

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



# TH17b

Click here to go to  
original staff report

## Addendum

December 10, 2013

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item 17b**, Coastal Commission Revised Findings **LCPA No. IMB-MAJ-2-12 (Commercial Mixed Use)** for the Commission Meeting of December 12, 2013

---

Staff recommends the following changes be made to the above-referenced staff report. Underlining indicates new additions to the document:

1. On the top of Page 2, after the first paragraph, the following new paragraph shall be inserted:

Since distribution of the staff report, the City of Imperial Beach submitted a letter on December 4, 2013 and an unofficial transcript of the October 10, 2013 Commission hearing on the subject item (see attached). The City is requesting that changes be made to the findings to specify that the Commission found that the City's existing Bernardo Shores RV Park does not constitute a lower-cost, overnight, visitor-serving or recreational facility. Based on Commission staff's review of the record, staff does not believe this determination was made as part of the Commission's action on the subject LCPA, but rather, that such a determination would be made at the time a permit application was made to the Commission and/or the City. Therefore, staff is not recommending that the City's changes be incorporated into the findings.



# City of Imperial Beach, California

COMMUNITY DEVELOPMENT DEPARTMENT

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 628-1356 Fax: (619) 424-4093

December 3, 2013

Th17b

Mary K. Shallenberger, Chair  
Members of the Commission  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

**SUBJECT: CITY OF IMPERIAL BEACH LCP AMENDMENT NO. IMB-MAJ-2-12  
CITY'S REQUESTED CORRECTIONS TO REVISED FINDINGS**

Dear Chair Shallenberger and Honorable Commissioners:

On December 12, 2013, the Coastal Commission (the "Commission") will be asked to consider the adoption of Revised Findings to support its decision of October 10, 2013 approving the City of Imperial Beach (the "City") Local Coastal Program amendment #IMB-MAJ-2-12. The City has reviewed the Revised Findings and believes that key changes suggested by Commission staff (the "Staff") to the original findings do not accurately reflect the intent of the Commission at the time it approved the LCP amendment. For your convenience, we have attached a transcript of the entire Commission discussion and actions taken following the close of the public hearing, excerpts of which are included below.

Specifically, the City respectfully requests that the Commission make the following changes to the paragraph at bottom of page 30 and top of page 31 of the Revised Findings as follows:

"The Commission considered suggesting modifications that would have specifically required that if public recreation or lower-cost commercial recreational development, including RV parks, were removed, they would have to be replaced or a mitigation fee provided to offset the loss of ~~the a~~ high-priority use. ~~However,~~ The City's existing LUP includes the language of Section 30213 of the Coastal Act, in Policy L-9, which states: 'Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.' Thus, these uses are provided protection under the existing LUP, and thus, no further suggested modifications are necessary. However, the Commission found that the City's existing Bernardo Shores Adult RV Park does not constitute a lower cost overnight visitor and recreation facility within the meaning of Section 30213, modifying Suggested Modification #3 and as to that RV Park, it deleted Suggested Modification #7 and any mitigation payment for future replacement of the use. At such time when a project is proposed in the City that would impact the City's existing RV Park, the project must be reviewed to

*Letter From  
City*

Mary K. Shallenberger, Chair  
California Coastal Commission  
December 3, 2103

~~determine if the use provides lower cost visitor and recreational facilities, and if it is consistent with this policy, including any necessary and appropriate mitigation for replacement of the use if removal of lower cost visitor and recreational facilities is proposed."~~

The reason for the City's request is as follows:

In approving the City's Local Coastal Program (LCP) Amendment, the Commission rejected Suggested Modifications #3 and #7, which, as *originally* recommended by Staff, would have required retention of the Bernardo Shores Adult RV Park as an "existing high priority use" and the replacement of which would have required a mitigation payment to provide significant funding for establishment of lower cost overnight visitor accommodations in the City or in the South Bay area for each unit removed on a 1:1 basis.

On pages 30 and 31 of Staff's suggested Revised Findings, Staff appears to believe that, in deleting those requirements, the Commission did nothing more than put off the use and mitigation issues relating to Bernardo Shores Adult RV Park to the coastal development permit (CDP) phase. The transcript, however, demonstrates that clearly was not the case. In rendering their decision, the Commission understood and supported the position that the Bernardo Shores Adult RV Park is not a traditional RV park, does not constitute a lower cost overnight visitor and recreation facility within the meaning of Section 30213 of the Coastal Act, and in deleting Suggested Modification #7, the Commission did not intend to protect Bernardo Shores or require any mitigation payment for future replacement of that specific use.

### **Background**

In responding to the Staff Report for the October 10, 2013 hearing, the City specifically objected to Staff's proposed Suggested Modifications #s 3 and 7, explaining that the suggested modifications:

"... seek to protect a non-conforming land use (Bernardo Shores Adult RV Park) which, as previously determined by Commission staff during review of the nearly complete Pier South Hotel (Seacoast Inn Appeal No. A-6-IMB-07-131) **"specializes in long-term non-transient stays"** and, therefore, is not a lower-cost overnight visitor accommodation and provides very little economic or visitor-serving benefit to the City, its residents and tourists. As drafted, in fact, these modifications would actually hinder economic development within the City's General Commercial (not visitor-serving) District by effectively precluding the development of this property for any other purpose than what currently exists – a non-conforming 'Adult RV Park' that, less than 2% of the time, provides overnight visitor accommodations while contributing very little to the economic wellbeing of the City and its tourist industry. Requiring a mitigation payment as recommended under Suggested Modification #7 of \$30,000 per unit for the replacement of such a use would only serve to discourage the development of this



site for a use more beneficial to our City, its residents, visitors and tourists.”<sup>1</sup>  
(10/7/13 Letter from the City to Chair Shallenberger, page 1; bold in original.)

During the meeting on October 10, 2013, the City specifically asked that the Commission reject language in the Suggested Modifications as to the Bernardo Shores Adult RV Park because it:

- “a. Does not support/provide overnight visitor accommodations;
- b. Does not pay transient occupancy tax (TOT) to the City;
- c. Provides no recreational amenities, showers, restrooms, camping, or tents;
- d. Advertises itself as an “Adult RV Park” and discourages families and large groups;
- e. Is not located on the coast; and
- f. Provides no direct coastal or bay access.” (*Id.*, page 2.)

The City also requested that the Commission “reject the establishment of a mitigation payment for the removal of Bernardo Shores as it does not operate as a high priority use under the Coastal Act.” (*Id.*)

As discussed further below, the Commission agreed and struck the language in Suggested Modifications #3 and #7 relating to the Bernardo Shores Adult RV Park and corresponding language in Suggested Modification #10. (See pages 13 and 15 of the Revised Findings.)

#### **Commissioner Discussion and Commission Action**

Following the close of the public hearing, Commissioner Cox made the initial motion to certify the LUP Amendment and requested a “no” vote since Staff recommended suggested modifications. (Transcript, Page 2, lines 10-16.) Speaking to his motion, Commissioner Cox specifically addressed the issues raised by the City’s objections to Suggested Modifications #3 and #7 and clearly agreed with the City concluding his comments by stating:

“... I am not at all convinced that there is a need to... consider this a lower cost overnight accommodation.” (Transcript: Page 4, lines 16-25, and page 5, lines 1-13.)

After the Commission voted to deny the LUP Amendment, Commissioner Cox then moved to delete Suggested Modifications #3 and #7, and recommended a “yes” vote. Commissioner Kinsey seconded the motion. (Transcript: Page 8, lines 21-25, and page 9, line 1.) Speaking to the motion, Commissioner Cox again stated:

“... in regards to the lower cost visitor recreation facilities, I think I’ve covered that, I just don’t... think that’s a legitimate need based on what I’ve seen, and I

---

<sup>1</sup> In approving the Seacoast Inn hotel, the Commission specifically found: “... there is one RV park in the City, although it specializes in long-term, not transient stays.” (A-6-IMB-07-13 (Pacifica Companies), page 30.)



don't think it's something that should be imposed on [Imperial Beach]."  
(Transcript: Page 9, lines 5-14 and 25, and page 10, lines 1-8.)

Commission Zimmer then questioned whether the Suggested Modifications could be modified with language that would allow the Commission or the City to determine through the CDP process (i.e., on a case by case basis) how such a use should be classified and what level of mitigation fee would be feasible. (Transcript: Page 16, lines 6-11.) To that, Dr. Lester replied that existing language in the LCP requires basic protection of lower cost visitor accommodations if "... it's concluded that [Bernardo Shores] is a lower cost visitor-serving [use]." (Transcript: Page 16, lines 14-24.)

In response to Dr. Lester's comments, Commissioner Zimmer then stated that that "... would be an adjustment I would seek in supporting the motion" before asking for Commissioner Cox and other Commissioners to comment on her suggestion (Transcript: Page 16, line 25, and page 17, line 1). Responding to Commissioner Zimmer's suggestion, Commissioner Cox again restated his position that, based upon the information provided, Bernardo Shores Adult RV Park does not operate as a lower cost visitor accommodation and should not be subject to a lower cost visitor accommodation mitigation fee. (Transcript: Page 18, lines 5-25, and page 19, lines 1-9.)

Commissioner Mitchell then supported the motion made by Commissioner Cox and stated that it was "the right direction" and, though stating that he appreciated what Staff was trying to do, he further stated that "it doesn't make sense for Imperial Beach." (Transcript: Page 20, lines 1-5.)

Commissioner Garcia also supported the motion made by Commissioner Cox adding that "... the RV Park does not seem like a traditional serving RV park." (Transcript: Page 20, lines 8-13.)

Finally, Chair Shallenberger appeared to understand the finality of the action before the Commission and explained as her reason for voting against the amendment: "I just think that there's not enough low income recreation on our coast, and... as a principle... I just hate giving it up, once it's gone, it's gone. We never seem to roll back from more expensive recreation in public-serving facilities back to affordable ones, and I do think that as we give it up, there ought to be a clear mitigation for it." (Transcript: page 22, lines 17-25.) Commissioner Zimmer also clearly understood that the amendment did not include the "adjustment" she suggested in order for her to support the motion, ultimately voting "no" to the amendment proposed by Commissioner Cox given that there was no further "adjustment" to Commissioner Cox's amending motion.

The amendment, as presented by Commissioner Cox and clarified by the City, passed 9 to 2, with Chair Shallenberger and Commission Zimmer voting "no." (Transcript: Page 23, lines 1-25, and page 24, lines 1-17.) The Commission then unanimously approved the LUP Amendment, with the suggested modifications as amended. (Transcript: Page 24, lines 17-23.)

Commissioner Cox then moved and the Commission unanimously rejected the Implementation Plan as submitted. (Transcript: Page 28, lines 11-25 and page 29, lines 1-5.) That was followed by a motion to certify the Implementation Plan if modified as suggested by Staff, but with

Mary K. Shallenberger, Chair  
California Coastal Commission  
December 3, 2103

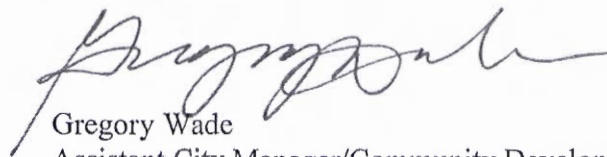
deletion of that part of Suggested Modification #10 corresponding to the action already taken on Suggested Modification #3 (Transcript: Page 29, lines 13-19 and 24-25, and page 30, line 1-11). This motion was then unanimously approved by the Commission. (Transcript, Page 31, lines 13-22.)

**Conclusion**

For the foregoing reasons, the City respectfully requests that the Revised Findings be modified specifically as set forth on Page 1 above.

Thank you for your consideration of our request.

Sincerely,



Gregory Wade  
Assistant City Manager/Community Development Director

Cc: Members of the California Coastal Commission  
Sherilyn Sarb, Deputy Director, California Coastal Commission  
Diana Lilly, Coastal Program Analyst, California Coastal Commission  
Mayor and City Council Members of the City of Imperial Beach





TH 17b

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CALIFORNIA COASTAL COMMISSION

OCTOBER 10, 2013

CROWNE PLAZA - SAN DIEGO  
2270 HOTEL CIRCLE NORTH  
SAN DIEGO, CALIFORNIA 92108

TRANSCRIPT OF PROCEEDINGS

(EXCERPT ONLY)

ITEM 25(E)

CITY OF IMPERIAL BEACH LCP  
AMENDMENT NO. IMB-MAJ-2-12

COMMERCIAL MIXED USES

(TIMESTAMP 6:06-7:20)

ROUGH DRAFT ONLY

UNOficio L<sup>1</sup>  
TRANSCRIPT

31

1 CHAIR SHALLENBERGER: All right. Thank  
2 you. We'll come back to the Commission.  
3 Commissioner Cox.

4 COMMISSIONER COX: Thank you, Madam Chair.  
5 As I understand it, we need to take actions, first  
6 on the land use portion of this, and then the  
7 implementation.

8 CHAIR SHALLENBERGER: That's correct.  
9 That's your motion, yeah.

10 COMMISSIONER COX: Then I would make a  
11 move -- I would move that the Commission certify the  
12 land use plan amendment 2-12 as submitted by the  
13 City of Imperial Beach, and I would ask for a "no"  
14 vote, and I would ask to have an opportunity to  
15 follow up with another motion after we deal with  
16 that issue.

17 COMMISSIONER KINSEY: Second.

18 CHAIR SHALLENBERGER: All right. It's been  
19 moved by Commissioner Cox, seconded by Commissioner  
20 Kinsey. Would you like to speak to your motion?

21 COMMISSIONER COX: Yeah, I obviously am  
22 very familiar with the city of Imperial Beach. It's  
23 in my district, and if you promise not to tell my  
24 wife it's really my -- well, let me just say it's  
25 one of my favorite cities.

1           And, you know, it's -- to me it's the  
2 little city that -- that can. They just have had  
3 horrendous issues to deal with over the years,  
4 certainly, you know, a little bit further to the  
5 south in the Tijuana River Valley it, the problem  
6 with the renegade sewage coming across the border  
7 has been an impediment to their taking advantage of  
8 all the opportunities I think they have, although  
9 that's been largely addressed over the years, but  
10 they still, as was pointed out, it's still a -- a  
11 low sales tax city. They have a, basically a  
12 working class community that's very hard working and  
13 obviously is aspiring to do improvements in their  
14 city, and I think they've done some remarkable  
15 things.

16           The -- the concern I have is that I think,  
17 and it will get, maybe after we deal with this  
18 motion, I'll get into a couple of modifications that  
19 I'd like to see. The concern I have is that I think  
20 that they are a city at this point that is well  
21 served by the existing commercial zoning that they  
22 have in the city.

23           In fact, the project speaker that came up  
24 to talk about the Sudbury Project, which is a little  
25 bit further to the east of this site, about a 46,000



1 square foot commercial development that is moving  
2 forward, but it's only moving forward because the  
3 City of Imperial Beach invested about \$17 million in  
4 redevelopment funds before they had those funds shut  
5 off.

6           If it wasn't for that, I'm not sure that  
7 that -- that 46,000 square feet of commercial space  
8 would be moving forward at all. And keep in mind  
9 based on their own studies, the entire city, total  
10 buildout is only going to need 160,00 square feet,  
11 which frankly is pretty well covered with the  
12 existing commercial development, so I think there's  
13 a real question in my mind whether there's a need to  
14 impose the commercial zoning on the portion of the  
15 area around Bernardo Shores.

16           The other issue obviously that we'll have  
17 to deal with once we get done with this first motion  
18 is in regards to the Bernardo Shores and whether  
19 that in fact is lower cost overnight accommodations.  
20 And I think as has been represented, when Pier South  
21 was being discussed, that there was a discounting of  
22 that by the Commission staff as far as being a lower  
23 cost overnight accommodation.

24           I think it's been well represented, and I  
25 mean, I've -- I've driven through that Bernardo

1 Shores RV Park before, and, you know, you normally  
2 don't find mailboxes and storage sheds and  
3 indications of permanency that is there. I think  
4 most of the people that are utilizing Bernardo  
5 Shores are people that are basically renting spaces  
6 on an annual basis, and a lot of them live in  
7 Arizona and come over during the -- the summer and  
8 periodically other times of the year to take  
9 advantage of their -- their motor homes and the  
10 other fixtures that they -- they have there.

11           So I am not at all convinced that there is  
12 a need to -- to consider this a lower cost overnight  
13 accommodation. I don't think there is any city in  
14 San Diego County that has been doing more to promote  
15 eco-tourism, certainly they have had a project that  
16 has been approved by this Commission not that long  
17 ago, Bikeway Village, that they're actively working  
18 to put in a hostel, and as was represented by one of  
19 the representatives from the City, there is  
20 certainly an abundance, in my opinion right now, of  
21 lower cost overnight accommodations at Silver Strand  
22 with 132 spaces, existing Chula Vista RV Park, which  
23 has 236 and will probably be moving as a part of the  
24 Chula Vista Bayfront plan, but there was a  
25 requirement to have a second RV Park in Chula Vista

1 as a part of that approval. So I -- and that's not  
2 even counting the Navy, which obviously has somewhat  
3 restricted usage.

4 But I think there is an adequate  
5 representation of lower cost overnight  
6 accommodations in the south county area, and I think  
7 I'm -- I'm persuaded at least in regards to the City  
8 of Imperial Beach's plea to have that condition  
9 removed and would like a followup on that at the  
10 appropriate time. Thank you.

11 CHAIR SHALLENBERGER: Commissioner Kinsey,  
12 to your second.

13 COMMISSIONER KINSEY: Yeah, this is  
14 really, this part of the action is straightforward  
15 to get us into where we need to go to approve the  
16 LUP. Unlike Commissioner Garcia, I haven't been to  
17 every ComCon; unlike Commissioner Vargas I haven't  
18 taken my dates on Commission practices where we go  
19 and research our projects, but I have for the last  
20 30 years dated an IB girl. How about that? So I, I  
21 have a soft spot in my heart as well for this  
22 community, and since we're all getting personal  
23 about our Commission work I guess I should share  
24 that.

25 But the bottom line is I do -- I am



1 sympathetic to the concerns of the -- of the  
2 community as I represented here, I want us to come  
3 up with a Coastal Act compliant action, and I think  
4 that there may be some room for conversation, and  
5 particularly on the Bernardo Shores piece, I think  
6 it is telling that there are other RV parks that  
7 are not that full.

8 I didn't appreciate you letting folks know  
9 that Seacoast Village is so affordable right across  
10 the street from the beach so that I could continue  
11 to use it when I go down. But -- but I do think  
12 that we need to understand the economic and the  
13 social context of this town as we implement the  
14 Coastal Act, and -- and we can talk more about that  
15 as we go. Thank you.

16 CHAIR SHALLENBERGER: Commissioner Zimmer,  
17 would you like to speak now or -- yes. Commissioner  
18 Zimmer.

19 COMMISSIONER ZIMMER: Um, well, I can wait.

20 CHAIR SHALLENBERGER: All right. Is there  
21 any unwillingness -- the maker and the seconder are  
22 asking for a "no" vote on this. The failure of this  
23 motion would result in denial of the amendment as  
24 submitted, and adoption of findings and resolution  
25 set forth in the staff report.

1           Is there any unwillingness for unanimous  
2 "no" vote on this? Seeing none, the Commission  
3 hereby denies the certification of the land use  
4 amendment as submitted by the City of Imperial Beach  
5 and adopts the findings set forth in the staff  
6 report.

7           Commissioner Cox.

8           COMMISSIONER COX: Thank you, Madam Chair.  
9 I move that the Commission certify the land use plan  
10 amendment No. 2-12 for the City of Imperial Beach,  
11 if it is modified as suggested in the staff report,  
12 If I receive a second I'd like to offer an amending  
13 motion.

14          CHAIR SHALLENBERGER: And I believe you're  
15 asking for a "yes" vote.

16          COMMISSIONER COX: Yes.

17          COMMISSIONER KINSEY: Second.

18          CHAIR SHALLENBERGER: Move by Commissioner  
19 Cox, seconded by Commissioner Kinsey. Would you  
20 like to speak to your motion.

21          COMMISSIONER COX: Yes, I would move that  
22 the commission delete suggested modifications 3 and  
23 7, and I would recommend the "yes" vote.

24          CHAIR SHALLENBERGER: Um, Commissioner  
25 Kinsey, are you -- is there a second to this motion?

1 COMMISSIONER MCCLURE: Second.

2 CHAIR SHALLENBERGER: Move by Commissioner  
3 Cox, seconded by Commissioner McClure. Would you  
4 like to speak to your motion?

5 COMMISSIONER COX: Well, I -- I think I've  
6 covered the points I wanted to cover. I think  
7 the -- the commercial part of the requirement  
8 particularly around Bernardo Shores, I think is not  
9 something that needs to be imposed on the City of  
10 Imperial Beach. I think that bottom line is I think  
11 they've done their -- their marketing studies, I  
12 think they've done a good job of determining the  
13 needs of the community over the years for  
14 commercial, and frankly, this -- this is kind of, I  
15 don't know whether it's the end of the city or the  
16 beginning of the city. I guess it depends on which  
17 way you're coming from.

18 But, in either -- either direction it's  
19 really probably the most disadvantageous place to  
20 stop, because if you're coming into the city from  
21 the north, from Coronado, you're going to be on the  
22 wrong side of the street, and if you're leaving  
23 Imperial Beach to go to Coronado, you're probably  
24 headed to Coronado to do something.

25 So I think that because of that, I just



1 don't think there's a need to deal with the  
2 commercial on that part of -- of the plan, and of  
3 course -- why can't I think the -- the comments in  
4 regards to the lower cost visitor recreation  
5 facilities, I think I've covered that, I just  
6 don't -- I don't think that's a legitimate need  
7 based on what I've seen, and I don't think it's  
8 something that should be imposed on it.

9           I do think, and maybe there's an  
10 opportunity to raise this question, the City of  
11 Imperial Beach has talked about the success they've  
12 had on Seacoast Drive and having single family homes  
13 being made available for overnight accommodations.  
14 I'm just wondering, and I don't know whether this is  
15 a question to our legal staff, or whether this is a  
16 question to the City of Imperial Beach, but is there  
17 a way that within, assuming that these units that  
18 would replace Bernardo Shores would be condominiums?

19           Is there a way that you could have -- or  
20 even apartments -- CC&R's that would specify that  
21 there is an allowance for overnight usage so it  
22 doesn't become an issue later where residents in the  
23 complex are saying, well, they never knew that there  
24 was an ability or, you know, they were opposed to  
25 their neighbors doing overnight accommodations.

1               COMMISSIONER SCHMELTZER: I think it's my  
2 understanding from the planning staff here that  
3 vacation rentals are already a use in the city; is  
4 that correct?

5               MS. SARB: Yes, vacation rentals, and the  
6 City can correct me if I'm wrong, but we believe  
7 vacation rentals, if that's what you're talking  
8 about, would be an allowable use in the proposed  
9 zone.

10              COMMISSIONER COX: Well, Maybe I can  
11 suggest that if there are CC&R's, then that be very  
12 clearly laid out in addition to the existing zoning  
13 ordinance.

14              MS. SARB: That's certainly something that  
15 could be done.

16              COMMISSIONER COX: Okay. Thank you.

17              CHAIR SHALLENBERGER: Commissioner  
18 McClure. To your second.

19              COMMISSIONER MCCLURE: Yes, I have a  
20 question to, I guess I'll start with Commissioner  
21 Cox since he knows the area, and Commissioner  
22 Kinsey, that in the presentation from the City, they  
23 had requested that we withdraw also item 10, and  
24 that was excluded from the proposal. Was there a  
25 reason that that was excluded from the proposal?

1 Sorry.

2           When the -- when the City's proposal asked  
3 that item 10 also be excluded, was that, can you  
4 tell me what your interpretation of 10 is or was  
5 that --

6           COMMISSIONER COX: It really looked at that  
7 as being more, something that would be dealt with  
8 with the implementation plan.

9           COMMISSIONER MCCLURE: Okay. Thank you.

10          COMMISSIONER COX: Coming back to visit  
11 with that. I'm sorry.

12          COMMISSIONER MCCLURE: Okay. Thank you. I  
13 was just making clarification, and I support the  
14 motion.

15          CHAIR SHALLENBERGER: Commissioner Zimmer.

16          COMMISSIONER ZIMMER: I -- I did have a  
17 couple questions. Does staff have a clarification  
18 or an explanation for why at the time of the  
19 approval of the prior project that was referenced,  
20 why and how a determination was made that this  
21 shouldn't be considered existing visitor serving?

22          MS. SARB: I don't think it was -- that  
23 determination was made. It's kind of a different  
24 situation as far as what we were reviewing at that  
25 time. They were proposing a hotel, and there was an

12

1 inventory as to whether or not there was adequate  
2 existing lower cost overnight accommodation in the  
3 area. And when this site was identified, it was  
4 identified as a long-term stay site, and staff  
5 didn't take any issue with that characterization.  
6 It wasn't -- it wasn't counted as lower cost  
7 overnight accommodations at that time, but it was  
8 really irrelevant because the Commission did not  
9 require any specific provisions to protect lower  
10 cost overnight accommodations with that proposal.

11               So just the fact that at that point we  
12 accepted it wasn't -- it wasn't something that was  
13 analyzed.

14               COMMISSIONER ZIMMER: So that leads to my  
15 second question, which is are we -- are we paying --  
16 I mean, we know that redevelopment of this Bernardo  
17 Shores site is on the horizon, or applications, but  
18 there's nothing in the proposed modifications that  
19 specifically calls out that site. Is that the only  
20 site to which those modifications would apply in the  
21 city?

22               MS. SARB: The changes that we made to  
23 suggest modification No. 3 and 10 extend the  
24 requirement for the 60 percent commercial to those  
25 parcels by changing where the -- the City's



1 language applies.

2 COMMISSIONER ZIMMER: Well, I meant of the  
3 other two, 3 and 7, I guess, the ones that protect  
4 Bernardo Shores, that would apply to protect  
5 Bernardo Shores as visitor serving and would require  
6 if it were converted, if indeed it is determined to  
7 be visitor serving, would require mitigation on a  
8 one-to-one basis of the units.

9 MS. SARB: And you're asking as suggested  
10 by staff, that requirement would apply everywhere in  
11 the city.

12 COMMISSIONER ZIMMER: But I'm asking you  
13 if there's another existing lower cost  
14 visitor-serving --

15 MS. SARB: Oh.

16 COMMISSIONER ZIMMER: -- campground-type  
17 facility, I guess, that is -- could be converted.

18 MS. SARB: I'm not -- I don't -- I don't --

19 COMMISSIONER ZIMMER: Okay. So this is a  
20 gen -- a general out -- requirement of general  
21 applicability --

22 MS. SARB: Yes.

23 COMMISSIONER ZIMMER: -- to any -- any  
24 existing visitor serving and what would -- okay.

25 So that sort of leads to my concern because

1 I'm not, I'm, you know, about 90 percent inclined to  
2 defer to Commissioner Cox's direct experience of  
3 what this place is like, but I have a couple of  
4 concerns with dismissing it as visitor serving,  
5 because they advertise still daily, weekly and  
6 monthly, I looked at their website, they advertise  
7 daily, weekly and monthly, and this -- this notion  
8 that if people come out from Arizona for the summer,  
9 that makes this place not visitor serving. I'm not  
10 sure that -- that that's a determination that's been  
11 made, you know. I -- my reaction would be they're  
12 visitors to the coast, they happen to stay a little  
13 longer, they come in their RV's, they bring tents,  
14 whatever.

15           So, um, and then the -- the suggestion,  
16 yes, it's limited on the web site, they're limited  
17 to two persons per RV, and, um, so the inference is  
18 that they discourage children, but the penalty for  
19 bringing a third person, whether it's an adult or a  
20 child, is a payment of \$3.00. So I don't know --  
21 per night, so I don't know if that's -- I guess what  
22 I'm saying is, um, I don't know that we have to,  
23 except for the one-to-one, the mandatory one-to-one  
24 mitigation, I feel that those issues should be dealt  
25 with on a permit application. And that because I'm

15

1 not convinced that this -- that this facility is out  
2 of the realm of defining as an existing  
3 visitor-serving use.

4           So that might -- I would support a change  
5 to modification 7, I guess it is, that has the  
6 mandatory one to one, with some language that would  
7 allow us or the City to determine on a CDP what the  
8 facts are on the ground in terms of what it really  
9 is and what the feasibility is of providing a level  
10 of mitigation. But I feel like it's inappropriate  
11 to take it off the table at this phase.

12           CHAIR SHALLENBERGER: Okay.

13           COMMISSIONER LESTER: Let me take a shot at  
14 this. There was a question about if you could  
15 change the modifications to provide for future  
16 potential protection of Bernardo Shores through a  
17 permit, if in fact it's concluded that it is lower  
18 cost visitor-serving, and at that time the coastal  
19 permit would address that issue, and I believe the  
20 LCP already includes or is being proposed to include  
21 a policy that requires the basic protection of lower  
22 cost visitor serving that mirrors the Coastal Act  
23 language so there would be a provision for that to  
24 happen in the future.

25           COMMISSIONER ZIMMER: That would an

1 adjustment I would seek in supporting the motion.  
2 Thanks.  
3 A VOICE: I'll wait --  
4 CHAIR SHALLENBERGER: I'm sorry.  
5 COMMISSIONER LESTER: Go ahead.  
6 CHAIR SHALLENBERGER: You can address that  
7 first.  
8 COMMISSIONER LESTER: We understand what  
9 you're asking. Is there a specific question at this  
10 point?  
11 COMMISSIONER ZIMMER: I guess I would like  
12 to hear what Commissioner Cox and others think of  
13 that idea before trying to make an amendment.  
14 COMMISSIONER COX: Well, as far as I'm  
15 concerned, I mean, I'm convinced that -- that the  
16 fact that it's less than two percent of the usage as  
17 represented by the owner --  
18 CHAIR SHALLENBERGER: I'm sorry,  
19 Commissioner Cox, we have a list here. I'll get  
20 back to you.  
21 COMMISSIONER COX: I'm sorry. Okay.  
22 CHAIR SHALLENBERGER: Commissioner  
23 Mitchell?  
24 COMMISSIONER MITCHELL: Can I defer to  
25 Commissioner Cox so he can respond to that, because



1 I'm --

2 CHAIR SHALLENBERGER: All right.

3 COMMISSIONER MITCHELL: And then I'll come  
4 back.

5 COMMISSIONER COX: Well, the fact that  
6 there's only two percent of the -- the usage at  
7 Bernardo Shores is related to overnight  
8 accommodations, I think is an indication to me that  
9 it's -- it is very limited, not to take away from  
10 the fact that it's great to have people come from  
11 Arizona or wherever they come from to stay there,  
12 but they're -- they're staying there for longer  
13 terms, and basically they're -- they're renting  
14 those spaces either on a monthly or annual basis, so  
15 you're not getting, you know, the turnover that you  
16 would -- you would get if it was a more traditional  
17 RV park.

18 Which again, I think based on what has been  
19 approved already and what is already in place,  
20 there's an abundance of lower cost accommodations in  
21 the immediate area, and I don't think that there's a  
22 need to impose this condition or to impose a -- oh,  
23 what's the right term -- a mitigation fee on -- on  
24 this project which would probably make it unfeasible  
25 to even develop it.

1           I mean, Imperial Beach, they had to put \$17  
2 million to get a 46,000 square foot commercial  
3 space. To think that they might have to, you know,  
4 have an additional, and I'm not sure what it would  
5 be, 232 units or 203 units times 30,000 or whatever  
6 it is, about \$4 million.

7           That's a tough sell in any community, and  
8 it's an impossibility in my opinion in Imperial  
9 Beach. And I do think one of the things that I  
10 understand that would be implemented as a part of --  
11 of the residential component, and I realize that's  
12 not what's before us today, is an additional public  
13 access to the Bayshore Bikeway, and -- and other  
14 improvements that would -- would be visitor serving  
15 and certainly provide better public access.

16           CHAIR SHALLENBERGER: Commissioner  
17 Mitchell.

18           COMMISSIONER MITCHELL: I am -- thank  
19 you -- going to be supporting the motion. Unlike  
20 Commissioner Kinsey I don't have a relationship,  
21 long term relationship with someone, but I was the  
22 chief of staff to the senator who represented that  
23 area, I've been to Imperial Beach many times. It is  
24 a very poor community that doesn't get as much  
25 visitors as we would like, and, uh, you know, I, um,

19

1 I'm supporting the motion. I think -- I think it's  
2 the right direction. I appreciate greatly what  
3 staff is trying to do, but I just think economically  
4 it's not feasible, and in reality it doesn't -- it  
5 doesn't make sense for Imperial Beach, so, thank  
6 you.

7 CHAIR SHALLENBERGER: Commissioner Garcia.

8 COMMISSIONER GARCIA: I was just going to  
9 also add that I support the motion as well as  
10 Commissioner Cox presented. There does seem to be  
11 some other lower cost alternatives in the area, and  
12 the RV park. Does not seem like a traditional  
13 serving RV park.

14 And just one other thing, I know this is  
15 something that was not brought up when we hassled  
16 with some of these land use issues, but often times  
17 I think that when you have smart growth or you have  
18 additional density, that does lead to -- that does  
19 contribute to other factors. And sometimes by  
20 adding density in areas, you're in fact creating a  
21 safer community, you're in fact getting work on a  
22 development, you're in fact making the area more  
23 amenable to people to come down. And to actually,  
24 to visit, to be more involved with -- with the  
25 community. So I think there are -- while not direct

1 impacts, there are indirect impacts by actually  
2 adding density along the coast in a smart way, so I  
3 do support the motion.

4 CHAIR SHALLENBERGER: All right. Just to  
5 explain my vote -- I'm sorry, go ahead.

6 MS. SARB: I just -- before the vote -- I  
7 just want to clarify the amending motion and whether  
8 or not the City was actually correct in saying these  
9 suggested modifications should be completely  
10 deleted. They -- they just confirmed that they  
11 shouldn't be deleted, but just modified to only  
12 apply to the parcels that they were proposing this  
13 zoning to apply to. And also strike the one phrase,  
14 "nevertheless existing high priority uses such as RV  
15 parks shall be protected and encouraged."

16 But these -- this was somewhat of a  
17 correction to include this in the land use plan,  
18 because as proposed it was only in the  
19 implementation plan, so it should be retained for  
20 that purpose, but then the rest of what we were  
21 proposing was also language that we had worked out  
22 and was acceptable to the City. So I know it's  
23 confusing.

24 COMMISSIONER COX: And is that something we  
25 can get the city to say on record is their



1 understanding?

2 MR. WADE: Greg Wade, City of Imperial  
3 Beach. Yes. That is correct. There is a second  
4 part of that, the language that applies to the  
5 remaining 40 percent that we had agreed upon. My  
6 apologies for that.

7 COMMISSIONER COX: Well, you see, that's --  
8 that's what I thought was the motion that I made.

9 CHAIR SHALLENBERGER: I think it was,  
10 actually. All right?

11 COMMISSIONER COX: If that's agreeable to  
12 the second.

13 CHAIR SHALLENBERGER: I believe it is  
14 agreeable to the second.

15 COMMISSIONER COX: Okay.

16 CHAIR SHALLENBERGER: All right. Thank  
17 you. I'm going to vote against this amendment. I  
18 just think that there's not enough low income  
19 recreation on our coast, and -- and I just -- as a  
20 principle, you know, I just hate giving it up, once  
21 it's gone, it's gone. We never seem to roll back  
22 from more expensive recreation in public-serving  
23 facilities back to affordable ones, and I do think  
24 that as we give it up, there ought to be a clear  
25 mitigation for it.

1           So with that I will ask Ms. Miller to call  
2 the roll. The maker and seconder are asking for a  
3 "yes" vote.

4           MS. MILLER: This is the amendment?

5           CHAIR SHALLENBERGER: The amend -- it's on  
6 the amendment.

7           MS. MILLER: Commissioner Bochco?

8           COMMISSIONER BOCHCO: Yes.

9           MS. MILLER: Bochco, yes. Commissioner  
10 Brennan?

11          COMMISSIONER BRENNAN: Yes.

12          MS. MILLER: Brennan, yes. Commissioner  
13 Cox?

14          COMMISSIONER COX: Yes.

15          MS. MILLER: Cox, yes. Commissioner  
16 Garcia?

17          COMMISSIONER GARCIA: Yes.

18          MS. MILLER: Garcia, yes. Commissioner  
19 Groome?

20          COMMISSIONER GROOME: Yes.

21          MS. MILLER: Groome, yes. Commissioner  
22 Kinsey?

23          COMMISSIONER KINSEY: Yes.

24          MS. MILLER: Kinsey, yes. Commissioner  
25 McClure?

1 COMMISSIONER MCCLURE: Yes.  
2 MS. MILLER: McClure, yes. Commissioner  
3 Mitchell?  
4 COMMISSIONER MITCHELL: Yes.  
5 MS. MILLER: Mitchell, yes. Commissioner  
6 Vargas?  
7 COMMISSIONER VARGAS: Yes.  
8 MS. MILLER: Vargas, yes. Commissioner  
9 Zimmer?  
10 COMMISSIONER ZIMMER: No.  
11 MS. MILLER: Zimmer, no. Chair  
12 Shallenberger?  
13 CHAIR SHALLENBERGER: No.  
14 MS. MILLER: Shallenberger, no. The vote  
15 is nine yes, two no.  
16 CHAIR SHALLENBERGER: So the amendment  
17 passes, and so the main motion before us is now as  
18 amended by this action, is there any additional --  
19 any additional discussion before we vote on this?  
20 Is there a need for a roll call vote on this? Is  
21 there -- excuse me -- any unwillingness to the  
22 unanimous yes vote? Seeing none, the Commission  
23 unanimously approves the item that's before us.  
24 COMMISSIONER VARGAS: Madam Chair, can I  
25 ask a question?

1 CHAIR SHALLENBERGER: Commissioner Vargas.

2 COMMISSIONER VARGAS: I'm not sure if

3 it's --

4 CHAIR SHALLENBERGER: Oh, I'm sorry, we're  
5 not done yet. Go ahead.

6 COMMISSIONER VARGAS: Well, to your  
7 previous question about, or statement about low cost  
8 visitor serving, I'm just curious, do we as a  
9 Commission keep an inventory, or is there an  
10 inventory of beds or, local, statewide, for low cost  
11 visitor serving.

12 MR. LESTER: Yes, Commissioner Vargas, I  
13 wouldn't say there is, that we have an inventory, we  
14 do have typically the approach over the years has  
15 been that the LCP planning stage, in order to  
16 implement that policy, the Coastal Act, local  
17 communities would do a supply and demand analysis  
18 and plan for that particular use, and that would  
19 then become certified and provide the basis of that  
20 particular locally relevant basis for what's  
21 available.

22 In terms of our approach defining what  
23 lower cost visitor serving uses are, you know, it's  
24 typically a, with respect to RV parks and  
25 campgrounds and youth hostels, almost by definition

1 that those are considered to be lower cost visitor,  
2 overnight facilities. Of course, things like trails  
3 and other amenities are also put into that box with  
4 hotels and motels, the Commission has looked  
5 typically to them.

