



A G E N D A

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PUBLIC FINANCING AUTHORITY



NOVEMBER 21, 2007

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

REGULAR MEETING – 6:00 P.M.

**THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH REDEVELOPMENT AGENCY,
PLANNING COMMISSION, AND PUBLIC FINANCING AUTHORITY**

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at City Council meetings, please contact the City Clerk's Office at (619) 423-8301, as far in advance of the meeting as possible.

REGULAR MEETING CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

COMMUNICATIONS FROM CITY STAFF

PUBLIC COMMENT - *Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.*

PRESENTATIONS (1.1)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

City Manager's Recommendation: Present the Recycle All-Star Award Certificate, \$100.00 check and used oil recycling premiums to Rachel Winn.

CONSENT CALENDAR (2.1 - 2.6) *All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.*

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 65175 through 65268 with the subtotal amount of \$806,898.34; and Payroll Register Numbers 39066 through 39113 for the pay periods ending 10/25/07 and 11/08/07 with the subtotal amount of \$134,467.36; for a total amount of \$941,365.70.

2.2 STATE CONTROLLER'S REPORT. (0300-88)

City Manager's Recommendation: Receive and file the State Controller's report for the year ending June 30, 2007.

2.3 UNCOLLECTIBLE DUI ACCOUNTS. (0390-10)

City Manager's Recommendation:

1. Receive report; and
2. Adopt Resolution No. 2007-6558 authorizing the write-off of delinquent accounts incurred prior to January 1, 2005 totaling \$11,149 and authorizing the Finance Director to send these accounts to a collection agency.

Continued on Next Page

CONSENT CALENDAR (Continued)

- 2.4 **RESOLUTION NO. 2007-6557 – AMENDING THE PUMP STATION NUMBER 3 UPGRADE (CIP# W05-104) PROJECT IN THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET 2004/2005 THROUGH FISCAL YEAR 2008/2009 AND AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – PUMP STATION NUMBER 3 UPGRADE (CIP# W05-104). (0830-35)**
City Manager's Recommendation: Receive report and adopt resolution.
- 2.5 **TIDELANDS ADVISORY COMMITTEE – TERMS EXPIRING ON DECEMBER 31, 2007. (0120-90)**
City Manager's Recommendation: Receive and file.
- 2.6 **LETTER OF SUPPORT FOR AN EPA GRANT. (0460-20)**
City Manager's Recommendation: Ratify letter.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

- 3.1 **SEACOAST INN: OWNER/APPLICANT: IMPERIAL COAST LIMITED PARTNERSHIP/PACIFICA COMPANIES RE SPECIFIC PLAN (GPA 03-095), DESIGN REVIEW (DRC 03-094), REGULAR COASTAL PERMIT (CP 03-091) SITE PLAN REVIEW (SPR 03-093), TENTATIVE MAP (TM 03-092), DEVELOPMENT AGREEMENT AND ENVIRONMENTAL IMPACT REPORT (EIA 04-034) FOR THE REDEVELOPMENT OF AN EXISTING HOTEL LOCATED AT 800 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF661. (0660-43)**
City Manager's Recommendation:
1. Declare public hearing open;
 2. Receive public comment;
 3. Continue the public hearing;
 4. Mayor call for the introduction of Ordinance No. 2007-1060, an Ordinance of the City Council of the City of Imperial Beach, California, approving the Seacoast Inn Specific Plan (GPA 03-095) that proposes the demolition of the existing 38-room hotel and construction of a new 4-story, 78-room hotel with a seawall, 111 parking spaces, a restaurant, a meeting room and related Date Avenue street end improvements located at 800 Seacoast Drive in the C-2 (Seacoast Commercial Zone);
 5. City Clerk read the title of Ordinance No. 2007-1060;
 6. Motion to dispense the first reading of Ordinance No. 2007-1060 by title only; and
 7. Mayor call for the introduction of Ordinance No. 2007-1061, an Ordinance of the City Council of the City of Imperial Beach, California, approving a Development Agreement by and between the City Council of the City of Imperial Beach and Imperial Coast Limited Partnership of a general partnership of Pacifica Hospitality Group, Inc.;
 8. City Clerk read the title of Ordinance No. 2007-1061;
 9. Motion to dispense the first reading of Ordinance No. 2007-1061 by title only, and set the matter for adoption at the next regularly scheduled City Council meeting and authorize the publication in a newspaper of general circulation; and
 10. Adopt Resolution No. 2007-6559 approving Regular Coastal Development Permit (CP 03-091), Design Review (DRC 03-094), Site Plan Review (SPR 03-093), Tentative Map (TM 03-092), and Environmental Impact Report (EIA 04-034) for the demolition of the existing 38-room Seacoast Inn and construction of a 4-story, 78-room hotel with a seawall, 111 parking spaces, a restaurant, a meeting room and related Date Avenue street end improvements located at 800 Seacoast Drive in the C-2 (Seacoast Commercial) Zone.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

INTERIM ORDINANCE EXTENDING URGENCY MEASURE – READING & ADOPTION (4A.1)

4A.1 AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING ADDITIONAL RETAIL ESTABLISHMENTS SELLING TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA DURING A 45-DAY SPECIAL STUDY PERIOD FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS. (0240-35)

City Manager's Recommendation:

1. Receive report;
2. Mayor call for the reading of Ordinance No. 2007-1059, an Interim Ordinance extending an urgency measure prohibiting additional retail establishments selling tobacco products and tobacco paraphernalia during a 45-day special study period for an additional 10 months and 15 days;
3. City Clerk read the title of Ordinance No. 2007-1059; and
4. Motion to introduce, read, pass and adopt Ordinance No. 2007-1059 by title only.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1)

6.1 822 GEORGIA STREET – NOTICE AND ORDER TO DEMOLISH AND REMOVE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS. (0470-20)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive public testimony;
3. Close the public hearing; and
4. Consider adoption of Resolution No. 2007-6560 declaring the property and structure at 822 Georgia Street substandard and a public nuisance, and ordering the structure to be demolished and removed, and assessing the twelve thousand four hundred dollars (\$12,400.00) in administrative costs and accumulated civil penalties against the property; and
5. Consider a motion to direct staff to commence legal action to abate the nuisance, and staff will cause the required work to be done at the expense of the owner(s), and will secure payment of such expense by assessment and lien.

REPORTS (7)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

REPORTS OF MAYOR AND COUNCILMEMBERS

ADJOURNMENT

The Imperial Beach City Council welcomes you and encourages your continued interest and involvement in the City's decision-making process.

For your convenience, the agenda is also available to you on our website at www.cityofib.com.

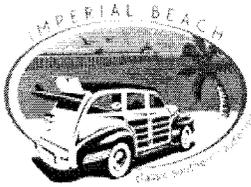
A COPY OF THE COUNCIL MEETING PACKET MAY BE VIEWED BY THE PUBLIC IN THE OFFICE OF THE CITY CLERK AT CITY HALL.

Copies of this notice were provided on November 16, 2007 to the City Council, San Diego Union-Tribune, I.B. Eagle & Times, and I.B. Sun.

AFFIDAVIT OF POSTING)
STATE OF CALIFORNIA)
CITY OF IMPERIAL BEACH)

I, Jacqueline M. Hald, City Clerk of the City of Imperial Beach, hereby certify that the Agenda for the Regular Meeting as called by the City Council, Redevelopment Agency, and Public Financing Authority of Imperial Beach was provided and posted on November 16, 2007. Said meeting to be held at 6:00 p.m., November 21, 2007, in the Council Chambers, 825 Imperial Beach Boulevard, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers on November 16, 2007 at 4:00 p.m.

Jacqueline M. Hald, CMC
City Clerk



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: NOVEMBER 21, 2007
ORIGINATING DEPT.: PUBLIC WORKS *HGB*
SUBJECT: RECYCLE ALL-STAR AWARD PRESENTATION

BACKGROUND:

The Recycle All-Star Program is designed to encourage residents to participate in weekly curbside collection of recyclables. Each month, a City inspector canvasses one randomly selected neighborhood on trash day in search of a Recycle All-Star – the residence with the greatest quantity of uncontaminated recyclables placed in its curbside-recycling bin. Winners receive a certificate from the City, a \$100 check from EDCO, and other premiums such as a travel mug, a frisbee, pens, pencils, note pads, and a 100% recycled-content tote bag. During inspection, information tags are placed on non-winning recycling bins to promote the Recycle All-Star Program, to remind residents of what materials are recyclable, and to point out contamination observed in the bins.

DISCUSSION:

On October 11, 2007, City inspectors canvassed the 100-200 block of Ebony Avenue in search of a Recycle All-Star. The following resident was selected as the Recycle All-Star for the month of October, 2007: Rachel Winn.

The above resident has been notified of his/her award by telephone and letter and invited to accept the Recycle All-Star award at the November 21, 2007 City Council meeting.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL ANALYSIS:

None

DEPARTMENT RECOMMENDATION:

Mayor, in company with an EDCO representative, will present the Recycle All-Star award certificate, \$100 check, and other premiums listed above to Rachel Winn.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

City of Imperial Beach

and

EDCO DISPOSAL CORPORATION

Wish to present to

Rachel Winn the month of October, 2007

RECYCLING ALL STAR AWARD

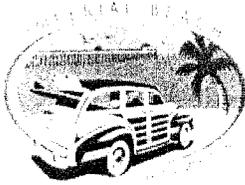
*for your diligence, environmental concern,
and love of the earth,*



WE THANK YOU!

Jim Janney, Mayor





**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY R. BROWN, CITY MANAGER

MEETING DATE: November 21, 2007

ORIGINATING DEPT.: Michael McGrane
Finance Director

SUBJECT: RATIFICATION OF WARRANT REGISTER

BACKGROUND:

None

DISCUSSION:

As of April 7, 2004, all large warrants above \$100,000 will be separately highlighted and explained on the staff report.

Vendor	Warrant	Amount	Explanation
City of San Diego	65253	\$532,879.00	FY2008, 2 nd Qtr Metro Sewer

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

WARRANT # DATE AMOUNT

Accounts Payable:

65175-65248	11/02/07	229,384.11
65249-65268	11/08/07	577,514.23
		\$ 806,898.34

Payroll Checks:

39066-Manual Ck.-		
L.Hernandez	P.P.E.10/25/07	179.77
39067-39113	P.P.E 11/08/07	134,287.59
	SUB-TOTAL	\$ 134,467.36
	TOTAL	\$ 941,365.70

FISCAL IMPACT:

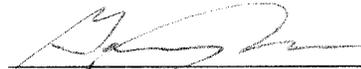
Warrants are issued from budgeted funds.

DEPARTMENT RECOMMENDATION:

It is respectfully requested that the City Council ratify the warrant register.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation



Gary Brown, City Manager

Attachments:

1. Warrant Registers

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
11/02/2007	65175	ACCOUNTTEMPS	70				4,052.10
101-1210-413.21-01	10/22/2007	OCAMPO, MARIA	10/19/07	19907229	080016	04/2008	1,190.00
101-1210-413.21-01	10/24/2007	UBAJAKA-HARRIS,C	10/19/07	19931622	080016	04/2008	1,087.60
101-1210-413.21-01	10/29/2007	OCAMPO, MARIA	10/26/07	19942855	080016	04/2008	952.00
101-1210-413.21-01	10/29/2007	UBAJAKA-HARRIS,C	10/26/07	19942856	080016	04/2008	822.50
11/02/2007	65176	AFLAC	120				322.25
101-0000-209.01-13	11/01/2007	PPE	10/25/07	20071101		05/2008	322.25
11/02/2007	65177	ALL TEAM STAFFING, INC	1801				3,311.00
101-6020-452.21-04	10/15/2007	ARMENDARIZ, JOSE	10/11/07	1000010		04/2008	1,062.00
101-1910-419.21-04	10/15/2007	MARTINEZ, HECTOR	10/11/07	1000009	080311	04/2008	891.00
101-6040-454.10-02	10/22/2007	ROMERO, SANDRO	10/19/07	1000013	080304	04/2008	203.72
101-6040-454.10-02	10/22/2007	ROMERO, SANDRO	10/19/07	1000013	080304	04/2008	135.80
101-6040-454.10-02	10/22/2007	ROMERO, SANDRO	10/19/07	1000013	080304	04/2008	152.77
101-6040-454.10-02	10/22/2007	ROMERO, SANDRO	10/19/07	1000013	080304	04/2008	16.97
101-6040-454.10-02	10/22/2007	ROMERO, SANDRO	10/19/07	1000013	080304	04/2008	169.75
101-6040-454.10-02	10/22/2007	ROMERO, SANDRO	10/19/07	1000013	080304	04/2008	67.90
101-6040-454.10-02	10/22/2007	ROMERO, SANDRO	10/19/07	1000013	080304	04/2008	169.75
101-6040-454.10-02	10/22/2007	ROMERO, SANDRO	10/19/07	1000013	080304	04/2008	271.60
101-6040-454.10-02	10/22/2007	ROMERO, SANDRO	10/19/07	1000013	080304	04/2008	33.95
101-6040-454.10-02	10/22/2007	ROMERO, SANDRO	10/19/07	1000013	080304	04/2008	84.87
101-6040-454.10-02	10/22/2007	ROMERO, SANDRO	10/19/07	1000013	080304	04/2008	50.92
11/02/2007	65178	SOUTHCOAST HEATING & A/C	1554				987.00
101-1910-419.21-04	10/19/2007	REMOVED ALL COVERS FOR		252422	080099	04/2008	987.00
11/02/2007	65179	ARROWHEAD MOUNTAIN SPRING WATE	1340				153.75
101-1010-411.30-02	10/23/2007	PERIOD 09/21/07-10/20/07		07J0025324922	080018	04/2008	61.90
101-5020-432.30-02	10/23/2007	PERIOD 09/21-10/20/07		07J0026726646	080213	04/2008	91.85
11/02/2007	65180	ASBURY ENVIRONMENTAL SERVICES	277				530.27
101-5040-434.21-04	10/25/2007	FLUORESCENT LIGHTS, BATTR		130194005		04/2008	530.27
11/02/2007	65181	AT&T	291				254.44
101-3020-422.27-04	10/13/2007	030 290 1325 001		11-08-2007		03/2008	68.66
101-3030-423.27-04	10/13/2007	030 290 2293 001		11-08-2007		03/2008	122.93
101-0000-221.02-01	10/21/2007	030 326 8685 001		11-16-2007		03/2008	40.56
101-6010-451.27-04	10/13/2007	030 485 6799 001		11-08-2007		03/2008	22.29
11/02/2007	65182	AT&T TELECONFERENCE SERVICES	1827				91.35
101-1110-412.30-02	10/01/2007	55037702-00001		10-01-2007	F08047	04/2008	91.35
11/02/2007	65183	BDS ENGINEERING INC	372				8,653.40
601-5060-536.20-06	10/10/2007	PERIOD 09/04-09/27/07		06-12L		04/2008	8,653.40
11/02/2007	65184	BOYCE INDUSTRIES INC	486				883.44
501-1921-419.28-16	10/29/2007	2000 WATT GENERATOR		49757	080068	04/2008	829.62
501-1921-419.28-16	10/29/2007	TRIGGER GUN ASSY.		49758	080068	04/2008	53.82

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
11/02/2007	65185	CALIFORNIA AMERICAN WATER	612				229.36
101-3030-423.27-02	10/16/2007	05-0155019-8 09/13-10/11		11-05-2007		03/2008	19.54
101-5030-433.27-02	10/16/2007	05-0155037-C 08/22-09/14		11-05-2007		03/2008	13.25
601-5060-436.27-02	10/19/2007	05-0155649-2 09/21-10/11		11-07-2007		03/2008	113.20
601-5050-436.27-02	10/19/2007	05-0392478-9 09/21-10/11		11-07-2007		03/2008	83.37
11/02/2007	65186	CDW GOVERNMENT INC	725				382.52
503-1923-419.28-13	10/18/2007	SYM B/J EXEC 11DE F/MS		HFD7609	080439	04/2008	123.92
503-1923-419.28-13	10/22/2007	SYM B/J EXEC AWS 11D CPA		HPMS922	080439	04/2008	258.60
11/02/2007	65187	CHULA VISTA ALARM & MONITORING	797				60.00
101-1910-419.20-23	11/01/2007	MONITORING BUS. FOR ECC		6160	080098	05/2008	30.00
101-1910-419.20-23	11/01/2007	PERIOD NOVEMBER 2007		6172	080098	05/2008	30.00
11/02/2007	65188	CLEAN HARBORS	913				623.00
101-5040-434.21-04	10/13/2007	PER CAR HHW EVENT 9/29/07		CW0768079	080172	04/2008	623.00
11/02/2007	65189	COLONIAL LIFE & ACCIDENT	941				128.43
101-0000-209.01-13	11/01/2007	PPE 10/25/07		20071101		05/2008	128.43
11/02/2007	65190	COPY POST PRINTING	1371				74.86
101-3040-424.28-11	10/22/2007	RANDY CATHCART BUSINESS C		15838	F08054	04/2008	74.86
11/02/2007	65191	COX COMMUNICATIONS	1073				179.00
503-1923-419.21-04	10/21/2007	INTERNET SERVICE 10/21/07		10-21-2007	080034	04/2008	179.00
11/02/2007	65192	CPRS DISTRICT XII	1409				40.00
101-6010-451.28-04	10/23/2007	FOR JIM COATES		REG1007	F08049	04/2008	20.00
101-6010-451.28-04	10/23/2007	FOR ALLEN CAMP		REG1007	F08049	04/2008	20.00
11/02/2007	65193	CREATIVE BENEFITS INC FSA	1108				320.53
101-0000-209.01-11	11/01/2007	PPE 10/25/07		20071101		05/2008	320.53
11/02/2007	65194	CULLIGAN WATER CO. OF SAN DIEG	1112				18.95
101-1210-413.30-02	10/17/2007	11/01-30/07 RENTAL BW CO		16974616	080186	04/2008	18.95
11/02/2007	65195	D.A.R. CONTRACTORS	1122				347.00
101-3050-425.20-06	10/05/2007	SERVICE SEPTEMBER 2007		0102059	080365	04/2008	347.00
11/02/2007	65196	DATA CAREERS PERSONNEL SERVICE	1839				450.00
503-1923-419.21-01	10/22/2007	SANDOVAL, CHRIS 10/21/07		8760	080183	04/2008	450.00
11/02/2007	65197	DATAQUICK	1134				104.63
101-3070-427.21-04	10/02/2007	PERIOD 09/01-30/07		B1-1113309	080246	04/2008	70.47
101-5020-432.21-04	10/02/2007	PERIOD 09/01-30/07		B1-1113309	080246	04/2008	2.44
101-3020-422.21-04	10/02/2007	PERIOD 09/01-30/07		B 1-1113309	080246	04/2008	31.72
11/02/2007	65198	D3 EQUIPMENT	1124				187.43
501-1921-419.28-16	10/19/2007	BRAKE LINING		360568	080071	04/2008	187.43

