

ALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-1725
619-521-8036



Th 9g

September 14, 1998

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
LAURINDA OWENS, COASTAL PROGRAM ANALYST, SAN DIEGO
AREA OFFICE**

**SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT #2-98 TO THE
CITY OF IMPERIAL BEACH'S LOCAL COASTAL PROGRAM
IMPLEMENTATION PLAN (For Public Hearing and Possible Action at the
Meeting of October 13-16, 1998)**

SYNOPSIS

SUMMARY OF AMENDMENT REQUEST

The City is proposing, through the property owner's request, to rezone a property located at 645 Silver Strand Boulevard from Single-Family Residential (R-1-6000) to Seacoast Commercial (C-2) to reflect an existing mixed-use building on the site. The property immediately abuts the C-2 zone at its northernmost boundary.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that, following a public hearing, the Commission approve the proposed revisions to the City of Imperial Beach's Implementation Plan (LCPA/ZCA 98-02), as submitted. The motion and resolution for this action may be found on Page 3. The findings for approval of the Implementation Plan Amendment as submitted begin on page 4.

BACKGROUND

The City's LCP was effectively certified in late 1984. There have been 13 amendments to the Implementation Plan and four proposed amendments to the Land Use Plan since certification. The most recent major amendment is reviewed under the LCP History in the report. The City is also processing another LCP amendment (No. 1-98 for miscellaneous rezones) simultaneously with this item for the subject meeting agenda.

ADDITIONAL INFORMATION

Further information on the Imperial Beach LCP may be obtained from Laurinda R. Owens, Coastal Planner, at (619) 521-8036.

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 four amendments to the certified land use plan and 13 amendments to the approved implementation plan.

The most recent major amendment to the City's LCP (Major 1-97C) involved revisions to its municipal code to incorporate changes to the the Seacoast Commercial Zone (C-2 Zone) by expanding the permitted and prohibited uses to specifically allow

public parks, public parking lots, kiosks, professional offices, financial institutions, theaters and assemblies, and to prohibit pawn shops. The proposed revisions also include specific requirements for site plan review, conditional use permit review and annual monitoring of permitted professional office and financial institution uses in the C-2 zone. Generally, the amendment would conditionally allow up to 30% of the existing commercial square footage on the ground floor along Seacoast Drive and intersecting residential street to be developed with professional office and financial institution uses.

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 Planning Commission and 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.

- A. **RESOLUTION** (Resolution to approve certification of the City of Imperial Beach LCP Implementation Plan Amendment No. 2-98 (LCPA/ZCA 98-02), as submitted)

MOTION

I move that the Commission reject the City of Imperial Beach Implementation Plan Amendment #2-98, as submitted.

Staff Recommendation

Staff recommends a **NO** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution

The Commission hereby approves certification of the amendment request to the City of Imperial Beach Local Coastal Program on the grounds that, the amendment conforms with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF IMPERIAL BEACH
IMPLEMENTATION PLAN AMENDMENT NO. 2-98**

A. AMENDMENT DESCRIPTION

Proposed is the rezoning of an existing 4,400 sq.ft. property containing a mixed-use building (residential use over commercial space) located at 645 Silver Strand Boulevard from Single-Family Residential (R-1-6000) to the Seacoast Commercial (C-2) Zone.

B. FINDINGS FOR APPROVAL

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.

a) Purpose and Intent of the Ordinance. The purpose and intent of the 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 will be visitor-serving retail leaseholds which include uses such as specialty stores, surf shops, restaurants, hotels and motels. The development standards of this zone encourage pedestrian activity through the design and siting of building frontages and parking provisions.

b) Major Provisions of the Ordinance. The major provisions of the ordinance establish the permitted uses within the zone, the required site plan review, uses that are prohibited, minimum lot sizes, setbacks and coverages, building height, parking and signage standards.

a) Adequacy of the Ordinance to Implement the Certified LUP. The land use plan contains various policies that call for promoting the pedestrian-orientation and visitor-serving uses in the Seacoast commercial district. The Seacoast commercial district generally encompasses all lots that front on Seacoast Drive, which is only one block east of the beach and is the major north/south coastal access route in the nearshore area in the City of Imperial Beach. The district also includes lots on the intersecting west/east streets which extend in depth varying from one to five lots on both the west and east sides of Seacoast Drive. The area is generally bounded by Imperial Beach Boulevard to the south and Palm Avenue to the north and runs about ten blocks in length.

