

RESOLUTION NO. 2024-087

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR-23-0015), DESIGN REVIEW CASE (DRC-22-0015), AND A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES 15332 (IN-FILL DEVELOPMENT PROJECTS) FOR THE CONSTRUCTION OF A NEW 4-STORY, 46-UNIT AFFORDABLE HOUSING PROJECT WITH 48 PARKING SPACES AND 5,272 SF PARK AT 1368-1376 HOLLY AVENUE & 1368 14TH STREET (APN 633-161-14-00, 633-161-13-00, 633-161-12-00) USE-23-0066.

**DEVELOPER: 1337 HOLLY DEVELOPMENT
(referred to herein as “Developer,” “Owner,” or “Applicant”)**

WHEREAS, on December 4, 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-23-0015), Design Review Case (DRC-23-0015), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-fill Development) proposing to demolish three existing single-family residences and construct a new 4-story, 46-unit residential development comprised of a 45-unit multifamily building with 6 affordable units (3 very low income and 3 moderate income), 9 accessory dwelling units, and 30 market-rate units) plus one (1) detached accessory dwelling unit with 48 parking spaces and a 5,272 square foot park at 1368 Holly Avenue, 1376 Holly Avenue, and 1368 14th Street (APN 633-161-14-00, 633-161-13-00, 633-161-12-00) in the R-2000 (Medium Density Residential) Zone.

WHEREAS, on August 15, 2024 the Design Review Board recommended approval of the project with a 3 Ayes, 1 No, 1 member absent; and

WHEREAS, the project design 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 and Housing Elements of the General Plan; and,

WHEREAS, approvals of the entitlements are subject to the applicant and owners of the Property entering into a density bonus agreement with the City pursuant to Chapter 19.65 of the Imperial Beach Municipal Code to receive applicable development incentives due to the provision of affordable housing; 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, three of the residential units would be designated as affordable for very-low income households and three of the residential units would be designated as affordable for moderated income households subject to the applicant and owners of the Property entering into a density bonus agreement with the City pursuant to the Imperial Beach Municipal Code; 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 project proposes the construction of a new 4-story, 46-unit residential development comprised of a 45-unit multifamily building with 6 affordable units (3 very low income and 3 moderate income), 9 accessory dwelling units, and 30 market-rate units) plus one (1) detached accessory dwelling unit with 48 parking spaces and a 5,272 square foot park. The project would not have a detrimental effect on the general health, welfare, safety and convenience of persons residing or working in the neighborhood because it is consistent with the development standards and zoning designations. The development would not be injurious to the value of the property and improvements in the neighborhood because the project represents an improvement of the existing conditions and the project could improve property values and stimulate growth in the area.

2. 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 R-2000 (Medium Density Residential) Zone. The purpose of the R-2000 zone is to provide for the development of detached and attached single family and multifamily dwellings in a moderately intense residential living environment in typically one and two story dwelling units. Typical of this zone are detached and attached single family dwellings, duplexes, apartments, condominiums and townhomes. The proposed project would provide a multifamily structure providing market rate and affordable housing, meeting the intent of the land use designation.

Per IBMC Section 19.65.010, to encourage the provision of affordable housing, the City shall provide to developers who meet the requirements established by this chapter and Government Code (GC) Section 65915 (Density Bonus Law) a density bonus and the incentives identified in GC Section 65915. Additionally per IBMC Section 19.65.070, consistent with GC Section 65915, the City may not apply any development standard that will have the effect of physically precluding the construction of an affordable housing development meeting the criteria per GC Section 65915 at the densities or with the concessions or incentives permitted by GC Section 65915, and an applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development. The applicant is proposing to voluntarily provide the public benefit of a park to the community which would be dedicated to the City and to substantially conform with the underlying zoning requirements that would not preclude the construction of the project at the densities allowed per GC Section 65915. As the project is providing 15% of the residential units for very low-income households, the applicant qualifies for three incentives or concessions. There are no minimum or maximum number of waivers that may be requested by the applicant. The City Council will make the determination regarding the proposed incentives/concessions and waivers for the project. The applicant is requesting concessions and waivers on the parking, building height, building separation, floor area ratio, lot coverage, rear yard setback, and processing requirements.