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
11/02/2007	65199	EAGLE NEWSPAPER	1204		196.25
401-5020-432.20-06	03/01/2007	PUBLIC HEARING SOLID WAST	26245	01/2008	65.00
407-1262-413.20-06	03/01/2007	SEAGULLS/PIGEONS AD	26245	01/2008	30.00
407-1262-413.20-06	03/01/2007	PUBLIC HEARING SOLID WAST	26245	01/2008	72.50
101-1020-411.28-07	03/01/2007	IB1844/ORD. N01052	26245	080441 01/2008	28.75
11/02/2007	65200	EL TAPATIO INC	1407		312.42
101-1130-412.30-02	10/04/2007	EMPLOYEE QUARTERLY POTLUC	1004	080448 04/2008	312.42
11/02/2007	65201	FABRICATED CONCEPTS	1853		2,239.57
408-1920-519.20-06	07/07/2007	FACADE IMPROV.07/07-10/07	359	080481 04/2008	712.50
408-1920-519.20-06	10/16/2007	FACADE IMPROV.10/14-16/07	370	080481 04/2008	755.98
408-1920-519.20-06	08/14/2007	FACADE IMPROV. 8/11-14/07	364	080481 02/2008	621.09
408-1920-519.20-06	08/16/2007	FACADE IMPROV. 08/15/07	369	080481 02/2008	150.00
11/02/2007	65202	FABRICATION ARTS	1477		10,811.99
502-1922-419.28-18	09/13/2007	CONTRACT DATED 06/27/07	091307CD	080483 03/2008	10,811.99
11/02/2007	65203	FARNUM DEVELOPMENT INC	905		2,900.00
405-1260-513.20-06	10/22/2007	INSTALLED NEW POWER POLE	28067	080421 04/2008	2,900.00
11/02/2007	65204	FASTENAL	909		11.20
601-5060-436.28-01	10/10/2007	STAINLESS STEEL HOSE	CACHU15202	080073 04/2008	11.20
11/02/2007	65205	FEDERAL EXPRESS CORP.	911		42.77
101-1130-412.28-09	10/05/2007	FOR PERSONNEL DEPT	229942398	F08050 04/2008	42.77
11/02/2007	65206	FRAZEE PAINT	970		5,526.50
101-5010-431.50-02	10/03/2007	WAGNER SPRAY EQUIPMENT	528279	080359 04/2008	5,526.50
11/02/2007	65207	GENE'S AUTOMOTIVE	1014		40.00
501-1921-419.28-01	10/17/2007	2001 CHEVROLET LC#1094170	77532	080076 04/2008	40.00
11/02/2007	65208	HANSON AGGREGATES INC.	48		682.67
101-5010-431.30-02	10/16/2007	5.53SK PUMP 4" L	454792	080080 04/2008	682.67
11/02/2007	65209	HEARTLAND COMMUNICATIONS	92		17,053.41
101-3020-422.21-04	09/26/2007	QUARTERLY BILLING	0000001383		17,053.41
11/02/2007	65210	HORIZON HEALTH EAP	90		348.60
101-1130-412.20-06	10/18/2007	OCTOBER 2007 EMPLOYEE	026534	080017 04/2008	348.60
11/02/2007	65211	I B FIREFIGHTERS ASSOCIATION	214		202.00
101-0000-209.01-08	11/01/2007	PPE 10/25/07	20071101	05/2008	202.00
11/02/2007	65212	ICMA RETIREMENT TRUST 457	242		5,837.49
101-0000-209.01-10	11/01/2007	PPE 10/25/07	20071101	05/2008	5,837.49
11/02/2007	65213	IMPAC GOVERNMENT SERVICES	287		3,362.88
101-3030-423.30-02	08/17/2007	LOCKER ROOM DEODERIZERS	6379	080289 02/2008	5.56

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #			CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-3030-423.28-04	08/13/2007	DIVE TEAM TRAINING	00444160	080291	02/2008	237.53
101-3030-423.30-02	08/15/2007	DIVE TEAM TRAINING EQUIPM	422005	080291	02/2008	56.30
101-3020-422.28-09	08/09/2007	POSTAGE	012991		02/2008	16.66
101-3020-422.30-01	08/13/2007	OFFICE SUPPLIES	9933		02/2008	57.33
101-3030-423.30-02	10/17/2007	CHARGES S/B FOR U.S. BANK	6379CR		02/2008	5.56-
101-3030-423.28-04	09/12/2007	CHARGES S/B FOR U.S. BANK	00444160CR		02/2008	237.53-
101-3030-423.30-02	09/14/2007	CHARGES S/B FOR U.S. BANK	422005CR		02/2008	56.30-
101-3020-422.28-09	09/08/2007	CHARGES S/B FOR U.S. BANK	012991CR		02/2008	16.66-
101-3020-422.30-01	09/12/2007	CHARGES S/B FOR U.S. BANK	9933CR		02/2008	57.33-
101-0000-209.01-03	10/29/2007	IMAC COMPUTER	W30570960		03/2008	1,299.93
101-6020-452.30-02	08/27/2007	IRRIGATION SUPPLIES	14350552		03/2008	356.15
101-1010-411.28-04	08/24/2007	FLIGHT RESERV. JANNEY, J.	CJGVCV		03/2008	284.80
101-1010-411.28-04	08/24/2007	FLIGHT RESERV. MCLEAN, V.	CT9V5L		03/2008	284.80
101-1010-411.28-04	08/24/2007	FLIGHT RESERV. MCLEAN, D.	CT9V5L		03/2008	284.80
101-1010-411.28-04	08/24/2007	FLIGHT RESERV. BRAGG, L.	CUJVCK		03/2008	284.80
101-1110-412.28-04	08/24/2007	FLIGHT RESERV. BROWN, G.	CZXVCN		03/2008	284.80
101-1010-411.28-04	08/30/2007	FLIGHT RESERV. JAINNEY, J.	CX50JA		03/2008	282.80
11/02/2007	65214	JUAN PABLO RODRIGUEZ	1820			850.00
503-1923-419.20-06	10/29/2007	HTE SUPPORT OCTOBER 2007	1008	080150	04/2008	850.00
11/02/2007	65215	KIM A MIKHAEL	1680			285.00
101-3010-421.20-06	09/07/2007	PARKING ADMIN. HEARINGS	09-07-2007	080484	03/2008	150.00
101-3070-427.20-06	10/19/2007	KIM MIKHAEL ADMIN HEARING	10-26-2007	F08055	04/2008	135.00
11/02/2007	65216	LOUNSBERY FERGUSON ALTONA AND	1624			15.05
601-5060-436.20-06	10/25/2007	PERIOD THROUGH 09/30/07	10-25-2007		04/2008	15.05
11/02/2007	65217	MARLOWE & COMPANY	893			3,350.00
408-1230-519.20-06	10/04/2007	PERIOD SEPTEMBER 2007	07-229-10	080315	04/2008	3,350.00
11/02/2007	65218	MASON'S SAW & LAWMOWER	923			2,108.75
101-6040-454.50-04	10/31/2007	27" 5.5 HP HONDA GX10BLAD	111712	080476	04/2008	2,108.75
11/02/2007	65219	MCDUGAL LOVE ECKIS &	962			7,274.69
405-1260-413.20-01	10/31/2007	LEGAL SERVICES SEPT. 2007	09-28-2007		03/2008	303.46
405-1260-413.20-01	09/28/2007	LEGAL SERVICES SEPT. 2007	09-28-2007		03/2008	1,553.38
101-1220-413.20-01	09/28/2007	LEGAL SERVICES SEPT. 2007	09-28-2007		03/2008	789.23
101-1220-413.21-04	09/28/2007	LEGAL SERVICES SEPT. 2007	09-28-2007		03/2008	520.20
502-1922-419.20-01	09/28/2007	LEGAL SERVICES SEPT. 2007	09-28-2007		03/2008	4,106.42
11/02/2007	65220	MOBILE HOME ACCEPTANCE CORPORA	1533			296.31
408-5020-432.25-02	10/24/2007	PERIOD 11/07-12/06/07	134738	080211	04/2008	296.31
11/02/2007	65221	MOTOROLA, INC	1092			18,670.74
101-3030-423.50-04	10/12/2007	PORTABLE ASTRO DIGITAL	13641855	080297	04/2008	18,670.74
11/02/2007	65222	NATIONAL FIRE PROTECTION	1230			1,295.00
101-3020-422.28-01	10/31/2007	NFPA-LIFE SAFETY CODE	4025055Y		04/2008	1,295.00
11/02/2007	65223	ONE SOURCE DISTRIBUTORS	1071			266.10
101-6020-452.28-01	10/01/2007	MR13FL-PIA-DB-26Q-1 KENAL	S2780667.001		04/2008	266.10

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
11/02/2007 101-6040-454.21-04	65224 10/17/2007	PARTNERSHIP WITH INDUSTRY	1302 PERIOD 10/15/07	1,166.82 1,166.82	
11/02/2007 101-5010-431.21-23	65225 10/23/2007	PERVO PAINT CO.	8 WHITE MAX SPEC 5G	635.24 635.24	
11/02/2007 101-1920-419.28-09	65226 10/17/2007	PITNEY BOWES INC(INVOICE PAYME	271 3 RED INK CARTRIDGE S	375.72 375.72	
11/02/2007 601-5060-436.20-23	65227 09/24/2007	PROTECTION SERVICE IND	69 PERIOD 10/01-31/2007	264.18 264.18	
11/02/2007 101-5020-432.25-03 101-5020-432.25-03 101-5020-432.25-03	65228 10/17/2007 10/24/2007 10/31/2007	PRUDENTIAL OVERALL SUPPLY	72 UNIFORMS 10/17/2007 UNIFORMS 10/24/2007 UNIFORMS 10/31/07	528.69 178.68 156.68 193.33	
11/02/2007 101-5020-432.28-11	65229 09/21/2007	SAN DIEGO COUNTY - ASSESSOR	264 2007-08 ASSESSMENT ROLL	187.72 187.72	
11/02/2007 101-3010-421.21-24 101-0000-221.01-03	65230 11/01/2007 08/09/2007	SAN DIEGO COUNTY SHERIFF	882 APR-JUNE 2007 BOOKING FEE SANDCASTLE 2007 SHERRIFF	62,745.10 10,626.00 52,119.10	
11/02/2007 101-0000-209.01-08 101-0000-209.01-08	65231 11/01/2007 11/01/2007	SEIU LOCAL 221	1821 PPE 10/25/07 PAYROLL SUMMARY	1,245.56 1,238.37 7.19	
11/02/2007 101-6040-454.21-04 101-1130-412.21-04	65232 10/13/2007 10/13/2007	SHARP REES-STEALY MEDICAL	CNTR 390 KEMPH, JEFFREY 9/12/07 LARGENT, MICHELLE 9/10/07	259.00 190.00 69.00	
11/02/2007 501-1921-419.28-15 501-1921-419.28-15	65233 10/18/2007 10/23/2007	SKS INC.	412 800 GAL. UNLEADED 1100 UNLEADED 201 DIESEL	6,597.81 2,549.33 4,048.48	
11/02/2007 101-3030-423.27-05	65234 10/31/2007	SPRINT	497 0583214352-6 09/15-10/14	291.63 291.63	
11/02/2007 101-0000-321.72-10	65235 10/23/2007	SUPER CARS AUTO SALES	2 0005927	5.00 5.00	
11/02/2007 601-5060-436.28-01 601-5060-436.28-01 601-5060-436.28-01 601-5060-436.30-02 101-5020-432.28-04 101-5020-432.28-04	65243 09/04/2007 09/06/2007 09/11/2007 09/21/2007 08/03/2007 08/23/2007	U.S. BANK	1873 2 BYPASS HOSES 25FT EXTENTION CORD 12 EA. 6" GASKETS 4 BAGS OF CONCRETE TRISTATE TRAINING FOR TRISTATE TRAINING FOR	28,427.14 303.77 21.25 26.51 23.23 55.00 55.00	

