

RESOLUTION NO. 2023-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING REGULAR COASTAL PERMIT (CP-22-0016), DESIGN REVIEW CASE (DRC-22-0030), AND SITE PLAN REVIEW (SPR-22-0031); AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15332 CLASS 32 (IN-FILL DEVELOPMENT PROJECTS) FOR THE CONSTRUCTION OF A NEW MIXED-USE DEVELOPMENT WITH TWELVE RESIDENTIAL UNITS (TWO VERY-LOW INCOME), AND APPROXIMATELY 777 SQUARE FEET OF COMMERCIAL SPACE AT 981 & 983 CALLA AVENUE (APN 626-221-24-00). USE-22-0100.

WHEREAS, on August 16, 2023 the City Council of the City of Imperial Beach held a duly advertised and noticed public hearing to consider the merits of approving or denying an application for a Regular Coastal Permit (CP-22-0016), Design Review Case (DRC-22-0030), Site Plan Review (SPR-22-0031), and Categorical Exemption pursuant to CEQA Guidelines 15332 Class 32 (In-Fill Development) for the construction of a new mixed-use development with twelve residential units (two very-low income) and approximately 777 square feet of commercial space at 981 & 983 Calla Avenue (APN 626-221-24-00), which is located in the C/MU-1 (General Commercial and Mixed-Use) Zone.

WHEREAS, on June 15, 2023 the Design Review Board recommended approval of the project's design with recommendations with a vote of 3-1 (1 absent); and

WHEREAS, the City Council finds that the project design of the residential project is compatible with the community and would be consistent with Policy D-8 (Project Design) of the Design Element of the General Plan; and

WHEREAS, the City Council finds that the project is in compliance with the Land Use Element of the General Plan; and,

WHEREAS, the City Council finds that the project complies with the requirements of the California Environmental Quality (CEQA) as the project is categorically exempt pursuant to CEQA Guidelines 15332 (In-Fill Development Projects); and

WHEREAS, the City Council further offers the following findings in support of its decision to conditionally approve the project:

REGULAR COASTAL PERMIT (IBMC § 19.87.050):

- 1. The proposed development conforms to the certified local coastal plan including coastal land use policies.**

The General Plan/Local Coastal Plan designates the site as General Commercial and Mixed-Use (C/MU-1) Zone. The purpose of the C/MU-1 (General Commercial and Mixed Use) 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. The proposed use provides a mixed-use project that includes a 777 sq. ft. commercial space, twelve residential units (inclusive of two very low-income affordable units), and a six-car parking garage. The use is similar to other uses in the vicinity, and it will provide a new mixed-use establishment that would generate income and additional housing in the community. Also, the project would have no impact to existing shore processes, public access, coastal views, or scenic views because the project complies with the Municipal Code, does not exceed the height limit,

and does not build in any areas with street end or other views. The project site is located in a non-appealable coastal zone and complies with the land use designation of the General Plan/Local Coastal Plan.

2. For all development seaward of the nearest public highway to the shoreline, the proposed development meets standards for public access and recreation of Chapter Three of the 1976 Coastal Act and regulations promulgated thereunder.

The General Plan/Local Coastal Program designates the site as General Commercial and Mixed Use (C/MU-1) 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. The proposed project would provide a mixed-use project that includes a 777 sq. ft. commercial space, twelve residential units (inclusive of two very low-income affordable units), and a six-car parking garage. The proposed use would be community and neighborhood serving retail and offices uses, meeting the intent of the land use designation. In addition, the project would encourage pedestrian activity through the design and location and alternative methods of transportation reducing the demand for vehicle uses. Also, the project would have no impact to existing shore processes, public access, coastal views, or scenic views because the project complies with the Municipal Code, does not exceed the height limit, and does not build in any areas with street end or other views. As such, the proposed development meets standards for public access and recreation of Chapter Three of the 1976 Coastal Act and regulations promulgated thereunder..

3. The proposed development meets the minimum criteria set forth in the City of Imperial Beach Zoning Ordinance, the City's Minimum Landscape Planting and Irrigation Standards, and the City's Design Guidelines, as applicable.

The proposed development has been designed to meet the minimum criteria set forth in the City of Imperial Beach Zoning Ordinance, City's Minimum Landscape Planting and Irrigation Standards, and the City's Design Guidelines as further specified within the findings of this Resolution. The proposed project will comply with all the regulations and conditions for the Zoning Ordinance, and any other conditions noted in this Resolution.

