

RESOLUTION NO. 2024-082

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENT (LCPA-23-0001) AND AN EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3) (COMMON SENSE EXEMPTION) AND CERTIFYING THAT THE PROPOSED ZONING AMENDMENT (ORDINANCE NO. 2024-1251) IS CONSISTENT WITH THE COASTAL ACT FOR THE ZONING AMENDMENT FOR THE DENSITY BONUS ORDINANCE. MF 1471.

APPLICANT: CITY OF IMPERIAL BEACH

WHEREAS, Government Code Section 65863.2, subdivision (c), requires that certain sites designated for lower income housing and included in the site inventory for previous housing elements, be zoned to permit by right approval, as defined in Government Code Section 65863.2, subdivisions (h) and (i); and

WHEREAS, Program 9 (By-Right Approval for Projects with 20 Percent Affordable Units) of Section 5.2.3 (Provision of Adequate Housing Sites) of the City's Housing Element, which was adopted on July 16, 2021 and subsequently approved by the California Department of Housing and Community Development, provides that the City will amend the Zoning Ordinance to require by-right approval of housing that includes 20 percent of the units affordable to lower income households on certain sites designated in the Housing Element; and

WHEREAS, Sections 65915 et seq. of the California Government Code, known as State Density Bonus Law, require a city to provide a developer that proposes a housing development containing affordable and other types of housing with a density bonus and other incentives; and

WHEREAS, California Government Code Section 65915(a) requires that all cities adopt an ordinance that specifies how compliance with State Density Bonus Law will be implemented; and

WHEREAS, since adoption of the City's density bonus ordinance, the State Legislature has passed, and the Governor has signed into law, changes to State Density Bonus Law; and

WHEREAS, Program 11 of Section 5.2.4 (Removal of Governmental Constraints) of the City's Housing Element, which was adopted on July 16, 2021 and subsequently approved by the California Department of Housing and Community Development, provides that the City will "[r]evis[e] the Zoning Ordinance to update density bonus provisions consistent with State law"; and

WHEREAS, the City Council conducted a public hearing on November 6, 2024 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, notice of said public hearing was made at the time and in the manner required by law.

WHEREAS, on November 6, 2024, the City Council of the City of Imperial Beach held a duly advertised public hearing to consider the merits of approving or denying an application for General Plan/ Local Coastal Program/ Zoning Code Amendment (LCPA-23-0001), and

WHEREAS, the City Council of the City of Imperial Beach finds that public notice was given of the availability of documents and request for comments pertaining to this item that

began a six-week/45-day public review period (from **August 22, 2024**, to **October 7, 2024**) for the item prior to any final action being taken by the City Council on this amendment request, pursuant to California Code of Regulations Code §13515 (14 CCR 13515) and California Government Code §65352.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

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

Section 2. The City Council finds that the proposed LCPA/Zoning Code Amendment, pursuant to Government Code Section 65300.5, is internally consistent with other policies of the General Plan/ Local Coastal Program.

Section 3. The City Council of the City of Imperial Beach hereby finds and certifies that the proposed Zoning Amendment is consistent with the California Coastal Act, pursuant to Public Resources Code Section 30510(a) and Title 14 of the California Code of Regulations section 13551.

Section 4. The City Council hereby approves the following exemption: CEQA Guidelines Section 15061(b)(3) (the common sense exemption).

Section 5. The General Plan/ Local Coastal Program Amendment (LCPA-23-0001) as shown in Ordinance 2024-1251 is hereby **approved**.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 6th day of November 2024, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

PALOMA AGUIRRE, MAYOR

ATTEST:

JACQUELINE KELLEY, CITY CLERK