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-5020-432.28-04	08/27/2007	TRISTATE TRAINING FOR	2441934	080334	03/2008	58.00
601-5060-436.30-02	08/29/2007	2 FACESHIELDS (FULL FACE)	007309	080334	03/2008	29.03
101-0000-209.01-03	10/25/2007	COMPUTER LOAN BROWN,G	W30029760		03/2008	2,700.68
101-5010-431.30-02	09/17/2007	60 LB CONCRETE MIX PALLET	0671-200248	080335	03/2008	149.64
405-1260-513.20-06	09/05/2007	WINDOW SHADES	011061	080336	03/2008	139.88
405-1260-513.20-06	09/06/2007	SMOKE DETECTOR / ANTSPRAY	067835	080336	03/2008	14.99
101-5010-431.30-02	09/07/2007	IRRIGATION SUPPLIES	14444376	080336	03/2008	71.34
101-1910-419.30-02	09/07/2007	LOCK SET, PAINT SPRAY FOR	6051163277	080336	03/2008	28.76
101-5010-431.30-02	09/07/2007	LOCK SET, PAINT SPRAY FOR	6051163277	080336	03/2008	36.07
101-6020-452.30-02	09/07/2007	LOCK SET, PAINT SPRAY FOR	6051163277	080336	03/2008	33.02
101-6020-452.30-02	09/10/2007	ANTISLIP SPRAY PAINT	6051280957	080336	03/2008	13.81
405-1260-513.20-06	09/11/2007	SPEAKER CABLE / STAPLES	023209	080336	03/2008	77.90
101-5010-431.30-02	09/11/2007	TREE STAKE / TIES	14474378	080336	03/2008	58.24
101-1910-419.21-04	09/12/2007	FIRE STATION DISH WASHER	24359	080336	03/2008	39.95
101-1910-419.28-01	09/19/2007	KEMOORE DISHWASHER	059004/E	080336	03/2008	530.86
408-5020-432.30-01	09/13/2007	OFFICE SUPPLIES	401376692-001	080337	03/2008	55.21
408-5020-432.30-02	09/13/2007	OFFICE SUPPLIES	401376692-001	080337	03/2008	316.34
408-5020-432.30-01	09/17/2007	OFFICE SUPPLIES	401839843-001	080337	03/2008	55.21
408-5020-432.30-02	09/17/2007	OFFICE SUPPLIES	401839843-001	080337	03/2008	316.34
408-5020-432.30-02	09/17/2007	CREDIT FOR DOUBLE CHARGE	401839844-001	080337	03/2008	354.33-
408-5020-432.30-01	09/17/2007	CREDIT FOR DOUBLE CHARGE	401839845-00109	080337	03/2008	17.23-
101-6020-452.30-02	09/19/2007	VETERANS PARK SETS FOR	0000331196	080337	03/2008	43.10
101-1910-419.30-02	09/17/2007	STOCK PLUMBING SUPPLIES	121346	080338	03/2008	219.00
101-1910-419.30-02	09/20/2007	SUPPLIES FOR CITY HALL	021253	080338	03/2008	32.56
101-5040-434.30-02	09/07/2007	STORAGE BINS FOR CITY	042515	080339	03/2008	9.69
601-5060-436.20-06	09/06/2007	SUBDIVISION MAP	011977 (A)	080341	03/2008	8.13
501-1921-419.29-04	09/17/2007	CAR WASH	G0R0285	080341	03/2008	6.00
101-6040-454.30-02	09/04/2007	CAUTION TAPE, 50W LALMPS	091833	080342	03/2008	47.33
101-6040-454.30-02	09/05/2007	EXTENSION RING	071303	080342	03/2008	2.47
101-6040-454.30-02	09/10/2007	ASSORTED PVC FITTINGS	000168	080342	03/2008	13.70
101-3030-423.30-02	09/10/2007	PVC GIPLINGS, PIEPE & GLU	037936	080342	03/2008	14.38
101-1910-419.30-02	09/11/2007	DUPLEX OUTLET	031279	080342	03/2008	.77
101-6040-454.30-02	09/17/2007	PRUNING SHEARS	041303	080342	03/2008	50.98
101-6040-454.30-02	09/18/2007	3/4" PVC CONDUIT	053470	080342	03/2008	21.02
101-6040-454.30-02	09/05/2007	GAS & GATE KEYS/SHERRIF	099089	080343	03/2008	19.04
101-6040-454.30-02	09/06/2007	LATEX GLOVES	0112575	080343	03/2008	180.83
101-6040-454.30-02	09/06/2007	VEHICLE KEYS & RINGS	086743	080343	03/2008	19.92
101-1910-419.30-02	09/07/2007	HOSE/PLAZA RR, DEGREASER	062802	080343	03/2008	9.67
101-6040-454.30-02	09/07/2007	HOSE/PLAZA RR, DEGREASER	062802	080343	03/2008	64.58
101-6040-454.30-02	09/11/2007	TP/LINERS/DISINFECTANT	151N3-00	080343	03/2008	402.84
101-1910-419.30-02	09/11/2007	SAFETY CENTER AMER. FLAGS	09-11-2007	080343	03/2008	96.95
101-6040-454.30-02	09/13/2007	REFRIGERATOR, STORAGE TUB	098644	080343	03/2008	128.22
101-6040-454.30-02	09/13/2007	REFRIGERATOR, STORAGE TUB	098644	080343	03/2008	9.68
101-6040-454.30-02	09/17/2007	ELECTRIC TIME CLOCK, KEYS	020640	080343	03/2008	48.49
101-6040-454.30-02	09/17/2007	ELECTRIC TIME CLOCK, KEYS	020640	080343	03/2008	21.59
101-6040-454.30-02	09/17/2007	ELECTRIC TIME CLOCK, KEYS	020640	080343	03/2008	31.09
101-6040-454.30-02	09/17/2007	REFUND LIGHT TIMER	6240410	080343	03/2008	65.73-
101-6040-454.30-02	09/18/2007	GRAFFITI REMOVER	15192	080343	03/2008	202.43
101-6040-454.30-02	09/19/2007	RED BARK MULCH	067381	080343	03/2008	83.33
101-6040-454.30-02	09/20/2007	3/4" WATER KEY & HOSE BIB	096662	080343	03/2008	65.58