By dedicating 15% of the base density units ($7,034/1,000 = 7.03 = 8$ units) for very low-income households, the project is eligible to earn a density bonus of 50%, or 4 additional units, pursuant to Government Code Section 65915(f)(2), and three incentives or concessions pursuant to Government Code Section 65915(d)(2)(C).

Waivers and incentives were requested by the applicant per Government Code Section 69515(d)(2)(C) for the following development standards: reducing the free and clear back out space from 24' to 22' to allow for landscape screening of the three uncovered parking spaces; reducing the rear yard setback from 10' to 3' and reducing the side yard setbacks from 5' to 0' to allow for twelve units within the 3 stories; eliminating commercial parking requirements, and eliminating the open space (300 SF/DU) requirement citing that these development standards would physically preclude the construction of the development at the densities permitted. Per Government Code Section 65915(e)(1) (California State Density Bonus Law), "In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section."

With regards to parking, the project proposes to provide six parking spaces for the residential component of the project at a ratio of 0.5 spaces per dwelling unit. Per Government Code Section 65915(p)(2) "...if a development includes at least 11 percent very low income units for housing developments...is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per unit." The 6 required residential parking spaces are provided in the form of a parking garage on the ground level. The project location is less than 1/2 mile from the bus stop at Palm Ave & 9th St which includes 2 bus lines with frequencies of 15 minutes during peak..

Regarding commercial parking requirement, Imperial Beach Municipal Code Section 19.48.035 provides standards for required spaces for mixed-use projects in the C/MU-1, C/MU-2, and C/MU-3 zones and states that 1 space per 500 gross SF of commercial space would be required for this project as it is proposing 777 square feet of commercial space. The applicant has requested a waiver of the commercial parking requirement per California State Density Bonus Law (Government Code Section 65915(e)(1)) stating that the required parking spaces would physically preclude the construction of the development at the densities permitted.

To help offset the parking impacts, reduce the demand for vehicle usage, and promote multi modal transportation, the project is implementing transportation demand management strategies including onsite bicycle parking, a kiosk for transit and rideshare information, a bicycle repair station, and monthly subsidized transit passes for MTS (50% subsidy of the cost of the MTS regional pass per dwelling unit), to requesting residents within the development for 10 years of the project after the certificate of occupancy is issued. The owner will notify each new resident of the availability of this benefit and can provide proof of participation if requested.

Implementing these transportation demand strategies should encourage the use of alternate methods of transportation, including bicycles, walking, ride-hailing, and public transportation. Application of transportation demand management strategies also emphasizes the City's ongoing effort to reduce carbon footprints and greenhouse gas emissions. Parking is a consistent area of concern within the community and a condition has been added to the resolution noting that the transportation demand management strategies for the project shall be revisited and revised at the expense of the property owner if determined necessary by the City.

4. The proposed development meets minimum criteria set forth in Sections 19.81.060, 19.82.050., 19.83.120., 19.84.050., and 19.86.100., of this title for site plans, conditional use permits, design review, variances, zoning classification and rezonings.

The proposed development meets the minimum criteria set forth in Sections 19.81.060, 19.82.050, 19.83.110, and 19.84.050 (Sections 19.82.050, 19.84.050, and 19.83.120 are not applicable) for a site plan review, conditional use permit, design review, and variance subject to the findings provided within this Resolution. Sections 19.82.050, 19.84.050, and 19.86.100 are not applicable because the project does not require a conditional use permit, variance, or a zoning classification/rezoning.

5. For all development involving the construction of a shoreline protective device, a mitigation fee shall be collected which shall be used for each sand replenishment purposes. The mitigation fee shall be deposited in an interest-bearing account

designated by the Executive Director of the California Coastal Commission and the city manager of Imperial Beach in lieu of providing sand to replace the sand a beach area that would be lost due to the impacts of any proposed protective structure.

The subject site is not located near an area that would require shoreline protection. As such, the proposed project does not necessitate the construction of a shoreline protection device and would not have an impact on the sand in any beach area. Therefore, a mitigation fee is not required for the project.

6. This project complies with the California Environmental Quality Act.

This project is categorically exempted from the requirements of the California Environmental Quality Act (CEQA) as a Class 32 project pursuant to CEQA Guidelines Section 15332 (In-Fill Development). The City has prepared a Categorical Exemption per the CEQA requirements for this project and the Notice of Exemption will be filed with the County Clerk in compliance with CEQA.

7. Public Notice requirements, pursuant to Zoning Ordinance Section 19.87.090, of the Coastal Development Project have been satisfied.

