

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

DIEGO, CA 92108-4421

767-2370

RECORD PACKET COPY



May 22, 2003

Thu 6a**TO: COMMISSIONERS AND INTERESTED PARTIES****FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR**

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of San Imperial Beach's action, certifying the City's Local Coastal Program Amendment #4-02A (Hotel Specific Plan), is adequate to effectively certify its Local Coastal Program (for Commission review at its meeting of June 11-13, 2003)

BACKGROUND

At its January 9, 2003 meeting, the Coastal Commission certified, with suggested modifications, the City of Imperial Beach's Local Coastal Program Amendment #4-02A, permitting hotel projects to deviate from several sections of the existing land use plan and zoning code. By their action adopting Resolution No. 2003-5754 on April 2, 2003 and Ordinance No. 2003-1002 on April 16, 2003, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications clarify that 40 feet (not just 4 stories) is the maximum height limit for hotels approved through the specific plan process, 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, and that allow for the existing hotel parking requirements 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 modifications also include adding a policy requiring that lower cost visitor and recreational facilities be protected and provided.

The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Imperial Beach is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

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



DATE AFTER HEARING

Mayor Diane Rose
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

RE: Certification of the City of Imperial Beach's Local Coastal Program Amendment
#4-02A (Hotel Specific Plan)

Dear Mayor Rose:

The California Coastal Commission has reviewed the City's Resolution No. 2003-5754 and Ordinance No. 2003-1002 together with the Commission's action of January 9, 2003 certifying City of Imperial Beach Local Coastal Program Amendment #4-02A pertaining to the adoption of hotel specific plans. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of June 11-13, 2003.

By its actions on April 2 and April 16, 2003, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications clarify that 40 feet (not just 4 stories) is the maximum height limit for hotels approved through the specific plan process, 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, and that allow for the existing hotel parking requirements to be reduced to one parking space per unit with a site-specific parking study. The modifications also include adding a policy requiring that lower cost visitor and recreational facilities be protected and provided. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

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

Sincerely,

Peter Douglas
Executive Director

cc: Greg Wade
Jim Nakagawa

RESOLUTION NO. 2003-5754

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING SECTION 1 OF RESOLUTION NO. 2002-5634 TO INCLUDE STIPULATIONS PURSUANT TO COASTAL COMMISSION CERTIFICATION ORDER FOR LOCAL COASTAL PROGRAM POLICY AMENDMENT #3-02A AMENDING TABLE L-2 OF THE LAND USE ELEMENT WHICH PROVIDES FOR HEIGHT LIMITS IN THE C-2 (SEACOAST COMMERCIAL) ZONE AND ADDING POLICY L-9 OF THE LAND USE ELEMENT OF THE LAND USE PLAN. 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 where in one report it was 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 April 2, 2003 and public testimony has been heard and considered; 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 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 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 also finds the proposed Zoning Ordinance Amendment (Ordinance No. 2003-1002), pursuant to Government Code Section 65860, is externally consistent with the General Plan/Local Coastal Plan.

Executive Director Determination
Imperial Beach LCPA #402A (Hotel Specific Plan)
City Resolution

WHEREAS, on September 4, 2002, the Imperial Beach City Council approved Resolution No. 2002-5634 (General Plan Amendment/Local Coastal Program Amendment/Zoning Code Amendment: LCPA/GPA/ZCA 02-03) amending Table L-2 of the Land Use Element regarding height limits for development pursuant to a specific plan in the C-2 Zone; and

WHEREAS, on January 9, 2003, the California Coastal Commission approved Resolution No. 2002-5634 (General Plan Amendment/Local Coastal Program Amendment/Zoning Code Amendment 02-03/Coastal Commission Major Amendment #3-2002) with the stipulation that it be amended to provide for a 4 story height limit specifically for hotels approved pursuant to a specific plan in the C-2 Zone and to add a new Policy L-9 to the Land Use Element of the Land Use Plan regarding Lower Cost Visitor and Recreational Facilities; and

WHEREAS, the City Council must adopt the suggested modification to the resolution within six months of the Commission's action, pursuant to California Coastal Commission Regulation Section 13542(b), in order for the Coastal Commission to effectively certify Resolution No. 2002-5634 and in order for the Executive Director of the Coastal Commission to report to the Commission that the amendment is consistent with the certification order; and

WHEREAS, the City of Imperial Beach acknowledges receipt of the Commission's resolution of certification.

NOW, THEREFORE, IN ORDER TO BE CONSISTENT WITH THE CALIFORNIA COASTAL COMMISSION CERTIFICATION ORDER FOR MAJOR AMENDMENT NO. 3-2002A, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AS FOLLOWS:

SECTION 1: That Section 1 of Resolution No. 2002-5634, which amended 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/Local Coastal Plan), be amended to read as follows:

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, except for hotels where 4 stories 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. *[Amended by Resolution 2003-5754 on April 2, 2003, 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: Policy L-9 is added to the Land Use Element of the Local Coastal Plan Land Use Plan to read as follows:

Policy L-9 Lower Cost Visitor and Recreational Facilities

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

SECTION 3: This amendment shall become effective when the Executive Director reports to the California Coastal Commission that the amendment is consistent with the certification order.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 2nd day of **April, 2003**, by the following roll call vote:

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

Diane Rose

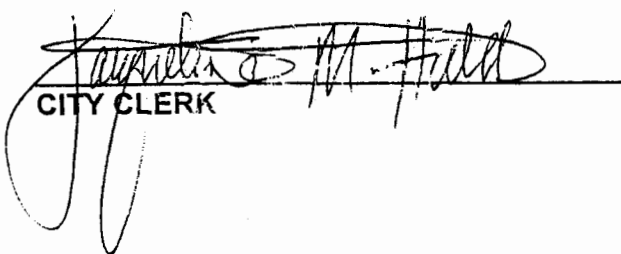
DIANE ROSE, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2003-5754, A Resolution of the City Council of the City of Imperial Beach amending Section 1 Of Resolution No. 2002-5634 to include stipulations pursuant to Coastal Commission Certification Order for Local Coastal Program Policy Amendment #3-02a amending Table L-2 of the Land Use Element which provides for height limits in the C-2 (Seacoast Commercial) Zone and adding Policy L-9 of the Land Use Element of the Land Use Plan. MF 585.



CITY CLERK

4/15/03

DATE

ORDINANCE NO. 2003-1002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING SECTION 1 OF ORDINANCE NO. 2002-984 TO INCLUDE STIPULATIONS PURSUANT TO COASTAL COMMISSION CERTIFICATION ORDER FOR LOCAL COASTAL PROGRAM IMPLEMENTATION AMENDMENT #3-02A 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 where in one report it was 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 April 2, 2003 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.

WHEREAS, on September 4, 2002, the Imperial Beach City Council approved Ordinance No. 2002-984 (General Plan Amendment/Local Coastal Program Amendment/Zoning Code Amendment: LCPA/GPA/ZCA 02-03) amending zoning requirements for hotel development pursuant to a specific plan in the C-2 Zone; and

WHEREAS, on January 9, 2003, the California Coastal Commission approved Ordinance No. 2002-984 (General Plan Amendment/Local Coastal Program Amendment/Zoning Code Amendment 02-01/Coastal Commission Major Amendment #3-2002) with the stipulation that it be amended to provide for establishing an absolute 40 foot height limit, establishing setbacks to protect views, and requiring at least one parking space per unit subject to a parking study; and

WHEREAS, the City Council must adopt the suggested modification to the ordinance within six months of the Commission's action, pursuant to California Coastal Commission Regulation Section 13542(b), in order for the Coastal Commission to effectively certify Ordinance No. 2002-984 and in order for the Executive Director of the Coastal Commission to report to the Commission that the amendment is consistent with the certification order; and

WHEREAS, the City of Imperial Beach acknowledges receipt of the Commission's resolution of certification.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, IN ORDER TO BE CONSISTENT WITH THE CALIFORNIA COASTAL COMMISSION CERTIFICATION ORDER FOR MAJOR AMENDMENT NO. 3-2002A, DOES ORDAIN AS FOLLOWS:

SECTION 1: That Section 1 of Ordinance No. 2002-984, which amended Section 19.27.150 of Chapter 19.27 of the Imperial Beach Municipal Code, is amended 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. 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 one 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 one 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 19.27.140(C)(2)(b). 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 19.27.040(C)(2)(c), provided that a height deviation may not exceed four stories or forty feet, whichever is less; and
 - 4. Parking requirements specified in Section 19.48.040 may be reduced to one 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 one parking space per unit.
- 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 2: This ordinance shall become effective when the Executive Director reports to the California Coastal Commission that the amendment is consistent with the certification order but not sooner than thirty (30) days following its passage and adoption by the City Council.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, held on the 2nd day of April, 2003, and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 16th day of April, 2003 by the following roll call vote:

AYES: COUNCILMEMBERS: WINTER, JANNEY, MCCOY, ROGERS, 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. 2003-1002, an ordinance of The City Council of The City Of Imperial Beach amending Ordinance No. 2002-984 pursuant to Coastal Commission certification order for Major Amendment #3-2002A 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

4/17/03
DATE