



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: June 18, 2025 REPORT NO. HO-25-026

HEARING DATE: June 25, 2025

SUBJECT: 1705 PALM AVENUE, Process Three Decision

PROJECT NUMBER: [PRJ-1049364](#)

OWNER/APPLICANT: Barry Rehurek, Palm LTD/EnerSmart Imperial Beach BESS LLC.

### SUMMARY

Issue: Should the Hearing Officer approve the demolition of existing structures and the construction and installation of four (4) new battery storage containers with transformers and switch gear, fencing, retaining walls, landscaping, and frontage improvements located at [1705 Palm Avenue](#) within the [Otay Mesa-Nestor Community Plan](#) area?

### Proposed Actions:

1. APPROVE Conditional Use Permit No. PMT-3139290.

Fiscal Considerations: None. All costs associated with the processing of this application are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: There are no open actions for the subject project site.

Housing Impact Statement: The project site is designated and zoned for Community Commercial uses. No housing exists onsite, and no housing is proposed.

Community Planning Group Recommendation: On June 8, 2022, the Otay Mesa-Nestor Community Planning Group voted unanimously to recommend project approval, with the condition that additional beautification be included and maintained. To address this recommendation, the project added ivy-lined fencing.

Environmental Impact: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (New Construction and Conversion of Small Structures) and Section 15332 (In-fill Development). This project is not pending an appeal of the environmental determination. The environmental exemption

determination for this project was made on February 11, 2025, and the opportunity to appeal that determination ended February 26, 2025.

## BACKGROUND

The 0.11-acre site is located at 1705 Palm Avenue and is developed with a small-scale recycling center in an urbanized area within the Otay Mesa Nestor Community Plan. The site is in the CC-4-2 zone, a Transit Priority Area, the Airport Land Use Compatibility Overlay Zone (Brown Field), Airport Influence Area Review Area 2, and the Federal Aviation Authority (FAA) Part 77 Noticing Area. The project site does not contain sensitive biological resources and is not within or adjacent to the City's Multiple Habitat Planning Area. (Attachments 1-3).

## DISCUSSION

### Project Description:

The project proposes to demolish an approximately 600-square-foot building and storage yard associated with the recycling center and construct four battery storage containers with transformers, retaining walls, landscaping, and frontage improvements. The 3000kw battery energy storage system is allowed within the CC-4-2 zone with a Conditional Use Permit.

### Permits Required

- A Process Three Conditional Use Permit pursuant to SDMC Section [126.0303\(b\)](#) is required for a battery energy storage facility within the CC-4-2 (Community Commercial) zone.

The project is considered an “energy storage and distribution” use within the CC-4-2 zone and requires a Conditional Use Permit (CUP) pursuant to San Diego Municipal Code (SDMC) Sections 126.0303 and [141.0408](#) - Energy Storage and Distribution Stations. The application was deemed complete on February 23, 2022, prior to the SDMC update to add Section 141.0422 for Battery Energy Storage Facilities, which went into effect May 6, 2023. Therefore, the project was reviewed in accordance with Section 141.0408, which categorized the use as an Energy Generation and Distribution Station.

The project is subject to California Public Utilities Code section 761.3(g) and California Public Utilities Commission (CPUC) General Order (GO) 167-C, which establishes standards for the maintenance and operation of battery energy storage systems to implement legislation, including Senate Bill 1383 and Senate Bill 38, which were enacted in response to fire safety issues related to battery storage facilities. A requirement in Public Utilities Code section 761.3(g) is for Battery Energy Storage System (BESS) operators to prepare and submit Emergency Response and Emergency Action Plans in coordination with local authorities. The Energy Storage System is further regulated by California Fire Code (CFC) Section 1207 and requires an Operational Permit to be obtained from the San Diego Fire Department (SDFD) in accordance with CFC Sections 105.5.14 and 1207.1.2(2). To apply for an Operational Permit, the project's building plans must first be approved by Development Services. The documentation SDFD requires includes: a Commissioning Plan per CFC 1207.2.1;

Decommissioning Plan per CFC 1207.2.3; and an Emergency Response and Emergency Action Plan per Public Utilities Code section 761.3(g). The SDFD Operational Permit will require the documentation mentioned above before approval. Staff consulted with SDFD and the project is conditioned to comply with state law and obtain an Operational Permit prior to final building inspection, provide CFC compliant fire access, establish a fire protection water supply, and provide a written site safety plan.

SDMC 141.0408 regulates energy generation and distribution stations which may be permitted with a CUP, subject to specific regulations, including: activities involving aerial transmissions are not permitted; all mechanical equipment and all storage areas shall be located within an enclosed building; the design of the structures shall incorporate architectural elements that help to minimize conflicts in scale with surrounding development; service areas and parking areas shall be buffered from adjacent development that is not of a similar nature; and fences, walls, trees and other forms of landscaping shall be used to minimize visibility of structures from adjacent public rights of way or adjacent residential development.

The project does not propose aerial transmissions, and all mechanical equipment and storage are enclosed in structures. The design incorporates architectural elements, including landscape, street trees, walls, and ivy-lined fencing, that help to minimize the structures' appearance and screen the development from adjacent public rights of way and the adjacent residential development. The project has a maximum height of 14 feet and does not propose large structures that would be out of scale with the surrounding development.

The project proposes to improve the pedestrian environment along the public right-of-way. As a condition of approval, the project will dedicate 4.1 feet along Palm Avenue, construct a 20-foot-wide parkway with a non-contiguous sidewalk and construct a 12-foot-wide parkway with a non-contiguous sidewalk per current City standards along Thermal Avenue where no sidewalk currently exists. In addition, the project will reconstruct an existing curb ramp per current City standards at the southeast corner of the Thermal Avenue/Palm Avenue intersection. Lastly, the project will remove an existing non-utilized driveway along the project's frontage on Palm Avenue and replace it with a full-height curb, gutter, and non-contiguous sidewalk per current City standards.

The CUP for the project contains specific requirements to ensure compliance with the regulations of the Land Development Code, including setbacks, fencing and walls, landscape criteria, City stormwater standards and local and state laws to protect the public health, safety and welfare. The CUP includes permit conditions to satisfy Public Utilities Code section 761.3(g) and the CFC by requiring the project to obtain an Operational Permit from SDFD. Permit requirements also include screening, landscape and street trees, City standard sidewalks, dedicating right-of-way along Palm Avenue, constructing curb and gutters, a 12-foot-wide maintenance-only access with rolled curb along Thermal Avenue, and the implementation of a Water Pollution Control Plan.

The project complies with SDMC Section 141.0408, which addresses use regulations for energy generation and distribution stations and will be required to comply with state law, including the CFC. All mechanical equipment and storage areas will be located within enclosed structures and screened from the adjacent public right-of-way.

#### Community Plan Analysis:

The site is designated as Community Commercial in the Otay Mesa-Nestor Community Plan (Community Plan). This use is described as providing a wide variety of community-serving necessities and retail goods. The site is correspondingly zoned for Community Commercial (CC-4-2), which allows for a battery energy storage system with a Conditional Use Permit. The Community Plan does not directly address energy generation and distribution stations; however, the plan generally supports energy efficiency and minimizing energy consumption.

The General Plan's Conservation Element Sustainable Energy section includes a policy for alternative energy generation and encourages the use of small, decentralized, aesthetically-designed, and appropriately-sited energy-efficient power generation facilities to the extent feasible. The batteries store energy from the electrical grid and distribute it back to the grid during power outages or peak demands. The battery storage system does not generate energy and would serve the California Independent System Operator (ISO) energy grid. This project will aid in that goal by providing an alternative form of energy storage. The project is consistent with the community plan land use designation and energy conservation policies in the General Plan.

The project site is also located within the Palm Avenue Revitalization Plan (Revitalization Plan). The Revitalization Plan serves as a long-range blueprint for encouraging investment, promoting economic development, and improving vehicle, transit, pedestrian, and bicycle mobility along Palm Avenue between 13th Street and Hollister Street. The redevelopment of this site improves frontage along Palm Avenue and Thermal Avenue. Currently, there is no sidewalk along Thermal Avenue, and the project will dedicate additional right-of-way along Thermal Avenue and Palm Avenue, improving the pedestrian's path of travel and including landscape and street trees, which will visually improve the site. The project helps implement the Revitalization Plan by improving sidewalks and incorporating landscape and trees to provide a better pedestrian environment.

#### Conclusion:

Staff has reviewed the proposal, including all the issues identified through the review process, and has determined that all project issues have been addressed. The project conforms with the Community Plan and the adopted San Diego City Council policies and regulations of the Land Development Code. Therefore, draft findings and conditions to support project approval are presented to the Hearing Officer for consideration.

#### ALTERNATIVES

1. Approve Conditional Use Permit No. PMT-3139290, with modifications.

2. Do not approve Conditional Use Permit No. PMT-3139290, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

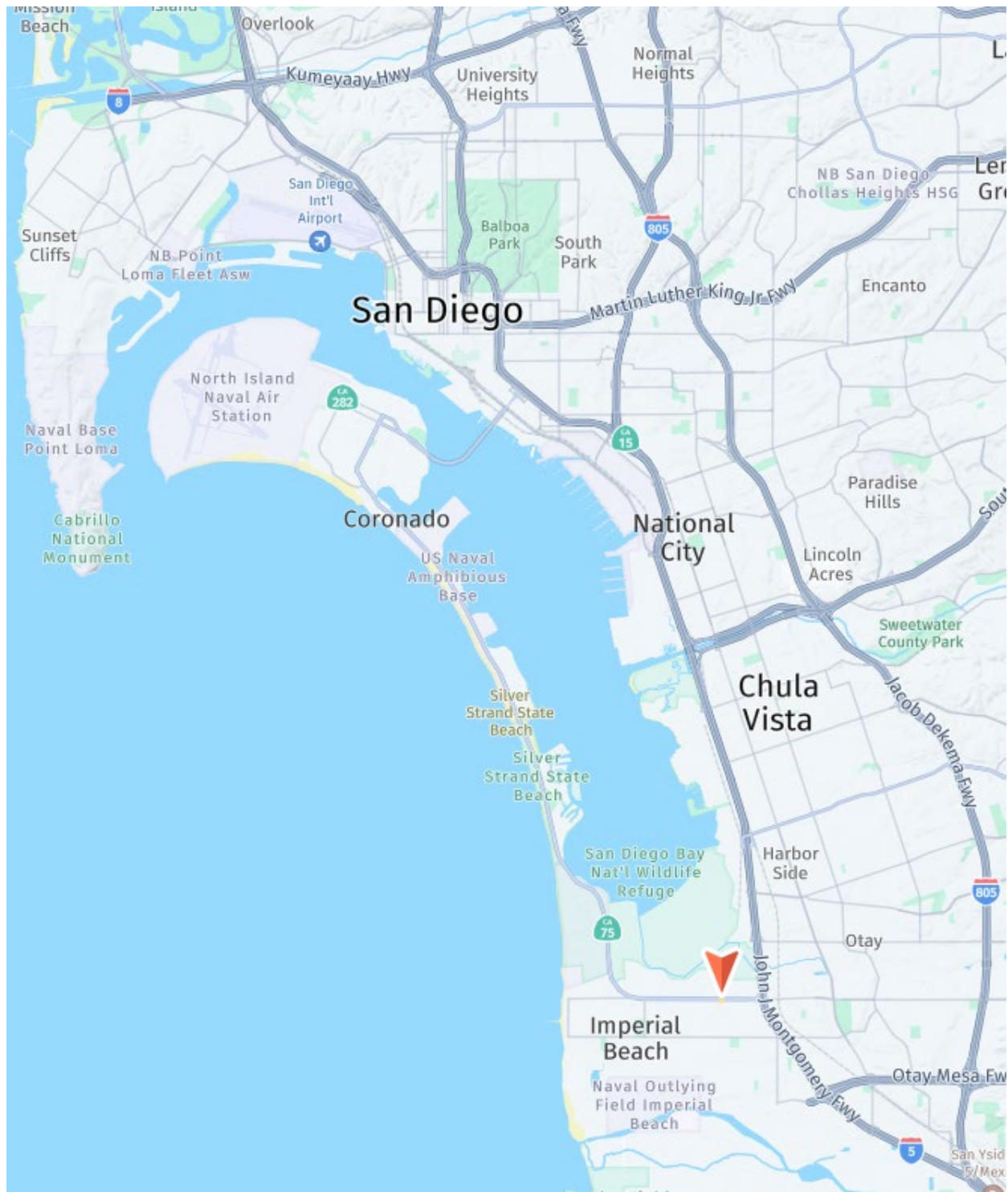


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Sara Osborn  
Development Project Manager  
Development Services Department

Attachments:

1. Location Map
2. Community Plan Land Use Map
3. Aerial Map
4. Community Planning Group Recommendation
5. Environmental Exemption Notice of Right to Appeal
6. Draft Permit with Conditions
7. Draft Permit Resolution with Findings
8. Project Plans
9. Ownership Disclosure Statement



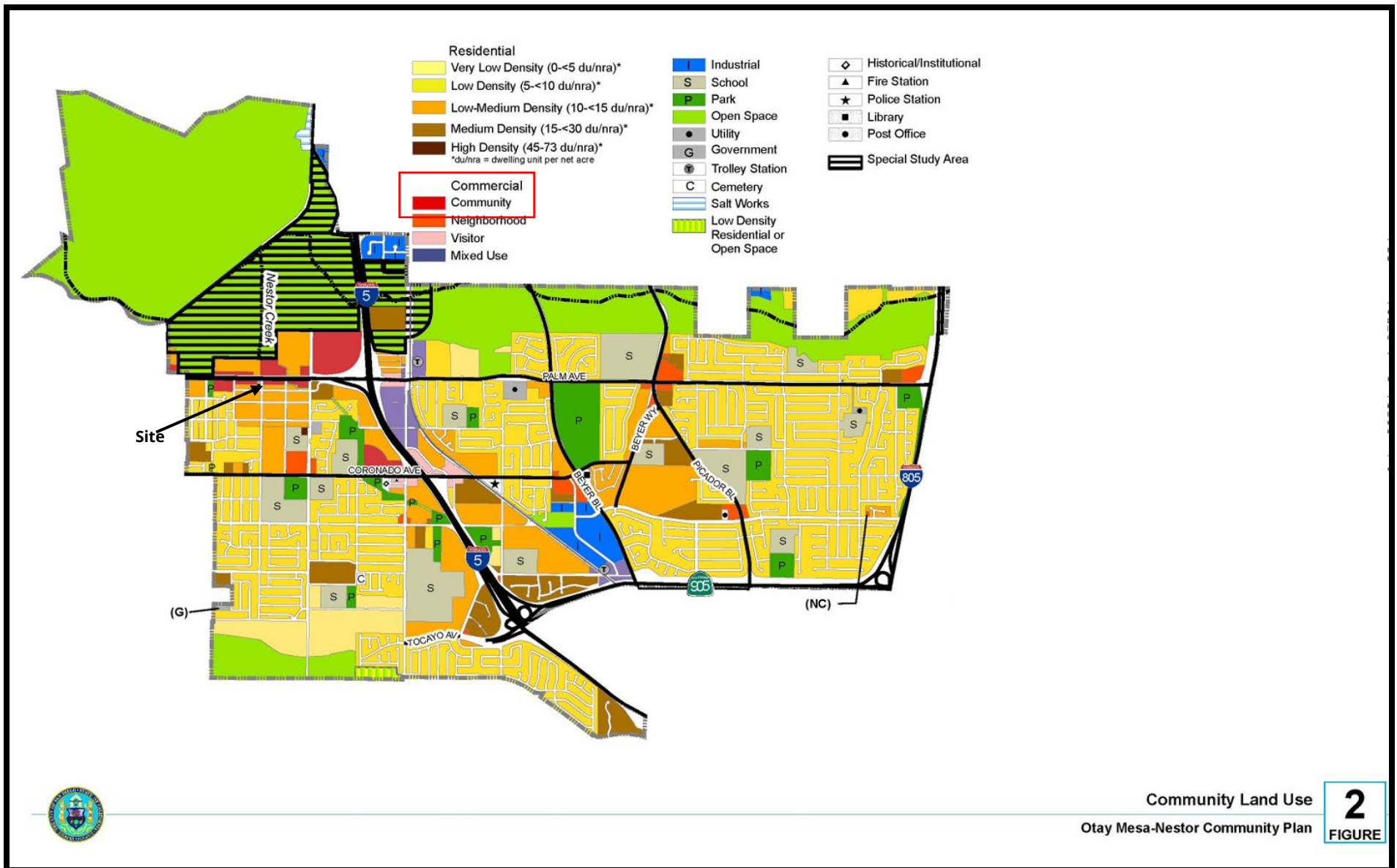
## Location Map

1705 Palm Avenue - Project No. PRJ-1049364

Development Services Department

**FIGURE  
No. [1]**





Community Land Use **2**  
 Otay Mesa-Nestor Community Plan **FIGURE**



**Land Use**  
 1705 Palm Avenue - Project No. PRJ-1049364  
 Development Services Department

**FIGURE  
 No. [2]**





## Aerial Map

1705 Palm Avenue - Project No. PRJ-1049364  
Development Services Department

**FIGURE  
No. [3]**



**OTAY MESA-NESTOR COMMUNITY PLANNING GROUP**  
**MEETING MINUTES**  
Zoom Meeting  
June 8th, 2022

**Members Present:**

District 1 Edgar Garfias  
District 2 Johnny E. Swanson  
District 3 Robert Broomfield  
District 9 Armond Moore  
District 10 Bob Mikloski  
District 11 Albert Velasquez  
District 12 Carlos Sanchez  
District 13 Brian McGonagill  
District 15 Walt Zumstein  
District 16 Bobby Hicks

**Members Absent:**

District 6 Richard Cuevas  
District 7 Christopher Malick

**Vacant District Seats:**

District 4  
District 5  
District 8  
District 14

1. **Call to Order/Introduction of Members:** Albert Velasquez Chair of the Otay Mesa Nestor Community Planning Group (OMNCPG), called the meeting to order at 6:31 p.m. He welcomed all Board members and members of the community to the meeting.
2. **Approval of the Minutes:** The draft minutes of the April 13<sup>th</sup> and May 11<sup>th</sup> OMNCPG meetings were approved unanimously.
3. **Non-Agenda Public Comments:** (2-minute limit per speaker).
  - a. None
4. **San Diego Police Department Report:** SDPD Officer Carlos Edington, [cedington@pd.sandiego.gov](mailto:cedington@pd.sandiego.gov) (619) 424-0412.
  - a. Taken on oversized vehicles / motor home parking enforcement and will be ongoing
    - i. Providing information for safe parking practices to those inhabited
    - ii. Feel free to email as well as complete a GetItDone App request
5. **Council District 8 Report:** Gerardo Ramirez, Council Representative, 619-236-6688, [GRamirezBorj@sandiego.gov](mailto:GRamirezBorj@sandiego.gov)
  - a. Proposed budget approval on Monday June 13<sup>th</sup>
  - b. Dumpster Dropoff being restarted
6. **City of San Diego, Office of the Mayor:** Pending Reassignment
  - a. No report.
7. **Office of the San Diego City Attorney Report:** Mark Robertson, Deputy City Attorney, [mrobertson@sandiego.gov](mailto:mrobertson@sandiego.gov) 619-553-5500.
  - a. No report.
8. **City Planner Report:** Shannon Muldrieg, Senior Planner, 619-236-6301, [mprinz@sandiego.gov](mailto:mprinz@sandiego.gov)
  - a. No report
9. **Sub-Committee Reports:**
  - a. Volunteer Code Compliance, Project Review, By-Laws, and Parks and Recreation subcommittees.

- b. Election Subcommittee
  - i. District Seats 4,5,8 and 14 are open for elections
  - ii. Alberto Estrada is eligible candidates for these elections.
  - iii. Alberto Estrada was elected to the board as representing District 5.

10. **Action Item: PTS 699457 Verizon Palm Avenue (Montgomery High) NUP Renewal**

The project is a Neighborhood Use Permit (NUP) renewal to continue the operation of an existing wireless communication facility (WCF) located at 3250 Palm Avenue, at Montgomery High School. The existing WCF consists of six (6) antennas located on a 75 foot light standard in the football stadium. Verizon Wireless Representative Shelly A. Kilbourn [619.208.4685](tel:619.208.4685) [shellykilbourn@att.net](mailto:shellykilbourn@att.net)

- a. Bob Mikloski made a motion to approve and Brian McGonagill seconded, Unanimous passed.

11. **Action Item: Energy Storage System 1705 Palm Ave.**

The project is for a battery storage site that will support the San Diego Gas and Electric grid. This will help regulate frequency (grid reliability), reduce the chances of brownout, increase grid capacity for renewable resources, level/lower cost power to end user, and create a cleaner environment for the local community by displacing power generation from nuclear, coal, and gas-fired facilities. Project Manager Jared Cole 870-416-2479 [jared@enersmartstorage.com](mailto:jared@enersmartstorage.com)

- a. Questions about beautification around the batteries and concerns with graffiti.
- b. Board asked for updated renderings of beautification for the site.
- c. Bob Mikloski made a motion to approve with condition that beautification covering be added and maintained, Brian seconded, Unanimously passed.

12. **Chair's Report:** Alber Velasquez, OMNCPG Chair.

- a. In Person Meetings Otay Mesa Nestor Library on Mondays Possible
- b. Zoom Renewal
  - i. Motion by Brian McGonagill and seconded by Bob Mikloski to continue on Zoom, passed with a 6-1-0 vote

13. **Meeting was adjournment at 7:11 pm**



THE CITY OF SAN DIEGO

**DATE OF NOTICE:** February 11, 2025

# **NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION**

**DEVELOPMENT SERVICES DEPARTMENT**

24009144

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**PROJECT NAME / NUMBER:** 1705 Palm Avenue / PRJ-1049364

**COMMUNITY PLAN AREA:** Otay Mesa-Nestor

**COUNCIL DISTRICT:** 8

**LOCATION:** 1705 Palm Avenue, San Diego, California 92154

**PROJECT DESCRIPTION:** A request for a CONDITIONAL USE PERMIT to for the installation of 8 new battery storage containers with transformers and the demolition of an approximately 600-square-foot building and storage yard associated with the existing recycling center. Additionally, the project includes associated hardscape and landscape, including frontage improvements consisting of a six-foot sidewalk along Palm Avenue, a five-foot sidewalk and seven-foot landscape buffer along Thermal Avenue, and a side-walk ramp at the corner. The 0.11-acre project site is located at 1705 Palm Avenue and is designated Community Commercial and zoned CC 4-2 per the Otay Mesa-Nestor Community Plan. Additionally, the project site is within the Airport Land Use Compatibility Overlay Zone (Brown Field and Naval Outlying Landing Field-Imperial Beach), the Airport Influence Area (Brown Field and Naval Outlying Landing Field-Imperial Beach- Review Area 2), the Federal Aviation Administration (FAA) Part 77 Noticing Area for Naval Outlying Landing Field-Imperial Beach, the Coastal Height Limitation Overlay Zone, the Parking Standards Transit Priority Area, and the Transit Priority Area. [Legal Description: Lot 12, Block "Q" of Imperial Beach Gardens].

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego Hearing Officer

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to CEQA State Guidelines, Sections 15303 (New Construction and Conversion of Small Structures) and 15332 (In-fill Development).

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to section 15303 (New Construction or Conversion of Small Structures) which allows for the

construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures. Additionally, the project would qualify to be categorically exempt from CEQA pursuant to section 15332 (In-fill Development) which allows for projects characterized as in-fill development meeting the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare, or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services. Furthermore, the exceptions listed in Section 15300.2 would not apply. **The site is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites.**

**DEVELOPMENT PROJECT MANAGER:** Sara Osborn  
**MAILING ADDRESS:** 1222 First Avenue, MS 501, San Diego, CA 92101-4153  
**PHONE NUMBER / EMAIL:** (619) 446-5381 / sosborn@sandiego.gov

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On February 11, 2025, the City of San Diego (City), as Lead Agency, has made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk by 5:00pm within ten (10) business days from the date of the posting of this Notice (February 26, 2025). Appeals to the City Clerk must be filed by email or in-person as follows:

- 1) Appeals filed via E-mail: The Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to [Hearings1@sandiego.gov](mailto:Hearings1@sandiego.gov) by 5:00p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project number on the memo line of the check.
- 2) Appeals filed in person: Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Bring the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the City Administration Building-Public Information Counter (Open 8:00am to 5:00pm Monday through Friday excluding City-approved holidays), 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

This information will be made available in alternative formats upon request.

**POSTED ON THE CITY'S CEQA WEBSITE**

**POSTED:** 2-11-2025

**REMOVED:** 2-26-2025



**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION  
501

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

INTERNAL ORDER NUMBER: 24009144

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. PMT-3139290  
**1705 PALM AVENUE PROJECT NO. PRJ-1049364**  
HEARING OFFICER

This Conditional Use Permit No. PMT-3139290 is granted by the Hearing Officer of the City of San Diego to Barry Rehurek, Palm LTD, Owner, and EnerSmart Imperial Beach BESS LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0303. The 0.11-acre site is located at 1705 Palm Avenue in the CC-4-2 zone of the Otay Mesa Nestor Community Plan area, and the Transit Priority Area, Airport Land Use Compatibility (Brown Field), Airport Influence Area (Review Area 2), and the Federal Aviation Authority (FAA) Part 77 Overlay Zones. The project site is legally described as: Lot 12, Block "Q" Of Imperial Beach Gardens, In The City Of San Diego, In The County Of San Diego, State Of California, According To Map Thereof No. 1978, Filed In The Office Of County Recorder Of San Diego County, December 28, 1926.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to demolish an approximately 600-square-foot building and storage yard and construct and install four (4) battery storage containers with transformers, retaining walls, landscaping and frontage improvements described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 25, 2025, on file in the Development Services Department.

The project shall include:

- a. Demolition of an approximately 600-square-foot building and storage yard associated with the existing recycling center;
- b. Construction and installation of four (4) battery storage containers with transformers and switch gear;
- b. Landscaping (planting, irrigation and landscape-related improvements);
- c. Retaining walls and fencing; and

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by July 10, 2028.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee 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, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. 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, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee 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 Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**CLIMATE ACTION PLAN REQUIREMENTS:**

11. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

**AIRPORT REQUIREMENTS:**

12. Prior to issuance of building permit the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

**ENGINEERING REQUIREMENTS:**

13. Prior to the issuance of any building permit the Owner/Permittee shall dedicate an additional 4.1 feet along Palm Avenue frontage satisfactory to the City Engineer.

14. Prior to the issuance of any building permit the Owner/Permittee shall assure, by permit and bond to install new curb/gutter and sidewalk per current City Standards adjacent to the site on Palm Avenue to the satisfaction of the City Engineer.

15. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond to construct new curb/gutter and sidewalk per current City Standards along frontage on Thermal Avenue to the satisfaction of the City Engineer.

16. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond to reconstruct the existing curb ramp with current City Standard curb on southwest corner of Palm and Thermal Avenue satisfactory to the City Engineer.

17. Prior to the issuance of any building permit the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for sidewalk underdrain in Palm Avenue and street trees within public right of way to the satisfaction of the City Engineer.

18. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

**PLANNING/DESIGN REQUIREMENTS:**

19. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

20. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

**TRANSPORTATION REQUIREMENTS**

21. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate 4.1 feet along the project's frontage on Palm Avenue and assure by permit and bond the construction of a 20-foot-wide parkway with non-contiguous sidewalk as shown on Exhibit 'A' per current City standards,



satisfactory to the City Engineer. All improvements shall be completed prior to first operation of the battery storage facility.

22. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond to remove an existing non-utilized driveway along the project's frontage on Palm Avenue and replace with full height curb, gutter, and non-contiguous sidewalk per current City Standards as shown on Exhibit 'A', satisfactory to the City Engineer. All improvements shall be completed prior to first operation of the battery storage facility.

23. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a 12-foot-wide parkway with non-contiguous sidewalk along the project's frontage on Thermal Avenue per current City standards as shown on Exhibit 'A', satisfactory to the City Engineer. All improvements shall be completed prior to first operation of the battery storage facility.

24. Prior to the issuance of any building permit, the Owner/Permittee shall construct a 12-foot-wide maintenance only access with rolled curb along the project's frontage on Thermal Avenue as shown on Exhibit 'A', satisfactory to the City Engineer. All improvements shall be completed prior to first operation of the battery storage facility.

25. Prior to the issuance of any building permit, the Owner/Permittee shall stripe a limit line on Thermal Avenue for the existing side street stop-controlled intersection of Thermal Avenue and Palm Avenue via a signing and striping plan as shown on Exhibit 'A', satisfactory to the City Engineer. All improvements shall be completed prior to first operation of the battery storage facility.

### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

26. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the abandonment of any existing unused sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer.

27. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities.

### **FIRE DEPARTMENT REQUIREMENTS:**

28. Prior to the issuance of any building permit, Owner/Permittee must provide a Hazard Mitigation Analysis under any of the conditions identified in California Fire Code (CFC) section 1207.1.4, or if required by the San Diego Fire-Rescue Department (SDFD) Fire Marshal or their designee.

29. Prior to the issuance of any building permit, Owner/Permittee must prepare a written site safety plan that complies with CFC section 3303.1 and is approved by SDFD Fire Marshal or their designee.

30. Fire department access must comply with CFC section 503 et seq., including Appendix D and local amendments. During construction, temporary access must also meet the requirements of CFC Chapter 33 and Community Risk Reduction Division Standard A-7, "Fire Safety During Construction and Demolition" (SDFD Standard A-7), as approved by SDFD Fire Marshal or their designee.

31. Prior to demolition, Owner/Permittee must establish a fire protection water supply in accordance with CFC section 507, Appendix B and Appendix C, including local amendments, as approved by the Fire Marshal or their designee. During demolition and construction, a temporary water supply to provide fire protection must comply with CFC Chapter 33 and SDFD Standard A-7, as approved by SDFD Fire Marshal or their designee.

32. Owner/Permittee must obtain an Operational Permit from SDFD prior to the final building inspection with the Development Services Department (DSD), as required by CFC sections 105.5.14 and 1207.1.2(2). Issuance of the Operational Permit is contingent upon the review and approval of the following plans by SDFD Fire Marshal or his designee:

- A commissioning plan, complying with CFC Section 1207.2.1.
- A decommissioning plan, complying with CFC Section 1207.2.3.
- An Emergency Response Plan, in accordance with National Fire Protection Association 855 Appendix G and Public Utilities Code section 761.3(g).

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on June 25, 2025 and [Approved Resolution Number].

## ATTACHMENT 6

Conditional Use Permit No. PMT-3139290  
Date of Approval: June 25, 2025

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Sara Osborn  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Palm LTD  
Owner/Permittee

By \_\_\_\_\_  
Barry Rehurek, Owner

EnerSmart Imperial Beach BESS LLC  
Permittee

By \_\_\_\_\_  
Skyler Tennis  
Chief Operating Officer

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**

HEARING OFFICER RESOLUTION NO. [REDACTED]  
CONDITIONAL USE PERMIT NO. PMT-3139290  
**1705 PALM AVENUE PROJECT NO. PRJ-1049364**

WHEREAS, BARRY REHUREK, PALM LTD, Owner, and ENERSMART IMPERIAL BEACH BESS LLC, Permittee, filed an application with the City of San Diego for a permit to demolish an approximately 600-square-foot building and storage yard associated with the existing recycling center and construct and install four (4) battery storage containers with transformers, retaining walls, landscaping and frontage improvements (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. PMT-3139290), on portions of 0.11-acre site;

WHEREAS, the project site is located at 1705 Palm Avenue in the CC-4-2 zone within the Otay Mesa-Nestor Community Plan, a Transit Priority Area, the Airport Land Use Compatibility Overlay Zone (Brown Field), Airport Influence Area Review Area 2, and the Federal Aviation Authority (FAA) Part 77 Noticing Area.;

WHEREAS, the project site is legally described as Lot 12, Block "Q" Of Imperial Beach Gardens, In The City Of San Diego, In The County Of San Diego, State Of California, According To Map Thereof No. 1978, Filed In The Office Of County Recorder Of San Diego County, December 28, 1926;

WHEREAS, on February 11, 2025, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guidelines Section 15303 (New Construction and Conversion of Small Structures) and Section 15332 (In-fill Development) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;



WHEREAS, on June 25, 2025, the Hearing Officer of the City of San Diego considered Conditional Use Permit No. PMT-3139290. pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. PMT-3139290:

**CONDITIONAL USE PERMIT [San Diego Municipal Code Section 126.0305]**

**a. The proposed development will not adversely affect the applicable land use plan.**

The project proposes to demolish an approximately 600-square-foot building and storage yard associated with the existing recycling center and construct and install four battery storage containers with transformers, retaining walls, landscaping, and frontage improvements. The project site is 0.11 acres and is located at 1705 Palm Avenue in the Otay Mesa-Nestor Community Plan area. The site is designated as Community Commercial which provides for a wide variety of community-serving necessity and retail goods and the site is zoned CC-4-2 (Community Commercial) which allows for the 3000kw battery energy storage system project with a Conditional Use Permit. The Community Plan does not directly address energy generation and distribution stations; however, the plan generally supports energy efficiency and minimizing energy consumption.