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-5010-431.30-02	09/05/2007	TRUNCATED DOMES FOR 713	6796123	080347 03/2008 326.70
101-5010-431.30-02	09/17/2007	4:X10'POLES FOR BIKE PATH	809629	080347 03/2008 351.05
101-5010-431.30-02	09/18/2007	5 PHONE HOLDERS	W5916/0	080347 03/2008 26.88
101-6020-452.30-02	09/18/2007	5 PHONE HOLDERS	W5916/0	080347 03/2008 26.89
101-5010-431.30-02	09/18/2007	EYE BOLTS & WIRE CLAMPS	4294	080347 03/2008 32.95
101-5010-431.30-02	09/19/2007	L METAL FOR BARRICADES	030415	080347 03/2008 33.93
101-5010-431.30-02	09/19/2007	DUCT TAPE & PLYWOOD	064156	080347 03/2008 42.77
101-5010-431.30-02	09/20/2007	SAFETY BOOTS	082351	080347 03/2008 147.89
101-5010-431.30-02	09/20/2007	SAFETY BOOTS	050281	080348 03/2008 148.76
101-5020-432.30-01	09/04/2007	RETURN CREDIT PAPER TRAY	400136126-001	080349 03/2008 38.76-
101-5020-432.28-09	09/05/2007	POSTAGE STAMPS	09-05-2007	080349 03/2008 8.20
101-5020-432.30-01	09/06/2007	OFFICE SUPPLIES	400558163-001	080349 03/2008 88.87
101-5020-432.30-01	09/06/2007	OPEN/CLOSE MESSAGE BOARD	400558297-001	080349 03/2008 43.09
101-5020-432.30-01	09/11/2007	TIME CARDS FOR TIDELANDS	401085720-001	080349 03/2008 57.08
405-1260-513.20-06	09/05/2007	PIZZA FOR PRISON CREW	015662	080353 03/2008 12.92
101-6040-454.30-02	09/06/2007	PIZZA FOR PRISON CREW	089078	080353 03/2008 12.93
101-5030-433.30-02	09/12/2007	ROLLER FRAMES	026078	080369 03/2008 15.97
101-5030-433.30-22	09/12/2007	ROLLER FRAMES	026078	080369 03/2008 5.35
101-6020-452.30-02	09/13/2007	FLOOR PAINT/ VETERANS PRK	073759	080369 03/2008 45.21
101-1020-411.28-12	09/06/2007	NOTARY PUBLIC ERRORS AND	40342094E	080374 03/2008 84.00
101-1230-413.30-02	09/10/2007	OFFICE SUPPLIES	400869631-001	080374 03/2008 1,109.76
101-1230-413.30-02	09/10/2007	DRAWER, CENTER, CORNER	400869635-001	080374 03/2008 53.86
101-1020-411.28-04	09/13/2007	CITY CLERKS NEW LAW SEMIN	09-13-2007	080374 03/2008 425.00
101-1920-419.21-04	09/14/2007	A-8 24# ENVELOPES	299409	080374 03/2008 30.11
101-1920-419.21-04	09/17/2007	PLAID TROWS	016931	080374 03/2008 57.99
101-1920-419.21-04	09/20/2007	ARROWHEAD WATER	6755	080374 03/2008 20.76
101-1020-411.28-04	09/04/2007	DINNER AT TTC CONFERENCE	052236	080375 03/2008 12.76
101-1020-411.28-04	09/05/2007	DINNER @ TTC CONFERENCE	042257	080375 03/2008 16.78
101-1230-413.30-01	09/11/2007	OFFICE SUPPLIES	401071668-001	080376 03/2008 15.06
101-3070-427.30-01	09/11/2007	OFFICE SUPPLIES	401071668-001	080376 03/2008 5.71
405-1260-413.30-01	09/11/2007	OFFICE SUPPLIES	401071668-001	080376 03/2008 37.46
101-3070-427.28-09	09/13/2007	POSTAGE FOR DODE DOCUMNTS	011425	080376 03/2008 16.25
101-3070-427.30-02	09/17/2007	BATTERY FOR CODE LIGHT	W1292777	080376 03/2008 14.52
405-1260-413.28-07	09/20/2007	IMAGE/PICTURE FOR AD	6800809	080379 03/2008 210.00
101-1020-411.28-11	09/14/2007	TONER FOR MICROFICHE MACH	40201	080382 03/2008 112.06
101-1230-413.28-09	09/21/2007	TIJUANA RIVER FLOOD CONTR	045901	080382 03/2008 5.25
101-1210-413.28-04	09/21/2007	ANNUAL GOVERNMENTAL GAAP	2565353	080383 03/2008 125.00
101-1210-413.28-04	09/21/2007	ANNUAL GOVERNMENT UPDATE	2565354	080383 03/2008 125.00
503-1923-419.28-13	09/04/2007	RENEWAL DOMAIN NAME	266615605233147	080384 03/2008 45.00
101-1020-411.30-01	09/05/2007	OFFICE SUPPLIES	400383956-001	080388 03/2008 11.84
101-1110-412.30-01	09/05/2007	OFFICE SUPPLIES	400383956-001	080388 03/2008 154.10
101-1210-413.28-04	09/10/2007	FINANCE DIRECTOR INTERVIEW	044318	080388 03/2008 16.20
101-1130-412.30-01	09/18/2007	OFFICE SUPPLIES	402024798-001	080388 03/2008 59.40
101-1110-412.28-14	09/19/2007	SUBSCRIPTION FOR RITTER, T	061596	080388 03/2008 69.00
101-1110-412.30-02	09/20/2007	CITY HALL COFFE SUPPLIES	0556715	080388 03/2008 109.15
101-1110-412.28-04	09/05/2007	JIM DENNY'S DINER	084628	080389 03/2008 32.78
101-1110-412.28-04	09/06/2007	AMBROSIA CAFE	057880	080389 03/2008 7.47
101-1110-412.28-04	09/07/2007	LODGING FOR BROWN, GARY	RM220	080389 03/2008 139.42
101-1110-412.28-04	09/07/2007	SACRAMENTO INT'L AIRPORT	061912	080389 03/2008 13.72
101-1110-412.28-04	09/19/2007	MEIJO SUSHI	073996	080389 03/2008 28.08

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PC # PER/YEAR TRN AMOUNT
101-1010-411.28-04	09/08/2007	LODGING FOR JANNEY, JAMES	090101	080390 03/2008 520.44
101-6010-451.30-02	09/04/2007	JANITORIAL SUPPLIES	09-04-2007	080391 03/2008 64.62
101-6010-451.30-01	09/10/2007	OFFICE SUPPLIES	09-10-2007	080391 03/2008 153.48
101-6010-451.30-02	09/10/2007	JANITORIAL SUPPLIES	09-10-2007	080391 03/2008 53.26
101-6010-451.30-02	09/12/2007	RADIOS	09-12-2007	080391 03/2008 34.35
101-1130-412.28-04	09/06/2007	CONFERENCE REGISTRATION	4683	080394 03/2008 250.00
502-1922-419.30-02	09/21/2007	CHAIR FOR RITTER, TOM	09-21-2007	080394 03/2008 534.22
101-1210-413.28-04	09/10/2007	ORAL BOARD FIN. DIRECTOR	040079	080397 03/2008 54.98
101-1020-411.28-04	09/06/2007	AMBROSIA CAFE	045693	080398 03/2008 9.08
101-1010-411.28-04	09/07/2007	LODGING FOR MCLEAN, VERNE	RM111	080398 03/2008 139.42
101-3060-426.30-02	09/04/2007	FLAG & VEST KIT	02-39342	080400 03/2008 927.42
101-3020-422.21-04	09/04/2007	COFFE & CREAM	09-04-2007	080400 03/2008 4.32
101-3020-422.25-03	09/11/2007	NOMEX SHIRT & PANT	C191838	080400 03/2008 614.11
101-3020-422.30-02	09/19/2007	TRAILER SAFETY TAPE	09-19-2007	080400 03/2008 33.34
101-3020-422.28-04	09/21/2007	FIRE PROTECTION PUBLICITNS	524737	080400 03/2008 280.80
101-3020-422.30-01	09/11/2007	OFFICE SUPPLIES	7549	080402 03/2008 46.46
101-3020-422.30-01	09/17/2007	OFFICE SUPPLIES	09-17-2007	080402 03/2008 245.01
101-3020-422.28-04	09/21/2007	PKG DVD FIRE ATTACK	524740	080402 03/2008 468.00
101-3030-423.30-02	09/04/2007	MEDICAL SUPPLIES	450477	080403 03/2008 281.12
101-3030-423.30-02	09/05/2007	CLEANING SUPPLIES	266955	080403 03/2008 188.61
101-3030-423.28-01	09/17/2007	COTTER PIN FOR PWC TRAILR	9457245711	080403 03/2008 11.36
101-3030-423.30-02	09/17/2007	OFFICE SUPPLIES	9777	080403 03/2008 46.29
101-3030-423.28-01	09/18/2007	HARDWARE FOR STATION	015103	080403 03/2008 30.28
101-5010-431.21-23	08/24/2007	#6 PHIL C-250 LIGHTS	1069-550161	080335 03/2008 181.02
101-5030-431.30-02	08/22/2007	STREET DEPT. TOOLS	043942	080336 03/2008 181.68
101-1910-419.30-02	08/27/2007	ENERGY EFF. LIGHTS FOR	S2771114.002	080336 03/2008 642.71
101-6020-452.30-02	08/28/2007	GLOVES, GAS CAN, EAR PLUG	6050286618	080336 03/2008 155.05
101-1910-419.30-02	08/21/2007	SUPPLIES FOR VENDING	041439	080338 03/2008 74.67
101-1910-419.30-02	08/24/2007	SUPPLIES FOR MARY	017373	080338 03/2008 18.77
101-6020-452.30-02	08/27/2007	SUPPLIES FOR FOUNTAIN	043912	080338 03/2008 26.92
101-6040-454.30-02	08/28/2007	SPRAYER REPAIR KIT, GLOVE	094929	080342 03/2008 24.17
101-6040-454.30-02	08/28/2007	VINEGAR	14101	080342 03/2008 3.49
101-6040-454.30-02	08/29/2007	CARRIAGE BOLTS, NUTS	035824	080343 03/2008 35.75
101-6040-454.30-02	08/30/2007	LIGHT TIMER	055688	080343 03/2008 65.73
101-6040-454.30-02	08/21/2007	HD BOWL CLEANER, LEMON CL	266465-1	080344 03/2008 31.16
101-6040-454.30-02	08/31/2007	CHEMICALS & SCRUB BRUSHES	266875	080344 03/2008 456.88
101-6040-454.30-02	08/31/2007	CUSTODIAL SUPPLIES	70220200	080344 03/2008 478.36
101-5010-431.30-02	08/30/2007	KNEE PADS	2361SW	080347 03/2008 120.43
101-5010-431.30-02	08/30/2007	REPLACEMENT PADS	2364SW	080347 03/2008 134.46
101-5010-431.21-23	08/24/2007	6 250 W. BULB	1069-550160	080348 03/2008 181.02
101-5020-432.30-01	08/28/2007	CARTRIDGES FOR-HP4250	9175304321	080349 03/2008 75.40
101-5020-432.30-01	08/29/2007	OFFICE SUPPLIES	399591566-001	080349 03/2008 102.61
101-5020-432.30-01	08/29/2007	OFFICE SUPPLIES	399594821-001	080349 03/2008 141.45
101-5020-432.30-01	08/29/2007	BLACK TONER FOR SEWER PRT	9175348992	080349 03/2008 129.29
501-1921-419.28-16	08/24/2007	SPARE KEYS #600 & A7	021419	080352 03/2008 15.47
501-1921-419.28-15	08/24/2007	FORKLIPT PROPANE FUEL SUP	047290	080352 03/2008 29.66
501-1921-419.28-16	08/24/2007	TRAILER PORTI-POTTY PARTS	6070	080352 03/2008 14.35
101-5030-433.28-01	08/28/2007	REPAIR HOSES	V692312	080369 03/2008 37.08
101-5030-433.28-01	08/28/2007	"O" RINGS	10522	080369 03/2008 28.66
101-1020-411.28-04	08/19/2007	TAXI FROM TAIN STATION	5378204	080374 03/2008 27.10