The project description and the date of the City Council public hearing were sent to property owners within 300 feet and occupants within 100 feet of the subject site on August 3, 2023, and a public hearing notice was published in the South County Eagle & Times newspaper on April 3, 2023.

DESIGN REVIEW/SITE PLAN REVIEW (IBMC § 19.81.060):

8. The proposed use does not have any detrimental effect upon the general health, safety and convenience of persons residing or working in the neighborhood or is not detrimental or injurious to the value of the property and improvements in the neighborhood.

The proposed mixed-use project that includes an 777 sq. ft. commercial space, twelve residential units (inclusive of two very low-income affordable units) and a six-car parking garage in the C/MU-1 (General Commercial and Mixed Use) Zone will not be detrimental to the health, safety or convenience of persons residing or working in the neighborhood, or detrimental or injurious to the property and improvements in the neighborhood because it is consistent with the development standards and zoning designation of the site as well as provides improvements to the project site. Specific conditions have been set forth by the Community Development Department, Public Works Department, Building Department, and Public Safety Department to mitigate public safety and welfare concerns such a development project may raise in the Conditions of Approval.

9. The proposed use does not adversely affect the General Plan or the Local Coastal Plan.

The General Plan/Local Coastal Plan designates the site as C/MU-1 (General Commercial & Mixed Use) Zone. The purpose of the C/MU-1 (General Commercial and Mixed Use) 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. The proposed vertical mixed-use project does not adversely affect the General Plan or the Local Coastal Plan because it would provide commercial and residential uses in an area allowing for the construction of vertical mixed-use buildings. The use is similar to other uses in the vicinity, and it will provide a new mixed-use establishment that would generate income and additional housing in the community. In addition, the project would encourage pedestrian activity through the design and location and alternative methods of transportation reducing

the demand for vehicle uses. Therefore, the proposed project meets the purpose and intent of the General Plan and Local Coastal Plan.

10. The proposed use is compatible with other existing and proposed uses in the neighborhood.

The proposed mixed-use project that includes a 777 sq. ft. commercial space, ten residential units (inclusive of two very low-income affordable units), and a six-car parking garage is compatible in use with established uses in the neighborhood which consist of a mix of commercial businesses, retail shops, and offices. The subject site is in the C/MU-1 (General Commercial and Mixed Use) Zone, which provides uses similar in character and scale.

11. The location, site layout and design of the proposed use orients the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.

The vertical mixed-use building would front Calla Avenue with the front of the building including a ground floor commercial space measuring approximately 777 square feet and twelve residential units (inclusive of two very low-income affordable units). The rear of the building includes a six-car parking garage. The alley adjacent to the southern property line would be used for vehicle ingress and egress. Pedestrian access to the off-street parking area is accessed from Calla Avenue via a concrete walkway located on the northeast corner of the property. The concrete walkway also serves as an entrance to guide pedestrians to two stairways that would lead to the residential units on the upper floors. The project is harmonious with other uses and structures, which include residential and commercial buildings in the neighborhood, because it proposes a commercial use where nearby properties are comprised of residential and commercial buildings.

12. The combination and relationship of one proposed use to another on the site is properly integrated.

The project proposes residential and commercial uses that are properly integrated. The cohesive design style and the choice of building materials properly integrate the buildings.

13. Access to and parking for the proposed use does not create any undue traffic problem.

Vehicular ingress and egress would be provided off the alley adjacent to the southern property line. The vertical mixed-use building that includes a 777 square foot ground floor commercial space provides direct pedestrian access from the sidewalk fronting Calla Avenue to the business entrance. Access to the residential units in the mixed-use building is provided from two staircases that provides access from the eastern elevation of the vertical mixed-use building. The staircase entrances are oriented towards the east but are accessible from a common pedestrian walkway that may be accessed from Calla Avenue or the alley. The parking provided is a mix of open and covered parking spaces. An ADA accessible parking space is provided for the commercial building and a mix of five open parking spaces and covered spaces are provided for the residential units.

Additionally, transportation demand management strategies are provided to reduce vehicular use; the strategies include bicycle parking, a kiosk for transit and rideshare information, a bicycle repair station, and monthly subsidized transit passes for MTS (50% subsidy of the cost of the MTS regional pass per dwelling unit), to requesting residents within the development for 10 years of the project after the certificate of occupancy is issued. The owner will notify each new resident of the availability of this benefit and can provide proof of participation if requested. Implementing these transportation demand

strategies should encourage the use of alternate methods of transportation, including bicycles, walking, ride-hailing, and public transportation.

Access and ingress and egress for the project should not create undue traffic problems because the project would comply with the standards set forth in the Municipal Code and would access off of the alley.

14. All other applicable provisions of the Zoning Code are complied with.

The project proposes the construction of a new vertical mixed-use project with approximately 777 square feet of commercial space and twelve (12) residential units at 981 & 983 Calla Avenue in the C/MU-1 (General Commercial and Mixed Use) Zone, where commercial and residential mixed-use buildings are typical. The project design meets the underlying zoning requirements of the C/MU-1 (General Commercial and Mixed Use) Zone, and the minimum requirements set forth in the Zoning Ordinance will be met. Therefore, the project is consistent with the Zoning Code standards for the site.

15. Any other considerations as the Community Development Department deem necessary to preserve the health, safety and convenience of the City in general.

Standard and applicable conditions of approval have been included with the Resolution to further ensure that the health, safety, welfare, and convenience of the City in general are preserved.

16. Public Notice requirements, pursuant to Zoning Ordinance Section 19.81.050, have been satisfied.

The project description and the date of the City Council public hearing were sent to property owners within 300 feet and occupants within 100 feet of the subject site on August 3, 2023, and a public hearing notice was published in the South County Eagle & Times newspaper on April 3, 2023.

17. All requirements of the California Environmental Quality Act (CEQA) have been fulfilled.

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article 19 Sections 15332 (In-Fill Development Projects). The City has prepared a Categorical Exemption per the CEQA requirements for this project and the Notice of Exemption will be filed with the County Clerk in compliance with CEQA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that the above-listed findings and recitals are true and correct and are incorporated by reference; and

BE IT FURTHER RESOLVED by the City Council of the City of Imperial Beach that Regular Coastal Permit (CP-22-0016), Design Review Case (DRC-22-22-0030), Site Plan Review (SPR-22-0031), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-Fill Development) to demolish the existing structures and construct a new vertical mixed-use building with ground floor commercial and twelve residential units (inclusive of two very low-income units) at 981 & 983 Calla Avenue (APN 626-221-24-00) are hereby approved subject to the following:

CONDITIONS OF APPROVAL:

1. **Approval** of Regular Coastal Permit (CP-22-0016), Design Review Case (DRC-22-0030), Site Plan Review (SPR-22-0031), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-Fill Development) is valid for one year from the effective date following final action by the City Council (10 working days following final action) and shall

expire at the end of business on August 26, 2024, unless vested with substantial construction pursuant to an approved building permit. Approvals of the Regular Coastal Permit (CP-22-0016), Design Review Case (DRC-22-22-0030), Site Plan Review (SPR-22-0031), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-Fill Development) shall run coterminous.

2. The site shall be developed in substantial compliance with the plans dated August 2, 2023 and Stormwater Management Plan on file at the Community Development Department, or as otherwise amended and approved, and the conditions contained herein.
3. A property manager or equivalent representative must ensure maintenance of the property and all operations, and publicly facing signage shall be placed on the building noting the relevant contact information for property management. Management must be available to respond to any issues related to operation of the building and any use thereof. If a manager is needed and not available, future events may not be allowed.
4. 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.
5. Lighting shall not have a negative effect on the existing neighborhood and a lighting plan shall be submitted and approved by the City prior to installation. All lighting shall be situated and adjusted to shine only on the subject property, or upon authorized pedestrian areas to enhance walkability. If the property receives perceptible complaints related to lighting, the applicant shall investigate said complaint and mitigate any issues (adjustment, shades, removal of light, etc.) to the reasonable satisfaction of the City. Complaints which are unreasonable in nature, as determined by the City, or which demand unreasonable changes to the lighting plan previously approved by the City, will only be addressed if the applicant and City mutually agree to address them.
6. Hours of operation and use for outdoor patio and roof deck areas are subject to separate authorization by the City, dependent on the tenant and operational use of the spaces. Hours and operation in the outdoor areas will be subject to review and modification by the Community Development Department and Public Safety Department, as necessary. Special events, live entertainment, or similar uses must obtain separate authorizations. City approvals and authorizations 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. Any and all live entertainment is subject to separate permitting and unique conditions of approval.
7. It is recommended that any business participating in the sale of alcoholic beverages must participate in the Responsible Retailer Program. As part of the Responsible Retailer Program, the establishment shall: (1) Know and comply with the law; (2) Have written policies to prevent sales to underage and intoxicated persons; (3) Train employees in responsible sales and service to include attending LEAD (Licensee Education on Alcohol and Drugs) classes or RBSS (Responsible Beverage Sales and Service) Training (or equivalent); (4) Actively participate in your establishment inspections by Sheriff's and Alcoholic Beverage Control (ABC) personnel; (5) Support alcohol policies and ensure they are put into practice.
8. Noise from the building and outdoor areas (i.e. TV speakers, speakers, low frequency vibrations, amplification, events, or otherwise) should be minimized to the maximum extent practicable, should not reasonably impact the neighborhood, and is subject to separate authorization by the City. All speakers and other amplification shall be directed away from

