

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

11 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

DATE: April 21, 1997
TO: COMMISSIONERS AND INTERESTED PARTIES
FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

Wed 7a

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of Coronado's actions, certifying Local Coastal Program Amendment No. 2-96 are legally adequate (for Commission review at its meeting of May 13-16, 1997)

BACKGROUND

At its February 7, 1997 meeting, the California Coastal Commission certified, with suggested modifications, the City of Coronado Local Coastal Program Amendment 2-96, amending both the City's certified Land Use Plan and Implementation Plan. The amendment modified parking standards and definitions for various types of restaurants in both the Land Use Plan and Implementation Plan and included two other modifications to the Land Use Plan alone: an update to the Coronado Cays map and a redesignation of the Eighth Street sewer pump station site from "Civic Use" to "Residential: Single-Family up to 8 dwelling units per acre" to reflect that the pump station is within an easement on private land rather than on City-owned land. At the time of the hearing, the Commission adopted suggested modifications addressing the parking standards and definitions for various types of restaurants.

By their action adopting Resolution No. 7488 and Ordinance No. 1881 on March 4, 1997 and March 18, 1997, the City Council acknowledged and accepted all of the Commission's suggested modifications for both the Land Use Plan and the Implementation Plan. As provided for in Section 13544 of the California Code of Regulations, the Executive Director must determine if the action of the City of Coronado is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13544 of the California Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission CONCUR with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

(1668A)

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(619) 521-8036



May 19, 1997

Honorable Tom Smisek, Mayor
City of Coronado
1825 Strand Way
Coronado, CA 92118

Re: Certification of the City of Coronado's LCP Amendment 2-96

Dear Mayor Smisek,

The California Coastal Commission has reviewed the City's Resolution No. 7488 and Ordinance No. 1881, together with the Commission's action on February 7, 1997, certifying Amendment 2-96 to the City's Local Coastal Program. The amendment modified parking standards and definitions for various types of restaurants, updated the Coronado Cays map and redesignated the Eighth Street sewer pump station site from "Civic Use" to "Residential: Single-Family up to 8 dwelling units per acre."

In accordance with Section 13544 of the California Code of Regulations, I have made the determination that the City's actions are legally adequate; and the Commission has concurred at its meeting of May 13-16, 1997. By its actions on March 4, 1997 and March 18, 1997, the City has formally acknowledged and accepted the Commission's certification of the amendment, including all suggested modifications, which pertained to the parking standards and definitions for restaurants.

In conclusion, I would like to extend our appreciation to you and all other elected or appointed officials, staff and concerned citizens for working in a cooperative fashion on this matter. We remain available to assist you and your staff in any way possible as you continue to implement the City's Local Coastal Program.

Sincerely,

Peter Douglas
Executive Director

(1668A)

RESOLUTION NO. 7488

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CORONADO, CALIFORNIA,
TO ACCEPT THE COASTAL COMMISSION ACTION
ON LOCAL COASTAL PROGRAM MAJOR AMENDMENT 2-96
INCLUDING ANY TERMS OR MODIFICATIONS
AND TO AMEND THE LCP IMPLEMENTATION ORDINANCES
PER THE COASTAL COMMISSION CONDITIONS
TO INCORPORATE EXISTING MUNICIPAL CODE
SECTIONS 86.58.180 (SEPARATE NONRESIDENTIAL LOTS),
86.58.210 (JOINT USE), 86.58.220 (COMMON FACILITIES), AND
PROPOSED MUNICIPAL CODE SECTIONS 86.04.557
(PARKING ALLOCATION CREDIT), 86.04.673 (RESTAURANT,
FAST FOOD), AND 86.04.674 (RESTAURANT, FORMULA FAST FOOD).**

WHEREAS, the City of Coronado has adopted a General Plan and a Local Coastal Program (LCP);

WHEREAS, the City of Coronado has initiated a process to revise and update the definition and regulation of various types of restaurants;

WHEREAS, the Coronado City Council and Planning Commission have determined in public hearings that these amendments under review are consistent with the policies and goals of the Coronado Local Coastal Program and the Coronado General Plan;

WHEREAS, the City Council of the City of Coronado in a Public Hearing on October 15, 1996, amended the City of Coronado LCP LAND USE PLAN and IMPLEMENTATION ORDINANCES concerning the definition and regulation of various types of restaurants and requested California Coastal Commission Certification of these said amendments;

WHEREAS, said public hearings were duly noticed as required by law and all persons desiring to be heard were heard at said hearings.

