

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



DATE: December 19, 1997

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of Imperial Beach's actions, certifying Local Coastal Program Amendment No. 1-97B, approved with suggested modifications, are legally adequate (for Commission review at its meeting of January 12 - 16, 1998)

BACKGROUND

At its July 10, 1997 meeting, the California Coastal Commission certified, with suggested modifications, the City of Imperial Beach's Local Coastal Program Amendment 1-97B, amending its implementation plan. The amendment modified the City's municipal code to incorporate provisions for the waiver of public hearings for certain appealable minor developments. At the time of the hearing, the Commission adopted suggested modifications to the proposed amendment addressing and clarifying the standards for qualifying "minor developments".

By their action adopting Ordinance No. 97-916 on August 20, 1997, the City Council acknowledged and accepted all of the Commission's suggested modifications. As provided for in Section 13544 of the California Code of Regulations, the Executive Director must determine if the action of the City of Imperial Beach 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).

(2037A)

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January 19, 1998

Michael B. Bixler, Mayor
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach, CA 91932

Re: Certification of the City of Imperial Beach's LCP Amendment 1-97B

Dear Mayor Bixler,

The California Coastal Commission has reviewed the City's Ordinance No. 97-916, together with the Commission's action on July 10, 1997 certifying Amendment 1-97B to the City's Local Coastal Program. This amendment addressed the provisions to waive public hearings for certain appealable minor developments.

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 January 12 - 16, 1998. By its actions on August 20, 1997, the City has formally acknowledged and accepted the Commission's certification of the amendment, including all suggested modifications which pertained to the criteria for qualifying "minor developments".

In conclusion, I would like to extend our appreciation to you and all other elected 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

PD:DNL:d1(5142L)

ORDINANCE NO. 97-916

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 19, ZONING, CHAPTER 19.87., OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE ENTITLED "COASTAL DEVELOPMENT PERMIT - HEARING AND NOTICE PROCEDURES", BY MODIFYING SECTION 19.87.090.D., WHICH PROVIDES FOR A WAIVER OF THE PUBLIC HEARING REQUIREMENT FOR MINOR DEVELOPMENTS WHICH ARE APPEALABLE TO THE CALIFORNIA COASTAL COMMISSION. (GENERAL PLAN/LOCAL COASTAL PLAN/ZONE CODE AMENDMENT LCPA/ZCA 96-01).

WHEREAS, on January 15, 1997, the City Council of the City of Imperial Beach adopted Ordinance 97-908 (Local Coastal Plan/Zone Code Amendment (LCPA/ZCA 96-01), which amended Title 19, Zoning, Chapter 19.87., of the City of Imperial Beach Municipal Code entitled "Coastal Development Permit- Hearing and Notice Procedures", by adding Section 19.87.090.D. This Section provides for a waiver of the public hearing requirement under specific circumstances for minor developments which are appealable to the California Coastal Commission; and,

WHEREAS, on February 5, 1997, the City transmitted LCPA/ZCA 96-01 to the California Coastal Commission for certification; and,

WHEREAS, in July, 1997, the California Coastal Commission adopted a Resolution approving LCPA/ZCA 96-01 subject to certain minor changes; and,

WHEREAS, the City has made these changes consistent with the changes adopted by the California Coastal Commission, as described in the Staff Report dated August 6th, 1997; and,

WHEREAS, the Local Coastal Plan/Zone Code Amendment (LCPA/ZCA 96-01) is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), as it would not, and could not have a significant effect on the environment; and,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Imperial Beach does hereby introduce Ordinance No. 97-916, amending General Plan/Local Coastal Plan/Zone Code Amendment (LCPA/ZCA 96-01) to reflect the changes made by the California Coastal Commission, as identified below:

SECTION 1. Section 19.87.090.D shall be added to the Municipal Code as follows:

Chapter 19.87.090.D. Waiver of public hearing requirements for appealable "Minor Developments."

19.87.090.D. Waiver of public hearing requirements for appealable "minor developments".

1. In accordance with Sections 30624.7 and 30624.9 of the Coastal Act (1996), the public hearing may be waived for certain appealable minor developments which require Regular Coastal Development Permits, subject to compliance with all of the following requirements and conditions:
 - a. The minor development conforms to the certified Local Coastal Plan including coastal land use policies, as defined in Section 30108.6 of the Coastal Act (1996);
 - b. The minor development requires no discretionary approvals other than a Regular Coastal Development Permit;
 - c. The minor development has no adverse effect, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
 - d. No written request for a public hearing is received by the City of Imperial Beach within 15 working days from the date of sending the public notice pursuant to subdivision 2.a.

2. Notice of Intent to Issue a Regular Coastal Development Permit for minor, appealable development, shall be in accordance with the following:
 - a. Notice of the project shall include a description, location and a statement that a public hearing will be held upon written request by any person who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.
 - b. The notice provided pursuant to subdivision 2.a shall include a statement that failure by a person to request in writing a public hearing may result in the loss of that person's ability to appeal to the California Coastal Commission any action taken by the legislative body on a Regular Coastal Development Permit application.
 - c. Should a written request for a public hearing be received within 15 working days from the date the Notice of Intent is sent, then the item will be placed on the next available Planning Commission agenda and noticed for a public hearing in accordance with the requirements established in Section 19.87.090., of the City of Imperial Beach Municipal Code.

3. If a Regular Coastal Development Permit is approved by staff without a public hearing and the project is appealed by members of the Coastal Commission, notice of the Coastal Commissioner's appeal shall be transmitted to the City Council for a decision on the merits of the appeal. The final action of the Coastal Commission appeal shall be suspended until

a decision by the City Council is provided. If the decision by the City Council modifies or reverses the previous staff decision and the Coastal Commission wishes to review the project, members of the Coastal Commission shall be required to file a new appeal.

SECTION 1. This Ordinance shall be codified.

SECTION 2. 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 3. 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 6th day of August, 1997; and thereafter **PASSED AND ADOPTED** at a regular meeting of said City Council held the 20th day of August, 1997, by the following roll call vote:

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



MICHAEL B. BIXLER, MAYOR

ATTEST



LINDA A. TROYAN, CITY CLERK

APPROVED AS TO FORM:



LYNN R. MCDUGAL, CITY ATTORNEY