

RESOLUTION NO. 2024-076

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR-22-0034), DESIGN REVIEW CASE (DRC-22-0033), AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15332 CLASS 32 (IN-FILL DEVELOPMENT PROJECTS) TO DEMOLISH THE EXISTING SINGLE-FAMILY HOME AND CONSTRUCT ONE NEW THREE-STORY FOUR-PLEX RESIDENTIAL TOWNHOME BUILDING, WITH A TWO-CAR GARAGE PROVIDED FOR EACH DWELLING UNIT AT 745 13TH STREET (APN 627-011-05-00) SUBJECT TO SPECIFIED CONDITIONS OF APPROVAL. USE-22-0119/MF 1493.

APPLICANT: TIM P JONES

WHEREAS, on November 6, 2024, 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 Site Plan Review (SPR-22-0034), Design Review Case (DRC-22-0033) and Categorical Exemption pursuant to CEQA guidelines section 15332 Class 32 (In-fill Development) to demolish an existing single-family home and construct one new three-story four-plex residential townhome building, with a two-car garage provided for each dwelling unit at 745 13th Street (APN 627-011-05-00) in the C/MU-1 (General Commercial and Mixed Use) Zone on the Zoning Map; and

WHEREAS, on April 18, 2024, the Design Review Board recommended design revisions and requested further consideration at a future Design Review Board Meeting with a vote of 4 (AYES) – 0 (NOES) – 1 (DISQUALIFIED) (one member recused from participating on the item due to conflict of interest); and

WHEREAS, on September 19, 2024, the Design Review Board recommended approval of the project's design with a vote of 3-0 (two members were absent); and

WHEREAS, the project is demolishing an existing single-family home and construct one new three-story four-plex residential townhome building, with a two-car garage provided for each dwelling unit is compatible in use with other developments in the vicinity and is 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 and Housing Elements 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 Class 32 (In-Fill Development Projects); and

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

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

- 1. 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 three-story four-plex residential townhome building, with a two-car garage provided for each dwelling unit 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.

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

The proposed use will not adversely affect the General Plan or Local Coastal Plan because the C/MU-1 (General Commercial and Mixed Use) Zone provides for the allowance exclusively residential developments. In the C/MU-1 (General Commercial and Mixed Use) Zone, residential dwelling units may be permitted at a maximum density of one unit per every one thousand gross square feet of lot area, except that exclusively residential developments are required to comply with the development standards of the R-1500 (High Density Residential) Zoning District. The proposed use provides one new three-story four-plex residential townhome building, with a two-car garage provided for each dwelling unit. The use is similar to other uses in the vicinity, and it will provide additional housing in the community. Therefore, the proposed project meets the purpose and intent of the General Plan and Local Coastal Plan.

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

The proposed three-story four-plex residential townhome building, with a two-car garage provided for each dwelling unit is compatible in use with established uses in the neighborhood which consist of a mix of commercial businesses and single and multi-family residential buildings. The subject site is in the C/MU-1 (General Commercial and Mixed Use) Zone, which provides uses similar in character and scale.

4. 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 proposed three-story four-plex residential townhome building, with a two-car garage provided for each dwelling unit would be replacing an existing single-family residence. The surrounding uses consist of a mix of other commercial businesses, residential buildings, and retail shops. The proposed building orientation provides one new three-story building fronting 13th Street. Vehicular ingress and egress to the property would be provided from the existing alley on the east side of the property. Off-street parking areas are accessed from the existing alley in the form of two-car garages provided for each dwelling unit. Pedestrian access to new residential development is accessed from 13th Street via a concrete walkway and security gate located on the northwest corner of the property. The project is harmonious with other uses and structures, which include residential and commercial buildings in the neighborhood, because it proposes a new residential building where nearby properties are comprised of residential and commercial buildings.

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

The project proposes a residential use that is properly integrated. The cohesive design style and the choice of building materials properly integrate the buildings.

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

The project site is an existing 6,997 square foot lot fronting 13th Street. The project would demolish the existing single-family residence and construct one new three-story four-plex residential townhome building, with a two-car garage provided for each dwelling unit. Vehicular ingress and egress to the property would be provided from the existing alley on the east side of the property. Projects proposing exclusively residential developments are required to comply with the development standards of the R-1500 (High Density Residential) Zone. The parking standards in the R-1500 Zone is two spaces per dwelling unit, fifty percent enclosed. The project is required to provide eight parking spaces, fifty percent enclosed. The project is proposing eight parking spaces in the form for (4) two-car garages. As such, access, vehicular ingress and egress, and the amount of proposed parking spaces for the project should not create undue traffic problems because the project complies with the off street parking requirements found in Imperial Beach Municipal Code (IBMC) Section 19.48.

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

The project complies with all other criteria set forth in the City of Imperial Beach Zoning ordinance.

8. 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 is preserved.

9. 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 October 22, 2024, and a public hearing notice was published in the Imperial Beach Eagle & Times newspaper on October 24, 2024.

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 Site Plan Review (SPR-22-0034), Design Review Case (DRC-22-0033), and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 Class 32 (In-Fill Development Projects) proposing demolish an existing single-family home and construct one new three-story four-plex residential townhome building, with a two-car garage provided for each dwelling unit at 745 13th Street (APN 627-011-05-00) in the C/MU-1 (General Commercial and Mixed Use) Zone are hereby approved subject to the following:

CONDITIONS OF APPROVAL:

1. **Approval** for Site Plan Review (SPR-22-0034), Design Review Case (DRC-22-0033), and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 Class 32 (In-Fill Development Projects) 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 November 22, 2025**, unless vested with substantial construction pursuant to an approved building permit. Approvals for Site Plan Review (SPR-22-0034), Design Review Case (DRC-22-0033), and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 Class 32 (In-Fill Development Projects) shall run coterminous.
2. The site shall be developed in substantial compliance with the plans dated October 9, 2024, on file at the Community Development Department, or as otherwise amended and approved, and the conditions contained herein.
3. Noise shall not have a negative effect on the existing neighborhood. If the property receives any noise complaints, the property owner shall investigate said complaint and mitigate any issues to meet Imperial Beach Municipal Code noise requirements (Imperial Beach Municipal Code 9.32 – Noise).
4. 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. If the property receives complaints related to lighting, the property owner shall investigate said complaint and mitigate any issues (adjustment, shades, removal of light, etc.).
5. All lighting for the project must be in conformance with IBMC Chapter 19.56 Lighting Regulations. Should neighborhood concerns or issues arise related to lighting, the owner is required to mitigate the impacts through modification, discontinuance or abatement of the lighting to the satisfaction of the City.
6. 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.
7. Any work proposed in the right of way requires issuance of a temporary encroachment permit prior to installation or approval.
8. Drought tolerant landscaping shall be provided throughout the site.
9. All landscaped areas on site and within the public right-of-way adjacent to the property shall be drought tolerant and shall be permanently irrigated and maintained by the applicant/owner in a healthy condition, free from weeds, trash, and debris.
10. A permanent irrigation system shall be installed and permanently maintained to serve all landscaped areas. The applicant/owner shall comply with all State requirements for the Model Water Efficient Landscape Ordinance.
11. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach.
12. The property owner shall read, understand, and accept the conditions listed herein and shall, within 30 days, return the signed Affidavit accepting said conditions.
13. The property owner shall pay off any deficits in his project account (USE-22-0119-DEP) prior to building permit issuance and prior to final inspection.

14. At the time of submittal for a building permit, please include the proposed occupancy types, proposed construction type, and proposed area and height calculations for this project.
15. 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.
16. 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. A setback and building height 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.
17. Provide a note on plans: "Prior to foundation approval, a setback and pad elevation certification shall be provided by a California Licensed Surveyor verifying that the proposed foundation is in conformance with the approved plans."
18. Provide a note on plans: "Prior to Foundation Inspection a survey of the property shall be conducted from a California Licensed Surveyor and survey pins shall be in placed to identify the corners".
19. 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.
20. 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
21. 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).
22. 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.
23. 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).