The City's General Plan supports sustainable energy efforts. The Conservation Element Sustainable Energy section includes a policy for alternative energy generation and encourages the use of small, decentralized, aesthetically-designed, and appropriately-sited energy-efficient power generation facilities to the extent feasible. The project's batteries will store energy from the electrical grid and distribute energy back to the electrical grid during times of power outages or peak demands. The battery storage system does not generate energy and would serve the California Independent System Operator (ISO) energy grid. This project will aid in that goal by providing an alternative form of energy storage. All mechanical equipment and storage areas shall be located within enclosed structures and will be screened from the adjacent public rights-of-way. There is no on-site staff associated with the project.

The project site is also located within the Palm Avenue Revitalization Plan (Revitalization Plan). The Revitalization Plan serves as a long-range blueprint for encouraging investment, promoting economic development, and improving vehicle, transit, pedestrian, and bicycle mobility along Palm Avenue between 13th Street and Hollister Street. The redevelopment of this site improves frontage along Palm Avenue and Thermal Avenue. Currently, there is no sidewalk along Thermal Avenue, and the project will dedicate additional right of way along Thermal Avenue and Palm Avenue, improving the pedestrian's path of travel and including landscape and street trees, which will visually improve the site. The project helps implement the Revitalization Plan by improving sidewalks and incorporating landscape and trees to provide a better pedestrian environment.

The project is consistent with the community plan land use designation and energy conservation policies of the General Plan, and would not adversely affect the Revitalization Plan, therefore, the proposed development will not adversely affect the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.**

The project will provide electrical service for San Diego Gas & Electric (SDG&E) and provide power to the local electrical grid during times of peak demand or blackouts, benefiting the community. The battery equipment will be secured by a perimeter fence, and all mechanical equipment and storage areas will be located within enclosed containers. The project site will be monitored remotely, with periodic maintenance visits, and will not impact pedestrian mobility and vehicular traffic. The mechanical structures and storage will be screened from the adjacent public right of way with fencing and landscape.

Additionally, as a condition of approval, the project proposes to improve pedestrian access along Thermal Avenue by constructing a 12-foot-wide parkway with landscape, street trees, and a non-contiguous sidewalk where no sidewalk currently exists. Along Palm Avenue, the project will dedicate 4.1 feet to provide a 20-foot-wide parkway with a non-contiguous sidewalk per current City standards. The project will also close an existing non-utilized driveway along Palm Avenue and replace it with a full-height curb, gutter, and non-contiguous sidewalk.

The project is subject to the California Public Utilities Code section 761.3(g) and Public Utilities Commission (CPUC) General Order (GO) 167-C which establishes standards for the maintenance and operation of battery energy storage systems to implement legislation, including Senate Bill 1383 and Senate Bill 38, which were enacted in response to fire safety issues related to battery storage facilities. A requirement in Public Utilities Code section 761.3(g) is for Battery Energy Storage System (BESS) operators to prepare and submit Emergency Response and Emergency Action Plans in coordination with local authorities. The Energy Storage System is further regulated by California Fire Code (CFC) Section 1207 and requires an Operational Permit to be obtained from the San Diego Fire Department (SDFD) in accordance with CFC Sections 105.5.14 and 1207.1.2(2). To apply for an Operational Permit, the project's building plans must first be approved by Development Services. The documentation SDFD requires includes: a Commissioning Plan per CFC 1207.2.1; a Decommissioning Plan per CFC 1207.2.3; and an Emergency Response and Emergency Action Plan per Public Utilities Code section 761.3(g). The SDFD Operational Permit will require the documentation mentioned above before approval. Staff consulted with SDFD and the project is conditioned to comply with state law and obtain an Operational Permit prior to final building inspection, provide CFC compliant fire access, establish a fire protection water supply, and provide a written site safety plan.

.

The project site does not contain sensitive biological resources and is not within or adjacent to the City's Multiple Habitat Planning Area. It will not require additional sewer, storm drainage, fire, or water infrastructure and will not impact school resources. The proposed project will incorporate additional landscape areas and decrease runoff from existing conditions. The proposed drainage complies with the City's drainage regulations and standards and will be conditioned to implement best management practices and stormwater requirements.

The project complies with the City of San Diego General Plan Noise Element guidelines and the maximum allowable decibel noise levels by including sound walls to reduce noise. The proposed development will comply with the required setbacks, fence heights, landscape criteria, and frontage requirements per the Land Development Code. The project will comply with state law and the California Fire Code. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.**

The site is zoned CC-4-2 (Community Commercial). The project is considered an “energy storage and distribution” use within this zone and requires a Conditional Use Permit (CUP) pursuant to San Diego Municipal Code (SDMC) Section 126.0303 and Section 141.0408 - Energy Storage and Distribution Stations. The project was deemed complete on February 23, 2022, prior to the SDMC update to add Section 141.0422 for Battery Energy Storage Facilities, which went into effect May 6, 2023. Therefore, the project was evaluated under Section 141.0408.

SDMC 141.0408 regulates energy generation and distribution stations which may be permitted with a CUP, subject to specific regulations, including: activities involving aerial transmissions are not permitted; all mechanical equipment and all storage areas shall be located within an enclosed building; the design of the structures shall incorporate architectural elements that help to minimize conflicts in scale with surrounding development; service areas and parking areas shall be buffered from adjacent development that is not of a similar nature; and fences, walls, trees and other forms of landscaping shall be used to minimize visibility of structures from adjacent public rights of way or adjacent residential development. Additionally, as stated in CUP finding ‘b’, incorporated here by reference, the Energy Storage System project is subject to Public Resources Code section 761.3 and the California Fire Code and the project is conditioned to comply with these state statutes and regulations.

The project does not propose aerial transmissions, and all mechanical equipment and storage are enclosed in structures. The design incorporates architectural elements, including landscape, street trees, walls, and ivy-lined fencing, that help to minimize the structures’ appearance and screen the development from adjacent public rights of way and the adjacent residential development. The project has a maximum height of 14 feet and does not propose large structures that would be out of scale with the surrounding development.

The project also proposes to improve the pedestrian environment along the public right of way. As a condition of approval, the project will dedicate 4.1 feet along Palm Avenue and construct a 20-foot-wide parkway with a non-contiguous sidewalk and a 12-foot-wide parkway with a non-contiguous sidewalk along Thermal Avenue where no sidewalk currently exists. The project will also close an existing non-utilized driveway along Palm Avenue and replace it with a full-height curb, gutter, and non-contiguous sidewalk per current City standards.

The proposed development will comply with setbacks, fencing and walls, landscape criteria, and City stormwater standards. The project complies with SDMC Section 141.0408, which addresses use regulations for energy generation and distribution stations. All mechanical equipment and storage areas shall be located within an enclosed building. The project shall also be screened

from the adjacent public right-of-way. No deviations or variances are requested or required. Therefore, the proposed development will comply with the regulations of the Land Development Code.

**d. The proposed use is appropriate at the proposed location.**

The project includes installing four new battery storage containers with transformers and associated site improvements on a site developed with an existing recycling center, which will be demolished. Battery storage systems are considered an “energy storage and distribution” use, which is a conditional use within the CC-4-2 zone under the applicable code section. The project complies with SDMC Section 141.0408, which addresses use regulations for energy generation and distribution stations. No deviations or variances are requested. The project is also consistent with the Community Plan land use designation of Community Commercial.

The Conditional Use Permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include screening, landscape and street trees, City standard sidewalks, dedicating right of way along Palm Avenue, constructing curb and gutter and a 12-foot-wide maintenance-only access with rolled curb, and implementing a Water Pollution Control Plan. Therefore, the proposed use is appropriate at the proposed location.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on these findings adopted by the Hearing Officer, Conditional Use Permit No. PMT-3139290, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. PMT-3139290, a copy of which is attached hereto and made a part hereof.

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Sara Osborn  
Development Project Manager  
Development Services