The Seacoast District is implemented by the Seacoast Commercial Zone or C-2 zone in this area. The C-2 zone also includes commercially-zoned properties fronting on Palm Avenue (west/east street) which extends one lot west of Seacoast Drive and then runs in an easterly direction to include a small area along Silver Strand Boulevard and Third Street, which is about three blocks from the beach. The subject site, located on the east side of Silver Strand Boulevard six lots north of Palm Avenue, abuts this area to the immediate north (reference Exhibit No. 2).

Specifically, the proposed change is to rezone an existing property located at 645 Silver Strand Boulevard from Single-family Residential (R-1-6000) to the Seacoast Commercial (C-2) zone. As noted in the City staff report, the subject site was changed from the General Commercial (C-1) zone to the Single-Family Residential (R-1-6000) zone in 1994 when the General Plan and Zoning Code Update was approved through LCP amendment #2-94 by the Coastal Commission in March of 1995. The predominant land use on Silver Strand Boulevard to the north of the subject site is characterized by single-family residences and the predominant land use south of the subject site is characterized by commercial development. The proposed rezoning of the subject site to the C-2 zone will reflect the mixed use on the site. A vacant parcel to the immediate north is zoned R-1-6000, a parcel to the south contains a parking lot which is zoned C-2 and properties to the east and west contain single-family residences which are zoned R-1-6000. Rezoning of the subject site to C-2 will result in the C-2 zone remaining contiguous since the subject site is located immediately adjacent to, and one lot north of, the northern boundary of the C-2 zone.

The subject site presently contains a two-story mixed-use building with a dwelling unit over a commercial leasehold space on the first floor. In addition, there are also three on-site parking spaces. At the time the plans for a mixed-use building were approved by the City in 1976, the former zoning (C-1) allowed for residential uses in addition to stores, shops and offices. As proposed to be rezoned to the C-2 Zone, the subject site will remain consistent with the certified land use plan in that the C-2 zone permits residential units above the first floor commercial space, subject to a Conditional Use Permit. The zoning to C-2 will result in conformity with the existing development. Therefore, since the proposed rezoning conforms with the certified land use plan, it can be found in conformance with, and adequate to, implement 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. In the case of the subject LCP amendment, the Commission finds that approval of the subject LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act.

The proposed amendment to the City of Imperial Beach's Implementing Ordinance has been found consistent with and adequate to carry out the policies of the certified land use plan. The proposed amendment will result in rezoning of a site from residential use to neighborhood commercial use in a zone which permits residential uses, consistent with the certified land use plan.

Any specific impacts associated with individual development projects would be assessed through the environmental review process, and, 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.

(IBLCPA#2-98)