6           Range, average range rates in an area which  
7 also varies, as you know, so in San Francisco and  
8 downtown San Diego the rates for hotels will, and  
9 what's considered to be affordable or less -- more  
10 affordable and less affordable will vary from the  
11 North Coast of California, where the rates are  
12 different. So we look to those sorts of things, and  
13 we also do look just to follow up on what  
14 Commissioner Zimmer said, at the transient nature of  
15 these uses.

16           So the data that was presented in this case  
17 is only for single night stays, when we fact we look  
18 at campgrounds all the time that have single night,  
19 weekends, three-day stays, weekly stays, monthly  
20 stays, and even 90, it's not atypical for you to  
21 have a restriction for up to 90 days of the year as  
22 an appropriate limitation of stay in order to insure  
23 turnover, but we would definitely agree with the  
24 observation that those are visitor-serving uses.

25           We don't limit ourselves to one night at a



1 time. So that's why we were recommending what we  
2 were here because based on the evidence that we saw,  
3 it appears to be an RV facility marketing to  
4 visitors and providing for visitors in different  
5 stay lengths.

6 COMMISSIONER VARGAS: So there is no low  
7 cost inventory state wide is what I'm hearing, but  
8 there could be. I mean, we do it on a -- on a kind  
9 of LCP regional like LCP -- but, you know,  
10 city-by-city basis maybe or region-by-region basis,  
11 but we can have some kind of inventory, maybe --  
12 maybe that's a thought, I just think of the Chair's  
13 statement that we don't want to end up in the  
14 situation state wide where we've kind of gone,  
15 tipped the balancing point of no longer having, you  
16 know, sufficient low-cost visitor-serving  
17 facilities.

18 MR. LESTER: No, it's a very, it's an  
19 important question, and I -- statewide would be, you  
20 know, challenging to develop in the short run, but  
21 the concept and inventory is correct in some LCP's,  
22 for example, the Monterey County LCP was certified  
23 with account of units. You get that in the City of  
24 Carmel as well, and the Commission adopted findings  
25 saying we have a thousand overnight units here, we

1 need to maintain or go no lower than a thousand, and  
2 then they ebb and flow around that number, but  
3 they've articulated a supply that they want to  
4 maintain, in meeting that issue.

5 COMMISSIONER VARGAS: I feel laser beams in  
6 the back of my head as I extend the length of this  
7 meeting, so I'm going to stop talking.

8 MR. LESTER: They're in the front of my  
9 head.

10 CHAIR SHALLENBERGER: Commissioner Cox.

11 COMMISSIONER COX: Yes, Madam Chair, I  
12 have I guess two final motions. I would move that  
13 the Commission reject the implementation program  
14 amendment No. 2-12 for the City of Imperial Beach as  
15 submitted, and I'd recommend a "yes" vote on that.  
16 And I would like to follow up with the followup  
17 motion.

18 COMMISSIONER KINSEY: Second.

19 CHAIR SHALLENBERGER: Moved by Commissioner  
20 Cox, seconded by Commissioner Kinsey. Would you  
21 like to speak to your motion?

22 COMMISSIONER COX: No.

23 CHAIR SHALLENBERGER: Commissioner Kinsey?

24 COMMISSIONER KINSEY: No, thank you.

25 CHAIR SHALLENBERGER: Any unwillingness

1 for unanimous "yes" vote on this? Seeing none, the  
2 Commission hereby denies certification of the  
3 implementation program submitted for the City of  
4 Long Beach and adopts the findings set forth in  
5 staff report. Commissioner Cox?

6 COMMISSIONER COX: Imperial Beach, not Long  
7 Beach.

8 CHAIR SHALLENBERGER: Imperial Beach.  
9 Sorry.

10 COMMISSIONER COX: It has been a long  
11 evening.

12 CHAIR SHALLENBERGER: I apologize.

13 COMMISSIONER COX: It's been a long day.  
14 But it's Imperial Beach. I would move that the  
15 Commission certify the implementation program  
16 amendment and No. 2-12 for the City of Imperial  
17 Beach, if it is modified as suggested in the staff  
18 report, and if I receive a second I'd like to offer  
19 an amending motion to that.

20 COMMISSIONER KINSEY: Second.

21 CHAIR SHALLENBERGER: It's been moved by  
22 Commissioner Cox, seconded by Commissioner Kinsey.  
23 Would you like to speak to your motion?

24 COMMISSIONER COX: Yes, I would like to  
25 move the Commission delete suggested modification

1 No. 10, and I would recommend a "yes" vote on it.

2 MS. SARB: Excuse me. If I could again

3 suggest --

4 COMMISSIONER COX: And that's a

5 clarification in regards to a portion of that.

6 MS. SARB: Right. That it wouldn't be full

7 deletion, it would just be modified consistent with

8 the modification that was made to suggest

9 modification No. 3.

10 COMMISSIONER COX: You know what, you're a

11 mind reader, that's exactly what I wanted to say.

12 CHAIR SHALLENBERGER: And Commissioner

13 Kinsey seconds that. Would you like to speak to

14 your motion?

15 COMMISSIONER COX: No.

16 CHAIR SHALLENBERGER: Commissioner Kinsey?

17 COMMISSIONER KINSEY: No, thank you.

18 COMMISSIONER COX: Oh, Madam Chair?

19 CHAIR SHALLENBERGER: Yes, Commissioner

20 Cox.

21 COMMISSIONER COX: If I could, I would just

22 add one more quest -- one more comment. The concern

23 about affordable accommodations, I -- I -- or lower

24 cost accommodations, I am working very hard to see

25 if the County of San Diego could implement a camping

1 facility in the Tijuana River Valley, which is  
2 actually in, portions of it are in the city of San  
3 Diego, and one of the things I will be exploring is  
4 the possibility maybe to get the state park, Border  
5 Field State Park to allow the county to develop a  
6 campground either within our portion of the regional  
7 park or perhaps by leasing that portion for the  
8 property at Border Field. I really am excited about  
9 that and it's something that has nothing to do with  
10 what we're doing here, but I think if we're  
11 successful, it would address some of the angst I  
12 think that may have been out there.

13 CHAIR SHALLENBERGER: Any -- any  
14 unwillingness to vote, the amendment is what's  
15 before us, any unwillingness for unanimous "yes"  
16 vote? Seeing none, the amendment passes.

17 The main motion is before us as amended.  
18 Any unwillingness to vote? Seeing none, the  
19 Commission hereby -- yeah, we hereby unanimously  
20 approve something (laughter) somebody help me out  
21 here. I'm just out of gas. I believe -- seeing  
22 none, we unanimously vote "yes."

23 Sorry. I mean no disrespect, really. With  
24 that, I believe we are done for the day, is that  
25 right? Sorry? Any public comment? We have no



1 public comment slips. All right. We are adjourned  
2 for the day, I'll see you bright and early at 8:30.

3 (End of video.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

TH 17b

## DISCLOSURE OF EX PARTE COMMUNICATIONS

---

**Date and time of receipt of communication:**

December 3, 2013 at 1:00 pm

**Location of communication:**

Phone

**Type of communication:**

Teleconference

**Person(s) in attendance at time of communication:**

Susan McCabe, Anne Blemker, Andy Hall, Jim Janney

**Person(s) receiving communication:**

Carole Groom

**Description of project:**

Th17b – Revised Findings on the City of Imperial Beach LCP Amendment No. IMB-MAJ-2-12

**Description of communication:**

The City of Imperial Beach disagrees with changes made by staff in the Revised Findings that continue to include Suggested Modifications #3 and #7, and asserts that they are inconsistent with the intent voted on by the Coastal Commission on October 10, 2013. The City maintains that the Coastal Commission voted to change Suggested Modification #3, which included the RV Park as affordable overnight accommodation, and delete Suggested Modification #7, which required a mitigation fee should the RV Park be removed. The City maintains that the Suggested Modifications #3 and #7 should be rejected, as was intended by the Coastal Commission at the October meeting.

**Date:** Dec 3 2013

**Signature of Commissioner:** Carole Groom

EX-PARTE  
COMMUNICATION  
63

**CALIFORNIA COASTAL COMMISSION**

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



# Th17b

November 21, 2013

**TO: COMMISSIONERS AND INTERESTED PERSONS**

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

**SUBJECT: REVISED FINDINGS ON CITY OF IMPERIAL BEACH LCP AMENDMENT  
NO. IMB-MAJ-2-12 (Commercial Mixed-Use) for Commission Meeting of  
December 12, 2013**

---

## SUMMARY OF COMMISSION ACTION

At the Commission meeting of October 10, 2013, the Commission approved the City of Imperial Beach Local Coastal Program Amendment #IMB-MAJ-2-12 making a variety of changes to the permitted uses and development standards to the C-1 General Commercial District, the C-2 Seacoast Commercial District, and the C-3 Neighborhood Commercial District (see Exhibits #3 and #4). Currently, commercial uses are required on the ground floor of all lots fronting Palm, Seacoast, and a small portion of 13<sup>th</sup> Street/Imperial Beach Boulevard, as well as for several lots deep on either side of these streets. In each district, the proposed amendment would allow areas currently designated for commercial uses to be developed with residential uses, and significantly reduce the amount of parking required for mixed use projects. The majority of the approved suggested modifications are corrections and clarifications that were developed in consultation with City staff. In addition, several of the policies defining where commercial uses must still occur were included in the IP only; suggested modifications added these requirements to the LUP as well, to ensure that they continue to remain the standard of review for any change to the IP that could be proposed in the future.

In its action, the Commission revised staff's suggested modification adding new policy language to the Land Use Plan specifically requiring the protection of RV parks, and requiring that public recreation and lower-cost commercial recreational development, including RV parks, not be removed unless either replaced with a comparable facility or a mitigation fee to provide funding for the establishment of lower cost overnight visitor accommodations within Imperial Beach. The Commission also removed suggested modifications that would have expanded by approximately two blocks the area along Palm Avenue where commercial uses are required on the ground floor of buildings fronting Palm. The Commission determined that the proposed suggested modifications were not required to protect the City's lower cost visitor and recreational facilities, because the language of Section 30213 of the Coastal Act is included in the existing LCP,

which specifically requires that lower cost visitor and recreational facilities be protected, encouraged, and, where feasible, provided, and that developments providing public recreational opportunities are preferred.

All changes to the findings and suggested modifications from the original staff recommendation are shown in double-underline and ~~double strike out~~.

### **COMMISSION VOTES**

**City of Imperial Beach LCPA #IMB-MAJ-2-13, approved with suggested modifications:**

**Commissioners Voting “Yes”: Bochco, Brennan, Cox, Garcia, Groom, Kinsey, McClure, Mitchell, Vargas, Zimmer, and Chairperson Shallenberger**

**The appropriate motions and resolutions can be found on Page 9. The main findings for approval of the amendment as modified begin on Page 20.**

### **SUMMARY OF AMENDMENT REQUEST**

The subject LCP land use plan and implementation plan amendment was submitted and filed as complete on November 19, 2012. A one-year time extension was granted on February 6, 2013. The last day for Commission action would be February 17, 2014.

The City is proposing to amend its certified LCP land use plan and implementation plan to expand and encourage the development of mixed use and multi-family residential projects in the City’s three existing commercial land use designations and zones. The proposed amendment would make a variety of changes in the permitted uses and development standards to the C-1 General Commercial District, the C-2 Seacoast Commercial District, and the C-3 Neighborhood Commercial District (see Exhibits #3 and #4). Currently, commercial uses are required on the ground floor of all lots fronting Palm, Seacoast, and a small portion of 13<sup>th</sup> Street/Imperial Beach Boulevard, as well as for several lots deep on either side of these streets. In each district, the proposed amendment would allow areas currently designated for commercial uses to be developed with residential uses, and significantly reduce the amount of parking required for mixed use projects.

As proposed, the only areas where commercial uses would be required would be for lots fronting Seacoast Drive, a limited stretch of Palm Avenue, and a small portion of 13<sup>th</sup> Street/Imperial Beach Boulevard. In these locations, 60% of the ground floor would be required to be “Active Commercial Uses.” However, in all cases, only the portion of the lot actually fronting Seacoast, Palm, or 13<sup>th</sup> Street/IB Boulevard would be required to be developed with commercial uses; the remainder of the lot could be developed with residential uses. Thus, the proposed amendment would allow for a significant reduction

in the amount of commercial facilities and/or space in the city, in favor of residential uses.

The City's existing MU-2 Overlay, which is applied to existing single-family residential uses in the Seacoast District, would be converted to the "Seacoast Residential Overlay." Unlike the existing overlay, which encourages the conversion of the existing single-family residential uses to commercial uses, the proposed Residential Overlay would "preserve opportunities" for single-family residences, as well as allowing multi-family and commercial uses.

Increases in allowable heights and density for residential uses in the Seacoast and Neighborhood Commercial Districts are also proposed. In the Seacoast District, on properties located on the east side of Seacoast Drive, or Palm Avenue, east of Seacoast Drive, maximum heights would increase from three stories and 30 feet to three stories and 35 feet. Maximum permitted density would be increased from 1 unit per every 1,500 gross sq.ft. to 1 unit per every 1,210 gross sq.ft. feet of lot area. In the Neighborhood Commercial District, permitted height would be increased from 2 stories or 28 feet to 3 stories and 30 feet, and density from one unit per every 2,000 sq.ft. feet of land to as much as 1 unit per every 1,210 gross sq.ft. of lot area.

The amendment would also significantly reduce the amount of parking required for new mixed use development. The standards for retail stores (currently one space for each 250 sq.ft. of floor area plus one space per two employees) and office uses (currently one space for 300 sq.ft. of floor area plus one space per two employees), would both be revised to require only one space for each 500 sq.ft. of floor area. Further reductions in parking would be allowed for mixed use projects, "vertical" mixed use projects, and hotel projects. Small commercial uses (less than 1,000 sq.ft.) would be eligible for a waiver eliminating any parking requirements.

The proposed amendment also includes new commercial/mixed use zones design guidelines. These include preserving and creating view corridors to the oceanfront, pedestrian orientation, building articulation, landscaping, and providing active uses on ground floors.

### **SUMMARY OF STAFF RECOMMENDATION**

~~Staff recommends that, following a public hearing, the Commission approve the proposed City of Imperial Beach Land Use Plan Amendment and Implementation Plan Amendment subject to the suggested modifications listed below.~~

~~Allowing a reduction in the amount of land designated for commercial uses in favor of low-priority residential uses, particularly in the City's main tourist commercial area, the Seacoast District, raises serious concerns with regard to the protection and preservation of high-priority visitor serving uses. However, according to the City, Imperial Beach has long had difficulty attracting the amount and scope of commercial uses the City would ideally like to have seen develop in its core commercial districts. By redesignating areas~~



~~currently restricted to commercial uses on the ground floor, the City is hoping to spur redevelopment and provide a residential base to support the remaining commercial areas. Additionally, if there were an increase in the City's mixed use development, that could potentially reduce the reliance on automobiles and reduce traffic. To this end, the amendment would allow for substantially more multi-family residential uses in the City's commercial districts, including the C-1 Commercial District, and the C-2 Seacoast District. The reduction in parking standards for mixed uses is intended to take advantage of the City's existing infrastructure, reduce sprawl, and provide for a more pedestrian environment.~~

~~Thus, staff is in agreement with the majority of the proposed amendment. The majority of the suggested modifications are corrections and clarifications that have been developed in consultation with City staff. In addition, several of the policies defining where commercial uses must still occur were included in the IP only; suggested modifications have added these requirements to the LUP as well, to ensure that they continue to remain the standard of review for any change to the IP that could be proposed in the future.~~

~~The most significant suggested modifications relate to the proposed LCPA's impact on the existing Bernardo Shores RV Park. This 124-space RV park is located on Palm Avenue, a major coastal access route and the gateway to Imperial Beach from the Silver Strand and the City of Coronado. The site is an ideal location for a visitor serving use; adjacent to San Diego Bay, overlooking the wildlife refuge, within walking/biking distance of the beach, and near the amenities of the Seacoast District and the City of Coronado. The property is currently designated C-1; however, the proposed amendment would redesignate the site to allow it be developed entirely with multi-family residential uses. The City is currently reviewing a proposal to remove the RV Park and construct a 203-unit condominium project.~~

~~This site has historically provided visitor serving accommodations, which is one of the highest priority uses identified in the Coastal Act. The City, based on information provided by the operator, has indicated that the RV Park is typically used for long term stays, not overnight accommodations (see Exhibit #9) and there are no facilities, such as showers or restrooms, provided on-site. All recreational vehicles have to therefore be self-contained vehicles. Nonetheless, Bernardo Shore's own website states that the Park provides "Affordable RV Sites Year Round," including daily, weekly, and monthly rates. Testimonials provided on Bernardo Shore's website and other RV Park review sites also clearly establish that tourists are visiting Bernardo Shores for at least weekend stays, as well as weekly and monthly stays.~~

~~Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected and retained, encouraged, and where feasible, provided. The Commission has the responsibility to both protect existing lower cost facilities, and to ensure that a range of affordable facilities be provided in new development along the coastline of the state. Imperial Beach does not currently have an abundance of existing lower cost overnight accommodations within close access to the coast; in fact, the City~~

~~currently only has one hotel, the Seacoast Inn, which is in the process of being remodeled and expanded into a high-end hotel.~~

~~The City has suggested that multi-family residential uses should be considered high-priority uses, because they can be used as vacation rentals. Vacation rentals can provide a valuable source of overnight accommodations, particularly in cities such as Imperial Beach where traditional overnight facilities are limited. However, the availability of vacation rentals is totally dependent on the interest of individual homeowners, and short-term rentals are also often controversial and are frequently restricted by community interest groups. Thus, while the Commission typically encourages vacation rentals in existing residential zones, they have never been seen as equal to facilities that consistently offer short-term rentals, such as hotels and RV parks. Residential vacation rentals also do not provide the types of visitor-serving uses such as retail stores and restaurants that are often associated with commercially-zoned properties.~~

~~Imperial Beach does not have any land area specifically designated and reserved only for visitor-serving uses; all of its commercial areas, including the shoreline adjacent Seacoast District, allow mixed-use commercial/residential development, including commercial uses that are not typically considered visitor-serving, such as professional offices. The Commission has historically found this approach to be appropriate for Imperial Beach, given the City's development patterns and difficulty in attracting commercial tenants. However, since Imperial Beach's visitor-commercial facilities are already extremely limited, and the subject amendment will allow for a significant reduction in the amount of land designated for commercial-only uses, identifying and preserving the few parcels that do contain visitor-serving uses is critical.~~

~~In such circumstances, the Commission has typically required that when removal of existing lower or moderate cost overnight accommodations is proposed, the inventory be replaced with units that are of comparable cost and recreational value to the public as the existing units being removed. Otherwise, allowing removal of the 124 RV spaces and replacement with residential uses, a low-priority use, without providing any mitigation for the loss of the existing commercial-recreational use, would have a significant adverse impact on public access and recreation, and would be inconsistent with the Coastal Act requirements that private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation, have priority over private residential development.~~

~~In addition, even if the RV Park is removed, the subject site should include a minimum amount of commercial development be provided on the Palm Avenue street frontage. As proposed, the amendment would require that all buildings with frontage on the north and south sides of Palm Avenue/SR 75 between Florida Street and 7<sup>th</sup> Street include "active commercial uses" at a minimum of sixty percent of each building's ground floor square footage, as well as direct pedestrian access from the Palm Avenue sidewalk or a plaza. However, this requirement would not extend to the RV Park site, or the area across the street from the RV Park, on the south side of Palm.~~

~~The western terminus of Palm Avenue (which includes the area where the RV Park is located) is the main entry way to the City from the Silver Strand. Visitors to Imperial Beach's shoreline from Coronado would likely never travel inland on Palm Avenue to the area where the City is proposing must retain some commercial development. The western end of Palm Avenue is ideally suited for visitor serving commercial development and in fact, is almost entirely developed with commercial uses currently, not just on the Palm Avenue frontage, but throughout the lots.~~

~~Staff had originally proposed that the requirement for commercial uses on ground level of Palm Avenue be extended along the entire length of Palm Avenue. However, after discussions with the City, staff has revised its recommendation to require only a minor revision to the City's proposal that would extend the commercial requirement only two blocks further west, on the area of Palm Avenue closest to the shoreline. Specifically, Suggested Modifications #3 and #10 require that all buildings with frontage on the north and south sides of Palm Avenue/SR 75 between Florida Street and Rainbow Drive, have the requirement for ground level commercial on the Palm Avenue frontage, to ensure this important area remains as a visitor serving node. Thus, the proposed suggested modification would prioritize commercial uses in the areas most likely to generate the demand for tourist commercial uses, as well as being consistent with the bulk of the existing uses along Palm Avenue.~~

~~Since the amendment would allow for a significant increase in low priority residential uses into the City's commercial zones, suggested modifications have been added to provide specific protection for higher priority visitor serving uses; in particular, the City's existing RV park. Suggested Modification #3 adds language to the definition of the new General Commercial and Mixed Use land use to protect and encourage existing high priority uses such as the RV park. Suggested Modification #7 adds a requirement that public recreation and lower cost commercial recreational development, including RV parks, campgrounds, hostels, and hotels, not be removed, unless replaced with a facility comparable in function, location, and cost to the public, or an in lieu mitigation fee is provided.~~

~~In summary, the proposed amendment will result in a reduction in commercial uses and development throughout the city. However, the intent is to concentrate and hopefully support more successful commercial enterprises in core areas. As modified, high priority visitor serving uses will not be adversely affected, as the areas most likely to serve tourists the Palm Avenue and Seacoast Drive street frontages will provide 60% active commercial uses on the ground floor. The City's existing RV Park will be protected and affordable overnight accommodations must be maintained, or mitigation provided. Additional trip demand reduction policies in the LUP will ensure that access to the coast continues to be supported. Therefore, the proposed amendment, if modified as suggested, can be found consistent with the certified LUP.~~

~~The appropriate resolutions and motions begin on Page 9. The suggested modifications begin on Page 12. The findings for denial of the Land Use Plan Amendment as submitted and approval if modified begin on Page 20. The findings for denial of the Implementation Plan Amendment as submitted and approval if modified begin on Page 29.~~

## **ADDITIONAL INFORMATION**

Further information on the City of Imperial Beach LCP Amendment #2-12 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 Commission on November 18, 1982 effectively certified the land use plan. 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 thirty-one 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 and conforms with 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.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

**C. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held 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. MOTION:** I move that the Commission adopt the revised findings in support of the Commission's action on October 10, 2013 concerning City of Imperial Beach LCPA #IMB-MAJ-2-12.

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the October 10, 2013 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings. The Commissioners eligible to vote are:

Commissioners Bochco, Brennan, Cox, Garcia, Groom, Kinsey, McClure, Mitchell, Vargas, Zimmer, and Chairperson Shallenberger

### **RESOLUTION TO ADOPT REVISED FINDINGS:**

The Commission hereby adopts the findings set forth below for approval of the City of Imperial Beach LCP Amendment as modified on the grounds that the findings support the Commission's decision made on October 10, 2013 and accurately reflect the reasons for it.

~~I. Denial of LUP Amendment as Submitted~~

~~**MOTION:** I move that the Commission certify Land Use Plan Amendment #2-12 as submitted by the City of Imperial Beach.~~

### **STAFF RECOMMENDATION TO DENY:**

~~Staff recommends a NO vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.~~

### **RESOLUTION TO DENY:**

~~The Commission hereby denies certification of the Land Use Plan Amendment #2-12 as submitted by the City of Imperial Beach and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the~~

~~Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.~~

## ~~II. Approval with Suggested Modifications~~

~~**MOTION:** *I move that the Commission certify Land Use Plan Amendment #2-12 for the City of Imperial Beach if it is modified as suggested in this staff report.*~~

### ~~**STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:**~~

~~Staff recommends a YES vote. Passage of the motion will result in the certification of the land use plan amendment 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 the majority of the appointed Commissioners.~~

### ~~**RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:**~~

~~The Commission hereby certifies the Land Use Plan Amendment #2-12 for the City of Imperial Beach if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with 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 amendment 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 or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.~~

## ~~III. Reject IP Amendment as Submitted~~

~~**MOTION:** *I move that the Commission reject the Implementation Program Amendment #2-12 for the City of Imperial Beach as submitted.*~~

### ~~**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 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. 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. Certify with Suggested Modifications~~

~~**MOTION:** *I move that the Commission certify the Implementation Program Amendment #2-12 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 for the City of Imperial Beach if 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. 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**

#### **Land Use Plan Modifications**

The underlined sections represent language that the City of Imperial Beach proposes be added to the certified LUP, and the ~~strike-through~~ sections represent language which the City proposes to delete from LUP. The red underlined sections represent language that the Commission suggests be added to the City's proposal, and the ~~red strike-through~~ sections represent language which the Commission suggests be deleted from the City's proposal.

1. On Page I-9 of the *Introduction*, the second checklist item under the description of key features of the Land Use Element is amended as follows:
  - ✓ 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.
2. On Page C-23 continuing onto Page C-24 of the *Circulation Element*, the following new policies shall be added:

#### **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.

3. On Page L-8 of the *Land Use Element*, Table L-2: Land Use Designations and Specifications is amended as follows:

**C-1C/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 ~~land~~ businesses to meet the local demand for commercial goods and services, as opposed to the goods and services required primarily by the tourist population. ~~Nevertheless, existing high priority uses such as RV parks shall be protected and encouraged.~~ It is intended that the dominant type of commercial activity in this C/MU-1 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.~~ Multi-family Residential uses may be permitted ~~above the first floor~~ at a maximum density of ~~1 one~~ unit per every 1,000 square sq. feet. of land, ~~per the City of Imperial Beach Zoning Ordinance. Discretionary permit review by the City shall be required for such residential use.~~

~~For all buildings with frontage along the north and south sides of Palm Avenue/SR 75 between the Florida Street and Rainbow Drive~~ 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 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.

4. On Page L-8 of the *Land Use Element*, Table L-2: Land Use Designations and Specifications is amended as follows:

**C-2 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 as well as~~ 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, etc.~~ ~~In order to~~ To promote a more pedestrian-oriented community character, as well as to reduce the high volume of vehicle trips attracted by drive- through~~u~~ establishments, drive-through~~u~~ 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 ~~Palm Avenue or~~ 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.

~~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.~~

Additionally, the Seacoast **Mixed Use/Residential Overlay** was established ~~to preserve opportunities for single-family residences 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**.

5. On Page L-8 of the *Land Use Element*, Table L-2: Land Use Designations and Specifications is amended as follows:

**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.~~

**Seacoast Mixed Use/Residential Overlay**

The purpose of the Seacoast **Mixed Use/Residential Overlay** land use designation is ~~to preserve opportunities for the continuation of single-family residential uses 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~~, 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.

6. On Page L-9 of the *Land Use Element*, Policy L-4e is amended as follows:

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

The Seacoast ~~commercial~~ Area shall serve as a commercial and mixed-use visitor-serving, pedestrian-oriented commercial area. ~~A Residential Overlay Zone was established to preserve the opportunity for single-family residences to remain in a designated portion of the project area.~~ Existing residential uses shall be slowly transitioned to new visitor serving commercial uses. 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 setbacks, and encourage pedestrian activity through the design and location of building frontages and parking provisions. As part of the design review, 2<sup>nd</sup> or 3<sup>rd</sup> stories may be required to be set back from Seacoast Drive.

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 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.

Per the City of Imperial Beach Zoning Ordinance, tTimeshares shall require approval of a conditional use permit and shall be prohibited on the first 4<sup>th</sup> floor, unless 25% are reserved for overnight accommodation.

~~7. On Page 12 of the *Land Use Element*, the Policy L-9 is amended as follows:~~

#### **~~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.~~

Public recreation and lower cost commercial recreational development, including RV parks, campgrounds, hostels, and hotels, shall not be removed, unless replaced with a facility comparable in function, location, and cost to the public. If replacement of lower or moderate cost units is determined to be infeasible (either on site or elsewhere in Imperial Beach or within 5 miles of the coast), then the new development shall be required to pay, as a condition of approval for a coastal development permit, a mitigation payment to provide significant funding for the establishment of lower cost overnight visitor accommodations within Imperial Beach, preferably, or within the South Bay, for each of the low or moderate units removed/converted on a 1:1 basis.

#### **Implementation Plan Modifications**

The underlined sections represent language that the City of Imperial Beach proposes be added to the certified LUP, and the ~~strike-through~~ sections represent language which the City proposes to delete from LUP. The red underlined sections represent language that the Commission suggests be added to the City’s proposal, and the ~~red strike-through~~ sections represent language which the Commission suggests be deleted from the City’s proposal.

~~8-7.~~ 7. On Page 1 of the Proposed New and Amended Definitions, the following amendments shall be made:

#### 19.04.400. Height, Measurement of

Height shall be measured from ~~existing grade at all points of the site to a warped plane an~~ equal height above all points on the site 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.

~~9.8.~~ Chapter 19.23, the table of land uses permitted in the proposed C/MU-1, C/MU-2, and C/MU-3, shall be amended as followed. As proposed by the City, “P” means “Expressly permitted,” “C” means “Permitted with conditional use permit,” and “N” means “Not permitted.”

Highlighted text indicates that the use is a newly defined regulated use by the City, or the City is proposing to change or add permissions.

[C] or [P] or [N] text indicates land use permission in the existing ordinance that the City is proposing to change.

#### Chapter 19.23 COMMERCIAL/MIXED-USE USE REGULATIONS

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

~~10.9.~~ Chapter 19.26, the proposed C/MU-1 General Commercial and Mixed-Use Zone shall be amended as follows:

## **Chapter 19.26. C/MU-1 GENERAL COMMERCIAL AND MIXED-USE ZONE**

### **19.26.020. Permitted uses.**

A. ~~The following commercial uses (excluding light manufacturing or industrial uses) shall be permitted subject to subsections C and D of this section as appropriate:~~ 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. — Stores, shops and offices supplying commodities or performing services for residents of the City as a whole such as retail food stores, restaurants, department stores, specialty shops, banks, business or professional offices and other financial institutions, personal service enterprises, hotels and motels;~~

~~1. For all buildings with frontage along Palm Avenue between 7th Street and Florida Street — the north and south sides of Palm Avenue/SR 75 between Florida Street and Rainbow Drive~~ Palm Avenue between 7<sup>th</sup> 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.~~

~~11. 10.~~ In Chapter 19.27 of the proposed C/MU-2 Seacoast Commercial and Mixed-Use Zone, Section 19.27.010 shall be amended as follows:

## **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.

~~12.~~ 11. Section 19.27.020 shall be amended as follows:

**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:~~ 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 stepback of five feet beyond required stepback.

~~13.~~ 12. Section 19.27.040(B) Yards shall be amended as follows:

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

~~14.~~ 13. Section 19.27.070 shall be amended as follows:

**19.27.070. Building Height.**

A. No building in the C/~~MU~~-2 (~~Seacoast Commercial~~) ~~Z~~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 stepbacks 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 [...]**

~~15.~~ 14. Section 19.27.140 shall be amended as follows:

**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 a ~~Commercial~~ the Seacoast **Mixed-Use** Residential Overlay ~~z~~Zone (~~MU~~-2). 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 currently used for residential purposes; 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 ~~MU-2~~ Seacoast Mixed-Use/Residential Overlay Zone:

1. ~~R~~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.

~~16.~~ 15. Section 19.48.035 shall be amended as follows:

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

~~17.~~ 16. Section 19.48.050 shall be amended as follows:

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

~~18.~~ 17. On Page 2 of the proposed new DESIGN GUIDELINES, Section 5.0 Ground Floor Uses and Street Level Design shall be amended to add the following new guideline:

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

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.

#### **PART IV. FINDINGS FOR REJECTION OF THE CITY OF IMPERIAL BEACH LAND USE PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED**

##### **A. AMENDMENT DESCRIPTION**

The proposed amendment would make a variety of changes in the permitted uses and development standards, including required parking and design guidelines, to the City's three commercial land use designations. The City's three existing commercial areas are the C-1 General Commercial District, the C-2 Seacoast Commercial District, and the C-3 Neighborhood Commercial District (see Exhibits #3 and #4). In each district, the amendment would allow areas currently designated for commercial uses to be developed with residential use and significantly reduce the amount of parking required for mixed use projects.



1. C-1 General Commercial (4 stories)

The General Commercial land use designation is applied to a several-block area on the north and south side of Palm Avenue/Highway 75, roughly from the freeway to where Palm Avenue curves into the City of Coronado. Although the C-1 district is not along the shoreline, it is the main entry way into the City and a major coastal access route. The existing LUP describes the use of the area as follows:

The General Commercial land use designation provides 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.

The proposed amendment would allow multi-family residential uses throughout the designation, including on the ground level, and would redesignate the area as C/MU-1 General Commission and Mixed Use (4 stories). The existing Mixed Use 1 Overlay in the area, which was designed to encourage commercial uses on existing residential lots in the C-1 designation, would be removed, as both commercial and residential uses would be allowed throughout the district.

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

The Seacoast Commercial district is the City's tourist commercial, visitor-serving region. It includes the area along Seacoast Drive, which the main street paralleling the shoreline from Palm Avenue to Imperial Beach Boulevard, as well as a small stretch of Palm Avenue east of Seacoast Drive. The area is currently designated in the LUP as follows:

**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.

The Seacoast District is currently developed with a mix of commercial, multi-family residential, and mixed use developments. However, many of the lots immediately adjacent to the shoreline are developed with single-family residents. There is an existing overlay designation in the Seacoast District, the Mixed Use 2 Overlay, which is designed to promote and facilitate the expansion of visitor-serving commercial uses along the shoreline:

**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.

The proposed amendment would redesignate the area C/MU-2 Seacoast Commercial and Mixed Use. It would allow residential uses on the ground floor throughout the district. It would allow multi-family residential uses to be located on the east side of Seacoast Drive, and on Palm Avenue, east of Seacoast Drive, to develop at a density of 1 unit per every 1,210 gross sq.ft. of lot area, rather than the existing 1 per 1,500 sq.ft of lot area.

The MU-2 Overlay would be converted to the “Seacoast Residential Overlay.” Rather than encourage the conversion of the single-family residential to commercial uses, as the existing overlay does, the proposed Residential Overlay would “preserve opportunities for single-family residences,” as well as allowing multi-family and commercial uses.

**3. C-3 Neighborhood Commercial (2 stories)**

The C-3 Neighborhood Commercial District is a several-block area at the corner of 13<sup>th</sup> Street and Imperial Beach Boulevard, several parcels at the northeast corner of Imperial Beach Boulevard and 9<sup>th</sup> Street, and several parcels on the northeast corner of 13<sup>th</sup> Street and Iris Avenue. These lands are intended to provide for businesses which meet the local neighborhood demand for commercial goods and services, as opposed to the goods services required primarily by the tourist population or City-wide. The current maximum height is 2 stories or 28 feet, and residential uses are permitted only above the first floor at a maximum density of one unit per every 2,000 sq.ft. feet of land.

This designation would be changed to C/MU-3 Neighborhood Commercial and Mixed Use (3 Stories), allowing heights up to 30 feet. With approval of a condition use permit that demonstrates compliance with various development incentives, three stories or 35 feet in height would be permitted. The proposed amendment would allow residential uses in the C/MU-3 area at a maximum density of 1 unit per every 1,500 gross sq.ft., (or up to 1 unit per every 1,210 gross sq.ft. of lot area if the development incentives are provided),

and residential uses would not be limited to above the ground floor. In addition, since the area on the corner of 13<sup>th</sup> Street has been developed with multi-family residential, the amendment includes redesignating this area to High Density Residential to match the existing use.

#### 4. Parking

The City's IP includes detailed parking standards; however, the following general parking standards are included in the LUP:

#### **Policy C-22h 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 proposed amendment would add the following new standards for mixed use development:

#### **Policy C-22h Detailed Parking Standards Shall Be Included In the Zoning Ordinance**

Per the City of Imperial Beach Zoning Ordinance, parking standards for the commercial/mixed-use zones shall use the following guidelines:

- Commercial – C/MU-1 and C/MU-3 zones: 1 space per 500 gross sq. ft. of commercial use.
- Commercial – C/MU-2 zone: 1 space per 1,000 gross sq. ft. of commercial use.
- Multiple-family residential – C/MU-1, C/MU-2, and C/MU-3 zones: 1.5 spaces per dwelling unit.
- Hotel without cooking facilities – C/MU-1, C/MU-2, and C/MU-3 zones: 1 space per guest room.
- Hotel with cooking facilities – C/MU-1, C/MU-2, and C/MU-3 zones: 1.5 spaces per guest room.

In the commercial/mixed-use zones, parking reductions, shared parking, waivers, or other strategies may be employed in order to facilitate pedestrian oriented activity and mixed-use development, and shall be subject to Policies C-22b, C-22e, and C-22f, which describe various requirements for pedestrian-oriented design, shared parking, and off-site parking requirements (see Exhibit #6, "AECOM, Page 1-2).

**B. CONFORMITY OF THE LAND USE PLAN WITH CHAPTER 3**

Relevant Coastal Act policies include the following:

**Section 30210**

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

**Section 30211**

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

**Section 30213**

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

**Section 30221**

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

**Section 30222**

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

**Section 30250**

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. [...]*

**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 Denial**

As described, the proposed revisions to the plan would substantially reduce the commercial space requirement and thus allow expanded residential use in areas of the City's commercial districts that are currently required to be developed with commercial uses. The City's small Neighborhood Commercial District (currently designated C-3) is more than a mile and half away from the shoreline, is very limited in size, and is intended to serve only local commercial needs. The proposed revisions to this land use designation would not impact coastal access or resources. However, as proposed, the revisions to the General Commercial and Seacoast Commercial could potentially impact high-priority visitor-serving commercial uses.

As certified in the LUP, the existing C-1 General Commercial district is also oriented mainly towards the needs of locals, not visitors. However, although the area is not specifically designed with tourists in mind, it contains the City's primary access road to the coast (Palm Avenue), and commercial uses in this area serve people travelling from the freeway to the shoreline. In addition, there is an existing recreational vehicle park/campground in the C-1 area on the north side of Palm Avenue/SR-125, at the corner of SR-125 and Rainbow Drive, that provides lower cost visitor-serving overnight accommodations, which is one of the highest priority uses identified in the Coastal Act. The RV site is immediately adjacent to San Diego Bay, and is within easy biking distance of the Bayshore Bikeway and the shoreline. The western end of Palm Avenue, where the RV park is located, is also the main entryway to the city and the city's beaches from the Silver Strand and Coronado.

The amendment is intended to concentrate viable commercial development in the core areas of the City while allowing for additional residential uses to support those commercial uses. However, as proposed, the LUP ~~would~~ could allow the entire C-1 District, including the existing RV site, to be redeveloped solely with multi-family uses. (The City's proposed IP amendment includes a requirement that lots fronting Palm Avenue between 7<sup>th</sup> Street and Florida Street would be required to be at least 60% active commercial uses. However, this requirement is not proposed to be included in the Land Use Plan and thus, would not be the standard of review should the City want to reduce or remove it in the future). The City is currently reviewing a development proposal to remove the RV park and replace it entirely with condominiums. The proposed redesignation from Commercial to Mixed Use ~~is likely to significantly~~ could reduce the overall amount of commercial facilities along Palm Avenue, and would potentially allow for the elimination of the City's only existing ~~lower-cost overnight accommodations facility~~ RV Park, which could be inconsistent with the priority use policies of the Coastal Act.

The existing C-2 Seacoast Commercial District parallels the beach, and constitutes the Imperial Beach's visitor-serving area. However, unlike most coastal cities, the City's tourist-commercial land area is not specifically reserved for tourist-commercial uses only, but is more of a mixed use area, with commercial uses required on the ground floor (including uses that are not strictly visitor-serving, such as professional offices, financial institutions, real estate offices, and child day care centers), and residential uses permitted on the upper floors. Furthermore, as noted above, many of the oceanfront lots in the Seacoast District are currently single-family residences. The existing Mixed Use Overlay in the Seacoast District acknowledges the presence of these low-priority single-family residential uses, but encourages their conversion into high-priority commercial uses. Thus, a wide range of uses are currently permitted in the Seacoast District.

As with the proposed changes to the C-1 District, the proposed amendment would further de-emphasize tourist-commercial uses in the Seacoast District by allowing the entire C-2 area to be built out with multi-family residential uses. (As with the C-1 District, the proposed IP amendment includes a requirement that lots fronting Seacoast Drive be a minimum of 60% active commercial uses, but this limitation is not included in the LUP). Allowing all residential uses in the City's only tourist-commercial oriented area is not consistent with the priority use provisions of the Coastal Act. In addition, the proposed replacement of the existing Mixed Use Overlay in the Seacoast District with a "Seacoast Residential Overlay" would reverse the intent of the existing overlay—to encourage new tourist commercial uses—to encouraging continuation of the single-family residential uses. This approach is not consistent with the Section 30221 requirement that private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation have priority over private residential development.

Thus, the subject amendment significantly deprioritizes all kinds of commercial uses in multiple areas of the City, in favor of residential use. The City's intent with the subject



amendment is to encourage development and redevelopment in more focused areas which may be able to support higher occupancies and improved business in the commercial leaseholds, rather than broader mixed use districts. In addition, if there were an increase of mixed use development, that could potentially reduce the reliance on automobiles and reduce traffic.

However, the City's commercial zones already permit mixed commercial and residential development; despite the proposed "Commercial Mixed-Used" label, the proposed LUPA would give residential uses equal emphasis with commercial. The Commission recognizes the City's interest in stimulating development in underutilized areas and avoiding high vacancy rates in commercially zoned areas. However, it is important that a minimal amount of land area for commercial uses be preserved along major coastal access corridors and in shoreline areas in order to ensure visitor-serving commercial facilities for tourists are available, such that beach communities do not become entirely bedroom communities accessible only to residents. In addition, if the City is going to allow more residential use at the expense of commercial uses, the City's few highest priority commercial uses—lower-cost commercial facilities including the City's RV parks—should be protected and preserved.

The City's IP includes detailed parking standards; however, general parking standards are included in the LUP. Thus, the detailed discussion of parking impacts is included in the findings for the IP amendment, which are incorporated herein. However, the proposed LUP changes in parking requirements for Mixed Use developments are generally consistent with the public access policies. However, since the parking requirements will be reduced, and given the overall amendment's shift towards pedestrian orientation, increased heights and density, the LUP should include some specific trip demand reduction strategies. However, as proposed, no specific strategies are included, only a general commitment to "transportation demand management strategies."

As proposed, the LUP Amendment does not adequately protect the City's existing high-priority uses, does not require a minimum amount of commercial uses in the C-1 or C-2 districts, and prioritizes the protection of single-family residences on the shoreline. Therefore, as submitted, the amendment cannot be found consistent with the public access, recreation, and priority use policies of the Coastal Act.

## **2. Findings For Approval if Modified**

Since the amendment would allow a significant increase in low-priority residential use within the City's mixed use zones, suggested modifications have been added to ~~provide specific protection for high-priority visitor serving uses; in particular, the City's existing RV park. Suggested Modification #3 adds language to the definition of the new General Commercial and Mixed-Use land use to protect and encourage existing high-priority uses such as the RV park. Suggested Modification #7 adds a requirement that public recreation and lower-cost commercial recreational development, including RV parks, campgrounds, hostels, and hotels, not be removed, unless replaced with a facility comparable in function, location, and cost to the public, or an in-lieu mitigation fee is provided. With~~

~~regard to the in-lieu fee, in past years, the Commission has most typically required a mitigation fee of \$30,000 for each lower cost unit lost (e.g., the Solana Beach LUP). This amount could vary for moderate cost accommodations. However, rather than include a specific number in Imperial Beach's LCP at this time, given the City's particular challenges with attracting and retaining commercial development, specifically overnight accommodations, the Commission finds that the appropriate mitigation would be best determined at such a time that a specific project is approved, taking into consideration the current economics and circumstances of the particular project in question. In any case, as modified, appropriate mitigation to off-set the loss of overnight visitor accommodations would be required.~~

To ensure that a minimum amount of lower-cost and visitor-serving commercial uses are preserved along the City's main coastal access route, Suggested Modification #3 and #6 require that all buildings with frontage on the north and south sides of Palm Avenue/SR 75 ~~between the border with the City of San Diego and Rainbow Drive~~ 7th Street and Florida Street including those with multiple-family dwelling units, include "active commercial uses" at a minimum of sixty percent of each building's ground floor square footage, as well as direct pedestrian access from the Palm Avenue sidewalk or a plaza. ("Active Commercial Uses" is a new definition proposed in the IP, and described below in the findings for the Implementation Plan). This is ~~essentially~~ the same requirement that the City is proposing to include in the proposed IP, ~~with several important modifications. First, the suggested modifications requires that the area along Palm Avenue that is subject to the 60% active commercial uses standard includes Palm Avenue from Florida Street west to Rainbow Drive, or roughly to the location of the RV park (see Exhibit #7). The City's (IP) proposal for ground level commercial covers only approximately 5 city blocks in the middle of Palm Avenue, and excludes the portions of Palm Avenue on the eastern border of the city and the portion of the Palm Avenue on the Coronado side of the city. As noted, the western terminus of Palm Avenue is the main entry way to the City from the Silver Strand. Visitors to the Imperial Beach's shoreline from Coronado would mostly likely never travel inland on Palm Avenue to the area where the City is proposing retain some commercial development. This area currently consists largely of commercial development now, including the RV Park on the north side of Palm Avenue, and various commercial retail uses on the south side. There is also an existing mobile home park on the south side of Palm Avenue.~~ Thus, the proposed suggested modification would prioritize commercial uses in the areas most likely to generate the demand for tourist-commercial uses, and would be generally consistent with the existing uses along Palm Avenue.

Second, as proposed in the IP, the requirement for 60% active commercial uses could be removed or modified with approval of a conditional use permit. However, if this requirement could simply be removed without any conditions, or standards, or offsets, it would remove the emphasis on commercial uses on Palm Avenue altogether. Thus, this exception provision is not included in the suggested modification (and is deleted in the IP by Suggested Modification #10 and #12).

Suggested Modifications #3 and #6 also clarify that the requirement for “60% active commercial uses” on the Palm Avenue street frontage means that the remaining 40% of the lot frontage would generally be commercial, but not necessarily “active” uses; that is, it could be parking, or back of the house space, or stairwells associated with upper story residential uses. The intent of this requirement is not to suggest or allow the other 40% of the lot to be used for parking associated with residential uses. The City has indicated this clarification is consistent with their intent in adopting the provision. All of these revisions have been made to the corresponding IP policies (see Suggested Modifications #10 and #12).

Suggested Modifications #4 and #5 revise the City’s proposed Seacoast Residential Overlay to largely retain the same language and emphasis on visitor-serving commercial uses as in the existing certified LUP. The suggested modifications do not require that any existing single-family uses convert to commercial, or prohibit the future development of single-family residences in the overlay. As modified, the overlay zone allows for the development of oceanfront land suitable for visitor-serving commercial recreational uses, with such uses, consistent with the visitor-serving commercial protection policies of the Coastal Act. These revisions have been made to the corresponding IP policies (see Suggested Modifications #11 and #15).

Suggested Modification #2 adds new policies supporting balanced development between commercial, residential, and recreational uses to support alternative forms of transit and walkability. Suggested Modification #2 also requires shared public/private parking where feasible to support beach users.

Suggested Modification #4 clarifies the location where the proposed increase in density would apply. Suggested Modification #1 adds a clarification in the introduction section of the LUP to include in the overall LUP goals the proposed allowance for an increase in density with the development incentives.

One potential concern with the project is the impact the amendment would have on the City’s existing RV Park, Bernardo Shores. This 124-space RV park is located on Palm Avenue, a major coastal access route and the gateway to Imperial Beach from the Silver Strand and the City of Coronado. The site is an ideal location for a visitor-serving use; adjacent to San Diego Bay, overlooking the wildlife refuge, within walking/biking distance of the beach, and near the amenities of the Seacoast District and the City of Coronado. The property is currently designated C-1; however, the proposed amendment would redesignate the site to allow it be developed entirely with multi-family residential uses. The City is currently reviewing a proposal to remove the RV Park and construct a 203 unit condominium project.

This site has historically provided lower cost visitor-serving accommodations, which is one of the highest priority uses identified in the Coastal Act. The City, based on information provided by the operator, has indicated that the RV Park is typically used for long-term stays, not single-night overnight accommodations (see Exhibit #9) and there are no facilities, such as showers or restrooms, provided on-site. All recreational vehicles

have to be self-contained vehicles. Nonetheless, Bernardo Shore's own website states that the Park provides "Affordable RV Sites Year-Round," including daily, weekly, and monthly rates. Testimonials provided on Bernardo Shore's website and other RV Park review sites also clearly establish that tourists are visiting Bernardo Shores for weekend stays, as well as weekly and monthly stays.

Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected and retained, encouraged, and where feasible, provided. The Commission has the responsibility to both protect existing lower-cost facilities, and to ensure that a range of affordable facilities be provided in new development along the coastline of the state. Imperial Beach does not currently have an abundance of existing lower cost overnight accommodations within close proximity to the coast; in fact, the City currently only has two hotels, including the Seacoast Inn, which is in the process of being remodeled and expanded into a high-end hotel.

The City has suggested that multi-family residential uses should be considered high-priority uses, because they can be used as vacation rentals. Vacation rentals can provide a valuable source of overnight accommodations, particularly in cities such as Imperial Beach where traditional overnight facilities are limited. However, the availability of vacation rentals is totally dependent on the interest of individual homeowners, and short-term rentals are also often controversial and are frequently restricted by community interest groups. Thus, while the Commission typically encourages vacation rentals in existing residential zones, they have never been seen as equal to facilities that consistently offer short-term lower cost overnight accommodations, such as motels and RV parks. Residential vacation rentals also do not provide the types of visitor-serving uses such as retail stores and restaurants that are often associated with commercially-zoned properties.

Imperial Beach does not have any land area specifically designated and reserved for visitor-serving uses; all of its commercial areas, including the shoreline adjacent Seacoast District, allow mixed use commercial/residential development, including commercial uses that are not typically considered visitor-serving, such as professional offices. The Commission has historically found this approach to be appropriate for Imperial Beach, given the City's development patterns and difficulty in attracting commercial tenants. However, since Imperial Beach's visitor-commercial facilities are already extremely limited, and the subject amendment will allow for a significant reduction in the amount of land designated for commercial-only uses, identifying and preserving the few parcels that do contain visitor-serving uses is critical.

The Commission considered suggesting modifications that would have specifically required that if public recreation or lower-cost commercial recreational development, including RV parks, were removed, they would have to be replaced or a mitigation fee provided to offset the loss of the high-priority use. However, the City's existing LUP includes the language of Section 30213 of the Coastal Act, in Policy L-9, which states: "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are

preferred.” Thus, these uses are provided protection under the existing LUP, and thus, no further suggested modifications are necessary. At such time when a project is proposed in the City that would impact the City’s existing RV Park, the project must be reviewed to determine if the use provides lower cost visitor and recreational facilities, and if it is consistent with this policy, including any necessary and appropriate mitigation for replacement of the use if removal of lower cost visitor and recreational facilities is proposed.

In summary, the proposed amendment will result in a reduction in commercial uses and development throughout the city. However, the intent is to concentrate and hopefully support more successful commercial enterprises in core areas. As modified, high-priority visitor-serving uses will not be adversely affected, as the areas most likely to serve tourists—Palm Avenue and Seacoast Drive street frontages—will provide 60% active commercial uses on the ground floor. The City’s existing ~~RV Park will be protected and affordable overnight accommodations must be maintained~~ lower cost visitor and recreational facilities and public recreational opportunities will be protected, encouraged, and where feasible, provided, as required by Section 30213 of the Coastal Act. Additional trip demand reduction policies in the LUP will ensure that access to the coast continues to be supported. Therefore, the proposed amendment, if modified as suggested, can be found consistent with the certified LUP.

## **PART V. FINDINGS FOR REJECTION OF THE CITY OF IMPERIAL BEACH IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED**

### **A. AMENDMENT DESCRIPTION**

The proposed changes to the implementation plan/zoning code would add new definitions, revise the permitted uses in the City’s commercial zones, increase height limits in the Seacoast zone, and significantly reduce the parking requirements for all mixed use projects.

#### **1. Definitions**

The City is proposing to add definitions of many use types that are not currently defined in the code, as well as making minor adjustment to existing definitions, from Religious Assemblies, to Health Clubs to Mixed Use Development. The amendment includes a new definition of “Active Commercial Uses,” which, as noted previously, would be required on a percentage of the ground floor of developments fronting a portion of Palm Avenue and Seacoast Drive. Active Commercial Uses would be defined as follows:

“Active commercial uses” mean commercial uses that are oriented along the street wall facing the main street at ground level. Active commercial uses should be accessible to the general public, generate walk-in pedestrian clientele, and 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.

## 2. Permitted Uses

The amendment would add a new table to the code identifying uses in the three commercial/mixed use districts that are expressly permitted, uses that require a Conditional Use Permit (CUP), uses that are permitted with specific location requirements, and unpermitted uses. Most of the uses listed in the proposed table are unchanged from the existing certified plan, but as previously described, most of the restrictions on multi-family uses on the ground floor would be eliminated.

The City has identified an error in the proposed amendment that identifies liquor stores as permitted outright rather than only with a CUP in the proposed C/MU-1 (General Commercial/Mixed Use) and C/MU-2 (Seacoast Commercial/Mixed Use) zones. Liquor stores are currently only permitted with a CUP in these zones. Suggested Modification #9 corrects the permitted use table to require a CUP for liquor stores.

## 3. Commercial Zone Revisions

Consistent with the LUP Amendment, the IP amendment would revise the existing General Commercial, Seacoast Commercial, and Neighborhood Commercial zones to allow multi-family uses on the ground floor in each district, with the following exceptions.

The C-1 Zone would be rezoned as the “C/MU-1 General Commercial and Mixed-Use Zone.” As described under the Land Use Plan findings, in addition to commercial uses, the amendment would allow multi-family residential through most of the area, on both upper and ground level development. However, for buildings with frontage along Palm Avenue between 7<sup>th</sup> Street and Florida Street, the following requirements would apply:

“Active commercial uses” are required to be provided at “a minimum of 60% 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 C-2 zone would be rezoned as the “C/MU-2 Seacoast Commercial and Mixed-Use Zone.” Consistent with the proposed changes to the LUP, the proposed zoning would allow multi-family residential development throughout the district, except that for all buildings with frontage along Seacoast Drive, the same requirement as along Palm Avenue for 60% active commercial uses and pedestrian access from Seacoast Drive, would apply.



The proposed amendment would also allow an increase in the residential density and heights in the Seacoast district. Currently, residential dwelling units are permitted above the first floor at a maximum density of one unit per every 1,500 sq.ft. of lot area. The amendment would allow a maximum density of one dwelling unit for each 1,210 sq.ft. of lot area, with approval of a CUP 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 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 stepback of five feet beyond required stepback.

In addition, the maximum height limit in the Seacoast district would increase. The certified IP limits building heights in the Seacoast district to three stories or thirty feet in height, whichever is less, with an exception for hotels, which can be up to 40 feet with approval of a Specific Plan. As proposed, properties located on the east side of Seacoast Drive would have a height limit of three stories or 35 feet, with approval of a CUP that demonstrates compliance with two or more of the above development incentives.

The C-3 zone would be rezoned as the C/MU-3 Neighborhood Commercial and Mixed Use zone. Permitted uses would be expanded to allow multi-family residential uses throughout the district, except that for all buildings with frontage along Imperial Beach Boulevard and 13<sup>th</sup> Street, the 60% active commercial uses and direct pedestrian access requirement would apply. The same multi-family density increase as in the Seacoast district (from 1 dwelling unit per 1,500 sq.ft. of lot area to 1 dwelling unit per 1,210 with two development incentives) would also apply.

The maximum height limit in the Neighborhood zone would also increase, from two stories and 28 feet, to three stories and 30 feet in height, whichever is less. Three stories and 35 feet height would be permitted if two of the same above-listed development incentives are included in the project.

#### 4. Parking

The proposed amendment involves significant reductions in the amount of off-street parking required for new or expanded development in the three newly designated Commercial/Mixed Use zones. The existing standards for stand-alone residential uses and most individual commercial uses would remain the same. However, several significant changes are proposed to individual commercial uses, including revising the standards for retail stores (currently one space for each 250 sq.ft. of floor area plus one space per two employees) and office uses (currently one space for 300 sq.ft. of floor area plus one space per two employees), both of which would be revised to require only one space for each 500 sq.ft. of floor area.

The following new standards would apply for mixed use (commercial/residential) and hotel development:

#### **19.48.035. Required spaces in the C/MU-1, C/MU-2, and C-MU-3 zones.**

For new development or expansion of existing structures designed to accommodate a variety of shops, stores, offices, restaurants, personal convenience services, and athletic and health clubs in the C/MU-1, C/MU-2, and C/MU-3 zones, off-street parking shall be provided in accordance with the standard listed in the following table. During site plan review, the City would determine whether the standard for required parking could be reduced based on the types of proposed land uses and existing land use, and the availability of parking (both private and public parking) in the project area. Shared parking shall be permitted and shall only be approved when technical evidence is presented to justify the shared use. The Urban Land Institute guidebook Shared Parking Second Edition (2005) shall be used as a guideline and supplemented by additional findings, where appropriate.

<b>Zone/Land Use</b>	<b>Standard</b>	<b>25% Reduction for Vertical Mixed-use</b>	<b>Eligible for Waiver for Commercial Uses Less Than 1,000 SF</b>	<b>Eligible for Additional Parking Reduction for Shared Parking</b>
C/MU-1 and C/MU-3	1 space per 500 gross SF of commercial	X	X	X
C/MU-2	1 space per 1,000 gross SF of commercial	X	X	X
Multiple-family Residential	1.5 spaces per dwelling unit	X		X
Hotel without Cooking Facilities	1 space per guest room	X		
Hotel with	1.5 spaces per	X		

Cooking Facilities	guest room			
--------------------	------------	--	--	--

To clarify what types of developments the proposed new parking standards apply to, the City has requested that the title for the above “**Section 19.48.035 Required spaces in the C/MU-1, C/MU-2, and C/MU-3 zones**” be revised to indicate these requirements apply to mixed-use projects, and the title for “**Section 19.48.050 Required spaces – Commercial and other uses**” be revised to indicate this section applies to stand-alone projects. Suggested Modifications #16 and #17 make these revisions.

#### 5. Design Standards

The proposed amendment also includes new commercial/mixed use zones design guidelines. These include preserving and creating view corridors to the oceanfront, pedestrian orientation, building articulation, landscaping, and providing active uses on ground floors. These guidelines will be added in a separate section of the IP titled “Proposed Commercial/Mixed-Use Zones Design Guidelines.”

### **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.

#### **C-22 Parking**

Parking for both residents and visitors shall be provided as part of new development.  
[...]

### **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).
4. Require landscaping of properties near the beach area to attain a pleasant visual image.
5. Assure continued replenishment of sand.

### **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.**

### **D-8 Project Design**

- a. The design of development projects should respect, work with and enhance the natural features of the land.
  - Natural scenic amenities such as mature trees; watercourses and views should be integrated into the project design
  - Structures should be oriented and constructed so they may take advantage of the beneficial features of the climate and be protected from the negative ones in order to reduce energy consumption and increase the enjoyment of the residents.
- 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.  
[...]

#### **L-6 Tourist Commercial Uses**

Imperial Beach should provide, enhance and expand tourist commercial uses to the extent that they can be compatible with the small beach oriented town character of the City.

#### **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.

#### **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-7 Increase Tourist Related Commercial Land Uses**

The City and its business community should take direct action to increase the amount of tourist-oriented businesses both along the beachfront, South San Diego Bayfront and inland areas.

### **GOAL 14 SHORELINE ACCESS**

**To provide physical and visual access in the City's five coastal resource areas for all segments of the population without creating a public safety concern, overburdening the City's public improvements, or causing substantial adverse impacts to adjacent private property owners.**

## **1. Findings For Denial**

As described, the proposed amendment would allow expanded multi-family residential use to be located throughout all of the City's commercial zones, with the exception of the ground level street frontages on a portion of Palm Avenue and Seacoast Drive, where 60% active commercial uses must be provided on the ground floor. However, as proposed, this requirement could be removed with approval of a conditional use permit, and thus, no commercial uses at all would necessarily be required. ~~In addition, as proposed, only a very limited stretch of Palm Avenue is covered by the requirement for 60% active commercial uses.~~

As discussed in the findings for the LUP, which are incorporated herein, it is important that a minimum level of commercial development is provided both on the Palm Avenue, which is the major coastal access route into the City, and particularly in the Seacoast District, to ensure that lower cost visitor and recreational facilities are protected, encouraged, and, where feasible, provided. The LUP encourages the City and its business community "to take direct action to increase the amount of tourist-oriented businesses both along the beachfront, South San Diego Bayfront and inland areas."

Furthermore, the requirement for 60% active uses on the ground floor is somewhat ambiguous; as proposed, it could be interpreted as allowing 60% site to be developed with commercial uses, with the remaining street frontage occupied by residential parking, which would not promote a visitor-serving or pedestrian oriented environment.

The proposed definition of the "Active Commercial Uses" which must be provided is also written in such a way that the requirements could be considered optional, rather than mandatory. Specifically, the definition states that active commercial uses "should" (not shall) be accessible to the general public, generate walk-in pedestrian clientele, and contribute to a high level of pedestrian activity. Thus, as proposed, the active commercial use requirement might not actually result in any tourist or pedestrian-oriented development.

The proposed redefinition of how height is measured is unclear, as it does not specify whether height should be measured from existing grade, or after grading or fill occurs. Thus, as proposed, the definition could result in significantly greater heights than under the current LCP, which could adversely impact the visual quality of the City's environment, inconsistent with the visual protection policies of the LCP.

The proposed new definition of "Open Space, Public" could also be misleading, as "public open space" is typically used to describe publically owned lands available for access or recreation, while the City's proposed definition refers to outdoor recreation area available for the use of residents and users of a private building or business.

Several of the City's proposed use regulation changes, as submitted, could adversely impact tourist-oriented businesses and lower cost visitor and recreational facilities. Specifically, the amendment would prohibit hostels and campsites in C-1 zone, which, as

tourist-oriented businesses and lower cost visitor accommodations, the policies of the certified LCP specifically encourage along the beachfront, South San Diego Bayfront and inland areas. The City has suggested that campsites are not an appropriate use in a commercial zone, and that campsites are not pedestrian oriented. However, as previously described, there is an existing RV Park in the C-1 zone, on a site adjacent to San Diego Bay and near the Bayshore Bikeway. This use currently offers overnight RV camping, and is within easy biking distance of the Bayshore Bikeway and the shoreline, thus providing a low-cost commercial recreation use that is both very appropriate for the site, and compatible with alternative forms of recreational transportation.

As discussed in detail in the LUP findings, the proposed changes in the existing Seacoast District overlay zone would shift the emphasis on shoreline development from commercial to residential, inconsistent with the LUP policies promoting visitor-serving uses along the shoreline.

The LCP policies call for providing visual access to the coast, preserving and enhancing the aesthetic quality of the city, and preserving the feeling of being near the ocean and bay should be emphasized even when the water is not visible. In the Seacoast District, the proposed amendment would allow an increase in height for properties east of Seacoast Drive from 3 stories or 30 feet, to 3 stories and 35 feet, when certain development incentives are met. The amendment also allows an increase in density on the inland side of Seacoast Drive and a portion of Palm Avenue. Most of the public shoreline and ocean views in the city are from the east/west streets inland of Seacoast Drive. Thus, as proposed, the increase in height and density could potentially impact public views of the water and shoreline area from these streets, inconsistent with the visual resource protection policies of the LCP.

Therefore, as proposed, the amendment would have adverse impacts on the provision of tourist-commercial related uses and visual quality, inconsistent with the certified LCP. Therefore, the amendment must be denied as submitted.

## **2. Findings For Approval if Modified**

As discussed in detail in the findings for the LUP, Suggested Modifications have been added that would ensure that while as proposed, most of the C-1 District could be developed entirely with multi-family residential uses, a minimum amount of lower-cost and visitor-serving commercial uses will be preserved along the ground level of development along Palm Avenue, the City's main coastal access route, and on Seacoast Drive, the first coastal roadway and the spine of the near-shore area (see Suggested Modifications ~~#10~~ #9, and ~~#15~~ #14). Suggested Modifications ~~#10~~ #9 and ~~#12~~ #11 removes the option to delete the requirement 60% active commercial uses on the ground floor frontage on Palm Avenue through approval of a conditional use permit, and the definition of Active Commercial Uses has been modified to make the requirement mandatory, not optional (see Suggested Modification ~~#8~~ #7). Thus, as modified, active commercial uses will be required along the City's main coastal access corridors, Palm Avenue and Seacoast Drive.



In addition, at the City's request, Suggested Modification ~~#8~~ #7 makes a minor revision to the definition of Active Commercial Uses to state that these uses shall be "accessible to the general public, generate walk-in pedestrian clientele, or [not and] contribute to a high level of pedestrian activity," to clarify that while any particular development may not be able to meet all of these criteria, each project must provide at least one, in order to achieve the goal of creating an active, pedestrian oriented streetscape.

As described in the LUP findings, Suggested Modifications ~~#11~~ #10 and ~~#15~~ #14 revise the City's proposed Seacoast Residential Overlay to largely retain the same language and emphasis on visitor-serving commercial uses as in the existing certified LUP. The suggested modifications do not require any existing single-family uses to convert to commercial, or prohibit the future development of single-family residences in the overlay. As modified, the overlay zone allows for the development of oceanfront land suitable for visitor-serving commercial recreational uses, with such uses, consistent with the visitor-serving commercial protection policies of the Coastal Act.

Suggested Modification ~~#8~~ #7 clarifies that the measurement of height begins from existing, not finished, grade. Suggested Modifications ~~#8~~ #7 and #5 also replace the City's proposed new term "Open Space, Public" with "Open Space, Common" to more accurately reflect the private use being defined.

Suggested Modification ~~#9~~ #8 revises the list of uses allowed in commercial districts to allow hostels and campgrounds in the C-1 zone, with approval of a CUP. Thus, high priority uses will be permitted, as deemed appropriate and compatible with the surrounding uses through the conditional use permit process.

As the amendment would allow an increase in height for properties east of Seacoast Drive from 3 stories or 30 feet, to 3 stories and 35 feet, Suggested Modification ~~#18~~ #17 adds language requiring that public views towards the ocean be protected through the use of setbacks and stepbacks. Thus, as modified, the increase in density and height associated with the amendment will not adversely impact public views or the visual quality of the area.

As described, the proposed amendment significantly reduces the amount of parking required for new mixed use development throughout the city. The intent of the reductions is to rely on shared parking opportunities associated with mixed use development, and to also shift away from a reliance on automobile traffic in favor of pedestrian, bicycle, and other forms of alternative transit. However, when private development does not provide adequate on-site parking, users of that development who arrive by automobile are forced to occupy public parking that would otherwise be used by visitors to the beach. Thus, the Commission typically requires all private development to provide adequate on-site parking or alternative public transportation to minimize adverse impacts on public access. In addition, the City's LUP specifically requires that parking for both residents and visitors be provided as part of new development.

Development in the City of Imperial Beach is well positioned to take advantage of alternative forms of public transportation. Just outside of the City's borders to the east, the San Diego Trolley line has stations at Palm Avenue on the north side of the Imperial Beach, and Iris Avenue on the southern side. The City's main accessways—Palm Avenue, Seacoast Drive, and Imperial Beach Blvd—are well served by bus lines. According to information from SANDAG submitted by the City, ridership on the Imperial Beach bus lines is among the highest in the region. In addition, in recent years the City has been improving bicycle routes through and around the city. For example, in July 2009, the approved minor LCP Amendment #1-09 allowing for improvements to the City's existing Ecoroute Bikeway, loop through the City west along Palm Avenue, down the entire length of Seacoast Drive, east along the City's southern border next to the TJ Estuary, and north along Connecticut/7<sup>th</sup> Avenue to the Bay.

In the City of Imperial Beach, the Seacoast District is the area where inadequate parking would be most likely to adversely impact beach goers. There is currently free street end parking available at most of the street ends in the Seacoast District, and several large paid parking lots operated by the Port District. Although no formal parking studies have been conducted, City staff have indicated that these spaces are typically underutilized the majority of the time.

A "Parking Strategy Memo" prepared for the City in December 2008 by Fehr & Peers reviewed various parking issues in Imperial Beach, focusing on implementing a shared parking strategy. The study did not specifically assess the City's supply of or demand for public beach parking, but made general recommendations regarding parking requirements for commercial/residential mixed-use development. The study recommends the adoption of 1 parking space per 1,000 sq.ft. of commercial development (as part of a mixed use project) requirement in the Seacoast Drive area, and 1 parking space per 500 sq.ft. of commercial development (as part of a mixed use project) in the Palm Avenue area. These are the parking ratios proposed in the subject amendment. The study also concludes, based on a brief parking study, that on Seacoast Drive, there is a general availability of on-street parking and off-street parking at the several mixed use developments surveyed. In addition, the study notes that "there are few physical impediments to walking in Imperial Beach, with generally pleasant weather and few topographical limitations, especially along Seacoast Drive." Although the parking study is specifically suggesting that off-site parking for commercial development is feasible in these circumstances, the fact that the city streets are flat and laid out in a grid, results in a fair amount of easy to access, unrestricted street parking in the residential area surrounding Seacoast Drive, which provides a reservoir of parking for beach visitors, as well.

The policies of the certified LCP are generally supportive of smart growth development, which can include concentrated density, mixed use development, and, where appropriate, implementing shared parking. The LUP policies also require that public access to the shoreline be provided and maintained. The intent of the proposed revisions to the parking standards are intended to spur development of pedestrian-oriented, mixed use projects that will require fewer overall parking lots, fewer vehicle miles traveled and shift circulation patterns away from individual vehicles towards the use of alternative means of

transit. Given the City's existing transit infrastructure, the current availability of public parking in the nearshore area, the proposed reduction in parking standards is not expected to adversely impact beach parking. However, as suggested in the parking study, the City should continue to monitor the parking supply and demand along Seacoast Drive, ideally through regular counts, particularly during the peak summer months. Should counts indicate public parking is becoming impacted, private off-street parking requirements may need to be adjusted, or additional public spaces secured.

With the suggested modifications, the proposed LCP amendment is consistent with the public recreation, access, and shoreline protection policies of the certified LUP. The proposed amendment, if modified as suggested, conforms to the certified land use plan, as amended, and the proposed ordinance can be found in conformance with and adequate to implement the certified LUP.

## **PART VII. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment, the Commission finds that approval of the subject LCP amendment, if modified as suggested, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act.

As described above, for the most part, the proposed amendments to the City of Imperial Beach's Land Use Plan and Implementation Plan are consistent with the environmental protection policies of the Coastal Act. Suggested modifications have been added that ensure no impacts to public recreational, access, or visual resources will result from the proposed revisions. 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 unmitigatable environmental impacts under the meaning of CEQA will result from the approval of the proposed LCP amendment as modified.

**RESOLUTION NO. 2012-7236**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING GENERAL PLAN/ LOCAL COASTAL PROGRAM AMENDMENT (GPA/ LCPA) 100057, AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2011041048) AND CERTIFYING THAT PROPOSED ZONING AMENDMENT (ORDINANCE NO. 2012-1130) IS CONSISTENT WITH THE COASTAL ACT FOR THE COMMERCIAL ZONING AMENDMENT PROJECT. MF 935**

**APPLICANT: CITY OF IMPERIAL BEACH**

**WHEREAS**, on August 1, 2012 and on August 15, 2012, the City Council of the City of Imperial Beach held a duly advertised public hearing to consider the merits of approving or denying an application for General Plan/ Local Coastal Program/ Zoning Code (GPA/ LCPA/ ZCA 100057) Amendment, and

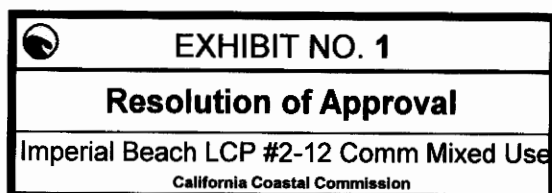
**WHEREAS**, the City Council finds that the proposed GPA/LCPA that would amend Figure L-1 (Land Use Map) of the Imperial Beach General Plan/LCP for properties designated C-1 (General Commercial) in the Palm Avenue study area, C-2 (Seacoast Commercial) in the Old Palm Avenue and Seacoast Drive study 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, is internally consistent with other policies of the general plan/ local coastal program; and

**WHEREAS**, the City Council finds that the proposed 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

**WHEREAS**, the City Council finds that the amendment is 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 City Council of the City of Imperial Beach hereby finds and certifies that the proposed Commercial Zoning Amendment is 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**, the City Council of the City of Imperial Beach finds that Public notice was given of the availability of documents and request for comments pertaining to this item that began a six-week/45-day public review period (from **April 19, 2012 to June 4, 2012**) for the item prior to any final action being taken by the City Council on this amendment request, pursuant to California Code of Regulations Code §13515 (14 CCR 13515) and California Government Code §65352; and



**WHEREAS**, in compliance with Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, a Program Environmental Impact Report (PEIR) has been prepared for this project and routed for public review from April 19 to June 4, 2012, and submitted to the State Clearinghouse (SCH # 2011041048) in accordance with the requirements of the (CEQA) for agency review, and

**WHEREAS**, the City Council has considered and heard any and all public testimony regarding the potential environmental impacts associated with this project, and hereby determines that:

- 1) the Final Program Environmental Impact Report (SCH # 2011041048)) reflects the decision-making body's independent judgment and analysis;
- 2) the decision-making body has, pursuant to CEQA Guidelines Section 15074(b), considered the information contained in the Draft and Final Environmental Impact Reports (SCH # 2011041048) and the written comments received during the public review period;
- 3) The PEIR found significant and unavoidable environmental impacts to the issue areas of greenhouse gas emissions (GHG), hydrology and water quality, and transportation and traffic.
- 4) Pursuant to Section 21081 of the California Environmental Quality Act (CEQA) and Section 15091 of the State CEQA Guidelines, the City found that mitigation for the project's greenhouse gas emissions; hydrology and water quality; and transportation and traffic impacts would not fully reduce those impacts to below a level of significance. Other potential measures were found to have specific economic, legal, technological, and social considerations that otherwise render full mitigation infeasible.
- 5) Pursuant to Section 15093 of the State CEQA Guidelines a Statement of Overriding Considerations is hereby adopted, by the City Council of the City of Imperial Beach, as certain significant effects of implementing the project are unavoidable even after incorporation of any feasible mitigation measures.
- 6) The City finds that the remaining unavoidable significant effects are acceptable due to specific economic, legal, social, technological, or other benefits which will result from approval and implementation of the project, as listed below. All of these benefits are based on the facts set forth in the Findings Regarding Significant Effects as contained in Exhibit "A" to this resolution, the Final PEIR, and the record of proceedings for this project.
- 7) The City finds that the proposed Imperial Beach General Plan/Local Coastal Plan and Commercial Zoning Amendments Project would have the following substantial Overriding Benefits as further contained in Exhibit "B" to this resolution:
  - a. Increased City Revenue for Needed Municipal Services and Facilities. Implementation of the General Plan/Local Coastal Plan and Commercial Zoning Amendments Project will help to stimulate new commercial activity in Imperial Beach, which will in turn generate increased local sales tax revenue for the City.

Increasing sales tax revenue is essential for funding existing and future municipal services as well as maintenance and improvements of public facilities that are owned and operated by the City.

- b. Employment Opportunities. Implementation of the General Plan/Local Coastal Plan and Commercial Zoning Amendments Project will generate new construction employment opportunities over the multi-year build-out. Implementation will also stimulate new and redeveloped commercial areas that will generate long-term employment opportunities at local commercial establishments. This will provide an economic benefit to the community and potentially the region as a whole.
- c. Enhancement of Local Community Character and Quality of Life. The development regulations and design guidelines associated with the project will yield development that better meets community goals for quality design and architecture, environmental sustainability, and pedestrian-friendliness in comparison to the existing zoning. Furthermore, expanding the number and diversity of local commercial businesses will allow residents and visitors to accomplish more shopping needs in Imperial Beach, resulting in shorter trips and opportunities to bike and walk to shopping, restaurant, and other commercial destinations.
- d. Pedestrian-Oriented Development. One of Imperial Beach's valued assets is its walkable environment, which is associated with reduced automobile traffic and associated air pollutants, public health benefits, viable transit access, enjoyable and well-connected urban form and connectivity, and overall quality of life advantages for residents and visitors. The new development regulations and design guidelines are intended to protect and enhance the pedestrian environment in the City's commercial corridors, thereby reinforcing and improving these benefits.

**NOW, THEREFORE, BE IT RESOLVED**, that General Plan/ Local Coastal Program Amendment (GPA/ LCPA 100057), and the Commercial/ Mixed-Use Zones Design Guidelines, as provided in Attachment 3 and made a part hereof, are hereby approved and the Final PEIR (SCH # 2011041048) including the Mitigation Monitoring and Reporting Program (MMRP) is hereby certified by the City Council of the City of Imperial Beach subject to the mitigation measures provided in the Final PEIR.

**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.

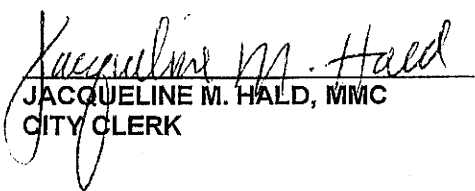
**PROTEST PROVISION:** The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its regular meeting held on the 1<sup>st</sup> day of August, 2012, by the following roll call vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>BILBRAY, KING, BRAGG, SPRIGGS, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
JENNIFER M. LYON



## **FINDINGS REGARDING SIGNIFICANT EFFECTS**

### **IMPERIAL BEACH GENERAL PLAN/LOCAL COASTAL PLAN AND COMMERCIAL ZONING AMENDMENTS PROJECT SCH: 2011041048**

**August 2012**

The City of Imperial Beach (City), as lead agency has prepared a Program Environmental Impact Report (PEIR) for the General Plan/Local Coastal Plan (GP/LCP) and Commercial Zoning Amendments Project (State Clearinghouse No. 2011041048). The PEIR found significant but mitigable impacts to air quality, paleontological resources, hydrology and water quality, and noise. The PEIR found significant and unavoidable environmental impacts to the issue areas of greenhouse gas emissions (GHG), hydrology and water quality, and transportation and traffic.

These findings, as well as the accompanying statement of overriding considerations have been prepared in accordance with CEQA and the CEQA Guidelines. The purpose of these findings is to satisfy the requirements of Sections 15090, 15091, 15092, 15093, and 15097 of the CEQA Guidelines, all in connection with the approval of the General Plan/Local Coastal Plan and Commercial Zoning Amendments Project.

Before project approval, an EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. Prior to approving a project for which an EIR has been certified, and for which the EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to Section 15091 of the CEQA Guidelines, for each identified significant impact:

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

## I. OVERALL FINDINGS

Pursuant to Section 21081 of the California Environmental Quality Act (CEQA) and Section 15091 of the State CEQA Guidelines, the City finds as follows:

- A. For each significant effect identified in the Final Program Environmental Impact Report (PEIR) other than those related to greenhouse gas (GHG) emissions, hydrology and water quality, and transportation and traffic, changes or alterations have been required in, or incorporated into, the project by project conditions of approval of which mitigate or avoid each significant environmental effect, as explained below. (Public Resources Code section 21081(a)(1).)
- B. For significant direct and cumulative impacts regarding GHG emissions associated with construction and operation of the proposed project, feasible measures have been incorporated in to the project to help minimize potential impacts. However, specific technical and legal considerations render full mitigation infeasible. No other known technically feasible and legally enforceable measures exists to reduce impacts to less than significant. In addition, at a program level of analysis, there is no assurance that the mitigation measures would be adequately applied to future projects or that additional, more effective Best Management Practices (BMPs) to reduce construction-related GHG emissions should be required in the future. Thus, the GHG impacts remain significant and unmitigated.

The potential will remain for future sea level rise due to the effects of global warming that is not addressed by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps and the Imperial Beach Municipal Code. There are no technically feasible mitigation measures that can reduce this impact to less than significant due to the project's location immediately adjacent to the Pacific Ocean. Therefore, the potential impact of coastal flooding remains significant and unmitigated.

For significant traffic impacts that would occur by Year 2030, a feasible mitigation measure has been included in the project to consider and implement Transportation Demand Management (TDM) strategies. However, these would not reduce the impact to less than significant. A portion of the necessary changes or alterations to improve roadway operation are within the responsibility and jurisdiction of another government agency and have been, or can and should be adopted by that other agency, and specific economic, legal and social considerations render full mitigation infeasible. (Public Resources Code Section 21081(a)(2) and (3).) While The City will coordinate with other agencies and jurisdictions to initiate a project and establish a process to accept fair-share contributions from project applicants at the time of permit issuance to be directed towards the improvement, there is no guarantee of timing of implementation of the improvements prior to the impact occurring. Other social and economic considerations, such as removing on-street parking for roadway improvements would be in conflict with City goals to maintain on-street parking for the benefit of local businesses or would not allow for the pedestrian-oriented and bicycle-friendly street environment concepts of current City planning efforts. Therefore, potential traffic impacts remain significant and unmitigated.

A Statement of Overriding Considerations is being adopted to address these significant and unmitigated impacts.

These findings are explained below and are supported by substantial evidence in the record of these proceedings, including materials in the City's files for this project.

## **II. EXPLANATION OF FINDINGS**

A. Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the City finds that, for each of the following significant effects as identified in the PEIR, dated August 2012 for the General Plan/Local Coastal Plan and Commercial Zoning Amendments Project (project) changes or alterations (mitigation measures) have been required in, or incorporated into, the project which avoid or substantially lessen each of the significant environmental effects as identified in the PEIR. The following are brief descriptions of the impacts and mitigation measures set forth in the PEIR and explanation of the rationale for this finding for each impact.

### **1. Air Quality Impacts**

Emissions from construction activities could potentially conflict with an applicable air quality plan and could violate an ambient air quality standard, which would be a significant air quality impact.

**Mitigation Measures AQ-1 and AQ-2:** Mitigation Measure AQ-1, as specified in the PEIR has been imposed upon the project as a condition of approval, requiring a fugitive dust control plan be developed and approved by the SDAPCD for all projects prior to issuance of a grading permit and commencement of construction activities that identifies measures to minimize generation of fugitive dust from all construction activities. This measure also includes standard fugitive dust control measures to be implemented. Mitigation Measure AQ-2, as specified in the PEIR has been imposed upon the project as a condition of approval, requiring construction emission control measures to be implemented.

**Rationale:** Alterations in the project have been required that avoid or substantially lessen the air quality impact. Implementation of Mitigation Measures AQ-1 and AQ-2 would reduce the impact to less than significant by providing appropriate requirements to minimize the production of both dust and equipment emissions during construction

activities. These measures are considered feasible and would reduce potential air quality impacts to less than significant.

## **2. Paleontological Resource Impacts**

Paleontological resources could be encountered if substantial excavation is proposed, such as for underground parking, and result in a significant impact if the resource were to be adversely affected.

**Mitigation Measure PR-1:** Mitigation Measure PR-1, as specified in the PEIR has been imposed upon the project as a condition of approval. This measure requires a qualified paleontological monitor to be present during grading/excavation/trenching activities and outlines the reporting requirements and steps to be taken in the event of a discovery.

**Rationale:** Alterations in the project have been required that avoid or substantially lessen the paleontological resource impact. Implementation of Mitigation Measures PR-1 would reduce the impact to less than significant by requiring that a paleontological monitor be present during ground disturbing activities and shall stop such activities, evaluate the significance of the resource, and consult with the Community Development Director if a paleontological resource is discovered. These procedures will ensure that significant paleontological resources would be appropriately preserved. This measure is considered feasible and would minimize potential air quality impacts.

## **3. Hydrology and Water Quality Impacts**

Construction and operation of new land uses within the project study areas may result in significant impacts to regional water quality.

**Mitigation Measures HY-1, HY-2, HY-3, and HY-4:** Mitigation Measures HY-1, HY-2, HY-3, and HY-4 as specified in the PEIR has been imposed upon the project as a condition of approval, requiring final grading and drainage plans to be reviewed for compliance with the City SUSMP; design BMPs to be incorporated into project plans for pollutant reduction; construction BMPs to be incorporated into project plans for pollutant reduction; and nonstructural post-construction operational BMPs to be implemented for pollutant reduction.

**Rationale:** Alterations in the project have been required that avoid or substantially lessen this water quality impact. Implementation of Mitigation Measures HY-1, HY-2, HY-3, and HY-4 would reduce the impact to less than significant by requiring implementation of project design features and construction practices at a project level that would reduce impacts to hydrology and water quality through actions such as reducing runoff volumes both during construction and operation of a project and minimizing pollutants in runoff. These measures are considered feasible and would reduce this potential hydrology and water quality impact to less than significant.

#### 4. Noise Impacts

Due to the potential for high short-term and instantaneous noise levels during peak construction activity near noise-sensitive receptors, businesses and residences near construction sites within the project study areas could be intermittently exposed to temporarily elevated levels of noise, which would be a significant impact.

**Mitigation Measures NOI-1 and NOI-2:** Mitigation Measure NOI-1, as specified in the PEIR has been imposed upon the project as a condition of approval. This measure requires noise minimizing measures to be implemented during construction activities, including equipment requirements, truck route requirements, and community noticing of noise generating activities. Mitigation Measure NOI-2, as specified in the PEIR has been imposed upon the project as a condition of approval, requiring a project-specific noise study for all construction projects within 150 feet of existing residential uses to determine the need for noise barriers or noise blankets to be incorporated into contract specifications.

**Rationale:** Alterations in the project have been required that avoid or substantially lessen this noise impact. Implementation of Mitigation Measure NOI-1 would reduce the impact to less than significant by requiring feasible equipment noise minimizing measures to be implemented, reducing noise to sensitive surrounding areas through appropriate truck haul routes, and notifying the surrounding community of when to expect increased noise levels. Mitigation Measures NOI-2 would serve to implement noise reduction measures at local residences when found to be potentially impacted by construction noise through a project-specific noise study. These measures are considered feasible and would reduce this noise impact to less than significant.

An increase in commercial and residential development from revitalization of underutilized properties would be expected to generate additional traffic that would result in increased noise levels, most noticeably to properties near Palm Avenue/SR-75 and Seacoast Drive. Elevated traffic noise would be a permanent increase in the ambient noise levels in the project study areas. Noise levels within 100 feet of roadways within the project study areas exceed the City's compatibility standards as defined in the Imperial Beach General Plan/LCP Noise Element. Thus, residential or mixed-used development could be proposed in areas that may be subject to existing or future traffic noise levels in excess of 60 dB CNEL, which would be a significant operation noise impact.

**Mitigation Measures NOI-3:** Mitigation Measure NOI-3, as specified in the PEIR has been imposed upon the project as a condition of approval. This measure requires site-specific noise studies in areas where new residential development would be exposed to CNEL of greater than 60 dBA to determine the area of impact and to present appropriate mitigation measures, such as specific placement of outdoor areas, mechanical ventilation to maintain interior noise levels below 45 dBA, and appropriate sound-minimizing features in new residences.

**Rationale:** Alterations in the project have been required that avoid or substantially lessen this noise impact. Implementation of Mitigation Measure NOI-3 would reduce the impact to less than significant by requiring a site specific noise study to determine if and where noise impacts might result with new residential development. If potential noise impacts are identified, the resultant noise levels would be reduced to acceptable levels through a variety of potential design and construction features in the new residences. This measure is considered feasible and would reduce this noise impact to less than significant.

B. Pursuant to Section 15091(a)(2) of the State CEQA Guidelines, the City finds that, for each of the following significant effects as identified in the PEIR, changes or alterations which would avoid or substantially lessen these significant effects are within the responsibility and jurisdiction of another public agency and not the agency making the finding and/or specific technical, economic, and social considerations render full mitigation infeasible; thus, these significant impact remain significant and unavoidable. The following are brief explanations of the rationale for this finding for each significant and unmitigated impact:

1. **Greenhouse Gas Impacts**

GHG emissions associated with construction of the proposed project would contribute to this significant cumulative GHG impact.

**Mitigation Measure GHG-1:** Mitigation Measure GHG-1, as specified in the PEIR has been imposed upon the project as a condition of approval. The measure requires projects seeking discretionary approval from the City to implement all feasible measures for reducing GHG emissions associated with construction that are recommended by the City and/or San Diego Air Pollution Control District (SDAPCD) at the time individual portions of the site undergo construction. By requiring that the list of feasible measures be established prior to the selection of a primary contractor, this measure requires that the ability of a contractor to effectively implement the selected GHG reduction measures be inherent to the selection process. The list provided within Mitigation Measure GHG-1 in the PEIR will be updated as new technologies or methods become available.

**Rationale:** The mitigation measure imposed upon the project as a condition of approval does not fully avoid or reduce the impact to less than significant. However, specific technical and legal considerations render full mitigation infeasible as no other known technically feasible and legally enforceable measures exists to reduce impacts to less than significant. In addition, at a program level of analysis, there is no assurance that the mitigation measures would be adequately applied to future projects or that additional, more effective BMPs to reduce construction-related GHG emissions should be required in the future. Therefore, this impact would remain significant and unavoidable; however, the unavoidable impact is overridden by the benefits of the project, as set forth in the statement of overriding considerations.

The proposed project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The proposed project would contribute to this significant cumulative GHG impact.

**Mitigation Measure GHG-2:** Mitigation Measure GHG-2, as specified in the PEIR has been imposed upon the project as a condition of approval. The measure requires applicants to consider and implement GHG emission reduction strategies in the categories of Energy Efficiency, Water Conservation and Efficiency, and Solid Waste



Measures. The provided list of measures and their respective feasibility are likely to evolve over time.

**Rationale:** The mitigation measure imposed upon the project as a condition of approval does not fully avoid or reduce the impact to less than significant. Implementation of Mitigation Measure GHG-2 would reduce operational emissions, but it is unclear to what extent these proposed reduction strategies would be applied throughout the project study areas. Therefore, it cannot be ensured that these proposed reduction measures would reduce emissions below the analysis threshold. Specific technical and legal considerations render full mitigation infeasible as no other known technically feasible and legally enforceable measures exists to reduce impacts to less than significant. Therefore, this impact would remain significant and unavoidable; however, the unavoidable impact is overridden by the benefits of the project, as set forth in the statement of overriding considerations.

## 2. Hydrology and Water Quality Impacts

Development of beachfront properties that would be subject to coastal flooding due to the potential of future GHG-related sea level rise, including all properties west of Ocean Lane and all properties designated as within an area of special flood hazard per IBMC Section 15.50.040, would be subject to a significant coastal flooding impact.

**Mitigation Measures:** No mitigation is available to be implemented by the proposed project.

**Rationale:** There are no technically feasible mitigation measures that can reduce the potential for future coastal flooding of beachfront properties that can be implemented by this project. The important cultural, social, and historical community identity of Imperial Beach is closely tied to the City's location immediately adjacent to the Pacific Ocean and the act of removing development out of potential coastal flood areas is not feasible. Therefore, the potential impact of coastal flooding remains significant and unmitigated; however, the unavoidable impact is overridden by the benefits of the project, as set forth in the statement of overriding considerations.

## 3. Transportation and Traffic Impacts

Significant impacts to roadway segments and intersections would occur as a result of an increase of 22,856 ADT by year 2030.

**Mitigation Measure TR-1:** The City shall require all future development projects proposed under the General Plan/LCP and commercial zoning amendments to consider and implement TDM measures during both construction activities and project operation. TDM measures shall be based on strategies recommended by SANDAG or other applicable documents and studies.

**Rationale:** The mitigation measure imposed upon the project as a condition of approval does not avoid or reduce the impact to less than significant and the roadways and intersections would continue to have poor future operating conditions. Full mitigation is not feasible due to a portion of the impacts occurring outside of the City's jurisdiction. While The City will coordinate with other agencies and jurisdictions to initiate a project and establish a process to accept fairshare contributions from project applicants at the time of permit issuance to be directed towards the improvement, there is no guarantee of timing of implementation of the improvements prior to the impact occurring.

While the capacity enhancements identified in Table 3.9-6 of the PEIR would improve traffic operations for impacted segments and intersections within Imperial Beach and San Diego, the capacity enhancements would require removing on-street parking and/or increasing the number of through travel lanes along Imperial Beach Boulevard, Coronado Avenue, and SR-75. These measures are considered infeasible due to social and economic considerations as they would be in conflict with City goals to maintain on-street parking for the benefit of local businesses and would not allow for the pedestrian-oriented and bicycle-friendly street environment concepts of the *Palm Avenue Commercial Corridor Master Plan*, which are intended to provide a pedestrian-oriented and bicycle-friendly street environment.

Therefore, potential traffic impacts remain significant and unmitigated; however, the unavoidable impact is overridden by the benefits of the project, as set forth in the statement of overriding considerations.

**STATEMENT OF OVERRIDING CONSIDERATIONS**  
  
**IMPERIAL BEACH GENERAL PLAN/LOCAL COASTAL PLAN  
AND COMMERCIAL ZONING AMENDMENTS PROJECT**

**SCH: 2011041048**

**August 2012**

**Background**

The City of Imperial Beach (City), as lead agency has prepared a Program Environmental Impact Report (PEIR) for the General Plan/Local Coastal Plan (GP/LCP) and Commercial Zoning Amendments Project (State Clearinghouse No. 2011041048). The PEIR found significant and unavoidable environmental impacts to the issue areas of greenhouse gas (GHG) emissions, hydrology and water quality, and transportation and traffic.

Pursuant to Section 21081 of the California Environmental Quality Act (CEQA) and Section 15091 of the State CEQA Guidelines, the City found that mitigation for the project's greenhouse gas emissions; hydrology and water quality; and transportation and traffic impacts would not fully reduce those impacts to below a level of significance. Other potential measures were found to have specific economic, legal, technological, and social considerations that otherwise render full mitigation infeasible.

**Statement of Overriding Considerations**

Pursuant to Section 15093 of the State CEQA Guidelines, when the lead agency approves a project that may result in the occurrence of significant effects that are identified in the Final Environmental Impact Report (EIR), but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record.

The City has adopted Findings Regarding Significant Effects for the above project, which identify that certain significant effects of implementing the project are unavoidable even after

incorporation of any feasible mitigation measures. The City finds that the remaining unavoidable significant effects are acceptable due to specific economic, legal, social, technological, or other benefits which will result from approval and implementation of the project, as listed below. All of these benefits are based on the facts set forth in the Findings Regarding Significant Effects, the Final PEIR, and the record of proceedings for this project.

### **Overriding Benefits**

The City finds that the proposed Imperial Beach General Plan/Local Coastal Plan and Commercial Zoning Amendments Project would have the following substantial Overriding Benefits:

1. Increased City Revenue for Needed Municipal Services and Facilities

Implementation of the General Plan/Local Coastal Plan and Commercial Zoning Amendments Project will help to stimulate new commercial activity in Imperial Beach, which will in turn generate increased local sales tax revenue for the City. Increasing sales tax revenue is essential for funding existing and future municipal services as well as maintenance and improvements of public facilities that are owned and operated by the City.

2. Employment Opportunities

Implementation of the General Plan/Local Coastal Plan and Commercial Zoning Amendments Project will generate new construction employment opportunities over the multi-year build-out. Implementation will also stimulate new and redeveloped commercial areas that will generate long-term employment opportunities at local commercial establishments. This will provide an economic benefit to the community and potentially the region as a whole.

3. Enhancement of Local Community Character and Quality of Life

The development regulations and design guidelines associated with the project will yield development that better meets community goals for quality design and architecture, environmental sustainability, and pedestrian-friendliness in comparison to the existing zoning. Furthermore, expanding the number and diversity of local commercial businesses will allow residents and visitors to accomplish more shopping needs in Imperial Beach, resulting in shorter trips and opportunities to bike and walk to shopping, restaurant, and other commercial destinations.

4. Pedestrian-Oriented Development

One of Imperial Beach's valued assets is its walkable environment, which is associated with reduced automobile traffic and associated air pollutants, public health benefits, viable transit access, enjoyable and well connected urban form and connectivity, and overall quality of life advantages for residents and visitors. The new development regulations and design guidelines are intended to protect and enhance the pedestrian environment in the City's commercial corridors, thereby reinforcing and improving these benefits.

**ORDINANCE NO. 2012-1130**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING 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 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. MF 935.**

**WHEREAS**, on August 1, 2012, and on August 15, 2012, the City Council of the City of Imperial Beach held duly advertised public hearings to consider the merits of approving or denying an application for Zoning Code Amendment (ZCA) 100057 to amend 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 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; and

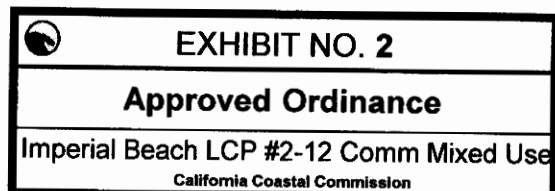
**WHEREAS**, the City Council finds that the proposed Commercial Zone changes to be consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and the proposed zoning code amendment would, therefore, be externally consistent with the General Plan/ Local Coastal Plan pursuant to Government Code Section 65860; and

**WHEREAS**, the City Council finds that the proposed Commercial Zones promotes the local and regional goals for a walkable community, implements SANDAG's Smart Growth policy to take advantage of existing infrastructure, reduce sprawl, provide for a more pedestrian environment, and eventually reduce GHG to better adapt to if not mitigate the effects of global warming; and

**WHEREAS**, in compliance with Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, a Program Environmental Impact Report (PEIR) has been prepared for this project and routed for public review from April 19 to June 4, 2012, and submitted to the State Clearinghouse (SCH # 2011041048) in accordance with the requirements of the (CEQA) for agency review, and

**WHEREAS**, the City Council has considered and heard any and all public testimony regarding the potential environmental impacts associated with this project, and hereby determines that:

- 1) the Final Program Environmental Impact Report (SCH # 2011041048)) reflects the decision-making body's independent judgment and analysis;
- 2) the decision-making body has, pursuant to CEQA Guidelines Section 15074(b), considered the information contained in the Draft and Final Environmental Impact



Reports (SCH # 2011041048) and the written comments received during the public review period;

- 3) The PEIR found significant and unavoidable environmental impacts to the issue areas of greenhouse gas emissions (GHG), hydrology and water quality, and transportation and traffic.
- 4) Pursuant to Section 21081 of the California Environmental Quality Act (CEQA) and Section 15091 of the State CEQA Guidelines, the City found that mitigation for the project's greenhouse gas emissions; hydrology and water quality; and transportation and traffic impacts would not fully reduce those impacts to below a level of significance. Other potential measures were found to have specific economic, legal, technological, and social considerations that otherwise render full mitigation infeasible.
- 5) Pursuant to Section 15093 of the State CEQA Guidelines a Statement of Overriding Considerations is hereby adopted, by the City Council of the City of Imperial Beach, as certain significant effects of implementing the project are unavoidable even after incorporation of any feasible mitigation measures.
- 6) The City finds that the remaining unavoidable significant effects are acceptable due to specific economic, legal, social, technological, or other benefits which will result from approval and implementation of the project, as listed below. All of these benefits are based on the facts set forth in the Findings Regarding Significant Effects, the Final PEIR, and the record of proceedings for this project.
- 7) The City finds that the proposed Imperial Beach General Plan/Local Coastal Plan and Commercial Zoning Amendments Project would have the following substantial Overriding Benefits:
  - a. Increased City Revenue for Needed Municipal Services and Facilities. Implementation of the General Plan/Local Coastal Plan and Commercial Zoning Amendments Project will help to stimulate new commercial activity in Imperial Beach, which will in turn generate increased local sales tax revenue for the City. Increasing sales tax revenue is essential for funding existing and future municipal services as well as maintenance and improvements of public facilities that are owned and operated by the City.
  - b. Employment Opportunities. Implementation of the General Plan/Local Coastal Plan and Commercial Zoning Amendments Project will generate new construction employment opportunities over the multi-year buildout. Implementation will also stimulate new and redeveloped commercial areas that will generate long-term employment opportunities at local commercial establishments. This will provide an economic benefit to the community and potentially the region as a whole.



- c. Enhancement of Local Community Character and Quality of Life. The development regulations and design guidelines associated with the project will yield development that better meets community goals for quality design and architecture, environmental sustainability, and pedestrian-friendliness in comparison to the existing zoning. Furthermore, expanding the number and diversity of local commercial businesses will allow residents and visitors to accomplish more shopping needs in Imperial Beach, resulting in shorter trips and opportunities to bike and walk to shopping, restaurant, and other commercial destinations.
- d. Pedestrian-Oriented Development. One of Imperial Beach's valued assets is its walkable environment, which is associated with reduced automobile traffic and associated air pollutants, public health benefits, viable transit access, enjoyable and well-connected urban form and connectivity, and overall quality of life advantages for residents and visitors. The new development regulations and design guidelines are intended to protect and enhance the pedestrian environment in the City's commercial corridors, thereby reinforcing and improving these benefits.

**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 are made a part of the ordinance herein.

**SECTION 2:** That the zoning classification of the 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 are changed to C/MU-1, C/MU-2, and C/MU-3 respectively and that the Zoning Map adopted pursuant to Section 19.06.020 shall be amended to reflect the change of zoning classification.

**SECTION 3:** That the development of the properties as designated above are subject to the mitigation measures as provided in the Final PEIR.

**SECTION 4:** That this ordinance shall only become effective upon its certification by the California Coastal Commission.

**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.

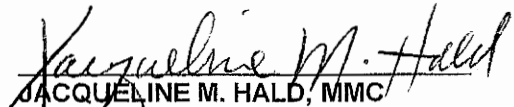
**PROTEST PROVISION:** The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 1<sup>st</sup> day of August, 2012; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 15<sup>th</sup> day of August, 2012, by the following vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>KING, BRAGG, SPRIGGS, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>BILBRAY</b>

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

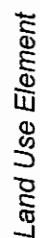
**ATTEST:**

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

**APPROVED AS TO FORM:**

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

5 6 7 8 9 10 11 12



**Figure L-1: LAND USE MAP**

General Plan/ Local Coastal Plan

L4

**Imperial Beach LCP #2-12 Comm Mixed Use**  
**California Coastal Commission**

# EXISTING ZONING MAP AND PROPOSED LAND USE MAP


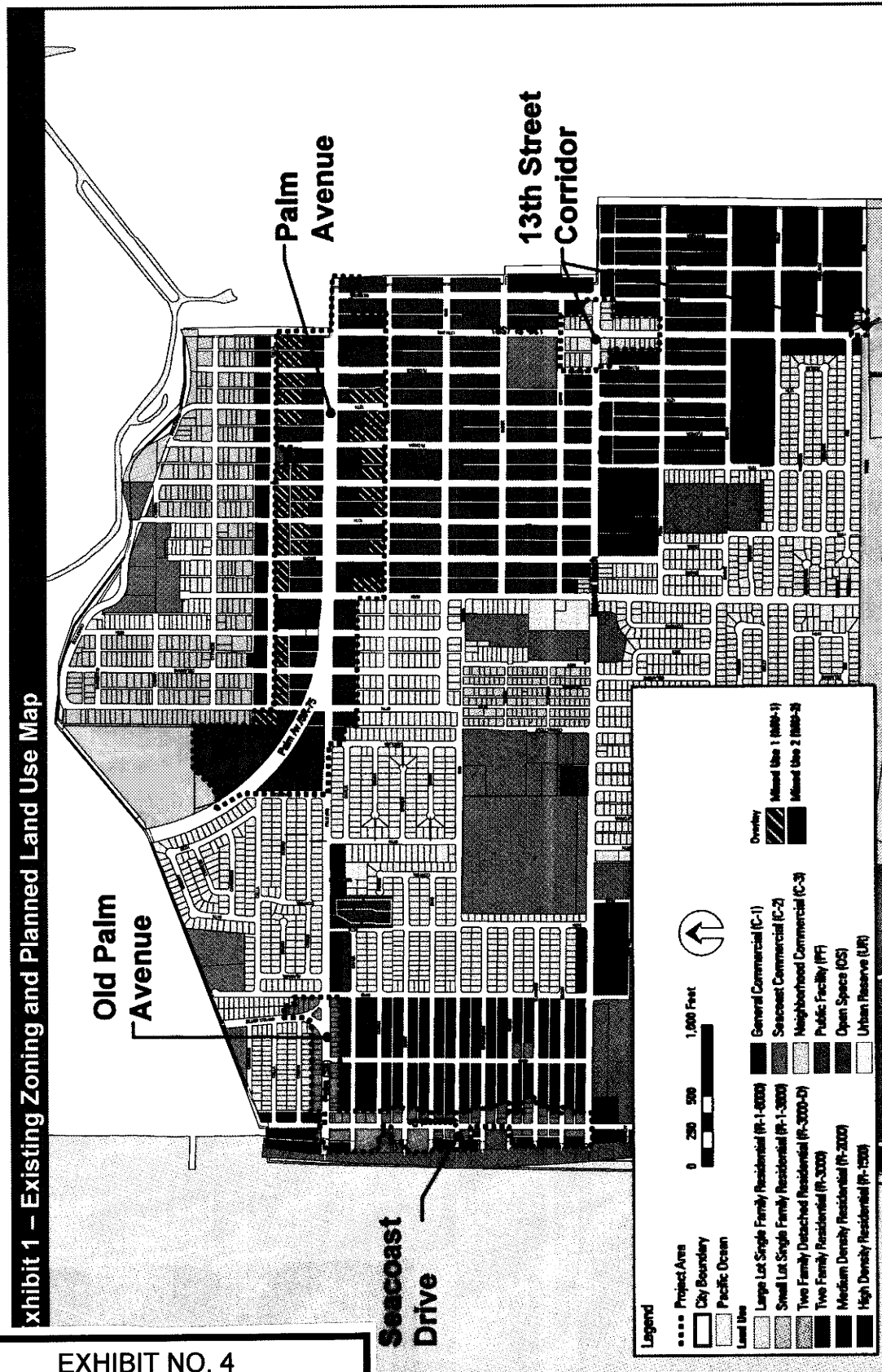


EXHIBIT NO. 4

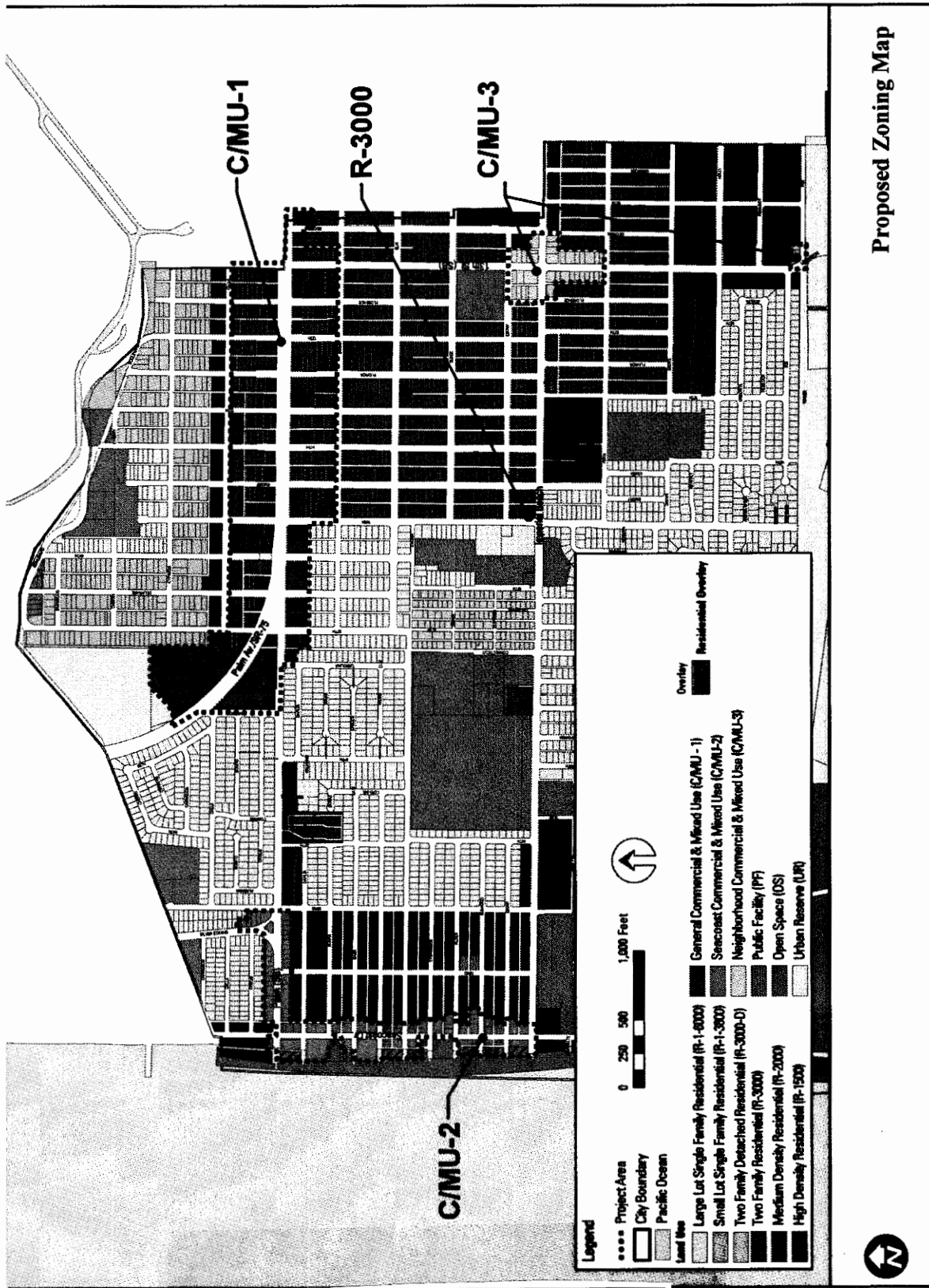
Existing Zoning/Proposed LUP Map

Imperial Beach LCP #2-12 Comm Mixed Use

California Coastal Commission



# PROPOSED ZONING MAP



Proposed Zoning Map

Im



EXHIBIT NO. 5

Proposed Zoning Map

Imperial Beach LCP #2-12 Comm Mixed Use

California Coastal Commission

2 Amendments and Project PEIR  
 ophics\Figures\Fig2-3 prop zoning ai dbrady 3/20/12

Draft Amendments and Design Guidelines

ATTACHMENT 3

# Imperial Beach General Plan/Local Coastal Plan and Commercial Zoning Amendments Project

*Prepared for:*  
City of Imperial Beach  
Community Development Department  
825 Imperial Beach Boulevard  
Imperial Beach, California 91932

*Prepared by:*  
AECOM  
1420 Kettner Boulevard, Suite 500  
San Diego, California 92101



EXHIBIT NO. 6

**Proposed LUP/IP Amendment**

Imperial Beach LCP #2-12 Comm Mixed Use

California Coastal Commission

This page intentionally left blank.

# 2

Proposed General Plan/  
Local Coastal Plan  
Amendments



City of Imperial Beach Commercial Zoning Review: Proposed General Plan/Local Coastal Plan Consistency Amendments  
Draft for Public Review  
Revised July 2012

  indicates new text added since public review

Page Number	Existing General Plan/Local Coastal Plan Text	Proposed Text Amendments to General Plan/Local Coastal Plan
1-9	Establishing mixed use zones in the Highway 75 and Seacoast areas.	Establishing commercial/mixed-use zones in the along Palm Avenue/State Highway 75, along Old Palm Avenue, along Seacoast Drive, and at 13th Street/Imperial Beach Boulevard area.
C-24	<p><b>Policy C-22b Commercial Areas</b></p> <p>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.</p> <p>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.</p>	<p><b>Policy C-22b Commercial/Mixed-Use Areas</b></p> <p>In lieu parking fees, off-site parking facilities <del>transformation and management strategies</del> and shared parking may be used in commercial/mixed-use areas <del>where they encourage to facilitate mixed-use development</del>, shared group parking, a pedestrian atmosphere, and/or improved commercial design.</p> <p>The consolidation of off-street parking for several uses shall be encouraged in order to improve pedestrian flow walkability, and allow for a more pedestrian-oriented environment, as well as to reduce the number of street ingress and egress points, and to facilitate well-designed, small-lot infill development.</p>
C-24	<p><b>Policy C-22e Shared Parking</b></p> <p>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.</p>	<p><b>Policy C-22e Shared Parking</b></p> <p>Shared parking shall only be approved when technical evidence is presented to justify the shared use. The Urban Land Institute guidebook <i>Shared Parking</i> Second Edition (2005) 1983 Shared Parking Study shall be used as a guideline and supplemented by additional findings, where appropriate.</p>
C-24	<p><b>Policy C-22f Off-Site Parking</b></p> <p>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 offsite parking is within 500 feet of the</p>	<p><b>Policy C-22f Off-Site Parking</b></p> <p>Off-site parking when allowed under Paragraphs Policy C-22a, C-22b, or C-22c, above, shall only be permitted if a sign is posted indicating the off-site user, and is used exclusively for off-site use.</p>

	use, is used exclusively for off site use and is recorded by covenant.	and is recorded by covenant. When allowed under Policy C-22a or C-22b, and within the commercial/ mixed-use zones, the off-site parking shall be within 1,000 feet of the use. When allowed under Policy C-22c, the off-site parking shall be within 500 feet of the use.
C-24	<p><b>Policy C-22h Detailed Parking Standards Shall Be Included In the Zoning Ordinance</b></p> <p>The Standards shall use the following guidelines:</p> <p>Residential - 1.5 to 2.0 spaces per dwelling unit.</p> <p>Hotel/Motel - 1 space per guest room.</p> <p>Commercial - varies from 1 space per 50 sq. ft. to 1 space per 300 sq. ft. of building.</p> <p>Bars and Restaurants - 1 space for each seventy-five square feet of net floor area, plus one per two employees at largest work shift.</p>	<p><b>Policy C-22h Detailed Parking Standards Shall Be Included In the Zoning Ordinance</b></p> <p>Per the City of Imperial Beach Zoning Ordinance, parking standards for the commercial/mixed-use zones shall use the following guidelines:</p> <ul style="list-style-type: none"> <li>• Commercial – C/MU-1 and C/MU-3 zones: 1 space per 500 gross sq. ft. of commercial use.</li> <li>• Commercial – C/MU-2 zone: 1 space per 1,000 gross sq. ft. of commercial use.</li> <li>• Multiple-family residential – C/MU-1, C/MU-2, and C/MU-3 zones: 1.5 spaces per dwelling unit.</li> <li>• Hotel without cooking facilities – C/MU-1, C/MU-2, and C/MU-3 zones: 1 space per guest room.</li> <li>• Hotel with cooking facilities – C/MU-1, C/MU-2, and C/MU-3 zones: 1.5 spaces per guest room.</li> </ul> <p>In the commercial/mixed-use zones, parking reductions, shared-parking, waivers, or other strategies may be employed in order to facilitate pedestrian oriented activity and mixed-use development, and shall be subject to Policies C-22b, C-22e, and C-22f.</p> <p>For all other zones, the Standards shall use the following guidelines:</p> <ul style="list-style-type: none"> <li>• Residential: 1.5 to 2.0 spaces per dwelling unit.</li> <li>• Hotel/Motel: 1 space per guest room.</li> <li>• Commercial: varies from 1 space per 50 sq. ft. to 1 space per 300 sq. ft. of building.</li> <li>• Bars and Restaurants: 1 space for each <del>seventy-five</del> <u>75</u> sq. ft. <del>square feet of net floor area, plus one</del> <u>per two</u> <del>per two</del> <u>2</u> employees at largest work shift.</li> </ul>