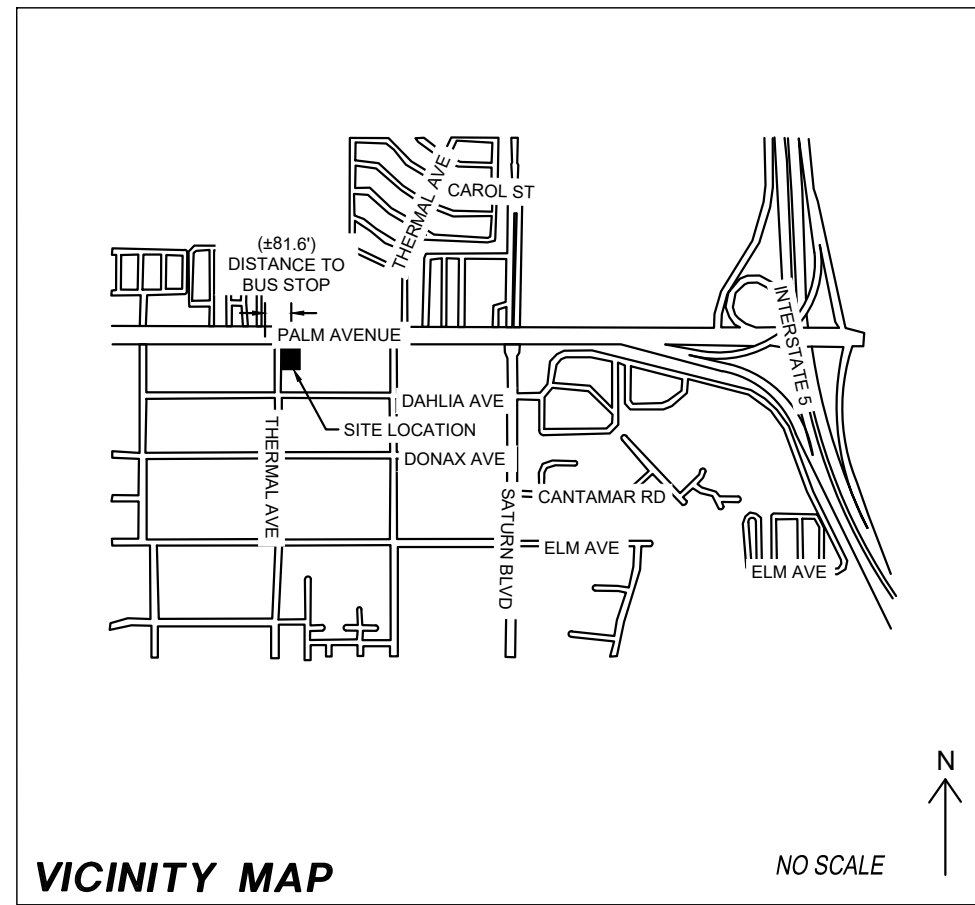
Adopted on: June 25, 2025

IO#: 24009144

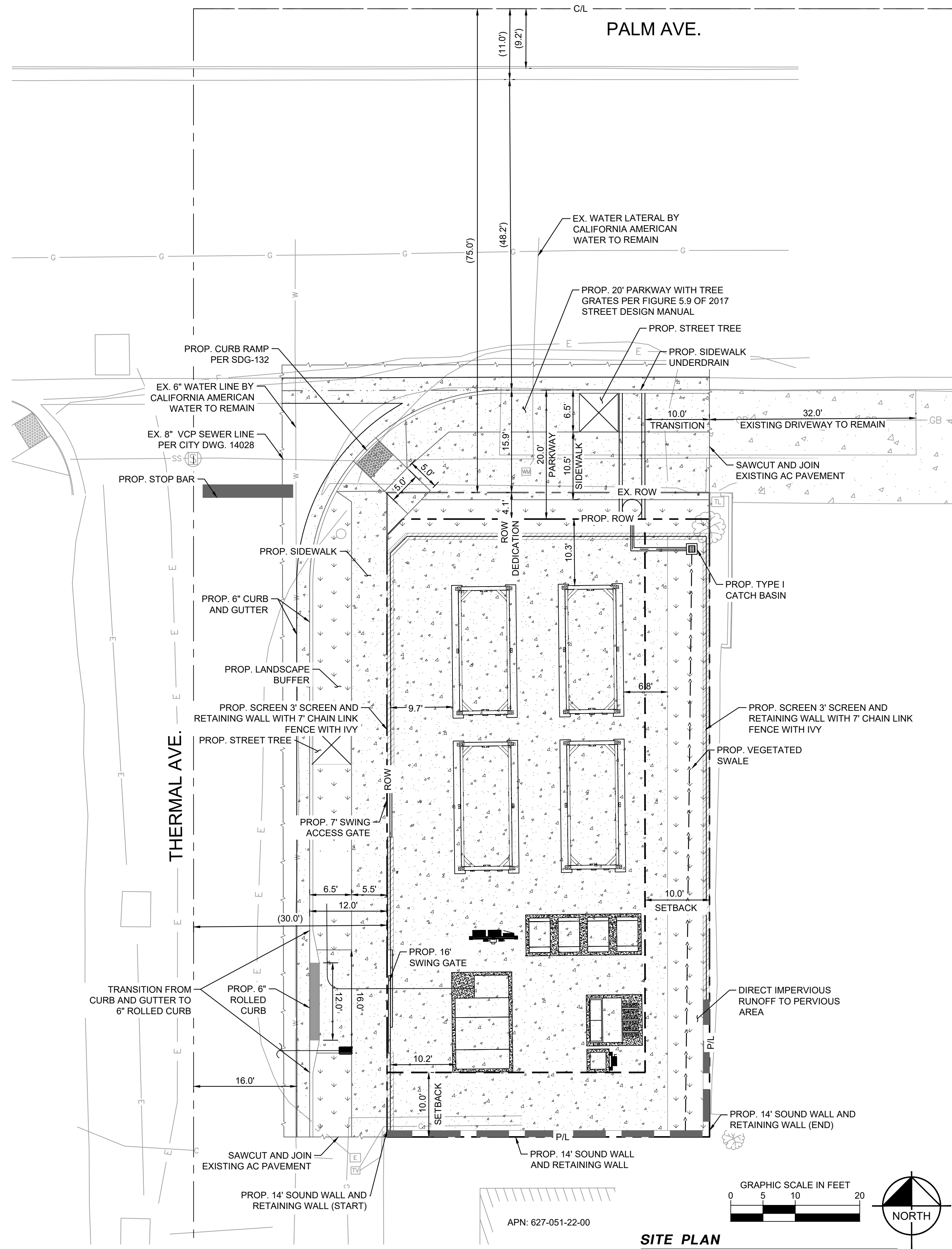
SHEET	DESCRIPTION
COVER	COVER SHEET
C1	EXISTING CONDITIONS PLAN
C2	CIVIL GRADING PLAN
C3	SIGHT DISTANCE EXHIBIT
L1	LANDSCAPING PLAN
SP1	ELECTRICAL SITE PLAN
E1	ELECTRICAL EQUIPMENT AREA ELEVATIONS

<u>SYMBOL</u>	<u>DESCRIPTION</u>
COVER	COVER SHEET
C	CIVIL
L	LANDSCAPE
SP	SITE PLAN
E	ELEVATIONS

1. NO SEWER, WATER, OR STORM DRAIN PROPOSED. NO MODIFICATIONS TO EXISTING PUBLIC UTILITIES PROPOSED.
2. ALL EQUIPMENT FOR PROPOSED BATTERY STORAGE CONTAINER TO BE ENCLOSED AND INACCESSIBLE TO PUBLIC PER SDMC SECTION 142.0408(B).
3. NO OBJECTS HIGHER THAN 24 INCHES WILL BE PROPOSED IN VISIBILITY AREAS.



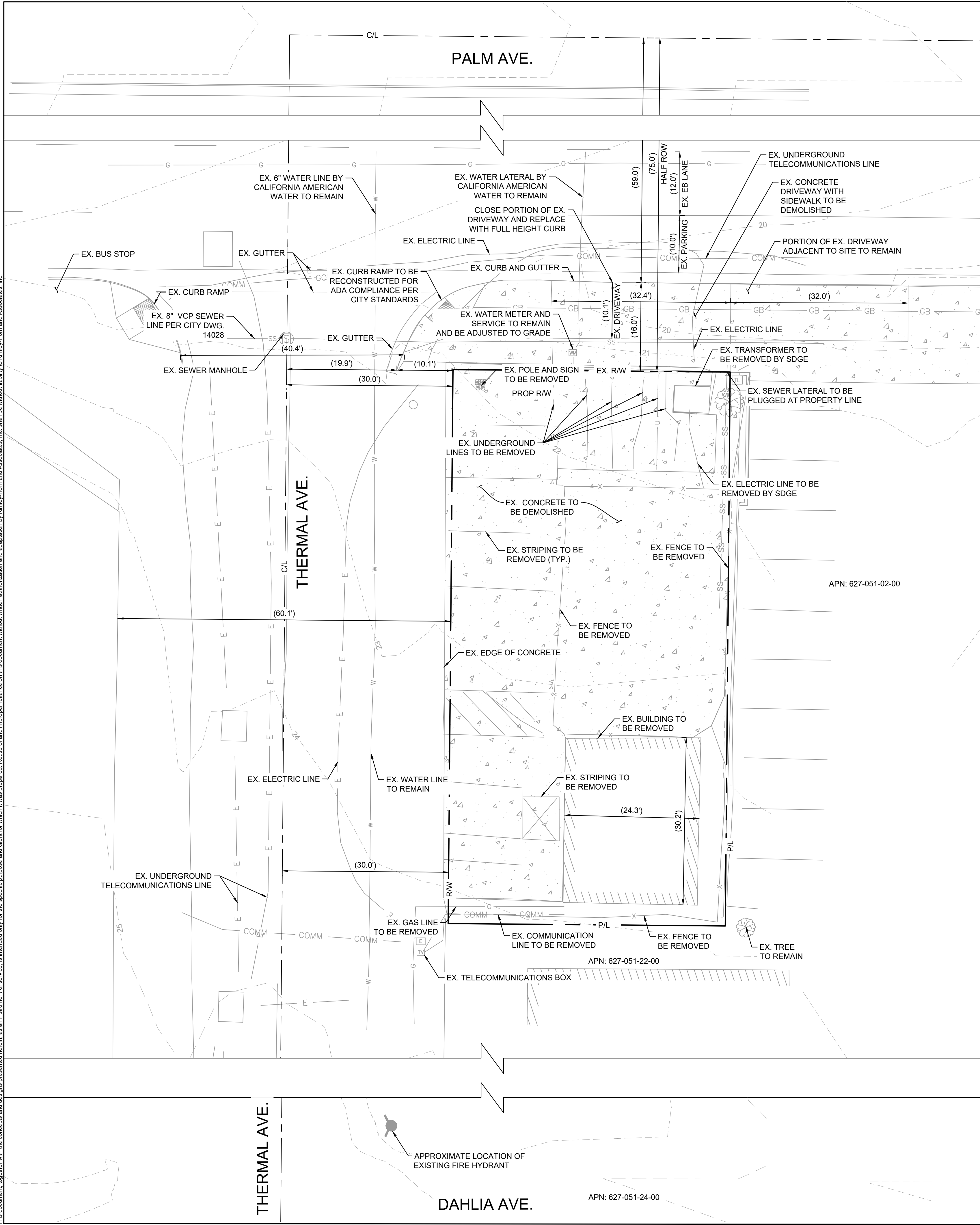
# ENERSMART IMPERIAL BEACH



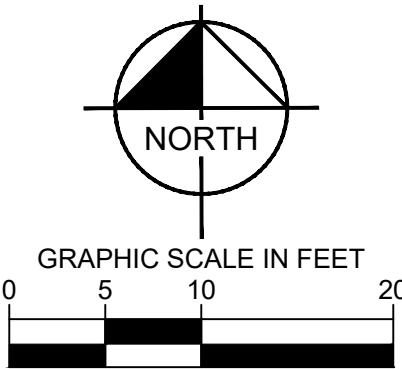
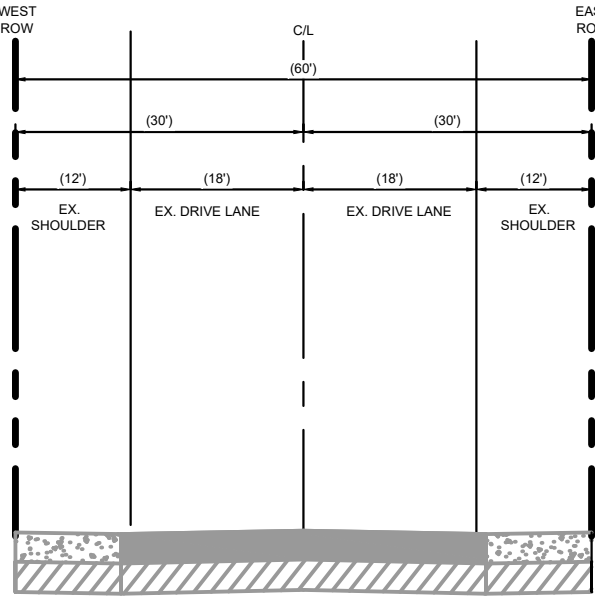
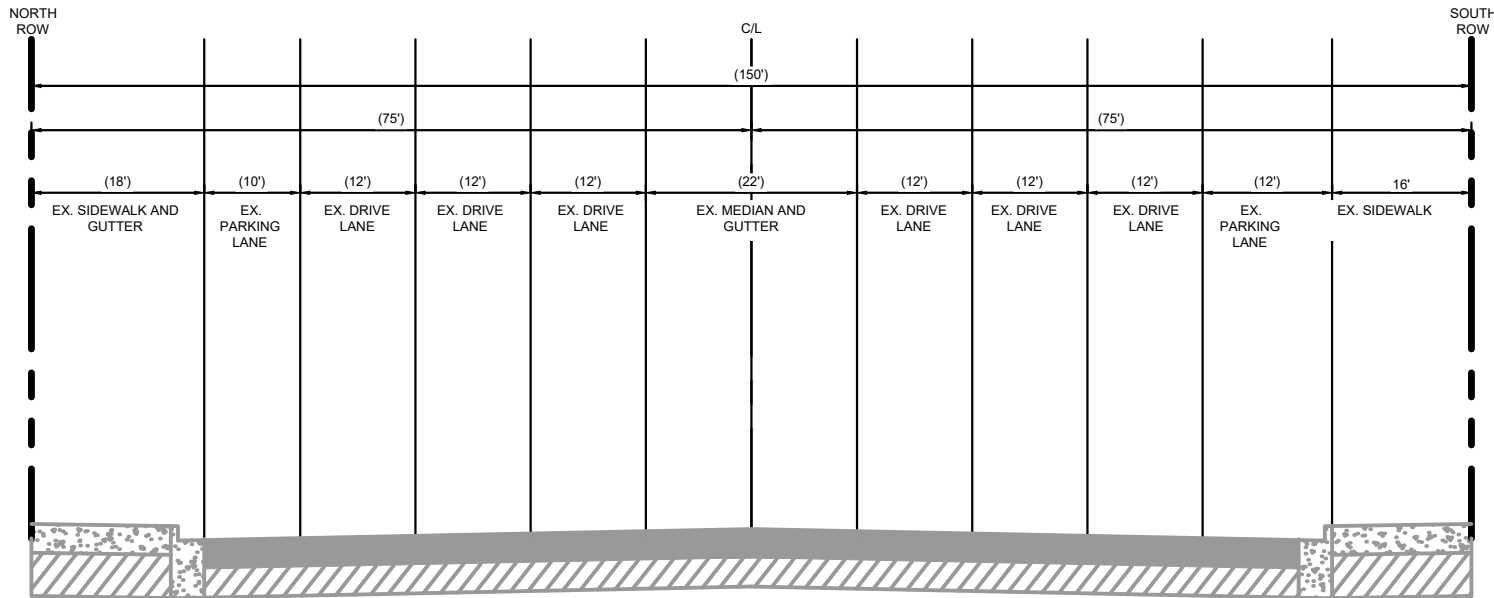
## 690 SF

[illegible]

Plotted By: Dione, Emily (Boual). Sheet Set: K:\SND\_LDEV\195376001 - Enersmart\Imperial Beach\Design\CD\PC-1 EXISTING CONDITIONS PLAN.dwg  
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kinley-Horn and Associates, Inc. shall be without liability to Kinley-Horn and Associates, Inc.



- LEGEND**
- EXISTING CONTOURS
  - COMM --- EXISTING TELECOMMUNICATIONS LINE
  - E --- EXISTING ELECTRIC LINE
  - W --- EXISTING WATER LINE
  - SS --- EXISTING SEWER LINE
  - /// EXISTING BUILDING
  - X- EXISTING FENCE
  - U --- EXISTING UNDERGROUND LINES
  - EXISTING CONCRETE

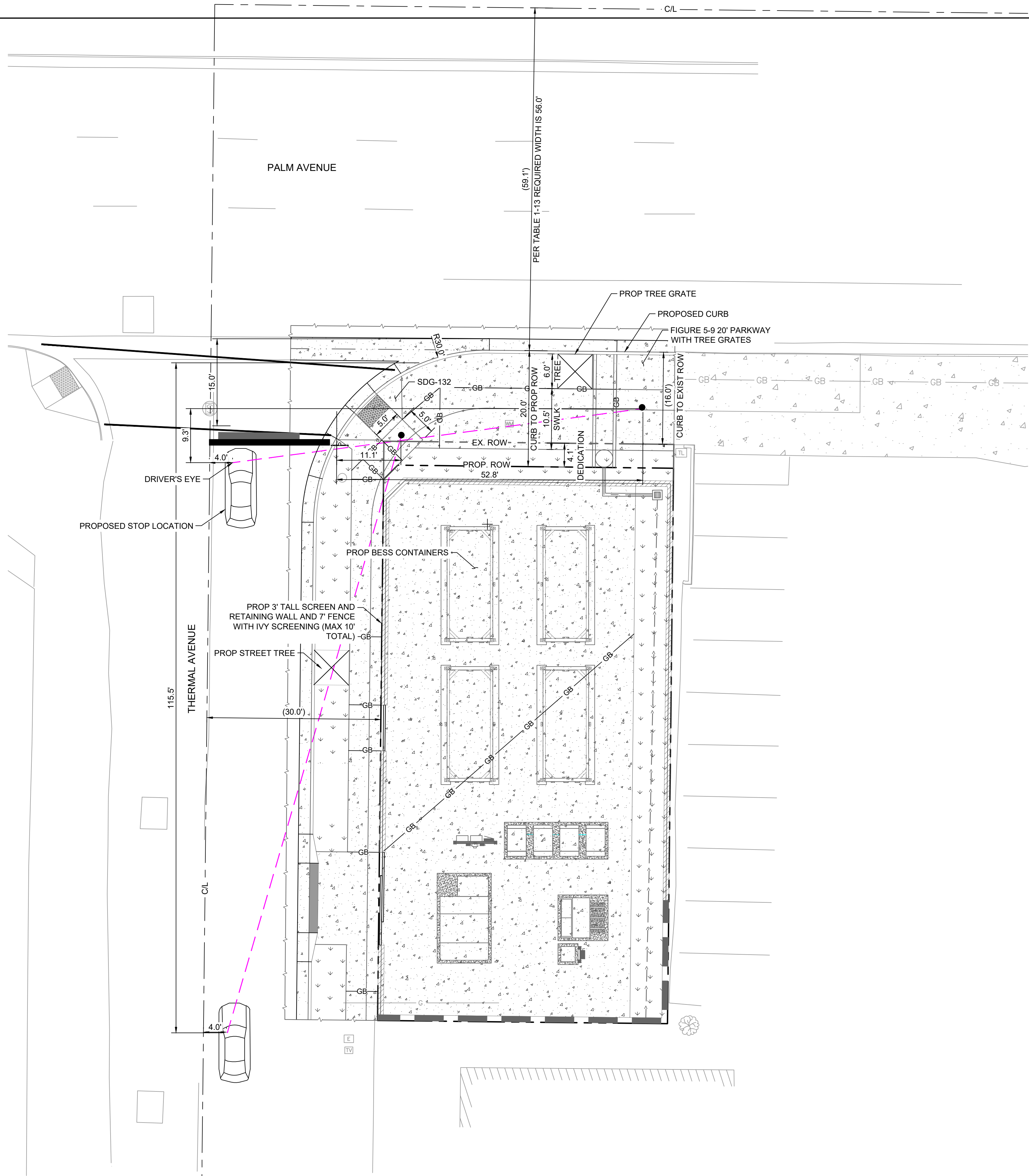


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The City of <b>SAN DIEGO</b>		DEVELOPMENT SERVICES DEPARTMENT SHEET <b>2</b> OF <b>7</b> SHEETS PROJECT NO. _____ SHEET TITLE: <b>C1</b>

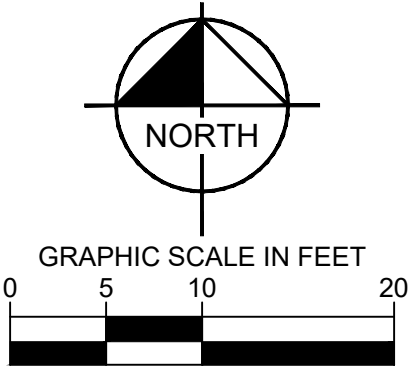




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The information contained herein is the property of KIMLEY-HORN AND ASSOCIATES, INC. and is loaned to the City of San Diego for the specific purpose and use intended. It is not to be used for any other purpose without the written authorization and adaptation by KIMLEY-HORN AND ASSOCIATES, INC. shall be without liability to KIMLEY-HORN AND ASSOCIATES, INC.



- LEGEND**
- FENCE LINE
  - PROPOSED RETAINING CURB
  - PROPOSED 12' SOUND WALL
  - LINE OF SIGHT

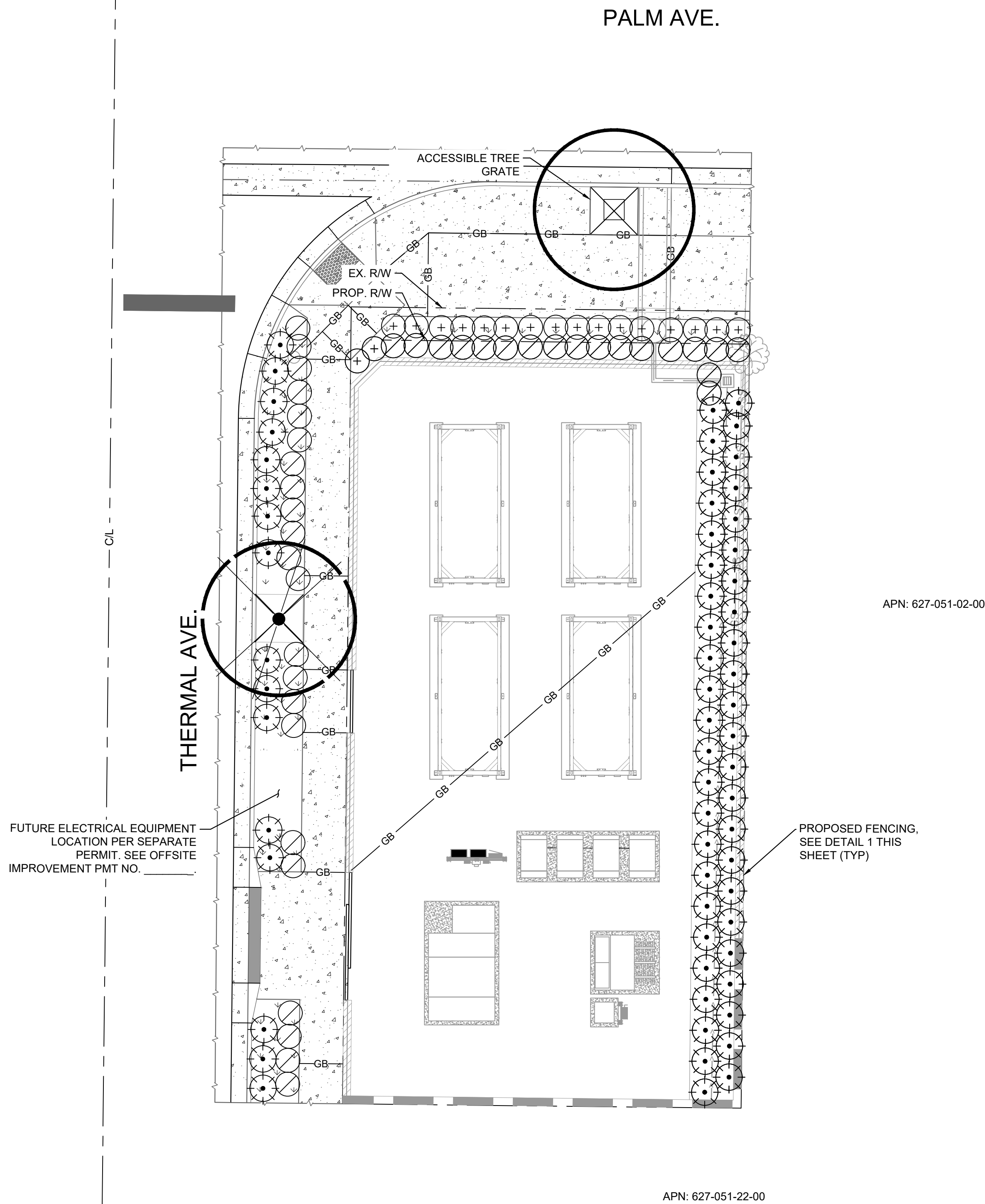


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The City of SAN DIEGO		PROJECT NO. _____ SHEET 4 OF 7 SHEETS SHEET TITLE: C3