WHEREAS, the California Coastal Commission in a February 7, 1997, Public Hearing, certified said amendments as Coronado Major LCP Amendment 2-96 subject to the inclusion of six Zoning Ordinance paragraphs into the City's LCP Implementation Ordinances so that these paragraphs cannot be changed by the City without Coastal Commission approval.

86.04.557 Parking Allocation Credit. "Parking Allocation Credit" means that when a use is proposed to replace an existing use that is legal-nonconforming in regard to the number of parking spaces provided, the proposed use need not provide additional parking if it has the same or less parking requirement as the existing use. The parking not actually provided for the use replacing the legal-nonconforming use to otherwise comply with the parking standard for the new use is the Parking Allocation Credit.

SECTION FOUR: Section 86.58.180 is added to read as follow:

86.58.180 Separate Nonresidential Lots. If a building, structure or improvement requiring parking is located upon a separately recorded lot from that upon which the required parking is provided, whether in the same or separate ownership, there shall be a recording in the office of the San Diego County Recorder of a covenant by such owner or owners for the benefit of the City in the form first approved by the City, that such owner or owners will continue to maintain such parking space so long as the building, structure or improvement is maintained within the City. The covenant herein required must stipulate that the title to the right to use the lot or lots upon which the parking facilities are to be provided will be subservient to the title to the premises upon which the building is to be erected, and that the lot or lots are not and will not be made subject to any other covenant or contract for use without prior written consent of the City.

SECTION FIVE: Section 86.58.210 is added to read as follow:

86.58.210 Joint Use. The City may, upon application by the owner or lessee of any property authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

A. Up to fifty percent of the parking facilities required by this Chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use to be primarily a nighttime use; up to fifty percent of the parking facilities of a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to conditions set forth in paragraph C below.

B. The following uses are typical daytime uses: Banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses; the following uses are typical of nighttime and/or Sunday uses: Auditoriums incidental to a public or parochial school churches, dance halls, theaters, and bars.

C. Conditions Required for Joint Use.

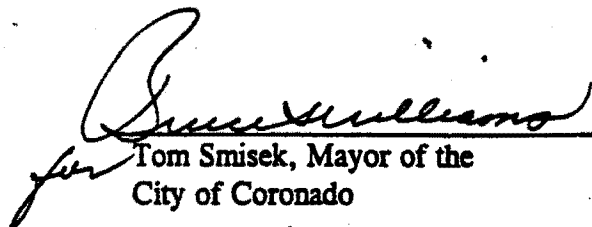
1. The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within two hundred feet of such parking facility and located in accordance with Section 86.58.190C.
2. The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.
3. If the building, structure or improvement requiring parking space is in one ownership, and the required parking space provided in another ownership, practically or wholly, there shall be a recording in the office of the San Diego County Recorder, of a covenant by such owner or owners as prescribed by Section 86.58.180.

SECTION SIX: Section 86.58.220 is added to read as follow:

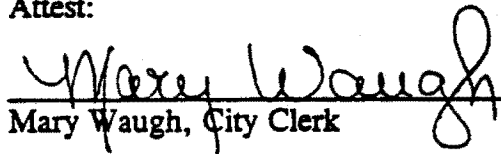
86.58.220 Common Facilities. Common facilities for parking may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the City as to size, shape and relationship to business sites to be served, provided the total of such off-street parking spaces when used together, shall not be less than the sum of the various uses computed separately. If the common facilities are located on more than one lot, a covenant for the preservation of the parking facilities must be filed in accordance with the provisions of Section 86.58.180.

PASSED AND ADOPTED by the City Council of the City of Coronado, California, this 4th day of Mar, 1997, by the following vote, to wit:

AYES: BLUMENTHAL, OVRUM, SCHMIDT, WILLIAMS AND SMISEK
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE


for Tom Smisek, Mayor of the
City of Coronado

Attest:


Mary Waugh, City Clerk

ORDINANCE NO. 1881

AN ORDINANCE OF THE CITY OF CORONADO FOR THE
AMENDMENT OF CHAPTERS 86.04, 86.55, 86.56, AND 86.58
OF THE CORONADO MUNICIPAL CODE ADDRESSING
THE DEFINITION AND REGULATION OF RESTAURANTS
INCLUDING THE DEFINITION OF PARKING ALLOCATION CREDIT

The City Council of the City of Coronado, California, **DOES ORDAIN** that the City of Coronado Municipal Code is amended as follows:

SECTION ONE: That Chapter 86.04, Section 86.04.670 is amended to read as follows:

86.04.670 Restaurant. "Restaurant" means any establishment whose principal business is the sale of food to the public in a ready-to-consume state for consumption on or off the premises.

SECTION TWO: That Chapter 86.04, Section 86.04.672 is added to read as follows:

86.04.672 Restaurant, Drive-Thru. "Drive-thru restaurant" means any food establishment that provides service directly from a building or structure to persons in motor vehicles.

SECTION THREE: That Chapter 86.04, Section 86.04.673 is added to read as follows:

86.04.673 Restaurant, Fast Food. "Fast food restaurant" means any establishment whose principal business is the sale of food prepared on-site in a ready-to-consume state for consumption on or off the premises and whose design or operation includes three or more of the following characteristics:

1. Food is usually served with disposable utensils.
2. Food is usually packaged or served in disposable containers.
3. Facilities, such as tables, seats and benches, for on-premise consumption of food are insufficient for volume of food sold.
4. Food is ordered and paid for at a walk-up counter.
5. Food is paid for prior to consumption.

SECTION FOUR: That Chapter 86.04, Section 86.04.674 is added to read as follows:

86.04.674 Restaurant, Formula Fast Food. "Formula fast food restaurant" means any food service establishment having all of the following characteristics:

1. A specialization in short order or quick food service;

2. Food or beverages primarily served in paper, plastic or other disposable containers in such a manner that customers may customarily remove such food or beverage from the establishment for consumption; and
3. A requirement by contractual or other arrangement to operate with standardized menus, ingredients, food preparation, architecture, decor, uniforms, and/ or similar standardized features.

SECTION FIVE: That Chapter 86.04, Section 86.04.675 is amended to read as follows:

86.04.675 Restaurant, Full Service. "Full service restaurant" means any establishment wherein food is regularly prepared for and served to customers primarily for consumption on the premises and whose design or operation includes three or more of the following characteristics:

1. The establishment is not specifically designed to accommodate high customer volume.
2. Facilities, such as tables, seats and benches, for on-premise consumption of food are provided and are sufficient for the volume of food sold and customers serviced.
3. Customers predominately order and receive food while seated at tables on the premises.
4. Food is paid for after consumption on-site.
5. Food is not typically packaged for transport off-site.

SECTION SIX: That Chapter 86.55, Section 86.55.130 is amended to add "Formula Fast Food Restaurants" as a "USE" that is permitted with a "Minor" Special Use "TYPE OF PERMIT", and to delete "Restaurants, Drive-in/Take-out Type" as a "USE" that was permitted with a "Major" Special Use "TYPE OF PERMIT".

SECTION SEVEN: That Chapter 86.56, Section 86.56.035 is added to read:

86.56.035 Drive-thru Restaurants. Drive-thru restaurants are prohibited.

SECTION EIGHT: That Chapter 86.58, Subsection 86.58.030 (N) is amended to read as follows:

N. Restaurants, Bars, Nightclubs. One space for each three seats and one space for each fifty-four inches of clear bench space, excluding dance floors and assembly areas without fixed seats which shall be calculated separately as one space for each fifty square feet of floor area; plus one parking space per two employees determined at the month, day and hour when the greatest number of employees are on duty; fast food and formula fast food restaurants shall have parking requirements calculated by the above standard, however, a minimum of ten (10) parking spaces shall be provided for these uses either on

site, or, but not limited to, via parking allocation credits, joint use, common facilities or facilities on private property on the same block within 200 feet of the site;

SECTION NINE: That Chapter 86.58, Subsection 86.58.020 (D) is amended to read as follows:

D. A proposed increase in the intensity of use, other than an expansion of floor area outside the exterior walls or roof of the building, may occur in the L-C (Limited Commercial) and CC (Central Commercial) zones without meeting the off-street parking requirements for the proposed use imposed by other provisions of this Chapter if all of the following criteria and expansion limits are complied with:

1. The existing number of off-street parking spaces, located on-site and utilized for the current use, is maintained;
2. The existing number of off-street parking spaces, located off-site and utilized for the current use, is maintained;
3. All of the space on-site that can be used for on-site parking (without removing portions of existing buildings, required landscaping or existing outdoor dining areas) is used for on-site parking;
4. A commercial use which is nonconforming as to off-street parking may be expanded so long as the parking nonconformity is not increased by more than two spaces;
5. A commercial use which is conforming as to off-street parking may be expanded so long as a nonconformity in off-street parking of three or more spaces is not created;
6. Multiple expansions of use permitted by this Subsection "D" shall not cumulatively create an exemption larger than two parking spaces for an individual use; and
7. This Subsection "D" shall not exempt new Fast Food or Formula Fast Food Restaurants from providing at least ten parking spaces for their use.

SECTION TEN: That Chapter 86.58, Subsection 86.58.020 (F) is amended to read as follows:

F. Outdoor dining areas may be established or expanded in the L-C (Limited

Commercial) and C-C (Central Commercial) zones without meeting the off-street parking requirement for the proposed use imposed by other provisions of this Chapter if all of the following criteria and expansion limits are complied with:

1. The existing number of off-street parking spaces located on-site is maintained;
2. The existing number of off-street parking spaces located off-site and utilized for current uses on-site is maintained;
3. All of the space on-site that can be used for on-site parking (without removing portions of existing buildings, required landscaping or existing outdoor dining areas) is used for on-site parking;
4. This Subsection "F" (in conjunction with Subsection "D") may exempt no more than a total of eighteen seats from the parking requirement for a restaurant imposed by other provisions of this Chapter; and
5. This Subsection "F" shall not exempt new Fast Food or Formula Fast Food Restaurants from providing at least ten parking spaces for their use.

SECTION ELEVEN: That Chapter 86.55 is amended to add Section 86.55.350 to read as follow:

86.55.350 Formula Fast Food Restaurants. A formula fast food restaurant shall be subject to the applicable zoning regulations of this Title, and subject to the general intent and philosophy expressed in the "Coronado Downtown Design Guidelines" and the "Business Area Development Plan" which include the following standards:

- A. Proposed improvements shall enhance the relationships between adjacent properties in design, landscape and scale;
- B. Proposed construction shall have no visual clutter, garish color, nor conflicting design elements;
- C. Proposed improvements shall achieve human scale and shall not appear excessively massive or dominate its neighbors;
- D. Proposed signage shall be in keeping with the design of the project and in scale with the size of the building facade as well as adjacent properties. Corporate logos shall be de-emphasized. Unique signage is encouraged, but signage shall not incorporate unnatural or florescent colors, or intense lighting that intrudes on the nightscape;

E. Proposed improvements will enhance the quality of life in Coronado by encouraging business vitality and diversity, and by enhancing the "Village" ambiance through preserving the "rhythm of the street" and the "pedestrian friendly environment";

F. A "Trash Disposal Plan", acceptable to the City, shall be submitted addressing litter control, trash collection, on-site storage, and pick-up on a regular basis. The "Plan" shall include proof of a contract with the City disposal contractor, and specify that such a contract shall be maintained as a requirement for the issuance and retention of City entitlement to operate; and

G. Environmental Design Review Commission review.

SECTION TWELVE: That Chapter 86.04 is amended to add Section 86.04.557 to read as follow:


86.04.557 Parking Allocation Credit. "Parking Allocation Credit" means that when a use is proposed to replace an existing use that is legal-nonconforming in regard to the number of parking spaces provided, the proposed use need not provide additional parking if it has the same or less parking requirement as the existing use. The parking not actually provided for the use replacing the legal-nonconforming use to otherwise comply with the parking standard for the new use is the Parking Allocation Credit.

SECTION THIRTEEN: This ordinance was introduced on March 4, 1997.

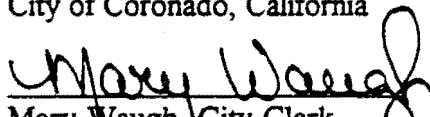
SECTION FOURTEEN: Upon the introduction and adoption of this ordinance, the City Clerk is directed to publish this ordinance within 15 days following adoption.

PASSED AND ADOPTED this 18th day of March, 1997, by the following vote, to wit:

AYES: BLUMENTHAL, OVRUM, SCHMIDT, WILLIAMS AND SMISEK
NAYS: NONE
ABSTAINS: NONE
ABSENT: NONE


Tom Smisek, Mayor of the
City of Coronado, California

ATTEST:


Mary Waugh, City Clerk