

CALIFORNIA COASTAL COMMISSION

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



November 21, 2013

Th13a**TO: COMMISSIONERS AND INTERESTED PARTIES****FROM: CHARLES LESTER, EXECUTIVE DIRECTOR**

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of Imperial Beach, certifying the City's Local Coastal Program Amendment No. #IMB-MAJ-2-12 (Commercial Mixed-Use), is adequate to effectively certify its Local Coastal Program (for Commission review at its meeting of December 11-12, 2013)

BACKGROUND

At its October 10, 2013 meeting, the Coastal Commission certified, with suggested modifications, the City of Imperial Beach Local Coastal Program Amendment #2-12, making a variety of changes to the permitted uses and development standards to the City's commercial districts. Currently, commercial uses are required on the ground floor of all lots fronting Palm, Seacoast, and a small portion of 13th Street/Imperial Beach Boulevard, as well as for several lots deep on either side of these streets. In each district, the amendment allows areas currently designated for commercial uses to be developed with residential uses, and significantly reduces the amount of parking required for mixed use projects. By its action adopting Resolution No. 2013-7410 and Ordinance No. 2013-1140 on November 20, 2013, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications are largely corrections and clarifications to the amendment, as well as adding policies to the LUP that were originally only proposed in the IP, to ensure that all requirements remain the standard of review for any change to the IP that could be proposed in the future. 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 92108-4402
(619) 767-2370



December 16, 2013

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

RE: Certification of the City of Imperial Beach Local Coastal Program Amendment
No. #2-12 (Commercial Mixed Use)

Dear Mayor Janney:

The California Coastal Commission has reviewed the City's Resolution No. 2013-7410 and Ordinance No. 2013-1140 together with the Commission's action of October 10, 2013 certifying City of Imperial Beach Local Coastal Program Amendment #2-12 pertaining to the permitted uses and development standards to the City's commercial districts. 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 December 11-13, 2013.

By its actions on November 20, 2013, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications are largely corrections and clarifications to the amendment, as well as adding policies to the LUP that were originally only proposed in the IP, to ensure that all requirements remain the standard of review for any change to the IP that could be proposed in the future. 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,

Charles Lester
Executive Director

RECEIVED
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CITY OF IMPERIAL
CALIFORNIA
COASTAL COMMISSION
SOUTHERN COAST DISTRICT

ATTACHMENT 1

RESOLUTION NO. 2013-7410

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING ATTACHMENT 3 OF RESOLUTION NO. 2012-7236 THAT APPROVED IMPERIAL BEACH COMMERCIAL GENERAL PLAN/ LOCAL COASTAL PROGRAM AMENDMENT (GPA/ LPCA) 100057, AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2011041048) AND CERTIFYING THAT PROPOSED MODIFICATIONS TO THE COMMERCIAL LCP AMENDMENT STIPULATED BY THE COASTAL COMMISSION IS CONSISTENT WITH THE COASTAL ACT. MF 935

WHEREAS, on August 1, 2012, the City Council of the City of Imperial Beach adopted Resolution No. 2012-7236 that approved General Plan/ Local Coastal Program (GPA/ LPCA 100057) Amendment, and

WHEREAS, the City Council found GPA/LCPA 100057 that amended the Land Use Plan (LUP) including Figure L-1 (Land Use Map) of the Imperial Beach General Plan/LCP for properties designated C-1 (General Commercial) in the Palm Avenue study area, C-2 (Seacoast Commercial) in the Old Palm Avenue and Seacoast Drive study areas, and C-3 (Neighborhood Commercial) in the 13th Street Corridor study areas; and areas zoned R-1500 (High Density Residential) that are subject to the MU-1 (Mixed Use-1) overlay designation in the Palm Avenue study area and the MU-2 (Mixed Use-2) overlay designation in the Seacoast Drive study area, pursuant to Government Code Section 65300.5, to be internally consistent with other policies of the general plan/ local coastal program and that the suggested modifications of the Coastal Commission would also be internally consistent; and

WHEREAS, the City Council found that Ordinance No. 2012-1130 to effect the proposed changes would be consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and would, therefore, be externally consistent pursuant to Government Code Section 65860 and that Ordinance No. 2013-1140 that implements the modifications stipulated by the Coastal Commission would remain externally consistent; and

WHEREAS, the City Council found that the amendment was in substantial compliance with Policy D-8 of the Design Element of the General Plan/Local Coastal Plan, which promotes project design harmonious with adjoining uses as the proposed setbacks and stepbacks provides a buffer from residential uses and the proposed active commercial use areas creates a more pedestrian-oriented environment and exemplifies many of the principles of form-based codes; and