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#### PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT	HEIGHT/SPREAD	CAL.	WUCOLS
	1	ALBIZIA JULIBRISSIN / SILK TREE	24" BOX	9'-11' HT. X 4'-5' SPR.	1.5" CAL.	MODERATE
	1	JACARANDA MIMOSIFOLIA / JACARANDA	24" BOX	9'-11' HT. X 4'-5' SPR.	1.5" CAL.	LOW
SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT.	SPACING	WUCOLS	
	16	MUHLENBERGIA RIGENS / DEER GRASS	5 GAL.	4' O.C.	LOW	
	40	ROSA CALIFORNICA / CALIFORNIA WILD ROSE	5 GAL.	3' O.C.	LOW	
	18	WESTRINGIA X 'WYNABBIE GEM' / WYNABBIE GEM COAST ROSEMARY	5 GAL.	3' O.C.	LOW	

#### LANDSCAPE NOTE:

THE SELECTION OF PLANT MATERIAL IS BASED ON CULTURAL, AESTHETIC, AND MAINTENANCE CONSIDERATIONS. ALL PLANTING AREAS SHALL BE PREPARED WITH APPROPRIATE SOIL AMENDMENTS, FERTILIZERS AND APPROPRIATE SUPPLEMENTS BASED UPON A SOILS REPORT FROM AN AGRICULTURAL SUITABILITY SOIL SAMPLE TAKEN FROM THE SITE. DECOMPOSED GRANITE SHALL FILL IN BETWEEN SHRUBS TO SHIELD THE SOIL FROM THE SUN, EVAPOTRANSPIRATION, AND RUN-OFF. ALL SHRUB BEDS SHALL BE MULCHED TO A 3" DEPTH TO HELP CONSERVE WATER, LOWER SOIL TEMPERATURE, AND REDUCE WEED GROWTH. THE SHRUBS SHALL BE ALLOWED TO GROW IN THEIR NATURAL FORMS. ALL LANDSCAPE IMPROVEMENTS SHALL FOLLOW THE GUIDELINES SET FORTH BY THE CITY OF SAN DIEGO MUNICIPAL CODE.

#### IRRIGATION NOTE:

AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO PROVIDE 100% COVERAGE FOR ALL PLANTING AREAS SHOWN ON THE PLAN. THE WATER SUPPLY FOR THIS SITE IS A POTABLE WATER CONNECTION AND THE LANDSCAPE WILL BE IRRIGATED BY A DEDICATED IRRIGATION VALVE. LOW VOLUME EQUIPMENT SHALL PROVIDE SUFFICIENT WATER FOR PLANT GROWTH WITH NO WATER LOSS DUE TO WATER CONTROLLERS, AND OTHER NECESSARY IRRIGATION EQUIPMENT. ALL POINT SOURCE SYSTEM SHALL BE ADEQUATELY FILTERED AND REGULATED PER THE MANUFACTURER'S RECOMMENDED DESIGN PARAMETERS. ALL IRRIGATION IMPROVEMENTS SHALL FOLLOW THE GUIDELINES SET FORTH BY THE CITY OF SAN DIEGO MUNICIPAL CODE.

I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AB-1881 AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

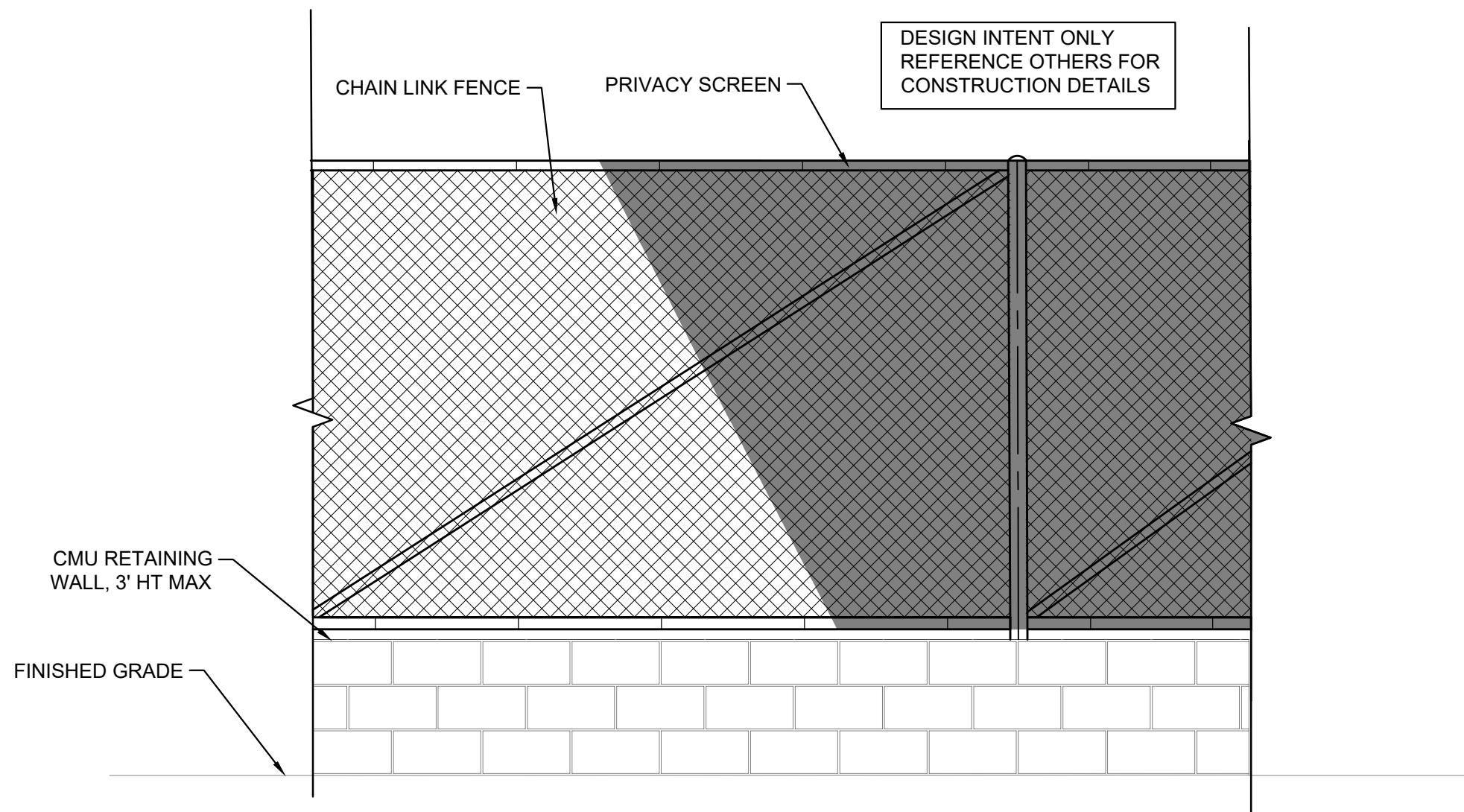
*Michael P. Madsen*  
MICHAEL P. MADSEN, LLA 5798

#### PROJECT INFORMATION

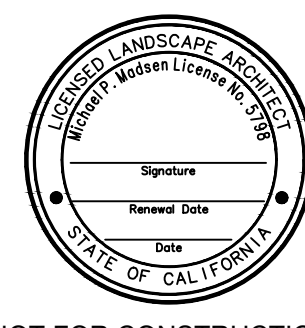
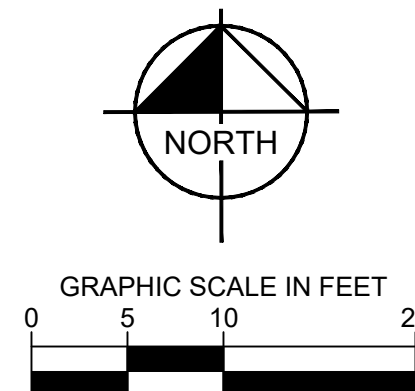
ZONE: CC (COMMERCIAL-COMMUNITY)