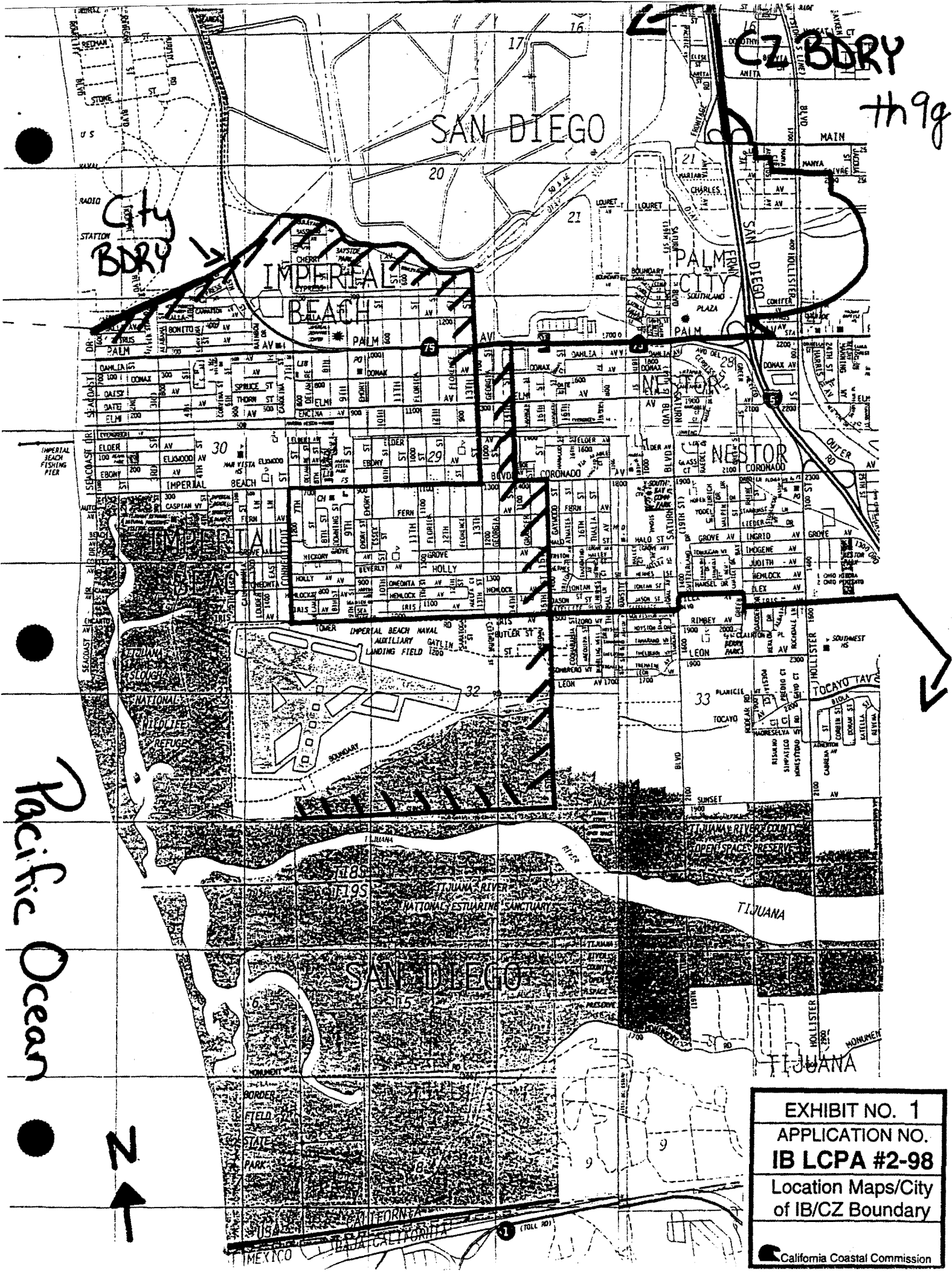

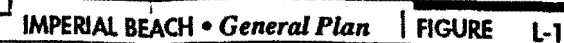


EXHIBIT NO. 1
APPLICATION NO.
IB LCPA #2-98
Location Maps/City
of IB/CZ Boundary
 California Coastal Commission



ORDINANCE NO. 98- 926

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE CITY'S GENERAL PLAN/LOCAL COASTAL PLAN (LCPA/ZCA 98-02) TO REZONE A PROPERTY AT 645 SILVER STRAND BOULEVARD FROM SINGLE-FAMILY RESIDENTIAL (R-1-6000) TO SEACOAST COMMERCIAL (C-2).

WHEREAS, on May 20, 1998, the City Council, in a duly advertised public hearing considered a request for a zone reclassification, as submitted by Donald Bruce Scott, specifically, to rezone a developed property located at 645 Silver Strand Boulevard, from the Single-family Residential (R-1-6000) Zone to the Seacoast Commercial (C-2) Zone; and,

WHEREAS, said property is more particularly described as Lot 14 of Block 12, according to Map No. 1902, Silver Strand Beach Gardens; and,

WHEREAS, General Plan/Local Coastal Plan/Zone Code Amendment (LCPA/ZCA 98-02) 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. The proposed zone reclassification will reflect existing mixed use development on a parcel, approximately 4,400 square feet in size; and,

WHEREAS, the City provided notice of the public hearing in accordance with the requirements of Chapter 19.86 of the Municipal Code. A Notice of public hearing was published in a newspaper of general circulation on March 27, 1998, providing the minimum six-week public review period that is required for a Local Coastal Program Amendment.