C-25	<p><b>Policy C-22i Interim Parking Standard in C-2 Area</b> In order to stimulate development in the C-2 land use category, the City may use an interim parking ratio for commercial properties of 1 space per 500 sq. ft. The interim ratio shall no longer be in effect after the City has approved parking for 100 parking spaces under this provision.</p>	<p><b>Policy C-22i Interim Parking Standard in C-2 Area</b> In order to stimulate development in the C-2 land use category, the City may use an interim parking ratio for commercial properties of 1 space per 500 sq. ft. The interim ratio shall no longer be in effect after the City has approved parking for 100 parking spaces under this provision.</p>
D-6	<p><b>Policy D-1 Design Review</b> All residential properties of 2 dwelling units or more and all new non-residential structures shall be subject to design review.</p>	<p><b>Policy D-1 Design Review</b> All residential properties of 2 dwelling units or more, all new mixed-use development, and all new non-residential structures shall be subject to design review.</p>
D-8	<p><b>Policy D-8b</b> Three story structures adjacent to existing one and two story structures shall be designed in a way to respect the scale of the one and two story structures. Such designs could include a wider side yard set back for the 2nd and 3rd story, hip roofs, or similar features.</p>	<p><b>Policy D-8b</b> Where <del>three</del> <u>three</u> or <del>four</del> <u>four</u> story structures are developed adjacent to existing <del>one-1-</del> <u>one-1-</u> and <del>two-2-</del> <u>two-2-</u> story structures, the new development shall be designed in a way to respect the scale of the <del>one-1-</del> <u>one-1-</u> and <del>two-2-</del> <u>two-2-</u> story structures. Such designs could include a wider side yard set back for the 2nd and 3rd story, hip roofs, or similar features. <u>Within the commercial/mixed-use areas, such scale-reducing design features could include a wider side yard set back for the 2nd and 3rd story, hip roofs, or similar features, varying wall planes, setbacks, and upper-story setbacks that reduce overall massing, and provide roof treatments that are complementary to adjacent properties.</u></p>
D-8 and 9	<p><b>Policy D-8c</b> In commercial developments, safe and enjoyable browsing by customers should be encouraged by coordinated and attractive signs, walkways, patios, display windows and entrances. Optimally, the entrance to such an enjoyable area should be designed to be obvious to the passing motorist and pedestrian and be linked to the public sidewalk as well as to the parking area. Parking lots should be attractively landscaped and safe for both the motorist and the pedestrian walking from the car or the street.</p>	<p><b>Policy D-8c</b> In commercial and mixed-use developments, safe and enjoyable browsing by customers should be encouraged by coordinated and attractive signs, walkways, patios, display windows, and entrances. Optimally, the entrance to such an enjoyable area should be designed to be obvious to the passing motorist and pedestrian, and be linked to the public sidewalk as well as to the parking area. Parking lots should be attractively landscaped and safe for both the motorists and the pedestrians walking from their cars or the street.</p>
	<p><b>Policy D-8d</b> Setbacks of buildings should be varied</p>	<p><b>Policy D-8d</b> Setbacks of buildings should be varied. Additionally, setbacks should be considered where transitions occur between mixed-use</p>

D-11	<p><b>Policy D-9 Seacoast Design Standards</b> 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.</p> <p>[Graphic]</p>	<p>development and single-family residential.</p> <p><b>Policy D-9 Commercial/Mixed-Use Zones Seacoast Design Standards Design Guidelines</b> All development within the commercial/mixed-use zones shall be subject to the Commercial/Mixed-Use Zones Design Guidelines, per the City of Imperial Beach Zoning Ordinance, which provides specific direction for achieving high-quality, pedestrian-oriented, mixed-use, retail, and commercial areas.</p> <p>Adherence to the Commercial/Mixed-Use Zones Design Guidelines shall be in addition to adherence of other applicable design guidelines and standards, including the Landscape Design Guidelines for Seacoast Drive.</p> <p>The development of additional, detailed design guidelines, standards, and criteria, should be considered for all commercial/mixed-use areas should be developed for the Seacoast area, and. The standards and criteria should provide specific direction as to the design quality and image desired by the community.</p> <p>[Graphic]</p> <p><b>[Note: Policy D-10 has been deleted because it is addressed in Policy D-9.] Policy D-10 Hwy 75 Commercial Area</b> Detailed design standards and criteria should be developed for the Highway 75 commercial area. The standards and criteria should provide specific direction as to the design quality and image desired by the community.</p>
D-11	<p><b>Policy D-10 Hwy 75 Commercial Area</b> Detailed design standards and criteria should be developed for the Highway 75 commercial area. The standards and criteria should provide specific direction as to the design quality and image desired by the community.</p>	<p><b>[Note: Policy D-10 has been deleted because it is addressed in Policy D-9.] Policy D-10 Hwy 75 Commercial Area</b> Detailed design standards and criteria should be developed for the Highway 75 commercial area. The standards and criteria should provide specific direction as to the design quality and image desired by the community.</p>
Housing Element	<b>[Note: Housing Element and figures to be updated by City as part of its Housing Element update cycle.]</b>	
L-4	<b>Figure L-1: Land Use Map</b>	[Revise to include new land use map]
L-5	<b>Policy L-4 Commercial Uses and Areas</b> Specific policies for commercial uses and areas are:	<b>Policy L-4 Commercial and Mixed-Use Uses and Areas</b> Specific policies for commercial and mixed-use uses and areas are detailed below as follows:
L-5 and 6	<b>Policy L-4a Attractive and Stimulating Surroundings</b> Commercial areas should be enjoyable places in which to shop and work. This means providing pedestrian scaled	<b>Policy L-4a Attractive and Stimulating Surroundings</b> Commercial and mixed-use areas should be enjoyable places in

	design, bicycle facilities, such as racks or storage areas, 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 General Plan/Local Coastal Plan L-6 Land Use Element expansions of existing commercial uses should be subject to design controls.	which to shop and work. This means providing pedestrian-scaled design, bicycle facilities, such as racks or storage areas, 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 General Plan/Local Coastal Plan L-6 Land Use Element expansions of existing commercial uses should be subject to design controls.
L-6	<b>Policy L-4b Protection of Residential Areas</b> All commercial uses should incorporate a sensitive transition to abutting residential uses by means of such techniques as landscaping buffering and setbacks, <u>upper-story building setbacks</u> , viewsheds, and careful control of loading, storage, parking areas, and lighting.	<b>Policy L-4b Protection of Residential Areas</b> All commercial and <u>mixed-use areas</u> should incorporate a sensitive transition to abutting residential uses by means of such techniques as landscaping buffering and setbacks, <u>upper-story building setbacks</u> , viewsheds, and careful control of loading, storage, parking areas, and lighting.
L-6	<b>Policy L-4d Highway 75 Commercial (C-1 and MU-1)</b> This commercial area requires substantial improvement. It serves as the major gateway to the City and carries more traffic than any other street in the City. The area will retain a mix of pedestrian and automobile oriented uses.	<b>Policy L-4d State Highway 75 General Commercial and Mixed-Use Area (C-1 and MU-1)</b> This commercial/mixed-use area requires substantial improvement. It serves as the major gateway to the City and carries more traffic than any other street in the City. <u>It is expected that the area will retain a mix of pedestrian and automobile-oriented uses; however, as redevelopment occurs, pedestrian-oriented commercial and mixed-use development, including multi-family dwellings, are encouraged.</u>
L-6	<b>Policy L-4c Fostering New Commercial Development</b> Commercial development should be encouraged to increase the City's tax base, and evaluated in terms of the effect it will have on the economy and quality of living in the City. Particular emphasis should be placed on the development of new businesses and fostering commercial uses providing goods and services to residents and visitors.	<b>Policy L-4c Fostering New Commercial and Mixed-Use Development</b> Commercial and mixed-use development should be encouraged to increase the City's tax base, and <u>should be evaluated in terms of the effect it will have on the economy, as well as its compatibility with the existing character and quality of living in the City.</u> Particular emphasis should be placed on the development of new businesses and fostering commercial uses <u>that providing goods and services to residents and visitors.</u>
L-8 Table L-2	<b>C-1 General Commercial (4 stories)</b> The General Commercial land use designation provides for land to meet the local demand for commercial goods and	<b>C-4C/MU-1 General Commercial and Mixed-Use (4 stories)</b> The General Commercial and Mixed-Use land use designation provides for commercial development, mixed-use development,

	<p>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, 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.</p>	<p>multiple-family dwellings, and <del>land businesses</del> 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 C/MU-1 designation will be community- and neighborhood-serving retail and office uses, <del>such as markets, specialty stores, professional offices, personal service department stores, restaurants, liquor stores, hardware stores, etc.</del> <u>Multi-family</u> Residential uses may be permitted at a maximum density of <del>one</del> <u>one</u> unit per every 4,000 <u>1,000 square sq. feet</u> of land, <u>per the City of Imperial Beach Zoning Ordinance.</u></p>
<p>L-8 Table L-2</p>	<p><b>C-2 Seacoast Commercial (3 stories, except for hotels where 4 stories may be permitted by specific plan)</b></p> <p>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 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. <i>[Amended by Resolution 2003-5754 on April 2, 2003, Resolution 2002-5634 on July 17, 2002, and Ordinance 98-920, February 18, 1998]</i></p>	<p><b><u>C-2/C/MU-2 Seacoast Commercial and Mixed-Use (3 stories, except for hotels, where 4 stories may be permitted by specific plan)</u></b></p> <p>The <u>C/MU-2</u> 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 <u>byas well as</u> 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, <u>and</u> hotels and motels, <u>etc.</u> <del>In order to</del> <u>To</u> 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.</p> <p><b><u>RORQ</u></b></p> <p><u>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 Palm Avenue or the east side 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 of with specified development incentives and the approval of a conditional use permit.</u></p>

L-8 Table L-2	<p><b>C-3 Neighborhood Commercial (2 stories)</b> 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.</p>	<p><u>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)</u> <u>Additionally, the Seacoast Residential Overlay has been established to preserve opportunities for single-family residences within the overlay area. Mixed-use and multi-family residences are permitted in the C/MU-2 area, as well as in the Seacoast Residential Overlay Zone.</u> <u>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.</u></p>
	<p><b>C-3/MU-3 Neighborhood Commercial (2 stories) and Mixed-Use (3 stories)</b> The Neighborhood Commercial and Mixed-Use land use designation provides for mixed-use development, multiple-family dwellings, and land businesses 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. 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. Per the City of Imperial Beach Zoning Ordinance, residential uses shall be permitted at a maximum density of one unit per every 1,500 gross square feet of lot area, and may be increased to a maximum density of one unit per every 1,210 gross square feet of lot area, subject to the compliance of specified development incentives and the approval of a conditional use permit. <u>Multi-family residences are also permitted in conjunction with commercial uses in a mixed-use setting. Residential may be permitted at a maximum density of one unit per every 1,500 gross</u></p>	<p><b>C-3/MU-3 Neighborhood Commercial (2 stories) and Mixed-Use (3 stories)</b> The Neighborhood Commercial and Mixed-Use land use designation provides for mixed-use development, multiple-family dwellings, and land businesses 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. 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. Per the City of Imperial Beach Zoning Ordinance, residential uses shall be permitted at a maximum density of one unit per every 1,500 gross square feet of lot area, and may be increased to a maximum density of one unit per every 1,210 gross square feet of lot area, subject to the compliance of specified development incentives and the approval of a conditional use permit. <u>Multi-family residences are also permitted in conjunction with commercial uses in a mixed-use setting. Residential may be permitted at a maximum density of one unit per every 1,500 gross</u></p>



		<p>square feet of land. Compliance with specified development incentives and approval of a conditional use permit may allow multi-family residential uses at a maximum density of one unit per every 1,210 gross square feet of land. Single family residences are not 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.</p> <p><b>[Note: The MU-1 Mixed-Use Overlay has been deleted, as the C/MU-1 zoning allows mixed-use by right.]</b></p>
<p>L-8 Table L-2</p>	<p><b>MU-1 Mixed Use Overlay</b> 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.</p>	<p><b>MU-1 Mixed Use Seacoast Residential Overlay</b> 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.</p> <p>The purpose of the Seacoast Residential Overlay land use designation is to preserve opportunities for the continuation of single-family residential uses in the area located between 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. <u>shall be permitted, as well as single-family land uses.</u></p>
<p>L-8 Table L-2</p>	<p><b>MU-2 Mixed Use Overlay</b> 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.</p>	<p><b>MU-1 Mixed Use Seacoast Residential Overlay</b> 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.</p> <p>The purpose of the Seacoast Residential Overlay land use designation is to preserve opportunities for the continuation of single-family residential uses in the area located between 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. <u>shall be permitted, as well as single-family land uses.</u></p>



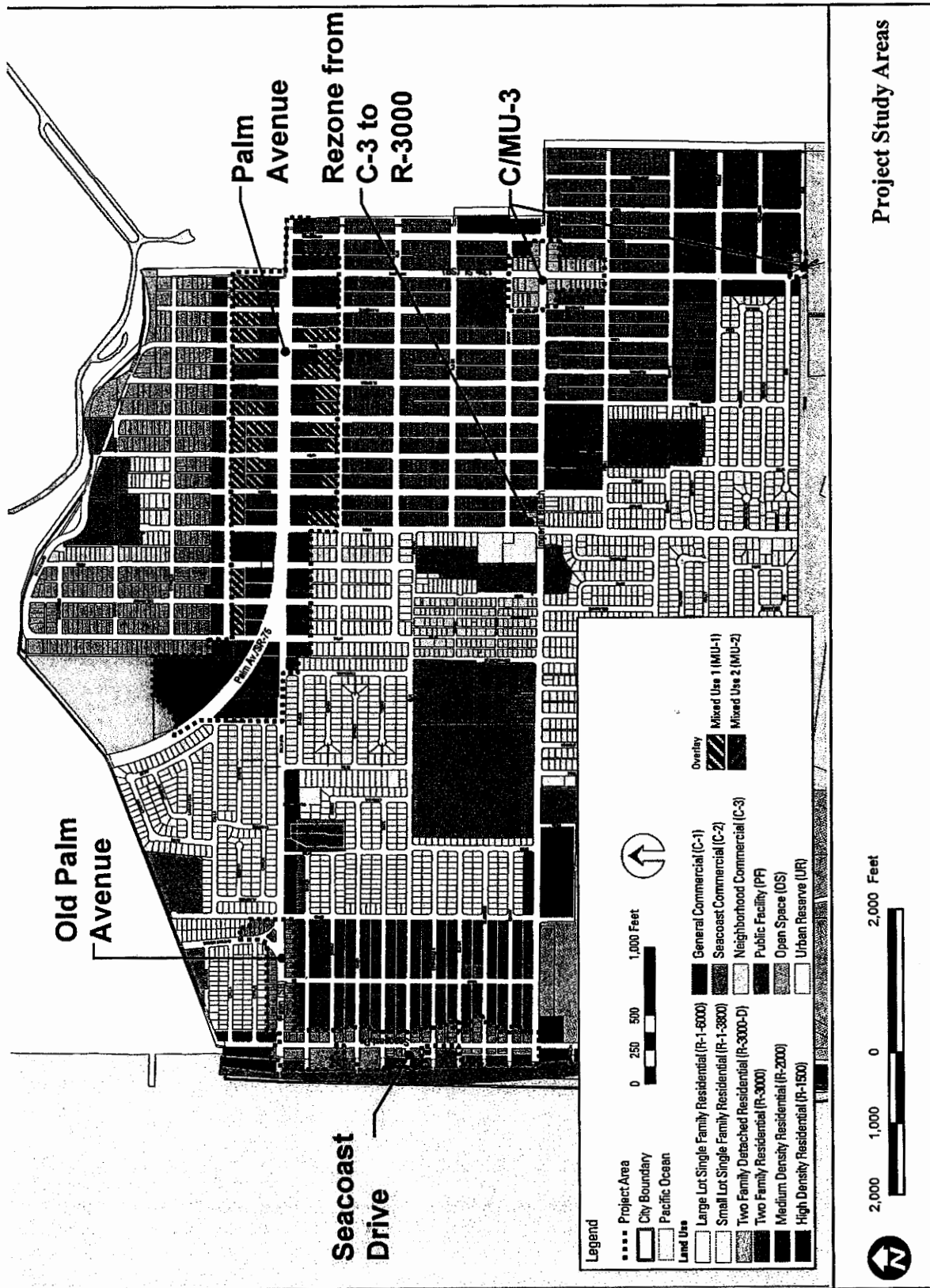
L-9	<p><b>Policy L-4e Seacoast Commercial (C-2 &amp; MU-2)</b> The Seacoast commercial area shall serve as a visitor serving, pedestrian-oriented commercial area. Existing residential uses shall be slowly transitioned to new visitor serving commercial uses. As part of the design review, 2nd or 3rd stories may be required to be set-back from Seacoast Drive.</p> <p>Timeshares shall be prohibited on the first floor unless 25% are reserved for overnight accommodation.</p>	<p><b>Policy L-4e Seacoast Commercial and Mixed-Use (C-2 &amp; MU-2)</b> The Seacoast commercial area shall serve as a commercial and mixed-use visitor-serving, pedestrian-oriented commercial area. A Residential Overlay Zone has been established to preserve the opportunity for single-family residences to remain in a designated portion of the project area. To ensure that the existing character is maintained and enhanced, the zoning for this area shall incorporate standards for setbacks and stepbacks, and encourages pedestrian activity through the design and location of building frontages and parking provisions. As part of the design review, 2nd or 3rd stories may be required to be set-back from Seacoast Drive.</p> <p>Per the City of Imperial Beach Zoning Ordinance, Timeshares shall require approval of a conditional use permit and shall be prohibited on the first floor, unless 25% are reserved for overnight accommodation.</p>
L-9	<p><b>Policy L-4f Thirteenth Street Commercial Areas (C-3)</b> These commercial areas should provide for pedestrian oriented commercial centers providing goods and services primarily for neighborhood residents.</p>	<p><b>Policy L-4f Thirteenth-13th Street Neighborhood Commercial and Mixed-Use Areas (C/MU-3)</b> These commercial areas should provide for areas for pedestrian-oriented commercial and mixed-use centers/businesses that provide goods and services primarily for neighborhood residents.</p> <p>[Note: Item G has been deleted, as this area shall be subject to the C/MU-1 zoning. Additionally, the half-block bounded by 9th Street, Imperial Beach Boulevard, Ebony Avenue, and the public alley was not developed as a single commercial project but has been developed as a residential project. Therefore, this area will be rezoned from C-3 to R-3000.]</p>
L-9	<p><b>Policy L-4g 9th Street/Imperial Beach Boulevard Commercial (C-3)</b> Commercial uses may be allowed in this area only under the following conditions: 1. The entire half block bounded by 9th Street, Imperial Beach Boulevard, Ebony Avenue and the public alley shall be developed as a single commercial project. 2. Discretionary permit review by the City shall be required for such commercial uses. General Plan/ Local Coastal Plan L-10 Land Use Element 3. No vehicular access shall be allowed from Imperial Beach</p>	

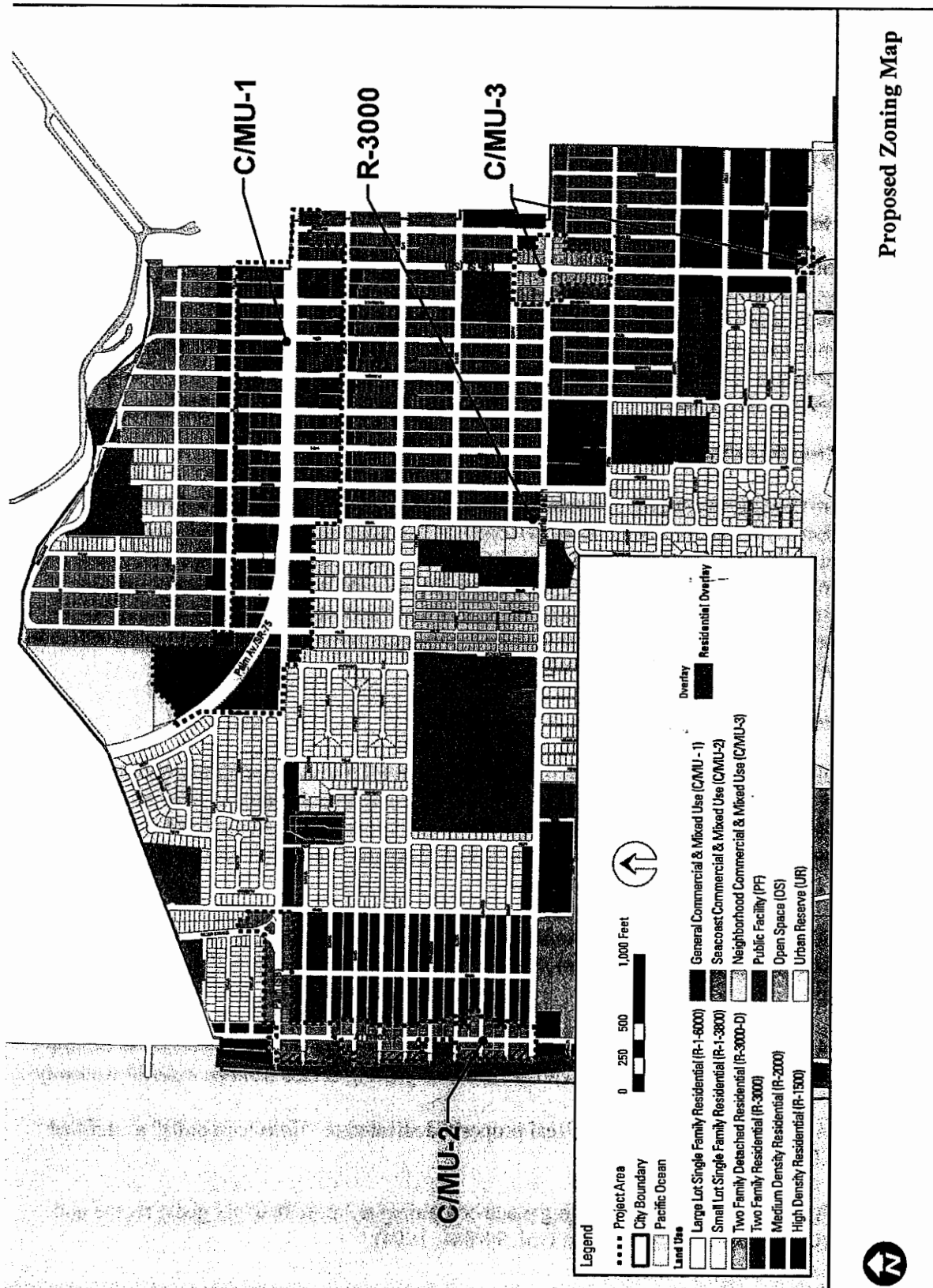
	<p>Boulevard.</p> <p>4. Permitted uses shall include neighborhood retail and service uses only. Prohibited uses shall include fast food franchises, liquor stores, video arcades, gas stations, bars and other similar type uses.</p> <p>Until such time as the area is developed in its entirety for commercial uses, the requirements of the R-3000 zone shall regulate the area.</p>	
S-2	<p><b>5. Indoor Public Assembly Facilities</b></p> <p>Public assembly facilities are defined as those in which large numbers of people congregate in generally unfamiliar surroundings. They include schools, theaters, churches, temples and a variety of recreational facilities. Gatherings of large numbers of people in these buildings create conditions conducive to mass panic in a crisis, which only worsens and increases casualties. Administering medical aid is made more difficult in these situations, as well.</p>	<p><b>5. Indoor Public Assembly Facilities</b></p> <p>Public assembly facilities are defined as those in which large numbers of people congregate in generally unfamiliar surroundings. They include schools, theaters/<u>assembly</u>, <del>churches</del><u>religious assembly</u>, <del>temples</del> and a variety of recreational facilities. Gatherings of large numbers of people in these buildings create conditions conducive to mass panic in a crisis, which only worsens and increases casualties. Administering medical aid is made more difficult in these situations, as well.</p>

This page intentionally left blank.

# 3

Proposed  
Zoning Code Amendments

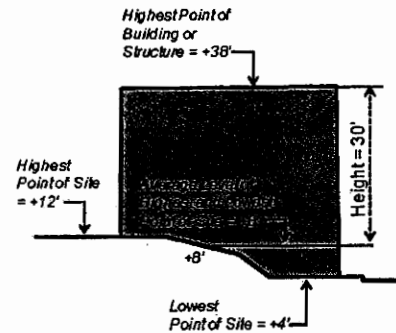




## PROPOSED NEW AND AMENDED DEFINITIONS

### 19.04.400. Height, Measurement of

Height shall be measured from existing grade at all points of the site to a warped plane an equal height above all points on the site. the average level of the highest and lowest point of that portion of the building site covered by the building or structure to the highest point of the building or structure. (Ord. 94-884, 1994)



### 19.04.217. ~~Church~~ Religious Assembly

~~“Church~~ Religious assembly” means an institution organized and operated for nonprofit purposes within the provisions of Section 501(c)(3) of the Internal Revenue Code and Section 23701d of the California Revenue and Taxation Code and to whom the Franchise Tax Board has issued a determination exempting the organization from tax, which people regularly attend to participate in or hold religious services, meetings, and other activities. ~~The term “church” shall not carry a secular connotation, and shall include buildings in which the religious services of any denomination are held.~~ (Ord. 2001-960 § 1, 2001)

### 19.04.410. Hotel

“Hotel” means any establishment offering commercial transient lodging accommodation on a less than monthly basis to the general public, including any incidental services such as eating, drinking, meeting, banquet, entertainment, or recreational services intended primarily for the convenience of guests. Hotels shall consist of various types, which are further defined as follows:

H-1: A site area of a minimum square footage of thirty-five thousand square feet; at least thirty guest rooms; facilities for conference, meeting, or public use; and a full-service restaurant ~~on-site~~ on-site.

H-2: A ~~m~~“Motel,” which is an establishment providing guest rooms ~~on a less than monthly basis~~ for periods less than 30 ~~thirty~~ days, with most rooms gaining access from an exterior walkway.

H-3: A lot, parcel, or segment of real property dedicated to “timeshare units” as defined in Section 19.04.756 of this Code.

H-4: A “bed and breakfast” lodging place containing no more than six guest rooms and one kitchen. (Ord. 2003-1007 § 1, 2003; Ord. 94-884, 1994)

H-5: An "inn" means a commercial establishment that affords public lodging to travelers, for periods less than thirty days. A kitchen and dining area may also be included to provide meal and beverage service to guests and to the general public.

#### **19.04.530. Massage Parlor Massage Therapy Establishment**

"Massage parlor" means a massage establishment as defined in Section 4.28.020. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983). "Massage therapy establishment" means a fixed location at which a massage business engages in or carries on a commercial activity involving, in whole or in part, the recurring giving or administering of massages on the premises, consistent with the definition in Section 4.28.020 of the Imperial Beach Municipal Code, and in compliance with SB 731. This definition specifically excludes any adult-oriented business as defined in Section 19.60 of the Imperial Beach Municipal Code.

#### **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 be accessible to the general public, generate walk-in pedestrian clientele, and 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.

#### **Active Use Area**

"Active use area" means all portions of a site and buildings included in the use area, except storage, parking, and landscaping.

#### **Antique Store**

"Antique store" means a bona fide antique store in which substantially all the merchandise is antique. "Antique" means any collectible, object of art, bric-a-brac, curio, household furniture, or other furnishing offered for sale upon the basis, expressed or implied, that the value of the property, in whole or in substantial part, is derived from its age or from historical associations.

#### **Athletic or Health Clubs**

"Athletic or health clubs" means any business that offers or provides to the public, services, facilities, and/or instruction in bodybuilding, exercising, weight reduction, figure development, aerobics, or any other similar physical activity. This includes physical fitness clubs, yoga or pilates studios, and dance studios.

#### **Courtyard**

"Courtyard" means an open space unobstructed to the sky, located at or above grade level on a lot, and bounded on two or more sides by walls of a building.



### **Dwelling, Multiple-Family**

"Multiple-family dwelling" means a residential structure containing two or more dwelling units that are attached vertically or horizontally.

### **Emergency Shelter**

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

### **Garage**

"Garage" means an accessible and usable enclosed space of not less than nine feet by nineteen feet for the parking of automobiles off the street.

### **Green Building Utilities**

"Green building utilities," also referred to as small wind turbines, residential alternative power sources, or small alternative utilities, refers to the provision of sustainable essential services (such as water and electricity) in the form of small infrastructure that reuses water or generates electricity that is primarily used on-site and which support the principal development. Examples of green building utilities include small wind turbines, solar panels, and barrels for grey water reuse.

### **Ground Floor Retail** (see Retail, Ground Floor, below)

"Ground floor retail" is considered a general commercial use as permitted in a given district that is oriented along the street wall facing the main street and pedestrian movement, serves as a component of a mixed-use or multi-story project, and is compatible with a broad range of retail types that add to and benefit from a pedestrian retail context.

### **Habitable Floors**

"Habitable floors" are levels within a residential or mixed-use structure that permit residential, employment, visitor, or similar uses to be developed. Habitable floors do not include levels with rooftop, mechanical equipment, architectural treatments, stairwell entries, or similar uses open or partially open to the environment at the highest floor of the structure. The highest habitable floor shall not exceed the height limits defined in respective zones.

### **Height, First Floor**

"First floor height" means the vertical distance from the average level of the highest and lowest point of that portion of the building site covered by the building or structure, to the highest point of the ceiling.

### **Youth hHostel**

"Youth hHostel" means a place where travelers over the age of 17 but under the age of 30 may stay for a limited duration at low cost in a facility that is appropriately recognized by a state, or national, or international hostel organization and that may include dormitory-like sleeping accommodations.

### **Incidental Manufacturing**

“Incidental manufacturing” means design, fabrication, and assembly of items for sale and is incidental or secondary to the use of the premises for retail sales of the items being produced. Manufacturing activities would involve production of individual items by hand manufacturing or the use of electric hand tools. Floor area used for manufacturing or storage of produced goods should not exceed the floor area used for retail sales. Typical uses would include ceramic studios, candle-making, leather-working, or custom jewelry manufacturing.

### **Kiosk**

“Kiosk” means a small booth with an open window on one or more sides for selling small consumables such as newspapers, magazines, street maps, and confections. An information kiosk (or information booth) dispenses information in the form of maps, pamphlets, and other literature, and/or advice offered by an attendant. An electronic kiosk (or computer kiosk or interactive kiosk) houses a computer terminal that may store data locally, or retrieve it from a computer network and provide an informational public service or serve a commercial purpose. Kiosks shall be fixed in nature and may not be movable. Kiosks do not include push carts or vending machines. Additionally, a kiosk is not to exceed twenty square feet in area and shall be located on public plazas or private leaseholds.

### **Live/Work Units**

A “live/work unit” means a structure or portion of a structure combining a residential living space for a group of persons including not more than four adults in the same unit with an integrated work space principally used by one or more of the residents of that unit.

### **Live Entertainment**

“Live entertainment” includes live music, recorded music, music played by a DJ, comedy, karaoke, readings, dancing, acting, or other entertainment performed on a site three or more days during a calendar year. This includes dancing by patrons to live music, recorded music, or music played by a DJ or disk jockey.

### **Loading Area**

“Loading area” means an area of adequate size for the delivery vehicles expected to be used, logically and conveniently located for bulk pickup and delivery, readily accessible when required parking spaces are filled, and located totally outside of any street or alley right-of-way.

### **Main Streets**

“Main street” is defined as the primary street adjacent to a parcel that carries the largest amount of pedestrian and automotive traffic. For the commercial zones within the City, the main streets are considered Palm Avenue, Old Palm Avenue, State Route 75 (SR-75), Seacoast Drive, Imperial Beach Boulevard, and 13th Street.

### **Mixed-Use Development**

“Mixed-use development” means a development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible uses such as commercial, residential, and institutional. The uses may be located in the same building or in separate buildings on the same site plan. A mixed-use development should not consist exclusively of live/work units.

### **Open Space, Private**

“Private open space” means an area connected or immediately adjacent to a dwelling unit. The space can be a balcony, porch, ground or above grade patio, or roof deck used exclusively by the occupants of the dwelling unit and their guests.

### **Open Space, Public**

“Public 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.

### **Paseo**

“Paseo” means a path set aside for pedestrian walking that may pass through any part of a parcel to access points away from the main street edge.

### **Parapet**

“Parapet” means a low protective wall or railing along the edge of a raised structure such as a roof or balcony.

### **Pedestrian Entrance**

“Pedestrian entrance” means a functional entrance or door that is accessible to the general public from an enclosed occupied space. This does not include entrances to mechanical equipment or storage areas, emergency exits, or decorative nonfunctional doors and entrances.

### **Personal Convenience Services**

“Personal convenience services” include commercial establishments such as, but not limited to, dry cleaners, shoe repair, drug stores, convenience stores, barber shops, hair salons, nail salons, mailing centers, ticket sales, and travel agents, excluding any adult uses as defined in Section 19.04 of the Municipal Code.

### **Plaza**

A “plaza” is a type of public open space usually located near urban buildings and often featuring walkways, trees and shrubs, places to sit, and sometimes smaller shops.

### **Public Parking Lot**

A “public parking lot” means a parking area that contains parking spaces available to all members of the public on a free or for-fee basis, for purposes of parking a motor vehicle while accessing other areas in the city.

### **Retail Sales**

“Retail sales” refers to establishments primarily engaged in the sale or rental of goods or merchandise for personal or household use. Typical uses would include department stores, variety stores, drug stores, jewelry stores, apparel stores, and furniture stores.

### **Retail, Ground Floor**

“Ground floor retail” is considered a general commercial use that is oriented along the street wall facing a main street with pedestrian movement, serves as a component of a mixed-use or multi-story project, and is suitable for a broad range of retail types that add to and benefit from a pedestrian retail context.

### **Second-Hand Store or Thrift Shop**

“Second-hand store” or “thrift shop” means a place of business that engages in buying and selling, trading, or accepting for sale on consignment previously sold property, excluding bona fide antique stores (see definition).

### **Senior Housing**

“Senior housing” or “senior units” means a housing development as defined in State of California Civil Code Section 51.3.

### **Stepback**

“Stepback” means the minimum horizontal distance between the building line of a developed floor beneath and the building line of a floor above the ground floor along any side of a structure as defined in the respective zones in this code.

### **Street Wall**

“Street wall” means the building façade along a property line adjacent to any public street. The street wall may include arcades, colonnades, recessed entrances, private open space, and urban open space.

### **Urban Open Space**

“Urban open space” means any usable space accessible to the general public that is one thousand square feet or greater in size such as plazas, parks, etc.

**City of Imperial Beach Commercial Zoning Review: Zoning Amendments**  
**Draft for Public Review**  
**Revised July 2012**

**Chapter 19.23. COMMERCIAL/ MIXED-USE USE REGULATIONS**

The following land uses are allowed in the C/MU-1, C/MU-2, and C/MU-3 zones as uses that are expressly permitted, uses that require a conditional use permit, or uses that are permitted only if in compliance with specific location requirements. Any use not listed is prohibited unless the City Council determines it to be compatible with the zone.

Key to Land Use Tables					
P	Expressly permitted				
C	Permitted with conditional use permit				
N	Not permitted				
Notes					
Per the City's zoning code, hotels consist of various types and are defined as follows:					
H-1	A site area of a minimum of <del>35,000</del> <u>thirty-five thousand</u> square feet; at least <del>30</del> <u>thirty</u> guest rooms; facilities for conference, meeting, or public use; and a full-service restaurant on-site.				
H-2	A "motel," which is an establishment providing guest rooms, for periods less than <del>30</del> <u>thirty</u> days, with most rooms gaining access from an exterior walkway.				
H-3	A lot, parcel, or segment of real property dedicated to "timeshare units," as defined in Section 19.04.756 of the Imperial Beach Municipal Code.				
H-4	A "bed and breakfast" lodging place containing no more than six guest rooms and one kitchen.				
H-5	An "inn" means a commercial establishment that affords public lodging to travelers, for periods less than <del>30</del> <u>thirty</u> days. A kitchen and dining area may also be included to provide meal and beverage service to guests and to the general public.				
Commercial Uses		C/MU-1	C/MU-2	C/MU-3	Notes
Adult bookstore, adult hotel/motel, adult mini-motion picture theater, adult motion picture arcade, adult motion picture theater, sexual encounter studio, rap parlor, model studio		P	N	N	See definitions. Subject to requirements for adult-oriented businesses in Chapter 19.60.
Antique store		P	P	P	See definition.
Arcades and game centers		C	C	C	See definition.
Art studio, gallery, museum		P	P	P	See definition.
Athletic and health clubs		P [C]	P [C]	P [N]	See definition.
Bars or cocktail lounges		C	C	N	See definition.
with live entertainment		C	C	N	See definition.
Beach equipment rental, bike rental, surf shop, fishing supply		P	P	N	

Body piercing establishment	C	N	N	See definition. Subject to Section 19.26.020(B)(1).
Bookstore	P	P	P	
Boutique	P	P	P	
Cabaret	C	N	N	See definition. Subject to Section 19.60.
Child day care center	P	P	P	See definition.
Clinic	P	P	P	See definition.
Dancehall	C	N	N	See definition. Subject to Section 19.60.
Department store	P	N	N	
Drive-in restaurant	P	P	N	See definition.
Drive-through establishment	C	N	C	See definition.
Fortune telling establishment	C	N	N	See definition. Subject to Section 19.26.020(B)(3).
Kennel	C	N	N	See definition. Subject to Section 19.74.050.
Kiosk	P [C]	P	P [C]	See definition. In C/MU-2: Subject to Section 19.27.020(A)(2).
Liquor store	P	P	N	See definition.
Massage therapy establishment	P	P	P	See definition. Per Senate Bill 731.
Mortuary	C	N	N	
Motor vehicle sales	C	N	N	Subject to Section 19.74.070.
Palm reading establishment	C	N	N	See definition. Subject to Section 19.26.020(B)(3).
Pawnshop	C	N	C	See definition.
Personal convenience services	P	P	P	See definition.
Pool or billiard hall	C	C	N	See definition.
with live entertainment	C	C	N	See definition.
Postal services, private	P	P	P [C]	
Professional offices, financial institutions, and real estate	P	P [C]	P	
Restaurant	P	P	P	See definition.
with live entertainment	C	C	C	See definition.
Retail food store	P	P	P	
Retail sales	P	P	P	See definition.
Sales of secondhand or used merchandise	N	N	N	See definition.
Tattoo establishment	C	N	N	See definition. Subject to Section 19.26.020(B)(4).
<b>Residential and Similar Uses</b>	<b>C/MU-1</b>	<b>C/MU-2</b>	<b>C/MU-3</b>	<b>Notes</b>

Accessory building, structures, private garages	C	C	C	See definition of accessory building.
Boarding house	C [P]	N	N	See definition.
Emergency shelter	P	N	N	See definition.
Hostel	N	C	N	See definition.
Hotel, motel, bed and breakfast lodging, inn (H-1, H-2, H-3, H4, H-5)	P	P	P [C]	See definitions above.
Live/work unit	P	P	P	See definition.
Mixed-use development	P	P	P	See definition.
Motor home/manufactured housing community	N	N	N	See definitions.
Multiple-family dwellings	P	P	P	See definition. See requirement for active commercial uses on ground floor per Sections 19.26.020(A)(1), 19.27.020(A)(1), 19.28.020(A)(1).
Second-family units	N	N	N	
Senior housing, nursing home, retirement home	C	C	C	See definitions (definition of senior housing added).
Short-term rental	P	P	P	See definition.
Single-family detached	N	N* [P]	N	*Only permitted in Seacoast Residential Overlay Zone.
Timeshare	C	C	N	See definition.
<b>Light Industrial Uses</b>	<b>C/MU-1</b>	<b>C/MU-2</b>	<b>C/MU-3</b>	<b>Notes</b>
Automobile dismantling or wrecking yard	N	N	N	See definition.
Automobile repair or automobile body shop	C	N	N	See definitions.
Automobile sales lot	C	N	N	See definition.
Automobile service station/gas station	C	N	C	See definition.
Energy facility	C	N	N	See definition.
Equipment rental yard	C	N	N	
Incidental manufacturing	C	C [N]	C [N]	See definition.
Light manufacturing, manufacturing, industrial	N	N	N	
Public and Semi-public uses	C/MU-1	C/MU-2	C/MU-3	Notes
Campsites	N	N	N	See definition.
Clubs, fraternal/veteran/service organizations	C	C	C [N]	Subject to Sections 19.26.020(B)(2), 19.27.020(A)(3), 19.28.020(A)(2).

with live entertainment	C	C	C	
Educational institutions	C	C	N	
Governmental or quasi-public building	P	P	P	
Library	P	P	P	
Religious assembly	C	C	C	See definition. Subject to Sections 19.26.020(B)(2), 19.27.020(A)(3), 19.28.020(A)(2).
Public parking lot	P	P [C]	P	
Theatre/Assembly	C	C	C	
Wireless communication facility	C	C	C	See definition. Subject to Section 19.90.
Green Building Utilities	C/MU-1	C/MU-2	C/MU-3	Notes
Green Building Utilities	P	P	P	See definition. Subject to Section 19.92.
Open Space and Recreation	C/MU-1	C/MU-2	C/MU-3	Notes
Passive public parks	P	P	P	
Playground and recreation areas	C	C	C	Permitted if incidental and accessory to a permitted use.
Public riding and hiking trails	P	P	P	

**Notes:**

Highlighted text indicates that the use is a newly defined regulated use, or that permissions have been changed or added to address all zones.