The project proposes 48 parking spaces. The applicant cites California Assembly Bill 2097 (AB 2097), which exempts projects within half a mile of public transit from minimum parking requirements, to justify providing zero parking spaces. However, to accommodate the proposed 48 parking spaces, the applicant requests two concessions:

The applicant seeks approval to dedicate two on-street parking stalls as building parking. To mitigate the loss of on-street parking, the project will close three existing curb cuts

and create one new curb cut on Holly Avenue, resulting in a net gain of two on-street parking spaces.

To maximize the number of parking spaces within the parking area, the applicant requests a waiver to reduce the minimum parking space length from 19 feet to 18 feet. This reduction will allow for additional parking for residents and reduce the project's vehicular impact on the neighborhood. Typically, projects in this zoning district require 60% of the usable open space to be at grade and unenclosed. To accommodate off-street parking, the applicant seeks a waiver to provide only 48.8% of the usable open space at grade and unenclosed.

Regarding building height, the applicant proposes a four-story structure with a maximum height of 50 feet, measured from the average existing grade to the highest point, including parapets and a staircase enclosure. While the building's roof height is 40 feet, the parapets and staircase enclosure exceed this height by 2.5 feet and 10 feet, respectively. This proposed height exceeds the zoning district's limit of two stories or 26 feet. The applicant argues that the standard height limit would prevent them from achieving the density allowed by state law (GC Section 65915) and requests a waiver to allow for the additional stories and height.

The zoning district's floor area ratio (FAR) limit is 75%, and the maximum lot coverage is 50%. However, the applicant proposes an FAR of 117% and lot coverage of 62%. Additionally, the rear yard setback requirement is 10 feet, but the applicant proposes a 7-foot setback for a portion of the northern elevation. The applicant claims that these standard requirements would also hinder their ability to achieve the desired density and requests waivers for these development standards.

To make the project financially feasible, the applicant proposes nine converted accessory dwelling units (ADUs) and one detached ADU. Typically, buildings in this zoning district must be at least ten feet apart. To accommodate the detached ADU, the applicant seeks a waiver to reduce this separation requirement to six inches. Furthermore, to streamline the ADU conversion process, the applicant requests permission to construct non-habitable space within the multi-family structure and convert it into ADUs concurrently.

The project aims to provide affordable housing and a public pocket park in an under-served area, aligning with the City's General Plan, affordable housing goals and the 6th Cycle Housing Element. Therefore, the proposed residential development and park meet 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 properties to the north, east, west, and south are residential neighborhoods with a mix of single-family and multi-family residential configurations. The proposed affordable senior housing and neighborhood center development project is compatible with other uses in the neighborhood because it provides increased setbacks and stepbacks throughout the site, provides privacy fencing that also offers noise mitigation to the adjacent uses, and scales the development with the site design to be compatible with the nearby properties which are comprised of multiple-story multi-family residential structures and single-story single-family residential structures.

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 building is oriented to Holly Avenue and the surrounding uses consist of residential neighborhoods to the east, west, south, and north. The project proposes varied rooflines and architectural detailing and relief through the incorporation of building recesses. The site layout and design is harmonious with the area because it substantially conforms with the setback and stepback requirements.

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

The project proposes residential development that is properly integrated into the site design. The design style and the choice of building materials properly integrate the building with surrounding uses.

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

Vehicular ingress and egress to and from the site would be provided from Holly Avenue. Access and ingress and egress for the project should not create undue traffic problems.

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 November 22, 2024, and a public hearing notice was published in the Imperial Beach Eagle & Times newspaper on November 21, 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-23-0015), Design Review Case (DRC-23-0015), and Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects) for the demolition of three existing single-family residence and the construction of a new 4-story, 46-unit residential development comprised of a 45-unit multifamily building with 6 affordable units (3 very low income and 3 moderate income), 9 accessory dwelling units, and 30 market-rate units) plus one (1) detached accessory dwelling unit with 48 parking spaces and a 5,272 square foot park at 1368 Holly Avenue, 1376 Holly Avenue, and 1368 14th Street (APN 633-161-14-00, 633-161-13-00, 633-161-12-00) in the R-2000 (Medium Density Residential) Zone are hereby approved subject to the following:

CONDITIONS OF APPROVAL:

1. **Approval** of Site Plan Review (SPR-23-0015, Design Review Case (DRC-23-0015), 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 December 20, 2025**, unless vested with substantial construction pursuant to an approved building permit. Approvals of the, Site Plan Review (SPR-23-0015), Design Review Case (DRC-23-0015), 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 November 20, 2024, on file at the Community Development Department, or as otherwise amended and approved, and the conditions contained herein.
3. The Owner or Owner's designee is required to obtain all required permits and project approvals as required by any Municipal Codes, Building Codes, Fire Codes, Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach to the satisfaction of the City.
4. The Developer and Owner shall execute a binding density bonus agreement ("Agreement") with the City for three (3) very low income units and three moderate income units which sets forth the conditions and guidelines to be met in the implementation of the law requirements pursuant to Government Code Sections 65915(c) and 65917 and IBMC Section 19.65.040 in a format as specified by the City. The Agreement must be signed by the developer and owner and recorded before any building permit is issued for work on the project. Also, the developer and owner shall pay all costs for the preparation of the Agreement by the city and submit a deposit in the amount of \$1,500 prior to the City performing any work of the Agreement. The City Manager is authorized to sign the Agreement on behalf of the City.
5. The Applicant and or designee shall obtain all necessary permits and approvals to meet all civil and stormwater requirements prior to building permit issuance.
6. The developer shall meet all ADA accessibility requirements.
7. Noise shall not have a negative effect on the existing neighborhood. If the property receives any noise complaints, the property owner or property owner's designee shall investigate said complaint and mitigate any issues to meet Imperial Beach Municipal Code noise requirements (Imperial Beach Municipal Code 9.32 – Noise) to the satisfaction of the City.
8. 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 or property owner's designee shall investigate said complaint and mitigate any issues (adjustment, shades, removal of light, etc.) to the satisfaction of the City.
9. Any sewer laterals accessed and/or located on neighboring properties must be abandoned by the developer.
10. The refuse and recycling container space must meet the requirements per IBMC Section 19.74.090.
11. Green building infrastructure including EV charging stations and solar must be included with the project and shown on the plans.

12. The building height must be measured per IBMC Section 19.04.400.
13. The use of the site and structures with the project shall be in substantial conformance with the description of uses provided and approved with the project entitlements. Any changes or alterations to the use of the site must be submitted in writing to the City and is subject to City review and approval.
14. Traffic circulation for the site shall not negatively impact the public right of way and/or traffic patterns. If the circulation causes any negative impacts to the public right of way and/or traffic patterns, the owner or owner's designee must investigate and mitigate impacts to the satisfaction of the City. As determined by the City, traffic control measures may need to be implemented and adjustment to ingress and egress to the site may be required.
15. This project is subject to all Municipal Codes, Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach.
16. An existing site plan and demolition plan must be included in the building permit plans submittal.
17. All stormwater requirements must comply with the most recent Municipal Storm Water Permit.
18. All landscaping must comply with the State's model water efficient landscape ordinance; the landscape architect must indicate on the plans that these requirements shall be met.
19. Landscaping shall be installed prior to final inspection.
20. For any landscaped areas that reasonably require daily watering, a permanent irrigation system shall be installed and permanently maintained to serve those landscaped areas. All landscaped and bio-filtration areas, including those in the public right-of-way, shall be permanently maintained by the owner in a healthy condition, free from weeds, trash, and debris. The Developer shall comply with all State requirements for the Model Water Efficient Landscape Ordinance. For any areas which are xeriscaped, drought tolerant, or otherwise require watering of limited frequency, no irrigation system needs to be installed or maintained, but applicant must ensure that such landscaping receives the proper hydration as recommended by the applicant's landscape architect.
21. All ground cover and low plant material should be a minimum of 1 gallon, foundation and mid-ground planting should be a minimum of 5-gallon, taller hedges and screening shrubs should be a minimum of 15 gallon, and proposed trees should be no less than a 24" box.
22. All building/structural materials shall be kept in a sound and clean condition, subject to reasonable wear and tear and weathering.
23. The Applicant should provide materials with a manufacturer longevity guarantee and all materials should be adequately maintained. The materials must be shown on the building permit plans.
24. Obtain all required building permits (Building, Plumbing, Mechanical, Electrical, Grading etc.) for this project. All construction shall comply with the adopted 2019 California Building Standards Codes; Residential, Building, Electrical, Mechanical, Plumbing, Energy, Fire, Green Building, Historic Building, Existing Building, as amended by City Ordinance 2019-1190 and other applicable Municipal Codes in effect at the time of plan submittal for building permits.

25. 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.
26. 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."
27. 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
28. The Applicant shall be responsible for undergrounding all utilities within a subdivision and shall make the necessary arrangements with each of the public utility companies for the installation of underground facilities and the relocation of existing facilities. IBMC 13.08.040
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. The proposed residential portion of this project does not meet the definition of a "Townhouse" (defined in the CRC as a group of 3 or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides) and is not considered an R-3 occupancy and will need to be designed as a R-2 occupancy. Per the California Business and Professions Code 5537 & 6737 an R-2 occupancy is required to be designed by a California registered architect or engineer.
33. Clearly specify on the title sheet or the project scope of work whether the residential portion of the plans is condominiums or apartments. Depending on the classification, Chapter 11A of the California Building Code may be applicable.
34. The building plans will need to specify the allowable area and height calculations for the proposed project per Chapter 5 of the California Building Code.
35. 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).

- 36. 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.
- 37. 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.
- 38. Show on the plans how the project's parking will meet the requirements of CA Building Code Chapter 11. The height clearance of the parking area will need to accommodate Van requirements.
- 39. A fire-flow demand report is required to be obtained and submitted for the project. The proposed construction type must be provided to determine the required fire flow calculations.
- 40. City and Developer may coordinate on the reduction of development processing fees, not including impact fees, per GC 65915(l). The City Manager is authorized to reduce or waive any such fees pursuant to GC 65915(l) through the Density Bonus agreement with the City.
- 41. Proposed sewer connection to City main to be shown on plans. Applicant 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.
- 42. New sewer connection to the main line shall be coordinated with the City Sewer Division.
- 43. Abandonment of the existing sewer lateral(s) shall per the Greenbook standards or other approved building standards. Include abandonment procedures on the building plans for City approval.
- 44. All sewer laterals shall be installed per Regional Standards SS-01 through SS-04. Upon completion, the applicant shall contact the Public Works Department for an inspection of the tie to the Main by calling the Public Works Director or designee at (619) 423-8311.
- 45. 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.
- 46. The Owner of private property adjoining the public right-of-way shall be responsible to plant, install, and maintain landscaping in the area between the curb and the private property line for the entire frontage of the property. Such maintenance shall include watering, mowing, edging, clearing of weeds, but excludes routine maintenance of City-owned trees. The installation of a landscape-watering system to service the area between the curb and private property line is required per IBMC Section 19.50.040.F.

