

RESOLUTION NO. 2025-026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING REGULAR COASTAL PERMIT (CP-25-0003), DESIGN REVIEW CASE (DRC-25-0002), SITE PLAN REVIEW (SPR-25-0002), AND CATEGORICAL EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15302 CLASS 2 (REPLACEMENT OR RECONSTRUCTION OF EXISTING STRUCTURES) FOR THE REMOVAL OF AN EXISTING PLAYGROUND AND CONSTRUCTION OF A NEW SPLASH PAD FACILITY AT THE IMPERIAL BEACH PORTWOOD PIER PLAZA (625-330-08-00 & 625-330-09-00 & 625-330-10-00) IN THE PUBLIC FACILITY ZONE. USE-25-0007.

WHEREAS, on May 21, 2025, 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-25-0003), Design Review Case (DRC-24-0002), Site Plan Review (SPR-25-0002) and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302 Class 2 (Replacement or Reconstruction of Existing Structures) to replace an existing playground and construct a new splash pad facility including an equipment enclosure, landscape areas, and ADA upgrades to increase access to the public restrooms and showers, at the Imperial Beach Portwood Pier Plaza (APN 625-330-08-00 & 625-330-09-00 & 625-330-10-00) in the PF (Public Facility) Zone; and

WHEREAS, the project designation of a new publicly accessible splash pad in the PF, Public Facility, Zone is consistent with the Local Coastal Plan/General Plan; and

WHEREAS, the City Council finds that the project complies 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 15302 Class 2 (Replacement or Reconstruction of existing structures); 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 PF, Public Facility, Zone. The purpose of the public facilities zone is to designate land devoted to public facilities and utilities. This designation includes public schools, parks, civic and public parking facilities. All lands under public or quasi-public ownership and lands utilized for public recreational purposes may be zoned in the public facilities classification. The project site is located in the appealable coastal zone and the proposed development 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 parcels of land (625-330-08-00 & 625-330-09-00 & 625-330-10-00) are located between the seaward of the first public road. The proposed project meets standards for

public access and recreation of Chapter Three of the 1976 Coastal Act and regulations promulgated thereunder, which prioritizes maximizing public access and recreational opportunities in the coastal zone. The proposed splash pad shall be publicly accessible and shall not impede access to the beach shoreline or pier.

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 project complies with 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.

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, , and 19.83.110 (Section 19.83.120 is no longer applicable) for a site plan review, and design review 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 variance or 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 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 exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article 19 Sections 15302 Class 2 (Replacement of Reconstruction of Existing Structures). 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 May 8, 2025, and a public hearing notice was published in the Imperial Beach Eagle & Times newspaper on May 8, 2025.

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 project will provide a new publicly accessible splash pad in a public plaza that would provide recreational opportunities to residents of the City of Imperial Beach. 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 designation of the site. The development would not be injurious to the value of the property and improvements in the neighborhood because it represents an improvement of the existing conditions of the property. This could improve property values and stimulate growth in the area.

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

The proposed splash pad does not adversely affect the General Plan/Local Coastal Plan because the site is designated as Public Facility (PF) Zone, providing for the designation of land devoted to public facilities and utilities. The project site is located in an appealable coastal zone and complies with the land use designation of the General Plan/Local Coastal Plan.

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

The site is bordered by residential and public facility zones to the west, mixed-use zones to the west, and public facilities are located to the south. The splash pad is compatible with other existing and proposed uses in the neighborhood because it complies with the development standards and zoning designation and would provide publicly available recreational opportunities that would serve the community.

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 proposed splash pad would be located in a manner that would provide harmonious access throughout the site and be compatible with the surrounding structures and uses in the neighborhood. The recreational facility would be accessed from Seacoast Drive, and would provide landscape screening for the residential structures to the west.

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

The proposed project would be properly integrated within a compatible commercial center. The design style and the choice of building materials properly integrate the hotel and commercial space within the commercial site.

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

The project does not require vehicular egress and ingress.

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

The project is consistent with the General Plan and the Zoning development 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 is 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 May 8, 2025. A public hearing notice was published in the Imperial Beach Eagle & Times newspaper on May 8, 2025.

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 Regular Coastal Permit (CP-25-0003), Design Review Case (DRC-25-0002), Site Plan Review (SPR-25-0002), and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302 (Replacement of Reconstruction of Existing Structures) to construct one new splash pad at the Imperial Beach Portwood Pier Plaza (APN 625-330-08-00 & 625-330-09-00 & 625-330-10-00) in the PF (Public Facility) Zone are hereby approved subject to the following:

CONDITIONS OF APPROVAL:

1. **Approval** of Regular Coastal Permit (CP-25-0003), Design Review Case (DRC-25-0002), Site Plan Review (SPR-25-0002), and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302 Class 2 (Replacement of Reconstruction of Existing Structures) to replace an existing playground and construct a new splash pad facility including an equipment enclosure, landscape areas, and ADA upgrades to increase access to the public restrooms and showers, at the Imperial Beach Portwood Pier Plaza (APN 625-330-08-00 & 625-330-09-00 & 625-330-10-00) in the PF (Public Facility) Zone 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 June 9, 2026**, unless vested with substantial construction or use of the property in reliance on an approved building permit. Approvals of the Regular Coastal Permit (CP-25-0003), Design Review Case (DRC-25-0002), Site Plan Review (SPR-25-0002), and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302 Class 2 (Replacement of Reconstruction of Existing Structures) shall run coterminous.
2. The site shall be developed in substantial compliance with the plans dated May 5, 2025, on file at the Community Development Department, or as otherwise amended and approved, and the conditions contained herein.
3. The applicant 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. This project is subject to all Municipal Codes, Model Codes, State Codes, and City Ordinances adopted by the City of Imperial Beach.
5. All stormwater requirements must comply with the most recent Municipal Storm Water Permit.
6. 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.
7. The applicant should provide materials with a manufacturer's longevity guarantee, and all materials should be suitable for the coastal environment and adequately maintained. The materials must be shown on the building permit plans.
8. The city and the Port District shall have a separate maintenance agreement that specifies the responsibilities for maintaining the new splash pad and landscape areas.
9. Applicant shall minimize the required number of parking spaces at the staging area to the absolute minimum necessary.
10. The removal and relocation of trees shall be subject to authorization by the city.
11. Applicant shall create and submit for approval a traffic control plan that includes necessary signage and personnel (flaggers, etc.).
12. Applicant shall develop a public access plan that ensures continuous access to all coastal resources for the public.
13. Obtain any necessary building permits (Building, Plumbing, Mechanical, Electrical, Grading etc.) for this project.
14. 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.
15. 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.
16. For any project that proposes work within the public right-of-way or public space 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.
17. Two days prior to any excavation, "Dig-Alert" (800) 227-2600 shall be notified to locate all known underground utilities. 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.

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.

BE IT FURTHER RESOLVED by the City Council of the City of Imperial Beach:

1. That the foregoing recitals are true and correct.
2. That the Regular Coastal Permit (CP-25-0003), Design Review Case (DRC-25-0002), Site Plan Review (SPR-25-0002), and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302 (Replacement of Reconstruction of Existing Structures) are approved for the replacement of an existing playground and construction a new splash pad facility including an equipment enclosure, landscape areas, and ADA upgrades, at the Imperial Beach Portwood Pier Plaza (APN 625-330-08-00 & 625-330-09-00 & 625-330-10-00) in the PF (Public Facility) 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 21st day of May 2025, by the following vote:

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

PALOMA AGUIRRE, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK