

**CALIFORNIA COASTAL COMMISSION**

San Diego Area  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421  
(619) 767-2370



May 23, 2007

**Th 3a**

**TO: COMMISSIONERS AND INTERESTED PARTIES**

**FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR**

**SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION** that the City of Imperial Beach's action, certifying the City's Local Coastal Program Amendment #1-06 (Parking Amendment), is adequate to effectively certify its Local Coastal Program (for Commission review at its meeting of June 13-15, 2007)

**BACKGROUND**

At its November 14, 2007 meeting, the Coastal Commission certified, with suggested modifications, the City of Imperial Beach's Local Coastal Program Amendment #1-06, allowing the expansion of existing residential structures without the need to provide additional off-street parking, allowing tandem parking, reducing garage setback requirements and permitting the use of porous paving materials. By their action adopting Ordinance No. 2007-1052 on March 7, 2007, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications narrow the circumstances and locations at which new additions may be exempt from parking requirements. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's 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 13554 of the Commission's 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).

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June 18, 2007

Mayor Jim Janney  
City of Imperial Beach  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932

RE: Certification of the City of Imperial Beach's Local Coastal Program Amendment  
#1-06 (Parking Amendment)

Dear Mayor Janney:

The California Coastal Commission has reviewed the City's adoption of Ordinance No. 2007-1052 together with the Commission's action of November 14, 2007 certifying City of Imperial Beach Local Coastal Program Amendment #1-06 allowing the expansion of existing residential structures without the need to provide additional off-street parking, allowing tandem parking, reducing garage setback requirements and permitting the use of porous paving materials. In accordance with Section 13544 of the Commission's 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 June 13-15, 2007.

By its action on March 7, 2007, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications narrow the circumstances and locations at which new additions may be exempt from parking requirements. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas  
Executive Director

cc: Jim Nakagawa

**CALIFORNIA COASTAL COMMISSION**

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

**ATTACHMENT 1****ORDINANCE NO. 2007-1052**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 1 OF ORDINANCE 2005-1032 THAT AMENDED CHAPTER 19.48 (OFF-STREET PARKING) OF THE ZONING ORDINANCE TO INCLUDE MODIFICATIONS PURSUANT TO COASTAL COMMISSION CERTIFICATION ORDER FOR LOCAL COASTAL PROGRAM IMPLEMENTATION AMENDMENT #1-06. M.F. 692**

**WHEREAS**, on October 19, 2005, the City Council of the City of Imperial Beach adopted Ordinance No. 2005-1032 that amended Chapter 15.48 (Off-Street Parking) of Title 19 (Zoning) of the Imperial Beach Municipal Code after having heard and considered public testimony at duly-advertised public hearings; and

**WHEREAS**, on November 14, 2006, the California Coastal Commission approved Ordinance No. 2005-1032 (General Plan Amendment/Local Coastal Program Amendment/Zoning Code Amendment 04-01/Coastal Commission Major Amendment #1-2006) but modified the ordinance by narrowing the scope of the exemptions; and

**WHEREAS**, the City Council must adopt the suggested modification to the ordinance within six months of the Commission's action, pursuant to California Coastal Commission Regulation Section 13542(b), in order for the Coastal Commission to effectively certify Ordinance No. 2005-1032 and in order for the Executive Director of the Coastal Commission to report to the Commission that the amendment is consistent with the certification order; and

**WHEREAS**, the City of Imperial Beach acknowledges receipt of the Commission's resolution of certification; and

**WHEREAS**, the City Council considered public testimony at a duly-advertised public hearing on February 21, 2007 regarding the proposed amendment; and

**WHEREAS**, the City Council finds that the amendment is consistent with the General Plan and is in substantial compliance with Policy C-22 of the Circulation Element of the General Plan/Local Coastal Plan, which promotes adequate parking for development; and

**WHEREAS**, the City Council of the City Of Imperial Beach hereby finds that the proposed Zoning Ordinance Amendment, pursuant to Government Code Section 65860, is externally consistent with the General Plan/Local Coastal Plan; and

