

951 SEACOAST DRIVE IMPERIAL BEACH, CA 91932

BUSINESS SUMMARY

I. Description of Business Operations

The proposed Conditional Use Permit space will be located on the third floor of the building located at 951 Seacoast Dr. Imperial Beach, CA 91932. The proposed space has a total floor area of 2,216 square feet and the building has a parcel size of 6,709 square feet.

The proposed space will function mostly as a private event space for wedding events, birthday parties, corporate events, retirement parties, bridal/baby showers, military retirement gathering, and other events. However, the space will also function as a semi-public space at certain times and occasions. The Applicant envisions the space being available for members of the Imperial Beach community to attend semi-public events. These may include morning yoga classes, an annual Fourth of July celebration, arts festivals, events honoring community members for business, entrepreneurial, and academic achievements, and other similar gatherings.

Additionally, the Applicant strongly believes that hosting private or semi-public events will enhance the community's overall well-being. This beautiful space will provide opportunities for social gatherings and attract guests from out of town to discover IB, thus boosting the area's economy and the public's awareness of what Imperial Beach has to offer. This space can help attract new visitors to our amazing beach town.

Practically, the business will function in that once the Applicant has made an agreement with a customer, the customer will sign a contract with the Applicant for each event which will set forth the vendors, party planners, flower companies, caterers, entertainment, and so forth for each event. Once the customer signs the contract and agrees to the business's Terms and Conditions, the customer will be responsible for the set-up, food, drinks, entertainment and the like.

Prior to each event, the Applicant will check that all required permits are up to date. Further, the contract will set forth that each customer has all required permits and licenses to participate in the event, including any food and liquor. Additionally, each contract between the Applicant and the customer will set forth that the Applicant, City of Imperial Beach, and other designated parties must be added as an Additional Insured on the insurance policies of all vendors who may participate in any given event. This will ensure the space, the City of Imperial Beach, and the Applicant will be insured in the case of any legal liability.

The Applicant will employ an event manager who will oversee all aspects of each event. The event manager will work in conjunction with all the professionals at each event to ensure the event's success and compliance with City requirements. Based on this model, each customer and vendor will be liable only for the services which they are providing. In the experience of the Applicant, this is the standard business practice for similar venues in the area which host similar events.

II. Description of Hours of Operation

For the purposes of this summary, we must distinguish between Live Entertainment, Recorded Music, Restaurant-Style Ambient Music, and gatherings without music.

- a. **Live Entertainment:** Any live entertainment (inclusive of events with an MC, live musical instruments and/or vocalists). The applicant will adjust the speaker volume to 65 dB so that all sound which runs through the sound system/speakers is limited to 65 dB output, with no bass/low frequency. See mitigation measures in Section V.
- b. **Solely Recorded Music at Controlled Volume (Inaudible beyond property line):** involves previously recorded tracks played over speakers, which would not be audible from outside the property and complies with the Noise Ordinance. Music shall not exceed 65 decibels within the property lines, and the music will not be audible beyond the property line. Microphones may not be used, except for announcements or speeches performed in a speaking voice (no yelling, shouting, or singing), the volume of any microphone will be controlled/limited at 65 decibels within the property lines, and the announcements/speeches will not be audible beyond the property line.
- c. **Restaurant-Style Ambient Music (Inaudible Beyond Property Line):** Events utilizing Low-Volume Restaurant-Style Ambient Music shall not exceed the level of music typically played in a restaurant setting, and the music must not be audible beyond the property line. The music must be imperceptible to occupants of buildings neighboring the subject property. Microphones may not be used
- d. **Gatherings without music**

The Applicant proposes the following Hours of Operation:

- A. Live Entertainment: 10:00 am to 8:00 pm Tuesday to Friday, 10:00 am to 9:00 pm Saturday and 10:00 am to 7:00 pm Sunday.
- B. Recorded Music at Controlled/Limited Volume (Inaudible Beyond Property Line): These may only take place from 10:00 am to 8:00 pm Tuesday to Friday, 10:00 am to 9:00 pm, Saturday and 10:00 am to 7:00 pm Sunday.
- C. Events with Low-Volume Restaurant-Style Ambient Music (Music Inaudible Beyond Property Line): These may only take place between 7:00 am to 10:00 pm.
- D. Events Without Music: These may only take place between 7:00 am to 10:00 pm.