47. Building foundation elevations shall be at least one (1) foot above gutter line to minimize flooding during storm conditions.
48. 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.
49. 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 Director.
50. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director 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.
51. 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.
52. 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.
53. Proposed driveway approach on Dahlia Avenue will require curb and gutter and sidewalk removal on City right-of-way. Driveway approach shall be reconstructed in compliance with San Diego Regional Standard Drawings G-14A (Concrete Driveway- Type A, Contiguous Sidewalk), G-15 (Driveway Location – Adjacent to Curb Returns and Street Lines), and G-16 (Driveway Location and Width Requirements). New curb and gutter shall be constructed in compliance with San Diego Regional Standard Drawing G-2 (Curbs and Gutter – Combined) and shall be poured separately from the driveway approach/apron.
54. Existing curb cut on Holly Avenue to be abandoned and will require curb and gutter and sidewalk removal on City right-of-way. New driveway approach on Holly Avenue shall be reconstructed in compliance with San Diego Regional Standard Drawings G-14A (Concrete Driveway- Type A, Contiguous Sidewalk), G-15 (Driveway Location – Adjacent to Curb Returns and Street Lines), and G-16 (Driveway Location and Width Requirements). New curb and gutter shall be constructed in compliance with San Diego Regional Standard Drawing G-2 (Curbs and Gutter – Combined) and shall be poured separately from the driveway approach/apron.

55. The proposed 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.
56. 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.
57. All existing sidewalks and pedestrian access ramps abutting the property that do not conform to 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.
58. 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 Director. 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 Director or designee. The Applicant 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-24 type B. 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-34 Type C. Call for an inspection prior to the Asphalt repair at (619) 423-8311.
 - C. Traffic Control plans shall be followed per approved plans and adjusted by the contractor for changing conditions.
 - D. Trench plates used for a SDGE 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.

59. 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.
60. Applicant 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
61. 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.
62. Ensure construction design includes adequate storage (out of the front yard setback) for 3 trash barrels (regular trash, recycled waste, green waste).
63. Owner must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The Owner or Applicant's 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.
64. Two days prior to any excavation, "Dig-Alert" (800) 227-2600 shall be notified to locate all known underground utilities.

65. 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 \$50,000.00 or less, the applicant will not 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 \$50,000.00, 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 \$50,000.00 valuation will be required to underground all utility services on site, adjacent thereto and those which traverse the site. However, undergrounding of services adjacent to or traversing the site may, at the discretion of the builder or developer, be deferred in accordance with the provisions of this chapter.
66. Applicant's voluntary donation of the 5,272 square foot park shall be dedicated or granted to the City for use as a public park through all appropriate mapping, dedication, and/or grant deed procedures to the satisfaction of the City which shall be completed prior to issuance of the certificate of occupancy for the project. All steps shall be taken to donate it as a public park. Because the site plan and design review approvals in this resolution include the public park donation, if Applicant does not build such park, then the development would be inconsistent with the approvals in this resolution, and the Applicant would need to redesign the project and resubmit to the City for amendment to the approvals in this resolution. The City Manager is authorized to execute any documents necessary to accept the donation of the public park.
67. 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-23-0066) 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 Design Review Case (DRC-23-0015), Site Plan Review (SPR-23-0015), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-Fill Development Projects), including any claims for violation of the Public Records Act or discovery law or prevailing wage laws 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. 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 the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of such election applicant shall pay all 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. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is first approved by applicant.

- 68. The Developer or Developer’s representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed statement to the Community Development Department accepting said conditions.
- 69. The Developer shall pay off any deficits in the project account (23-0066-DEP) prior to building permit issuance and prior to final inspection.

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-23-0015), Design Review Case (DRC-23-0015), and Categorical Exemption pursuant to CEQA Guidelines 15332 (In-fill Development) is approved for the demolition of three existing single-family residences and the construction of a new 4-story, 46-unit residential development comprised of a 45-unit multifamily building with 6 affordable units (3 very low income and 3 moderate income), 9 accessory dwelling units, and 30 market-rate units) plus one (1) detached accessory dwelling unit with 48 parking spaces and a 5,272 square foot park at 1368 Holly Avenue, 1376 Holly Avenue, and 1368 14th Street (APN 633-161-14-00, 633-161-13-00, 633-161-12-00) in the R-2000 (Medium Density Residential) Zone, contingent upon the Developer’s compliance with 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 4th day of December 2024, by the following vote:

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

PALOMA AGUIRRE, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK