

ORDINANCE NO. 2023-1226

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE FOR FURTHER CLARIFICATION AND CONSISTENCY PURPOSES REGARDING URBAN LOT SPLIT SUBDIVISIONS AND TWO-UNIT RESIDENTIAL DEVELOPMENTS

WHEREAS, the State Legislature adopted Senate Bill 9 (SB 9) (Chapter 162, Statutes 2021) in order to require local jurisdictions to approve infill developments of up to four units in existing single-family zones, subject only to objective local standards that would permit at least two units of 800 square feet per lot in single-family zones; and

WHEREAS, the City Council of the City of Imperial Beach previously implemented SB 9 through the adoption of regulations concerning two-unit residential developments and urban lot split subdivisions in single-family residential zones as set forth in Ordinance 2022-1207 which added Chapter 18.54 to the Imperial Beach Municipal Code (IBMC); and

WHEREAS, City Staff has identified some housekeeping changes that should be made to further clarify the IBMC; and

WHEREAS, the City circulated this Ordinance amending Title 19 (Zoning) for public review for a period of six weeks/45 days that ran from February 9, 2023 to March 27, 2023 pursuant to Title 14 of the California Code of Regulations section 13515 (14 CCR 13515) and California Government Code section 65352; and

WHEREAS, this Ordinance is exempt from the California Environmental Quality Act pursuant to Government Code Sections 65852.21(j) and 66411.7(n) because the adoption of an ordinance to further clarify the City's regulations regarding SB 9 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code; and

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 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. 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.

EXHIBIT "A"

1.) Title 19, Chapter 19.04, of the Imperial Beach Municipal Code is hereby amended by revisions as follows (underline represents language to be added and strikethrough represents text to be deleted):

19.04.762 Two-Unit Residential Development.

"Two-unit residential development" is a housing development that contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit and is in compliance with all the requirements specified in Chapter 18.54 of the Imperial Beach Municipal Code.

19.04.762~~4~~ Urban Open Space

"Urban open space" means any usable space accessible to the general public that is one thousand square feet or greater in size such as plazas, parks, etc.

19.04.763. Urban Lot Split.

"Urban Lot Split" is the subdivision of an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision and is in compliance with all the requirements specified in Chapter 18.54 of the Imperial Beach Municipal Code.

2.) Title 19, Chapter 19.12, of the Imperial Beach Municipal Code is hereby amended by revisions as follows (underline represents language to be added):

19.12.020(A) 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~~4~~;
9. Accessory Dwelling Units and Junior Accessory Dwelling Units as permitted in Chapter 19.66.
10. Two-unit residential developments as permitted in Chapter 18.54.

19.12.040. Minimum lot size

The minimum lot size for any new lot created in the R-1-6000 zone shall be six thousand square feet (for related provisions concerning small lots see Chapter 19.42.). New lots created as part of an urban lot split as defined in this Chapter must be in compliance with the lot size and width requirements specified in Chapter 18.54.

19.12.050. Frontage

Every new lot created in an R-1-6000 zone shall have minimum width along a street of sixty feet (for related provisions concerning small lots see Chapter 19.42.). New lots created as part of an urban lot split as defined in this Chapter must be in compliance with the frontage requirements specified in Chapter 18.54.

3.) Title 19, Chapter 19.13, of the Imperial Beach Municipal Code is hereby amended by revisions as follows (underline represents language to be added):

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~~;
- I. Accessory Dwelling Units and Junior Accessory Dwelling Units as permitted in Chapter 19.66.
- J. Two-unit residential developments as permitted in Chapter 18.54.

19.13.040. Minimum lot size.

The minimum lot size for any new lot created in the R-1-3800 zone shall be three thousand eight hundred square feet, (for related provisions concerning small lots, see Sections 19.42.). New lots created as part of an urban lot split as defined in this Chapter must be in compliance with all the lot size and width requirements specified in Chapter 18.54.

19.13.050. Frontage.

Every new lot created in an R-1-3800 zone shall have minimum width along a street of fifty feet (for related provisions concerning small lots, see Chapter 19.42.). New lots created as part of an urban lot split as defined in this Chapter must be in compliance with the frontage requirements specified in Chapter 18.54.

4.) Title 19, Chapter 19.42, of the Imperial Beach Municipal Code is hereby amended as shown below (underline represents language to be added):

19.42.010. Reduction prohibited—Exception.

No lot shall be so reduced or diminished that the area, street frontage, yard or other open space is smaller than prescribed by this Title or as allowed in Chapter 18.54, nor shall the density be increased in manner except in conformity with the regulations established by this Title. (Ord. 94-884; Ord. 601 § 1, 1983)

5.) Title 19, Chapter 19.48, of the Imperial Beach Municipal Code is hereby amended by revisions as follows (underline represents language to be added):

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. Two-unit residential developments: as specified in Chapter 18.54.

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 5th day of April 2023; and

THEREAFTER 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 |



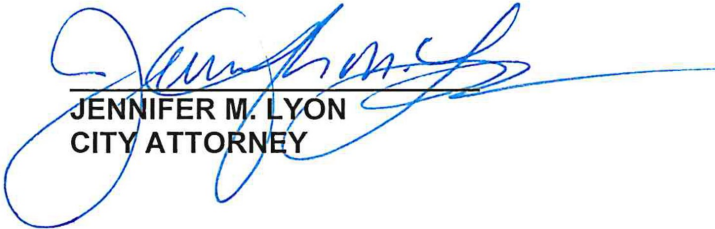
PALOMA AGUIRRE, MAYOR

ATTEST:



AUDREY MALONE
ASSISTANT CITY CLERK

APPROVED AS TO FORM:



JENNIFER M. LYON
CITY ATTORNEY