WHEREAS, the California Coastal Commission at its hearing on October 10, 2013 provisionally certified the LCP Land Use Plan (LUP) and Implementation Plan (IP) Amendment IMB-MAJ #2-12 subject to modifications as provided herein; and

WHEREAS, the City Council held a duly noticed public hearing on November 20, 2013, and on December 4, 2013 to consider the adoption of the Coastal Commission's suggested modifications; and

WHEREAS, the City Council of the City of Imperial Beach hereby finds and certifies that the proposed Commercial Zoning Amendment IMB-MAJ #2-12 as modified by the California

Coastal Commission at its hearing on October 10, 2013 would remain consistent with the California Coastal Act, pursuant to Public Resources Code Section 30510(a) and Title 14 of the California Code of Regulations section 13551; and

WHEREAS, in compliance with Section 15090 of the California Environmental Quality Act (CEQA) Guidelines, a Program Environmental Impact Report (PEIR) was certified on August 1, 2013 for this project (SCH # 2011041048) prior to its approval in accordance with the requirements of CEQA, and

WHEREAS, the City Council finds that the certified PEIR remains adequate in addressing any environmental issues with regard to the modifications stipulated by the Coastal Commission; and

WHEREAS, the City Council of the City of Imperial Beach hereby finds and certifies that the proposed Commercial LCP Amendment IMB-MAJ #2-12 as modified by the California Coastal Commission at its hearing on October 10, 2013 would remain internally consistent with the other elements of the General Plan/ Local Coastal Plan pursuant to Government Code Section 65300.5; and

WHEREAS, the City Council of the City of Imperial Beach hereby finds and certifies that the proposed Ordinance No. 2013-1140 (IMB-MAJ #2)-12 that implements the modifications stipulated by the California Coastal Commission at its hearing on October 10, 2013 would remain externally consistent pursuant to Government Code Section 65860.

NOW, THEREFORE, BE IT RESOLVED, that:

Section 1: the City of Imperial Beach formally acknowledges receipt of the Commission's resolution of certification along with its suggested modifications; and

Section 2: Attachment 3 of Resolution No. 2012-7236 is hereby modified in compliance with the Coastal Commission certification order as follows:

Introduction

[Land Use Element]

- ✓ Reducing the highest density apartment/condominium areas from a maximum density of one unit per 1,000 square feet of lot area to one unit per 1,500 square feet of lot area except where specified development incentives are offered.

[Circulation Element]

[C-22 Parking]

i. Shared Public/Private Parking

Where feasible, public use of private parking facilities currently underutilized on weekends and holidays (i.e., serving office buildings) shall be permitted in all commercial zones located within ¼ mile of the beach.

j. Balanced Development

All new commercial and higher density residential development shall be located and designed to facilitate provision or extension of transit service to the development to the extent feasible. Residential, commercial, and recreational uses should be located in relationship to each other so as to encourage walking, bicycling, and transit ridership. Major employment, retail, and entertainment districts and major coastal recreational areas should be well served by public transit and easily accessible to pedestrians and bicyclists.

k. Employer Support of Transit

The City shall actively encourage convenient alternatives to automobile use throughout the Commercial Districts by requiring employers to provide incentives for alternative transit use such as providing employee transit passes or subsidies, ridesharing programs, preferred parking for carpooling and on-site shower facilities.

[Land Use Element, Table L-2 (Page L-8): Land Use Designations and Specifications]

C/MU-1 General Commercial and Mixed-Use (4 stories)

The General Commercial and Mixed-Use land use designation provides for commercial development, mixed-use development, multiple-family dwellings, and businesses 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 the C/MU-1 designation will be community- and neighborhood-serving retail and office uses. Multi-family Residential uses may be permitted at a maximum density of 1 unit per every 1,000 sq. feet of land, per the City of Imperial Beach Zoning Ordinance. For all buildings with frontage along Palm Avenue between 7th Street and Florida Street, including those with multiple-family dwelling units, "active commercial uses" are required to be provided at a minimum of sixty percent of each building's ground floor square footage with direct pedestrian access from the Palm Avenue sidewalk or a plaza. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other nonactive commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.

C/MU-2 Seacoast Commercial and Mixed-Use (3 stories, except for hotels, where 4 stories may be permitted by specific plan)

The C/MU-2 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 by 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, and hotels and motels. To promote a more pedestrian-oriented community character, as well as to reduce the high volume of vehicle trips attracted by drive-through establishments, drive-through services for restaurants, banks, dry cleaners, and other similar auto-related business establishments shall be prohibited in this zone. Per the City of Imperial Beach Zoning Ordinance, multi-family residential uses shall be permitted at a maximum density of 1 unit per every 1,500 gross sq. ft. of lot area; if located on the east side of Seacoast Drive or on Palm Avenue, east of Seacoast Drive, multi-family residential uses may be increased to a maximum density of 1 unit per every 1,210 gross sq. ft. of lot area, subject to the compliance with specified development incentives and the approval of a conditional use permit. Additionally, the Seacoast Mixed Use/Residential Overlay was established to provide for the future expansion of commercial uses allowed in the C/MU-2 designation while preserving opportunities for the

continuation of single-family residential uses within the overlay area. Mixed-use and multi-family residences are permitted in the C/MU-2 area, as well as in the Seacoast Mixed Use/Residential Overlay Zone.

Seacoast Mixed Use/Residential Overlay

The purpose of the Seacoast Mixed Use/Residential Overlay land use designation is to provide for preserving opportunities for the continuation of single-family residential uses, in the area bounded by Ocean Boulevard (the beach) to the west, Ocean Lane on the east, Imperial Beach Boulevard on the south, and Palm Avenue on the north. In this area, single-family land uses shall be permitted, in addition to all uses permitted within the C/MU-2 designation.

[Land Use Element] (Page L-9)

Policy L-4e Seacoast Commercial and Mixed-Use (C-MU-2)

The Seacoast Area shall serve as a commercial and mixed-use visitor-serving, pedestrian-oriented commercial area. Existing residential uses shall be slowly transitioned to new visitor serving commercial uses. To ensure that the existing character is maintained and enhanced, the zoning for this area shall incorporate standards for setbacks and stepbacks, and encourage pedestrian activity through the design and location of building frontages and parking provisions. For all buildings with frontage along Seacoast Drive, including those with multiple-family dwelling units, "active commercial uses" are required to be provided at a minimum sixty percent of each building's ground floor square footage and have direct pedestrian access from the Seacoast Drive sidewalk or a plaza. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other nonactive commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking. Per the City of Imperial Beach Zoning Ordinance, timeshares shall require approval of a conditional use permit and shall be prohibited on the first 1st floor, unless 25% are reserved for overnight accommodation.

SECTION 3: That this resolution shall only become effective upon the date the Coastal Commission concurs with the Executive Director's report of the City's acceptance of the suggested modifications and that the City Council's actions were legally adequate to satisfy the requirements of the Commission's certification order.

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

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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 20th day of November, 2013, by the following roll call vote:

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

James C. Janney

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD, MMC
CITY CLERK

APPROVED AS TO FORM:

Jennifer M. Lyon

JENNIFER M. LYON
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2013-7410 A Resolution of the City of Imperial Beach, AMENDING ATTACHMENT 3 OF RESOLUTION NO. 2012-7236 THAT APPROVED IMPERIAL BEACH COMMERCIAL GENERAL PLAN/ LOCAL COASTAL PROGRAM AMENDMENT (GPA/ LCPA) 100057, AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2011041048) AND CERTIFYING THAT PROPOSED MODIFICATIONS TO THE COMMERCIAL LCP AMENDMENT STIPULATED BY THE COASTAL COMMISSION IS CONSISTENT WITH THE COASTAL ACT. MF 935

CITY CLERK

DATE

ORDINANCE NO. 2013-1140

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING ATTACHMENT 2 OF ORDINANCE NO. 2012-1130 THAT AMENDED TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING THE PROVISIONS FOR THE C-1, C-2, AND C-3 COMMERCIAL ZONES AND AMENDING THE ZONING MAP FOR PROPERTIES DESIGNATED C-1 (GENERAL COMMERCIAL) IN THE PALM AVENUE STUDY AREA, C-2 (SEACOAST COMMERCIAL) IN THE OLD PALM AVENUE AND SEACOAST DRIVE STUDY AREAS, AND C-3 (NEIGHBORHOOD COMMERCIAL) IN THE 13TH STREET CORRIDOR STUDY AREAS AND AREAS ZONED R-1500 (HIGH DENSITY RESIDENTIAL) THAT WERE SUBJECT TO THE MU-1 (MIXED USE-1) OVERLAY DESIGNATION IN THE PALM AVENUE STUDY AREA AND THE MU-2 (MIXED USE-2) OVERLAY DESIGNATION IN THE SEACOAST DRIVE STUDY AREA TO SATISFY THE MODIFICATIONS STIPULATED BY THE COASTAL COMMISSION . MF 935.

WHEREAS, on August 15, 2012, the City Council of the City of Imperial Beach adopted Ordinance No. 2012-1130 (Zoning Code Amendment (ZCA) 100057) that amended the Zoning Ordinance and Zoning Map for properties designated C-1 (General Commercial) in the Palm Avenue study area, C-2 (Seacoast Commercial) in the Old Palm Avenue and Seacoast Drive study areas, and C-3 (Neighborhood Commercial) in the 13th Street Corridor study areas; and areas zoned R-1500 (High Density Residential) that were subject to the MU-1 (Mixed Use-1) overlay designation in the Palm Avenue study area and the MU-2 (Mixed Use-2) overlay designation in the Seacoast Drive study area; and

WHEREAS, the California Coastal Commission at its hearing on October 10, 2013 provisionally certified the LCP Land Use Plan (LUP) and Implementation Plan (IP) Amendment IMB-MAJ #2-12 subject to modifications as provided herein; and

WHEREAS, the City Council held duly noticed public hearings on November 20, 2013, and on December 4, 2013 to consider the adoption of the Coastal Commission's suggested modifications; and

WHEREAS, the City Council found the Commercial Zone changes to be consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and found the amendment, therefore, to be externally consistent with the General Plan/ Local Coastal Plan pursuant to Government Code Section 65860 and the City Council finds the modifications to the Commercial Zone changes stipulated by the Coastal Commission to also be consistent with the General Plan/ Local Coastal Plan; and

WHEREAS, the City Council found that the Commercial Zoning Amendment promoted the local and regional goals for a walkable community, implemented SANDAG's Smart Growth policy to take advantage of existing infrastructure, reduce sprawl, provide for a more pedestrian environment, and eventually reduce greenhouse gases (GHG) to better adapt to if not mitigate the effects of global warming.; and

WHEREAS, in compliance with Section 15090 of the California Environmental Quality Act (CEQA) Guidelines, a Program Environmental Impact Report (PEIR) was certified on

August 1, 2013 for this project (SCH # 2011041048) prior to its approval in accordance with the requirements of CEQA, and

WHEREAS, the City Council finds that the certified PEIR remains adequate to address any environmental issues with regard to the modifications stipulated by the Coastal Commission.

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

SECTION 1: That the zoning amendments as provided in Attachment 2 of Ordinance No. 2012-1130 are hereby modified as follows:

[Proposed New and Amended Definitions]

19.04.400. Height, Measurement of

Height shall be measured from the average level of the highest and lowest point of that portion of the building site (at existing grade) covered by the building or structure to the highest point of the building or structure.

Active Commercial Uses

"Active commercial uses" mean commercial uses that are oriented along the street wall facing the main street at ground level. Active commercial uses ~~should~~ shall be accessible to the general public, generate walk-in pedestrian clientele, ~~and~~ or contribute to a high level of pedestrian activity. Property entrances will be oriented to the street, which will facilitate sidewalk traffic and active streets. Uses that generate pedestrian activity include retail shops, grocery stores, restaurants, bars, theaters and the performing arts, personal convenience services, hotels, banks, travel agencies, child care services, libraries, museums and galleries, and commercial recreation and entertainment.

Open Space, Public Common

"Public Common open space" means those usable outdoor spaces commonly accessible to all residents and users of the building for the purpose of passive or active recreation.

[Chapter 19.23 COMMERCIAL/MIXED-USE USE REGULATIONS]

| Commercial Uses | C/MU-1 | C/MU-2 | C/MU-3 | Notes |
|------------------------|---------------------------|---------------------------|--------|--|
| Liquor store | P [C] <u>C</u> | P [C] <u>C</u> | N | See definition |
| Hostel | N <u>C</u> | C | N | See definition |
| Single-family detached | N | N*[P] | N | *Only permitted in Seacoast <u>Mixed-Use/</u> Residential Overlay Zone |
| Campsites | N <u>C</u> | N | N | See definition |

[Chapter 19.26. C/MU-1 GENERAL COMMERCIAL AND MIXED-USE ZONE]

19.26.020. Permitted uses.

A. Specified commercial, residential, light industrial, public and semi-public, green building utilities, and open space and recreation uses allowed in the C/MU-1 zone are listed in

Chapter 19.23, including those requiring a conditional use permit, and shall also comply with the following land use regulations:

1. For all buildings with frontage along Palm Avenue between 7th Street and Florida Street, including those with multiple-family dwelling units, "active commercial uses" as defined in Chapter 19.05 are required to be provided at a minimum of sixty percent of each building's ground floor square footage, have direct pedestrian access from the Palm Avenue sidewalk or a plaza, and have a minimum building depth of twenty-five feet. ~~Exceptions would require approval of a conditional use permit. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.~~

[Chapter 19.27. C/MU-2 SEACOAST COMMERCIAL AND MIXED-USE ZONE]

19.27.010. Purpose of zone.

The purpose of the C/MU-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/MU-2 zone will be visitor-serving retail such as specialty stores, surf shops, restaurants, and hotels and motels. ~~Additionally, the Seacoast Residential Overlay Zone has been established to preserve opportunities for single-family residences within the overlay area.~~ Mixed-use and multiple family residences are also permitted in the C/MU-2 zone and in the Seacoast Mixed Use/Residential Overlay Zone. The development standards of the C/MU-2 zone encourage pedestrian activity through the design and location of building frontages and parking provisions.