any residential use. If any noise complaints are received for uses at the property, the applicant shall investigate said complaint and mitigate any issues to the reasonable 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. City approvals and authorizations 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. Any and all live entertainment is subject to separate permitting and unique conditions of approval.

9. Outdoor patio and dining area shall never exceed Fire Department assessed occupancy.
10. Transportation demand management strategies shall be provided and permanently maintained by the applicant and/or property owner to encourage multiple methods of transportation, including the following: bicycle parking, a kiosk for transit and rideshare information, a bicycle repair station, and monthly subsidized transit passes for MTS (50% subsidy of the cost of the MTS regional pass per dwelling unit), to requesting residents within the development for 10 years of the project after the certificate of occupancy is issued. The owner will notify each new resident of the availability of this benefit and can provide proof of participation if requested. The transportation demand management strategies shall be revisited and revised at the expense of the property owner if determined reasonably necessary by the City.
11. If reasonable necessity warrants, the conditions of this permit may be reviewed by the Community Development Director, who will suggest proposed revisions with a reasonable cure period dependent on the necessary modifications. The applicant may appeal any decisions by the Community Development Director to the City Manager, who will have final administrative decision-making authority.
12. Per Imperial Beach Municipal Code Section 19.52.050, signage shall not exceed one square foot of signage per one lineal foot of wall face.
13. All building/structural materials shall be kept in a sound and clean condition, subject to reasonable wear and tear and weathering.
14. The owner and/or owner's designee shall assess the existing street lighting and must assess the feasibility of adding additional lighting to the adjacent right of ways to promote safety and enhance the pedestrian corridor.
15. All proposed/potential projections, mechanical or otherwise, where feasible must be below the maximum allowable building height and must be adequately screened.
16. The exterior materials of the trash enclosure must be consistent with the primary building materials.
17. Screening shall be provided around the open patio area to mitigate any potential noise impacts.
18. All utilities shall be undergrounded.
19. The owner and/or owner's designee shall make the necessary arrangements with each of the public utility companies for the installation of underground facilities and the relocation of existing facilities in conformance with IBMC 13.08.040.
20. Approval of this request shall not waive compliance with any portion of the Building Code and Municipal Code in effect at the time building permits are issued for the proposed development.
21. All fencing must be in conformance with IBMC Chapter 19.46 Fences.

22. Height must be measured per IBMC Section 19.04.400.
23. This project consists of covered multifamily dwellings. Demonstrate how the project will comply with the accessibility provisions of Chapter 11A of the California Building Code.
24. The commercial portion of this building will need to demonstrate compliance with Chapter 11B of the California Building Code.
25. Obtain all required building permits (Building, Plumbing, Mechanical, Electrical, Grading etc.) for this project. All construction shall comply with the adopted 2022 California Building Standards Codes; Residential, Building, Electrical, Mechanical, Plumbing, Energy, Fire, Green Building, Historic Building, Existing Building, as amended by City Ordinance 2022-1219 and other applicable Municipal Codes in effect at the time of plan submittal for building permits.
26. Prior to Foundation Inspection a survey of the property shall be conducted from a California Licensed Surveyor or Engineer and survey pins shall be in placed to identify the corners.
27. A setback and pad elevation certification prepared by the responsible licensed Land Surveyor or Engineer shall be submitted to the City Building Inspector prior to inspection or approval of the foundation.
28. All projects greater than or equal to twenty-five thousand dollars (\$25,000), or which involve the construction and/or demolition of two-hundred-fifty (250) square feet or more of floor space shall comply with Imperial Beach Municipal Code Chapter 8.38. A completed Waste Management Plan shall be submitted with the building permit application.
29. Any development of property other than single-family residence(s) or duplex(es) with a valuation in excess of fifty thousand dollars (\$50,000) will be required to underground all utility services on-site, adjacent thereto and those which traverse the site. IBMC 13.08.
30. Plans deviating from conventional wood frame construction shall have the structural portions signed and sealed by the California state licensed engineer or architect responsible for their preparation, along with structural calculations. (California Business and Professions Code).
31. No work for which a building permit is required shall be performed within the hours of 7:00 P.M. - 7:00 A.M. Monday - Friday, nor prior to 8:00 A.M. or after 5:00 P.M. on Saturday nor anytime on Sundays. A sign shall be posted at a conspicuous location near the main entry to the site, prominently displaying these hour restrictions.
32. A soils report must be provided with the building permit application. The report shall include foundation design recommendations based on the engineer's findings and shall comply with Section R401.4.

