

CALIFORNIA COASTAL COMMISSION

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TO: COMMISSIONERS AND INTERESTED PERSONS

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

SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT #4-02A (Hotel Specific Plan) TO THE CITY OF IMPERIAL BEACH LOCAL COASTAL PROGRAM (For Public Hearing and Possible Action at the Meeting of January 8-10, 2003)

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

The subject Land Use Plan and Implementation Plan amendment is one component of an LCP amendment that was filed complete on November 18, 2002. The other components of the amendment as originally submitted included amendments regarding: Boarding Houses; Sewer Diverter; Water Quality; Jurisdictional Urban Runoff; Urban Runoff Management and Discharge Control; and Grading Ordinance. However, on November 27, 2002, the City withdrew all of the other sections except for the Boarding Houses component.

The City is proposing to amend its certified LCP to allow for the approval of a specific plan for hotel developments located in either the C-2 Seacoast Commercial Zone, or the C-2 and MU-2 Mixed Use Overlay, that would permit hotel projects to deviate from several sections of the existing land use plan and zoning code. First, hotels would be allowed to deviate from the existing requirement that no building in the C-2 zone exceed three stories or thirty feet in height, whichever is less. Instead, the maximum height could not exceed four stories.

Second, hotels would not have to conform to the existing building setbacks for the C-2 or MU-2 zones. Third, hotels would not have to comply with the existing parking requirements for commercial structures.

The amendment also requires that before a specific plan could be approved under this proposed section, the City would have to make findings that the project would not adversely affect the general plan or the local coastal program, be detrimental to public health, safety, or welfare, would be beneficial to the community and the City, and that the

deviations are appropriate for the location and will result in a more desirable project than would be achieved if designed in strict conformance with zoning regulations in the C-2 zone. The specific plan would also have to state the ways in which the project is preferable to what the existing regulations would have allowed.

The amendment would require a change to one existing sentence in the Land Use Element of the City's certified LUP to indicate that 4 stories buildings are permitted in the C-2 zone with approval of a specific plan. The proposed change to the IP involves adding a new section (Section 19.27.150) to Chapter 19.27 C-2 SEACOAST COMMERCIAL ZONE in the City's zoning code.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that, following a public hearing, the Commission deny the proposed City of Imperial Beach Implementation Plan Amendment #4-02A as submitted, and then approve the amendment subject to the suggested modifications listed below.

Staff is recommending suggested modifications that clarify that 40 feet (not just 4 stories) is the maximum height limit for hotels approved through the specific plan process. Suggested modifications require that if deviations from setback requirements are permitted, that they be granted only pursuant to a specific plan that establishes setbacks creating public view corridors to and along the beach, and between private development and public use areas, such that existing public ocean views are protected and conflicts between public and private uses are avoided. The proposed amendment would eliminate the existing hotel parking requirements of one parking space per each unit consisting of one bedroom and one bath without cooking facilities, and 1.5 spaces for each unit with cooking facilities. Suggested modifications allow for these requirement to be reduced to one parking space per unit with a site-specific parking study taking into account the demand for parking associated with ancillary uses such as conference areas and restaurants.

The appropriate resolutions and motions begin on page 4. The suggested modifications begin on page 7. The findings for denial of the Land Use Plan Amendment as submitted and approval if modified, begin on page 9. The findings for denial of the Implementation Plan Amendment as submitted and approval if modified, begin on page 12.

ADDITIONAL INFORMATION

Further information on the City of Imperial Beach LCP Amendment #4-02 A may be obtained from Diana Lilly, Coastal Planner, at (619) 767-2370.

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 approximately twenty-four amendments to the certified local coastal program.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity

with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

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.

I. Denial as Submitted

MOTION I: *I move that the Commission certify the Land Use Plan Amendment 4-02A as submitted by the City of Imperial Beach.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan Amendment submitted for the City of Imperial Beach and adopts the findings set forth below on grounds that the land use plan as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the

significant adverse impacts on the environment that will result from certification of the land use plan as submitted.

II. Certification with Suggested Modifications

MOTION II: *I move that the Commission certify the Land Use Plan Amendment 4-02A for the City of Imperial Beach if modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan Amendment 4-02A for the City of Imperial Beach if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

III. MOTION III: *I move that the Commission reject the Implementation Program for Amendment 4-02A as submitted by the City of Imperial Beach.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment 4-02A submitted for the City of Imperial Beach and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

IV. MOTION IV: *I move that the Commission certify the Implementation Program Amendment 4-02A for the City of Imperial Beach if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment 4-02A for the City of Imperial Beach modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed LCP be adopted.

Land Use Plan Modifications:

The underlined sections represent language that the City of Imperial Beach proposes be added to the certified LUP, the double-underlined sections represent language Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

1. The entry for the C-2 Zone, in Table L-2 of the Land Use Element (located on pages L-8 and L-9 of the General Plan), is amended to read as follows:

C-2 Seacoast Commercial (3 stories, unless except for hotels where 4 stories is may be permitted by specific plan)

The Seacoast Commercial land use designation provides for 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. It is intended that the dominant type of commercial activity in this designation will be visitor-serving retail such as specialty stores, surf shops, restaurants, hotels and motels, etc. In order to promote a more pedestrian-oriented community character, as well as to reduce the high volume of vehicle trips attracted by drive-thru establishments, drive-thru services for restaurants, banks, dry cleaners, and other similar auto related business establishments shall be prohibited in this zone. Residential uses may (included below) be permitted above the first floor at a maximum density of one unit per every 1,500 square feet of land. Discretionary permit review by the City shall be required for such residential use.

Implementation Plan Modifications:

The following sections represent new language that the City of Imperial Beach proposes be added to the certified Implementation Plan. The double-underlined sections represent language the Commission suggests be added, and the ~~struck-out~~ sections represent language that the Commission suggests be deleted from the language as originally submitted.

2. Section 19.27.150 of Chapter 19.27 (C-2 Seacoast Commercial Zone) of the Imperial Beach Municipal Code is added to read as follows:

19.27.150 Specific Plan.

- A. The City Council may approve a specific plan for a hotel use that allows deviations from the following regulations in the C-2 zone:

1. Building heights specified in section 19.27.070, provided that a height deviation may not exceed four stories or forty feet, whichever is less;
 2. Building setbacks specified in section 19.27.040; ~~and, The specific plan shall establish setbacks to create public view corridors to and along the beach and to avoid impacts to existing public ocean views. The specific plan shall set back private development from public use areas to maximize public access, create open space buffers and avoid conflicts between public and private uses;~~
 3. Parking requirements specified in section 19.48.040 may be reduced to 1 parking space per unit if a site-specific parking study, taking into account the demand for parking associated with ancillary uses such as conference areas and restaurants, establishes that parking demand will not exceed 1 parking space per unit;
- B. The intent of this section is to accommodate, to the greatest extent possible, an equitable balance of project design, project amenities, public improvements, and community and City benefits. The purpose of the specific plan is to provide flexibility in the application of development regulations for hotel projects where strict application of those regulations would restrict design options and result in a less desirable project.
- C. The City Council may approve a specific plan for a proposed hotel project that occupies property within both the Seacoast Commercial (C-2) and Seacoast Mixed-Use Overlay (MU-2) Zones that allows deviations from the C-2 zoning regulations that are authorized by subsection A and deviations from the following regulations in the MU-2 Zone:
1. Conditional Use Permit requirement specified in Section 19.27.140(B)(1);
 2. Building setbacks specified in section 19.27.040; ~~and, The specific plan shall establish setbacks to create public view corridors to and along the beach and to avoid impacts to existing public ocean views. The specific plan shall set back private development from public use areas to maximize public access, create open space buffers and avoid conflicts between public and private uses;~~
 3. Building heights specified in section 19.27.140(C)(2)(c), provided that a height deviation may not exceed four stories or forty feet, whichever is less;
 4. Parking requirements specified in section 19.48.040 may be reduced to 1 parking space per unit if a site-specific parking study, taking into account the demand for parking associated with ancillary uses such as conference

areas and restaurants, establishes that parking demand will not exceed 1 parking space per unit.

**PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF
IMPERIAL BEACH LAND USE PLAN AMENDMENT #4-02A, AS
SUBMITTED, AND APPROVAL IF MODIFIED**

A. AMENDMENT DESCRIPTION

The land use portion of the amendment changes only one small section of the Land Use Plan. In the Land Use Element of the plan, Table L-2 lists the "Land Use Designations and Specifications" for each of the City's zones. For the C-2 Seacoast Commercial Zone, the proposed amendment would add the following underlined sentence to the table:

C-2 Seacoast Commercial (3 stories, unless 4 stories is permitted by specific plan)

The Seacoast Commercial land use designation provides for 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. It is intended that the dominant type of commercial activity in this designation will be visitor-serving retail such as specialty stores, surf shops, restaurants, hotels and motels, etc. In order to promote a more pedestrian-oriented community character, as well as to reduce the high volume of vehicle trips attracted by drive-thru establishments, drive-thru services for restaurants, banks, dry cleaners, and other similar auto related business establishments shall be prohibited in this zone. Residential uses may (included below) be permitted above the first floor at a maximum density of one unit per every 1,500 square feet of land. Discretionary permit review by the City shall be required for such residential use.

Along with the changes in the zoning code described below, the amendment is intended to allow hotel uses in the C-2 to be built to a maximum height of four stories.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights or private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone.

C. CONFORMANCE WITH CHAPTER 3 OF THE COASTAL ACT

The following Coastal Act policies are relevant to the proposed amendment:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. [...]

Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

1. Findings For Rejection. As submitted, the LUP change would allow for uses in the C-2 Seacoast Commercial zone to exceed 3 stories in height. The C-2 zone is the City's visitor-serving zone. As proposed, the change does not specifically apply to hotels only, although the proposed implementation plan amendment makes clear that the intent is for the exception to the height limit to only apply to hotels.

The concern with increasing allowable building heights is both the potential for public view blockage and the potential that larger-scale buildings will be visually incompatible with existing neighborhoods or public areas and view corridors.

In the case of the City of Imperial Beach, the pattern of development, and the existing LCP have traditionally designated and preserved the street ends as the view corridors to and from the beach and ocean areas. Imperial Beach is topographically very flat, and in most cases, the only coastal, bay, or estuary views are down street corridors. There is little opportunity for seeing over buildings to the coastal regions from public streets or recreational areas. Allowing an increase in building height would not permit or encourage encroachments along street view corridors. Thus, allowing for higher buildings is not expected to adversely impact public views.

With regard to community character, the land use plan currently permits buildings up to 3 stories in height in the C-2 zone, and the R-1500 high-density residential zone. The C-1 Commercial Zone, which is located along the Palm Avenue/Highway 75 corridor in the northeastern portion of the City, allows heights up to 4 stories. The remaining zones allow a maximum height of 2 stories. Thus, there is precedent for allowing 4 story buildings in Imperial Beach, albeit not immediately along the coastline.

As described in the Land Use Plan table above, the C-2 zone is intended for a variety of visitor-serving pedestrian oriented commercial retail uses including specialty stores, surf shops, restaurants, hotels and motels. Allowing a height exception for hotels only (as it is specifically limited to in the proposed zoning code amendment) would not have a significant impact on the overall character of the City or the beach area. From the perspective of a pedestrian, the occasional 4-story, compared to 3-story, building, is unlikely to be noticeable or objectionable.

The Commission's concern is the proposed land use plan amendment does not specify that the height exception applies only to hotels. The proposed zoning code amendment clearly states that the City Council may allow a deviation in building heights with the approval a specific plan for a hotel use in the C-2 zone. Thus, taken as a whole, the amendment as proposed would allow only a hotel use to deviate from the existing "three-stories or 30 feet" height limit. However, if the amendment were approved as submitted, and the City were, in the future, to propose revisions to the height standards in the zoning code to allow additional types of uses to exceed the height limit (such as restaurants,

stores, etc.), the standard of review for the Commission would be the certified LUP. As submitted, the LUP would allow any type of use to be constructed up to four stories. All of the buildings in the area are currently 3 stories or less; many are only one or two stories. Allowing build-out of all uses in the C-2 zone at four stories could potentially impact community character and the visual quality of the area.

Therefore, as submitted, the proposed LUP amendment is too broad and could potentially impact the visual resources of the coastal zone, and must be denied.

2. Findings For Approval. As noted above, construction of buildings 4-stories high would not, per se, be inconsistent with the visual resource protection policies of the Coastal Act. No impacts to view corridors or public view blockages are expected to result from a one-story increase in hotel building heights in the C-2 zone. Four story buildings are not without precedent in Imperial Beach, and as long as the height increase is limited to only one type of use, that is, hotels, no adverse impacts to the character of the community is anticipated.

Therefore, Suggested Modification #1 clarifies that the existing 3-story building height is applicable to all development except for hotels permitted by specific plan. With this clarification, the proposed LUP amendment is consistent with the Chapter 3 policies of the Coastal Act.

**PART VI. FINDINGS FOR DENIAL OF THE CITY OF IMPERIAL BEACH
IMPLEMENTATION PLAN AMENDMENT #4-02A AND APPROVAL
IF MODIFIED**

A. AMENDMENT DESCRIPTION. The proposed amendment would add a new section to the C-2 Seacoast Commercial Zone allowing for the approval of a specific plan for a hotel use that would allow hotel development to deviate from three sections of the existing zoning code.

First, a hotel would be allowed to deviate from the existing requirement that no building in the C-2 zone exceed three stories or thirty feet in height, whichever is less. Instead, the maximum height could not exceed four stories.

Second, the hotel would not have to conform to the existing building setbacks for the zone, which are as follows:

19.27.040. Yards.

A. On property fronting on Seacoast Drive, the front of each building shall be set on the front property line. For purposes of this requirement an arcade is considered a part of the building. For lots not fronting on Seacoast Drive there are no front, side or rear yard setbacks in the C-2 zone; however, the open space and landscaping requirements as stated in Chapter 19.50 shall be observed only for proposed commercial uses or developments requiring site plan review by the planning commission, as identified in Section 19.27.020(C), provided that in no

case shall the amount of existing landscaping be reduced and that any new and all existing landscaping shall be permanently maintained.

B. On property fronting on Seacoast Drive the second floor front yard set back shall be five feet, except that sixty percent of the frontage may be set back zero feet.

C. On property fronting on Seacoast Drive, the third floor front yard set back shall be ten feet, except that forty percent of the frontage may be set back five feet.

Third, the hotel use would not have to the comply with the following parking requirements:

19.48.040. Required spaces--Other residentially oriented uses.

The number of required off-street parking spaces for other residentially oriented uses shall be as follows:

A. Hotels, motels, motor hotels: one space each unit consisting of one bedroom and one bath without cooking facilities; one and one-half spaces for each unit with cooking facilities; [...]

The amendment also provides for similar exceptions for hotel projects that are located in both the C-2 Seacoast Commercial and the MU-2 Seacoast Mixed-Use Overlay Zone. With approval of a specific plan, hotel projects spanning these two zones would be allowed to deviate from the above listed regulations, as well as be exempted from the requirement that 1) a conditional use permit be obtained 2) that specific setbacks be adhered to; 3) a height limitation of 3 stories or 30 feet, and; 4) that minimum parking standards be met.

Specifically, the following regulations would no longer apply to these hotel projects:

19.27.140. Seacoast commercial overlay (MU-2) zone.

[...]

B. The following uses are permitted in the MU-2 overlay zone subject to approval of a conditional use permit and subject to the development property regulations in subsection (C) of this section:

1. Hotels/motels (daily rentals);
2. Bed and breakfast inns;
3. Time share units.

C. Property development regulations.

[...]

2. Yard requirements in the MU-2 overlay zone are as follows:

[...]

- b. Commercial uses with approval of a conditional use permit:

Ocean Lane: zero feet.

Side yard: fifteen feet.

Ocean Boulevard (Beach): ten feet.

- c. Height:

[...]

Commercial Uses. Three stories or thirty feet, whichever is less and subject to approval of a conditional use permit.

19.48.040. Required spaces--Other residentially oriented uses.

The number of required off-street parking spaces for other residentially oriented uses shall be as follows:

A. Hotels, motels, motor hotels: one space each unit consisting of one bedroom and one bath without cooking facilities; one and one-half spaces for each unit with cooking facilities; [...]

In summary, the proposed project would allow for hotel projects in the C-2 and C-2/MU-2 zones to be granted exemptions to the height, setback, and parking requirements with adoption of a specific plan. Before a specific plan could be approved under this proposed section, the City would have to make the following findings:

1. The proposed project will not adversely affect the general plan or the local coastal program;
2. The proposed project will not be detrimental to the public health, safety, or welfare;
3. The proposed project, when considered as a whole, will be beneficial to the community and the City; and
4. The proposed deviations are appropriate for the location and will result in a more desirable project than would be achieved if designed in strict conformance with zoning regulations in the C-2 zone.

In addition, the specific plan would have to state the ways in which the project is preferable to what the existing regulations would have allowed.

B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN

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. The certified LUP has a number of goals and policies relevant to the proposed amendment.

The Circulation Element of the LUP states in part:

C-22 Parking

Parking for both residents and visitors shall be provided as part of new development. Implementation actions shall include:

a. Seacoast Drive

The use of in lieu parking fees, off-site parking facilities and shared parking shall be encouraged for properties located west of Seacoast Drive and on Seacoast Drive. The intent of this policy is to encourage a more pedestrian atmosphere near the beach and develop properties near the ocean with commercial and recreational uses rather than parking lots.

b. Commercial Areas

In lieu parking fees, off-site parking facilities and shared parking may be used in commercial areas where they encourage shared group parking, a pedestrian atmosphere or improved commercial design.

The consolidation of off-street parking for several uses shall be encouraged in order to improve pedestrian flows and reduce the number of street ingress and egress points.

[...]

e. Shared Parking

Shared parking shall only be approved when technical evidence is presented to justify the shared use. The Urban Land Institute 1983 Shared Parking Study shall be used as a guideline and supplemented by additional findings where appropriate.

f. Off-Site Parking

Off-site parking when allowed under Paragraphs a, b, or c above shall only be permitted if a sign is posted indicating the off-site user, and the off-site parking is within 500 feet of the use, is used exclusively for off-site use and is recorded by covenant.

g. In-Lieu Parking

In-lieu parking shall only be permitted when it can be demonstrated that the in-lieu fee is sufficient to provide off-site parking and the City has developed a program for such off-site parking. This program shall require an LCP amendment.

h. Detailed Parking Standards Shall Be Included In the Zoning Ordinance

The Standards shall use the following guidelines:

Residential - 1.5 to 2.0 spaces per dwelling unit.

Hotel/Motel - 1 space per guest room.

Commercial - varies from 1 space per 50 sq. ft. to 1 space per 300 sq. ft. of building.

Bars and Restaurants - 1 space for each seventy-five square feet of net floor area, plus one per two employees at largest work shift.

The Conservation Element and Open Space Element of the LUP states in part:

GOAL 2 NATURAL RESOURCES - KEY FOUNDATION OF THE CITY

The ocean, beach, bay, estuary, weather and related ecosystems set much of the image of Imperial Beach. Conservation and protection of these resources shall be a key focus of the General Plan. The unique physiographic characteristics of Imperial Beach are recognized as the foundation for all other aspects of the community. These characteristics enhance the quality of life of residents and visitors and shall not be wasted, destroyed, or neglected. They are generally nonrenewable and provide many of the scenic, historic, economic, recreation, open space and ecological values for the community.

CO-1 The Beach

Imperial Beach has few industries and must, therefore, rely on the attraction of tourists for economic development. The beach area is most critical and the City should:

1. Designate the beach as open space.
2. Retain public ownership of the beaches.
3. Insure continued public access to beaches and, where possible, provide additional access, as well as increased public parking opportunities in the beach area (see Parks, Recreation and Access Element)

[...]

The City's Design Element lists the following visual and scenic resources specific to Imperial Beach:

√ The Pacific Ocean

The ocean is perhaps the most scenic resource in Imperial Beach. However, due to its almost limitless expanse, it is difficult to fully perceive visually. In the case of Imperial Beach and the Pacific Ocean, the statement that the best view is not always, or often, the full view, is applicable. The views of the Pacific Ocean in Imperial Beach can be enhanced if they are enframed or seen through an

appropriate screen. The ocean is open space, a focus of major views, an attraction to visitors and a place of human activity.

[...]

✓ **The City Beach**

A unique scenic resource, the City beach encompasses the area from the Northern City limits, south to the International Border. This area has numerous focal points ranging from the City Pier, to the variety of building types, to the sandy beach. Daytime views include the Coronado Islands, the beach itself, the ocean, the Silver Strand, Coronado, Point Loma, and Downtown San Diego. Nighttime views include lights on the pier, lights on the ocean, Point Loma, the Coronado Bridge, Coronado and Downtown San Diego.

Goal 4 of the City's Design Element states:

GOAL 4 VISUAL QUALITY IS IMPORTANT

The visual quality of the City's environment shall be preserved and enhanced for the aesthetic enjoyment of both residents and visitors and the economic well-being of the community. Development of neighborhoods, streets and individual properties should be pleasing to the eye, rich in variety, and harmonious with existing development. The feeling of being near the ocean and bay should be emphasized even when the water is not visible. Designs reflective of a traditional California seaside community should be encouraged.

Other policies of the Design Element state, in part:

D-8 Project Design

- a. The design of development projects should respect, work with and enhance the natural features of the land....
- b. Projects should be designed so there is a harmonious relationship with adjoining uses.
 - The pattern of existing neighborhoods should be respected. A development should be integrated with the adjacent neighborhood if the project size or natural boundaries dictate, or the design should create one or more separate and strong neighborhood identities.
 - Structures should relate to neighborhood structures both within and adjacent to the development and not create a harsh contrast of scale, style or color.
 - Areas of noisy activity and areas of quieter use should be separated by space or buffers, both within and between projects.

- Lighting and signs should be designed, located and directed so as not to disturb adjacent uses.
- c. Developments should be designed to respect and enhance the view and safety of the passerby. [...]
- d. Developments should attempt, through design, to give the appearance of a suburban density and scale. [...]
- e. Developments shall be designed with an eye to safety without giving the appearance of a fortress or a sea of concrete or asphalt.

D-9 Seacoast Design Standards

Detailed design standards and criteria should be developed for the Seacoast area. The standards and criteria should provide specific direction as to the design quality and image desired by the community.

D-11 Permanent Open Space Areas

[...]