19.27.020. Permitted uses.

A. Specified commercial, residential, light industrial, public and semi-public, green building utilities, and open space and recreation uses allowed in the C/MU-2 zone are listed in Chapter 19.23, including those requiring a conditional use permit, and shall also comply with the following land use regulations:

1. For all buildings with frontage along Seacoast Drive, including those with multiple-family dwelling units, "active commercial uses" as defined in Chapter 19.04 are required to be provided at a minimum sixty percent of each building's ground floor square footage and have direct pedestrian access from the Seacoast Drive sidewalk or a plaza. ~~Exceptions would require approval of a conditional use permit. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.~~

[...]

5. Multiple-family residential dwelling units are permitted at a maximum density of one unit per every one thousand five hundred gross square feet of lot area; or if located on ~~Palm Avenue~~ and the east side of Seacoast Drive or Palm Avenue, east of Seacoast Drive, residential dwelling units may be increased to a maximum density of one dwelling unit for each one thousand two hundred and ten gross square feet of lot area with approval of a conditional use permit by the City Council that demonstrates compliance with two or more of the following development incentives:

- a. Project sites that are consolidated to a final size greater than twenty thousand square feet;
- b. Entire project achieves Leadership in Energy and Environmental Design (LEED) Green Building Rating System certification, a comparable green building certification, or can demonstrate the ability to achieve certification;
- c. Entire project provides a minimum of seventy-five percent "active commercial uses" on the ground floor;
- d. At least twenty-five percent of proposed residential units must be three-bedroom units;
- e. Provide an additional one hundred square feet of public common open space or plaza space with minimum dimensions of six feet by ten feet;
- f. Dedicate a minimum of one foot of private property frontage to public use (creates a one-foot front setback dedicated to public use);
- g. Floors above first floor provide additional setback of five feet beyond required setback.

[19.27.040. Yards]

B. For properties within the Seacoast Mixed Use/Residential Overlay Zone, the setbacks shall be as required in Section 19.27.140(B); and, [...]

[19.27.070. Building Height.]

A. No building in the C/MU-2 (Seacoast Commercial) Zone shall exceed three stories or thirty feet in height, whichever is less, except as follows:

1. [...]
2. Properties east of Seacoast Drive shall have a height limit not to exceed three stories and thirty-five feet with approval of a conditional use permit that demonstrates compliance with the following:
 - a. Side yard setbacks and/or setbacks have been incorporated into the project to protect street-end public views towards the ocean;
 - b. Two or more of the development incentives listed in Section 19.27.020(A)(5), and [...]

19.27.140. Seacoast Commercial Mixed-Use/Residential Overlay 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 the Seacoast Mixed-Use Residential Overlay Zone. The purpose of this overlay zone is to preserve opportunities for continuation of single-family residential uses in this area this transition zone is to allow for the gradual commercial expansion in an area which is generally used for residential purposes while preserving opportunities for the continuation of single-family residential uses.

- A. The following uses shall be permitted in the Seacoast Mixed-Use/Residential Overlay Zone:
1. Single-family residential;
 2. Short-term rentals as defined in Section 19.040.692 of this code; and
 3. Any use listed in Chapter 19.27.020 as a permitted use in the C/MU-2 zone is a permitted use in the Seacoast Residential Overlay Zone.

19.48.035. Required spaces for Mixed-Use Projects in the C/MU-1, C/MU-2, and C/MU-3 zones.

19.48.050. Required spaces —for Stand-Alone Commercial and other uses.

[DESIGN GUIDELINES

Section 5.0 Ground Floor Uses and Street Level Design]

- ☐ 5.6 Public views towards the ocean from public vantages shall be protected and preserved through the use of setbacks and setbacks.

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.

SECTION 2: That this ordinance shall only become effective upon the date the Coastal Commission concurs with the Executive Director's report of the City's acceptance of the suggested modifications and that the City Council's actions were legally adequate to satisfy the requirements of the Commission's certification order.

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

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

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 20th day of November, 2013; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 4th day of December, 2013, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON
CITY ATTORNEY