Should the soils engineer recommend that he/she review the foundation excavations, provide a note on the foundation plan that "Prior to the contractor requesting a Building Department foundation inspection, the soils engineer shall advise the building official in writing that:

- a. The building pad was prepared in accordance with the soils report,
- b. The utility trenches have been properly backfilled and compacted, and
- c. The foundation excavations, the soils expansive characteristics and bearing capacity conform to the soils report."

A letter will need to be provided from the soils engineer confirming that the foundation plan, grading plan and specifications have been reviewed and that it has been determined that the recommendations in the soils report are properly incorporated into the construction documents (when required by the soil report).

33. This project will be required to provide an energy design detailing compliance with the Mandatory Measures and either the Performance or Prescriptive methods of compliance.
34. The mandatory Green Building requirements for residential construction must be included on your plans. Green Building Standards are applicable to newly constructed residential buildings and additions / alterations that increase the building's conditioned area, volume or size. California Green Building Standards Residential Mandatory Measures checklist plan sheets are available from the following website:
<https://aiacalifornia.org/calgreen-checklists/>
35. Please contact Matthew Schuler and California American Water District; 619-446-5713 or Matthew.Schuler@amwater.com, to confirm the water meter requirements for this project.
36. Please contact the San Diego Gas & Electric Project Planning Team (Metro Service Order Team) at 619-230-7800 to confirm that the proposed service locations detailed on your site plan are in compliance with their service standards.
37. There are overhead SDGE high-voltage electrical distribution lines within close proximity to your project. Please specify on the plans that all structures will meet the minimum separation requirements detailed in the SDGE Service and Standards Guide – Service Drop Conductor Clearances (SG 107.11).
38. Clarify whether the proposed parking area provides parking for both the commercial and residential areas of the proposed project.
39. The ground-floor dwelling unit shall be adaptable and on an accessible route.
40. The residential portion of the project shall comply with the accessibility provisions of Chapter 11A of the California Building Code.
41. The commercial portion of the project shall comply with the accessibility provisions of Chapter 11B of the California Building Code.
42. At the time of submittal for a building permit, ensure that all project information is included on the Title Sheet; including but not limited to the allowable building area and building height calculations, number of stories, occupant load, and the basis used for the separation of occupancies per Section 508 of the California Building Code.
43. Fire-flow demand report required. The proposed project exceeds the square footage of the previous / existing structure. The applicant shall obtain a fire-flow demand report from water purveyor California American Water indicating that the existing water supply infrastructure can meet the demand required by the new structure(s). The nearest fire hydrant is located at the intersection of CALLA AVE AND 10TH STREET.

REQUIRED MINIMUM FIRE-FLOW DEMAND:

3250 GPM for 180 Minutes

California American Water
1025 Palm Avenue
Imperial Beach, CA 91932

Once the report has been obtained from California American Water please provide (1) copy to the Imperial Beach Fire -Rescue Department for review and (1) copy to the Imperial Beach Planning Department for retention.