**WHEREAS**, this project complies with the requirements of the California Environmental Quality (CEQA) as this project would be exempt pursuant to CEQA Guidelines Section 15061.b.3 entitled Review for Exemption, where it can be seen with certainty that this project would not have a significant effect on the environment as the proposed amendment would require that applicants for residential additions provide substitute off-street parking and individual permit cases would be subject to additional environmental review for compliance with CEQA and the amendment to the parking regulations that would allow substitute paving materials to comply with water quality regulations.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, IN ORDER TO BE CONSISTENT WITH THE CALIFORNIA COASTAL COMMISSION**

**EXHIBIT #1**

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**LCPA 1-06 ED CHECKOFF**

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Ordinance No. 2007-1052  
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CERTIFICATION ORDER FOR MAJOR AMENDMENT NO. 1-2006, **DOES ORDAIN** AS FOLLOWS:

**SECTION 1:** That Section 1 of Ordinance No. 2005-1032 that amended Section 19.48.020. be amended to read as follows:

19.48.020. Requirements generally--Existing buildings and additions.

A. The commercial parking requirements of this chapter shall be observed only for proposed commercial uses or developments requiring site plan review by the planning commission, as identified in subsections 19.26.020(C), 19.27.020(D), provided that in no case shall the number of existing parking spaces be reduced and that any new and all existing parking spaces shall be permanently available and be permanently maintained for parking purposes.

B. ~~Cumulative a~~Alterations or additions to existing residential structures that are not new dwelling units of up to five hundred square feet, or a combined total (existing square footage plus new square footage) of up to fifteen hundred square feet, neither of which is exceeded, shall be allowed without providing additional off-street parking as required by this chapter, provided that in no case shall the number of existing off-street parking spaces be reduced and that any new and all existing off-street parking spaces shall be made permanently available and be permanently maintained for parking purposes.

The parking exemption shall not be allowed for multi-family structures where the addition consists of a new bedroom or would be located on a portion of the lot that could otherwise be used for parking, on lots west of Seacoast Drive and on lots fronting on the east side of Seacoast Drive. (Ord. 94-888, 1994; Ord. 2005-1032, 2005; Ord. 2007-1052, 2007)

C. ~~Cumulative a~~Alterations or additions greater than five hundred square feet to existing residential structures, that are not new dwelling units, or a combined total (existing square footage plus new square footage) greater than fifteen hundred square feet, may be allowed without providing additional off-street parking as required by this chapter with the approval of a site plan and design review application by the Community Development Department. ~~Among the factors that may be considered in this decision include but are not limited to that demonstrate that there are inadequate side yards or areas to provide the additional parking, that there is no adjacent alley to provide access for the additional parking, and that there is sufficient space to provide substitute tandem parking in the driveway will be provided.~~ (Ord. 2005-1032, 2005; Ord. 2007-1052, 2007)

**SECTION 2:** This ordinance shall become effective when the Executive Director reports to the California Coastal Commission that the amendment is consistent with the certification order but not sooner than thirty (30) days following its passage and adoption by the City Council.

**SECTION 3:** The City Council of the City of Imperial Beach hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

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**Appeal Process under the California Code of Civil Procedure (CCP):** The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, held the 21<sup>st</sup> day of February, 2007; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 7<sup>th</sup> day of March, 2007, by the following roll call vote:

**AYES: COUNCILMEMBERS:**  
**NOES: COUNCILMEMBERS:**  
**ABSENT: COUNCILMEMBERS:**

*James C. Janney*

**JAMES C. JANNEY, MAYOR**

**ATTEST:**

*Jacqueline M. Hald*

**JACQUELINE M. HALD, CMC  
 CITY CLERK**

**APPROVED AS TO FORM:**

*James P. Lough*

**JAMES P. LOUGH, 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. 2007-1052 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 1 OF ORDINANCE 1005-1032 THAT AMENDED CHAPTER 19.48 (OFF-STREET PARKING) OF THE ZONING ORDINANCE TO INCLUDE MODIFICATIONS PURSUANT TO COASTAL COMMISSION CERTIFICATION ORDER FOR LOCAL COASTAL PROGRAM IMPLEMENTATION AMENDMENT #1-06. M.F. 692.

**CITY CLERK**

**DATE**