* One additional hour to be used solely for cleanup, soundcheck no earlier than 09:30 am.

For example, a military retirement party event with Recorded Music with MC may be open to the customer for set-up beginning at 9:00am for an event which will last from 10:00am-5:00pm. In this example the event would be over at 6:00pm following an hour of clean-up.

As a second example, a baby shower breakfast event with Restaurant-Style Ambient Music may be open to the customer for set-up beginning at 9:00am for an event which will last from 10:00am-1:00pm. In this example the event would be over at 2:00pm following an hour of clean up.

As a third example, a wedding event with Live Music may be open to the customer for set-up beginning at 2:00pm for an event which will last from 4:00 pm-9:00pm on a Saturday. In this example the event would be over at 10:00pm following an hour of clean up.

However, it is important to clarify that the venue will only host gatherings with Live Music or Recorded Music with MC a limited number of days per week. The other days, the venue will not be in use other than semi-public gatherings or general restaurant-style seating.

The applicant proposes the following limits to the number of gatherings:

- A. Live Entertainment: Should not exceed eight (8) unique events (one per day) per year, subject to approval from the Community Development Director. Four of the eight shall only take place during the day time of the summer season. The remaining four may take place throughout the calendar year
- B. Recorded Music (Inaudible Beyond Property Line): These events (inaudible beyond the property lines) may not occur more often than an average of three (3) days per week, and the music and any announcement or speeches must not be perceptible beyond the property line. For purposes of calculating the number of days, any Live Entertainment events defined in Section (a) above shall be counted towards this 3-day average.
- C. Restaurant-Style Ambient Music (Inaudible Beyond Property Line): These events (inaudible beyond the property lines) may take place daily during the building's approved hours of operation.
- D. Gatherings without music: Events without music do not require a live entertainment conditional use permit, and may take place daily during the building's approved hours of operation under the existing previously-approved resolution.

For semi-public use purposes, the Applicant contemplates making the space available so that members of the community can use the space for a community building purpose, such as yoga classes, holiday celebrations, breakfast with the Mayor, birdwatching and other specific gatherings. The Applicant will establish reasonable rules and requirements for such semi-public use, including responsible sponsor identity, occupancy maximums, supervision, insurance, reduced fees or no fees for certain types of use, and similar requirements.

III. Description of How the Business Will be Compatible with the Neighborhood

The proposed CUP will be compatible with the neighborhood. Firstly, the zoning of the building is the same as the surrounding properties. The venue and the surrounding properties are zoned for C/MU-2 (Seacoast Commercial & Mixed use) which includes permitted uses such commercial and recreation businesses:

*“Located in C/MU-2 Seacoast commercial and mixed-use:
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. [...]”*

The applicant will post a reminder sign at the exit, asking guests to be mindful of noise as they leave, given the proximity to residential areas.

The parking requirements for the building, including using the rooftop for gatherings with or without music, have already been approved under the existing resolution.

The city’s resolution for the property specifies only that we provide clear signage indicating the nearest parking and public transit options, as well as including surfboard and bicycle racks to help reduce the carbon footprint. The building contains this guidance already and has fulfilled these requirements.

To further assist attendees, we can include a map of nearby parking and bus stops on the property’s website, as well as encourage rideshare use.

IV. Requested Waivers

The Applicant has requested waivers of review by the Site Plan Review Board and the Design Review Board in conjunction with this application.

V. How Live Entertainment Will Comply with Imperial Beach RESO 2022-78

Live entertainment at the venue will comply with RESO 2022-78 in the following ways:

- The proposed development conforms to the certified local coastal plan including coastal land use policies.
- That the proposed use is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.
- That the use will not, under the circumstances of the particular use, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- That the proposed use will comply with the regulations and conditions specified in this title for the use and for other permitted uses in the same zone; and
- That the granting of the conditional use permit will be in harmony with the purpose and intent of the zoning code, the adopted General Plan and the adopted Local Coastal Program.

Specifically, the applicant will follow recommendations made on the acoustic analysis made by Acentech in order not to disturb neighbors and comply with the applicable noise ordinance:

1. Reducing lower bass frequencies from our model's hypothetical speaker arrangement, thus lessening the contributions of bass frequencies to the project's sound level emissions (this would be realized in the finished project by use of an equalizer);
2. Extending the length and/or height of the rooftop parapet such that it matches the height of the nearby roof and/or extends around the building's southeastern rooftop corner and beyond that point for a distance of approximately 7.5 feet;
3. Speakers must be at or near floor level and may not be elevated
4. Limiting the volume for all speakers to be no more than 65 dBA at 3 feet in front of any speaker (this would be adjusted, as required, in the finished project to maintain code compliance);
5. To help mitigate sound originating directly from musical instruments or vocalists, additional sound attenuation such as temporary sound absorbing panels shall be required for any event qualified in Category A (Live Entertainment or amplified music events).

With these mitigation measures in place, the resulting estimated sound pressure levels at each of the short-term measurement locations are consistent with the benchmark limits stated previously. Mitigation measures with respect to any audio-visual equipment will need to be calibrated onsite, in real time, to ensure that the project complies with the Imperial Beach noise ordinance. Figure 5 shows the modelled propagation of sound with the mitigation measures in place in the form of equal-noise contours. **This demonstrates compliance with Chapter 9.32 of the noise ordinance.**



Figure 5: Sound contour lines with mitigation measures in place. Sound receiver heights are set to 1.5 m. Red plus signs indicate proposed speaker locations. Blue line at building edge represents the fully extended/raised parapet.

If any noise complaints are received for uses at the property, the City will verify the validity of the complaint with evidence to support the complainant's claim (including verifiable facts such as volume and the source of any music), and applicant shall also investigate said complaint and mitigate any issues to the satisfaction of the City. The project must also meet Imperial Beach Municipal Code noise requirements (Imperial Beach Municipal Code 9.32 - Noise) at all times.

VI. Lighting

Lighting shall not have a negative effect on the existing neighborhood. All lighting shall be situated and adjusted to shine only on the subject property or be low intensity lighting such as string lights or dim mood lights. If the property receives complaints related to lighting, the applicant shall investigate said complaint and mitigate any issues.

VII. Property Management

Applicant to provide at least one onsite event manager for all events while events are in progress (“Onsite Event Manager”), and an on-call property manager (onsite or offsite) (“Building Manager”). Building Manager information must be clearly posted and available 24/7. Onsite Event Manager name and contact information must be clearly posted during each event (including during setup and cleanup). The Onsite Event Manager must return any calls within 15 minutes and resolve any issues within 30 minutes. As a secondary contact point, the Building Manager must be available to address any issues as soon as possible after being contacted. All managers must comply with any and all conditions.

Security guard or onsite manager is mandatory during events and must ensure guests and sound/low-frequency effects are not impacting adjacent businesses or residential neighborhoods.

Security guard or onsite manager will monitor music levels frequently during events and adjust accordingly to ensure there are no neighborhood disturbances; if the music level is exceeded, the music volume must be lowered.

VIII. Additional Remarks

- Loading and Unloading

Prior to tenant occupancy, the applicant must coordinate and create a plan with City safety staff for all proposed deliveries to the site. City safety staff approval will not be unreasonably withheld, conditioned, or delayed, and any restrictions will be non-discriminatory and no more restrictive or onerous than restrictions placed on other retail uses in the City.

- Event Breakdown

Breakdown of equipment and/or furniture and supplies after any event must occur immediately after the conclusion of the event. Breakdown of equipment may take place

the morning after to minimize disturbances. Equipment and/or furniture will be gathered, secured, and stored in such a manner that it is protected from wind damage and from movement due to wind.

After events, applicant will ensure wait staff picks up any trash and/or debris. Vendors will have one hour for cleanup after each event finalizes.