

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

DIEGO, CA 92108-1725
521-8036

RECORD PACKET COPY

December 17, 1998

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TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO OFFICE
LAURINDA OWENS, COASTAL PLANNER, SAN DIEGO OFFICE

SUBJECT: **PROPOSED MINOR AMENDMENT (#3-98) TO THE CITY OF
IMPERIAL BEACH LOCAL COASTAL PROGRAM**

The City of Imperial Beach is requesting that its certified local coastal program be amended by making several revisions to its municipal code as it relates to regulating miscellaneous uses, yards, off-street parking, fences, and residential zones. The City submitted its amendment on November 10, 1998. This amendment was filed on November 10, 1998 pursuant to Section 30514(c) of the Coastal Act and Section 13553 of the Commission's Administrative Regulations.

Procedure

Pursuant to Section 305124(c) of the Coastal Act and Section 13554(a) of the Commission's Regulations, the Executive Director has determined that the proposed amendment is "minor" in nature. Section 13554 defines a minor amendment as changes in wording which make the use as designated in the zoning ordinances, maps or other implementing actions more specific and which do not change the kind, location, intensity or density of use and are consistent with the certified land use plan.

Pursuant to Section 13555, the Executive Director will report this determination to the Coastal Commission at the following date and location.

DATE and TIME: January 13, 1998	LOCATION: Olympic Collection Banquet
10:00 A.M., Wednesday	& Conference Center
	11301 West Olympic Blvd.
	West Los Angeles, CA

At that time, any objections to this determination, received within ten working days of the posting of this notice, will also be reported to the Commission. This proposed minor amendment will be deemed approved unless one-third of the appointed members of the Commission request that it be processed in accordance with Section 13555(b) of the Regulations as a major amendment. The minor amendment would become effective ten days from the date the Commission concurs with the Executive Director's designation.

If you have any questions or need additional information regarding this proposed amendment, please contact Laurinda Owens at the above office. Any objections to the "minor" amendment determination must be received within ten working days of the date of this notice and will be reported to the Commission at the above meeting.

Amendment Description

The amendment proposes to clarify several existing chapters of the municipal code. With regard to Chapter 19.74 addressing "Miscellaneous Uses", the current language identifies under what conditions businesses may occupy a residence in any residential zone as a "home occupation". The proposed clarifications to the zoning code will include the addition of a new definition for "escort service". In addition, the revisions would clarify that escort services are a type of home occupation not permitted in any residential zone (i.e., R-1-6000 Single Family Residential, R-1-3800 Single-Family Residential, R-3000-D Two-Family Residential, R-3000 Two-Family Residential, R-2000 Medium Density Residential and R-1500 High Density Residential).

In addition, modifications are proposed to Chapter 19.54.030 which addresses yards. The proposed changes will add language which provides that temporary awnings and similar temporary shade structures in the front yard setback of any property in residential zones may not be installed for more than 48 hours within a 30 day period. The revised language also prohibits the storage of machinery and equipment, etc., on properties located in residential zones.

Changes are also proposed to Chapter 19.48.120 which addresses surfacing for parking areas. This section currently requires that all required parking spaces be surfaced with concrete. New language is being added which provides that parking spaces and parking areas shall be part of the paved driveway and that parking off a paved driveway, on lawns or unpaved areas shall not be allowed in residential zones.

Chapter 19.46.030 which addresses fences is also proposed to be modified. New language will be added which clarifies that fences shall be constructed of materials pursuant to the Uniform Building Code, etc.

Lastly, changes are proposed to all sections of the zoning code addressing residential zones. Specifically, new language will be added which clarifies that the repairing and painting of automobiles outside of a permitted structure for a period over 72 hours within any 30 day period shall be prohibited. Language further provides that such repairs be limited to vehicles registered to the occupancy of such property owner or an immediate family member.

In summary, all of the proposed changes to the ordinance are to clarify existing language in the zoning code and to make the requirements more specific. The underlying goal is to preserve public safety, improve the residential quality of the community and to enhance visual quality in the residential zones. With regard to the new language addressing escort services, the City found that the proliferation of such businesses in the residential zones

of the City would generate increased pedestrian or vehicular traffic and would pose a danger to the residents of neighborhoods, including young children, as well as diminishing property values. The proposed language is intended to clarify such uses are allowed in commercial zones of the city only.

As noted previously, presently, the zoning code does not specifically call out escort services as either a permitted or prohibited use. Such uses are regarded as home occupations which are currently permitted in all residential zones subject to a Home Occupancy Permit/business license. Such uses must meet the criteria of the zoning code which addresses home occupations (i.e., the business does not adversely affect the uses permitted in the residential district, no additional parking is required, no mechanical equipment or outdoor storage of materials is required, etc.). The proposed language does not result in a change to the underlying zone (residential zones). Escort services are one kind of home occupation that currently may be permitted in residential zones (if the use would meet the above stated criteria). The proposed language clarifies that escort services are not a type of home occupation permitted within the residential zones and does not restrict other types of home occupations permitted in residential zones. Therefore, the proposed changes do not result in a change to the location, intensity or density of use and can be found in conformance with the certified land use plan. Inasmuch as the changes are proposed to make the zoning code more specific, they conform with the certified LUP and support its proper implementation.

(City of IB LCPA #3-98)

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ORDINANCE NO. 98-933

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE CITY'S GENERAL PLAN/LOCAL COASTAL PLAN PERTAINING TO THE FOLLOWING CHAPTERS OF TITLE 19, ZONING: CHAPTER 19.74 ENTITLED "MISCELLANEOUS USES", CHAPTER 19.54 ENTITLED "YARDS", 19.48 ENTITLED "OFF-STREET PARKING", 19.46 ENTITLED "FENCES" AND RESIDENTIAL CHAPTERS 19.12 (R-1-6000), 19.13 (R-1-3800), 19.14 (R-3000-D), 19.15 (R-3000), 19.16 (R-2000), AND 19.17 (R-1500). GENERAL PLAN/LOCAL COASTAL PLAN/ZONING AMENDMENT LCPA/ZCA 98-03.

WHEREAS, on October 7, 1998, the City Council, in a duly advertised public hearing considered an Amendment to the City's Local Coastal Program, Zoning Ordinance, Chapters 19.74, 19.54, 19.48, 19.46, and Chapters 19.12 through 19.17, that add new sections and modify existing sections of said Chapters, as follows:

1. Section 19.74.030 is hereby added to Chapter 19.74, entitled "Miscellaneous Uses", to read "Escort services, as defined in Section 19.04.326, are prohibited in any residential zone, as defined in Section 19.04.650 of this Code."
2. Section 19.04.326, entitled "Escort Service" is hereby added to Chapter 19.04, entitled "Definitions" to read: "Any business, agency or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters. Excluded from this definition is any business, agency or person which provides escort services for older persons as defined in the California Welfare and Institutions Code Section 9400, et. Seq., when such services are provided as part of a social welfare and health program for such older persons."
3. Subsections C and D are hereby added to Section 19.54.030 of Chapter 19.54 entitled "Yards", to read:

"C. Temporary awnings, temporary structures designed to cover automobiles, and other temporary shade structures in the front yard setback of any property located in a residential zone (as defined in Section 19.04.650 of this Code) for periods longer than forty-eight (48) consecutive hours within any thirty (30) day period.

D. The storage of machinery or parts thereof, or material or equipment associated with building, painting, plumbing and electrical contracting and services and similar activities, including implements or tools (other than what is stored and carried in a motor vehicle) having a power rating of greater than one horsepower on properties located in a residential zone (as defined in Section 19.04.650 of this Code). Equipment includes any motor vehicle with a gross vehicle weight greater than ten-thousand (10,000) pounds."
4. Section 19.48.120.A of Chapter 19.48 entitled "Off-street Parking" is hereby amended to read:

"All required parking spaces, parking areas and driveways located in a front yard or side yard, or serving single-family or two-family dwellings, shall be surfaced with portland cement concrete on a suitable base as determined by the Building Official. Parking spaces and parking areas shall be part of or adjacent to the paved driveway. Parking off a paved driveway, on

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(Minor)

lawns, or on unpaved areas, shall not be allowed on properties located in a residential zone (as defined in Section 19.04.650 of this Code)."

5. Section 19.46.030.B of Chapter 19.46 entitled "Fences", is hereby amended to read:

"Fences (including retaining walls) shall be constructed of new or suitable used material, shall conform with the methods of construction pursuant to the requirements of the Uniform Building Code as adopted by reference and as modified by Chapter 15.04 of this Code, and shall be maintained in a state of good repair. Any dilapidated, dangerous or unsightly fence or retaining wall shall be repaired or removed. Temporary materials shall not be permitted as a fencing material."

Existing subsections B and C are hereby redesignated C and D respectively.

6. Sections 19.12.025, 19.13.025, 19.14.025, 19.15.025, 19.16.025 and 19.17.025, are hereby added, to read:

"The performance of major automobile repairs and replacement of engines, transmissions, clutches, axles, pumps, alternators, brakes, shocks, and similar work, including the repair and painting of automobile body or parts, outside a permitted structure and for a period exceeding seventy-two (72) consecutive hours within any thirty (30) day period, shall be prohibited. Allowed repairs shall be limited to vehicles registered to the owner or occupant of such property, or an immediate family member of such owner or occupant."

WHEREAS, General Plan/Local Coastal Plan/Zone Code Amendment (LCPA/ZCA 98-03) is exempt from the requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) as they would not, and could not have a significant adverse effect on the environment. The changes pertain to prohibited activities such as escort services and equipment repairs, and include performance standards such as adequate surfacing of parking spaces, maintenance of walls and fences and temporary awnings; the purpose of these modifications is to preserve and enhance the physical conditions of existing, developed properties; and,

WHEREAS, the City Council considered the Staff Report dated October 7, 1998, and public testimony prior to introduction of the Ordinance; and,

WHEREAS, the City Council did exercise its independent judgement as required by Section 21082.1 of the Public Resources Code.

NOW, THEREFORE, the City Council of the City of Imperial Beach does hereby introduce Ordinance No. 98-933, amending the City's General Plan/Local Coastal Plan/Zoning as follows:

SECTION 1. Chapters 19.74 (Miscellaneous Uses), 19.54 (Yards), 19.48 (Off-street Parking), 19.46 (Fences), 19.12 (R-1-6000), 19.13 (R-1-3800), 19.14 (R-3000-D), 19.15 (R-3000), 19.16 (R-2000) and 19.17 (R-1500) are modified as identified herein.

SECTION 2. This Ordinance shall be codified.

SECTION 3. The City Clerk of the City of Imperial Beach shall certify the adoption of this Ordinance and cause the same to be published in a manner required by law.

SECTION 4. This Ordinance shall take effect on the date of adoption by the California Coastal Commission, but no sooner than thirty (30) days after its passage by the City Council.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held this 7th day of October 1998, and thereafter **PASSED AND ADOPTED** at a regular meeting of said City Council held this 21st day of October 1998, by the following roll call vote:

COUNCILMEMBERS AYES: BENDA, WINTER, ROSE, HALL
COUNCILMEMBERS NOES: NONE
COUNCILMEMBERS ABSENT: BIXLER

Diane Rose

DIANE ROSE
MAYOR PRO TEM

ATTEST:

Linda A. Troyan

LINDA A. TROYAN, CMC
CITY CLERK

APPROVED AS TO FORM:

Lynn R. McDougal

LYNN R. MCDOUGAL, CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 98-933 - An Ordinance of the City of Imperial Beach Amending the City's General Plan/Local Coastal Plan/Title 19, Zoning, Pertaining to the following Chapters: 19.74 entitled "Miscellaneous Uses", 19.54 entitled "Yards", 19.48 entitled "Off Street Parking", 19.46 entitled "Fences" and Residential Chapters 19.12 (R-1-6000), 19.13 (R-1-3800), 19.14 (R-3000-D), 19.15 (R-3000), 19.16 (R-2000) and 19.17 (R-1500).

Linda A. Troyan
CITY CLERK

10/26/98
DATE