

DATE SUBMITTED 01/16/2015  
 SUBMITTED BY City Clerk  
 DATE ACTION REQUIRED 01/21/2015

**Agenda Item No D-4**  
 CITY COUNCIL ACTION (X)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION ( )  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING (x)

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

<b>SUBJECT: ACTION: WAIVE 2<sup>ND</sup> READING AND ADOPT ORDINANCE NO. 782, AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING TEXT IN SECTION 24.01 AND 24.03 OF THE IMPERIAL ZONING ORDINANCE TO DEFINE AND CLARIFY HOUSING ALLOWANCES.</b>													
<b>BACKGROUND/SUMMARY:</b>  Following a duly noticed and held Public Hearing on December 17, 2014, the first reading by title only was held. Upon adoption, ordinance will become effective in 30 days.													
<b>FISCAL IMPACT:</b>													
<b>STAFF RECOMMENDATION:</b> Waive 2 <sup>nd</sup> reading and adopt Ordinance No. 782													
<b>MANAGER'S RECOMMENDATION:</b>	<b>MANAGER'S INITIALS</b> <u>MDB</u>												
<b>MOTION:</b>   <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">SECONDED:</td> <td style="width: 25%;">APPROVED ( )</td> <td style="width: 25%;">REJECTED ( )</td> </tr> <tr> <td>AYES:</td> <td>DISAPPROVED ( )</td> <td>DEFERRED ( )</td> </tr> <tr> <td>NAYES:</td> <td></td> <td></td> </tr> <tr> <td>ABSENT:</td> <td>REFERRED TO:</td> <td></td> </tr> </table>		SECONDED:	APPROVED ( )	REJECTED ( )	AYES:	DISAPPROVED ( )	DEFERRED ( )	NAYES:			ABSENT:	REFERRED TO:	
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**ORDINANCE NO. 782**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL  
AMENDING TEXT IN SECTION 24.01 AND 24.03 OF THE IMPERIAL  
ZONING ORDINANCE TO DEFINE AND CLARIFY HOUSING  
ALLOWANCES**

**WHEREAS**, the City Council of the City of Imperial has an adopted Housing Element which integrated policies and actions to be implemented during the 2008-2013 Planning Period including Goal, Policy and Action Item 2.3.4 to increase the level of stories allowed in Residential Condominium (RC) Zone and Residential Apartment (RA) Zone; and

**WHEREAS**, the City Council also adopted Housing Element Goal, Policy and Action Item 2.3.5 to allow by right up to 20 dwelling units per acre in the Residential Condominium (RC) Zone and up to 30 dwelling units per acre in the Residential Apartment (RA) Zone; and

**WHEREAS**, the City Council also adopted Housing Element Goal, Policy and Action Item 2.4.2 to clarify that second units are to be considered ministerially without discretionary review or need for a public hearing in all residential zones, pursuant to Chapter 1062 of the Government Code; and

**WHEREAS**, the City Council also adopted Housing Element Goal, Policy and Action Item 3.1.7 to clarify the definition of single-room occupancy units and incorporate development standards; and

**WHEREAS**, the City Council also adopted Housing Element Goal, Policy and Action Item 4.1.2 to incorporate density bonus allowances for developers that produce units affordable to very low-, low- or moderate-income families, in compliance with Government Code Section 65915; and

**WHEREAS**, said Housing Element policies and call for revisions to the City of Imperial Zoning Ordinance and it is the City Council's desire to amend the City of Imperial Zoning Ordinance in an effort to further the objectives of the Housing Element and be in conformance with State Law; and

**WHEREAS**, on November 12, 2014, following a public hearing, the Planning Commission weighed the evidence presented therein, and recommended that the City Council adopt the Zoning Text Amendments, and

**WHEREAS**, on December 17, 2014, the City Council held a duly noticed public hearing and weighed the evidence presented therein, information which is on file at the City Community Development Department, and

**WHEREAS**, pursuant to Section 24.19.700 of the Zoning Ordinance, the City Council of the City of Imperial does hereby find that:

- (a) The above stated recitals are incorporated as findings, and

- (b) The proposed amendments are consistent with the objectives of the Imperial Housing Element of the Imperial General Plan and development policies adopted by the Imperial City Council, and
- (c) The adoption of this ordinance is exempt from CEQA review per section 15061 (b)(3), and a Notice of Exemption will be filed upon adoption of this ordinance.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**SECTION 1:** Section 24.01.180 "Definitions" of the Imperial Zoning Ordinance is hereby amended to include the following definitions:

- a). Single Room Occupancy- Housing consisting of single room dwelling units and that is the primary residence of its occupant(s) with a minimum floor area of 150 SF and a maximum floor area of 400 SF. Each unit must contain either food preparation or sanitary facilities (and may contain both). If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants as per Title 24 CFR 92.2.

**SECTION 2:** Section 24.03 "Residential Zones" of the Imperial Zoning Ordinance is hereby amended as follows:

**a). 24.03.110 Permitted and Conditional Uses: R Zones**

The following uses shall be permitted uses where the symbol "P" appears and shall be permitted uses subject to a Conditional Use Permit where the symbol "C" appears in the column beneath each zone designation; the symbol "X" indicates prohibition:

A.	Residential Uses	RR	RL	R-1	RC	RA
4.	Second single family dwelling with kitchen on the same lot as an existing single family dwelling (See Section 24.03.130 A3)	C P	C P	C P	C P	C P

**b). 24.03.120 Property Development Standards: R Zones**

**A. General Requirements**

The following requirements are minimum unless otherwise stated.

	RR	RL	R-1	RC	RA
1. Density maximum units per net acre.	0.5-1.0	2.0	6.0	12-20* 20	20-30* 30

10. Building and structure height (in feet)	35 feet or 2 stories, whichever is less
	52 feet or 3 stories, whichever is less

~~\*In the RC and RA Zones, approval of projects at the maximum density shall only be given on the basis that the project exceeds the standards of the zone and the General Plan. Any density beyond the minimum permitted beyond the zone will require Planning Commission and City Council approval.~~

### **B. Special Requirements**

In all Residential Zones the following special requirements are applicable: (no changes)

### **C. Special Requirements for Single Room Occupancy Units**

In all Residential Zone the following additional requirements shall apply for single room occupancy (SRO) dwelling units:

1. Density Standards, are not required to be met by single room occupancy facilities.
2. Occupancy, shall be restricted to a maximum of two (2) persons.
3. Common Area, of at least three hundred (300) square feet, or ten square feet per unit, of interior common space (excluding janitorial, laundry, common hallways, or common bathrooms) shall be provided (whichever is greater).
4. Kitchen Facilities, are not required in an SRO, but may be provided in an SRO as either complete or partial kitchens. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one kitchen per floor.
5. Separate Closet, shall be provided within each SRO.
6. Bathroom Facilities, if private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Code for congregate residences. At least one full bathroom shall be provided for every three units on a floor and shall be accessible from a common area or hallway and have an interior lockable door.
7. Laundry & Cleaning Facilities shall be provided in a separate at the ratio of one washer and dryer for every five (5) units, with at least one washer and dryer per floor. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall also be provided on each floor.

8. Management Plan, a management plan shall be submitted with the development application for an SRO facility and shall be approved by the Community Development Director. That Plan shall address management and operations of the facility, rental procedures, safety and security of the residents and building maintenance.
9. Facility Management, an SRO facility with ten (10) or more units shall have an on-site manager. An SRO facility with less than ten (20) units shall provide an on-site management office.
10. Parking, shall be provided for an SRO facility at a rate of one parking space per unit plus one additional paces for the on-site manager or two spaces for a resident manager.
11. Accessibility, all SRO facilities shall comply with all applicable ADA accessibility and adaptability requirements.

**SECTION 3:** A new Section 24.03.170 "Density Bonus" to the Imperial Zoning Ordinance is hereby incorporated. Please see **Exhibit A**, incorporated hereto as referenced.

**SECTION 5:** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**SECTION 6:** This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

**PASSED, ADOPTED AND APPROVED** at the regular meeting of the City Council of the City of Imperial this 21<sup>st</sup> day of January, 2015.

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Mark Gran, Mayor

**ATTEST:**

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Debra Jackson, City Clerk