

RESOLUTION NO. 2024-080

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A TIME EXTENSION FOR REGULAR COASTAL PERMIT (CP-22-0013), DESIGN REVIEW CASE (DRC-22-0025), SITE PLAN REVIEW (SPR-22-0026), CONDITIONAL USE PERMIT (CUP-22-0013), AND A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES 15332 (IN-FILL DEVELOPMENT PROJECTS) FOR THE CONSTRUCTION OF A NEW 50 UNIT AFFORDABLE SENIOR HOUSING AND NEIGHBORHOOD CENTER PROJECT AT 455 PALM AVENUE (APN 625-230-23-00) USE-22-0095.

DEVELOPER: WAKELAND HOUSING AND DEVELOPMENT CO.

WHEREAS, on November 6, 2024 the City Council of the City of Imperial Beach held a public meeting to consider the merits of approving or denying a two-year time extension with the provision that the Executive Director as identified in the Affordable Housing Agreement (3598) or designee would be able to provide additional time extensions as necessary should there be evidence showing that the Developer has taken substantial actions in reliance on the Design Review and Site Plan review approvals for the previously approved application per Resolution 2022-98 for a Regular Coastal Permit (CP-22-0013), Conditional Use Permit (CUP-22-0013), Design Review Case (DRC-22-0025), Site Plan Review (SPR-22-0026), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-fill Development) proposing to demolish the existing buildings and construct a new 50-unit affordable senior housing and neighborhood center project at 455 Palm Ave (APN 625-230-23-00) in the R-1500 (High Density Residential) Zone and R-1-6000 (Single Family Residential) Zone; and

WHEREAS, on November 16, 2022, the City Council of the City of Imperial Beach adopted Resolution 2022-98 approving an application for Regular Coastal Permit (CP-22-0013), Conditional Use Permit (CUP-22-0013), Design Review Case (DRC-22-0025), Site Plan Review (SPR-22-0026), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-fill Development) proposing to demolish the existing buildings and construct a new 50-unit affordable senior housing and neighborhood center project at 455 Palm Ave (APN 625-230-23-00) in the R-1500 (High Density Residential) Zone and R-1-6000 (Single Family Residential) Zone; and

WHEREAS, on November 1, 2023, the City Council of the City of Imperial Beach adopted Resolution 2023-04 approving a six-month time extension for a Regular Coastal Permit (CP-22-0013), Conditional Use Permit (CUP-22-0013), Design Review Case (DRC-22-0025), Site Plan Review (SPR-22-0026), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-fill Development) proposing to demolish the existing buildings and construct a new 50-unit affordable senior housing and neighborhood center project at 455 Palm Ave (APN 625-230-23-00) in the R-1500 (High Density Residential) Zone and R-1-6000 (Single Family Residential) Zone; and

WHEREAS, on August 7, 2024, the City Council of the City of Imperial Beach adopted Resolution 2024-058 approving a six-month time extension for a previously approved application for a Regular Coastal Permit (CP-22-0013), Conditional Use Permit (CUP-22-0013), Design Review Case (DRC-22-0025), Site Plan Review (SPR-22-0026), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-fill Development) proposing to demolish the existing buildings and construct a new 50-unit affordable senior housing and neighborhood center project at 455 Palm Ave (APN 625-230-23-00) in the R-1500 (High Density Residential) Zone and R-1-6000 (Single Family Residential) Zone; and

