. Further strain will be placed on the existing sewer system;~~
- ~~—6. Additional traffic congestion would be caused on major streets;~~
- ~~—7. Aesthetic impacts on neighborhoods will result from unplanned residential construction;~~
- ~~—8. An increase in neighborhood noise levels and demands for noise ordinance enforcement would occur;~~
- ~~—9. New construction would deprive existing residences of adequate natural light and air circulation.~~
- ~~—C. Whereas, the City Council further finds that the City meets the intent of State legislation regarding second family units in that:~~
 - ~~—1. There is an abundance of low and moderate income housing as documented by the San Diego Association of Governments and census information indicating:~~
 - ~~—a. San Diego County fair market rent for a two bedroom apartment is six hundred eighty four dollars while the median contract rent in the City is five hundred thirty nine dollars;~~
 - ~~—b. 1990 census information reported six thousand three hundred eighty eight rental units in the City, with three thousand three hundred ninety eight (fifty three percent) renting for five hundred forty nine dollars or less and four thousand nine hundred fourteen (seventy six percent) renting for six forty nine dollars or less;~~
 - ~~—c. The median age for the entire San Diego Region is 31.9 years and the median age for the City of Imperial Beach is 25.8 years;~~
 - ~~—2. The St. James senior citizens housing project provides one hundred units in low income housing for senior citizens;~~
 - ~~—3. The City is an extremely young community with a senior citizens population with only 7.9 percent of its population over sixty years of age or older.~~

7.) Title 19, Subsection 19.14.020(A), of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

19.14.020. Permitted uses.

A. The following uses are permitted in the R-3000-D zone, provided that all projects except Accessory Dwelling Units and Junior Accessory Dwelling Units containing two to four units shall be subject to the approval of a site plan review by the community development department and five or more units shall be subject to the approval of a site plan review by the planning commission:

1. Single-family detached dwellings;
2. Accessory buildings, structures and uses customarily incidental to any permitted use;
3. Private garages to accommodate not more than four cars per dwelling unit;
4. Family day care facilities as permitted in Chapter 19.64;
5. Home occupations as permitted in Chapter 19.74;
6. Swimming pools, spas and hot tubs as permitted in Chapter 19.70;
7. Signs as permitted in Chapter 19.52;
8. Satellite dish antennae as permitted in Chapter 19.71^{1/2};
9. Accessory Dwelling Units and Junior Accessory Dwelling Units as permitted in Chapter 19.66.

8.) Title 19, Subsection 19.15.020(A), of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

19.15.020. Permitted uses.

A. The following uses are permitted in the R-3000 zone, provided that all projects except Accessory Dwelling Units and Junior Accessory Dwelling Units containing two to four units shall be subject to the approval of a site plan review by the community development department and five or more units shall be subject to the approval of a site plan review by the planning commission:

1. Detached or attached residential dwelling units;
2. Accessory buildings, structures and uses customarily incidental to any permitted use;
3. Private garages to accommodate not more than four cars per dwelling unit;
4. Family day care facilities as permitted in Chapter 19.64;
5. Home occupations as permitted in Chapter 19.74;
6. Swimming pools, spas and hot tubs as permitted in Chapter 19.70;
7. Signs as permitted in Chapter 19.52;
8. Satellite dish antennae as permitted in Chapter 19.71;
9. Accessory Dwelling Units and Junior Accessory Dwelling Units as permitted in Chapter 19.66.

9.) Title 19, Subsection 19.16.020(A), of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

19.16.020. Permitted uses.

A. The following uses are permitted in the R-2000 zone, provided that all projects except Accessory Dwelling Units and Junior Accessory Dwelling Units containing two or more units shall be subject to the approval of a site plan review by the community development department and five or more units shall be subject to the approval of a site plan review by the planning commission:

1. Detached or attached residential dwelling units;
2. Accessory buildings, structures and uses customarily incidental to any permitted use;
3. Private garages to accommodate not more than four cars per dwelling unit;
4. Family day care facilities as permitted in Chapter 19.64;
5. Home occupations as permitted in Chapter 19.74;
6. Swimming pools, spas and hot tubs as permitted in Chapter 19.70;
7. Signs as permitted in Chapter 19.52;
8. Satellite dish antennae as permitted in Chapter 19.71;
9. Accessory Dwelling Units and Junior Accessory Dwelling Units as permitted in Chapter 19.66.

10.) Title 19, Subsection 19.17.020(A), of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

19.17.020. Permitted uses.

A. The following uses are permitted in the R-1500 zone, provided that all projects except Accessory Dwelling Units and Junior Accessory Dwelling Units containing two to four units shall be subject to the approval of a site plan review by the community development department and five or more units shall be subject to the approval of a site plan review by the planning commission:

1. Detached or attached residential dwelling units;
2. Accessory buildings, structures and uses customarily incidental to any permitted use;
3. Private garages to accommodate not more than four cars per dwelling unit;

4. Family day care facilities as permitted in Chapter 19.64;
5. Home occupations as permitted in Chapter 19.74;
6. Swimming pools, spas and hot tubs as permitted in Chapter 19.70;
7. Signs as permitted in Chapter 19.52;
8. Satellite dish antennae as permitted in Chapter 19.71.3;
9. Accessory Dwelling Units and Junior Accessory Dwelling Units as permitted in Chapter 19.66.

11.) Title 19, Section 19.23.010 of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

	C/MU-1	C/MU-2	C/MU-3	Notes
Residential and Similar Uses				
Accessory building, structures, private garages	C	C	C	See definition of accessory building.
<u>Accessory Dwelling Units and Junior Accessory Dwelling Units</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See §19.66 for ADU and JADU regulations. See requirement for active commercial uses on ground floor per §19.26.020(A)(1), §19.27.020(A)(1), and §19.28.020(A)(1).</u>
Boarding house	C	N	N	See definition.
Emergency shelter	P	N	N	See definition.
Hostel	N	C	N	See definition.
Hotel, motel, bed and breakfast lodging, inn (H-1, H-2, H-3, H4, H-5)	P	P	P	See definitions above.
Live/work unit	P	P	P	See definition.
Mixed-use development	P	P	P	See definition.
Motor home/manufactured housing community	N	N	N	See definitions.
Multiple-family dwellings	P	P	P	See definition. See requirement for active commercial uses on ground floor per Sections 19.26.020(A)(1), 19.27.020(A)(1), 19.28.020(A)(1).
Second-family units	N	N	N	
Senior housing, nursing home, retirement home	C	C	C	See definitions.
Short-term rental	P	P	P	See definition.
Single-family detached	N	N*	N	*Only permitted in Seacoast Residential Overlay Zone.
Single-room occupancy units	C	N	N	
Timeshare	C	C	N	See definition.

12.) Title 19, Section 19.25.020 of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

	Land Use	Process	Notes/Additional Regulations
Residential/transient habitation use types			
36.	Accessory buildings, structures, private garages	N	
<u>37.</u>	<u>Accessory Dwelling Unit/Junior Accessory Dwelling Unit</u>	<u>P</u>	<u>See §19.66 for ADU and JADU regulations. See requirement for active commercial uses on ground floor per §19.25.040, §19.26.020(A)(1), §19.27.020(A)(1), and §19.28.020(A)(1).</u>
37-38.	Bed and breakfast (H-4)	P	
38-39.	Boarding house	N	
39-40.	Boutique hotel (H-6)	P	§ 19.25.090.G
40-41.	Emergency shelter	N	
41-42.	Hostel	P	§ 19.25.090.F
42-43.	Hotels, motels (H-1, H-2, H-3)	P	
43-44.	Inn (hotel H-5)	P	§ 19.25.090.E
44-45.	Live/work units	P	§ 19.25.040
45-46.	Motor home/manufactured housing community	N	
46-47.	Mixed-use development	N	
47-48.	Multifamily residential units	N	
48.	Second family units	N	
49.	Senior housing, nursing home, retirement home	N	
50.	Short-term rentals	P	§ 19.25.040
51.	Single-family detached	N	
52.	Timeshares	N	

13.) Title 19, Subsection 19.25.050 of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

19.25.050. Development review process jurisdiction.

Site plan and design review by the City Council will be required for all proposed development involving major new construction except Accessory Dwelling Units and Junior Accessory Dwelling Units as allowed in Chapter 19.66. Site plan and design review by the Community Development Director (administrative approval) will be required for any addition, construction, remodel or alteration of existing buildings or exterior façade alterations to existing buildings except Accessory Dwelling Units and Junior Accessory Dwelling Units as allowed in Chapter 19.66.

14.) Title 19, Subsection 19.26.020(A) of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

A. Specified commercial, residential, light industrial, public and semi-public, green building utilities, and open space and recreation uses allowed in the C/MU-1 zone are listed in Chapter 19.23, including those requiring a conditional use permit, and shall also comply with the following land use regulations:

1. For all buildings with frontage along Palm Avenue, including those with multiple-family dwelling units, “active commercial uses” as defined in Chapter 19.05 are required to be provided at a minimum of sixty percent of each building’s ground floor lineal footage, have direct pedestrian access from the Palm Avenue sidewalk or a plaza, and have a minimum building depth of twenty-five feet. The remaining forty percent must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.
2. Residential dwelling units may be permitted at a maximum density of one unit per every one thousand gross square feet of lot area, except that exclusively residential developments are required to comply with the development standards of the R-1500 (High Density Residential) Zoning District. Accessory Dwelling Units and Junior Accessory Dwelling Units shall not count towards this density requirement.
3. Kiosks shall not exceed twenty square feet in area, and shall be located on public plazas or private leaseholds. Kiosks shall not exceed ten locations in the C/MU-1 zone.
4. Time shares require approval of a conditional use permit and shall be prohibited on the first floor unless twenty-five percent of the units are restricted to overnight accommodations.

15.) Title 19, Subsection 19.26.020(C) of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

C. Site plan review by the City Council will be required if any of the following applies to proposed uses located in the C/MU-1 zone:

1. All proposed developments involving new construction.
2. Any addition, construction, or alteration of existing buildings resulting in an increase of ten percent or greater of the gross floor area of a commercial structure or in an individual commercial space within the structure or within a commercial shopping center.
3. Any proposed use or structure requiring the approval of a conditional use permit.
4. Any development including residential dwelling units, except Accessory Dwelling Units and Junior Accessory Dwelling Units as allowed in Chapter 19.66.

16.) Title 19, Subsection 19.27.020(A)(5) of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

5. Multiple-family residential dwelling units are permitted at a maximum density of one unit per every one thousand five hundred gross square feet of lot area, except that Accessory Dwelling Units and Junior Accessory Dwelling Units shall not count towards this density requirement, and exclusively residential developments are required to comply with the development standards of the R-1500 (High Density Residential) Zoning District; or if a mixed-use project is located on the east side of Seacoast Drive or on Palm Avenue, east of Seacoast Drive, residential dwelling units may be increased to a maximum density

of one dwelling unit for each one thousand two hundred ten gross square feet of lot area with approval of a conditional use permit by the City Council that demonstrates compliance with two or more of the following development incentives:

- a. Project sites that are consolidated to a final size greater than twenty thousand square feet;
- b. Entire project achieves Leadership in Energy and Environmental Design (LEED) Green Building Rating System certification, a comparable green building certification, or can demonstrate the ability to achieve certification;
- c. Entire project provides a minimum of seventy-five percent “active commercial uses” on the ground floor;
- d. At least twenty-five percent of proposed residential units must be three-bedroom units;
- e. Provide an additional one hundred square feet of common open space or plaza space with minimum dimensions of six feet by ten feet;
- f. Dedicate a minimum of one foot of private property frontage to public use (creates a one-foot front setback dedicated to public use);
- g. Floors above first floor provide additional stepback of five feet beyond required stepback.

17.) Title 19, Subsection 19.27.020(B) of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

B. Site plan review by the City Council will be required if any of the following applies for proposed uses located in the C/MU-2 zone:

1. All proposed developments involving new construction;
2. Any addition, construction, remodeling or alteration of existing buildings resulting in an increase of ten percent or greater of the gross floor area of a commercial structure or in an individual commercial space within the structure or within a commercial shopping center;
3. Any proposed commercial use, residential use, or structure requiring the approval of a conditional use permit;
4. Any development including residential dwelling units except Accessory Dwelling Units and Junior Accessory Dwelling Units as allowed in Chapter 19.66; and
5. Public parking lots.

18.) Title 19, Subsection 19.28.020(A)(3) of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

3. Multiple-family residential dwelling units at a maximum density of one unit per every one thousand five hundred gross square feet of lot area, except Accessory Dwelling Units and Junior Accessory Dwelling Units shall not count towards this density requirement; maximum density may be increased to ~~or~~ one dwelling unit for each one thousand two hundred and ten gross square feet of lot area ~~and~~ subject to approval of a conditional use permit that demonstrates compliance with two or more of the following development incentives:

- a. Project sites that are consolidated to a final size greater than twenty thousand square feet;
- b. Entire project achieves Leadership in Energy and Environmental Design (LEED) Green Building Rating System certification, a comparable green building certification, or can demonstrate the ability to achieve certification;

- c. Entire project provides a minimum of seventy-five percent “active commercial uses” on the ground floor;
- d. At least twenty-five percent of proposed residential units must be three-bedroom units;
- e. Provide an additional one hundred square feet of public open space or plaza space with minimum dimensions of six feet by ten feet;
- f. Dedicate a minimum of one foot of private property frontage to public use (creates a one-foot front setback dedicated to public use);
- g. Floors above first floor provide additional stepback five feet beyond required stepback.

19.) Title 19, Subsection 19.28.020(B) of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

B. Site plan review by the City Council will be required if any of the following applies for proposed uses located in the C/MU-3 zone:

- 1. All proposed developments involving new construction;
- 2. Any addition, construction, remodeling, or alteration of existing buildings resulting in an increase of ten percent or greater of the gross floor area of a commercial structure or in an individual commercial space within the structure or within a commercial shopping center;
- 3. Any proposed commercial use or structure requiring the approval of a conditional use permit;
- 4. Any development including residential dwelling units except Accessory Dwelling Units and Junior Accessory Dwelling Units as allowed in Chapter 19.66; and
- 5. Public parking lots.

20.) Title 19, Section 19.48.040 of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

19.48.040. Required spaces—Other residentially oriented uses.

The number of required off-street parking spaces for other residentially oriented uses shall be as follows:

- A. Boarding houses, retirement homes, and clubs having sleeping rooms: two spaces plus one space for each three beds;
- B. Hostels: one space per five beds, plus two total employee spaces;
- C. Mobile home parks, trailer parks: one and one-half spaces for each trailer space;
- D. Hospitals, sanitariums: one and one-half spaces for each bed.
- E. Accessory Dwelling Units and Junior Accessory Dwelling Units: As specified in Chapter 19.66.

21.) Title 19, Chapter 19.66 of the Imperial Beach Municipal Code is hereby added as follows:

Chapter 19.66.

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

19.66.010. Purpose.

- 19.66.020. Number Permitted.**
- 19.66.030. Occupancy.**
- 19.66.040. Permits Required.**
- 19.66.050. Minimum Allowance.**
- 19.66.060. Development standards.**

19.66.010. Purpose.

The purpose of this chapter is to establish standards for the development of Accessory Dwelling Units and Junior Accessory Dwelling Units consistent with Government Code Sections 65852.2 and 65852.22, as amended. Accessory Dwelling Units and Junior Accessory Dwelling Units are allowed in conjunction with single-family and multi-family residences in order to provide more diverse, flexible, and affordable housing options within the City.

19.66.020. Number Permitted.

- A. Notwithstanding subsections (B) through (D) below, the number of dwelling units permitted on a lot shall not exceed the number allowed by California Government Code Sections 65852.21 and 66411.7.
- B. The following shall be permitted as accessory uses on lots with one existing or proposed single-family dwellings:
 - 1. One Accessory Dwelling Unit, and
 - 2. One Junior Accessory Dwelling Unit.
- C. The following shall be permitted as an accessory use on lots with more than one existing or proposed single-family dwelling:
 - 1. One internal or detached Accessory Dwelling Unit per lot.
- D. The following shall be permitted as accessory uses to existing or proposed multiple-family dwellings:
 - 1. Up to two detached Accessory Dwelling Units, and
 - 2. The conversion of portions of multiple-family structures that are not used as living space to create at least one internal Accessory Dwelling Unit, or up to twenty-five percent of the number of existing dwelling units as internal Accessory Dwelling units.

19.66.030. Occupancy.

- A. Accessory Dwelling Units and Junior Accessory Dwelling Units shall not be used for short-term rentals.
- B. When a Junior Accessory Dwelling Unit is located on a residential property, either the Junior Accessory Dwelling Unit or the primary dwelling shall be occupied by the owner of the primary dwelling. A deed restriction shall be recorded against the title of the property that stipulates this owner occupancy requirement and that the Junior Accessory Dwelling Unit cannot be sold separately from the primary dwelling.

19.66.040. Permits Required.

- A. Accessory Dwelling Units and Junior Accessory Dwelling Units located outside the Coastal Zone shall be permitted without a public hearing.
- B. Detached Accessory Dwelling Units located within the Coastal Zone that include new construction or the conversion of an existing detached accessory building shall be permitted subject to the approval of an Administrative Coastal Development Permit by the community development department. No public hearing shall be required for permit approval.
- C. Accessory Dwelling Units that require a Coastal Permit pursuant to Section 19.87.040 shall be permitted subject to the approval of an Administrative Coastal Development Permit by the community development department. No public hearing shall be required for permit approval.

19.66.050. Minimum Allowance.

Development standards included in this chapter or elsewhere in Title 19 shall not prohibit an Accessory Dwelling Unit that is up to 16 feet high, with a floor area up to 800 square feet and 4-foot side and rear yards.

19.66.060. Development Standards

The following development standards shall apply to Accessory Dwelling Units and Junior Accessory Dwelling Units. Where development standards are not specified in this chapter, Accessory Dwelling Units and Junior Accessory Dwelling Units shall meet all development standards for the zone within which they are located, provided the development standards do not prohibit the minimum allowance as described in Section 19.66.050.

- A. Density. Accessory Dwelling Units and Junior Accessory Dwelling Units shall not be counted for the purposes of determining residential density as defined in this title.
- B. Lot Size. There is no minimum lot size required for Accessory Dwelling Units or Junior Accessory Dwelling Units.
- C. Existing Structures.
 - 1. When an existing accessory building is converted to an Accessory Dwelling Unit, the existing square footage may be expanded by up to 150 square feet to allow for ingress and egress.
 - 2. Junior Dwelling Units shall not include expansions of existing structures.
- D. Unit Size.
 - 1. Measurement. The size of Accessory Dwelling Unit and Junior Accessory Dwelling Unit shall include the total horizontal area of all the floors of the unit included within the surrounding walls, as measured from the outside edge of the external walls of the unit. This measurement is exclusive of areas used exclusively for permanently installed heating and air conditioning units and permanent parking spaces, driveways, and ramps included within the unit.
 - 2. Junior Accessory Dwelling Units.
 - a. The minimum size of a Junior Accessory Dwelling Unit shall be 150 square feet.

b. The maximum size of a Junior Accessory Dwelling Unit shall be 500 square feet.

3. Accessory Dwelling Units.

a. The minimum size of an Accessory Dwelling Unit shall be 150 square feet.

b. The maximum unit size for Accessory Dwelling Units shall be 50 percent of the gross floor area of the primary dwelling, or at least 850 square feet for units with one or fewer bedrooms and 1,000 square feet for units with two or more bedrooms, except that:

- i. The maximum size of an Accessory Dwelling Unit may be increased to 1,200 square feet if no existing off-street parking is removed as part of the construction of the Accessory Dwelling Unit and,
- ii. One off-street parking space is provided in addition to the minimum off-street parking spaces required for the Accessory Dwelling Unit in Section 19.66.060(G).

c. The conversion of an existing accessory building to an Accessory Dwelling Unit is not subject to a maximum size limit, provided there is no expansion of the existing structure beyond 150 square feet for ingress and egress.

E. Height.

1. The maximum height for detached or attached Accessory Dwelling Units shall be 16 feet, unless one or more parking spaces are provided on the ground floor of the Accessory Dwelling Unit. When one or more parking spaces are provided on the ground floor of the Accessory Dwelling Unit, the maximum height shall be the same as the primary dwelling in the underlying zone.
2. The maximum height for internal Accessory Dwelling Units and Junior Accessory Dwelling Unit shall be the same as the primary dwelling in the underlying zone.
3. The conversion of an existing accessory building to an Accessory Dwelling Unit is not subject to this height limit, provided there is no expansion of the existing structure beyond 150 square feet.

F. Setbacks.

1. Setback requirements for attached or detached Accessory Dwelling Units shall be as follows:
 - a. Front setback. The front setback shall be consistent with the requirements of the underlying zone.
 - b. Street side setback. The street side setback shall be consistent with the requirements of the underlying zone.
 - c. Side setback.
 - i. For Accessory Dwelling Units with a height of 16 feet or less, side setbacks shall be four feet or consistent with the requirements of the underlying zone.

- ii. For Accessory Dwelling Units with a height over 16 feet, side setbacks for the portion of the building that is higher than 16 feet shall be consistent with the setback requirements of the underlying zone.

d. Rear setback.

- i. For Accessory Dwelling Units with a height of 16 feet or less, rear setbacks shall be four feet or consistent with the requirements of the underlying zone.
 - ii. For Accessory Dwelling Units with a height over 16 feet, rear setbacks for the portion of the building that is higher than 16 feet shall be consistent with the setback requirements of the underlying zone.
- 2. Setback requirements for internal Accessory Dwelling Units and Junior Accessory Dwelling Units shall be consistent with the requirements for the primary dwelling in the underlying zone.
 - 3. The conversion of an existing accessory building to an Accessory Dwelling Unit is not subject to setback requirements, provided there is no expansion of the existing structure beyond 150 square feet.

G. Parking.

- 1. Junior Accessory Dwelling Units. No additional off-street parking spaces shall be required for Junior Accessory Dwelling units, except that existing off-street parking within an attached garage that is removed as part of a conversion to a Junior Accessory Dwelling Unit shall be replaced elsewhere on the property.
- 2. Accessory Dwelling Units. Off-street parking shall be provided for Accessory Dwelling Units as follows:
 - a. One off-street parking space shall be required per Accessory Dwelling Unit, except:
 - i. No off-street parking spaces are required for Accessory Dwelling Units located within one-half mile walking distance of public transit, defined for the purposes of this section as 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.
 - ii. No off-street parking spaces are required for Accessory Dwelling Units located within an architecturally and historically significant historic district.
 - iii. No off-street parking spaces are required for Accessory Dwelling Units that are part of the proposed or existing primary dwelling or an accessory structure.
 - iv. No off-street parking spaces are required for Accessory Dwelling Units when on-street parking permits are required, but not offered to the occupant of the Accessory Dwelling Unit.
 - v. No off-street parking spaces are required for Accessory Dwelling Units when there is a car share vehicle located within one block of the accessory dwelling unit.

- vi. Existing off-street parking within a garage, carport, or covered parking structure that is removed or converted as part of construction of an Accessory Dwelling Unit is not required to be replaced.
- vii. Notwithstanding Subsection 19.66.060(G)2(a)1-6 above, due to the number of individuals that visit the Imperial Beach coast, and to comply with Public Resources Code Section 30001.5(c) and the California Coastal Act, two off-street parking spaces shall be required per Accessory Dwelling Unit for all properties that meet any of the following criteria:
 - a. Properties located west of the centerline of 3rd Street;
 - b. Properties located within one-quarter mile (1,320 feet) walking distance of one of the following:
 - i. A vertical access point to the beach;
 - ii. A coastal park, defined as a recreational park space abutting the ocean; or
 - iii. The Imperial Beach Pier

3. Required off-street parking may be provided as tandem parking.

- H. Fire Sprinklers. Fire sprinklers shall not be required for Accessory Dwelling Units or Junior Accessory Dwelling Units unless they are required for the primary dwelling.
- I. Design. A Junior or Accessory Dwelling Unit, whether attached or detached, shall utilize the same or complementary architectural style, exterior materials, and colors as the existing or proposed primary dwelling, and the quality of the materials shall be the same or exceed that of the primary dwelling.

22.) Title 19, Section 19.54.080 of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

19.54.080. Rear yards.

Accessory buildings may not occupy more than fifty percent of any required rear yard, except Accessory Dwelling Units as allowed in Chapter 19.66.