

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



Fr 4b

DATE: August 12, 1998

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of Imperial Beach's actions, certifying Local Coastal Program Amendment No. 1-97C, approved with suggested modifications, is legally adequate (for Commission review at its meeting of September 8-11, 1998)

BACKGROUND

At its May 14, 1998 meeting, the California Coastal Commission certified, with suggested modifications, the City of Imperial Beach Local Coastal Program Amendment No. 1-97C. The amendment revises Chapter 19.27 entitled "Seacoast Commercial Zone" (C-2 zone) of its implementing ordinances 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 streets to be developed with professional office and financial institution uses.

The staff's recommendation was to approve the proposed amendment as submitted, without suggested modifications. However, at the time of the hearing, the Commission added a suggested modification to address a concern with regard to the number and size of kiosks that could be permitted in the nearshore area.

By their action adopting Ordinance No. 98-930 on 8/5/98, the City council acknowledged and accepted the Commission's suggested modification. 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 that 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).

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September 14, 1998

Honorable Mike Bixler, Mayor
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Re: Certification of the City of Imperial Beach LCP Amendment #1-97C

Dear Mayor Bixler:

The California Coastal Commission has reviewed the City's Ordinance No. 98-930, together with the Commission's action on May 14, 1998, certifying, with suggested modifications, Amendment No. 1-97C to the City's Local Coastal Program. This amendment primarily addresses revisions to the City's municipal code by expanding the permitted and prohibited uses in the Seacoast Commercial Zone (C-2 Zone) to specifically allow public parks, public parking lots, kiosks, professional offices, financial institutions, theaters and assemblies, and to prohibit pawn shops. The amendment also resulted in provisions for site plan review and conditional use permit review and annual monitoring of permitted professional office and financial institution uses. The amendment would also conditionally allow up to 30% of the existing commercial square footage on the ground floor along Seacoast Drive and intersecting residential streets to be developed with professional office and financial institution uses.

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 September 8-11, 1998. By its actions on August 5, 1988, the City has formally acknowledged and accepted the Commission's certification of this amendment, including the suggested modification, which addresses the number and size of kiosks permitted in the C-2 Zone.

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

ORDINANCE NO. 98- 930

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE CITY'S GENERAL PLAN/LOCAL COASTAL PLAN/ZONING ORDINANCE, CHAPTER 19.27 ENTITLED "SEACOAST COMMERCIAL ZONE" BY ADDING KIOSK PERFORMANCE STANDARDS TO SECTION 19.27.020.A.20. (LCPA/ZCA 97-02).

WHEREAS, on February 18, 1998, the City Council adopted Ordinance No. 98-920 (Local Coastal Plan Amendment LCPA/ZCA 97-02), which amended Title 19, Zoning, Chapter 19.27 entitled "Seacoast Commercial (C-2) Zone, by modifying the permitted and prohibited uses in said zone, and included kiosks as a permitted use subject to Site Plan Review; and,

WHEREAS, Local Coastal Plan Amendment (LCPA/ZCA 97-02) was submitted to the California Coastal Commission in accordance with Section 7 of said Ordinance for certification; and,

WHEREAS, on May 14, 1998, the California Coastal Commission approved General Plan/Local Coastal Plan/Zone Code Amendment (LCPA/ZCA 97-02), subject to minor modification of Section 19.27.020.A.20. pertaining to kiosks; and,

WHEREAS, the added language to Chapter 19.27 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 language would specify the maximum permitted size of a kiosk (20 square feet), permitted locations within the C-2 Zone, and limit the maximum number to ten in the C-2 Zone; and,

WHEREAS, the City Council considered the Staff Report dated July 15, 1998, and public testimony prior to making an independent determination on the kiosk standards proposed by the California Coastal Commission.

NOW, THEREFORE, the City Council of the City of Imperial Beach does hereby introduce Ordinance No. 98-930, amending General Plan/Local Coastal Plan (LCPA/ZCA 97-02) to reflect the modifications suggested by the California Coastal Commission, as follows:

SECTION 1. Section 19.27.020.A.20 shall be modified as follows:

20. Kiosks: (not to exceed twenty square feet in area each). The kiosks shall be located on public plazas or private leaseholds and shall not exceed ten locations in the Seacoast Commercial Zone.

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.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held this 15th day of July, 1998, and thereafter **PASSED AND ADOPTED** at a regular meeting of said City Council held this 5th day of August, 1998 by the following roll call vote:

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

Michael B. Bixler

MICHAEL B. BIXLER
MAYOR

ATTEST:

Linda A. Troyan

LINDA A. TROYAN, CMC
CITY CLERK

APPROVED AS TO FORM:

Lynn R. McDougal

LYNN R. MCDUGAL, 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. 98-930 - An Ordinance of the City of Imperial Beach amending the City's General Plan/Local Coastal Plan/Zoning Ordinance (LCPA/ZCA 97-02), Chapter 19.27 entitled "Seacoast Commercial Zone, by adding kiosk performance standards to Section 19.27.020.A.20.


CITY CLERK

8-6-98
DATE