WHEREAS, the City Council considered the Staff Report dated May 20, 1998, and public testimony prior to making a determination on the rezoning; and,

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

WHEREAS, the following findings of fact have been made in regard to the zoning reclassification:

1. The public necessity, convenience, general welfare and good zoning practice require the reclassification of the property. The property is developed with a mixed use building, comprised of a residential unit above first floor office space, and three, on-site, unenclosed parking stalls. Adjacent to the site, to the south is a commercial

EXHIBIT NO. 3
APPLICATION NO.
IB LCPA #2-98
Adopted Ordinance
LCPA/ZCA 98-02
Page 1 of 3

parking lot (Fleet Reserve); the parcels which extend south to Palm Avenue are zoned C-2 "Seacoast Commercial Zone". As such, the reclassification to C-2 will not result in a "floating" zone, but will be contiguous with the C-2 Zone to the immediate south. Parcels to the north, east and west are zoned R-1-6000. The mixed use element of the development is the type which is appropriate for transitions between commercial and residential development.

2. The reclassification of said property is compatible with the objectives, policies, general land uses and goals specified in the General Plan/Local Coastal Plan. The Seacoast Commercial Zone provides for land to meet the demand for goods and services required primarily by the tourist population, as well as by local residents who use the beach area. Residential units are permitted subject to a Conditional Use Permit. The reclassification to C-2 will reflect existing development while at the same time "fostering commercial uses providing goods and services to residents and visitors" (Policy L-4.c of the Land Use Element).
3. The reclassification will not conflict with the City's Housing Element of the General Plan, nor prejudice the ability of the City to meet its share of the regional housing need (California Government Code Section 65863.5). The reclassification of the 4,400 square foot parcel from R-1-6000 to C-2 will not result in the loss of housing opportunities. The C-2 Zone allows for residential units above the first floor at a maximum density of one dwelling unit per 1,500 square feet of land (subject to a Conditional Use Permit), while the R-1-6000 Zone allows one dwelling unit per 6,000 square feet of land.

NOW, THEREFORE, the City Council of the City of Imperial Beach does hereby ordain as follows:

SECTION 1. The property addressed as 645 Silver Strand Boulevard is hereby rezoned from Single-family Residential (R-1-6000) to Seacoast Commercial (C-2).

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.

SECTION 5. Upon certification by the California Coastal Commission, the City Clerk reclassification described herein.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held this 20th day of May, 1998, and thereafter **PASSED AND** shall, within thirty (30) days, notify the County Assessor of the zoning **ADOPTED** at a regular meeting of said City Council held this 17th day of June, 1998 by the following roll call vote:

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

Michael B. Bixler
MICHAEL B. BIXLER, MAYOR

ATTEST

Linda A. Troyan
LINDA A. TROYAN, 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. 98-926 - An Ordinance of the City of Imperial Beach Amending the City's General Plan/Local Coastal Plan to Rezone a Property Addressed as 645 Silver Strand Boulevard, from Single-family Residential (R-1-6000) to Seacoast Commercial (C-2).


CITY CLERK

6-19-98
DATE

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held this 20th day of May, 1998, and thereafter PASSED AND shall, within thirty (30) days, notify the County Assessor of the zoning ADOPTED at a regular meeting of said City Council held this 17th day of June, 1998 by the following roll call vote:

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

Michael B. Bixler
MICHAEL B. BIXLER, MAYOR

ATTEST

Linda A. Trovan
LINDA A. TROYAN, CITY CLERK

APPROVED AS TO FORM:

Lynn R. McDougal
LYNN R. MCDOUGAL, CITY ATTORNEY

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CITY CLERK

6-18-98
DATE