

**CALIFORNIA COASTAL COMMISSION**

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September 21, 2017

**Th17b**

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT  
KAITLIN CARNEY, COASTAL ANALYST, SD COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF IMPERIAL BEACH LCP  
AMENDMENT NO. LCP-6-IMB-17-0044-1 (Commercial Development Revisions)  
for Commission Meeting of October 11-12, 2017**

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**SYNOPSIS**

On June 26, 2017, the City of Imperial Beach Local Coastal Program Amendment No. LCP-6-IMB-17-0044-1 was filed in the San Diego District office. The submittal represents the City's first major amendment submittal for the 2017 calendar year and this report addresses the entire submittal. The subject amendment involves changes to the Land Use Plan and Implementation Plan regarding development in several of the City's commercial/mixed-use zones. A one-year time extension was granted on September 13, 2017. As such, the last date for Commission action on this item is September 13, 2018.

**SUMMARY OF AMENDMENT REQUEST**

The subject submittal consists of changes to both the certified Land Use Plan (LUP) and Implementation Plan (IP) for the City of Imperial Beach (City). The City proposes to amend its Local Coastal Program (LCP) to correct errors and missing information, as well as resolve unintended interpretations and outcomes that have been found since the Commission previously certified these sections. This includes several changes to Table L-2: Land Use Designations and Specifications and a related policy, including: change the measurement requirement for active commercial uses from square footage to lineal footage in the C/MU-1 (General Commercial and Mixed-Use), C/MU-2 (Seacoast Commercial and Mixed-Use) and C/MU-3 (Neighborhood Commercial and Mixed-Use) zones, expand the area where 60% active commercial uses are required to the entirety of Palm Avenue/SR-75, and add a section describing the C/R-ET (Commercial/Recreation-Ecotourism) land use designation. Standards in the IP will be updated to reflect the changes made in the LUP, as well as require purely residential developments in the C/MU-1 and C/MU-2 zones to comply with the R-1500 (High Density Residential) zoning district standards, and reduce the maximum height for buildings east of Seacoast Drive in the C/MU-2 zone.

The proposed amendment is provided as [Exhibit 1](#).

## **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending the Commission approve LCP Amendment No. LCP-6-IMB-17-0044-1 as submitted by the City. The proposed amendment would require the provision of pedestrian-oriented commercial frontages in the City's commercial/mixed-use zones that will better serve visitors and promote an activated streetscape. In addition, the proposed changes would encourage the expansion of high priority, visitor-serving commercial uses in areas of the City that are likely to serve coastal visitors. The western terminus of Palm Avenue is the main entryway to the City from the Silver Strand and this area is likely to generate demand for tourist-commercial uses. By expanding the commercial requirement to all of Palm Avenue, commercial developments will more likely support visitors to Imperial Beach's shoreline. As such, the proposed amendment can be found consistent with the Chapter 3 policies of the Coastal Act and the City's certified LUP and can be approved as submitted.

The appropriate motion and resolutions begin on Page 4. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 6. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 10.

## **BACKGROUND**

On March 7, 2013, the Commission approved LCPA No. IMB-MAJ-1-12, creating a new land use category and zone entitled Commercial/Recreation-Ecotourism (C/R-ET). The new designation/zone was intended to provide land to meet the demand for goods and services required primarily by the recreational and eco-tourist visitor, but other non-visitor-serving uses such as professional offices and live/work units were also permitted. The LUP and zoning map were amended to apply the new designation to a three-parcel area located south of and adjacent to the South Bay Salt Ponds and Bayshore Bikeway. Those properties still remain the only parcels with the C/R-ET designation.

At the Commission meeting on 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. At the time, commercial uses were required on the ground floor of all lots fronting Palm, Seacoast, and a small portion of 13th Street/Imperial Beach Boulevard, as well as for several lots deep on either side of these streets. In each district, the proposed amendment allowed areas designated for commercial uses to be developed with residential uses, and significantly reduced the amount of parking required for mixed use projects. This amendment also added a definition for "active commercial uses" to the City's Implementation Plan and defined these commercial uses as oriented along the street, accessible to the general public, and generating pedestrian activity.

## **ADDITIONAL INFORMATION**

Further information on the City of Imperial Beach LCP Amendment LCP-6-IMB-17-0044-1 may be obtained from **Kaitlin Carney**, Coastal Planner, at (619) 767-2370.

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### EXHIBITS

[Exhibit 1 Resolution No. 2017-7775](#)

[Exhibit 2 Ordinance No. 2017-1161](#)

[Exhibit 3 Proposed LCP Update \(Strike Out/Underline\)](#)

## **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.

## **B. STANDARD OF REVIEW**

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

### Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200).

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.

## **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 Planning Commission and City Council meetings with regard to the subject amendment request. All 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 certify Land Use Plan Amendment # LCP-6-IMB-17-0044-1 for the City of Imperial Beach certified LCP as submitted.*

**STAFF RECOMMENDATION TO CERTIFY:**

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

**RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Land Use Plan Amendment # LCP-6-IMB-17-0044-1 for the City of Imperial Beach certified LCP as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment will meet the requirements of and conform to the policies of Chapter 3 of the Coastal Act. Certification of the land use plan complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

**II. MOTION:**     *I move that the Commission reject Implementation Program Amendment # LCP-6-IMB-17-0044-1 for the City of Imperial Beach certified LCP as submitted.*

**STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the Commissioners present.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment # LCP-6-IMB-17-0044-1 for the City of Imperial Beach certified LCP as submitted and adopts the findings set forth below on the grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Implementation Program Amendment will meet the requirements of 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 Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF IMPERIAL BEACH  
LAND USE PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The subject amendment would affect several of the City's commercial/mixed-use areas. The General Commercial and Mixed-Use 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/MU-1 district is not along the shoreline, it is the main entry way into the City and a major coastal access route. The Seacoast Commercial and Mixed-Use district is the City's tourist commercial, visitor-serving region. It includes the area along Seacoast Drive, which is 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 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 residences.

The C/MU-3 Neighborhood Commercial and Mixed-Use District is a several-block area at the corner of 13<sup>th</sup> Street and Imperial Beach Boulevard, 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 and services required primarily by the tourist population or city-wide needs. The C/R-ET Commercial/Recreation-Ecotourism district provides land to meet the demand for goods and services required primarily by the recreational and eco-tourist visitor, but other non-visitor-serving uses such as professional offices and live/work units are also permitted. This designation only applies to a three-parcel area located south of and adjacent to the South Bay Salt Ponds and Bayshore Bikeway. The site is currently occupied by Bikeway Village, a new multi-use development that contains retail and restaurant spaces oriented towards visitors of the South Bay and users of the Bayshore Bikeway.

The proposed amendment would make several changes to Table L-2: Land Use Designations and Specifications for C/MU-1 General Commercial and Mixed-Use, C/MU-2 Seacoast Commercial and Mixed-Use, C/R-ET Commercial/Recreation-Ecotourism, and SMU/RO Seacoast Mixed-Use/Residential Overlay, as well as a related policy. First, the amendment would change the measurement standard for active commercial uses from 60% of a building's ground floor square footage to 60% of its linear footage. Second, the proposal would expand the area where active commercial uses are required. Currently, only projects fronting Palm Avenue from 7<sup>th</sup> Street to Florida Street are required to provide active commercial uses. The amendment would require projects along all of Palm Avenue to contain active commercial uses. Finally, the proposed amendment would delete redundancies in the land use table describing the C/MU-2 Seacoast Commercial and Mixed-Use land use category and add a new section to the table describing the C/R-ET Commercial/Recreation-Ecotourism land use category.

## **B. LEGISLATIVE GOALS OF THE COASTAL ACT**

Pursuant to Section 30512.2(b) of the Coastal Act, the Commission may find a land use plan is in conformance with the policies and requirements of Chapter 3 of the Coastal Act only to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act. Section 30001.5 states:

The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

For the specific reasons detailed below, the Commission finds that the land use plan amendment submitted as LCP-6-IMB-17-0044-1 conforms with Chapter 3 of the Coastal Act to the extent necessary to achieve the goals of the state for the coastal zone.

## **C. CONFORMITY OF THE CITY OF IMPERIAL BEACH LAND USE PLAN AMENDMENT WITH CHAPTER 3**

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 to Chapter 3 of the Coastal Act.

Relevant Coastal Act policies include the following:

Section 30213 states:

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

Section 30222 states:

*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 states, in relevant part:

*(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 30252 states, in relevant part:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads...*

The proposed changes to the LUP are consistent with Coastal Act requirements related to new development and that encourage high priority, visitor-serving commercial uses. Chapter 3 of the Coastal Act requires that visitor-serving commercial uses be prioritized over residential uses in new development.

The C/MU-1 General Commercial Mixed-Use land use designation 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, although the area is not specifically designed with tourists in mind. The C/MU-2 Seacoast Commercial Mixed-Use District parallels the beach, and constitutes Imperial Beach's main 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. Furthermore, many of the oceanfront lots in the Seacoast District are currently single-family residences. The existing Mixed-Use/Residential Overlay in the Seacoast District acknowledges the presence of these lower-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.

The City's intent with its previous amendments was to encourage development and redevelopment in more focused areas that may be able to support higher occupancies and improved business in the commercial leaseholds, rather than broader mixed-use districts. In addition, increases in mixed-use development could potentially reduce the reliance on automobiles and reduce traffic, an added benefit. However, it was important both then and now 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.

The subject amendment increases the area where high-priority commercial uses are required and clearly defines standards to ensure that the commercial uses are pedestrian-oriented. First, the City is proposing to change the measurement for “active commercial uses” from square feet to linear feet. “Active commercial uses” are defined in the City’s IP as commercial uses that are oriented along the street at ground level, are accessible to the general public, and generate pedestrian activity. This requirement affects properties with frontage along Palm Avenue in the C/MU-1 zone, properties with frontage along Seacoast Drive in the C/MU-2 zone, and properties with frontage along Imperial Beach Boulevard and 13<sup>th</sup> Street in the C/MU-3 zone. By requiring a certain portion of the building to contain active commercial uses, the City and the Commission intended to create an active, pedestrian-oriented development. However, over time, the City has found that requiring 60% of a building’s ground floor square footage to be commercial does not necessarily result in the commercial frontage that was originally intended, and the commercial developments are not as pedestrian-oriented as is preferred. By changing the measurement to linear footage, and when combined with a minimum commercial building depth requirement of 25 feet, the commercial use will be along the portion of the building that is most activating and will have direct commercial frontage. The metric change is not expected to reduce the amount of commercial space required, but will improve its likelihood of serving the public and promote a pedestrian-oriented streetscape.

Second, by expanding the area along Palm Avenue where active commercial uses are required, the amendment should stimulate greater commercial development within the City. As proposed, all parcels fronting Palm Avenue would be required to provide 60% active commercial uses, rather than just the limited portion of Palm Avenue between 7<sup>th</sup> Street and Florida Streets as is now required. This should result in greater commercial development in an area that the City has identified as a commercial center. The City is currently in the planning stages of a redevelopment project involving Palm Avenue that would improve pedestrian and bicycle transportation along this corridor and create a pedestrian-oriented frontage. By requiring commercial uses along the entire length of Palm Avenue, the City’s goals will align to create an inviting commercial destination for its citizens and coastal visitors alike.

In addition, the western terminus of Palm Avenue is the main entryway to the City from the Silver Strand and this area is likely to generate demand for tourist-commercial uses. The previous requirement for commercial uses between only 7<sup>th</sup> Street and Florida Street excluded this portion of Palm Avenue on the Coronado side of the city, as well as the portions of Palm Avenue on the eastern border of the city. Visitors to Imperial Beach’s shoreline from Coronado would mostly likely never travel inland on Palm Avenue to the area previously required to be commercial. By expanding the commercial requirement to all of Palm Avenue, commercial developments will more likely support visitors to Imperial Beach’s shoreline.

Other proposed LUP changes, including revisions to the C/MU-2, C/R-ET and SMU/RO sections of the Land Use Designations and Specifications table, would result in a clearer, more concise description of the land uses. The proposed amendment would delete redundancies in the land use table describing C/MU-2 Seacoast Commercial and Mixed-Use and add a new section to the table describing C/R-ET Commercial/Recreation-Ecotourism, which was inadvertently left out of the table previously. The proposed changes would not result in any new permitted uses.

In summary, the proposed amendment will result in an increase in commercial uses and development. High-priority, pedestrian-oriented, visitor-serving uses will be promoted, as the areas most likely to serve tourists—Palm Avenue and Seacoast Drive street frontages—will provide 60% active commercial uses on the frontage of the ground floor. Therefore, the proposed amendment can be found consistent with the applicable Chapter 3 policies.

#### **PART IV. FINDINGS FOR APPROVAL OF THE CITY OF IMPERIAL BEACH IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

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

The proposed amendment would make changes to the IP that correspond with LUP changes proposed herein, including changing the measurement of active commercial uses from square footage to linear footage. The City also proposes to require projects for exclusively residential uses in C/MU-1 (General Commercial and Mixed-Use) and C/MU-2 (Seacoast Commercial and Mixed-Use) to comply with the R-1500 (High Density Residential) standards and remove the opportunity for a conditional use permit to allow heights up to 35 feet for properties east of Seacoast drive in the C/MU-2 area.

##### **B. FINDINGS FOR APPROVAL**

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, as amended herein.

a) Purpose and Intent of the Ordinance. The subject LCP amendment includes several revisions to the City's Zoning Code, which serves as its IP. Strike-out/underline versions of these provisions are included as Exhibit 1.

- Chapter 19.26.020 Permitted Uses (General Commercial and Mixed-Use Zone (C/MU-1)): Identifies where specified permitted uses are described in the zoning code and describes requirements for buildings fronting Palm Avenue to contain "active commercial uses." Also contains density requirements for residential uses.

- Chapter 19.27.020 Permitted Uses (Seacoast Commercial and Mixed-Use Zone (C/MU-2)): Identifies where specified permitted uses are described in the zoning code and describes requirements for buildings fronting Seacoast Drive to contain “active commercial uses.” Also contains density requirements for residential uses.
- Chapter 19.27.070 Building Height (Seacoast Commercial and Mixed-Use Zone (C/MU-2)): Describes maximum building height and allowed exceptions.
- Chapter 19.28.020 Permitted Uses (Neighborhood Commercial and Mixed-Use Zone (C/MU-2)): Identifies where specified permitted uses are described in the zoning code and describes requirements for buildings fronting Imperial Beach Boulevard and 13<sup>th</sup> Street to contain “active commercial uses.”

b) Major Provisions of the Ordinance.

As proposed, the revisions would change the measurement for active commercial uses from square feet to linear feet in the three commercial mixed-use zones (C/MU-1, C/MU-2, C/MU-3). Within the C/MU-1 zone, further revisions require that all buildings with frontage along the entirety of Palm Avenue would be required to provide active commercial uses, rather than just those parcels between 7<sup>th</sup> Street and Florida Street. In both the C/MU-1 and C/MU-2 zones, proposed language requires exclusively residential uses to comply with R-1500 (High Density Residential) development standards. Within the C/MU-2 zone, revisions also include changing the maximum building height for projects east of Seacoast Drive from three-stories and 35 feet with a conditional use permit, to three stories or 30 feet.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments.

The standard of review for LCP implementation plan submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. In this particular case, the proposed changes have been reviewed for their consistency with the Land Use Plan as proposed to be amended.

Applicable LUP policies:

*L-4 Commercial and Mixed-Use Areas*

...

*c. Fostering New Commercial and Mixed-Use Development*

*Commercial and mixed-use development should be encouraged to increase the City's tax base, and 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. Particular emphasis should be placed on the development of new businesses and fostering commercial uses that provide goods and services to residents and visitors.*

*d. State Highway 75 General Commercial and Mixed-Use Area (C/MU-1)*

*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. 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.[...]*

*e. Seacoast Commercial and Mixed-Use (C/MU-2)*

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

As described previously, the City proposes to change the measurement for “active commercial uses” from square feet to linear feet. This requirement affects properties with frontage along Palm Avenue in the C/MU-1 zone, properties with frontage along Seacoast Drive in the C/MU-2 zone, and properties with frontage along Imperial Beach Boulevard and 13<sup>th</sup> Street in the C/MU-3 zone. By requiring a certain portion of a building to contain active commercial uses, the City and the Commission intended to create an active, pedestrian-oriented development. However, over time, the City has found that a square footage metric does not result in the frontage that the City intended. By changing the measurement to linear footage, and when combined with a minimum commercial depth of 25 feet, the commercial use will be along the portion of the building that is most activating.

In addition, within the C/MU-1 zone, the requirement for active commercial uses will be expanded. Currently, only properties between 7<sup>th</sup> Street and Florida Street are required to provide active commercial uses. As proposed, all properties fronting the entire length of Palm Avenue would be required to provide active commercial uses. This will result in greater commercial development in an area that the City has identified as a commercial center. By requiring commercial uses along the entire length, the City’s goals will align to create an inviting commercial destination. This will also result in greater commercial

development along the portion of Palm Avenue nearest to the shoreline and most accessible to coastal visitors.

The City also proposes to require exclusively residential projects within the C/MU-1 and C/MU-2 zones to comply with R-1500 (High Density Residential) standards. Standards for development in the R-1500 zone are equal to or more restrictive than existing standards in the C/MU-1 and C/MU-2 zones for residential development. In addition, the amendment would remove the option for properties in the C/MU-2 zone and east of Seacoast drive to obtain a height of three-stories and 35 feet with a conditional use permit. Without the conditional use permit option, new development will no longer provide the associated incentives; however, required setbacks will not be reduced and the buildings will be restricted to a height consistent with neighboring areas.

Overall, the City's proposal would result in greater commercial development and would be more restrictive for residential development. The proposed amendment would help foster pedestrian-oriented commercial development by better defining requirements and promoting active commercial frontages. Therefore, the proposed amendment can be found consistent with the City's certified LUP.

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

Section 21080.9 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 submission. 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 to CEQA provisions.

The City prepared and certified a Final Programmatic Environmental Impact Report (FEIR) for the original Commercial LCP Amendment on August 1, 2012. The FEIR identifies that impacts to air quality, paleontological resources, and noise would be less than significant. Existing ordinances would mitigate hydrology and water quality impacts to less than significant except that any commercial properties proposed for development within areas of special flood hazard would be subject to significant coastal flooding. The FEIR concluded that significant and unavoidable impacts to greenhouse gas (GHG) emissions and traffic would result. The City, therefore, adopted a statement of overriding considerations.

In terms of the subject LCPA, the City adopted an addendum to the FEIR and concluded that the proposed changes do not require a supplemental or subsequent EIR. The 2011 traffic impact study had assessed the effects with the presumption that the commercial corridor would be developed with commercial uses generating higher trips rates than

residential uses. The City's addendum states that no additional traffic impacts would occur as a result of this amendment and no changes to hydrology or GHG emissions would result. The amendments related to exclusive residential uses in commercial zones having to comply with R-1500 development standards would be more restrictive, and therefore, would result in fewer impacts. The change in active commercial use from square footage basis to a lineal footage basis would clarify the original intent of the provisions. As proposed, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed amendment is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.