SITE USE CATEGORY: SEPARATELY REGULATED INSTITUTIONAL USE  
ENERGY GENERATION AND DISTRIBUTION FACILITY

LANDSCAPE DESIGN ABIDES BY SUPPLEMENTAL REGULATIONS SECTION 141.0408



1 RETAINING WALL WITH SCREEN FENCE ELEVATION  
NTS



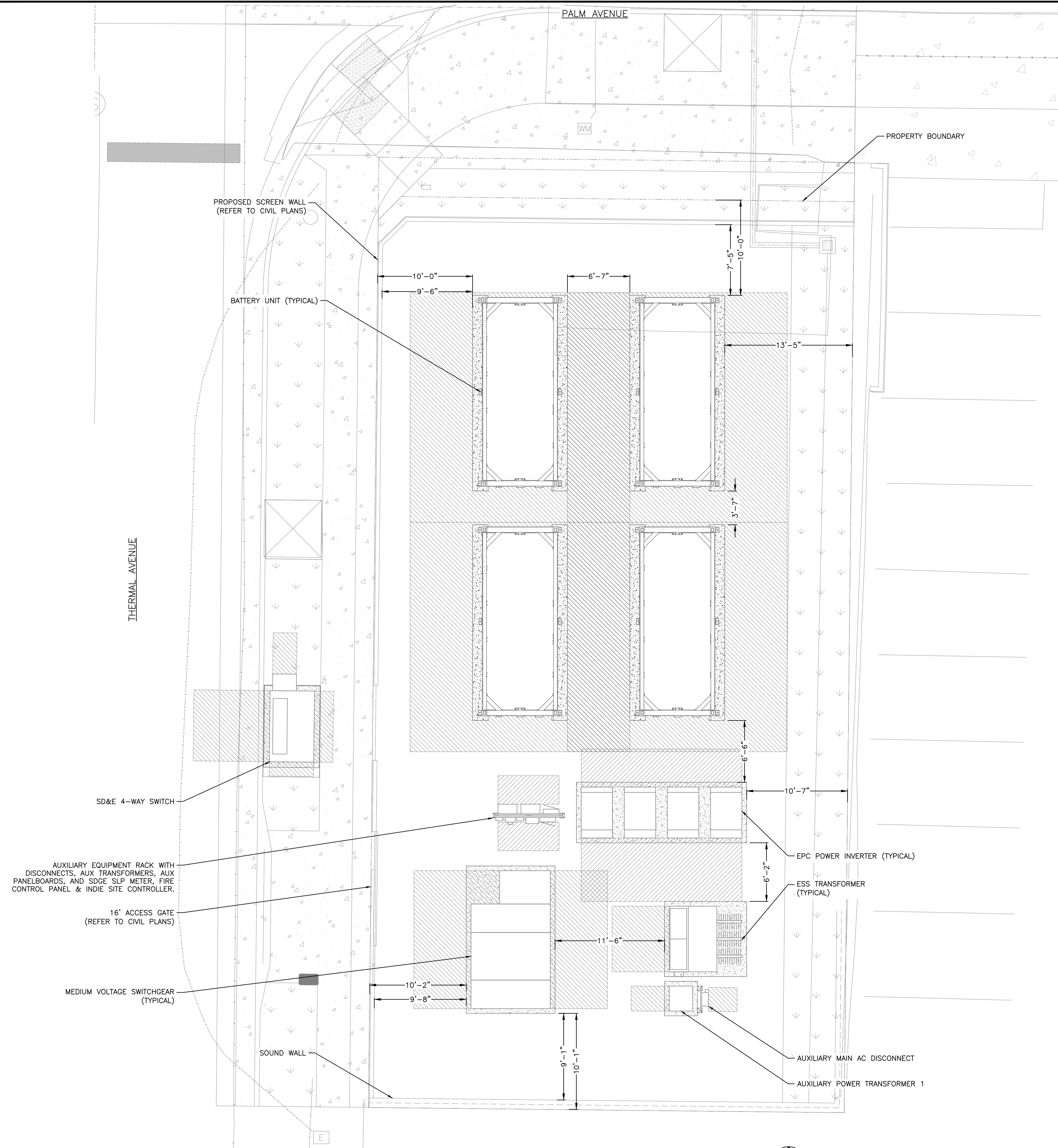
NOT FOR CONSTRUCTION

#### REVISIONS TABLE

NO.	DATE	REVISION / ISSUE

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**ENERSMART IMPERIAL BEACH**  
ADDRESS: 1705 PALM AVE  
SAN DIEGO, CALIFORNIA

The City of **SAN DIEGO** DEVELOPMENT SERVICES DEPARTMENT  
SHEET **5** OF **7** SHEETS  
PROJECT NO. \_\_\_\_\_  
SHEET TITLE: **L1**

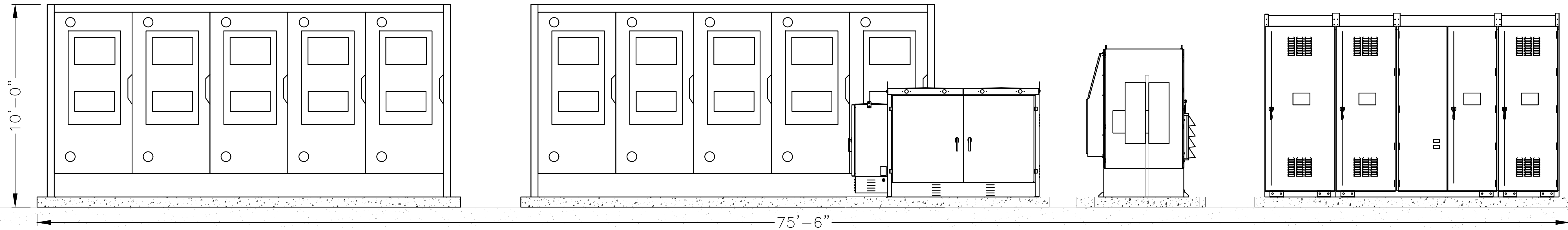




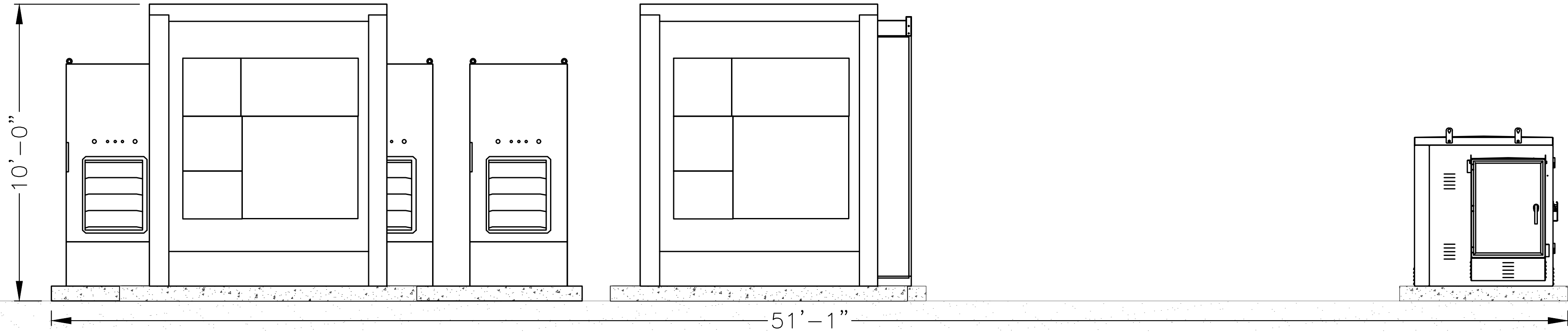
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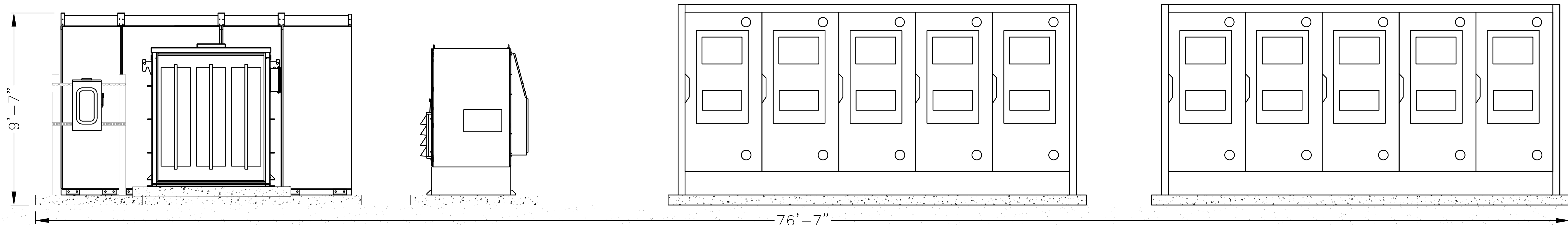
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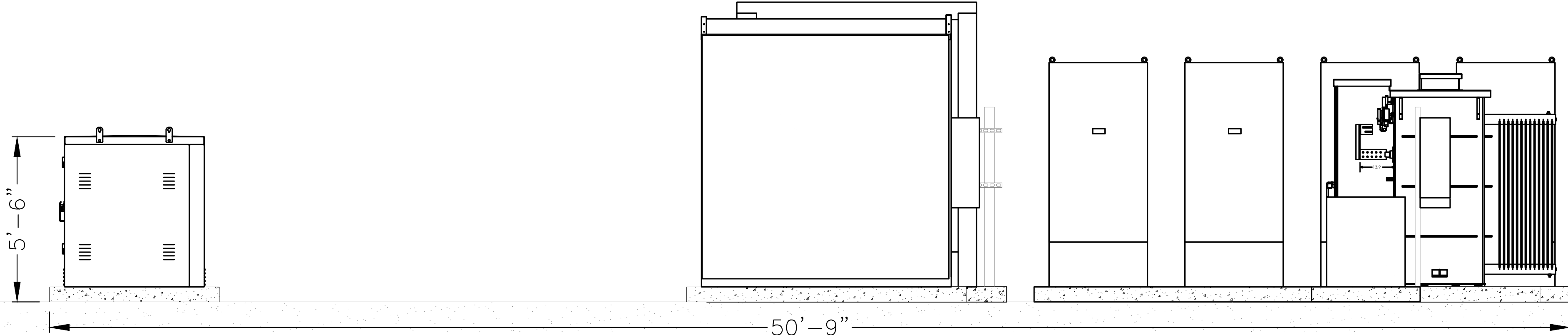
1 ELECTRICAL EQUIPMENT (FROM WEST)  
E110 SCALE: 3/8" = 1'-0"



2 ELECTRICAL EQUIPMENT (FROM NORTH)  
E110 SCALE: 3/8" = 1'-0"




3 ELECTRICAL EQUIPMENT (FROM EAST)  
E110 SCALE: 3/8" = 1'-0"



4 ELECTRICAL EQUIPMENT (FROM SOUTH)  
E110 SCALE: 3/8" = 1'-0"

PROJECT BATTERY ENERGY STORAGE SYSTEM AT IMPERIAL BEACH 1705 PALM AVENUE SAN DIEGO, CA 92154	DC SYSTEM SIZE: 21,460 kWh AC SYSTEM SIZE: 3,000 kW INVERTER TYPE: EPC POWER 1MW INVERTER QUANTITY: 4 BATTERY TYPE: MC CUBE 10+1 BATTERY QUANTITY: 4	PAGE SIZE 36" x 24" PROJECT # 03186.02	DEVELOPER ENERSMART 400 S. SIERRA AVE., STE. 100 SOLANA BEACH, CA 92075 WWW.ENERSMARTSTORAGE.COM	 ENERSMART 400 S. SIERRA AVE., STE. 100 SOLANA BEACH, CA 92075 WWW.ENERSMARTSTORAGE.COM		REVISION DESCRIPTION	DATE	PM	ENG	CHK
						ISSUE FOR CONSTRUCTION	03/01/2024	SK	CB	RI
						CONCEPTUAL DESIGN (REV. 5)	01/24/2023	SK	CB	RI
						CONCEPTUAL DESIGN (REV. 4)	12/22/2022	SK	CB	RI

	<b>City of San Diego Development Services</b> 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Ownership Disclosure Statement</h1>	<b>FORM DS-318</b>  October 2017
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**Approval Type:** Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit  
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit ☐ Variance  
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other \_\_\_\_\_

**Project Title:** Imperial Beach Battery Storage Project **Project No. For City Use Only:** \_\_\_\_\_  
**Project Address:** 1705 Palm Ave. San Diego, CA 92154

**Specify Form of Ownership/Legal Status (please check):** S. Dak. DB 056344  
☒ Corporation ☒ Limited Liability -or- ☐ General - What State? CA Corporate Identification No. \_\_\_\_\_  
☐ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

#### Property Owner

Name of Individual: Palm LTD % Barry Rehurek ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: 1590 E. Chase Ave.  
 City: El Caion State: CA Zip: 92020  
 Phone No.: 619-579-6665 Fax No.: \_\_\_\_\_ Email: bayreh@sbcglobal.net  
 Signature: Palm Ltd. by Barry Rehurek Date: 2-5-2021  
 Additional pages Attached: ☐ Yes ☒ No

#### Applicant

Name of Individual: EnerSmart Imperial Beach BESS LLC ☐ Owner ☒ Tenant/Lessee ☐ Successor Agency  
 Street Address: 8910 University Center Lane  
 City: San Diego State: CA Zip: 92122  
 Phone No.: 720-900-8393 Fax No.: \_\_\_\_\_ Email: james@enersmartstorage.com  
 Signature: [Signature] Date: February 5, 2021  
 Additional pages Attached: ☐ Yes ☒ No

#### Other Financially Interested Persons

Name of Individual: \_\_\_\_\_ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Additional pages Attached: ☐ Yes ☐ No

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 Upon request, this information is available in alternative formats for persons with disabilities.