- b. Any building facade facing onto a permanent open space of any kind shall be designed with the same level of quality as the street frontage facade.
- c. Development incentives should encourage designs that are integrated with permanent open spaces, but they should not allow dull repetitiveness or other objectionable design results.

Policies of the City's Land Use Element states in part:

GOAL 11 SMALL BEACH ORIENTED TOWN

[...]

b. Natural Resource Protection

All land use proposals shall respect, preserve and enhance the most important natural resources of Imperial Beach, those being the ocean, beach, San Diego Bay and the Tijuana River Valley.

c. Immediate Ocean Shoreline

The ocean, beach and the immediately abutting land are recognized as an irreplaceable natural resource to be enjoyed by the entire City and region. This unique, narrow strip of land should receive careful recognition and planning. The

purpose of the beach is to make available to the people, for their benefit and enjoyment forever, the scenic, natural, cultural, and recreational resources of the ocean, beach and related lands.

L-4 Commercial Uses and Areas

Specific policies for commercial uses and areas are:

a. Attractive and Stimulating Surroundings

Commercial areas should be enjoyable places in which to shop and work. This means providing pedestrian scaled design, landscaping of building sites and parking lots, street trees, screening unsightly storage and parking areas and banning out-of-scale advertising. All new commercial developments and major expansions of existing commercial uses should be subject to design controls.

Policies of the City's Parks, Recreation, and Access Element state in part:

P-2 Ocean and Beach Are The Principal Resources

The ocean, beach and their environment are, and should continue to be, the principal recreation and visitor-serving feature in Imperial Beach. Oceanfront land shall be used for recreational and recreation-related uses whenever feasible.

P- 14 Retain Existing Street Ends

All existing street ends under City ownership that provide public access to coastal resources, including bays, shall be retained for streets, open space or other public use. View corridors shall be protected and in no case shall buildings be permitted on or bridging the streets. The City shall approve detailed design plans for each street end.

Policies of the City's Safety Element include the following:

S-1 Technical Studies

No development should proceed until geo-technical investigations and recommendations are completed concerning potential soils, geologic, seismic and/or flood hazards and to determine which land uses (if any) are appropriate for the site, and to determine what measures could be undertaken to reduce risks to life and property.

S-2 Leave Hazardous Areas Underdeveloped

Developers should be required to leave potentially hazardous areas undeveloped and to leave sufficient open space adjacent thereto to insure public health and safety.

Areas which are suitable for development, yet surrounded by potentially hazardous lands, should be restricted from development due to the danger of complete loss of ingress or egress routes in emergency situations from flooding.

An inventory shall be made to identify the location and extent of such areas in the City.

S-10 Regulate Shoreline Land Use and Development

The City should regulate shoreline land use and development by:

- a) Minimizing construction on beaches and in front of seacliffs.
- b) Require setbacks from beaches and low-lying coastal areas.
- c) Regulate sand mining if some were to occur.

S-11 Storm Waves, Flooding and Seacliff Erosion

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, shoreline protection devices and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing principal structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Prior to completion of a comprehensive shoreline protection plan designed for the area, interim protection devices may be allowed provided such devices do not encroach seaward of a string line of similar devices.

New development fronting on Ocean Boulevard north of Imperial Beach Boulevard shall incorporate an engineered vertical seawall in its design if it is determined that shoreline protection is necessary. Such a seawall shall, except for required toe protection, be located within the private property of the development and shall be sufficient to protect the development from flooding during combined design storm and high tide events. [...]

1. Findings For Rejection. As noted above in the Land Use Plan findings, the concern with increasing allowable building heights is the potential for public view blockage and the potential that larger-scale buildings will be visually incompatible with existing neighborhoods or public open space and view corridors. In addition, the proposed zoning code amendment would allow for exemptions to setback requirements and parking standards.

A. Heights. As previously discussed, construction of buildings 4-stories high would not necessarily be inconsistent with the visual resource protection policies of the Land Use Plan. No impacts to view corridors or public view blockages would likely result from a 1-story high increase in hotel building heights in the C-2 zone. Four story buildings are not without precedent in Imperial Beach. The language of the proposed zoning code amendment makes it clear that the height increase is limited to only one type of use, that is, hotels, thus, no adverse impacts to the character of the community are anticipated.

However, unlike all of the other discussions of maximum building heights in the zoning code, as submitted, the amendment does not specify a maximum height, only a maximum number of stories. For example, the existing code states that "three stories or thirty feet, whichever is less" as the maximum height standard in the C-2 zone. This is an important distinction, because, in theory, a "story" could be almost any height, possibly well over 40 feet. As cited above, the City's Land Use Plan has a number of policies regarding the protection of visual resources, pedestrian scaled design and the protection of community character. Thus, because the amendment as submitted could allow for significant increases in height that could, cumulative or individually, have an adverse impact on the visual and scenic resources of Imperial Beach inconsistent with the certified LUP, the amendment must be denied.

B. Setbacks. Potential impacts associated with eliminating minimum setback requirements are public view blockage—in particular with regard to side yard setbacks—and geologic hazards—with regard to rear yard setbacks for beach front lots. Upper story setbacks address concerns with the bulk and scale of structures, as well visual and view blockage issues.

As cited above under the amendment description, for lots not fronting on Seacoast Drive there are no existing first-story front, side or rear yard setback requirements for commercial development in the C-2 zone. There are setback requirements for upper stories. Thus, under the existing LCP, a hotel could be built without setbacks on the first level, but only to 30 feet, and with setbacks on the upper two floors to minimize bulk and scale. As proposed, a hotel could be built four stories high with no setbacks at all. This is a particular concern for properties adjacent to public view corridors and the beach. Large, bulky, private structures without any buffer or setback that are located immediately adjacent to public property, especially public recreational areas, tend to privatize the adjacent public area and change the nature of the recreational experience.

Thus, the amendment raises a potential inconsistency with the LUP policies requiring that projects enhance the natural features of the land, not create a harsh contrast of scale and style, enhance views, give careful recognition and planning consideration to the beach and the immediately abutting land area, and develop detailed design standards and criteria for the Seacoast Area.

In addition, the amendment would exempt hotel projects from the existing setback requirements for commercial structures in the MU-2 zone, which are as follows:

C. Property Development Regulations

[...]

2. Yard requirements in the MU-2 Overlay zone are as follows: [...]

b. Commercial Uses with approval of a Conditional Use Permit:

Ocean Lane: 0 feet

Side yard: 15 feet

Ocean Boulevard (Beach): 10 feet

The majority of oceanfront lots north of Imperial Beach Boulevard are in the MU-2 Zone overlay, and thus are currently subject to these setback requirements. Eliminating the side yard setback requirements, as proposed, would potentially allow encroachments into existing or new public view corridors. Eliminating the beachfront setbacks would allow the construction of hotels closer to the beach (large, 4-story structures) than any other development, potentially blocking views from street ends and from the beach, and changing the character of the vistas from the beach. In addition, eliminating existing beach setbacks is contrary to the intent of Policy S-10 of the certified LUP, which requires setbacks from beaches and low-lying coastal areas, although Policy S-10 is controlling if setbacks are necessary to reduce risk in hazard areas. Thus, as submitted, the amendment is inconsistent with the visual, public access, and geologic hazard policies of the certified LUP, and must be denied.

C. Parking Standards. Current parking standards for hotels in the C-2 zone are as follows:

19.48.040. Required spaces--Other residentially oriented uses.

The number of required off-street parking spaces for other residentially oriented uses shall be as follows:

A. Hotels, motels, motor hotels: one space each unit consisting of one bedroom and one bath without cooking facilities; one and one-half spaces for each unit with cooking facilities; [...]