WHEREAS, since the project (USE-22-0095) was approved pursuant to Resolution No. 2022-98, the Developer has taken the following actions in reliance on the Design Review and Site Plan review approvals: (1) preparing an Affordable Housing Agreement between the Imperial Beach Housing Authority and Wakeland IBNCA LP committing to finance, develop, and operate the Development all as described in the proposed Agreement and its Attachments (which includes a commitment from the City via a City Fees Deferral and a Low and Moderate Income Housing Assistance Fund Loan from the Imperial Beach Housing Authority on the terms and conditions set forth in the proposed Agreement (“LMIHAF Loan”)); and (2) obtaining various other funding sources to finance the Project. Facilitating an affordable housing development using the financial incentive of a loan and providing the provision to allow for future time extensions through the review and approval by the Executive Director as identified within the Affordable Housing Agreement or appointed designee would allow the City to provide a regulatory incentive which is consistent with Housing Element Goal 1 Policy 1.2. Such actions as those listed as undertaken in reliance on the Design Review and Site Plan review approvals and financing for Affordable Housing development projects have taken/take substantial time and are not entirely within control of the Developer. All original applicable conditions of approval for the development pursuant to Resolution No. 2022-98 are still in force and effect and no change in circumstances has occurred which would cause the originally approved permits to be in substantial conflict with the current development regulations; and,

WHEREAS, the project design was previously found to be compatible with the community and consistent with Policy D-8 (Project Design) of the Design Element of the General Plan; and,

WHEREAS, the City Council previously found that the project is in compliance with the Land Use and Housing Elements of the General Plan; and,

WHEREAS, the City Council previously found 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 applicant states that the project has been delayed due to unforeseeable circumstances; and

WHEREAS, the City Council held a public hearing and received and considered public comments and a staff report on the proposed time extensions, Agreement, and the proposed City Fees Deferral.

WHEREAS, the City Council finds that there is sufficient cause to grant a time extension for this project and there have been no changes to the zoning code or change in circumstances where the previously approved permits, conditions, and site plan would conflict with development regulations; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. That the City Council finds that the foregoing recitals are true and correct and are incorporated herein by this reference as a substantive part of this Resolution.
2. The City Council has received and heard all oral and written objections (if any) to the proposed permits extension and to other matters pertaining to this

transaction, and that all such oral and written objections (if any) are hereby overruled.

3. That a two (2) year time extension for Regular Coastal Permit (CP-22-0013), Conditional Use Permit (CUP-22-0013), Design Review Case (DRC-22-0025), Site Plan Review (SPR-22-0026), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-Fill Development Projects) (collectively referred to as "Permits") is approved for the demolition of the existing structures and the construction of a new 50-unit affordable senior housing and neighborhood center project at 455 Palm Avenue (APN 625-230-23-00) in the R-1500 (High Density Residential) Zone and R-1-6000 (Single Family Residential) Zone and is valid for two years 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 December 6, 2026** unless the Executive Director as identified in the Affordable Housing Agreement (3598) or designee provides an additional time extension on the condition that there is sufficient evidence showing that the Developer has taken substantial actions in reliance on the Design Review and Site Plan review approvals for the previously approved application per Resolution 2022-98 and/or if the project is vested with substantial construction pursuant to an approved building permit. Approvals of the Regular Coastal Permit (CP-22-0013), Conditional Use Permit (CUP-22-0013), Design Review Case (DRC-22-0025), Site Plan Review (SPR-22-0026), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-fill Development) shall run coterminous.
4. Should the Developer obtain any additional City entitlements for the project, the approvals of the Regular Coastal Permit (CP-22-0013), Conditional Use Permit (CUP-22-0013), Design Review Case (DRC-22-0025), Site Plan Review (SPR-22-0026), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-fill Development) shall run coterminous with the new entitlement.
5. The City Council authorizes and directs the City Manager, or designee, of the City to execute such other documents and take such other actions as are necessary or desirable and appropriate to carry out and implement the purposes of this Resolution including but not limited to granting additional time extensions as discussed under Section 3 above to effectuate the intent of this Resolution on behalf of the City.
6. That Applicant must comply with all state, federal and local laws with respect to residency requirements.
7. The Applicant shall comply with the tenant selection procedures in the Affordable Housing Agreement.
8. That Applicant's obligation in condition #80 in Resolution No. 2022-98 to indemnify, defend, and hold harmless the City for Development Approvals applies to this time extension for the Permits.
9. All conditions of approval for the Permits contained in Resolution No. 2022-98 continue to apply.
10. **Appeal Process under the California Code of Civil Procedure (CCP):** The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 6th day of November 2024, by the following vote:

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

PALOMA AGUIRRE, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK