

CALIFORNIA COASTAL COMMISSION

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July 18, 2019

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TO: COMMISSIONERS AND INTERESTED PERSONS**FROM: KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
TONI ROSS, COASTAL PROGRAM ANALYST, SD COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF OCEANSIDE LOCAL COASTAL
PROGRAM AMENDMENT NO. LCP-6-OCN-18-0101-3 (Zoning Text
Amendment Procedures & Emergency Shelters/Transitional and Supportive
Housing) for Commission Meeting of August 7-9, 2019**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on April 2, 2019. A one-year time extension was granted on May 9, 2019. As such, the last date for Commission action on this item is June 24, 2020. This report addresses one of three components of the City's submittal, regarding certain administrative procedures and the reincorporation of transitional and supportive housing provisions into the LCP. The other two components include LCP-6-OCN-18-0102-4 which defines and permits a new use, Tier I Agritourism, as a means to promote tourism in an agricultural portion of the City located outside the coastal zone and LCP-6-OCN-18-0103-5 that provides regulations for Medical Cannabis Facilities which will only be permitted outside the coastal zone. Both of these amendments are also scheduled for the August, 2019 Commission meeting. This amendment request only affects the City's certified implementation plan.

SUMMARY OF AMENDMENT REQUEST

The amendment request involves revising the City's Implementation Plan (IP) to update certain administrative procedures and to incorporate previously certified regulations for transitional and supportive housing. The proposed amendment will affect the certified LCP implementation plan only. The majority of the revisions proposed by the amendment were previously certified by the Commission in 2016 through LCP Amendment No. LCP-6-OCN-15-0043-5 (Part A - Emergency Shelters). However, since that time, the City has processed a number of LCP amendments that have collectively repealed and replaced its certified IP. The changes proposed with the subject amendment will incorporate the previously certified regulations of Transitional and Supportive Housing into the newly certified IP.

The proposed revisions will amend Articles 4/4a (Use Classifications) and 10C (Residential “Coastal Zone”) to define transitional and supportive housing to be permitted by-right within the City’s coastal residential zone and apply the same restrictions imposed upon other residential uses permitted in the same zoning district to Transitional/Supportive Housing. The amendment request also originally included revisions to Article 30 (Site Regulations), which added the regulations for Emergency Shelters (temporary housing for the homeless) and a restriction for such shelters to locations only outside of the Coastal Zone. However, this revision was previously adopted through LCP Amendment No. LCP-6-OCN-18-0069-2 (Base Zone District) certified by the Commission at its July, 2019 hearing.

An additional revision proposed by the amendment that has not been previously adopted by the Commission will revise Article 1 (Title, Components, and Purposes) to modify the process by which the Planning Commission and the City Council approve development that requires both a General Plan/Zoning re-designation (legislative action) and a discretionary permit or variance (quasi-judicial action). Currently, the quasi-judicial review is undertaken by the Planning Commission and the legislative action is undertaken by the City Council separately and at a later date. As revised, the Planning Commission will review both the legislative and quasi-judicial changes and make a recommendation to the City Council. The City Council will then approve, conditionally approve, or deny both actions at the same time.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending the amendment be approved as submitted. The revisions regarding transitional and supportive housing have been previously certified by the Commission. This action will simply relocate the certified language into the recently updated IP.

As proposed, transitional and supportive housing will be permitted within all residential districts of the Coastal Zone, but any such use will be subject to the same restrictions and development standards that are currently imposed on any other residential use. These existing restrictions and development standards have been established as part of the certified LCP, and include standards for building height limits, parking requirements, setbacks, and protection of sensitive habitat, which will provide sufficient protection of the City’s coastal resources. The only potential coastal resource impact identified is potential impacts to public access resulting from residents of the transitional and supportive housing facilities parking in on-street parking areas and thereby usurping public beach parking reserves. However, as previously certified, transitional and supportive housing facilities would be limited to a total of six residents. If a higher number of residents are proposed, the facility would then be subject to higher parking standards through the issuance of a high-density residential occupancy permit. As such, impacts to public access would not be significant.