[C] or [P] or [N] text indicates land use permission in the existing ordinance that is proposed to be changed.



City of Imperial Beach Commercial Zoning Review: Zoning Amendments  
Draft for Public Review  
Revised July 2012

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

**19.26.010. Purpose of zone.**

The purpose of the C/MU-1 zone is to provide areas for mixed-use development, multiple-family dwellings, and for businesses to meet the local demand for commercial goods and services. It is intended that the dominant type of commercial activity in the C/MU-1 zone will be community and neighborhood serving retail and office uses. (Ord. 94-884, 1994)

**19.26.020. Permitted uses.**

A. ~~The following commercial uses (excluding light manufacturing, manufacturing or industrial uses) shall be permitted subject to subsections C and D of this section as appropriate:~~ 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. — Stores, shops and offices supplying commodities or performing services for residents of the City as a whole such as retail food stores, restaurants, department stores, specialty shops, banks, business or professional offices and other financial institutions, personal service enterprises, hotels and motels;~~

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.

~~2. — Any other retail business or service establishment which the planning commission 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 below.~~

~~32. Residential dwelling units may be permitted above the first floor at a maximum density of one unit per every one thousand gross square feet of lot area, subject to the approval of a conditional use permit and subject to subsections B, C and D of this section as appropriate.~~

~~4. — Short term rentals.~~

3. A kiosks shall not exceed twenty square feet in areaeach, and shall be located on public plazas or private leaseholds. Kiosks, and shall not exceed ten locations in the C/MU-1 zone.

4. Time shares require approval of a conditional use permit and shall be prohibited on the first floor unless twenty-five percent of the units are restricted to overnight accommodations.

B. The following uses are permitted subject to the approval of a conditional use permit and in compliance with requirements specified below:

- ~~1. Arcades and game centers;~~
- ~~2. Athletic and health clubs;~~
- ~~3. Automobile repair;~~
- ~~4. Bars and cocktail lounges;~~
- ~~5. Body shops;~~

~~61.~~ Body piercing establishments may be permitted, subject to the approval of a conditional use permit; however, it is unlawful to establish any such body piercing establishment if the location is within one hundred feet of any property that is zoned R-1-6000, R-1-3800, R-3000-D, R-3000, R-2000 or R-1500, or any other area that is primarily residential in character, as evidenced by letter designation in the zoning law of the City; or within two hundred feet of any of the following:

- a. Bar, cocktail lounge, or liquor store;
- b. Body piercing establishment;
- c. ~~Church~~ Religious assembly;
- d. Educational institution ~~or school~~;
- e. Public park; or
- f. Tattoo establishment.

~~27.~~ ~~Church~~ Religious assemblies, clubs, fraternal organizations (e.g., Masons, Moose, Elks, and Eagles), service organizations (e.g., Rotary, Kiwanis, Lions Club, and Jaycees), and veterans organizations (e.g., American Legion, VFW, FRA, and Disabled American Veterans), may be permitted, subject to the approval of a conditional use permit ~~subject and~~ to subsections E, F, G, and H of this ~~section~~ chapter as appropriate.

- ~~8. Wireless communications facilities;~~
- ~~9. Educational institutions;~~
- ~~10. Equipment rental yard;~~

~~113.~~ Fortune telling or palm reading establishments may be permitted, subject to the approval of a conditional use permit; however, it is unlawful to establish any such fortune telling or palm reading establishment if the location is within:

- a. One hundred feet of any property that is zoned ~~as an~~ R-1-6000, R-1-3800, R-3000-D, R-3000, R-2000, or R-1500 ~~zone~~, or any other area that is primarily residential in character, as evidenced by letter designation in the zoning law of the City; or
- b. Five hundred feet of any mobilehome park, manufactured housing community, or senior housing development; or
- c. One thousand feet of any similar establishment.

- ~~12. Gas stations;~~
- ~~13. Incidental manufacturing;~~
- ~~14. Kennels;~~
- ~~15. Kiosks;~~
- ~~16. Liquor stores;~~
- ~~17. Mortuaries;~~
- ~~18. Tattoo establishment;~~
- ~~19. Boarding house;~~
- ~~20. Residential dwelling units above the first floor at a maximum density of one unit per every one thousand square feet of lot area, and subject to subsections C and D of this section as appropriate;~~

214. Tattoo establishments may be permitted, subject to the approval of a conditional use permit; however, it is unlawful to establish any such tattoo establishment if the location is within one hundred feet of any property that is zoned as an R-1-6000, R-1-3800, R-3000-D, R-3000, R-2000, or R-1500 zone, or any other area that is primarily residential in character, as evidenced by letter designation in the zoning law of the City; or within two hundred feet of any of the following:

- a. Bar, cocktail lounge, or liquor store;
- b. Body piercing establishment;
- c. ~~Church~~ Religious assembly;
- d. Educational institution or school;
- e. Public park; or
- f. Tattoo establishment.

C. Site plan review by the ~~planning commission~~ City Council will be required if any of the following applies for to proposed uses located in the C/MU-1 zone:

- 1. All proposed ~~commercial~~ developments involving new construction.
- 2. Any addition, construction, 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 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/MU-1 zone:

1. Any addition, construction, 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 that~~ cumulatively 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 ~~planning commission~~ City Council.

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

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. Public parking lots.

E. Notice to adjoining property owners of any application for conditional use permit for a ~~church~~ religious assembly, club, fraternal organization, service organization, or veteran's organization, under subsection (B)(72) of this section shall be given pursuant to Section 19.86.050 of this code. Additionally, notice of hearing shall be made by mailing a postal card or letter to all the business owners within three hundred feet of the exterior boundary of the property involved, such business owners and their addresses being established for this purpose by the latest business licenses issued by the City; provided, however, that in the case where the ownership or address has recently changed and such knowledge is available to the Community Development Department, notice shall also be sent in this manner to the ~~current~~ business owners. Such notice shall include the nature of the proposal, a description of the property under consideration, and the time and place of the public hearing. In certain cases where mailed notice of hearing is deemed impractical, notice may be effected by posting upon the subject property and within the area of the subject property a notice bearing the same information as contained in the notice to be mailed. The notice shall be posted at least ten days prior to the date set for the public hearing, and the Community Development Department shall sign an affidavit of posting to be held in the record. No defect or irregularity in the giving of such notice shall invalidate the public hearing.

F. The report prepared by staff for the City Council on the conditional use permit application for a ~~church~~ religious assembly, club, fraternal organization, service organization, or veteran's organization under subsection (B)(72) of this section, shall provide a listing of the number of property owners, business owners, and types of businesses located within three hundred feet of the exterior boundaries of the subject property. Prior to the scheduled public hearing, the applicant shall attempt to contact the property owners and business owners located within three hundred feet of the exterior boundary of the subject property to determine how many support and how many oppose the application for the conditional use permit on the subject property. The results of the survey of the property owners and business owners shall be forwarded to City staff for inclusion in the staff report to the City Council.

G. Prior to the issuance of a conditional use permit for a ~~church~~ religious assembly, club, fraternal organization, service organization, or veteran's organization under subsection (B)(72) of this section, the applicant must demonstrate and the City Council must make a finding that the parking requirements of Chapter 19.48 of this code are met and that sufficient parking exists to accommodate the proposed uses.

H. Any conditional use permit issued for a ~~ehureh~~religious assembly, club, fraternal organization, service organization or veteran's organization under subsection (B)(72) of this section shall, at a minimum, specifically address the following:

1. Proposed uses or activities;
2. Hours of operations, uses, and activities;
3. The days of the week and times for meetings or gatherings and the number of people attending those meetings or gatherings;
4. The number, time, and days of the week of any proposed musical activities, performances, or entertainment;
5. The number, time, and days of the week of activities involving infants, pre-teens, teens, or young adults;
6. The dates, times, and number of persons in attendance for any special meetings, events, or gatherings not included in the normal hours of operation, that are directly related to the operation, uses, and activities of the ~~ehureh~~facility, or are attended by the principal membership of the ~~ehureh~~facility; and
7. The dates, times and number of persons in attendance for any special meetings, events, or gatherings not included in the normal hours of operation, if any, that are not directly related to the operation, uses, and activities of the ~~ehureh~~facility, nor are attended by the principal membership of the ~~ehureh~~facility; and
8. No child care services by persons unrelated to the parent or child, child day care center, or educational institution shall be operated on the premises unless specifically provided for under the conditional use permit issued for the ~~ehureh~~religious assembly, club, fraternal organization, service organization, or veteran's organization. Nothing in subsections E, F, G, or H of this section shall supersede or preempt the issuance criteria for a conditional use permit as set forth in Chapter 19.82 of this code. (Ord. 2003-1013 § 4, 2003; Ord. 2002-986 §§ 2, 3, 2002; Ord. 2002-983 §§ 21, 22, 2002; Ord. 2001-973 §§ 3—6, 2001; Ord. 2001-971 §§ 3—5, 2001; Ord. 2001-960 §§ 3—8, 2001; Ord. 94-884, 1994)

**~~19.26.030. General commercial mixed use overlay (MU-1) zone.~~**

~~The area generally located between Calla Avenue on the north, Donax Avenue on the south, Seventh Street on the east, and the eastern City boundary, is designated as a MU-1 commercial overlay area as indicated on the adopted land use/zoning map. The purpose of this designation is to allow future commercial expansion in an orderly manner. In this overly designation, general commercial activities are encouraged to expand into areas otherwise designated as R-1500, only if the lot proposed for commercial development is immediately adjacent to an existing commercial building used for commercial purposes, and only if the commercial use will occupy a newly constructed building designed solely for commercial or mixed use purposes. Approval of a conditional use permit by the planning commission shall be required pursuant to Chapter 19.85. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)~~

**19.26.040. Yards.**

Yard requirements for the C/MU-1 zone are as follows:

A. Front Yard and Side Street. Zero feet; up to forty percent of the project frontage may be set back up to an additional five feet, but not less than five feet for more than sixty percent (60%) of the project frontage. Front yards facing Donax Avenue or Calla Avenue shall be a minimum of fifteen feet. Side street setbacks other than on Palm Avenue shall be a minimum of five feet. Garages on all streets shall be setback either 5 feet or less, or not less than 20 feet.

B. Side Yard. There shall be a minimum side yard of five feet.

C. Rear Yard. There shall be a minimum rear yard of ten feet.

D. The open space and landscaping requirements as stated in Chapter 19.50 of this code shall be met.

~~There are no front, side or rear yard setbacks required in the C-1 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 subsection 19.26.020(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. (Ord. 94-884, 1994)~~

**19.26.041. Stepbacks**

For property with a side or rear yard abutting a residential zone, the second floor shall be set back a minimum of five feet from the abutting residential property line and the third floor shall be set back a minimum of ten feet from the abutting residential property line.

**19.26.050. Minimum lot size.**

The minimum lot size for any new lot created in the C/MU-1 zone shall be three thousand square feet (for related provisions concerning small lots, see Chapter 19.42.). (Ord. 94-884, 1994)

**19.26.060. Frontage.**

Every new lot created in the C/MU-1 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)

**19.26.070. Building height.**

No building in the C/MU-1 zone shall exceed four stories or forty feet in height, whichever is less. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983). All commercial spaces on the ground floor shall have a minimum fifteen-foot floor-to-ceiling height; and single-story commercial buildings shall have a minimum building height of twenty feet.

**19.26.080. Separation of buildings.**

No buildings shall be located less than five feet from any other building on the same lot. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.26.110. Parking.**

For provisions on parking applicable in the C/MU-1 zone, see Chapter 19.48. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.26.120. Signs.**

For provisions on signs applicable in the C/MU-1 zone, see Chapter 19.52. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.26.130. Uses conducted outside buildings.**

For provisions on uses conducted outside buildings applicable in the C/MU-1 zone, see Chapter 19.72. (Ord. 94-884, 1994)

City of Imperial Beach Commercial Zoning Review: Zoning Amendments  
Draft for Public Review  
Revised July 2012

**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 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. (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:~~ 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.

2. ~~Kiosks (are 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 C/MU-2 Zonezone.~~

3. ~~Churches~~ Religious assemblies, clubs, fraternal organization (e.g., Masons, Moose, Elks, and Eagles), service organizations (e.g., Rotary, Kiwanis, Lions Club, and Jaycees), and veterans organizations (e.g., American Legion, VFW, FRA, and Disabled American Veterans) require approval of a conditional use permit and are subject to subsections D, E, F, and G of this section as appropriate.

4. Time shares require approval of a conditional use permit and shall be prohibited on the first floor unless twenty-five percent of the units are restricted to overnight accommodations.

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, 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 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);
- a.g. Floors above first floor provide additional stepback of five feet beyond required stepback.

~~\_\_\_\_\_ 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;~~

~~\_\_\_\_\_ 11. \_\_\_\_\_ Residence inns;~~

~~\_\_\_\_\_ 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;
- 21. — Short term rentals.
- 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. — Churches, clubs, fraternal organization (e.g., Masons, Moose, Elks and Eagles), service organizations (e.g., Rotary, Kiwanis, Lions Club and Jaycees), and veterans organizations (e.g., American Legion, VFW, FRA and Disabled American Veterans) subject to subsections E, F, G, and H of this section as appropriate;
- 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;~~
- ~~14. Wireless communications facilities.~~

~~EB.~~ Site plan review by the City Council will be required if any of the following applies for proposed uses located in the C/MU-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;~~ and
5. Public parking lots.

~~DC.~~ 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/MU-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 that~~ cumulatively 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 subsection 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; and
4. Kiosks.

~~ED.~~ Notice to adjoining property owners of any application for conditional use permit for a ~~church~~ religious assembly, club, fraternal organization, service organization, or veteran's organization, under subsection ~~(BA)~~ (53) of this section shall be given pursuant to Section 19.86.050 of this code. Additionally, notice of hearing shall be made by mailing a postal card or letter to all the business owners within three hundred feet of the exterior boundary of the property involved, such business owners and their addresses being established for this purpose by the latest business licenses issued by the City; provided, however, that in the case where the ownership or address has recently changed and such knowledge is available to the Community Development Department, notice shall also be sent in this manner to the current business owners. Such notice shall include the nature of the proposal, a description of the property under consideration, and the time and place of the public hearing. In certain cases where mailed notice

of hearing is deemed impractical, notice may be effected by posting upon the subject property and within the area of the subject property a notice bearing the same information as contained in the notice to be mailed. The notice shall be posted at least ten days prior to the date set for the public hearing, and the Community Development Department shall sign an affidavit of posting to be held in the record. No defect or irregularity in the giving of such notice shall invalidate the public hearing.

**FE.** The report prepared by staff for the City Council on the conditional use permit application for a ~~church~~religious assembly, club, fraternal organization, service organization, or veteran's organization under subsection ~~(BA)~~(53) of this section, shall provide a listing of the number of property owners, business owners, and types of businesses located within three hundred feet of the exterior boundaries of the subject property. Prior to the scheduled public hearing, the applicant shall attempt to contact the property owners and business owners located within three hundred feet of the exterior boundary of the subject property to determine how many support and how many oppose the application for the conditional use permit on the subject property. The results of the survey of the property owners and business owners shall be forwarded to City staff for inclusion in the staff report to the City Council.

**GF.** Prior to the issuance of a conditional use permit for a ~~church~~religious assembly, club, fraternal organization, service organization, or veteran's organization under subsection ~~(BA)~~(53) of this section, the applicant must demonstrate and the City Council must make a finding that the off-street parking requirements of Chapter 19.48 of this code are met and that sufficient parking exists to accommodate the proposed uses.

**HG.** Any conditional use permit issued for a ~~church~~religious assembly, club, fraternal organization, service organization, or veteran's organization under subsection ~~(BA)~~(53) of this section shall, at a minimum, specifically address the following:

1. Proposed use or activities;
2. Hours of operations, uses, and activities;
3. The days of the week and times for meetings or gatherings and the number of people attending those meetings or gatherings;
4. The number, time, and days of the week of any proposed musical activities, performances, or entertainment;
5. The number, time, and days of the week of activities involving infants, pre-teens, teens, or young adults;
6. The dates, times and number of persons in attendance for any special meetings, events, or gatherings not included in the normal hours of operation, that are directly related to the operation, uses, and activities of the ~~church~~facility or are attended by the principal membership of the ~~church~~facility; and
7. The dates, times, and number of persons in attendance for any special meetings, events, or gatherings not included in the normal hours of operation, if any, that are not directly related to the operation, uses, and activities of the ~~church~~facility, nor are attended by the principal membership of the ~~church~~facility; and

8.        No child care services by persons unrelated to the parent or child, child day care center, or educational institution shall be operated on the premises unless specifically provided for under the conditional use permit issued for the ~~church facility, club, fraternal organization, service organization or veteran's organization~~. Nothing in subsections ~~ED, FE, GE, or HG~~ of this section shall supersede or preempt the issuance criteria for a conditional use permit as set forth in Chapter 19.82 of this code. (Ord. 2003-1013 § 5, 2003; Ord. 2002-983 §§ 23, 24, 2002; Ord. 2001-960 §§ 9—13, 2001; 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. ~~Tattoo establishment;~~
12. ~~Pawn shop;~~
13. ~~Boarding house.~~

~~(Ord. 2002-986 §§ 4—6, 2002; 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.**

       Yard requirements of the C/MU-2 zone are as follows:

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/MU-2 zone; except as follows:

1. A ten-foot rear and/or side yard setback is required for properties abutting any property zoned R-1-6000;
2. A five-foot rear and/or side yard setback is required for properties abutting any property zoned R-2000; and

B. —3.—For properties within the Seacoast Residential Overlay Zone, the setbacks shall be as required in Section 19.27.140(C)(2B); and:

1. —B.—The open space and landscaping requirements as stated in Chapter 19.50 of this code shall be met.

~~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 subsection 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 setback 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 setback 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)~~**19.27.041. Setbacks.**

A. On property with a side or rear yard abutting a residential zone, the second-floor setback shall be a minimum of five feet from the abutting residential property line and the third-floor setback shall be a minimum of ten feet from the abutting residential property line.

B. Setbacks are not required where the ten-foot setback is required or observed for at least fifty percent of the property line abutting residential property.

C. On properties fronting Seacoast Drive, an upper-story setback of five to ten feet is required for a minimum of fifty percent of street-facing facades along Seacoast Drive.

#### **19.27.050. Minimum lot size.**

The minimum lot size for any new lot created in the C/MU-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/MU-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.**

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. Properties within the Seacoast Residential Overlay Zone are subject to a reduced single-family residential building height of two stories or twenty-six feet, whichever is less, per Section 19.27.140(C);

2. Properties located on Palm Avenue and properties on the east side 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 two or more of the development incentives listed in Section 19.27.020(A)(5); and

3. Hotel, as defined in Section 19.04.410 as an H-1 type hotel, shall have a height limit not to exceed forty feet as part of an approved Specific Plan pursuant to Section 19.27.150. (Ord. 2003-1007 § 2, 2003: Ord. 94-884, 1994).

B. All commercial spaces on the ground floor shall have a minimum fifteen-foot floor-to-ceiling height; and single-story commercial buildings shall have a minimum building height of twenty feet.

**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/MU-2 zone, see Chapter 19.48. (Ord. 94-884, 1994)

**19.27.120. Signs.**

For provisions on signs applicable in the C/MU-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/MU-2 zone, see Chapter 19.72. (Ord. 94-884, 1994)

**19.27.140. Seacoast ~~commercial~~ 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 commercial~~ Seacoast Residential Overlay Zone (MU-2). The purpose of this overlay zone is to preserve opportunities for continuation of single-family residential uses in this area. ~~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~~ Seacoast Residential Overlay Zone:

1. ~~Single-family and multi-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~~ zone is a permitted use in the Seacoast Residential Overlay 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 property development regulations in subsection C of this section:~~

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

- ~~\_\_\_\_\_ 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 Residential Overlay Zone are as follows:~~
- ~~a1. Residential uses:~~
- ~~Ocean Lane: five feet.~~
- ~~Side yard: five feet.~~
- ~~Ocean Boulevard (Beach): ten feet.~~
- ~~b2. Commercial uses with approval of a conditional use permit:~~
- ~~Ocean Lane: zero feet.~~
- ~~Side yard: fifteen feet.~~
- ~~Ocean Boulevard (Beach): ten feet.~~
- ~~eC. Height requirements in the Seacoast Residential Overlay Zone are as follows:~~
- ~~Residential Single-family uses. Two stories or twenty-six feet, whichever is less.~~
- ~~Commercial All other uses. As permitted per Section 19.27.070 Three stories or thirty feet, whichever is less and subject to approval of a conditional use permit.~~

**19.27.145. Conditional Use Permit.**

Conditions for a 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. 2003-1013 §§ 6, 7, 2003; Ord. 94-884, 1994)

~~\_\_\_\_\_ 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. 2003-1013 §§ 6, 7, 2003; Ord. 94-884, 1994)~~



### **19.27.150. Specific Plan.**

A. The eCity eCouncil may approve a specific plan for ~~a hotel use~~ an H-1 hotel as defined in Chapter 19.25 of this code that allows deviations from the following regulations in the C/MU-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 yard requirements~~ specified in Section 19.27.040 and building setbacks specified in Section 19.27.041. The specific plan shall establish setbacks and 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~~35~~ 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/MU-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. (Ord. 2003-1002 § 1, 2003; Ord. 2002-984 § 1, 2002)

City of Imperial Beach Commercial Zoning Review: Zoning Amendments  
Draft for Public Review  
Revised July 2012

**Chapter 19.28. C/MU-3 NEIGHBORHOOD COMMERCIAL AND MIXED-USE ZONE**

**19.28.010. Purpose of zone.**

The purpose of the C/MU-3 zone is to provide areas for businesses to meet the local neighborhood demand for commercial goods and services. It is intended that the dominant type of commercial activity in the zone will be neighborhood-serving retail and office uses such as markets, professional offices, personal convenience services, restaurants, and hardware stores. Multiple-family residences are also permitted in the C/MU-3 zone. (Ord. 94-884, 1994)

**19.28.020. Permitted uses.**

A. The following commercial uses (excluding light manufacturing, manufacturing or industrial uses) shall be permitted subject to subsections C and D of this section as appropriate: Specified commercial, residential, light industrial, public and semi-public, green building utilities, and open space and recreation uses allowed in the C/MU-3 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 Imperial Beach Boulevard and 13th Street, including those with multiple-family dwelling units, "active commercial uses" as defined in Chapter 19.04 are required to be provided at a minimum of sixty percent of each building's ground floor square footage and have direct pedestrian access from the Imperial Beach Boulevard and 13th Street sidewalks or a plaza. Exceptions would require approval of a conditional use permit.

2. Religious assemblies, clubs, fraternal organization (e.g., Masons, Moose, Elks, and Eagles), service organizations (e.g., Rotary, Kiwanis, Lions Club, and Jaycees), and veterans organizations (e.g., American Legion, VFW, FRA, and Disabled American Veterans) require approval of a conditional use permit and are subject to subsections D, E, F, and G of this section as appropriate.

1. ~~Stores, shops, offices, and personal service enterprises serving the neighborhood;~~  
2. ~~Any other neighborhood business establishment which the planning commission 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;~~  
3. ~~Residential dwelling units may be permitted above the first floor at a maximum density of one unit per every two thousand square feet of lot area, subject to approval of a conditional use permit and subject to subsections B, D and E of this section as appropriate.~~

~~B. The following uses are subject to approval of a conditional use permit:~~

~~1. Arcades and game centers;~~  
~~2. Gas stations;~~  
~~3. Kiosks;~~

~~4. Post office branch;~~ 53. Multiple-family Residential dwelling units above the first floor at a maximum density of one unit per every two one thousand five hundred gross square feet of lot area and subject to subsections D and E of this section as appropriate; or one dwelling unit for each one thousand two hundred and ten gross square feet of lot area and subject to approval of a conditional use permit 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 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 stepback five feet beyond required stepback.

4. Kiosks are not to exceed twenty square feet in area each, shall be located on public plazas or private leaseholds, and shall not exceed ten locations in the C/MU-3 zone.

~~6. Churches, subject to subsections F, G, H, and I of this section as appropriate;~~

~~7. Wireless communications facilities;~~

~~C. The following uses are prohibited:~~

~~1. Athletic and health clubs;~~

~~2. Auto repair;~~

~~3. Bars and cocktail lounges;~~

~~4. Bed and breakfast;~~

~~5. Body piercing establishments;~~

~~6. Body shops;~~

~~7. Campsites;~~

~~8. Clubs and lodges;~~

~~9. Educational institutions;~~

~~10. Equipment rental yards;~~

~~11. Fortune telling establishments;~~

~~12. Hotels and motels;~~

- ~~13. Incidental manufacturing;~~
- ~~14. Kennels;~~
- ~~15. Liquor stores;~~
- ~~16. Time shares;~~
- ~~17. Boarding house;~~
- ~~18. Tattoo establishments.~~

DB. Site plan review by the ~~planning commission~~ City Council will be required if any of the following applies for proposed uses located in the C/MU-3 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 or structure requiring the approval of a conditional use permit;
4. Any development including residential dwelling units ~~above the first floor; and~~
5. Public parking lots.

EC. 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/MU-3 zone:

1. Any addition, construction, 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 of the originally approved gross floor area of a commercial building shall require site plan review by the ~~planning commission~~ City Council;
2. Exterior facade alterations to existing buildings located on a design review corridor as identified in subsection 19.83.020(A)(1); and
3. The building 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.

FD. Notice to adjoining property owners of any application for conditional use permit for a ~~church~~ religious assembly, club, fraternal organization, service organization, or veteran's organization, under subsection (BA)(62) of this section shall be given pursuant to Section 19.86.050 of this code. Additionally, notice of hearing shall be made by mailing a postal card or letter to all the business owners within three hundred feet of the exterior boundary of the property involved, such business owners and their addresses being established for this purpose by the latest business licenses issued by the City; provided, however, that in the case where the ownership or address has recently changed and such knowledge is available to the Community Development Department, notice shall also be sent in this manner to the current business owners.

Such notice shall include the nature of the proposal, a description of the property under consideration, and the time and place of the public hearing. In certain cases where mailed notice of hearing is deemed impractical, notice may be effected by posting upon the subject property and within the area of the subject property a notice bearing the same information as contained in the notice to be mailed. The notice shall be posted at least ten days prior to the date set for the public hearing, and the Community Development Department shall sign an affidavit of posting to be held in the record. No defect or irregularity in the giving of such notice shall invalidate the public hearing.

~~GE.~~ The report prepared by staff for the City Council on the conditional use permit application for a ~~ehureh~~religious assembly, club, fraternal organization, service organization, or veteran's organization, under subsection ~~(BA)~~(62) of this section, shall provide a listing of the number of property owners, business owners, and types of businesses located within three hundred feet of the exterior boundaries of the subject property. Prior to the scheduled public hearing, the applicant shall attempt to contact the property owners and business owners located within three hundred feet of the exterior boundary of the subject property to determine how many support and how many oppose the application for the conditional use permit on the subject property. The results of the survey of the property owners and business owners shall be forwarded to City staff for inclusion in the staff report to the City Council.

~~HF.~~ Prior to the issuance of a conditional use permit for a ~~ehureh~~religious assembly, club, fraternal organization, service organization, or veteran's organization, under subsection ~~(BA)~~(62) of this section, the applicant must demonstrate and the City Council must make a finding that the off-street parking requirements of Chapter 19.48 of this code are met and that sufficient parking exists to accommodate the proposed uses.

~~IG.~~ Any conditional use permit issued for a ~~ehureh~~religious assembly, club, fraternal organization, service organization, or veteran's organization, under subsection ~~(BA)~~(62) of this section shall, at a minimum, specifically address the following:

1. Proposed uses or activities;
2. Hours of operations, uses, and activities;
3. The days of the week and times for meetings or gatherings and the number of people attending those meetings or gatherings;
4. The number, time, and days of the week of any proposed musical activities, performances, or entertainment;
5. The number, time, and days of the week of activities involving infants, pre-teens, teens, or young adults;
6. The dates, times, and number of persons in attendance for any special meetings, events, or gatherings not included in the normal hours of operation, that are directly related to the operation, uses, and activities of the ~~ehureh~~facility, or are attended by the principal membership of the ~~ehureh~~facility; and
7. The dates, times, and number of persons in attendance for any special meetings, events, or gatherings not included in the normal hours of operation, if any, that are not directly

related to the operation, uses, and activities of the ~~ehureh~~facility, nor are attended by the principal membership of the ~~ehureh~~facility; and

8. No child care services by persons unrelated to the parent or child, child day care center, or educational institution shall be operated on the premises unless specifically provided for under the conditional use permit issued for the ~~facility~~ehureh, club, fraternal organization, service organization or veteran's organization. Nothing in subsections D, E, F, or G, H or I of this section shall supersede or preempt the issuance criteria for a conditional use permit as set forth in Chapter 19.82 of this code. (Ord. 2002-986 §§ 7, 8, 2002; Ord. 2002-983 §§ 25, 26, 2002; Ord. 2001-973 §§ 11, 13, 14, 2001; Ord. 2001-972 §§ 1, 2, 2001; Ord. 2001-971 §§ 8, 9, 2001; Ord. 2001-960 §§ 14—18, 2001; Ord. 94-884, 1994)

#### **19.28.030. Yards.**

Yard requirements for the C/MU-3 zone are as follows:

A. Front Yard and Side Street. Zero feet; but not less than five feet for more than sixty percent (60%) of the project frontage. Garages on all streets other than on Imperial Beach Boulevard and 13th Street, shall be setback either five feet or less, or not less than 20 feet up to forty percent of the project frontage may be set back up to an additional five feet.

B. Side Yard. There shall be a minimum side yard of five feet.

C. Rear Yard. There shall be a minimum rear yard of ten feet.

D. There are no front, side or rear yard setbacks required in the C-3 zone; however, the open space and landscaping requirements as stated in Chapter 19.50 of this code shall be met. observed only for proposed commercial uses or developments requiring Site Plan Review by the Planning Commission, as identified in subsection 19.028.020(D), provided that in no case shall the amount for existing landscaping be reduced and that any new and all existing landscaping shall be permanently maintained. (Ord. 94-884, 1994)

#### **19.28.031. Stepbacks.**

For property with a side or rear yard abutting a residential zone, the second-floor stepback shall be a minimum of five feet from the abutting residential property line and the third-floor stepback shall be a minimum of ten feet from the abutting residential property line.

#### **19.28.040. Minimum lot size.**

The minimum lot size for any new lot created in the C/MU-3 zone shall be three thousand square feet. (For related provisions concerning small lots, see Chapter 19.42). (Ord. 94-884, 1994)

#### **19.28.050. Frontage.**

Every new lot created in the C/MU-3 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)

#### **19.28.060. Building height.**

No building in the C/MU-3 zone shall exceed ~~two-three stories and or twenty-eight thirty~~ feet in height, whichever is less; or three stories or thirty-five feet in height and subject to approval of a conditional use permit that demonstrates compliance with two or more of the

development incentives listed in Section 19.28.020(A)(3). All commercial spaces on the ground floor shall have a minimum fifteen-foot floor-to-ceiling height; and single-story commercial buildings shall have a minimum building height of twenty feet. (Ord. 94-884, 1994).

**19.28.070. Separation of buildings.**

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

**19.28.080. Parking.**

For provisions on parking applicable in the C/MU-3 zone, see Chapter 19.48. (Ord. 94-884, 1994)

**19.28.090. Signs.**


For provisions on signs applicable in the C/MU-3 zone, see Chapter 19.52. (Ord. 94-884, 1994)

**19.28.100. Uses conducted outside buildings.**

For provisions on uses conducted outside buildings applicable in the C/MU-3 zone, see Chapter 19.72. (Ord. 94-884, 1994)



**City of Imperial Beach Commercial Zoning Review: Zoning Amendments**  
**Draft for Public Review**  
**Revised July 2012**

 indicates new text added since public review

**Chapter 19.48. OFF-STREET PARKING**

**19.48.010. Purpose of provisions.**

The parking regulations contained in this chapter are intended to provide space off public streets for automobiles and other vehicles, to prevent traffic congestion, to encourage safe vehicular travel, and to provide for the welfare and convenience of residents and shoppers. This chapter recognizes that adequate off-street parking facilities should be provided in accordance with the type of land use, and the standards set forth in this Title should be the minimum required to provide reasonable assurance that the public health, safety, and welfare will be maintained. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.48.020. Requirements generally—Existing buildings and additions.**

A. The ~~commercial~~ parking requirements of this chapter shall be observed only for proposed ~~commercial~~ uses or developments requiring site plan review by the City Council planning commission, or eCommunity dDevelopment dDirector as identified in subsections chapters 19.26.020(C) and 19.27.020(D), and 19.28. provided that in no case shall the number of existing parking spaces be reduced and that any new and all existing parking spaces shall be permanently available and be permanently maintained for parking purposes.

B. Cumulative alterations or additions to existing residential structures that are not new dwelling units of up to five hundred square feet, or a combined total (existing square footage plus new square footage) of up to fifteen hundred square feet, neither of which is exceeded, shall be allowed without providing additional off-street parking as required by this chapter, provided that in no case shall the number of existing off-street parking spaces be reduced and that any new and all existing off-street parking spaces shall be made permanently available and be permanently maintained for parking purposes.

The parking exemption shall not be allowed for multifamily structures where the addition consists of a new bedroom or would be located on a portion of the lot that could otherwise be used for parking, on lots west of Seacoast Drive, and on lots fronting on the east side of Seacoast Drive.

C. Cumulative alterations or additions greater than five hundred square feet to existing residential structures, that are not new dwelling units, or a combined total (existing square footage plus new square footage) greater than fifteen hundred square feet, may be allowed without providing additional off-street parking as required by this chapter with the approval of a site plan and design review application by the community development department that

demonstrate that there are inadequate side yards or areas to provide the additional parking, that there is no adjacent alley to provide access for the additional parking, and that substitute tandem parking in the driveway will be provided. (Ord. 2007-1052, 2007; Ord. 2005-1032, 2005; Ord. 94-888, 1994)

**19.48.030. Required spaces—Residential uses.**

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

A. R-1-6000, R-1-3800, R-3000, and R-3000-D: two spaces per dwelling unit, one hundred percent enclosed;

B. R-2000 and R-1500: two spaces per dwelling unit, fifty percent enclosed;

~~C. Residential dwelling units in the C-1, C-2, C-3, MU-1 and MU-2 zones: 1.5 spaces per dwelling unit. (Ord. 2005-1032; Ord. 94-888, 1994)~~ **19.48.035. Required spaces in the C/MU-1, C/MU-2, and C/MU-3 zones.**

For new development or expansion of existing structures designed to accommodate a variety of shops, stores, offices, restaurants, personal convenience services, and athletic and health clubs in the C/MU-1, C/MU-2, and C/MU-3 zones, off-street parking shall be provided in accordance with the standard listed in the following table. During site plan review, the cityCity would determine whether the standard for required parking could be reduced based on the types of proposed land uses and existing land use, and the availability of parking (both private and public parking) in the project area. Shared parking shall be permitted and shall only be approved when technical evidence is presented to justify the shared use. The Urban Land Institute guidebook Shared Parking Second Edition (2005) shall be used as a guideline and supplemented by additional findings, where appropriate.

<u>Zone/Land Use</u>	<u>Standard</u>	<u>25% Reduction for Vertical Mixed-use</u>	<u>Eligible for Waiver for Commercial Uses Less Than 1,000 SF</u>	<u>Eligible for Additional Parking Reduction for Shared Parking</u>
<u>C/MU-1 and C/MU-3</u>	<u>1 space per 500 gross SF of commercial</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>C/MU-2</u>	<u>1 space per 1,000 gross SF of commercial</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Multiple-family Residential</u>	<u>1.5 spaces per dwelling unit</u>	<u>X</u>		<u>X</u>
<u>Hotel wWithout Cooking Facilities</u>	<u>1 space per guest room</u>	<u>X</u>		
<u>Hotel wWith Cooking Facilities</u>	<u>1.5 spaces per guest room</u>	<u>X</u>		

**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;~~

BA. Boarding houses, retirement homes, and clubs having sleeping rooms: two spaces plus one space for each three beds;

B. Hostels: one space per five beds, plus two total employee spaces;

CBC. Mobile home parks, trailer parks: one and one-half spaces for each trailer space;

DCD. Hospitals, sanitariums: one and one-half spaces for each bed. (Ord. 2002-986 §§ 9, 10, 2002; Ord. 94-888, 1994; Ord. 601 § 1 (part), 1983).

**19.48.050. Required spaces—Commercial and other uses.**

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

A. Automobile service stations: one space for each pump island;

B. Bowling alleys: two spaces for each lane;

C. Car washes, self-service or attendant-operated: three spaces for each stall;

D. Educational institutions~~Schools~~: five spaces plus one for each employee;

E. The following uses require one space for each fifty square feet of net floor area; plus one space per two employees at largest work shift:

1. Drive-in restaurants, drive-through establishments, and food stands.

F. The following uses require one space for each seventy-five square feet of net floor area, plus one per two employees at largest work shift:

1. Establishments for the sale and consumption on the premises of food and beverages (minimum four spaces).

G. The following uses require one space for each one hundred square feet of net floor area, plus one space per two employees:

- \_\_\_\_\_ 1. Auditoriums;
2. Funeral home;
3. Mortuaries;
4. Sports arenas;
5. Stadiums;
6. Theaters.

H. The following uses require one space per each one hundred square feet of net floor area, plus one space per two employees minimum. When a conditional use permit is required for any of these uses, applicant shall provide a report by a qualified Civil Engineer or other specialist that shows the proposed uses and maximum required parking:

1. ~~Church~~ Religious assemblies;
2. Fraternal organizations (Masons, Moose, Elks, Eagles, etc.);
3. Service organizations (such as Rotary, Kiwanis, Lions Club, Jaycees, etc.);
4. Veterans organizations (American Legion, VFW, FRA, Disabled American Veterans, etc.).

~~I. The following uses require one space for each two hundred fifty square feet of net floor area, plus one space per two employees at largest work shift:~~

- ~~\_\_\_\_\_ 1. Libraries;~~
- ~~\_\_\_\_\_ 2. Retail stores not otherwise listed.~~

~~J. The following uses require one space for each three hundred square feet of net floor area, plus one space per two employees:~~

- ~~\_\_\_\_\_ 1. Banks;~~
- ~~\_\_\_\_\_ 2. Businesses;~~

- ~~3. Medical offices;~~
- ~~4. Post offices;~~
- ~~5. Professional offices.~~

~~KI. The following All other commercial uses require one space for each five hundred square feet of net floor area.~~

- ~~1. Communication equipment buildings;~~
- ~~2. Storage buildings;~~
- ~~3. Warehouses.~~

~~MJ. In the C/MU-21, C/MU-2, and C/MU-3 zones, zone, an interim parking ratio of one space for every five hundred square feet of net floor area may be approved by conditional use permit. This interim ratio shall no longer be in effect after the City has approved parking for one hundred spaces under this provision. Shared parking or off-site parking within five hundred one thousand feet of the project site may be used to satisfy this requirement with the approval of a conditional use permit. Projects in these zones shall be reviewed to determine the suitability and feasibility of implementing one or more transportation demand management strategies that may be approved through a development agreement.~~ (Ord. 2005-1032 § 3; Ord. 2001-960 § 19, 2001; Ord. 94-888 § 3, 1994; Ord. 94-884, 1994; Ord. 640 § 1, 1984; Ord. 635 § 3, 1984; Ord. 601 § 1 (part), 1983)

~~**19.48.051. Required spaces—Commercial centers.**~~

~~For commercial centers (two or more commercial uses) the combined uses (pursuant to Section 19.48.050) shall not require off-street parking greater than one space per two hundred fifty square feet of net floor area plus one space per two employees. (Ord. 2005-1032 § 4; Ord. 94-884, 1994; Ord. 665 § 2, 1985; Ord. 601 § 1 (part), 1983)~~

~~For mixed-use development of multiple-family residential over commercial use, required parking may be reduced by up to 25twenty-five percent (25%) with approval of a conditional use permit.~~

**19.48.060. Required spaces—Uses not listed.**

Where parking requirements for a use are not specifically defined in this chapter, the parking requirements for such use shall be determined by the community development department, subject to approval by the ~~planning commission~~City Council. Such determination shall be based upon the requirements for the most comparable use specified in this chapter or professionally accepted standards. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

#### **19.48.070. Required spaces—Fractional requirements.**

Where computation of required off-street parking results in a fractional requirement, the requirement shall be calculated as follows:

- A. If the fraction is one-half or more, it shall be calculated as one space;
- B. If the fraction is less than one-half, it shall be disregarded. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

#### **19.48.090. Size of spaces.**

Each parking space shall be not less than eight and one-half feet in width, eighteen feet in length, and seven feet in height, except as follows:

A. **Alley Spaces.** Off-street parking spaces aligned perpendicular to an alley and accessing directly off an alley such that the alley is used for back-out shall be a minimum of twenty-two feet in length.

B. **Parallel Spaces.** Parallel spaces are those located parallel to a property line, accessway, building, or structure in such manner that a vehicle occupying the space must maneuver from a parallel position to the parking space. Parallel spaces shall not be less than twenty-two feet in length by eight feet in width.

C. Each parking space adjoining a wall, column, or other obstruction higher than 0.75 feet shall be increased by one foot on each obstructed side.

D. ~~Handicap-Disabled~~ parking requirements as established under State law and the Uniform-California Building Code shall be satisfied. (Ord. 94-884, 1994; Ord. 690 § 13 (part), 1986; Ord. 635 § 4, 1984; Ord. 601 § 1 (part), 1983)

#### **19.48.100. Access.**

A. No parking area in a C/MU-1, C/MU-2, or C/MU-3 zone shall be located so as to require or encourage the backing of automobiles or other vehicles across any street lot line to effect egress from the place of parking.

B. Parking areas in R zones shall meet the following standard:

1. Where properties abut both an alley and a street designed as a collector, major, or prime arterial, no new street curb cuts or parking layouts requiring backing into the street shall be allowed;

2. Where properties abut both a collector, major, or prime arterial and a local street, access shall be taken only from the local street;

3. Properties abutting both an alley and residential street shall take access from the alley with the exception that one sixteen-foot-wide curb cut allowing no more than two vehicles to back into the street may be allowed.

C. Each parking space shall be provided with adequate ingress and egress to a public street or alley. "Adequate ingress and egress" means a driveway meeting the following conditions:

1. Minimum width of nine feet;

2. Surfaced as required in this chapter;

3. No part included in the area of a required parking space;

4. Minimum width of driveway serving more than two dwelling units or a commercial use shall be twelve feet;

5. Minimum width of driveway providing two-way access shall be eighteen feet;

6. Minimum width of driveway providing two-way access to a parking area serving nine or fewer spaces on a fifty-foot-wide or smaller lot shall be twelve feet, when the parking area is not between a structure and a street subject to site plan approval by the community development department;

7. Any driveway also used for back-out and maneuvering for adjacent parking shall provide a width required under subsection D of this section.

D. The free-and-clear back-out and turning radius from a parking space to a drive aisle shall be no less than twenty-four feet.

E. All accessways shall be kept free and clear of any obstructions for a height of not less than seven feet.

F. Notwithstanding lesser setback requirements or other provisions of this title, the minimum distance from the street lot line to the door of a garage or the entrance of a carport shall be twenty feet where the garage or the entrance of a carport faces the street and the driveway is perpendicular to the street; this setback distance may be reduced to fifteen feet subject to site plan and design review approval by the community development department. (Ord. 2005-132 § 5; Ord. 94-884, 1994; Ord. 635 § 5, 1984; Ord. 628 § 1, 1984; Ord. 690 § 13 (part), 1983; Ord. 601 § 1 (part), 1983)

#### **19.48.110. Location.**

Off-street parking facilities shall be located as follows:

- A. Same Building Site. Required off-street parking spaces shall be located on the same lot they are required to serve.
- B. Tandem Parking. Every required parking space shall have unrestricted ingress and egress ~~which that~~ does not require the moving of another vehicle. This restriction may be modified by the community development department for those projects subject to Section 19.48.020(C).
- C. Angle Parking. Where required parking spaces are located at an angle to the required access way of greater or less than ninety degrees, the one-way drive aisle width for a sixty degree angle shall be eighteen feet, for a forty-five degree angle thirteen feet six inches, and for a thirty degree angle twelve feet.
- D. The minimum two-way aisle width shall be twenty-four feet in all cases.
- E. Commercial Parking. Required off-street parking facilities serving commercial or mixed commercial-residential buildings or uses may be located in any part of a lot except within five feet of any street lot line.
- F. Residential Dwellings. Required off-street parking facilities serving dwelling units shall be located as follows:
  - 1. Unenclosed and uncovered parking spaces shall be permitted in any portion of a lot, except the required front yard of any lot (in any case not within fifteen feet of the front property line) and the required street side yard of a corner or reversed corner lot. This restriction may be modified by site plan/design review approval pursuant to Section 19.48.020(C). Any parking enclosure or cover shall respect structural yard requirements as established under this title.
  - 2. No parking area, the location of which is not regulated by the requirements enumerated in this section, shall be located any closer than three feet from any side property line except for parking in a rear yard accessing off an alley. (Ord. 205-1032 § 5; Ord. 94-884, 1994; Ord. 690 §§ 14, 15, 1986; Ord. 635 § 6, 1984; Ord. 601 § 1 (part), 1983)

#### **19.48.120. Surfacing.**

All parking spaces, parking areas, and driveways shall be surfaced with Portland cement concrete on a suitable base as determined by the building official or may be surfaced with alternative paving materials approved by the community development department such as, but not limited to, turf pavers, ribbon driveways, and pervious concrete. Urban runoff from



imperviously surfaced driveways and parking areas shall be designed to drain toward approved biofiltration areas or media filtration mechanisms. Parking spaces and parking areas shall be part of or adjacent to the paved driveway. Parking off a paved driveway, on lawns or on unpaved areas, shall not be allowed. (Ord. 2005-1032 § 5; Ord. 98-933 § 4, 1998; Ord. 98-931 § 9, 1998; Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.48.130. Marking.**

A. Each parking space shall be clearly marked and striped with paint or other more durable materials, contrasting in color with the surface to which it is applied, so as to delineate the boundaries of such space. Markings shall not be required where the boundaries are evident because of curbs, termination of paving, or similar reasons.

B. Parking spaces serving multiple family buildings (more than two dwelling units) shall be marked with the apartment number (or other designation) of each dwelling unit, so that each dwelling unit is assigned a parking space. Additional parking spaces, required or optional, need not be marked. (Ord. 2005-1032 § 5; Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.48.140. Bumpers.**

All parking spaces abutting buildings or structures, or located so that access and egress is are provided from one direction, shall be provided with concrete curb or bumper, or its equivalent, at least six inches in height. Bumpers shall be located not more than three feet from the front edge of the parking space. Bumpers shall be adequately anchored to the ground. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.48.150. Fences.**

Where parking areas abut property zones for residential uses they shall be separated from such property by a solid fence, wall, or building six feet in height; provided, that in the required front yard the fence or wall shall not exceed four feet in height. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.48.160. Landscaping.**

For landscaping provisions applicable to off-street parking, see Chapter 19.50. (Ord. 94-884, 1994; Ord. 635 § 7, 1984; Ord. 601 § 1 (part), 1983)

**19.48.170. Lighting.**

All outdoor lighting for parking areas shall be so shaded and adjusted that light therefrom is directed to fall only on the same premises where such light source is located. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.48.180. Refuse and recycling container storage prohibited.**

No required parking spaces shall be used for storage of refuse and recycling containers. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.48.190. Regulation of other parking areas.**

Any area regularly used for the parking of vehicles shall be developed, improved, and maintained in the same manner as required parking areas. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

City of Imperial Beach Commercial Zoning Review: Zoning Amendments  
Draft for Public Review  
Revised July 2012

**ZONING ORDINANCE AMENDMENTS**

**19.06.010. Zones established.**

The several zones established and into which the City is divided are designated as follows:

- A. R-1-6000 — Single-family residential zone, one single-family detached dwelling unit per lot with a minimum lot size of ~~6,000~~six thousand square feet.
- B. R-1-3800 — Single-family residential zone, one single-family detached dwelling unit per lot, with a minimum lot size of ~~3,800~~three thousand eight hundred square feet.
- C. R-3000-D — Medium density or two-family detached residential zone, one detached dwelling unit for every ~~3,000~~three thousand square ~~feet~~feet of lot area.
- D. R-3000 — Medium density or two-family residential zone, one dwelling unit for every ~~3,000~~three thousand square ~~feet~~feet of lot area.
- E. R-2000 — Medium density residential zone, one dwelling unit for every ~~2,000~~two thousand square ~~feet~~feet of lot area.
- F. R-1500 — High density residential zone, one dwelling unit for every ~~1,500~~one thousand five hundred square ~~feet~~feet of lot area.
- G. PF — Public Facilities zone.
- H. C/MU-1 — General Commercial and Mixed-use zone, one dwelling unit for every 1,000~~one thousand gross square feet~~ of lot area.
- I. C/MU-2 — Seacoast Commercial and Mixed-use zone, one dwelling unit for every 1,500~~one thousand five hundred gross square feet~~ of lot area.
- J. C/MU-3 — Neighborhood Commercial and Mixed-use zone, one dwelling unit for every 1,500~~one thousand five hundred gross square feet~~ of lot area.
- K. OS — Open Space zone.
- L. UR — Urban Reserve zone.
- M. ~~MU-1 — Mixed Use Overlay zone.~~
- N. ~~MU-2 — Mixed Use Overlay zone. (Ord. 94-884, 1994)~~

**19.44.020. Access.**

A. No parking area in the C/MU-1, C/MU-2, or C/MU-3 zone shall be located so as to require or encourage the backing of automobiles or other vehicles across any street lot line to effect egress from the place of parking.

B. Parking areas in R zones shall meet the following standard:

1. Where properties abut both an alley and a street designed as a collector, major, or prime arterial, no new street curb cuts or parking layouts requiring backing into the street shall be allowed.

2. Where properties abut both a collector, major, or prime arterial and a local street, access shall be taken only from the local street.

3. Properties abutting both an alley and residential street shall take access from the alley with the exception that one sixteen-foot-wide curb cut allowing no more than two vehicles to back into the street may be allowed. (Ord. 94-884, 1994)

**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~~ City Council, 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)

**19.52.050. Signs Allowed on Private Property.**

Signs shall be allowed on private property in the City in accordance with and only in accordance with Table "A". If a "Yes" appears for a sign type in a column, such a sign is allowed in the zones represented by that column. If a "No" appears for a sign type in a column, such a sign is not allowed in the zones represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by a "Yes" in Table "A" shall be allowed only if:

A. The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign area as determined by the formula for the zone in which the lot is located as specified in Table "A";

B. The size, location, and number of signs on the lot conform with the requirements of ~~table~~ Table "B", which establishes permitted sign dimensions by sign type, and with any additional limitations listed in Table A; and,

C. The characteristics of the sign conform with the limitations of Tables "A" and "B". (Ord. 94-884, 1994)

**Table "A"**

<b>Sign Type</b>	<b>R-1-6000 R-1-3800 R-1-3000-D R-1-3000</b>	<b>R-2000, R-1500</b>	<b>C/MU-1</b>	<b>C/MU-2</b>	<b>C/MU-3</b>
<b>Freestanding</b>					
Monument	Yes	Yes	Yes	Yes	Yes
Incidental	No	Yes	Yes	Yes	Yes
Pole	No	No	No	No	No
<b>Building</b>					
Banner	No	No	Yes	Yes	Yes
Canopy	No	Yes	Yes	Yes	Yes
Incidental	No	Yes	Yes	Yes	Yes
Marquee	No	Yes	Yes	Yes	Yes
Projecting	No	Yes	Yes	Yes	Yes
Roof	No	No	No	No	No
Roof Integral	No	No	Yes	yes	Yes
Suspended	No	No	Yes	Yes	Yes
Wall	No	Yes	Yes	Yes	yes
Window	No	No	Yes	Yes	Yes
<b>Miscellaneous*</b>					
Balloons and inflatable signs	No	No	No	No	No
Banner	No	No	Yes	Yes	Yes
Beacons	No	No	No	No	No
Billboards	No	No	No	No	No
Flag	Yes	Yes	Yes	Yes	Yes
Pennants	No	No	No	No	No
Portable	No	No	No	No	No
<b>Other</b>					
Animated	No	No	No	No	No
Changeable copy	No	No	No	No	No
Illumination internal	No	Yes	Yes	Yes	Yes
Illumination external	No	No	Yes	Yes	Yes
Illumination neon	No	No	Yes	Yes	Yes
Time and temperature	No	No	Yes	Yes	Yes

**Table "B"**

<b>Sign Type</b>	<b>R-1-6000 R-1-3800 R-1-3000-D R-1-3000</b>	<b>R-2000 R-1500</b>	<b>C/MU-1</b>	<b>C/MU-2</b>	<b>C/MU-3</b>
<b>Freestanding</b>					
Area (sq. ft)	N.A.	12	40	40	40
Height (feet)	N.A.	6	8	8	8
Number permitted per lot frontage	N.A.	1	1	1	1
<b>Building signs (except window)</b>					
Area (max sq.ft.)	N.A.	32	1 per lineal ft. of wall face	1 per lineal ft. of wall face	1 per lineal ft. of wall face
Window signs	N.A.	N.A.	35% of total window area	35% of total window area	35% of total window area

**Chapter 19.60. ADULT-ORIENTED BUSINESSES**

**19.60.010. Allowed in C/MU-1 zone only.**

A. The following described businesses shall only be permitted within the C/MU-1 zone:

1. Adult bookstores;
2. Adult motion picture theaters;
3. Adult mini-motion picture theaters;
4. Adult motion picture arcades;
5. Adult hotels or motels;
6. ~~Cabarets;~~
7. ~~G. Pool or billiard halls;~~
8. ~~H. Massage parlors;~~
9. ~~I Body painting studios;~~

~~10. H. Dancehalls;~~

~~11.6. I. Model studios;~~

~~7. Sexual encounter studios and rap parlors.~~

B. The following described businesses shall only be permitted within the C/MU-1 zone, and shall require the approval of a conditional use permit:

1. Dance halls

~~1.2. Cabarets~~

(Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.60.020. Establishment and location.**

A. An adult-oriented business shall only be located in a C/MU-1 zone. It is unlawful to establish any such adult-oriented business if the location is:

1. Within five hundred feet of any ~~church~~religious assembly, public school, park, or playground;

2. Within two hundred feet of any area that is denominated as an R-1-6000, R-1-3800, R-3000-D, R-3000, R-2000, or R-1500 zone, or any other area that is primarily residential in character, as evidenced by letter designation in the zoning law of the City.

3. Within five hundred feet of another adult-oriented business.

B. The establishment of any adult-oriented business shall include the opening of such a business as a new business, relocation of such business, or the conversion of an existing business location to any adult-oriented business use. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**Chapter 19.62. BARS AND COCKTAIL LOUNGES**

**19.62.010. Purpose of provisions.**

The purpose of this Chapter is to provide for the location of bars and cocktail lounges in the City and to provide minimum regulations designed to protect the health, safety, and welfare of the general public. The purpose is not to regulate alcoholic beverage sales or in any way to conflict with the State in its control of alcoholic beverages. (Ord. 601 § 1 (part), 1983; Ord. 94-884, 1994)

**19.62.020. Conditional Use Permit—Required.**

Bars or cocktail lounges shall be permitted in the C/MU-1; and C/MU-2 zones with approval of a ~~Conditional Use Permit~~conditional use permit. (Ord. 94-884, 1994)

**19.62.030. Conditional Use Permit—Issuance criteria.**

In considering the granting of a ~~Conditional Use Permit~~ conditional use permit for a bar or cocktail lounge, the ~~Planning Commission~~ City Council shall use the following criteria as guidelines:

- A. Establishments should not be less than two hundred feet from a residential zone;
- B. Establishments should not be less than two hundred feet from an existing residential building;
- C. Establishments should not be less than three hundred feet from a ~~church~~ religious assembly, or public school, playground, or park;
- D. Amount of existing and proposed off-street parking;
- E. Hours of operation of the proposed establishment;
- F. The type of business proposed;
- G. The number of bars or cocktail lounges in close proximity to the proposed establishment;
- H. The possible effect of the operation of the proposed establishment on health, safety, and welfare of the neighborhood. (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

**19.74.070. Motor vehicle sales.**

A. Establishment of businesses designed for the sale, lease, or rental of new and/or used motor vehicles shall required approval of a conditional use permit and shall be permitted only in the C/MU-1 ~~z~~Zone.

B. Before approval of a conditional use permit, the ~~Planning Commission~~ City Council shall consider the following, to be submitted by the applicant:

- 1. A site plan showing the parking alignment, the location of all structures, and the proposed on-site traffic flow;
- 2. A sign program showing all existing and proposed signing;
- 3. A landscape plan showing at least a ten-foot strip of permanently maintained landscaping abutting each street, except for approved areas of ingress and egress.
- 4. A lighting plan for display areas. (Ord. 601 § 1 (part), 1983; Ord. 94-884, 1994)

**19.83.050. Design guidelines.**

The Design Review Board in its project review, and the Community Development Department in its review of projects which do not appear before the



Design Review Board, shall both use the "Design Manual and Design Review Guidelines" as adopted by the City Council on June 19, 1984, as a guide in reviewing projects throughout the community, with the exception of those areas for which specific unique design criteria have been established. In these cases the specific criteria will be used by the Design Review Board or the Community Development Department. (Ord. 97-917 § 1 (part), 1997) Specific design criteria for the C/MU-1, C/MU-2, C/MU-3 Commercial/Mixed-Use Zones (Commercial/Mixed-Use Zones Design Guidelines) that are adopted by the City Council are to be used by the Design Review Board and the Community Development Department when reviewing commercial and mixed-use projects.

**19.92. Green Building Utilities.**

**Applicable standards:**

**1. Setbacks:**

- a. Green building utilities associated with, or mounted to, a building/structure shall respect the setbacks of the established building/structure of the parcel; where encroachment is necessary for the function or design of the system, no portion of the system shall be closer than two feet to any property line and/or adjacent building/structure.
- b. Green building utilities shall be set back a minimum of ten feet from any property line abutting a street or public right-of-way. Where devices include moving parts, the measurement shall be taken from the outermost edge of the moving portion of the device.
- c. Stand-alone, ground-mounted small energy utility units are prohibited.

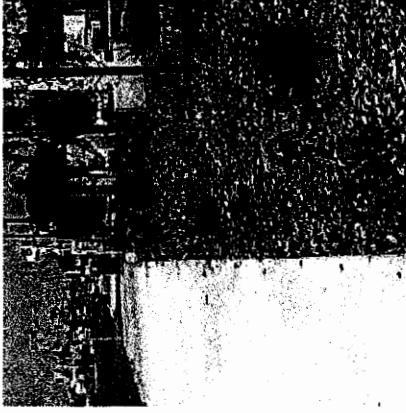
2. Height: Small wind turbine shall be roof mounted, with a height not to exceed fifteen feet from base/mount of the unit to the top of the unit (including blade length in vertical position where applicable). Small wind turbines shall be permitted to exceed the height limitations of the applicable zones. All other devices shall conform to the height limitations of the applicable zones.
3. Size/Coverage: A green building utility shall not exceed thirty percent area coverage of the surface to which the system is mounted; this standard shall apply to single or multiple system installations.
4. Noise: The green building utility shall be operated in such manner that it does not exceed the City's noise standards in Chapter 9.32 of the Municipal Code.

5. Design of wind system units shall be of a white, grey, or other non-obtrusive color. Design of non-solar/non-wind units shall complement the design of the associated building/structure.
6. Standard drawings and an engineering analysis of the green building utility are required showing compliance with latest version of the California Building Code.
7. Applicant shall submit line drawing of electrical components of the energy system in sufficient detail to demonstrate compliance with the applicable electrical code.
8. Applicant shall submit plan and elevation diagram of the utility and placement showing compliance with the standards identified herein.
9. Any non-operational energy systems shall be removed within twelve months after becoming non-operational.

This page intentionally left blank.

# 4

## Proposed Commercial/ Mixed-Use Zones Design Guidelines



**City of Imperial Beach Commercial Zoning Review  
Draft for Public Review  
April 2012**

**COMMERCIAL/MIXED-USE ZONES DESIGN GUIDELINES**

The following design guidelines apply to all commercial/mixed-use zones:

- C/MU-1 Zone: General Commercial and Mixed-Use
- C/MU-2 Zone: Seacoast Commercial and Mixed-Use
- C/MU-3 Zone: Neighborhood Commercial and Mixed-Use

## DESIGN GUIDELINES

### 1.0 Relationship of Buildings to Site and Surrounding Area

- ❑ 1.1 View corridors to the oceanfront should be preserved, or created where possible. This can be accomplished through the use of upper story breezeways or courtyards that provide a view, or at the ground floor with mid-block pedestrian connections, plazas, or paseos that are oriented toward the view.

### 2.0 Circulation and Parking

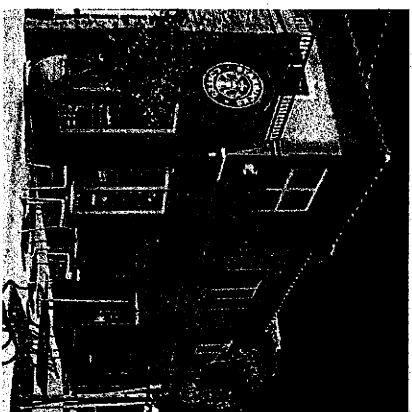
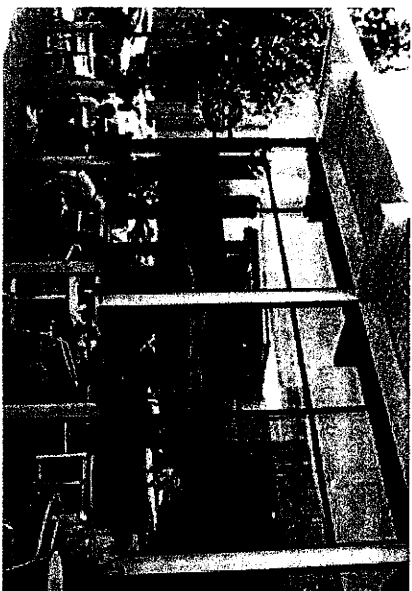
- ❑ 2.1 Curb cuts or access to parking lots should be limited along Seacoast Drive, Old Palm Avenue, Palm Avenue/State Route 75, and 13th Street.
- ❑ 2.2 Parking lots should be placed at the rear of the building where feasible.
- ❑ 2.3 Parking lots should include shade elements such as trees, vine-covered trellises, or overhead solar panels. The design of shade elements should consider safety and visibility.

### 3.0 Commercial and Mixed-Use Development

- ❑ 3.1 All buildings located along Palm Avenue, Seacoast Drive, or the intersection of 13th Street and Imperial Beach Boulevard should locate their primary entrances facing on or toward the street or another public space that intersects the sidewalk. Primary entrances oriented only to parking lots are discouraged.
- ❑ 3.2 Innovative and imaginative design and architecture is strongly encouraged.

### 4.0 Building Facades Should Be Well Articulated

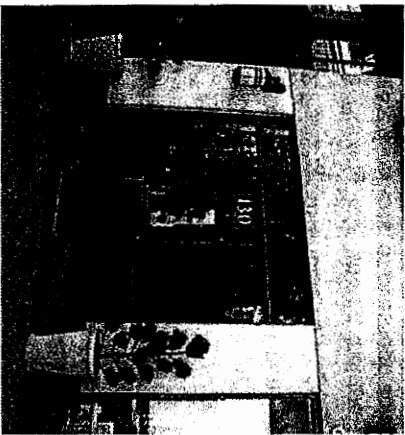
- ❑ 4.1 Variation and expression of building details, form, line, colors, and materials should be used to create visual interest.
- ❑ 4.2 Variation in wall plane and roof line is strongly encouraged to reduce the scale and bulk of the buildings, and to add visual interest.
- ❑ 4.3 Individual units should be expressed where possible.
- ❑ 4.4 Street-facing building facades should incorporate pedestrian-scaled elements such as balconies, awnings, and windows, to enliven the street edge.
- ❑ 4.5 Blank walls, or walls without windows, doors, or other articulation, are strongly discouraged. The maximum length of any blank wall should be limited to twenty feet.



## DESIGN GUIDELINES

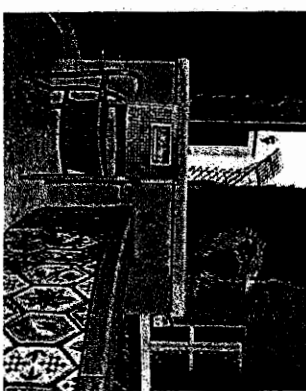
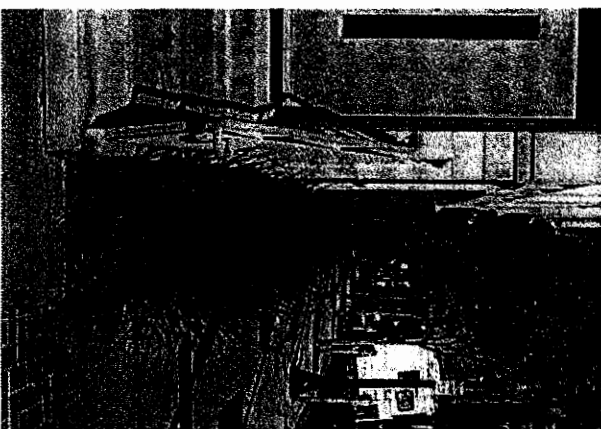
### 5.0 Ground Floor Uses and Street Level Design

- ❑ 5.1 Ground floors should consist of primarily active uses, such as active commercial, retail, and restaurants, as well as active residential uses such as building amenities, common rooms, and building lobbies.
- ❑ 5.2 A minimum of sixty percent of the street-facing facades of ground floor non-residential uses should be composed of clear non-reflective glass that allows views of the indoor space. Interior blinds, drapes, posters, signage, and/or interior shelving for product displays may potentially obscure a maximum of twenty-five percent of the required transparent area.
- ❑ 5.3 The maximum height of the bottom sill of required display windows should not exceed thirty inches above the adjacent sidewalk. The minimum head height for storefronts and windows at the ground floor should be eighty inches above the adjacent sidewalk.
- ❑ 5.4 Architectural features such as canopies, awnings, lighting, and other design features should be incorporated into the ground floor to add human scale to the streetscape and add to the pedestrian experience.
- ❑ 5.5 Projects should strive to achieve three-sided or four-sided architecture to shield service and delivery areas, utility boxes, and associated infrastructure.



### 6.0 Landscape Improvements and Open Space

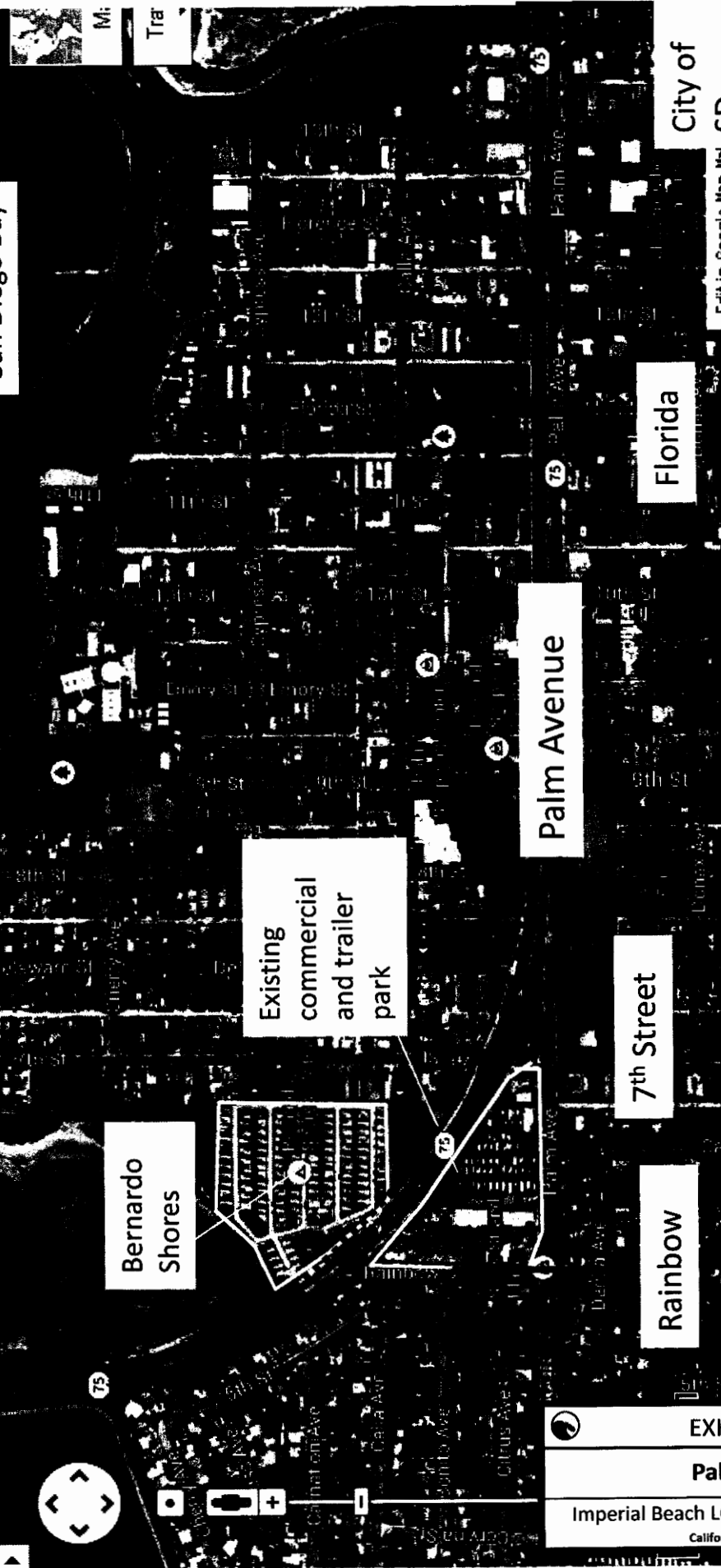
- ❑ 6.1 The public realm should be enhanced by creating an attractive pedestrian atmosphere. This may include the use of landscaping, seat walls, seating, plazas, fountains, public art, and other high-quality design features.
- ❑ 6.2 Common open space should be imaginatively landscaped, well designed, and well maintained.
- ❑ 6.3 Service areas, storage, trash collection areas, and equipment should be located at the rear of buildings if possible, and screened from view by the use of walls, high-quality fencing, planting, or a combination of these solutions.
- ❑ 6.4 Drought-tolerant, native plant materials should be used whenever possible.
- ❑ 6.5 Landscape plans should incorporate provisions for storm water runoff, including bioswales or other comparable methods.




# Palm Avenue

Silver Strand/Coronado

San Diego Bay



	<b>EXHIBIT NO. 7</b>
<b>Palm Avenue</b>	
Imperial Beach LCP #2-12 Comm Mixed Use	
California Coastal Commission	



California Coastal Commission members and Staff  
7575 Metropolitan Drive Ste 103  
San Diego, CA 92108-4402

Sep 10, 2012

Dear Ladies and Gentlemen,

You will be receiving an LCP amendment package from the city of Imperial Beach which proposes extensive changes to the commercial zoning within the city and in particular the C2 commercial zone adjacent to the beach front on Seacoast Drive and three blocks east on Old Palm Ave


The most intrusive of these changes involves reducing or outright eliminating parking requirements for businesses in the C2 zone on Seacoast and on Old Palm Avenue (Seacoast to Third Ave.) The argument that supposedly supports this is the challenging development issues that arise due parking needs on existing small lots and incongruous development. Historically Imperial Beach allowed residential development in these commercial zones and wants to now use mixed use as well.

The amendment wants to eliminate parking for business employees and then for condo/residential units to share parking with visitors to those commercial units during the day. This assumes residents must work and thus will free up parking during the day. But IB has a rather large retired element owning condos at the beach and many units are vacation rentals who obviously do not work.

The amendment pretends that this business parking can be fulfilled using existing street parking and two city parking lots in the C2 zone. This argument fails to recognize that over the past ten years every parking requirement for construction in these areas has used this very same argument and yet there has never been total tally of available "extra" street parking/parking lots. It seems as if the City has basically a never ending supply of non-existent parking. With this reduction where will non-commercial using visitors to the beach have to park?

The city approved a permit for two lots at 2<sup>nd</sup> and Palm that is in the C-2 "visitor serving use" commercial zone. This project is 6 condos totaling 7200 sq ft with one 750 commercial space with an 8' ceiling (cannot be used for retail). The commercial parking was reduced and granted a conditional use permit which relied on street parking. This permit required a conditional use permit exception because it was not consistent with current zoning requirements. This after the city spent \$1.5 mil to widen sidewalks to create a better visitor serving walkable commercial zone.

A similar project directly across the street on Palm Ave that has not been built but still has an approved permit after five years. How are these two developments "Visitor serving"? They are not; as they take up existing street parking. They are residential buildings to maximize the owners profit potential despite the C2 commercial zoning. Interestingly, the City of IB denied a permit for an almost identical project at 10<sup>th</sup> St and Palm Ave in the C-1 zone.

	<b>EXHIBIT NO. 8</b>
<b>Letter of Objection</b>	
Imperial Beach LCP #2-12 Comm Mixed Use	
California Coastal Commission	

RECEIVED  
SEP 18 2012  
CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Along these same lines the city allowed the local high school district to construct an adult education center at 2<sup>nd</sup> and Palm as well. Guess how much parking this center has?? Exactly NONE for students because once again the mystical extra street parking argument was employed.

As the South Bay of San Diego County has grown, parking at the beach in IB is already overcrowded. Reducing parking requirements for commercial units is not an answer for the public, except for developers. If properties in the C2 zone are to be developed they must fit within the historical structure of IB's limited lot size and existing development. If that means developers have to buy adjacent lots and/or build less residential units to provide parking and protect the public access to the beachfront, that is appropriate.

Imperial Beach has an abundance of multi-unit residential buildings but is seriously lacking homeownership. Building dense mixed residential units in commercial zones without appropriate parking does not provide for visitor serving uses, it simply caters to developers. Our beach front desperately needs restaurants, shops and onsite parking to accommodate them. If residential units take priority these commercial retail units will not be built.

Thanks for your consideration of this matter.

Sincerely,



Brian Jones, former IB Planning Commissioner, Design Review Board member  
181 Citrus Ave, Imperial Beach, CA 91932  
Email:brianjones5@cox.net

Please include my comments in the public record.

BERNARDO SHORES OVERNIGHT OCCUPANCY

Daily Occupancy 2008-2012 By The Month						
	2008	2009	2010	2011	2012	%/Month
January	28	22	49	31	60	1.56%
February	31	45	52	53	35	0.97%
March	53	17	31	44	24	0.62%
April	25	12	15	39	35	0.94%
May	45	23	54	63	59	1.53%
June	24	31	25	23	26	0.70%
July	11	52	102	75	74	1.93%
August	15	34	73	52	27	0.70%
September	11	44	40	104	38	1.02%
October	10	21	69	39	45	1.17%
November	13	27	51	56	80	2.15%
December	28	34	40	68	75	1.95%
Total	294	362	601	647	578	
Possible	45384*	45260	45260	45260	45384*	
Percentage	0.65%	0.80%	1.34%	1.44%	1.27%	
*leap year						

**EXHIBIT NO. 9**

**Bernardo Shores Overnight Occupancy**

From the City of Imperial Beach

California Coastal Commission



# City of Imperial Beach, California

COMMUNITY DEVELOPMENT DEPARTMENT

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 628-1356 Fax: (619) 424-4093

August 29, 2013

RECEIVED

SEP 03 2013

Sherilyn Sarb, Deputy Director  
California Coastal Commission  
San Diego Coast District  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

**SUBJECT: COMMENTS AND REQUESTED CORRECTIONS TO THE STAFF REPORT  
AND RECOMMENDATIONS REGARDING CITY OF IMPERIAL BEACH LCP  
AMENDMENT NO. IMB-MAJ-2-12**

Dear Ms. Sarb:

Thank you for recommending the continuation of this item from the California Coastal Commission (the "Commission") August meeting in Santa Cruz to the San Diego meeting in October. The additional time has allowed City staff to more adequately review the Commission staff's report and recommendations of these vitally important General Plan/Local Coastal Program ("GP/LCP") and Zoning Ordinance Amendments (the "Amendments"). The Amendments adopted by our City Council on August 1, 2012 and submitted to the Commission for review on September 14, 2012, were the result of three years of extensive community and public outreach, exhaustive planning, land use, economic, and environmental analysis, and no less than twelve focused meetings of our City Council during which the Amendments were thoroughly discussed and considered in great detail. Given the lengthy effort put into their preparation, and resulting complexity and economic basis upon which they were drafted, it is entirely possible that Commission staff may not have completely understood or appreciated the land use and development objectives the Amendments are intended to promote and encourage. Also given the effort put into them, it is both appropriate and necessary that our staff gives very careful consideration to the Commission staff report and recommendations to ensure that the intent and objectives of the Amendments as proposed and adopted by our City Council are clearly and correctly characterized and understood. Not to do so would be a disservice to the hundreds of citizens, planning professionals, environmental and economic experts as well as to our City Council who labored over this progressive approach to our City's commercial and mixed-use zoning and all of whom are eagerly awaiting the hopeful certification and implementation of the environmentally sound Smart Growth principles they are intended to promote.

Before specifically commenting and responding to the Commission staff report and its recommendations, it is important to note that, in general, the staff report seems to imply that the Amendments run counter to the objectives of the Coastal Act and that they favor mixed-use,

EXHIBIT NO. 10

City Response to Previous Staff Report

Imperial Beach LCP #2-12 Comm Mixed Use  
California Coastal Commission

multi-family development over commercial/retail, visitor-serving, and tourist-oriented uses. This is simply not at all the case. In fact, the entire objective of the Amendments is to promote well-designed, economically feasible and well-utilized commercial/retail development within the City that will better facilitate more vibrant commercial/retail and transit corridors benefitting residents, tourists and visitors to the City. The City of Imperial Beach has not only embraced its coastal location and its excellent potential as a visitor, ecotourism, and tourist destination, but it has made great strides and taken very deliberate actions over the years to realize this potential and to generate significantly higher levels of tourism. In fact, our City has long recognized that the economic future of Imperial Beach depends to a large degree upon its ability to create a more vibrant tourism market while maintaining and building upon its excellent access to the coast. To this point, over its 1.3 miles of developed coastline, Imperial Beach has 18 direct vertical coastal access points (1 every 385 feet), two public beachfront parks, a public fishing pier, both an indoor and "outdoor" surfboard museum, and is nearing completion of construction of the new Pier South Hotel, a 78-room beachfront hotel funded in part by the City's former redevelopment agency. Additionally, since adoption of the City's short term vacation rental ordinance in 2004, the City has created a vibrant short-term vacation rental market (residential units available for short-term lodging) in its tourist/visitor-serving district along Seacoast Drive with no fewer than 55 units actively operating and paying transient occupancy tax to the City within the City's primary tourism district. The City is also working diligently to further expand coastal access, recently completing the Eco Route Bikeway project along Palm Avenue, initiating construction on the 10<sup>th</sup> Street Bayshore Bikeway Access project, and actively planning and implementing three additional Bayshore Bikeway Access Improvement projects within the City. Recently, the Commission certified the City's rezoning of residential property along San Diego Bay to facilitate the Bikeway Village project with the creation of a Commercial/Recreation & Ecotourism Zone. To imply, therefore, that the Amendments proposed by the City somehow compromise or run counter to the City's compliance with the Coastal Act is not only inaccurate, but it disregards the substantial effort and progress the City has made over the past decade to actively promote and facilitate increased tourism within the City and to further improve and enhance coastal access.

That said, the City of Imperial Beach respectfully requests that the Commission and its staff consider the following comments to the staff report and consider revising the staff report and recommended Suggested Modifications as requested:

#### **1. SUMMARY OF AMENDMENT REQUEST**

- A. The staff report states that the Amendments were submitted on November 19, 2012. This is incorrect.

The Amendments were initially submitted on September 14, 2012 (with a Commission Receipt confirmation to the City dated September 17, 2012). The City voluntarily submitted additional support documents on October 1, 2012, and Commission staff later acknowledged having received them on October 4, 2012. The City did not receive a completeness review within ten (10) days as required by state law (14 CCR § 13553), nor was Commission action taken within ninety (90) days as required by state law (Public Resources Code § 30512(a)). Although the City believes and specifically advised Commission staff that the Amendments should be "deemed approved" pursuant to state law (Public Resources Code § 30512(a)(3)), City staff expressly agreed to work cooperatively with Commission staff to obtain

formal certification of the Amendments by the Commission while also reserving its rights to have the Amendments deemed approved under applicable state law.

- B. The staff report states that "in each district, the amendment *would allow* more residential use than currently allowed" (emphasis added). The use of the word "would" is inaccurate and misleading and should be replaced with "*could, by meeting specific performance-based development standards approved by the City Council, allow modest increases in residential densities than currently allowed.*"

Although the Amendments do allow for *the potential* of modest residential density and building height increases, such increases would be determined on a case-by-case basis, subject to City Council approval, and only granted for projects meeting at least 2 of 7 "Performance-Based Development Standards" or "Development Incentives" specified in the Amendments. The staff report fails to mention or even discuss these important Performance-Based Development Standards that *could allow* modest density and height increases subject to very specific development criteria. Additionally, this statement ignores the substantial economic analysis performed for the Amendments and the regional growth forecasts prepared by the San Diego Association of Governments (SANDAG), both of which project residential development in 2030 below both our current certified GP/LCP development projections as well as below the maximum build-out projections allowed under the Amendments. Stating that the Amendments *would allow* more residential use than currently allowed is, therefore, both incorrect and misleading. City staff respectfully requests, therefore, that the staff report be revised to replace the word "would" with "could" as noted above.

- C. The staff report states that, under the Amendments, "the only areas where commercial uses would be required would be for lots fronting Seacoast Drive, and a *limited stretch* of Palm Avenue" (emphasis added). This statement is incorrect and misleading.

In fact, the Amendments *require that all property located within commercial zones fronting Seacoast Drive, Palm Avenue between Seacoast Drive and 3<sup>rd</sup> Street, Palm Avenue between 7<sup>th</sup> Street and Florida Street, 13<sup>th</sup> Street between Ebony and Fern avenues and Imperial Beach Boulevard between Florence and Georgia avenues provide "Active Commercial Uses" for at least sixty percent (60%) of the square footage of each building's ground floor.* This includes the *majority* of Palm Avenue (approximately 58%) that is zoned for commercial use as further discussed below. Additionally, in meeting with Commission staff, City staff had, prior to preparation of the staff report, agreed to extend the area of the 60% active commercial use requirement in the C-1 (C/MU-1) District to the eastern city limits, thereby increasing this percentage to 82% of Palm Avenue. To suggest, therefore, that only a "limited stretch" of Palm Avenue would require commercial uses is not only a gross misrepresentation of the facts, but it also seems to be a deliberate attempt to discredit the intentions and objectives of the City and the Amendments adopted by our City Council. Because this mischaracterization of the adopted Amendments is used to justify a Suggested Modification with which the City strongly disagrees, it is vital that this statement be corrected for the record. We respectfully request,

therefore, that Commission staff revise their staff report to correct this mischaracterization of the Amendments.

D. The staff report makes the following statements regarding building height and residential density:

- "Increases in allowable heights and density for residential uses in the Seacoast and Neighborhood Commercial Districts *are also proposed*" (emphasis added).
- "On properties located on the east side of Seacoast Drive, or Palm Avenue, east of Seacoast Drive, maximum heights *would increase* from three stories and 30 feet to three stories and 35 feet" and "Maximum permitted density *would be increased* from 1 unit per every 1,500 gross sq.ft. to 1 unit per every 1,210 gross sq.ft. of lot area" (emphasis added).
- "In the Neighborhood Commercial District, permitted height *would be* increased from 2 stories or 28 feet to 3 stories and 30 feet, and density from one unit per every 2,000 sq.ft. of land to as much as 1 unit per every 1,210 gross sq.ft. of lot area" (emphasis added).

All of these statements are inaccurate and misleading in that they suggest that these *potential increases* to building heights and densities are absolute when, in fact, these modest *potential increases could be* approved only by meeting specific performance-based development standards approved by the City Council. Once again, this section of the report should point out that, only through meeting specific Performance-Based Development Standards approved by the City Council, *could* height and density increases be allowed. Additionally, less than a quarter of the Neighborhood Commercial Zone is located within the Coastal Zone and this zoning district is more than 1 ½ miles from the coast and at least ½ a mile from the nearest wetland. City staff respectfully requests, therefore, that these important clarifications be made in the staff report.

## 2. SUMMARY OF STAFF RECOMMENDATION

- A. The staff report states that the City's intent with the Amendments "is to encourage development and redevelopment in more focused areas which may be able support higher occupancies in the commercial leaseholds, as opposed to broader mixed use districts." Although somewhat accurate, the actual intent of the Amendments is to create better-designed, well-utilized, and economically viable commercial/retail development (both free-standing and in mixed-use developments) within the City to better serve its residents and visitors. As already allowed and encouraged by our certified GP/LCP, the focus for this development is encouraged along our transit corridors where the highest residential densities already exist. The Amendments are further focused at implementing Smart Growth principles and to reduce greenhouse gas emissions (GHG) as mandated by AB 32 and SB 375. Although the staff report correctly states that the Amendments "could potentially reduce the reliance on automobiles and reduce traffic", we believe their actual intent could be more clearly stated.



- B. The staff report states that the Amendments "*would allow* substantially more multi-family residential uses in the City's commercial districts, including the C-1 Commercial District, and the C-2 Seacoast District" (emphasis added). This statement is, once again, incorrect and misleading and is not supported by the substantial economic analysis performed in support of the Amendments or by SANDAG's regional growth forecasts.

First, there is no increase in density in the C-1 (C/MU-1) District proposed with the Amendments. Second, as clarified above, density increases in the C-2 (C/MU-2) and C-3 (C/MU-3) districts *could be* achieved by meeting specific Performance-Based Development Standards as approved by the City Council. Third, this comment ignores significant economic and market factors as well as physical site constraints prevalent throughout the City which are all key factors identified in preparation of the Amendments that effectively impede development in the City. That is, simply allowing for the modest increases in residential development does not, in and of itself, trigger a demand for more residential development. During what was one of the most robust residential real estate markets in recent history the early 2000's, there were only 3 multi-family dwelling projects constructed in Imperial Beach for a total of only 12 units. City staff respectfully requests, therefore, that the staff report be revised once again to replace the word "would" with either "might" or "could" as these are more accurate and far less misleading.

- C. The staff report states that "there is an existing recreational vehicle park/campground in the C-1 area on the north side of Palm Avenue/SR-125, at the corner of SR-125 and Rainbow Drive, that provides lower-cost, visitor-serving overnight accommodations, which is one of the highest priority uses identified in the Coastal Act" and that the Amendments "and would potentially allow for the elimination of the City's only existing lower-cost overnight accommodations facility, inconsistent with the priority use policies of the Coastal Act." These statements are incorrect and misleading and directly contradict Commission staff's more accurate description of this facility as stated in a March 27, 2010 Commission staff report for a proposed hotel in Imperial Beach.

The recreational vehicle (RV) park mentioned in the staff report, Bernardo Shores, is, as advertised on their business sign, an "Adult RV Park" that prohibits camping and the use of tents, provides no bathroom or shower facilities, caters almost exclusively to long-term, monthly renters and actively restricts the rental of RV stalls to no more than two (2) people per RV. Additionally, statistics provided by the owners indicate that, over the past five (5) years, spaces in Bernardo Shores have been provided on a nightly basis less than 2% of the time. The remaining spaces are primarily used for long-term, monthly renters who simply keep their RV's at the site and use them as second homes. The exclusive, non-transient operation of this facility was specifically acknowledged by Commission staff in their March 27, 2010 staff report regarding the Seacoast Inn Hotel (Appeal No. A-6-IMB-07-131) in which Commission staff stated that "there is one RV park in the City, *although it specializes in long-term, not transient stays*" (emphasis added). Given this distinction, during this appeal, Commission staff specifically prohibited City staff or the applicant from counting Bernardo Shores as a lower-cost visitor accommodation within the City and made



the determination that no lower-cost visitor accommodations existed within Imperial Beach. This determination was used to justify a recommended Special Condition requiring payment of an in-lieu lower-cost visitor accommodation fee which was subsequently rejected by the Commission during their approval of the Seacoast Inn project.

While Commission staff has not indicated why they now believe Bernardo Shores to be a lower-cost visitor-serving accommodation, it is clear from the statistics provided by the owners that the Commission's March 27, 2010 determination is, in fact, accurate as this RV Park has not and does not operate as a lower-cost overnight visitor accommodation. Indeed, by virtue of its two-person restriction, it effectively prohibits families and/or children and, to date, the City has never received the payment of transient occupancy tax (TOT) from this facility, further evidence that this facility caters almost exclusively to longer-term stays, residential occupancies, and/or RV "second homes." Therefore, this use simply is not and should not be considered a "high priority use" under the Coastal Act. City staff respectfully requests, therefore, that the staff report be revised to be consistent with Commission staff's prior March 27, 2010 determination that Bernardo Shores is neither a lower-cost overnight visitor accommodation nor a high priority use under the Coastal Act.

- D. The staff report states that the Amendments "would allow [Bernardo Shores] to be converted to multi-family residential uses [and] would significantly reduce the overall amount of commercial facilities along Palm Avenue." This statement is incorrect and misleading and is also not supported by historic development trends within the City or by the significant economic and market analysis performed in support of the Amendments.

Although it is true that the Amendments *could* allow the development of Bernardo Shores as residential development, it is important to note that the use currently occupying the site is a non-conforming use under the City's current, certified GP/LCP. This zoning district, the C-1 (C/MU-1) district, currently is "intended to meet the demand for commercial goods and services, *as opposed to the goods and services required primarily by the tourist population*" (emphasis added). Additionally, this district already allows the highest multi-family residential densities in the City (43 dwelling units to the acre) under its certified GP/LCP. Furthermore, a key component in the preparation of the Amendments was as significant economic analysis to determine the absolute demand for commercial retail development within the City of Imperial Beach. Keyser Marston Associates, a well-respected economic consultant, conducted this analysis and determined that, when combining only a fraction of the new housing units projected by SANDAG's regional growth forecasts (75% or 1,732), combined with demand from beyond the trade area, the total commercial/retail space demand through 2030 would, at most, total between 110,000 and 159,000 square feet new commercial use. To put this in perspective, the City currently has approximately 785,000 square feet of commercial building area and is currently zoned to accommodate an additional 611,000 square feet of commercial building area. Obviously, the City has vastly over-estimated the potential commercial/retail demand, which is clearly indicated by the significant lack of newly constructed commercial/retail development within the City over the last 20 years. In fact, two of largest commercial/retail structures along Palm Avenue/SR-75 have now

been vacant for over two years. Even at maximum build-out and housing production scenarios, therefore, the City will never create enough demand to support the development of all its commercially zoned land. In fact, in order to support only a modest amount of quality commercial/retail development, more residential development is an absolute must along our City's transit corridors. Not only will this satisfy very sound, environmentally-sensitive Smart Growth principles and objectives, but it will also occur along our transit corridors in the C-1 (C/MU-1) District where the City's highest residential densities are already permitted under City's certified GP/LCP.

The Amendments, therefore, will not significantly reduce the overall amount of commercial services along Palm Avenue. To the contrary, by fostering sound Smart Growth principles, and well-designed mixed-use and multi-family development, the Amendments will actually increase the demand for more abundant development of economically viable commercial/retail uses, including visitor-serving uses, within the City's commercial zones. City staff respectfully requests, therefore, that Commission staff revise the staff report to eliminate the statement that the Amendments "would significantly reduce the overall amount of commercial facilities along Palm Avenue."

- E. The staff report states that "the amendment would allow the C-2 Seacoast Commercial District to be converted entirely to multi-family residential." This statement is both incorrect and entirely misleading as the Amendments specifically require that, throughout the entire C-2 (C/MU-2) District, all properties and projects fronting Seacoast Drive and Palm Avenue must dedicate at least sixty percent (60%) of the ground floor area to active commercial uses.

The Amendments are specifically intended to require and encourage active commercial uses on the ground floor within all commercial land use districts. In fact, the primary objective of the Amendments is to promote highly active, pedestrian-friendly and thriving commercial districts in the City's commercial zones. In the Seacoast and Old Palm Avenue districts (Palm Avenue from 3<sup>rd</sup> Street to Seacoast Drive), this includes the requirement that a minimum of 60% of the ground floor area be devoted to active commercial use along all of Seacoast Drive and all of Palm Avenue. Currently, the City's certified GP/LCP already allows mixed-use and residential development above the ground floor at the second highest density in the City within this land use district. Furthermore, both the certified GP/LCP and the Amendments specifically encourage and promote this area as the City's primary visitor-serving, tourist area. As discussed above, the City has taken significant steps over the years to further promote tourism in this and other areas of the City. It should also be noted that, especially in this area, residential units are specifically allowed and encouraged to be offered for short term vacation rental purposes. At this time, the City has issued no less than fifty-five (55) short term vacation rental permits in this area with all of those units paying TOT to the City. In a prior Commission hearing regarding a GP/LCP Amendment allowing short-term vacation rentals, then Commission Chairman Pat Kruer stated that short-term vacation rentals were *the most affordable* family vacation rental a City can provide. Therefore, City staff believes that residential use should not be viewed solely as a "non-visitor-serving" or low priority use under the Coastal Act but rather as a highly desirable and

actively utilized short term vacation rental opportunity, particularly in urbanized coastal communities such as our City where this type of family-oriented visitor-serving accommodation has been specifically emphasized and encouraged in all of our City's commercial and mixed-use land use districts.

Additionally, through yet another GP/LCP Amendment, and utilizing financial assistance from its Former Redevelopment Agency, the City has also facilitated the construction of the City's first ever 78-room boutique, destination hotel, restaurant and spa, which is set to open by the end of the year. The construction of this new hotel has generated much business interest in our visitor-serving Seacoast Commercial District with additional visitor-serving uses opening in this area. The staff report's statement, therefore, that "the proposed amendment would further de-emphasize tourist-commercial uses in the Seacoast District" is not only untrue, but it also minimizes the significant efforts the City has made over the years to promote and encourage tourism and visitor-serving accommodations in our Seacoast Commercial District.

- F. The staff report states that the Amendments "[do] not require a minimum amount of commercial uses in the C-1 or C-2 districts, and prioritizes the protection of single-family residences on the shoreline." Once again, this statement is incorrect and misleading as the Amendments require at least 60% of the ground floor area to provide active commercial use throughout all of the C-2 (C/MU-2) and most of the C-1 (C/MU-1) districts. Additionally, due to the existence of many single-family residences along the coast, whose owners were outspoken during the public review process in support of preserving the certified GP/LCP's existing designation of these units as an allowable use, the Amendments simply allow these residential units to remain as legal, conforming uses rather than be designated as non-conforming. In no way, however, do the Amendments "prioritize" these single-family units. In fact, in discussions with Commission staff, this point was made explicitly clear and City staff concurred with Commission staff's recommendation to provide language in the Amendments to make clear this clarification. City staff respectfully requests, therefore, that the Commission staff report be revised to eliminate this incorrect statement.
- G. The staff report states that "suggested modifications have been added to ensure that a minimum amount of lower-cost and visitor-serving commercial uses are preserved along Palm Avenue and Seacoast Drive." This statement is misleading as it ignores the fact that the Amendments as proposed and adopted do exactly that.

As proposed and adopted by the City Council, the Amendments already require a minimum amount (60% of the ground floor area) of visitor-serving and other commercial uses along Seacoast Drive and Palm Avenue. The above statement, however, implies that the Amendments do not do so. Beyond that, Modification #3 specifically recommends RV Parks in the C-1 (C/MU-1) land use district despite the fact that they are currently a non-permitted use under the City's existing certified GP/LCP. Although the Suggested Modification does not state this, this recommendation is apparently intended to specifically preserve the existing Bernardo Shores Adult RV Park (Bernardo Shores) located in the C-1 (C/MU-1) District. This recommendation, however, incorrectly assumes that Bernardo Shores is an existing

lower-cost overnight visitor accommodation when, in fact, it restricts the number of occupants to two people per RV and almost exclusively caters to longer-term or monthly stays as previously determined by Commission staff in their March 27, 2010 staff report. City staff believes that the Suggested Modification is unnecessary to achieve Commission staff's stated objectives as the Amendments already promote and preserve visitor-serving commercial uses and do not propose to preserve non-conforming uses such as the Bernardo Shores Adult RV Park which do not encourage tourist-oriented overnight accommodations.

- H. The staff report states that "suggested Modifications #3, #6, and #10 require that all buildings with frontage on the north and south sides of Palm Avenue/SR 75 between the border with the City of San Diego and Rainbow Drive including those with multiple-family dwelling units, include "active commercial uses" at a minimum of sixty percent of each building's ground floor square footage, as well as direct pedestrian access from the Palm Avenue sidewalk or a plaza." The staff report goes on to state that "the City's proposal for ground level commercial covers only approximately 5 city blocks in the middle of Palm Avenue." This statement is incorrect and misleading as the adopted Amendments propose the 60% active commercial use requirement on 7 of the 12 blocks in the C-1 (C/MU-) District.

Commission staff's recommended modification would expand the area along Palm Avenue in the C-1 (C/MU-1) District within which the Amendments require at least 60% of the ground floor area to be active commercial use. However, as previously explained, extensive economic and market analysis performed in preparation of the Amendments has demonstrated that this requirement will result in requiring commercial use where no market to develop or occupy such commercial use will ever exist. As stated above, in fact, two of the largest existing commercial buildings on Palm Avenue have been vacant for two years now. This market condition is true today and even when contemplating the addition of 1,732 new dwelling units under SANDAG's regional growth forecasts. Despite the inability of our City to absorb a significant amount of additional commercial/retail use, City staff nevertheless agreed to extend the minimum 60% active commercial use requirement to the eastern City limits increasing the area that would be subject to the 60% active commercial use requirement from 7 to 10 City out of a total of 12 City blocks along this area of Palm Avenue. This was communicated to Commission staff prior to the drafting of the Commission staff report.

Staff's recommended modification, therefore, is apparently intended to protect the existing, non-conforming Bernardo Shores Adult RV Park from potential future development. This runs counter to the intended purpose of the C-1 (C/MU-1) District as stated in the City's existing and certified GP/LCP which is "to meet the demand for commercial goods and services, as opposed to the goods and services required primarily by the tourist population." This inherent conflict with the certified GP/LCP is made clear by the use of the word "nevertheless" in Commission staff's recommended language. As already discussed, the Bernardo Shores Adult RV Park has never and currently does not operate as a lower-cost overnight visitor accommodation as specifically stated in the March 27, 2010 Commission staff report regarding the appeal the Seacoast Inn project. City staff respectfully requests, therefore, that Commission staff revise their recommended modification to only

require 60% active commercial use on property fronting Palm Avenue in the C-1 (C/MU-1) District between 7<sup>th</sup> Street and the City's eastern boundary with the City of San Diego since a) the City has very limited market demand both now and in the future for the amount of commercial/retail use recommended by Commission staff and b) the objective to protect the Bernardo Shores Adult RV Park, a non-conforming use that does not provide lower-cost overnight visitor accommodations, is misplaced.

- I. The staff report states that "the western terminus of Palm Avenue is the main entry way to the City from the Silver Strand" and further states that "visitors to the Imperial Beach's shoreline from Coronado would likely never travel inland on Palm Avenue to the area where the City is proposing retain some commercial development." This statement is not supported by any data or analysis and, in fact, conflicts with existing traffic analysis that demonstrates that most visitors to Imperial Beach and to its shoreline approach from the east via Interstate 5 while travelers to and from Coronado primarily use Palm Avenue/SR-75 to commute through rather than to Imperial Beach.

The Traffic Analysis in the Environmental Impact Report (EIR) prepared in support of the adopted Amendments, as well as more recent traffic analysis for the same area, contain detailed average daily traffic (ADT) data. These analyses, some of which are contained in Appendix E of the EIR for the Amendments which was routed to Commission staff for review and comment prior to certification of the EIR by the City, shows an ADT of between 15,940 and 16,300 on Palm Avenue/SR-75 entering Imperial Beach, increasing to 22,000 ADT between Delaware and 9<sup>th</sup> streets, up to 32,500 ADT between 9<sup>th</sup> and Florida streets and up to 39,274 ADT leaving and entering Imperial Beach at 13<sup>th</sup> Street. Meanwhile, Rainbow Drive between Palm Avenue/SR-75 and Palm Avenue (the route that traffic traveling to the shoreline of Imperial Beach would take from Silver Strand/City of Coronado) has an ADT of only 4,690 as compared to 11,600 ADT on Palm Avenue between 7<sup>th</sup> Street and Rainbow (the route visitors to the shoreline would take via westbound Palm Avenue/SR-75 from the east). This clearly demonstrates two facts: 1) that very few visitors to Imperial's shoreline come via Coronado and the Silver Strand while substantially more come from the east via Palm Avenue/SR-75 and 2) that traffic to and from Coronado is primarily commuter traffic traveling *through* Imperial Beach rather than *to* our City or our shoreline. Additionally, at over 32,500 ADT, traffic is substantially higher in the heart of Palm Avenue/SR-75 between 7<sup>th</sup> Street and Florida Avenue clearly dispelling the notion that travelers from Coronado "would likely never travel inland on Palm Avenue." In fact, it is precisely this dramatically higher volume of traffic traveling through the heart of the C-1 (C/MU-1) District, upon which the Amendments are specifically designed to capitalize. By focusing active commercial uses in the blocks on Palm Avenue/SR-75 between 7<sup>th</sup> Street and Florida Avenue, where the highest ADT in the City is found, the City hopes through the Amendments to create a "Main Street" atmosphere that will be attractive both to visitors to and commuters traveling through Imperial Beach. In effect, the Amendments are intended to create a commercial destination in the heart of the City's C-1 (C/MU-1) District that provides another attractive destination within our City to complement the City's shoreline which is intended to cater primarily to our tourist population. City staff believes strongly, therefore, that the Amendments as adopted by our City Council already prioritize commercial uses in the area most likely to generate the

demand for commercial/retail uses as intended by our certified GP/LCP. Indeed, the City recently received a \$400,000 Smart Growth Incentive Grant from SANDAG to further develop the City's plan to develop the Palm Avenue/SR-75 corridor as a Commercial and Mixed-Use Transit Corridor and the City's "Main Street."

- J. The staff report states that, "Since the amendment would allow a significant increase in low-priority residential uses into the City's commercial zones, suggested modifications have been added to provide specific protection for high-priority visitor serving uses; in particular, the City's existing RV park." As already discussed, this statement utilizes incorrect and misleading statements regarding potential increases in residential development to justify preserving a use that is neither a "high priority" use nor a permitted use in our existing and certified GP/LCP. Additionally, there are no increases in maximum residential density in the C-1 (C/MU-1) District proposed under the Amendments.

Although the Amendments require that 60% of the ground floor area be active commercial use only in the heart of the C-1 (C/MU-1) District (i.e., between 7<sup>th</sup> Street and Florida Avenue), this is specifically intended to focus commercial/retail development and activity in our City's main commercial core while allowing for residential development to be developed at the same density and in the same locations as is currently allowed all along this corridor under the City's certified GP/LCP. Therefore, there would not be a "significant increase" in residential development as a result of the Amendments. Additionally, as previously explained, although City staff acknowledges the importance of visitor-serving uses and accommodations and permits them under our existing certified GP/LCP, the C-1 (C/MU-1) District, does not currently consider visitor-serving uses as a "high priority" use. In fact, given that the highest residential densities in the City are focused along this well-traveled transit and mixed-use corridor, it is clear that the intent of the certified GP/LCP is to encourage high density residential development in support of the commercial/retail uses that this district also encourages and prioritizes. The Smart Growth Incentive Grant awarded to the City by SANDAG is based in large part on the certified GP/LCP's current emphasis on future high density residential and mixed-use development along the City's primary transit corridor of Palm Avenue/SR-75.

The staff report also states that Suggested Modification #3 adds language "to protect and encourage existing high-priority uses such as the RV Park" and that Suggested Modification #7 "adds a requirement that public recreation and lower-cost commercial recreational development, including RV parks, campgrounds, hostels, and hotels, not be removed, unless replaced with a facility comparable in function, location, and cost to the public." As has been previously discussed, the City is adamant that any language characterizing the Bernardo Shores Adult RV Park as a lower-cost overnight visitor accommodation is not only inaccurate, but also contradicts Commission's staff's previous and correct determination that this facility caters almost exclusively to long-term, non-transient stays. City staff respectfully requests, therefore, that Commission staff revise its determination regarding the Bernardo Shores Adult RV Park consistent with its determination made in the March 27, 2010 staff report and further requests that Suggested Modification #3 be



rescinded and Suggested Modification #7 either be rescinded or revised to eliminate reference to RV Parks.

- K. The staff report states that "there is an existing RV Park in the C-1 zone, on a site adjacent to San Diego Bay and near the Bayshore Bikeway" that "currently offers overnight RV camping." As discussed throughout this report, this statement is simply not true. Camping is expressly prohibited at this RV Park and it caters almost exclusively to longer term, non-transient, non-family stays.
- L. The staff report states the Amendments "will result in a reduction in commercial uses and development throughout the city." As discussed in the foregoing comments, this is simply not true. In fact, the Amendments will actually facilitate and more appropriately provide for well-designed, well-utilized and economically viable commercial, retail and visitor-serving uses. City staff respectfully requests, therefore, that this comment be removed from the staff report.
- M. The staff report states that "as modified, high-priority visitor-serving uses will not be adversely affected, as the areas most likely to serve tourists—the Palm Avenue and Seacoast Drive street frontages—will provide 60% active commercial uses on the ground floor." Based upon the extensive economic analysis, the suggested modifications will, in fact, do just the opposite. By expanding the area in the C-1 (C/MU-1) District along which 60% of the ground floor area must be active commercial use, the modifications will effectively require substantially more commercial development than the City will ever be able to absorb. This will create a disincentive for any new development which, in turn, will create far fewer opportunities and demand for commercial, retail and visitor-serving uses and will result in the perpetuation of vacant commercial storefronts. Additionally, as previously stated, the Amendments already provide for 60% active commercial uses on the ground floor throughout the C-2 (C/MU-2) District which is the City's primary visitor-serving, tourist district. City staff respectfully requests, therefore, that Commission staff give careful consideration to these points and to the extensive expert analysis that supports them.
- N. The staff report states that "the City's existing RV park will be protected and affordable overnight accommodations must be maintained." While the City agrees that visitor-serving uses and affordable overnight accommodations should be encouraged, it is clear from the information provided – and by Commission staff's own March 27, 2010 determination – that the existing Bernardo Shores Adult RV Park has never and does not operate as an affordable overnight accommodation and, therefore, should not specifically be protected by the Suggested Modifications as recommended by Commission staff. City staff respectfully requests, therefore, that the staff report be modified to be consistent with Commission staff's prior determination and eliminate all Suggested Modifications intended to protect the Bernardo Shores Adult RV Park as it is simply not a lower-cost overnight visitor accommodation.

### **3. LAND USE PLAN MODIFICATIONS**

- A. Suggested Modification #1 – Page I-9 of the Introduction

As the City's certified GP/LCP already allows residential density in the City's C-1 (C/MU-1) General Commercial Land Use Designation of one unit per 1,000 square feet of lot area, City staff requests the following additional language (underlined) be added to Page I-9 of the introduction:

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 in the General Commercial and Mixed Use (C/MU-1) Land Use District and where otherwise allowed by approved development incentives.

- B. Suggested Modification #2 – Proposed new policies to Pages C-23 and C-24 of the Circulation Element

City staff agrees to these Suggested Modifications.

- C. Suggested Modification #3 – Page L-8 of the Land Use Element, Table L-2: Land Use Designations and Specifications

For the reasons stated in the foregoing comments, City staff objects to the addition of the following language:

Nevertheless, existing high-priority uses such as RV parks shall be protected and encouraged.

For all buildings with frontage along the north and south sides of Palm Avenue/SR 75 between the border with the City of San Diego and Rainbow Drive, 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 primarily be related to the commercial use, such as parking, access, or other non-active commercial purpose.

As stated in the foregoing comments and as previously communicated to Commission staff, City staff would agree to extend the area of the C-1 (C/MU-1) Land Use District within which 60% of the ground floor area must provide active commercial uses to the eastern City limits. Additionally, the language regarding the remaining 40% of the ground floor is unnecessarily restrictive and it would make mixed-use development economically infeasible.

- D. Suggested Modifications #4 and #5 – Page L-8 of the Land Use Element, Table L-2: Land Use Designations and Specifications

City staff agrees to these Suggested Modifications.

- E. Suggested Modification #6 – Page L-9 of the Land Use Element, Policy L-4e

City staff objects to the following recommended language:



The remaining 40% must primarily be related to the commercial use, such as parking, access, or other non-active commercial purpose.

This language is unnecessarily restrictive and it would make mixed-use development economically infeasible.

F. Suggested Modification #7 – Page L-12 of the Land Use Element, Policy L-9

City staff objects to the following language:

Public recreation and lower-cost commercial recreational development, including RV parks, campgrounds, hostels, and hotels, shall not be removed, unless replaced with a facility comparable in function, location, and cost to the public.

As thoroughly discussed in the foregoing comments, City staff objects to all Suggested Modifications specifically intended to preserve the Bernardo Shores Adult RV Park as this facility is not a lower-cost overnight visitor accommodation. Additionally, although the City's certified GP/LCP already allows hotels, motels and hostels, City staff believes that campgrounds and RV Parks are not conducive to an urbanized community, are incompatible with current and proposed commercial zoning and do not promote smart growth principles which the Amendments are specifically intended to encourage and are as further encouraged to meet GHG reduction goals mandated by AB32 and SB 375.

4. IMPLEMENTATION PLAN MODIFICATIONS (ZONING)

A. Suggested Modification #8 and #9 – New and Amended Definitions and the Table of Permitted Uses

City staff agrees to these Suggested Modifications.

B. Suggested Modification #10 – 19.26.020. Permitted Uses

City staff objects to this Suggested Modification in its entirety and specifically to the following language:

For all buildings with frontage along the north and south sides of Palm Avenue/SR 75 between the border with the City of San Diego and Rainbow Drive and

The remaining 40% must primarily be related to the commercial use, such as parking, access, or other non-active commercial purpose.

For the reasons stated in the foregoing comments, staff believes that these suggested modifications are not economically feasible and will be a disincentive to the development of well-designed and viable commercial/retail development along the City's main mixed-use transit corridor. Furthermore, they are apparently intended to specifically preserve the non-conforming Bernardo Shores Adult RV Park which caters almost exclusively to long-term, non-transient stays.

It appears from the Suggested Modifications that Commission staff is primarily concerned with preserving the existing Bernardo Shores Adult RV Park which, under the City's certified GP/LCP, is not currently a permitted use. As discussed above, this facility almost exclusively caters to non-transient, long-term stays and, therefore, is not and should not be considered a lower-cost overnight visitor accommodation. Indeed, over the past five years, this RV Park has been used for overnight purposes less than 2% of all available nights. Additionally, the facility has no public facilities (i.e., restrooms or showers), does not allow camping or tents and limits occupancy to only two (2) people per RV, all but precluding families from staying at this facility. Finally, as mentioned earlier in this letter, City staff routed the Draft EIR prepared in support of the Amendments to Commission staff on April 19, 2012 with the expressed intent of obtaining comments on the proposed Amendments and their environmental impacts. However, no comments were received. As such, City staff could only rely upon Commission staff's prior determination that, as a facility primarily focused on long-term, non-transient stays, the Bernardo Shores Adult RV Park would not be considered a priority use under the Coastal Act and, therefore, need not be specifically protected under the proposed Amendments to our GP/LCP. After so much effort has been expended in the preparation and adoption of these Amendments, with full disclosure to and solicitation of Commission staff's comments throughout the process, it is disconcerting at this late date to have a reversal on this issue from Commission staff that could potentially and quite dramatically alter what has been approved by our City Council. City staff requests, therefore, that Commission staff remain consistent with its prior determination of this facility as stated in the Commission staff report dated March 27, 2010, which correctly found that the Bernardo Shores Adult RV Park primarily "specializes in long-term, non-transient stays" and is not a lower-cost overnight visitor accommodation.

It should also be noted that a truly-functioning RV campground is located just three miles north of Bernardo Shores at Silver Strand State Beach. In fact, one of the primary reasons cited by the owners of Bernardo Shores for catering almost exclusively to long-term, non-transient stays is because of its proximity to Silver Strand State Beach RV Campground, which consistently draws the entire demand for this type of overnight accommodation in our region. Supporting evidence of this fact is provided in a recent Commission staff report dated March 17, 2013 regarding the Silver Strand State Beach RV Campground facility. In recommending approval of an application for improvements to the Silver Strand State Beach RV Campground, Commission staff justified the loss of eight RV camping spots by stating that "data provided by the applicant shows that the RV campground is rarely used at 100% capacity, either during peak season or off-peak season." Additionally, another RV campground facility, expected to be opened by December 2013, is being developed just north of Silver Strand State Beach by the Navy which will add another fifty-nine (59) RV camping spaces with full hook-ups to the South San Diego Bay area. Although this facility will limit access to active duty and retired military plus active and retired Department of Defense (DOD) employees, SANDAG estimates that, in the County of San Diego alone, there are currently 104,000 uniformed military, 22,100 DOD employees, and 240,677 military veterans. This represents a large number of people and their families within San Diego County who, along with significant numbers of other military personnel, veterans and DOD employees across the country, will have access to this new RV Campground. This will

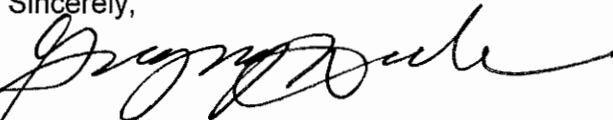
Sherilyn Sarb, Deputy Director  
California Coastal Commission  
August 29, 2013

also likely decrease the demand for the Silver Strand RV Campground thereby increasing its availability to the public.

As thoroughly discussed herein, the City of Imperial Beach is entirely committed to supporting and encouraging tourism, visitor-serving amenities and accommodations and a variety of commercial/retail opportunities for its visitors. Though the City acknowledges and embraces this goal, equally important to our City Council is the obligation to provide viable and thriving commercial/retail uses to serve the City's residents and to provide additional housing opportunities to a variety of income levels. The City firmly believes that the best way to do this is to pursue and promote sound, urban and environmental planning and economic land use regulations focused on implementing highly desirable smart growth principles. Not to do so would be counter-productive to state and regional planning objectives and to the GHG reduction goals of AB 32 and SB 375. The City of Imperial Beach firmly believes that the Amendments as adopted by our City Council on August 1, 2012 achieve all of these equally important and mutually inclusive objectives.

City staff has requested a meeting with Commission staff to discuss these issues in advance of the Commission meeting in October. In the meantime, if you have any questions or would like clarification regarding any of the information presented in this letter, please feel free to contact me directly at either 619-628-1354 or [gwade@imperialbeachca.gov](mailto:gwade@imperialbeachca.gov).

Sincerely,



Gregory Wade

Assistant City Manager/Community Development Director

C: Deborah Lee, District Manager  
Diana Lilly, Coastal Program Analyst  
Jim Nakagawa, City Planner – Imperial Beach  
Tyler Foltz, Senior Planner – Imperial Beach