

ORDINANCE NO. 2023-1225

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE TO PERMIT PERMANENT SUPPORTIVE HOUSING AND LOW BARRIER NAVIGATION CENTERS AS REQUIRED BY STATE LAW.

WHEREAS, Sections 65650 et seq. of the California Government Code require a city to permit permanent supportive housing meeting provisions of state law "by right;" and

WHEREAS, Sections 65660 et seq. of the California Government Code require a city to permit low barrier navigation centers meeting provisions of state law "by right;" and

WHEREAS, Program 13 of Section 5.2.4 (Removal of Governmental Constraints) of the City's Housing Element, which was adopted on June 16, 2021 and subsequently approved by the California Department of Housing and Community Development, provides that the City will amend the Zoning Ordinance to allow permanent supportive housing and low barrier navigation centers; and

WHEREAS, a Public Notice of Availability of Proposed General Plan/Local Coastal Program Amendments was issued, which opened a six-week public review period that ran from February 9, 2023, to March 27, 2023; and

WHEREAS, the City Council conducted a public hearing on April 5, 2023, to consider the proposed amendments to the zoning ordinance and considered all evidence, including but not limited to public testimony and the evaluations and recommendations of staff; and

WHEREAS, notices of said public hearings were made at the time and in the manner required by law.

NOW, THEREFORE, the City Council of the City of Imperial Beach hereby ordains as follows:

Section 1. All of the statements set forth in the recitals above are true and correct and are incorporated herein as substantive findings.

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

Section 3. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (the common sense exemption) because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment, in that the ordinance merely implements the provisions of state law and includes no provisions beyond those included in Government Code Sections 65650 et seq. and 65660 et seq. that that may result in a direct or indirect impact on the physical environment.

Section 4. The Community Development Director or designee is hereby authorized to submit this Ordinance as part of a Local Coastal Program Amendment to the California Coastal Commission for their review and adoption.

Section 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance, or its application to any person or circumstance, is for any reason held to be invalid and 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,

EXHIBIT "A"

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

19.04.187 By right review

"By right review" is as defined in Government Code Section 65583.2(i). By right review does not exempt the use from design review.

19.04.526. Low barrier navigation center

"Low barrier navigation center" is a facility as defined in Government Code Section 65660(a) that meets all of the requirements of Government Code Sections 65660 et seq. (Article 12 of Chapter 3 of Division 1 of Title 7).

19.04.747. Supportive housing

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community pursuant to Health and Safety Code Section 50675.14(a)(B)(2). The "target population" is as defined in Government Code Section 65582(i). Pursuant to Government Code Section 65583(ac)(53), transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

19.04.748. Supportive housing, permanent

"Supportive housing, permanent" means housing as defined in Government Code Section 65650(a) serving the target population is defined in Government Code Section 65650(c) that meets all of the requirements of Government Code Sections 65650 et seq. (Article 11 of Chapter 3 of Division 1 of Title 7).

2.) Title 19, Subsection 19.15.020(A), of Chapter 19.15, R-3000 Two-Family Residential Zone, 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. Permanent supportive housing shall be reviewed consistent with the provisions of Government Code Sections 65650 et seq. and subject to by right review that includes design review approval:

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. Permanent supportive housing with a maximum of 50 units.

3.) Title 19, Subsection 19.16.020(A), of Chapter 19.16, R-2000 Medium Density Residential Zone, 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. Permanent supportive housing shall be reviewed consistent with the provisions of Government Code Sections 65650 et seq. and subject to by right review that includes design review approval:

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. Permanent supportive housing with a maximum of 50 units.

4.) Title 19, Subsection 19.17.020(A), of Chapter 19.17, R-1500 High Density Residential Zone, 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. Permanent supportive housing shall be reviewed consistent with the provisions of Government Code Sections 65650 et seq. and subject to by right review that includes design review approval:

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. Permanent supportive housing with a maximum of 50 units.

5.) **Title 19, Section 19.23.010** of Chapter 19.23, Commercial Mixed-Use Regulations, of the Imperial Beach Municipal Code is hereby amended by revisions as follows:

	C/MU -1	C/MU -2	C/MU -3	Notes
Commercial Uses				
Adult bookstore, adult hotel/motel, adult mini-motion picture theater, adult motion picture arcade, adult motion picture theater, sexual encounter studio, rap parlor, model studio	P	N	N	See definitions. Subject to requirements for adult-oriented businesses in Chapter 19.60.
Antique store	P	P	P	See definition.
Arcades and game centers	C	C	C	See definition.
Art studio, gallery, museum	P	P	P	See definition.
Athletic and health clubs	P	P	P	See definition.
Bars or cocktail lounges	C	C	N	See definition.
with live entertainment	C	C	N	See definition.
Beach equipment rental, bike rental, surf shop, fishing supply	P	P	N	
Body piercing establishment	C	N	N	See definition. Subject to Section 19.26.020(B)(1).
Bookstore	P	P	P	

	C/MU -1	C/MU -2	C/MU -3	Notes
Boutique	P	P	P	
Cabaret	C	N	N	See definition. Subject to Chapter 19.60.
Campsites	C	N	N	See definition.
Cannabis permitted use	P	N	N	See definition and number allowed in Chapter 4.60. Subject to the requirements of Chapters 19.61 and 4.60.
Child day care center	P	P	P	See definition.
Clinic	P	P	P	See definition.
Dancehall	C	N	N	See definition. Subject to Chapter 19.60.
Department store	P	N	N	
Drive-in restaurant	P	P	N	See definition.
Drive-through establishment	C	N	C	See definition.
Fortune telling establishment	C	N	N	See definition. Subject to Section 19.26.020(B)(3).
Hostel	C	C	N	See definition.
Kennel	C	N	N	See definition. Subject to Section 19.74.050.
Kiosk	P	P	P	See definition. In C/MU-2: Subject to Section 19.27.020(A)(2).
Liquor store	C	C	N	See definition.
Massage therapy establishment	P	P	P	See definition. Per Senate Bill 731.
Mortuary	C	N	N	
Motor vehicle sales	C	N	N	Subject to Section 19.74.070.
Palm reading establishment	C	N	N	See definition. Subject to Section 19.26.020(B)(3).
Pawnshop	C	N	C	See definition.
Personal convenience services	P	P	P	See definition.
Pool or billiard hall	C	C	N	See definition.
with live entertainment	C	C	N	See definition.
Postal services, private	P	P	P	
Professional offices, financial institutions, and real estate	P	P	P	
Restaurant	P	P	P	See definition.
with live entertainment	C	C	C	See definition.
Retail food store	P	P	P	
Retail sales	P	P	P	See definition.
Sales of secondhand or used merchandise	N	N	N	See definition.
Single-family detached	N	N*	N	*Only permitted in Seacoast Mixed-Use/Residential Overlay Zone.

	C/MU -1	C/MU -2	C/MU -3	Notes
Tattoo establishment	C	N	N	See definition. Subject to Section 19.26.020(B)(4).
Residential and Similar Uses				
Accessory building, structures, private garages	C	C	C	See definition of accessory building.
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.
<u>Low barrier navigation center</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See definition. Subject to review consistent with Government Code Sections 65660 et seq. and to by right review that includes design review approval.</u>
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	
<u>Supportive housing, permanent, with a maximum of 50 units</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See definition. Subject to review consistent with Government Code Sections 65650 et seq. and to by right review that includes design review approval.</u>
Timeshare	C	C	N	See definition.
Light Industrial Uses				
Automobile dismantling or wrecking yard	N	N	N	See definition.
Automobile repair or automobile body shop	C	N	N	See definitions.
Automobile sales lot	C	N	N	See definition.

	C/MU -1	C/MU -2	C/MU -3	Notes
Automobile service station/gas station	C	N	C	See definition.
Energy facility	C	N	N	See definition.
Equipment rental yard	C	N	N	
Incidental manufacturing	C	C	C	See definition.
Light manufacturing, manufacturing, industrial	N	N	N	
Public and Semi-Public Uses				
Campsites	N	N	N	See definition.
Clubs, fraternal/veteran/service organizations	C	C	C	Subject to Sections 19.26.020(B)(2), 19.27.020(A)(3), 19.28.020(A)(2).
with live entertainment	C	C	C	
Educational institutions	C	C	N	
Governmental or quasi-public building	P	P	P	
Library	P	P	P	
Religious assembly	C	C	C	See definition. Subject to Sections 19.26.020(B)(2), 19.27.020(A)(3), 19.28.020(A)(2).
Public parking lot	P	P	P	
Theatre/assembly	C	C	C	
Wireless communication facility	C	C	C	See definition. Subject to Chapter 19.90.
Green Building Utilities				
Green building utilities	P	P	P	See definition. Subject to Chapter 19.92.
Open Space and Recreation				
Passive public parks	P	P	P	
Playground and recreation areas	C	C	C	Permitted if incidental and accessory to a permitted use.
Public riding and hiking trails	P	P	P	

6.) Title 19, Subsection 19.26.020(C), of Chapter 19.26. C/MU-1 General Commercial And Mixed-Use Zone, 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.
5. Notwithstanding any other provisions of this subsection C, low-barrier navigation centers and permanent supportive housing shall be subject to by right review that includes design review approval.

7.) Title 19, Subsection 19.27.020(B), of Chapter 19.27, C/MU-2 Seacoast Commercial and Mixed-Use Zone, 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; and

6. Notwithstanding any other provisions of this subsection B, low-barrier navigation centers and permanent supportive housing shall be subject to by right review that includes design review approval.

8.) Title 19, Subsection 19.28.020(B), of Chapter 19.28, C/MU-3 Neighborhood Commercial And Mixed-Use Zone, 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; and

6. Notwithstanding any other provisions of this subsection B, low-barrier navigation centers and permanent supportive housing shall be subject to by right review that includes design review approval.

9.) Title 19, Section 19.48.040, of Chapter 19.48 Off-Street Parking, 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.
- F. Permanent supportive housing: as specified in Government Code Section 65650 et seq.

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 6: This Ordinance shall take effect upon approval by the California Coastal Commission.

Section 7. 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 after adoption indicating votes cast.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach held on the on the 5th day of April, 2023; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 19th day of April, 2023, by the following vote:

AYES:	COUNCILMEMBERS:	FISHER, MCKAY, LEYBA-GONZALEZ, AGUIRRE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	SEABURY

PALOMA AGUIRRE, MAYOR

ATTEST:

AUDREY MALONE
ASSISTANT CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON
CITY ATTORNEY