Finally, the one portion of the subject amendment request clarifying the process by which developments including both a General Plan/Land Use/Zoning change and a quasi-

judicial action (permit, variance) are reviewed by the Planning Commission and City Council, is a procedural change to consolidate the review. No substantive regulations or resource protection measures contained in the IP are proposed to be changed.

Staff, therefore, recommends that the Commission find that the City's request to amend the City's Zoning Ordinance conforms with and is adequate to carry out the certified land use plan. No adverse impacts to coastal access or coastal resources are anticipated.

The appropriate resolution and motion may be found on Page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 5.

BACKGROUND

In 2007, Senate Bill 2 (Cedillo, 2007) amended state housing law to require that local governments: a) identify at least one zone of sufficient capacity where emergency shelters are permitted by-right; and b) define transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. The approval of the subject amendment will facilitate these uses by amending the City's implementation plan to define transitional and supportive housing and to allow these uses within all coastal residential zones.

ADDITIONAL INFORMATION

Further information on the Oceanside LCP Amendment No. LCP-6-OCN-18-0101-3 may be obtained from **Toni Ross**, Coastal Planner, at (619) 767-2370.

EXHIBITS

[Exhibit 1 – Resolution No. 18-R0589-1](#)

[Exhibit 2 – Ordinance Nos. 18-OR0606-1](#)

[Exhibit 3 – Proposed Text Changes in Strikeout/Underline](#)

PART I. OVERVIEW**A. LCP HISTORY**

The City of Oceanside first submitted its Land Use Plan (LUP) to the Commission in July 1980, and it was certified with suggested modifications on February 19, 1981. This action, however, deferred certification on a portion of the San Luis Rey River valley where an extension of State Route 76 was proposed. On January 25, 1985, the Commission approved with suggested modifications the resubmitted LUP and Implementing Ordinances. The suggested modifications for this approval were related to the guaranteed provision of recreation and visitor-serving facilities, assurance of the safety of shorefront structures, and the provision of an environmentally sensitive routing of the proposed Route 76 east of Interstate 5. The suggested modifications to the Zoning/Implementation phase resulted in ordinances and other implementation measures that were consistent with the conditionally certified LUP policies.

With one exception, the conditionally certified LUP and Implementing Ordinances were reviewed and approved by the City on May 8, 1985. The City requested that certification be deferred on one parcel adjacent to Buena Vista Lagoon designated by the City for “Commercial” use; the Commission's suggested modification designated it as “Open Space.” On July 10, 1985, the Commission certified the City's LCP as resubmitted by the City, including deferred certification on the above parcel.

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 held a Planning Commission meeting on the matter on October 22, 2018. The City also held a City Council meeting on November 28, 2018. Both 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.

- I. **MOTION:** *I move that the Commission reject the Implementation Program Amendment No. LCP-6-OCN-18-0103-1 for the City of Oceanside 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 Amendment 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 AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Oceanside as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program Amendment 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 Amendment 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 OCEANSIDE IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The amendment proposes to reincorporate previously certified provisions that define transitional and supportive housing as residential uses permitted by-right within the City's coastal residential zone and subject to the same restrictions imposed upon other residential uses permitted in the same zoning district.

An additional revision proposed by the amendment that has not been previously adopted by the Commission will revise Article 1 (Title, Components, and Purposes) to modify the process by which the Planning Commission and the City Council approve development

that requires both a General Plan/Zoning re-designation (legislative action) and a conditional use permit or variance (quasi-judicial action). Currently, the quasi-judicial review is undertaken by the Planning Commission and the legislative action is undertaken by the City Council separately and at a later date. As revised, the Planning Commission will review both the legislative and quasi-judicial changes and make a recommendation to the City Council. The City Council will then approve, conditionally approve, or deny both actions at the same time.

a) **Purpose and Intent of the Ordinance.** As initially analyzed in the Commission action on November 3, 2016 (ref. LCP Amendment No. LCP-6-OCN-15-0043-5 Part A), the intent of the amendment is to bring the City's zoning ordinance into conformity with state housing law and specifically Senate Bill 2 (Stat. 2007, ch.633) (SB 2), which requires that local governments identify at least one zone of sufficient capacity where emergency shelters are permitted by-right; and define and permit transitional and supportive housing in residential zones. The intent of the proposed amendment revising procedures for the review of certain developments requiring discretionary action is to consolidate the review and prevent contradictory results from differing bodies, where development needs both legislative and quasi-judicial review.

b) **Major Provisions of the Ordinance.** The major provisions of the ordinance that will apply within the Coastal Zone are limited to defining transitional and supportive housing and permitting these uses within the City's coastal residential zone. This action would reincorporate those provisions into the LCP. The procedural change would require the Planning Commission to make a recommendation about both the zoning and permit aspects of development when both are needed, with final review and action by the City Council.

c) **Adequacy of the Ordinance to Implement the Certified LUP Segments.** The LCP amendment, as proposed, is adequate to implement the City's certified Land Use Plan (LUP). Regarding the housing and shelter policies, the following LUP policies are applicable and state:

I. Coastal Access

Objective: Adequate access to and along the coast shall be provided and maintained.

VII. New Development and Public Works

1. The City shall deny any project which diminishes public access to the shoreline, degrades coastal aesthetics, or precludes adequate urban services for coastal-dependent, recreation, or visitor serving uses.

II. Recreational and Visitor Serving Facilities

C. Objectives and Policies

[...]

12. If existing beach parking is removed for any reason, one-to-one replacement parking shall be provided...

17. The City shall require that all new residential development provides adequate on-site parking. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced. Curb cuts for new development shall be held to a minimum to preserve existing on-street parking...

22. The City shall continue to monitor beach usage and parking availability and adjust policies as needed.

The proposed amendment to be reincorporated defines transitional and supportive housing and allows those uses within the City's coastal residential zone. Supportive housing is housing without limits to length of stay that are associated with some kind of on- or off-site services that assist the housing residents. Transitional Housing is defined as facilities with a limited length of stay, which offer access to services to assist formerly homeless residents in the transition to permanent housing. The only potential coastal resource impact identified by the Commission is the potential for impacts to public access if a transitional or supportive facility is deficient in parking, given the potential high number occupants at such facilities. However, transitional and supportive housing facilities typically accommodate no more than one or two residents per dwelling unit, and in the event that a facility houses more than six adults in a single-family home, the facility would be subject to additional parking requirements under the City's high-density residential occupancy standards, certified by the Commission in July of 2011. Through these standards, the City would need to issue a High Density Permit. These permits are approved by the City Planner and are required to be renewed on an annual basis. The City Planner will issue such permits only when adequate evidence is presented that all vehicles (one space per adult) will be parked on the site. As such, the number of residents at a transitional or supportive housing facility, while potentially higher than the average single-family home, will not result in public access impacts and can be found consistent with the City's LUP as proposed.

Finally, the City is requesting to revise the process by which it approves development that requires both a General Plan/Zoning re-designation (legislative action) and a discretionary permit or variance (quasi-judicial action). Currently, the review and approval of the two actions are done separately, where the quasi-judicial action is reviewed by the Planning Commission and later the change to land use/zoning is reviewed by the City Council. Currently, the only way the Council can take part in the

review of the quasi-judicial component is to appeal the Planning Commission's decision within the 10 day appeal period. This process is problematic for the City and potentially frustrating for applicants. To address this concern, the proposed amendment will update the process to allow the City Council to review both actions at the same time. The proposed changes are procedural in nature, do not affect coastal resources, and are consistent with and adequate to carry out the provisions of the LUP. The entire proposal can therefore be approved as submitted.

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

Section 21080.9 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. 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 submission.

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. At the local level, the City concluded that there was no possibility that the activity would have a significant effect on the environment and therefore determined that the LCP amendment was not subject to CEQA. The City further determined that CEQA review would be conducted prior to the approval of any future projects for emergency shelters and transitional/supportive housing. In addition, this report has discussed the relevant coastal resource issues with the proposed amendment and found that the amendment would not result in an intensification of land uses, or have adverse impacts on coastal resources. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for any impacts which have not been explored and the LCP amendment, as submitted, can be supported.