- 24. A grading permit will be required for this project should any of the following work take place:
 - a) Any grading within open space easements or City-owned open space;
 - b) Any grading required for the restoration of unauthorized grading;
 - c) Any grading within the 100-year floodplain;
 - d) Any grading as a condition of approval of a discretionary permit, including subdivision maps, parcel maps, conditional use permits or other discretionary approvals;
 - e) Any grading that includes any of the following:
 - i. Excavation or fill that results in a slope with a gradient of 25% or greater (four horizontal feet to one vertical foot) and for which the depth or height at any point is more than three feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope,
 - ii. Excavation or fill for which the depth or height at any point from the lowest grade to the highest grade at any time during the proposed grading is more than 18 inches measured vertically,
 - iii. Excavation or fill greater than 50 cubic yards,
 - iv. Grading for which the graded area is more than one acre. (Ord. 2016-1158 § 4; Ord. 2008-1064 § 1)
- 25. 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.
- 26. 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/>
- 27. Please contact Matthew Schuler at California American Water District; 619-446-5713 or Matthew.Schuler@amwater.com, to determine your water service requirements for this project.
- 28. 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.
- 29. This project is considered a covered multifamily structure per Chapter 11A of the California Building Code. Please ensure that it meets the accessibility provisions of this chapter.

30. Please clarify how the roof will be accessed. The location of the roof hatch is detailed on the plans, but the area below appears to be an interior hallway for one of the residential units.
31. The customer will not be able to keep the meter in the driveway. They will need to fill out a meter sizing worksheet to determine size and have a new service installed, along with a RP backflow.
32. (If Applicable) New sewer connection to the main line shall be coordinated with the Public Works Department.
33. 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.
34. 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.
35. The applicant is required to demonstrate that existing sewer laterals conform to all City standards, specifications and codes. In order to determine the existing condition of the laterals (if applicable) 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.
36. All sewer laterals shall be installed per Regional Standards SS-01 through SS-04, SP-01 through SP-03 & SC-01. Prior to sewer tap, the applicant shall contact the Public Works Department for an inspection of the tie to the Main by calling the Public Works Inspector (619) 551-8005.
37. 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.
38. 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.
39. Building foundation elevations shall be at least one (1) foot above gutter line to minimize flooding during storm conditions.
40. 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 sidewalk and private property line for the entire frontage of the property. Such maintenance shall include watering and clearing of weeds.
41. The proposed alley side driveway 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.
42. 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.
43. All existing sidewalk abutting the property along 13th St. that does not conform to current ADA standards (> 2% cross slope) 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 & G-11.
44. Existing driveway approach at property on 13th St. shall be removed and replaced per SDRSD G-3 (Monolithic Curb, Gutter & Sidewalk).
45. Along the public right-of-way, the applicant shall eliminate any existing tripping hazard 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.
46. 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.
47. All trench resurfacing shall be performed in accordance with the standards shown below and shall be subject to inspection by the City’s Public Works 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:
48. Trenches wider than six (6) inches: Use Regional Standard G-24A type C. The base shall be compacted with twelve (12) inch maximum lifts to 95% modified proctor and test reports.
- a) Trenches six (6) inches or less: Use regional standard G-33 Type B. Call for an inspection prior to the Asphalt repair at (619) 423-8311.
 - b) Traffic Control plans shall be followed per approved plans and adjusted by the contractor for changing conditions.
 - c) 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.
 - d) 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.

- e) 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.
49. 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.
50. 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.
51. 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.
52. Permittee shall schedule inspections with the Public Works Department (619) 551-8005 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
53. 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.
54. 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.
55. Ensure construction design includes adequate storage (out of the front yard setback) for 3 trash barrels (regular trash, recycled waste, green waste). An adequately sized refuse and recycling container may also be provided and/or required by the City. Any final design is subject to authorization by the City and the City's waste hauler provider, as

- determined by the City. The City has authorization to determine whether the refuse is picked up from the alley or street.
56. 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.
 57. 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.
 58. 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 Public Works Department.
 59. 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.
 60. Two days prior to any excavation, “Dig-Alert” (800) 227-2600 shall be notified to locate all known underground utilities.
 61. 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.”

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.

PROTEST PROVISION: The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

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

1. That the foregoing recitals are true and correct.
2. That Site Plan Review (SPR-22-0034), Design Review Case (DRC-22-0033) and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 Class 32 (In-Fill Development Projects) is approved for the demolition of an existing single-family home and construct one new three-story four-plex residential townhome building, with a two-car garage provided for each dwelling unit at 745 13th Street (APN 627-011-05-00), subject to the conditions set forth in this resolution.

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