

# LAST MINUTE AGENDA INFORMATION

## 10/26/09 Special Meeting

*(Agenda Related Writings/Documents provided to a majority of the City Council after distribution of the Agenda Packet for the October 26, 2009 Special meeting.)*

<u>ITEM NO.</u>	<u>DESCRIPTION</u>
<b>1</b>	<b>COMMERCIAL ZONING REVIEW. (0640-10).</b> a. E-mail correspondence received from I.B. Concerned Citizens Representatives: Brian Jones, Debra Carey and Michael Carey

**From:** Ibcitizen@aol.com [mailto:Ibcitizen@aol.com]  
**Sent:** Wednesday, October 21, 2009 10:39 PM  
**To:** ibccclerk; Lisa Wolfson  
**Subject:** IBCC documents for 10 26 09 meeting

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2009 OCT 22 P 5:31

Mr. Mayor and City Council Members,

In preparation for the October 26th city council meeting **Imperial Beach** Concerned Citizens is sending two documents for your consideration. The first is a revision of a two page document titled "Recommended Zoning Changes Threaten IB's Quality of Life." The second document is titled "Analysis of IB Commercial Zoning Review Recommendations." We ask that these documents be entered into the public record.

IBCC also requests that the important issue of community participation be left for a future date after the results of Monday night's meeting have been evaluated.

Thank you for your consideration. We are looking forward to the Monday night meeting.

sincerely,

IBCC Representatives,  
Brian Jones  
Debra Carey  
Michael Carey

10/26/09 Item No. 1  
Last Minute Agenda  
Info

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## **Council to Review Recommended Zoning Changes That Threaten IB's Quality of Life**

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In 2006 the City hired a consulting firm to review IB's commercial zoning. In its Request For Proposals the City mandated that the "review is to encourage and facilitate sufficient commercial and retail development...that is compatible, enhances and maintains Imperial Beach's existing small scale, beach-oriented community and quality of life."

On June 24, 2009, the consultants presented the Council with a 250 page document recommending sweeping changes to our zoning ordinances. The 2 ½ year zoning review process has cost the City \$289,759 to date. On July 28, 2009 more than 75 residents attended a City Council workshop to express concerns about the proposed zoning changes. At a follow up Council meeting on Sept 23, 2009 the Council decided to conduct a review of the proposed changes before sending it forward for public scrutiny. As a result on Monday Oct 26, 2009 the proposed zoning changes will come before the City Council for review.

There are positive efforts to expand and improve commercial space in the review which include raising the commercial ceiling height to 15', establishing minimum active retail square footage and addressing commercial parking requirements.

However the following recommendations are in complete opposition to both the letter and spirit of our current General Plan. They threaten rather than "enhance and maintain" our "existing small scale, beach-oriented community and quality of life".

- **Increase Building Height at the Beach** from 30' to 36' on the west side of Seacoast and to 40' on the east side of Seacoast and on Old Palm.
- **Increase Building Height along Palm Avenue to 60'** in the C1 zone (Rainbow to Emory)
- **Increased Density through bonuses** for lot consolidation, green buildings and exceptional architecture (from the current 29du/acre to 43du/acre in the Seacoast/Old Palm C2 zone and from 43du/acre up to 52du/acre in C1.)
- **Create Minimum Density requirements** that could double the density in the C2 zone (beach area). Presently there is no minimum density requirement.
- **Re-Zone existing Single Family Residences West of Seacoast to Legal Non-conforming** – Because of new Minimum Density requirements the R1500 zone is eliminated and no new single family residences could be built. Legal non-conforming status could make it difficult to obtain financing to buy these homes for use as a single family residence.
- **Impacts the Specific Plan Process for Hotel Development at the Beach** Currently IB's specific plans grants a height increase from 30' to 40' for hotel development in the beach area that meets rigorous City standards for design and compatibility with our community. The process also provides multiple opportunities for community participation.

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### **Rationales for Increasing Height and Density**

There appear to be two rationales driving the recommendations: The first rationale is to meet the San Diego Association of Governments "Smart Growth" goals to spur commercial development and increase residential density along the transportation corridors such as Palm Avenue and 13<sup>th</sup> Street. But, IB's zoning ordinances already designate a high density corridor along Palm Avenue with a 40' height limit that appear to meet SANDAG's "Smart Growth" requirements. Sixty-foot projects are unnecessary, unreasonable, and, thankfully, would require approval by IB Voters.

The second rationale is that increased height and density will produce increased sales tax revenue by promoting mixed use development. Impact on quality of life and increased costs to the City for infrastructure, public safety and traffic design due to increased height/density were not adequately addressed in the zoning review.

Increasing height and density is a major objectives behind the zoning recommendations, not only in the Palm Ave. corridor, but more significantly in the beach area. The proposal for 40' buildings, increased density, and reduction in setbacks would create a virtual wall along our beachfront and along Old Palm Ave.

### **History of Height and Density in IB**

IB has faced these kind of challenges before. In 1989 the IB City Council supported a Seacoast Development Plan allowing seven high-rises to be developed on the beach. The cornerstone development was two 12-story towers at Seacoast Dr. and Palm Ave.

Irate residents gathered over 1400 signatures to put a citizens' initiative, Proposition F, on the ballot to limit building height. On June 5, 1990 Prop F was overwhelmingly approved by the voters, setting the building height in Imperial Beach to a maximum of 40 feet and requiring a city-wide vote for any exceptions.

In 1990 a high density Council initiative called Prop T would have allowed a 40' wall of buildings on our beachfront with 80% lot coverage. IB voters overwhelmingly said no.

In 1992 another citizen's initiative was placed on the ballot. Proposition P limited development in residential areas to two stories or a maximum of 30 ft. The restrictions were included in the City's revised General Plan.

### **Summary**

Many of the zoning recommendations would significantly increase height and density and are incompatible with IB's existing small town atmosphere. Many of the recommendations conflict with both the letter and spirit of our General Plan. They threaten, rather than "enhance and maintain our existing small scale beach-oriented community and quality of life." Hopefully Council will select those changes that promote good commercial development and while retaining IB's character.

***Please Attend the City Council's  
Special Zoning Review Meeting  
Oct 26, 2009 – 6 PM at City Hall  
Pass This Information on to Others***

## ANALYSIS OF IB COMMERCIAL ZONING REVIEW RECOMMENDATIONS

A review of this document illustrates that the basic premise of each section of the document is to increase height and density in IB. This is sold as an absolute if commercial development is to take place.

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The recommended changes are interwoven to rely on each other to increase height and density. In the C2/MU2 zone on Old Palm/Seacoast begins by increasing height to 36' and provides "bonuses" to further increase height to 40'. But why is the additional height necessary - to accommodate increased density available in the new Maximum Density Standard of 36 dwelling units per acre.

CITY OF PALM BEACH  
CITY CLERK OFFICES

More insidious is the recommended Minimum Density Requirement of 30 dwelling units per acre. The present zoning *allows* up to 29 dwelling units per acre BUT does not *mandate* any minimum.

This new Minimum Density *requirement* would have serious negative consequences. The mandated increased density will create parking issues, threatens homeowner's right to build or rebuild single family residences by overriding the current allowable R1500 (single family residence) zoning and automatically requires an increase in building height to accommodate the additional density.

The new Minimum Density requirement also takes away an owner's property rights. It would not be possible for an owner to build a commercial ground floor space with just two luxury units above it on a ½ acre lot, because the Minimum Density standard REQUIRES 30 Dwelling units per acre thus on a ½ acre lot the owner *must* build 15 units. Thus quality development may be severely restricted.

The Zoning Review recommendations promote Maximum Density in mixed use projects through bonuses for increased height and density due to lot consolidation, exceptional architecture, and green building. The maximum density can be increased from 30 to 36 dwelling units per acre which further exacerbates the problems noted above.

All of this in direct opposition to the work citizens did in the early 1990's to protect our community from excessive over development through increased height and density. Our fundamental goal was to retain IB's small town atmosphere with a variety of propositions that limited height to 30' in the C2 zone and 40' in Palm Avenue. IB residents produced a landslide vote in support of these goals.

The increase height and density Zoning Review recommendations are incompatible with IB's existing small town atmosphere and conflict with both the letter and spirit of our General Plan. They threaten, rather than "enhance and maintain our existing small scale beach-oriented community and quality of life."