The proposed amendment would allow deviations from parking requirements for hotels with approval of a specific plan, but does not provide for minimum parking standards, or indicate by what means the appropriate parking amount would be determined. Thus, as proposed, a hotel that provides no parking at all would meet the parking requirements of the zoning code.

The certified LUP requires that adequate parking be provided, and that new development ensure continued public access to beaches and, where possible, provide additional access, as well as increased public parking opportunities in the beach area. It also contains a specific parking requirement for hotels of 1 parking space per guest room. The proposed amendment does not require that 1 space per guest room be provided and does not ensure that adequate parking will be provided. The City of Imperial Beach does not currently have a mass transportation system that might justify possible elimination of parking standards without adverse impacts to public access. When development does not have adequate parking to serve demand, patrons are likely to usurp spaces that would otherwise be available for public beach parking. Thus, as proposed, the amendment has the potential to adversely impact public access inconsistent with the certified LUP, and must be denied.

2. Findings For Approval

A. Heights. The City has indicated that although not specifically included in the proposed amendment, four stories or 40 feet is the intended maximum height limit for hotels approved under the proposed specific plan process. Therefore, Suggested Modifications #2 and #6 revise the proposed height deviation for the C-2 and MU-2 zones to state "four stories or 40 feet in height, whichever is less." This wording is consistent with the description of maximum permitted heights throughout the existing LUP. The existing LUP allows certain exceptions to the height limit for air conditioning equipment, chimneys, flagpoles, etc. (see Chapter 19.40 BUILDING HEIGHT attached as Attachment #4, page 6). This section would continue to apply to the specific plan height limit as it does in the existing zoning code. Therefore, as modified, the proposed amendment can be found consistent with the certified Land Use Plan.

B. Setbacks. For lots not fronting on Seacoast Drive, there are no first-story front, side or rear yard setback requirements for commercial development in the C-2 zone. Thus, the proposed amendment would not lessen existing C-2 ground level setbacks. However, the amendment would allow deviations from upper level setbacks in the C-2 zone, and would eliminate the existing setbacks for the MU-2 overlay, potentially adversely impacting public access and recreation, visual resources and geologic safety.

Therefore, Suggested Modifications allow for deviations from the existing setback requirements, but require that the specific plan establish site-specific setbacks that create public view corridors to and along the beach, establish buffers from private development, and create open space buffers as necessary to avoid impacts to existing public ocean views, maximize public access, and avoid conflicts between public and private uses.

There are existing LUP policies, as previously noted, that require setbacks from beaches and low-lying coastal areas. As modified, these policies would still apply to commercial development in the C-2 and MU-2 zones. Thus, as modified, the proposed amendment can be found consistent with the visual protection, shoreline development and geologic hazards policies of the certified LUP.

C. Parking Standards. The existing LUP requires that adequate parking be required for new development, and specifically cites 1 space per guest room as the standard for hotel development. Suggested Modifications allow for a reduction in the existing zoning code parking standards for hotels to 1 parking space per unit, with a site-specific parking study that takes into account the demand for parking associated with ancillary uses such as conference areas and restaurants. This standard, with a study documenting the need for additional spaces for ancillary uses, is generally in line with coastal parking standards throughout San Diego County, and, as such, will result in the provision of adequate parking and no adverse impacts to public access or recreation. Thus, as modified, the proposed project can be found consistent with the policies of the certified LUP.

PART VIII. 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.

The proposed amendment to the City of Imperial Beach Implementation Plan as submitted is neither consistent with nor adequate to carry out the policies of the certified land use plan. Suggested modifications have been added that ensure that only hotel facilities in the C-2 zone will be allowed a height exemption, that the height exemption is limited to 40 feet, and that adequate parking and setbacks must be provided to protect public access and views. If modified as suggested, no impacts to coastal resources will result from the amendment.

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 as modified.

RESOLUTION NO. 2002-5634

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH
ADOPTING GENERAL PLAN/LOCAL COASTAL PROGRAM AMENDMENT
(GPA 02-03/LCPA 02-03) BY AMENDING TABLE L-2 OF THE LAND USE ELEMENT OF THE
GENERAL PLAN/LOCAL COASTAL PROGRAM. MF 585.

WHEREAS, on July 17, 2002, the City Council conducted a public hearing on Ordinance No. 2002-984, which authorizes the implementation of a Specific Plan for hotel uses that deviate from certain zoning regulations in the C-2 Seacoast Commercial Zone; and

WHEREAS, if a Specific Plan is adopted under Ordinance No. 2002-984, buildings in the C-2 Zone may exceed three stories; and

WHEREAS, Table L-2 of the Land Use Element of the General Plan/Local Coastal Program limits buildings in the C-2 Zone to three stories; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed amendment is internally consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and which further implements the Imperial Beach Redevelopment Plan; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed amendment would not have a significant impact on the environment and, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061.b3 (General Rule), would be exempt from the California Environmental Quality Act as the companion ordinance amendment (Ordinance Number 2002-985) would require that applicants requesting deviations from the development restrictions for hotels in the C-2 (Seacoast Commercial) Zone obtain a discretionary entitlement, a specific plan, the approval process for which would be subject to additional environmental review for compliance with CEQA; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed Zoning Ordinance Amendment (Ordinance No. 2002-984), pursuant to Government Code Section 65860, would be externally consistent with the proposed General Plan Amendment/Local Coastal Plan Amendment (GPA/LCPA 02-03).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

SECTION 1: The entry for the C-2 Zone, in Table L-2 of the Land Use Element (located on pages L-8 and L-9 of the General Plan), is amended to read as follows:

EXHIBIT NO. 1

Imperial Beach LCPA
No. 4-02A Hotel
Specific Plan

LUP Resolution of
Approval

1 of 3

C-1 General Commercial (4 stories)

The General Commercial land use designation provides for land to meet the local demand for commercial goods and services, as opposed to the goods and services required primarily by the tourist population. It is intended that the dominant type of commercial activity in this designation will be community and neighborhood serving retail and office uses such as markets, specialty stores, professional offices, personal service department stores, restaurants, liquor stores, hardware stores, etc. Residential uses may be permitted above the first floor at a maximum density of one unit per every 1,000 square feet of land. Discretionary permit review by the City shall be required for such residential use.

C-2 Seacoast Commercial (3 stories, unless 4 stories is permitted by specific plan)

The Seacoast Commercial land use designation provides for 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. It is intended that the dominant type of commercial activity in this designation will be visitor-serving retail such as specialty stores, surf shops, restaurants, hotels and motels, etc. In order to promote a more pedestrian-oriented community character, as well as to reduce the high volume of vehicle trips attracted by drive-thru establishments, drive-thru services for restaurants, banks, dry cleaners, and other similar auto related business establishments shall be prohibited in this zone. Residential uses may (included below) be permitted above the first floor at a maximum density of one unit per every 1,500 square feet of land. Discretionary permit review by the City shall be required for such residential use. *[Amended by Resolution 2002-5634 on July 17, 2002, and Ordinance 98-920, February 18, 1998]*

C-3 Neighborhood Commercial (2 stories)

The Neighborhood Commercial land use designation provides for land to meet the local neighborhood demand for commercial goods and services, as opposed to the goods and services required primarily by the tourist population or city-wide. It is intended that the dominant type of commercial activity in this designation will be neighborhood serving retail and office uses such as markets, professional offices, personal services, restaurants, hardware stores, etc. In order to maintain and promote a more pedestrian-oriented community character, as well as to reduce the high volume of vehicle trips attracted by drive-thru establishments, drive-thru services for restaurants, banks, dry cleaners and other similar auto related business establishments shall be prohibited in this district. Residential uses may be permitted above the first floor at a maximum density of one unit per every 2,000 square feet of land. Discretionary permit review by the City shall be required for such residential use.

MU-1 Mixed Use Overlay

The Mixed Use Overlay land use designation provides for future expansion of uses allowed in the C-1 Land Use Designation in an orderly way without requiring the amendment of the General Plan. In this overlay designation, commercial activities would be allowed to expand into areas otherwise designated as Residential. Discretionary permit review by the City shall be required for such commercial use.

MU-2 Mixed Use Overlay

The Mixed Use Overlay land use designation provides for future expansion of uses allowed in the C-2 Land Use Designation in an orderly way without requiring the amendment of the General Plan. In this overlay designation, commercial activities would be allowed to expand into areas otherwise designated as Residential. Discretionary permit review by the City shall be required for such commercial use.

PF Public Facility

The Public Facilities land use designation provides for land devoted to public facilities and utilities. This designation, therefore, includes public schools, parks, the beach and civic facilities. More precise standards and criteria for these land uses are contained in the Facilities and Services Element and the Parks, Recreation, and Access Element.

OS Open Space

The Open Space land use designation applies to land set aside for the protection of sensitive and fragile natural resources. Usage of these areas will be carefully managed. This designation applies to the Tijuana River Valley.

SECTION 2: This amendment shall become effective only when certified by the California Coastal Commission.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 4TH day of **September, 2002**, by the following roll call vote:

AYES:	COUNCILMEMBERS:	BENDA, MCCOY, ROGERS, WINTER, ROSE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE

Diane Rose

DIANE ROSE, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD
CITY CLERK

APPROVED AS TO FORM:

Lynn R. McDougal

LYNN R. MCDOUGAL

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2002-5634, A resolution of The City Council Of The City Of Imperial Beach adopting general plan/local coastal program amendment (GPA 02-03/LCPA 02-03) by amending table L-2 of the land use element of the general plan/local coastal program. MF 585.

CITY CLERK

DATE

RECEIVED

NOV 18 2002

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ORDINANCE NO. 2002-984

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF IMPERIAL BEACH AMENDING CHAPTER 19.27
OF THE IMPERIAL BEACH MUNICIPAL CODE REGARDING HOTEL
DEVELOPMENT IN THE C-2 (SEACOAST COMMERCIAL) AND
IN THE MU-2 (SEACOAST MIXED-USE OVERLAY) ZONES. MF 585.**

WHEREAS, the City of Imperial Beach adopted Ordinance No. 2001-970 on July 18, 2001, which extended the City's original Palm Avenue/Commercial Redevelopment Project Area (which was approved on January 17, 1996 pursuant to Ordinance No. 96-901) by adding approximately 1,075 acres, including parcels in the C-2 (Seacoast Commercial) Zone, to the Project Area so that the Imperial Beach Redevelopment Agency and the City of Imperial Beach may utilize the tools authorized by the California Community Redevelopment Law (Health and Safety Code Sections 33000 et seq.) to mitigate the effects of inadequate or obsolete designs, to encourage the optimum utilization of real property, to encourage investment in the Amendment Area by the private sector, to upgrade the physical appearance of the Amendment Area, to rehabilitate non-residential structures to eliminate safety deficiencies and to extend the useful lives of these structures, and to enhance the community's economic base and, thereby its fiscal resources, to provide much needed public services and improvements to the community; and

WHEREAS, the City of Imperial Beach had commissioned consultants to analyze development issues and opportunities in the Seacoast Drive area from time to time, including a study by Project Design Consultants for the Seacoast Inn, wherein the report noted that the City may need to amend its zoning ordinance in order to grant some relief from its development restrictions to accommodate the alternatives identified in the report; and

WHEREAS, a duly noticed public hearing has been conducted by the City Council on July 17, 2002 and public testimony has been heard and considered; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed regulations are consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and which further implements the Imperial Beach Redevelopment Plan; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed regulations would not have a significant impact on the environment and, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061.b3 (General Rule), would be exempt from the California Environmental Quality Act as the proposed amendment would require that applicants requesting deviations from the development restrictions for hotels in the C-2 (Seacoast Commercial) Zone obtain a discretionary entitlement, a specific plan, the approval process for which would be subject to additional environmental review for compliance with CEQA; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed General Plan Amendment/Local Coastal Plan Amendment, pursuant to Government Code Section 65300.5, is internally consistent with the other policies of the General Plan, and also finds the proposed Zoning Ordinance Amendment, pursuant to Government Code Section 65860, is externally consistent with the General Plan/Local Coastal Plan.

EXHIBIT NO. 2
Imperial Beach LCPA
#4-02A Hotel Specific Plan
IP Resolution of Approval
1 of 3
California Coastal Commission

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH
DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 19.27.150 of Chapter 19.27 of the Imperial Beach Municipal Code
is added to read as follows:

"19.27.150. Specific Plan.

- A. The City Council may approve a specific plan for a hotel use that allows deviations from the following regulations in the C-2 zone:
 - 1. Building heights specified in section 19.27.070, provided that a height deviation may not exceed four stories;
 - 2. Building setbacks specified in section 19.27.040; and
 - 3. Parking requirements specified in section 19.48.040.
- B. The intent of this section is to accommodate, to the greatest extent possible, an equitable balance of project design, project amenities, public improvements, and community and City benefits. The purpose of the specific plan is to provide flexibility in the application of development regulations for hotel projects where strict application of those regulations would restrict design options and result in a less desirable project.
- C. The City Council may approve a specific plan for a proposed hotel project that occupies property within both the Seacoast Commercial (C-2) and Seacoast Mixed-Use Overlay (MU-2) Zones that allows deviations from the C-2 zoning regulations that are authorized by subsection A and deviations from the following regulations in the MU-2 Zone:
 - 1. Conditional Use Permit requirement specified in Section 19.27.140(B)(1);
 - 2. Building setbacks specified in Section 19.27.140(C)(2)(b);
 - 3. Building heights specified in Section 19.27.040(C)(2)(c), provided that a height deviation may not exceed four stories; and
 - 4. Parking requirements specified in Section 19.48.040.
- D. All of the following findings must be made before a specific plan may be approved under this section:
 - 1. The proposed project will not adversely affect the general plan or the local coastal program;
 - 2. The proposed project will not be detrimental to the public health, safety, or welfare;
 - 3. The proposed project, when considered as a whole, will be beneficial to the community and the City; and

4. The proposed deviations are appropriate for the location and will result in a more desirable project than would be achieved if designed in strict conformance with zoning regulations in the C-2 zone.
- E. A specific plan approved under this section must state the ways in which the project benefits the community and the City and the ways in which the resulting project is preferable to what the existing regulations would have allowed."

SECTION 3: This ordinance shall become effective only when certified by the California Coastal Commission but not sooner than thirty (30) days following its passage and adoption by the City Council.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, held on the 17th day of July, 2002, and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 4th day of September, 2002 by the following roll call vote:

AYES:	COUNCILMEMBERS: BENDA, MCCOY, ROGERS, WINTER, ROSE
NOES:	COUNCILMEMBERS: NONE
ABSTENTIONS:	COUNCILMEMBERS: NONE

Diane Rose

DIANE ROSE, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD
CITY CLERK

APPROVED AS TO FORM:

Lynn R. McDougal

LYNN R. MCDOUGAL

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2002-984, an ordinance of The City Council of The City Of Imperial Beach amending chapter 19.27 of The Imperial Beach municipal code regarding hotel development in the C-2 (Seacoast Commercial) and in the MU-2 (Seacoast mixed overlay) zones. MF 585.

Jacqueline M. Hald

CITY CLERK

9/5/02

DATE

The following sections of the Zoning Code are referenced in the proposed new Section 19.27.150. Chapter 19.27 is included in its entirety.

Chapter 19.27. C-2 SEACOAST COMMERCIAL ZONE

19.27.010. Purpose of zone.

19.27.020. Permitted uses.

19.27.030. Prohibited uses.

19.27.040. Yards.

19.27.050. Minimum lot size.

19.27.060. Frontage.

19.27.070. Building height.

19.27.080. Separation of buildings.

19.27.110. Parking.

19.27.120. Signs.

19.27.130. Uses conducted outside buildings.

19.27.140. Seacoast commercial overlay (MU-2) zone.

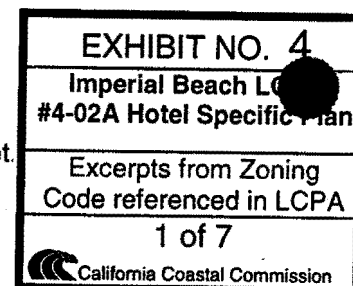
19.27.010. Purpose of zone.

The purpose of the C-2 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. It is intended that the dominant type of commercial activity in the C-2 zone will be visitor-serving retail such as specialty stores, surf shops, restaurant, hotels and motels. The development standards of the C-2 zone encourage pedestrian activity through the design and location of building frontages and parking provisions. (Ord. 94-884, 1994)

19.27.020. Permitted uses.

A. The following commercial uses shall be permitted subject to subsections (B), (C), and (D) of this section as appropriate:

1. Beach equipment rental;
2. Bed and breakfast;
3. Bookstores;
4. Boutiques;
5. Financial institutions:
 - a. On first floor, subject to subsection (B) of this section,
 - b. All floors when located on Palm Avenue, Silver Strand Boulevard and/or Third Street.
6. Fishing supply;
7. Hotels and motels;
8. Personal services;
9. Professional offices:
 - a. On first floor, subject to subsection (B) of this section,
 - b. All floors when located on a Palm Avenue, Silver Strand Boulevard and/or Third Street.
10. Public parks;



City of Imperial Beach LCPA 4-02A
Excerpts from Zoning Code
Attachments to Staff Report
Page 2

11. Resident inns;
 12. Real estate offices;
 13. Private postal services;
 14. Restaurants;
 15. Retail shops;
 16. Specialty shops;
 17. Surf shops;
 18. Any other retail business or service establishment which the city council finds to be consistent with the purposes of this chapter and which will not impair the present or potential use of adjacent properties, excluding those listed under subsection (B) of this section;
 19. Residential dwelling units may be permitted above the first floor at a maximum density of one unit per every one thousand five hundred square feet of lot area, subject to approval of a CUP and subject to subsections (B) and (C) of this section as appropriate.
 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.
- B. The uses listed below are permitted subject to the approval of a conditional use permit. Conditional use permits for financial institutions and professional offices shall be considered, provided these uses do not exceed thirty percent of the existing commercial square footage on Seacoast Drive and intersecting residential streets. Upper floor professional offices and financial institutions are not subject to this section.
1. Arcades and centers;
 2. Athletic and health clubs (second floor only);
 3. Bars and cocktail lounges;
 4. Liquor stores;
 5. Clubs and lodges;
 6. Commercial recreation facilities not otherwise listed;
 7. Educational institutions;
 8. Timeshares; shall be prohibited on the first floor unless twenty-five percent of the units are restricted to overnight accommodation;
 9. Residential dwelling units above the first floor at a maximum density of one unit per every one thousand five hundred square feet of lot area, subject to subsections (C) and (D) of this section as appropriate;
 10. Financial institutions: On first floor, subject to a conditional use permit per this subsection (B);
 11. Professional offices: On first floor, subject to a conditional use permit per this subsection (B);
 12. Theaters and assemblies;
 13. Public parking lots.
- C. Site plan review by the city council will be required if any of the following applies for proposed uses located in the C-2 zone:
1. All proposed commercial developments involving new construction;
 2. Any addition, construction, remodeling or alteration of existing buildings resulting in an increase of ten percent or greater of the gross floor area of a commercial structure or in an individual commercial space within the structure or within a commercial shopping center;
 3. Any proposed commercial use, residential use or structure requiring the approval of a conditional use permit;
 4. Any development including residential dwelling units above the first floor.
- D. Site plan review by the community development director (administrative approval) will be required if any of the following applies for proposed uses located in the C-2 zone:
1. Any addition, construction, remodeling or alteration of existing buildings resulting in a one-time increase of less than ten percent of the gross floor area of a commercial structure or in an individual commercial space within the structure or within a commercial shopping center. Multiple additions to existing commercial buildings which cumulatively

City of Imperial Beach LCPA 4-02A
Excerpts from Zoning Code
Attachments to Staff Report
Page 3

result in an increase of ten percent or greater of the originally approved gross floor area of a commercial building shall require site plan review by the city council;

2. Exterior facade alterations to existing buildings located on a design review corridor as identified in Section 19.83.020(A)(1) of this title.

3. The building or site or a portion of the building or site that is proposed to be occupied has been vacant for a period of two years or greater.

4. Kiosks. (Ord. 98-930 § 1, 1998; Ord. 98-920 § 1 (part), 1998; Ord. 97-910 § 1, 1997; Ord. 94-888 § 1, 1994; Ord. 94-884, 1994)

19.27.030. Prohibited uses.

The following uses are prohibited in the C-2 zone:

1. Automotive repair;
2. Body piercing establishments;
3. Body shops;
4. Automobile service stations;
5. Automobile dismantling or wrecking yards;
6. Campsites;
7. Drive-thru establishments;
8. Equipment rental yards;
9. Fortune telling establishments;
10. Kennels;
11. Mortuaries;
12. Palm reading establishments;
13. Post office;
14. Tattoo establishments;
15. Pawn shops. (Ord. 2001-973 §§ 7--10, 2001; Ord. 2001-971 §§ 6, 7, 2001; Ord. 98-920 § 1 (part), 1998; Ord. 94-884, 1994)

19.27.040. Yards.

A. On property fronting on Seacoast Drive, the front of each building shall be set on the front property line. For purposes of this requirement an arcade is considered a part of the building. For lots not fronting on Seacoast Drive there are no front, side or rear yard setbacks in the C-2 zone; however, the open space and landscaping requirements as stated in Chapter 19.50 shall be observed only for proposed commercial uses or developments requiring site plan review by the planning commission, as identified in Section 19.27.020(C), provided that in no case shall the amount of existing landscaping be reduced and that any new and all existing landscaping shall be permanently maintained.

B. On property fronting on Seacoast Drive the second floor front yard set back shall be five feet, except that sixty percent of the frontage may be set back zero feet.

C. On property fronting on Seacoast Drive, the third floor front yard set back shall be ten feet, except that forty percent of the frontage may be set back five feet. (Ord. 98-920 § 3 (part), 1998; Ord. 94-884, 1994)

19.27.050. Minimum lot size.

The minimum lot size for any new lot created in the C-2 zone shall be three thousand square feet (for related provisions concerning small lots, see Chapter 19.42). (Ord. 98-920 § 3 (part), 1998; Ord. 94-884, 1994)

19.27.060. Frontage.

Every new lot created in the C-2 zone shall have a minimum width along a street of thirty feet (for related provisions concerning small lots, See Chapter 19.42). (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

19.27.070. Building height.

No building in the C-2 zone shall exceed three stories or thirty feet in height, whichever is less. (Ord. 94-884, 1994)

19.27.080. Separation of buildings.

No buildings shall be located less than five feet from any other building on the same lot. (Ord. 94-884, 1994)

19.27.110. Parking.

For provisions on parking applicable in the C-2 zone, see Chapter 19.48. (Ord. 94-884, 1994)

19.27.120. Signs.

For provisions on signs applicable in the C-2 zone, see Chapter 19.52. (Ord. 94-884, 1994)

19.27.130. Uses conducted outside buildings.

For provisions on uses conducted outside buildings applicable in the C-2 zone, see Chapter 19.72. (Ord. 94-884, 1994)

19.27.140. Seacoast commercial overlay (MU-2) zone.

The area located between Ocean Boulevard on the west, Ocean Lane on the east and between Imperial Beach Boulevard on the south and Palm Avenue on the north is designated as a commercial-residential overlay zone (MU-2). The purpose of this transition zone designation is to allow for the gradual commercial expansion in an area which is currently used for residential purposes.