44. Automatic fire sprinkler system shall be designed for compliance with NFPA 13. Automatic fire alarm system (waterflow activation) shall be designed for compliance with NFPA 72.
45. Specify the location of the proposed sewer lateral.
46. If an existing sewer lateral servicing the site will not be utilized and is to be abandoned, it shall be abandoned per the Greenbook standards or other approved building standards. Include the abandonment procedures on the building plans for City approval.
47. (If applicable) For new commercial units using existing sewer lateral, the applicant is required to demonstrate that the sewer lateral conforms to all City standards, specifications and codes. In order to determine the existing condition of the lateral, the applicant must provide an in-line closed-circuit video (CCTV) inspection of the lateral from the building to the City's sewer main. Any damaged sections of pipe found during the video inspection must be repaired before approval of the lateral for use.
48. (If Applicable) New sewer connection to the main line shall be coordinated with the City of Imperial Beach Public Works Department.
49. Prior to approval of these plans the sewer lateral locations shall be drawn on the plans and submitted to the City for review and approval. If applicable, new buildings cannot be constructed on top of existing sewer lateral, rerouting is required.
50. Multifamily dwellings are to have a separate sewer lateral for each detached unit with separate water meters. Applicants may request during the plan check to connect each building sewer to a common sewer system extension that leads to the public sewer system provided that the sewer system extension is adequately sized and an agreement is in place between the adjoining units.
51. Sewer laterals shall be installed per Regional Standards SS-01 through SS-04, SP-01 through SP-03 & SC-01. Upon completion, the applicant shall contact the Public Works Department for an inspection of the tie to the Main by calling the Public Works Inspector at (619) 551-8005.
52. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order R9-2013-0001.
53. Building foundation elevations shall be at least one (1) foot above gutter line to minimize flooding during storm conditions.
54. The owner of private property adjoining the public right-of-way shall be responsible to maintain the proposed bio retention landscaping in the area between the parkway and private property line for the entire frontage of the property. Such maintenance shall include watering and clearing of weeds.
55. Proposed driveway approaches shall be constructed in a manner so as to:
 - a. Maintain existing stormwater runoff flows:
 - b. Avoid the flow of stormwater across the new driveway (or associated sidewalk); and
 - c. Include the installation of an expansion joint between the paved surface on the private property and the paved surface of the public right-of-way.

56. Existing driveway approaches on Calla Ave. adjacent to the property shall be removed and reconstructed in compliance with San Diego Regional Standard Drawing G-2 (Curb & Gutter- Combined).
57. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 (Concrete Curb, Gutter, Sidewalk & Pavement Removal and Replacement) in that, the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5-feet. Where the distance from "Area to be removed", to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.
58. Along the public right-of-way, the applicant shall eliminate any existing tripping hazards caused by the condition of the existing public sidewalk along the property frontage. The remedial work required herein shall be performed to the satisfaction of the Public Works Inspector.
59. All existing sidewalk abutting the property on Seacoast Dr. & Donax Ave. that does not conform to current ADA standards shall be reconstructed and replaced per SDRSD G-7, with sidewalk joint locations per SDRSD G-9 and concrete joint details per SDRSD G-10.
60. Where existing right-of-way pavement is to be removed, a clean, neat line shall be saw-cut at the edge of existing pavement where the new replacement pavement to be installed. A minimum twelve (12) inch cut shall be provided between a new driveway, curb or other concrete work that meets with asphalt. This will give a clean, compactable area to transition from new concrete to existing road surface. All driveways or sidewalks shall be poured as soon as possible after disturbance of existing pavement to prevent erosion of pavement integrity. Any damaged pavement shall be repaired with like material to the satisfaction of the Public Works Inspector. Existing street widths shall not be narrowed as a result of apron placement.

All trench resurfacing shall be performed in accordance with the standards shown below and shall be subject to inspection by the City's Public Work Inspector. The permittee shall be responsible for calling for an inspection at (619) 423-8311. Trenches and improvements in streets shall conform to regional standards as follows:

- a. Trenches wider than six (6) inches: Use Regional Standard G-24A type C & G-24B. The base shall be compacted with twelve (12) inch maximum lifts to 95% modified proctor and test reports.
- b. Trenches six (6) inches or less: Use regional standard G-33 Type B. Call for an inspection prior to the Asphalt repair at (619) 551-8005.
- c. Traffic Control plans shall be followed per approved plans and adjusted by the contractor for changing conditions.
- d. Trench plates used for a SDG&E gas connection (which can take several weeks), or on downhill road sections, need to be ground down so plates are flush with roadway. All plates are to be slip resistant. All open trenches in roadway shall be plated and secured at the end of the work day. All other open trenches shall be plated or covered in heavy plywood.
- e. Where a curb exists, the applicant shall bore under curb or saw cut a minimum of the width of the asphalt patch and replace with same construction.
- f. No trench shall be opened in any street for the purpose of laying pipes, conduits or ducts except when the prior written consent of the Director of Public Works has been obtained. Construction shall include restoration of all speed controls (bumps

or humps) and all striping and/or any signage that may be disturbed as the result of project implementation. Restoration of disturbed speed humps shall include a double coat of speed hump paint with glass crystals. No open trench shall be allowed across any street or within 10 ft. of any travel way.

61. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Inspector a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
62. The applicant shall be responsible for informing the public of the traffic conditions existing within the construction area at all times by placement of appropriate warning and advisory signs. The applicant shall also provide and maintain all traffic control and safety items. Barricades and any other delineation in the right of way shall be required and maintained by applicant for the duration of the right of way improvements. Applicant assumes sole and complete responsibility for the job and site conditions during the course of construction, including safety of all persons and property. This requirement shall apply continuously twenty-four (24) hours per day and shall not be limited to normal work hours.
63. For any project that proposes work within the public right-of-way (i.e., driveway removal/construction, sidewalk removal/construction, street or alley demolition/reconstruction, sewer lateral trenching and installation, landscaping and irrigation, fences, walls within the public right-of-way, etc.), a Temporary Encroachment Permit (TEP) shall be applied for and approved either prior to or concurrent with issuance of the building permit required for the project. Application for a Temporary Encroachment Permit shall be made on forms available at the Community Development Department.
64. Permittee shall schedule inspections with the Public Works Department (619) 423-8311 at least 24 hours prior to need as follows:
 - a. Sidewalk, Driveway, Curb and Gutter and other Concrete Work Pre-pour and Final
 - b. Street Excavation T-Cut and Final
 - c. Sewer Lateral Capping during Demolition and New Lateral Connection to Main
 - d. All Other Encroachment Activity Final
65. All alley, driveway, sidewalk, or curb & gutter construction within the City right-of-way shall require either a "CLASS A" or "C-8" Contractor's license. All sewer lateral installations and trenching work within the City right-of-way shall require a "CLASS A" Contractor's license.
66. Any disposal/transportation of solid/construction waste in roll off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.
67. The parcel impervious surfaces are not to increase beyond that proposed in the project review drawings. This will be as a post-construction condition in order to maximize the water runoff infiltration area on the parcel in compliance with Municipal Storm Water Permit – Order R9-2013-0001.
68. Install/set property survey monuments at all property corners. Prepare either a Record of Survey or Corner Record, whichever is applicable pursuant to the requirements of the State Land Surveyor's Act. Said Record of Survey or Corner Record shall be recorded in the office of the San Diego County Recorder. Provide the City with a recorded copy.
69. Applicant required to provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation

requirement, and / or Conditional Use Permit. Agreement is provided through the Community Development Department.

70. Property owner must institute “Best Management Practices” to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant BMP practices shall include but are not limited to:
- a. Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
 - b. All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - c. Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches, storm drain pipes).
 - d. All wastewater resulting from cleaning construction tools and equipment must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
 - e. Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with plastic-like material (or equivalent product) to prevent sediment removal into the storm drain system. See CASQA's (California Stormwater Quality Association) Construction Best Management Practices Handbook for other alternative erosion and sediment control BMPs.
71. Two days prior to any excavation, “Dig-Alert” (800) 227-2600 shall be notified to locate all known underground utilities.
72. Applicant must underground all utilities in accordance with I.B.M.C. 13.08.060.C as noted below, applicability to new structures:
- a. For any development which requires a building permit but is of a valuation of fifty thousand dollars or less, the applicant will be required either to underground the utilities or to sign a deferral agreement pertaining thereto.
 - b. For any development of single-family residence(s) or duplex(es) which exceeds a valuation of fifty thousand dollars, the applicant will be required to sign a deferral agreement with, and pay a recording fee to, the City.
 - c. Any development of property other than as described in subsection A or B of this section in excess of fifty thousand dollars valuation will be required to underground all utility services on-site, adjacent thereto and those which traverse the site.”
73. Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees and costs incurred by the City and any claim for private attorney general fees and costs claimed by or awarded to any party against the City or its agents officers or employees against the City or its agents, officers, or employees, relating to the approval of the project (USE-22-0100) including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision (including the Regular Coastal Permit (CP-22-0016), , Design Review Case (DRC-22-22-0030), Site Plan Review (SPR-22-0031), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-Fill Development), including any

claims for violation of the Public Records Act or discovery law arising from and with respect to litigation involving these approvals (collectively "Development Approvals"). The City will promptly notify applicant of any claim, action or proceeding concerning the Development Approvals. ("Notification of Claim"). The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of such election applicant shall pay all of the costs related thereto including without limitation attorney's fees and costs incurred by the City. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter.

74. The Developer or Developer's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return the signed Affidavit accepting said conditions.
75. The Developer shall pay off any deficits in his project account (22-0100-DEP) prior to building permit issuance and prior to final inspection.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 16th day of August 2023, by the following vote:

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

PALOMA AGUIRRE, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK