

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

February 13, 2003

Tue 9a**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
DIANA LILLY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE****SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT #4-02B
(Boarding Houses) TO THE CITY OF IMPERIAL BEACH LOCAL
COASTAL PROGRAM (For Public Hearing and Possible Action at the Meeting
of March 4-7, 2003)****SYNOPSIS****SUMMARY OF AMENDMENT REQUEST**

The subject Implementation Plan amendment is one component of an LCP amendment that was filed complete on November 18, 2002. The other components of the amendment as originally submitted included amendments regarding: Hotel Specific Plan; Sewer Diverter; Jurisdictional Urban Runoff; Urban Runoff Management and Discharge Control; and Grading Ordinance. However, on November 27, 2002, the City withdrew all of the other sections except for the Boarding Houses, Water Quality and Hotel Specific Plan component. The Hotel Specific Plan component was approved by the Commission on January 9, 2003. A one-year time extension for the remainder of the amendment was granted on February 5, 2003, extending the deadline for Commission action to February 16, 2004.

The proposed LCP amendment #4-02B would amend the certified Imperial Beach LCP implementation plan to revise the definition of a boardinghouse and define the zones in which a boarding house is permitted, and would add regulations addressing the requirement for home occupations.

Although the existing zoning code has a definition for "Boardinghouse", it is not specifically listed as a permitted (or prohibited) use in any zones. The subject amendment would provide additional detail to the definition of a boarding house and add boarding houses to the list of uses permitted with a Conditional Use Permit in the C-1 General Commercial zone, and add them as a prohibited use in the C-2 Seacoast Commercial and C-3 Neighborhood Commercial zones.

The amendment would also make a minor revision in the parking standards for group homes. The parking spaces per bed requirement for rooming house-type facilities would change from the current requirement of 1 space for each 2 beds to 1 space for each 3

beds, plus an additional two spaces. Rest home-type facilities, which already have to provide 1 space for each 3 beds, would also be required to provide an additional two spaces.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that, following a public hearing, the Commission approve the proposed City of Imperial Beach Implementation Plan Amendment #4-02B as submitted. Boarding houses are specifically defined in both the existing and proposed LCP as uses serving non-transient (i.e., non-visitor) populations. Boarding houses are not a high priority or protected use under the Coastal Act. The proposed amendment would not allow boarding houses in the City's tourist-oriented Seacoast Commercial zone, which might have created a conflict with the provision of high-priority visitor-serving or recreational uses. No impacts to public access or other coastal resources will result from the proposed amendment.

The appropriate resolutions and motions begin on page 3. The findings for approval of the Implementation Plan Amendment as submitted begin on page 4.

ADDITIONAL INFORMATION

Further information on the City of Imperial Beach LCP Amendment #4-02 B may be obtained from Diana Lilly, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

On June 30, 1981, the City of Imperial Beach formally submitted its Land Use Plan (LUP) for Commission approval. The plan, as originally submitted, comprised the City's entire General Plan (10 elements and a policy plan). Since the plan contained a large volume of material that was not coastal-related and policies addressing coastal issues were found throughout many of the elements, staff summarized the coastal policies into one document. This policy summary along with the Land Use Element was submitted to the Commission as the LCP Land Use Plan.

On September 15, 1981, the Commission found substantial issue with the LUP, as submitted, denied and then conditionally approved the LUP with recommended policy changes for all policy groups. The City resubmitted the LCP Land Use Plan in early 1982, incorporating most of the Commission's suggested policy modifications. This included modification language related to the preservation and protection of Oneonta Slough/Tijuana River Estuary and South San Diego Bay, preservation and enhancement of coastal access and the provision for visitor-serving commercial uses in the Seacoast District. On March 16, 1982, the Commission certified the City of Imperial Beach LCP Land Use Plan as submitted. The land use plan was effectively certified by the

Commission on November 18, 1982. In 1983, prior to certification of the Implementation Plan, the Commission approved an amendment to the LUP to correct a mapping error.

On August 15, 1983, the City began issuing coastal development permits pursuant to Section 30600.5 (Hannigan provisions) of the Coastal Act based on project compliance with its certified LUP. The City then submitted its entire Zoning Ordinance in order to implement the provisions of the certified Land Use Plan. The zoning ordinance was completely rewritten in order to implement the LUP. On September 26, 1984, the Commission approved the LCP/Implementation Plan as submitted. As of February 13, 1985, the City has been issuing coastal development permits under a certified local coastal program. Subsequent to the Commission's actions on the land use plan and implementation plan, there have been approximately twenty-seven amendments to the certified local coastal program.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

MOTION: *I move that the Commission reject the Implementation Program Amendment#4-02B for the City of Imperial Beach as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment #4-02B for the City of Imperial Beach as submitted and adopts the findings set forth below on grounds that the Implementation Program conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Implementation Program will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF IMPERIAL BEACH IMPLEMENTATION PLAN AMENDMENT #4-02B AS SUBMITTED

A. AMENDMENT DESCRIPTION.

The proposed LCP amendment would amend the certified Imperial Beach LCP implementation plan to revise the definition of a boarding house and define what zones in which a boarding house is permitted, and would add regulations addressing the requirement for home occupations.

Although the existing zoning code has a definition for "Boardinghouse", it is not specifically listed as a permitted (or prohibited) use in any zones. The existing zoning code defines a boardinghouse as follows:

19.04.135. Boardinghouse or lodginghouse.

"Boardinghouse or lodginghouse" means a dwelling or part thereof where meals and/or lodging are provided for compensation, for three or more persons not transients, other than members of the resident family.

The amendment would provide additional detail to the definition by replacing it with the following:

19.04.135 Boarding house.

"Boarding house" means a facility in which food and/or shelter is provided to persons not related by blood or marriage. The term does not include motels, hotels, or other similar establishments that cater primarily to transient guests. The term does not include multiple-family dwelling structures when each dwelling units is separately maintained by its tenants and the tenants care completely for themselves. The term does include rest homes, sanitariums, convalescent homes,

fraternity houses, sorority houses, group homes, and other similar operations when all the criteria of this definition are met.

The amendment would add boarding houses to the list of uses permitted with a Conditional Use Permit in the C-1 General Commercial zone, and add them as a prohibited use in the C-2 Seacoast Commercial and C-3 Neighborhood Commercial zones.

Finally, the amendment would also slightly revise the parking standard for group homes to add an additional two parking space requirement. The existing code provides the following standards for group homes:

B. Rest homes, children's homes, homes for the aged, convalescent homes, nursing homes, retirement homes: one space for each three beds;

C. Rooming houses, lodging houses, clubs and fraternity houses having sleeping rooms: one space for each two beds;

The proposed amendment would replace section "B" (and delete section "C") with the following:

B. Boarding houses, retirement homes, and clubs having sleeping rooms: Two spaces plus one space for each three beds.

Thus, the parking spaces per bed requirement for rooming house-type facilities would be changed from the current requirement of 1 space for each 2 beds to 1 space for each 3 beds, plus an additional two spaces. Rest home-type facilities, which already have to provide 1 space for each 3 beds, would also be required to provide an additional two spaces.

Aside from clarifying the definition of "boarding house," this amendment would not change the LCP regarding the establishment of boarding houses in the residential zones of the City.

B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. The certified LUP has a number of goals and policies relevant to the proposed amendment.

The Circulation Element of the LUP states in part:

C-22 Parking

Parking for both residents and visitors shall be provided as part of new development. [...]

The land use description for the C-1 General Commercial zone states that the designation:

...provides for land to meet the local demand for commercial goods and services, as opposed to the goods and services required primarily by the tourist population. It is intended that the dominant type of commercial activity in this designation will be community and neighborhood serving retail and office uses such as markets, specialty stores, professional offices, personal service department stores, restaurants, liquor stores, hardware stores, etc. Residential uses may be permitted above the first floor at a maximum density of one unit per every 1,000 square feet of land. Discretionary permit review by the City shall be required for such residential use.

As certified in the LUP, the purpose of the C-2 Seacoast Commercial zone is to provide land to meet the demand for goods and services required primarily by the tourist population, as well as local residents who use the beach area. The dominant type of commercial use in this zone are visitor-serving retail leaseholds including such uses as specialty stores, surf shops, restaurants, hotels and motels. In Imperial Beach, the Seacoast Commercial zone is the city's visitor-serving commercial zone.

The purpose of the C-3 Neighborhood Commercial zone is to provide areas for businesses to meet the local neighborhood demand for commercial goods and services. The LUP states that it is intended that the dominant type of commercial activity in the zone will be neighborhood serving retail and office uses such as markets, professional offices, personal services, restaurants and hardware stores.

In general, the Commission's concerns with changing the permitted uses in commercial zones is if the change allowed uses inconsistent with the goals of the Land Use Plan (LUP) and the Coastal Act regarding the protection of visitor-serving commercial areas of the City. Visitor-serving commercial uses are a high priority use under the certified LUP, and typically areas designated for such uses must be reserved for development required primarily by the tourist population.

The proposed amendment would allow boarding houses in the General Commercial zone, and prohibit them in the Seacoast and Neighborhood Commercial zones. Thus, no conflict with the priority uses identified in the certified Land Use Plan will result. The change in the definition of boarding houses will add specificity to the definition and will not result in any impacts to coastal resources or the policies of the LUP. The minor revision to the parking standards for group homes is not expect to result in any parking shortfalls, and in any case, the commercial zones where these group homes can be permitted are located on the easternmost portion of the City, where minor parking shortages would be unlikely to impact the ability of the public to access or use the shoreline. Thus, the proposed amendment, as submitted, is consistent with the policies of the certified LUP.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions.

The proposed amendment to the City of Imperial Beach Implementation Plan as submitted is consistent with and adequate to carry out the policies of the certified land use plan. As describe above, no impacts to coastal resources will result from the amendment.

Any specific impacts associated with individual development projects would be assessed through the environmental review process, and as such, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that no significant unmitigable environmental impacts under the meaning of CEQA will result from the approval of the proposed LCP amendment as submitted.

Ordinance No. 2002-986

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF IMPERIAL BEACH AMENDING TITLE 19
OF THE IMPERIAL BEACH MUNICIPAL CODE
REGARDING BOARDING HOUSES AND HOME OCCUPATIONS. MF 594

WHEREAS, the City of Imperial Beach recognizes that various provisions of the Zoning Ordinance regarding boarding houses and home occupations did not appear clear enough to the citizens as to the City's requirements and procedures; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed regulations would clarify the City's requirements regarding boarding houses and home occupations; and

WHEREAS, public notice was published on June 28, 2002, to begin a six-week public review to end on August 12, 2002, of the availability of documents and request for comments pertaining to this amendment request, pursuant to California Code of Regulations §13515 (14 CCR 13515) and California Government Code §65352; and

WHEREAS, a duly noticed public hearing on the amendment has been conducted by the City Council on August 14, 2002, pursuant to Government Code Sections 65090 and 65355, and public testimony has been heard and considered; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed regulations would not have a significant impact on the environment and, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061.b3 (General Rule), would be exempt from the California Environmental Quality Act as the proposed amendment would require that applicants requesting approval for a boarding house in the C-1 (General Commercial) Zone obtain a discretionary entitlement, a conditional use permit, the approval process for which would be subject to additional environmental review for compliance with CEQA; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed General Plan Amendment/Local Coastal Plan Amendment, pursuant to Government Code Section 65300.5, is internally consistent with the other policies of the General Plan, and also finds the proposed Zoning Ordinance Amendment, pursuant to Government Code Section 65860, is externally consistent with the General Plan/Local Coastal Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AS FOLLOWS:

SECTION 1: Section 19.04.135 of Chapter 19.04 of the Imperial Beach Municipal Code is amended to read as follows:

"19.04.135. Boarding house.

'Boarding house' means a facility in which food and/or shelter is provided to persons not related by blood or marriage. The term does not include motels, hotels, or other similar establishments that cater primarily to transient guests. The term does not include multiple-family dwelling structures when each dwelling unit is separately maintained by

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Boardinghouses

Strike-Out/Underline Ordinance & Resolution of Approval

its tenants and the tenants care completely for themselves. The term does include rest homes, sanitariums, convalescent homes, fraternity houses, sorority houses, group homes, and other similar operations when all the criteria of this definition are met."

SECTION 2: Section 19.26.020(B)(18) of Chapter 19.26 of the Imperial Beach Municipal Code is amended to read as follows:

"18. Tattoo establishment_i;"

SECTION 3: Section 19.26.020(B)(19) of Chapter 19.26 of the Imperial Beach Municipal Code is added to read as follows:

"19. Boarding house."

SECTION 4: Section 19.27.030(11) of Chapter 19.27 of the Imperial Beach Municipal Code is amended to read as follows:

"11. Tattoo establishment_i;"

SECTION 5: Section 19.27.030(12) of Chapter 19.27 of the Imperial Beach Municipal Code is amended to read as follows:

"12. Pawn shop_i;"

SECTION 6: Section 19.27.030(13) of Chapter 19.27 of the Imperial Beach Municipal Code is added to read as follows:

"13. Boarding house."

SECTION 7: Section 19.28.020(C)(16) of Chapter 19.28 of the Imperial Beach Municipal Code is amended to read as follows:

"16. Time share_i;"

SECTION 8: Section 19.28.020(C)(17) of Chapter 19.28 of the Imperial Beach Municipal Code is added to read as follows:

"17. Boarding house."

SECTION 9: Section 19.48.040(B) of Chapter 19.48 of the Imperial Beach Municipal Code is amended to read as follows:

"B. Boarding houses, retirement homes, and clubs having sleeping rooms: two spaces plus one space for each three beds;"

SECTION 10: Section 19.48.040(C) of Chapter 19.48 of the Imperial Beach Municipal Code is deleted.

SECTION 11: This ordinance shall become effective only when certified by the California Coastal Commission but not sooner than thirty (30) days following its passage and adoption by the City Council.

INTRODUCED AND FIRST READ at a special meeting of the City Council of the City of Imperial Beach, held on the 14th day of August, 2002, and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 4th day of September, 2002 by the following roll call vote:

AYES:COUNCILMEMBERS: BENDA, MCCOY, ROGERS, WINTER, ROSE
NOES:COUNCILMEMBERS: NONE
ABSENT:COUNCILMEMBERS: NONE

Diane Rose

DIANE ROSE, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD
CITY CLERK

APPROVED AS TO FORM:

Lynn R. McDougal

LYNN R. MCDUGAL

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2002-986, An ordinance of The City of The City Council of The City of Imperial Beach amending (GPA/LCPA/ZCA 02-04) Title 19 of The Imperial Beach municipal code regarding boarding houses. MF 594.

Jacqueline M. Hald

CITY CLERK

9/5/02

DATE