A. The following uses shall be permitted in the MU-2 overlay zone:

1. Residential.

City of Imperial Beach LCPA 4-02A
Excerpts from Zoning Code
Attachments to Staff Report
Page 5

B. The following uses are permitted in the MU-2 overlay zone subject to approval of a conditional use permit and subject to the development property regulations in subsection (C) of this section:

1. Hotels/motels (daily rentals);
2. Bed and breakfast inns;
3. Time share units.

C. Property development regulations.

1. Residential density:

a. One dwelling unit for each one thousand five hundred square feet of lot area.

2. Yard requirements in the MU-2 overlay zone are as follows:

a. Residential uses:

Ocean Lane: five feet.

Side yard: five feet.

Ocean Boulevard (Beach): ten feet.

b. Commercial uses with approval of a conditional use permit:

Ocean Lane: zero feet.

Side yard: fifteen feet.

Ocean Boulevard (Beach): ten feet.

c. Height:

Residential Uses. Two stories or twenty-six feet, whichever is less.

Commercial Uses. Three stories or thirty feet, whichever is less and subject to approval of a conditional use permit.

3. Conditional Use Permit. Conditions for the conditional use permit may include, but shall not be limited to requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulations of vehicular ingress and egress and traffic circulation; regulations of signs; regulations of hours of operation; establishment of development schedules or time limits for performance or completion; requirements for periodic review; and such other conditions as may be deemed necessary to ensure compatibility with existing surrounding uses, and to preserve the public health, safety and welfare. (Ord. 94-884, 1994)

Building Height - Section 19.40.020. Exceptions.

The following may extend above the height limit:

- A. Roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to maintain and operate the building;
 - B. Fire or parapet walls required by law;
 - C. Skylights chimneys, smokestacks or utility towers;
 - D. Flagpoles, antennas, radio masts, risers and similar structures. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)
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Parking - 19.48.040. Required spaces--Other residentially oriented uses.

The number of required off-street parking spaces for other residentially oriented uses shall be as follows:

- A. Hotels, motels, motor hotels: one space each unit consisting of one bedroom and one bath without cooking facilities; one and one-half spaces for each unit with cooking facilities;

- B. Rest homes, children's homes, homes for the aged, convalescent homes, nursing homes, retirement homes: one space for each three beds;
 - C. Rooming houses, lodging houses, clubs and fraternity houses having sleeping rooms: one space for each two beds;
 - D. Mobile home parks, trailer parks: one and one-half spaces for each trailer space;
 - E. Hospitals, sanitariums: one and one-half spaces for each bed. (Ord. 601 § 1 (part), 1983; Ord. 94-888)
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Chapter 19.50. OPEN SPACE AND LANDSCAPING

19.50.010. Minimum usable open space for dwelling units.

19.50.020. Usable open space defined--Acceptable areas.

19.50.030. Commercial landscaping.

19.50.031. Requirements generally--Existing buildings.

19.50.040. Residential landscaping.

19.50.010. Minimum usable open space for dwelling units.

Every residential development shall provide a minimum of three hundred square feet of usable open space per dwelling unit. (Ord. 94-884, 1994; Ord. 690 § 16, 1983; Ord. 601 § 1 (part), 1983)

19.50.020. Usable open space defined--Acceptable areas.

A. "Usable open space" means an unobstructed portion of a lot which has a minimum dimension of ten feet in every direction, is landscaped and developed for active or passive recreational and leisure use, and is conveniently located and accessible. Open space intended to serve all the units of a project shall be accessible and convenient to all units. Private open space shall be accessible and convenient to the unit(s) intended to be served.

B. In addition, the following spaces shall contribute to required usable open space areas:

1. Private balconies, provided that the minimum size of the balcony is six feet by ten feet;
2. Roof areas designed and equipped to accommodate recreational and leisure activities;
3. Recreation rooms.

C. A minimum of sixty percent of the required usable open space shall be provided at grade, unenclosed.

D. The following areas shall not contribute to required usable open space:

1. Driveways and parking areas;
2. Refuse storage areas;
3. Clothes drying areas;
4. Walkways and sidewalks.

E. Active recreational facilities for children in appropriate projects (e.g. "tot lots") are encouraged. Such areas shall be a minimum of two hundred square feet in area. (Ord. 94-884, 1994; Ord. 723 § 1, 1987; Ord. 690 § 17, 1986; Ord. 601 § 1 (part), 1983;

19.50.030. Commercial landscaping.

- A. Not less than fifteen percent of the total site shall be landscaped and permanently maintained.
- B. There shall be a five-foot-wide landscape area between any parking area and any public street right-of-way.
- C. A portion of a property not used for buildings, parking, walkways, loading or storage areas shall be landscaped.
- D. There shall be a minimum three-foot by fifteen-foot, or forty-five square foot, landscaped area within the parking area (not including perimeter area landscaping) for every three parking spaces or the equivalent. A minimum width of three feet is required. A four-foot by fifteen-foot area may be permitted for every four spaces, five-foot-wide for five spaces, etc.
- E. Prior to issuance of any building permits, a complete landscaping plan shall be submitted to the Community Development Department for approval. Such approval shall be subject to appeal in the manner set forth in Sections 19.84.070 through 19.84.090.
- F. Landscaping and required watering system shall be installed prior to the use of the premises. All landscaping material in required landscaping areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material.
- G. A permanent irrigation system shall be installed to serve all landscaped areas. (Ord. 94-884, 1994; Ord. 723 § 2, 3, 1987; Ord. 635 § 8, 1984; Ord. 601 § 1 (part), 1983)

19.50.031. Requirements generally--Existing buildings.

The commercial landscaping 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 Section 19.26.020.C., 19.27.020.D., and 19.28.020.D., provided that in no case shall the amount of existing landscaping be reduced and that any new and all existing landscaping shall be permanently maintained. (Ord. 94-884, 1994)

19.50.040. Residential landscaping.

- A. Not less than fifty percent of the required front yard and street side yard setbacks shall be landscaped and permanently maintained. The remainder of the required yard may be used for driveways and walkways.
- B. Landscaping shall be provided within the parking area or immediately abutting it.
- C. There shall be a minimum four-foot landscaped area between the structure and any parking located in front of the structure.
- D. There shall be a minimum three-foot-wide landscaped area between the parking area and each side lot line when parking is located between the structure and the street.
- E. Prior to issuance of any building permit, a complete landscaping plan shall be submitted to the Community Development Department for approval. Such approval shall be subject to appeal in the manner set forth in Sections 19.84.070 through 19.84.090.
- F. Landscaping and required watering system shall be installed prior to the use of the premises. All landscaping material in required landscaping areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material.
- G. A permanent irrigation system shall be installed to serve all landscaped areas (Ord. 94-884, 1994; Ord. 723 § 5, 1987; Ord. 635 § 9, 1984; Ord. 601 § 1 (part), 1983)