

CALIFORNIA COASTAL COMMISSION

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Date: August 17, 2023

To: **COMMISSIONERS AND INTERESTED PERSONS**

From: **DR. KATE HUCKELBRIDGE, EXECUTIVE DIRECTOR**

Subject: **CITY OF IMPERIAL BEACH DE MINIMIS LOCAL COASTAL PROGRAM AMENDMENT (9th STREET IMPROVEMENTS) FOR COMMISSION REVIEW AT ITS MEETING OF SEPTEMBER 7, 2023**

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.

If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP ten days after the date of the Commission meeting (September 7, 2023).

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 Local Coastal Program Land Use Plan to redesignate 9th Street from Calla Avenue to Palm Avenue from a 3 Lane Collector to a 2 Lane Collector, and redesignate 9th Street from Palm Avenue to the southern terminus of 9th Street from a 4 Lane Collector to a 3 Lane Collector street. The proposed LCP amendment is project-driven and would facilitate the City’s plan to restripe 9th Street to accommodate wider sidewalks and install new bike lanes that were identified in the City’s Bicycle Transportation Plan (June 2008). The existing and proposed Street Classifications Figure C-5 are included as exhibits.

DISCUSSION

Ninth Street is a north/south street spanning the length of the central portion of the City of Imperial Beach and is not considered a major coastal access route. 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. Although the proposed amendment would result in a reduction of vehicle lanes, a traffic analysis performed for the project found that there would be no significant traffic impacts. The proposed redesignation would result in the loss of 19 parking spaces, or 6% of the existing parking supply; however, these parking spaces are not used for coastal access, as 9th Street is located over a mile from the shoreline. The new bike lanes, crosswalks, and wider sidewalks would improve bicycle and pedestrian connectivity throughout the City. The proposed de minimis change does not change land uses or have any potential to impact coastal resources. The proposed amendment is consistent with Chapter 3 of the Coastal Act.

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).

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 request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in any significant adverse environmental impacts under the meaning of the California Environmental Quality Act.