

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



November 22, 2013

TO: COMMISSIONERS AND INTERESTED PERSONS

**Th13b**

FROM: CHARLES LESTER, EXECUTIVE DIRECTOR

SUBJECT: **CITY OF IMPERIAL BEACH DE MINIMIS LOCAL COASTAL PROGRAM AMENDMENT NO. IMB-DM-1-13 (13<sup>th</sup> Street Lane Diet)** (For Commission review at its meeting of December 11 - 12, 2013)

The Coastal Act was amended January 1, 1995 to provide for a more streamlined method to review amendments to local coastal programs. Section 30514(d) allows the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a “de minimis” amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission for its concurrence.

**PROPOSED AMENDMENT**

The City of Imperial Beach has submitted an LCP amendment request that would revise one figure in the Circulation Element of the certified Land Use Plan to redesignate 13<sup>th</sup> Street from a 4 Lane Collector to a 3 Lane Collector street. The revision would reflect the City’s plan to restripe 13<sup>th</sup> Street to install bike lanes while preserving existing on-street parking. The existing and proposed Street Classifications Figure C-5 is attached.

The City Council resolution that approved and conveyed the proposed de minimis LCP amendment is attached. The LCP resolution was approved by the City Council on September 4, 2013. The amendment was properly noticed through newspaper publication and direct mail, and there are no known interested parties. The amendment request was received and filed complete on October 11, 2013; therefore, the date by which the Commission must take action, absent an extension of the time limits by the Commission, is January 9, 2014.

**DISCUSSION**

Thirteenth Street is a north/south street spanning the length of the eastern side of the City. The purpose of the proposed redesignation and the future project is to promote bicycle transportation in a high-density area of the City where improved bicycle and pedestrian safety is desired. A traffic analysis performed for the project found that the change in designation would not result in significant traffic impacts. While an important internal circulation element street, 13<sup>th</sup> Street is not a major coastal access route, with the exception of the portion of the street north of Palm Avenue, which terminates at the bayfront and is an

access point to the Bayshore Bikeway. However, this segment of 13<sup>th</sup> Street is currently designated as a 3 Lane Collector, so no change is proposed in this location. The proposed de minimis change does not change land uses or have any potential to impact coastal resources. All proposed de minimis modifications are consistent with Chapter 3 of the Coastal Act.

### **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. 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 request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for such impacts which have not been explored and the de minimis LCP amendment, as submitted, can be supported.

### **DETERMINATION**

The Executive Director determines that the City of Imperial Beach LCP amendment is de minimis. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property. The City has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d).

**MOTION:**                    *I move that the Commission concur with the Executive Director's determination that the LCP amendment, as submitted, is de minimis.*

### **STAFF RECOMMENDATION:**

The Executive Director recommends that the Commission **CONCUR** in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified LCP ten days after the date of the Commission meeting.

**RESOLUTION NO. 2013-7383**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE CIRCULATION ELEMENT OF THE GENERAL PLAN/ LOCAL COASTAL PROGRAM (GPA/ LCPA 130032) BY REDESIGNATING 13TH STREET FROM A 4-LANE COLLECTOR TO A 3-LANE COLLECTOR. MF 1120.**

**WHEREAS**, on September 4, 2013, the City Council of the City of Imperial Beach held a duly advertised public hearing to consider comments and action on a proposed amendment to the Circulation Element of the General Plan/ Local Coastal Program (GPA/ LCPA 130032) that redesignates 13th Street from a 4-lane collector to a 3-lane collector in order to accommodate a Class 2 bike lane in each direction; and

**WHEREAS**, the City Council of the City of Imperial Beach hereby finds that the proposed General Plan Amendment/ Local Coastal Plan Amendment (GPA/LCPA 130032), pursuant to Government Code Section 65300.5, is internally consistent with the other elements and policies of the General Plan (Sierra Club v. Kern County Board of Supervisors (1981) 126 Cal. App. 3d 698 [179 Cal. Rptr. 261]); and

**WHEREAS**, the City Council of the City of Imperial Beach hereby finds that the proposed bicycle lane striping/ capital improvement project is consistent with the General Plan/ Local Coastal Plan as amended pursuant to Government Code Section 65401; and

**WHEREAS**, the City Council of the City of Imperial Beach finds that, on the basis of the traffic analysis performed by the City's traffic engineer, KOA Corporation, the change in designation of 13th Street from a 4-lane collector to a 3-lane collector to accommodate bike lanes would not result in greater traffic impacts and this project would, therefore, be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304(h): Minor Alterations To Land; The creation of bicycle lanes on existing rights-of-way; and

**WHEREAS**, in compliance with the provisions of AB 32, The California Global Warming Solutions Act of 2006, this road diet project would provide bicycle lanes that offers an additional nonmotorized mode of transport and, thereby, reduces the production of greenhouse gases (GHG); and

**WHEREAS**, the City Council finds that this proposed GP/ LCP amendment, pursuant to California Code of Regulations §13515 (14 CCR 13515) and California Government Code §65352, was routed for a 45-day/ 6 week public and agency review period with this review period running from July 11, 2013 to August 26, 2013 and no comments were received; and

**WHEREAS**, the City Council finds that the purpose of the project is to promote bicycle transportation, a safe, more eco-friendly, alternative mode of transportation, in a high-density area of the City where improved bicycle and pedestrian safety is desired.

**EXHIBIT #1**

**Resolution of Approval**

**LCPA #1-13 13<sup>th</sup> Street Lane Diet**



California Coastal Commission

**SECTION 2:** This amendment shall become effective only when certified by the California Coastal Commission pursuant to Section 30514 of the California Public Resources Code.

**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.

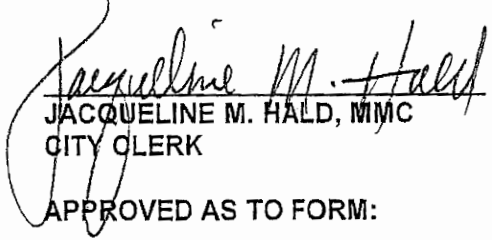
**PROTEST PROVISION:** The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 4<sup>th</sup> day of September 2013, by the following vote:

**AYES: COUNCILMEMBERS: SPRIGGS, BILBRAY, PATTON, BRAGG, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: NONE**

  
\_\_\_\_\_  
JAMES C. JANNEY, MAYOR

ATTEST:

  
\_\_\_\_\_  
JACQUELINE M. HALD, MMC  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
FOR JENNIFER M. LYON,  
CITY ATTORNEY

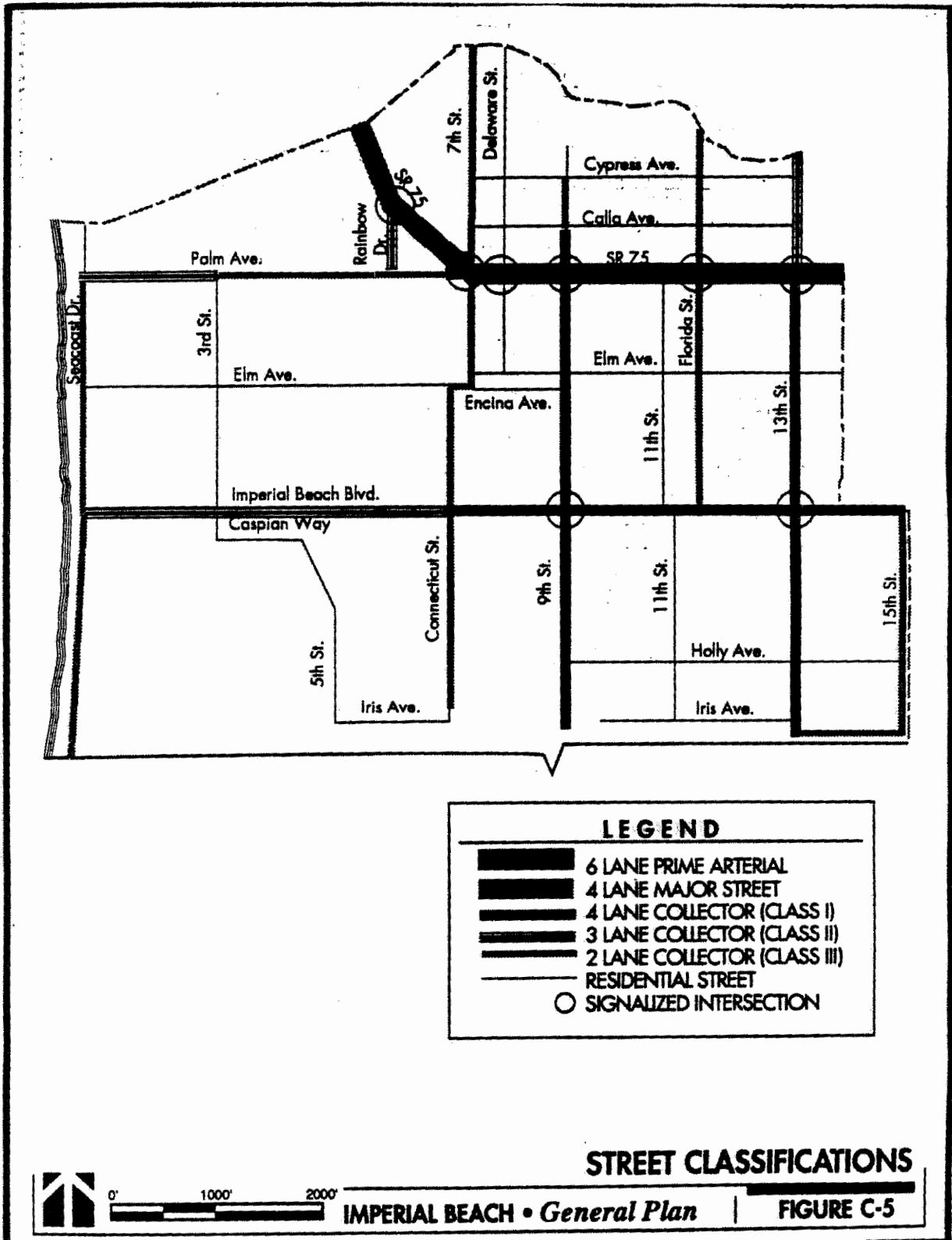
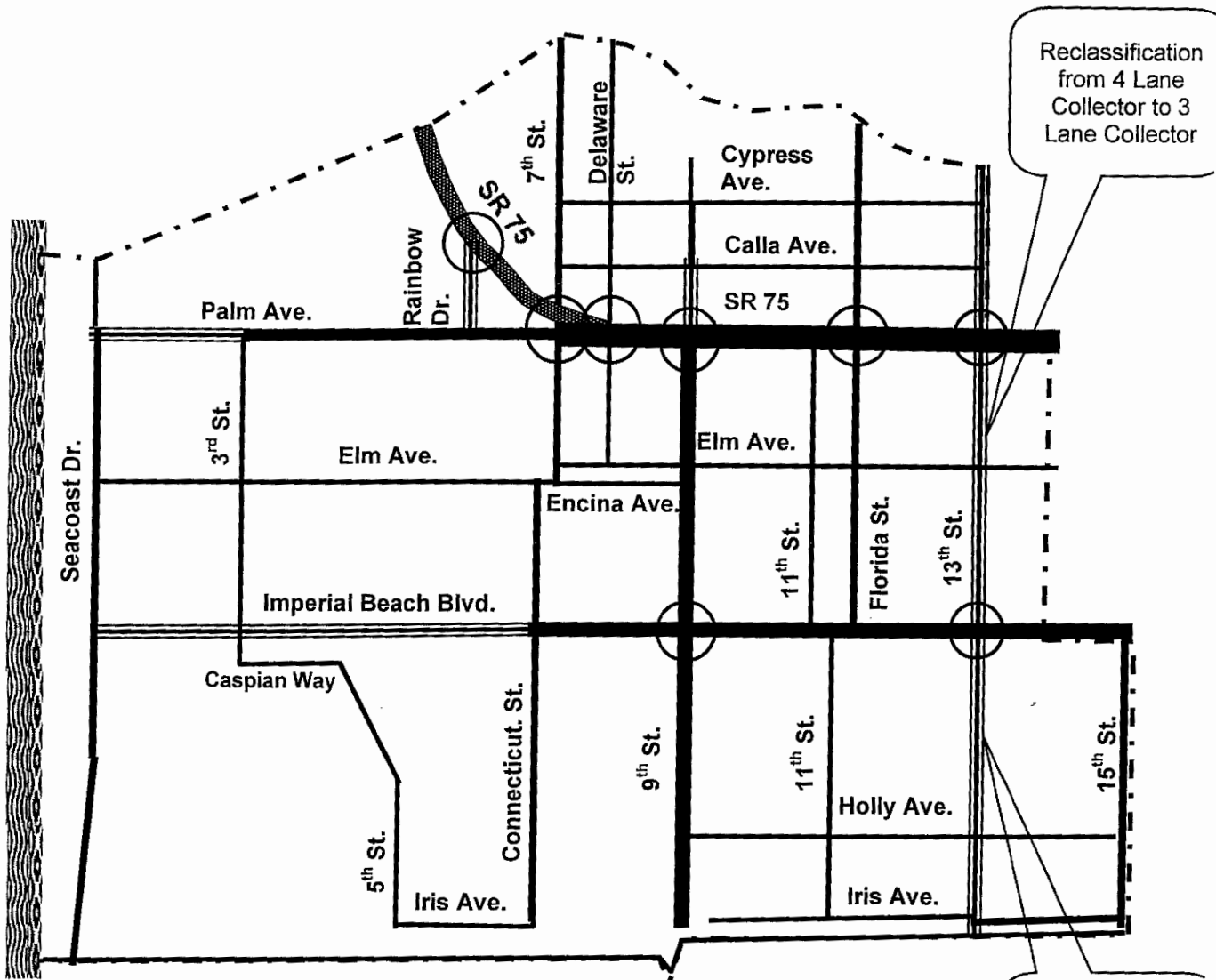


EXHIBIT #2

Existing Circulation Element

LCPA #1-13 13<sup>th</sup> Street Lane Diet

California Coastal Commission



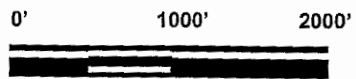
**LEGEND**

|  |                              |
|--|------------------------------|
|  | 6 LANE PRIME ARTERIAL        |
|  | 4 LANE MAJOR STREET          |
|  | 4 LANE COLLECTOR (CLASS I)   |
|  | 3 LANE COLLECTOR (CLASS II)  |
|  | 2 LANE COLLECTOR (CLASS III) |
|  | RESIDENTIAL STREET           |
|  | SIGNALIZED INTERSECTION      |

Reclassification from 4 Lane Collector to 3 Lane Collector

Reclassification from 4 Lane Collector to 3 Lane Collector

**STREET CLASSIFICATIONS**



IMPERIAL BEACH • *General Plan*      **FIGURE C-5**

|  |
|--|
| <b>EXHIBIT #3</b>                            |
| <b>Proposed Circulation Element</b>          |
| LCPA #1-13 13 <sup>th</sup> Street Lane Diet |
| California Coastal Commission                |