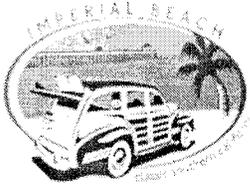
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101-1020-411.28-12	08/21/2007	CMC DESIGNATION IN IMC	08-21-2007	080375	03/2008	50.00
101-3080-428.30-02	08/22/2007	TONER FOR PRINTER	73468743	080376	03/2008	396.33
405-1260-413.28-04	08/30/2007	RDA SEMINAR CUMMING, E.	08-30-2007	080378	03/2008	155.00
405-1260-413.28-04	08/30/2007	RDA SEMINAR SELBY, G.	15949	080379	03/2008	155.00
101-1230-413.28-04	08/30/2007	PLANNING SEMINAR WADE,G.	08-30-2007	080380	03/2008	155.00
101-1230-413.28-04	08/27/2007	SDAPA PROGRAM LUNCHEON	08-27-2007	080381	03/2008	25.00
405-1260-413.28-04	08/22/2007	RDA WORKSHOP	006454	080383	03/2008	29.29
503-1923-419.30-01	08/30/2007	INDEX CARDS	51695	080384	03/2008	7.03
101-1010-411.30-02	08/22/2007	COUNCIL MEETING DINNER	66213672	080388	03/2008	125.00
101-1010-411.30-02	08/22/2007	COUNCIL MEETING DINNER	66254104	080388	03/2008	15.00
101-1010-411.30-02	08/27/2007	DONATION IN MEMORY OF	08-27-2007	080388	03/2008	100.00
502-1922-419.30-02	08/30/2007	MONITOR RISER FOR BLAIR,M	0119746-IN	080388	03/2008	28.83
101-6010-451.30-02	08/31/2007	PARENTS' NIGHT OUT EVENT	08-31-2007	080391	03/2008	19.09
502-1922-419.30-02	08/24/2007	DOCUMENT HOLDER	0119629-IN	080394	03/2008	53.06
101-1010-411.30-02	08/29/2007	D/C TO A/C, CAR TO WALL	047558	080395	03/2008	19.38
101-1010-411.30-02	08/29/2007	MINI USB VPA-RIM	08-29-2007	080395	03/2008	34.79
101-3020-422.30-02	08/23/2007	WATER & ICE	516653	080400	03/2008	59.40
101-3020-422.30-02	08/30/2007	2 SETS FO KEYS FOR TRAILR	040432	080401	03/2008	5.99
101-3020-422.30-02	08/30/2007	FAN FOR WORKOUT AREA	071799	080401	03/2008	38.78
101-3020-422.30-02	08/07/2007	UNIFORM NAME BADGES	07-379	080402	03/2008	26.40
101-3030-423.30-02	08/27/2007	WINDEX INST. GLASS CLEANR	266635	080403	03/2008	144.26
101-3030-423.30-02	08/27/2007	SPA & BODY SOAP, DISPENSER	266660	080403	03/2008	80.67
101-3030-423.30-02	08/31/2007	WINDEX INST. GLASS CLEANR	266635-1	080403	03/2008	113.14
101-1020-411.21-04	07/10/2007	SOFTWARE, DESIGN & FREIGHT	642088	080374	03/2008	483.80
101-1230-413.30-02	07/10/2007	SOFTWARE, DESIGN & FREIGHT	642088	080374	03/2008	191.18
101-3070-427.30-02	07/10/2007	SOFTWARE, DESIGN & FREIGHT	642088	080374	03/2008	191.18
101-3080-428.30-02	07/10/2007	SOFTWARE, DESIGN & FREIGHT	642088	080374	03/2008	191.19
101-1010-411.30-01	07/19/2007	6 UP LAMINATE & SELF-ADH.	20754-SD	080374	03/2008	52.51
101-1020-411.30-01	07/19/2007	6 UP LAMINATE & SELF-ADH.	20754-SD	080374	03/2008	393.96
101-1110-412.30-01	07/19/2007	6 UP LAMINATE & SELF-ADH.	20754-SD	080374	03/2008	52.53
101-1130-412.30-01	07/19/2007	6 UP LAMINATE & SELF-ADH.	20754-SD	080374	03/2008	52.51
101-1230-413.30-02	07/19/2007	6 UP LAMINATE & SELF-ADH.	20754-SD	080374	03/2008	26.26
101-3070-427.30-01	07/19/2007	6 UP LAMINATE & SELF-ADH.	20754-SD	080374	03/2008	26.26
101-3080-428.30-01	07/19/2007	6 UP LAMINATE & SELF-ADH.	20754-SD	080374	03/2008	26.26
405-1260-413.28-04	07/31/2007	RDA LODGING	63622028	080383	03/2008	267.34
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101-3030-423.28-01	09/10/2007	O. ALVAREZ OFFICE CHAIR	400940941-001	080405	03/2008	226.25
101-3030-423.28-01	09/11/2007	IRB SUPPLIES	062080	080405	03/2008	33.20
101-3030-423.28-04	09/11/2007	LIFEGUARD DIVE TEAM EQUIP	420267	080405	03/2008	146.88
101-3030-423.30-02	09/13/2007	PALM TREC BATTERY CHARGER	7735652323	080405	03/2008	137.57
101-3030-423.28-01	09/14/2007	PWC REPAIR EQ	27059464	080405	03/2008	28.11
101-3030-423.28-09	09/15/2007	MAIL FOR MIKE FANCIS	007520	080405	03/2008	7.70
101-3030-423.28-01	09/19/2007	REPAIR PARTS	420300	080405	03/2008	385.87
101-3020-422.25-03	08/29/2007	GALLS INC.	08-29-2007	080404	03/2008	75.63
101-3020-422.30-02	08/30/2007	SMART & FINAL	08-30-2007	080404	03/2008	212.67
101-3020-422.28-11	08/31/2007	PRE-HOSPITED RUN FORMS	15934	080404	03/2008	170.25
101-3030-423.28-04	08/23/2007	MOUHPIECE, EAR CORD	28451	080405	03/2008	30.71
101-3030-423.28-09	08/24/2007	WHELEN RETURN	026638	080405	03/2008	4.88
101-3030-423.28-09	08/24/2007	SHIPPING FOR PANTS RETURN	056165	080405	03/2008	20.50

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101-3030-423.28-04	08/26/2007	TRIATHLON BREAKFAST	393251	080405 03/2008 55.00	
101-3030-423.28-04	08/27/2007	WETSUIT RENTALS	28485	080405 03/2008 21.55	
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101-3030-423.25-03	08/30/2007	LIFEGUARD SUNGLASSES	08-30-2007	080405 03/2008 85.00	
101-3030-423.28-01	08/31/2007	A7V BATTERY	40480055	080405 03/2008 62.90	
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101-3030-423.28-01	09/04/2007	P/A MICS.	079868	03/2008 131.68	
101-3030-423.28-01	09/05/2007	PORTABLE PA MISC REPAIR	669994	03/2008 58.34	
101-3030-423.28-01	09/06/2007	REPAIR TOOLS	045445	03/2008 52.08	
101-3030-423.28-01	09/06/2007	PORTABLE P/A MISC. PARTS	670225	03/2008 97.70	
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101-3030-423.28-01	09/06/2007	PORTABLE P/A MISC. PARTS	670328	03/2008 12.18	
101-3030-423.28-01	09/07/2007	PWC REPAIR CAULK	7609	03/2008 8.61	
101-3030-423.30-02	09/11/2007	REPLACE BROKEN BINOCULAR	S70805	03/2008 354.50	
101-3030-423.28-01	09/12/2007	WASH COMMAND VEHICLE	C25342	03/2008 9.99	
101-3030-423.30-02	09/12/2007	BATTERIES	037272	03/2008 26.16	
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101-3030-423.28-01	09/13/2007	METAL FOR BLDG. WALL HANG	323511	03/2008 207.31	
101-3030-423.28-01	09/20/2007	REPAIRED 2 BINOCULARS	S70841	03/2008 399.38	
101-3030-423.30-02	09/21/2007	HEAVY DUTY PIER TOWER CHR	BIZCHAIR1175659	03/2008 504.96	
101-3030-423.28-01	09/21/2007	FLEXIBLE SOCKET EXTENSION	017391	03/2008 10.76	
101-3030-423.30-02	09/21/2007	IRB CARLOCKS	7562	03/2008 51.33	
101-1010-411.30-02	09/18/2007	ALL AMERICAN CAR WASH	071617	03/2008 8.99	
101-1010-411.30-02	09/19/2007	SUBMARINA	098740	03/2008 100.00	
502-1922-419.30-02	09/20/2007	FOOT REST	011375	03/2008 37.17	
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101-3030-423.28-01	08/24/2007	WASH COMMAND VEHICLE	086762	03/2008 8.99	
101-3030-423.30-02	08/24/2007	IRB MOTOR STAND	831973	03/2008 76.94	
11/02/2007	65244	UNDERGROUND SERVICE ALERT OF	731		64.00
601-5060-436.21-04	09/01/2007	16-NEW TICKETS @ \$1.60 EA	820070313	080189 03/2008	25.60
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11/02/2007	65245	UNITED WAY OF SAN DIEGO COUNTY	1483		88.93
101-0000-209.01-09	11/01/2007	PPE 10/25/07	20071101	05/2008	88.93
11/02/2007	65246	VILLA FORD INC	1663		18,659.06
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11/02/2007	65247	WESTERN MICROGRAPHICS & IMAGIN	1384		89.00
101-1230-413.28-01	10/16/2007	TRAVEL CHARGE FOR REPAIR	16440	F08048 04/2008	89.00
11/02/2007	65248	XEROX CORPORATION	851		1,389.41
101-5020-432.25-01	10/21/2007	PERIOD SEPTEMBER 2007	028347157	080222 04/2008	185.75
101-1920-419.20-17	11/01/2007	PERIOD OCTOBER 2007	028746191	080219 05/2008	711.60
101-5020-432.25-01	11/01/2007	PERIOD OCTOBER 2007	028746188	080222 05/2008	185.75
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11/08/2007	65249	AFFORDABLE PRINTER CARE	116		274.65
101-1210-413.30-01	10/29/2007	TONER	55935	F08057 04/2008	274.65

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11/08/2007	65251	ANYTIME SIGN SOLUTIONS INC.	1734				188.56
101-1910-419.30-02	10/22/2007	SIGN FOR SENIOR CENTER	14368	F08053	04/2008		188.56
11/08/2007	65252	AT&T/MCI	1270				3,237.57
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101-1110-412.27-02	10/26/2007	619-423-0314-978	T7145708		03/2008		119.91
101-5040-434.27-04	10/26/2007	619-423-1074-808	T7145709		03/2008		16.19
101-5040-434.27-04	10/26/2007	619-423-1675-711	T7145711		03/2008		16.19
601-5060-436.27-04	10/26/2007	619-423-2231-354	T7145713		03/2008		15.66
101-3020-422.27-04	10/26/2007	619-423-8222-631	T7145719		03/2008		19.95
101-3020-422.27-04	10/26/2007	619-423-8225-961	T7145720		03/2008		158.05
101-1920-419.27-04	10/26/2007	619-423-8300-961	T7145721		03/2008		265.60
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101-3030-423.27-04	10/26/2007	619-423-8322-961	T7145723		03/2008		264.01
101-1130-412.27-04	10/26/2007	619-423-8617-292	T7145724		03/2008		78.36
503-1923-419.27-04	10/18/2007	619-424-3481-707	T7116191		03/2008		30.22
101-6030-453.27-04	10/18/2007	619-424-7077-649	T7116196		03/2008		79.83
101-3020-422.27-04	10/29/2007	619-424-7359-120	T7150858		03/2008		75.65
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101-1010-411.27-04	10/29/2007	619-628-1352-133	T7150968		03/2008		71.40
101-1230-413.27-04	10/29/2007	619-628-1356-945	T7150969		03/2008		186.67
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101-1210-413.27-04	10/29/2007	619-628-1361-670	T7150972		03/2008		214.55
101-6010-451.27-04	10/29/2007	619-628-1385-573	T7150974		03/2008		44.33
101-0000-221.02-01	10/29/2007	619-628-1419-917	T7150975		03/2008		28.32
101-3010-421.27-04	10/22/2007	619-628-1485-961	T7135105		03/2008		42.93
101-1920-419.27-04	10/29/2007	619-628-2018-437	T7150976		03/2008		24.72
601-5060-436.27-04	10/26/2007	C60-222-1236-444	T7148745		03/2008		231.20
101-1110-412.27-02	09/28/2007	619-423-0314-978	T7019456		03/2008		114.69
101-3030-423.27-04	10/29/2007	619-423-7246-659	T7150857		03/2008		124.92
11/08/2007	65253	CITY OF SAN DIEGO	896				532,879.00
601-5060-436.21-04	10/10/2007	FY2008 2ND QTR METRO SWR	C474402	080257	04/2008		532,879.00
11/08/2007	65254	COPY POST PRINTING	1371				74.86
101-3070-427.28-11	11/01/2007	TOMMY SIMMONS BUSINESS CA	15884	F08062	05/2008		74.86
11/08/2007	65255	COUNTY RECORDER	1818				50.00
101-0000-221.01-02	11/02/2007	NOTICE OF EXEMPTION FEE	11-02-2007		05/2008		50.00
11/08/2007	65256	DESIGNER BOTANICALS	1792				8,836.93
408-1920-519.20-06	10/23/2007	FACADE IMPROVEMENT	2114	080526	04/2008		1,260.00
408-1920-519.20-06	10/23/2007	FACADE IMPROVEMENT RDA	2115	080526	04/2008		3,141.84
408-1920-519.20-06	10/23/2007	FACADE IMPROVEMENT RDA	2116	080526	04/2008		1,439.57

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101-1020-411.28-07	11/07/2007	FINANCE CHARGE	34116		04/2008	22.72	
11/08/2007	65258	EMPLOYMENT TRAINING ASSOCIATES	1746			1,800.00	
101-1130-412.28-04	10/31/2007	SEXUAL HARRASSMENT TRAINING	10-31-2007	080528	04/2008	1,800.00	
11/08/2007	65259	EYE/COMM	1891			611.01	
405-1260-513.20-06	10/15/2007	MAPPING CHARGES	22111	080523	04/2008	611.01	
11/08/2007	65260	FLO GROVE LLC	4			6,700.00	
101-0000-221.01-05	11/02/2007	BOND REFUND-817 FLORIDA	TEP 07-08		05/2008	6,700.00	
11/08/2007	65261	NEXTEL COMMUNICATIONS INC	1465			1,322.06	
101-1010-411.27-05	11/07/2007	896132755 OCTOBER 2007	896132755-003		04/2008	66.56	
101-5020-432.27-05	10/29/2007	896132755 OCTOBER 2007	896132755-003		04/2008	333.73	
101-5020-432.21-25	10/29/2007	896132755 OCTOBER 2007	896132755-003		04/2008	821.93	
101-3020-422.27-05	10/29/2007	896132755 OCTOBER 2007	896132755-003		04/2008	99.84	
11/08/2007	65262	PURE WATER	2			174.00	
101-3030-423.30-02	11/01/2007	REPLACE BROKEN BOTTLED	043319		05/2008	174.00	
11/08/2007	65263	RICHARD HIDALGO	1462			66.44	
101-3030-423.28-04	11/07/2007	CSLSA CONFERENCE FEES	4245		04/2008	66.44	
11/08/2007	65264	SAN DIEGO GAS & ELECTRIC	1399			14,765.12	
101-5010-431.27-01	11/05/2007	08831546949 09/28-10/29	11-21-2007		04/2008	24.24	
101-3020-422.27-01	11/05/2007	10087869371 09/27-10/26	11-21-2007		04/2008	53.90	
101-1910-419.27-01	11/05/2007	10087869371 09/27-10/26	11-21-2007		04/2008	118.54	
101-5010-431.27-01	11/05/2007	10088604389 09/25-10/24	11-21-2007		04/2008	196.32	
101-3020-422.27-01	11/05/2007	19807697764 09/27-10/26	11-21-2007		04/2008	2,345.87	
601-5060-436.27-01	11/05/2007	52635219238 09/25-10/24	11-21-2007		04/2008	5.58	
101-6020-452.27-01	11/05/2007	56497714749 09/28-10/29	11-21-2007		04/2008	9.24	
101-5010-431.27-01	11/05/2007	56497714749 09/25-10/24	11-21-2007		04/2008	6,706.23	
101-5010-431.27-01	11/05/2007	85075178464 09/28-10/29	11-21-2007		04/2008	112.84	
601-5060-436.27-01	11/05/2007	85075178464 09/28-10/29	11-21-2007		04/2008	64.62	
101-6020-452.27-01	11/05/2007	85075178464 09/24-10/23	11-21-2007		04/2008	888.66	
601-5060-436.27-01	11/05/2007	85417701270 09/25-10/24	11-21-2007		04/2008	3,178.67	
101-5020-432.27-01	11/05/2007	91692992261 09/25-10/24	11-21-2007		04/2008	1,059.21	
11/08/2007	65265	SAN DIEGO GAS & ELECTRIC	288			201.39	
101-5010-431.27-01	11/01/2007	400000082 NOVEMBER 2007	51243158		04/2008	201.39	
11/08/2007	65266	SDGE	289			4,728.91	
101-6020-452.27-01	10/31/2007	0175 275 3776 09/28-10/29	11-15-2007		04/2008	166.82	
101-5010-431.27-01	10/30/2007	0646 753 1938 09/27-10/26	11-14-2007		04/2008	9.10	
101-5010-431.27-01	10/30/2007	1694 231 2432 09/27-10/26	11-14-2007		04/2008	24.42	
101-5010-431.27-01	10/29/2007	1912 409 2723 09/25-10/24	11-13-2007		04/2008	9.10	
101-6020-452.27-01	10/31/2007	2081 689 1273 09/28-10/29	11-15-2007		04/2008	262.98	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-6010-451.27-01	10/31/2007	2081 689 7619 09/28-10/29	11-15-2007		04/2008	317.51
101-6010-451.27-01	10/31/2007	2081 692 3399 09/28-10/29	11-15-2007		04/2008	8.43
101-6020-452.27-01	10/31/2007	2083 847 9632 09/28-10/29	11-15-2007		04/2008	68.53
101-5010-431.27-01	11/01/2007	2741 969 9359 09/30-10/31	11-16-2007		04/2008	132.40
215-6026-452.27-01	11/01/2007	2819 871 6315 09/30-10/31	11-16-2007		04/2008	1,847.84
101-5010-431.27-01	10/30/2007	3062 843 3719 09/27-10/26	11-14-2007		04/2008	11.08
101-6010-451.27-01	10/31/2007	3206 700 9265 09/28-10/29	11-15-2007		04/2008	39.94
101-5010-431.27-01	10/31/2007	3448 930 9646 09/27-10/26	11-15-2007		04/2008	9.24
101-5010-431.27-01	10/29/2007	5280 340 6641 09/25-10/24	11-13-2007		04/2008	131.66
101-6020-452.27-01	10/31/2007	5456 692 8951 09/28-10/29	11-15-2007		04/2008	38.81
101-5010-431.27-01	10/29/2007	5576 188 0541 09/25-10/24	11-13-2007		04/2008	9.10
101-6020-452.27-01	10/31/2007	6921 003 2109 09/28-10/29	11-15-2007		04/2008	304.48
101-5010-431.27-01	10/31/2007	7706 795 7872 09/28-10/29	11-15-2007		04/2008	11.34
601-5060-436.27-01	10/30/2007	8773 823 6424 09/27-10/26	11-14-2007		04/2008	940.23
101-6020-452.27-01	10/31/2007	9327 898 1346 09/28-10/29	11-15-2007		04/2008	292.98
101-6010-451.27-01	10/31/2007	9956 693 6272 09/28-10/29	11-15-2007		04/2008	92.92
11/08/2007	65267	SPRINT	497			607.76
101-1020-411.27-05	10/26/2007	0626824596-7 09/26-10/25	10-26-2007		04/2008	74.66
101-1230-413.27-05	10/26/2007	0626824596-7 09/26-10/25	10-26-2007		04/2008	81.91
101-3020-422.27-05	10/26/2007	0626824596-7 09/26-10/25	10-26-2007		04/2008	75.86
101-3020-422.27-05	10/26/2007	0626824596-7 09/26-10/25	10-26-2007		04/2008	74.66
503-1923-419.30-02	10/26/2007	0626824596-7 09/26-10/25	10-26-2007		04/2008	222.96
101-5020-432.27-05	10/26/2007	0626824596-7 09/26-10/25	10-26-2007		04/2008	77.71
11/08/2007	65268	WILDCOAST	2			107.00
101-0000-374.85-01	09/26/2007	CHARGES WAIVED BY JIM B.	1543		03/2008	107.00
DATE RANGE TOTAL *						806,898.34 *



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY R. BROWN, CITY MANAGER

MEETING DATE: NOVEMBER 21, 2007

ORIGINATING DEPT.: FINANCE

SUBJECT: STATE CONTROLLER'S REPORT

BACKGROUND:

Annually cities must submit financial information to the California State Controller's Office. This report responds to the requirement to publish a summary of the City of Imperial Beach's transmittal of financial information to the State Controller's Office.

DISCUSSION:

Government Code Section 12463 directs the California State Controller to annually compile and report financial information for California's cities. The State Controllers Report presents a summary of cities' cost of providing public services, as well as the means by which they finance those services. Cities are required to report to the State Controller financial information by October 31 and to publish their results.

FISCAL ANALYSIS:

Staff filed the City's portion of the State Controller's Report before October 31 and a summary of the report is attached. A full copy of the report is on file with the City Clerk. Prior year State Controller Reports are available on the State Controller's website at www.sco.ca.gov/ard/local/locrep/index.shtml#publications.

DEPARTMENT RECOMMENDATION:

It is requested that the City Council receive and file the State Controllers report for the City of Imperial Beach for the year ending June 30, 2007.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary R. Brown, City Manager

Attachments: State Controller's Report for the City of Imperial Beach for the year ended June 30, 2007.

City of Imperial Beach
Cities Financial Transactions Report - Consolidated Statement of Assets, Liabilities,
and Fund Balances/Working Capital

Balance Sheet

Fiscal Year 2007

	General	Special Revenue	Debt Service	Capital Projects
	A	B	C	D
Total Assets	\$14,213,172	\$1,629,510	\$0	(\$1,107,651)
Less: Non-Current Assets				
Net Current Assets	\$14,213,172	\$1,629,510	\$0	(\$1,107,651)
Total Liabilities	\$4,626,320	\$15,291	\$0	\$177,165
Non-Current Liabilities				
Net Current Liabilities	\$4,626,320	\$15,291	\$0	\$177,165
Working Capital	\$9,586,852	\$1,614,219	\$0	(\$1,284,816)
Fund Equity	\$9,586,852	\$1,614,219	\$0	(\$1,284,816)
Contributed Capital				
Investment in General				
Fixed Assets				
Retained Earnings				
Reserved				
Unreserved				
Fund Balance				
Reserved	\$276,126	\$0	\$0	\$238,169
Unreserved - Designated	\$0	\$0	\$0	\$0
Unreserved - Undesignated	\$9,310,726	\$1,614,219	\$0	(\$1,522,985)
Total Fund Equity	\$9,586,852	\$1,614,219	\$0	(\$1,284,816)

City of Imperial Beach
Cities Financial Transactions Report - Consolidated Statement of Assets, Liabilities,
and Fund Balances/Working Capital
Balance Sheet

Fiscal Year 2007

	Enterprise	Internal Service	Trust and Agency
	E	F	G
Total Assets	\$6,830,288	\$5,748,514	\$544,568
Less: Non-Current Assets	\$3,729,973	\$947,825	\$0
Net Current Assets	\$3,100,315	\$4,800,689	\$544,568
Total Liabilities	\$120,422	\$493,320	\$544,568
Non-Current Liabilities	\$46,019	\$442,239	\$0
Net-Current Liabilities	\$74,403	\$51,081	\$544,568
Working Capital	\$3,025,912	\$4,749,608	\$0
Fund Equity	\$6,709,866	\$5,255,194	\$0
Contributed Capital	\$794,340	\$1,359,513	
Investment in General			
Fixed Assets			
Retained Earnings			
Reserved	\$0	\$0	
Unreserved	\$5,915,526	\$3,895,681	
Fund Balance			
Reserved			\$0
Unreserved - Designated			\$0
Unreserved - Undesignated			\$0
Total Fund Equity	\$6,709,866	\$5,255,194	\$0

City of Imperial Beach
Cities Financial Transactions Report - Consolidated Statement of Assets, Liabilities,
and Fund Balances/Working Capital
Balance Sheet

Fiscal Year 2007

	General Fixed Assets H	General Long- Term Debt I	Total J
Total Assets	\$12,847,218	\$369,469	\$41,075,088
Less: Non-Current Assets	\$12,847,218	\$369,469	\$17,894,485
Net Current Assets	\$0		\$23,180,603
Total Liabilities		\$369,469	\$6,346,555
Non-Current Liabilities		\$369,469	\$857,727
Net-Current Liabilities			\$5,488,828
Working Capital			\$17,691,775
Fund Equity	\$12,847,218		\$34,728,533
Contributed Capital			\$2,153,853
Investment in General			
Fixed Assets	\$12,847,218		\$12,847,218
Retained Earnings			
Reserved			\$0
Unreserved			\$9,811,207
Fund Balance			
Reserved			\$514,295
Unreserved - Designated			\$0
Unreserved - Undesignated			\$9,401,960
Total Fund Equity	\$12,847,218		\$34,728,533

City of Imperial Beach
Cities Financial Transactions Report - Consolidated Statement of Revenues,
Expenditures, and Changes in Fund Balance/Working Capital
Consolidated Statement

Fiscal Year 2007

	Total Expenditures	Functional Revenues	Net Expenditures/ (Excess) Revenues
Expenditures Net of Functional Revenues			
General Government	\$2,248,401	\$2,309,119	(\$60,718)
Public Safety	\$8,367,137	\$4,125,967	\$4,241,170
Transportation	\$3,690,372	\$1,458,003	\$2,232,369
Community Development	\$178,843	\$965,076	(\$786,233)
Health	\$4,583,312	\$3,770,434	\$812,878
Culture and Leisure	\$1,628,169	\$9,480	\$1,618,689
Public Utilities	\$0	\$0	\$0
Other	\$0	\$0	\$0
Total	\$20,696,234	\$12,638,079	\$8,058,155
General Revenues			
Taxes			\$6,079,373
Licenses and Permits			\$0
Fines and Forfeitures			\$0
Revenue from Use of Money and Property			\$304,689
Intergovernmental State			\$166,520
Intergovernmental County			\$0
Other Taxes In-Lieu			\$0
Other			\$370,632
Total			\$6,921,214
Excess/(Deficiency) of General Revenue Over Net Expenditures			(\$1,136,941)
Excess/(Deficiency) of Internal Service Charges Over Expenses			\$184,373
Beginning Fund Balance/ Working Capital			\$17,158,175

City of Imperial Beach
City's Financial Transactions Report - Consolidated Statement of Revenues,
Expenditures, and Changes in Fund Balance/Working Capital
Consolidated Statement

Fiscal Year 2007

Adjustments (Specify, maximum of 10 entries allowed) \$1,991,754

Specify:

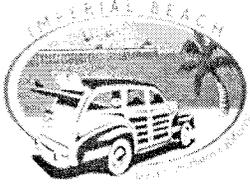
Amount:

Adjust to PY audited balance	1,991,754
Total:	\$1,991,754

Ending Fund Balance/ Working Capital \$18,197,361

Appropriation Limit as of Fiscal Year End 16,469,123

Total Annual Appropriation Subject to the Limit as of Fiscal Year End 5,009,781



STAFF REPORT CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY R. BROWN, CITY MANAGER

MEETING DATE: NOVEMBER 21, 2007

ORIGINATING DEPT.: FINANCE

SUBJECT: UNCOLLECTIBLE DUI ACCOUNTS

BACKGROUND:

California law allows cities to collect costs associated with a DUI emergency response. The City does bill to recover DUI costs. A number of these accounts have become delinquent and need to be sent to a collection agency for further processing.

DISCUSSION:

Government Code Section 53150 authorizes public agencies to recover costs arising from an emergency response to an incident involving a person operating a motor vehicle while under the influence of alcohol or drugs. Recoverable costs include the cost of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident.

Collection of these accounts can be problematic. Oftentimes these individuals have no permanent addresses to bill to or have limited resources to pay. Staff is requesting authorization from the City Council to write off certain delinquent accounts. Staff is also requesting that City Council authorize the Finance Director to send these delinquent accounts to a collection agency for further collection attempts.

FISCAL ANALYSIS:

DUI cost recoveries are deposited into the City's General Fund. Unpaid DUI accounts incurred before January 1, 2005 total \$11,149. Collection agencies fees are charged on a percent of actual amounts collected.

DEPARTMENT RECOMMENDATION:

It is respectfully requested that the City Council:

1. Receive this report.
2. Authorize the write-off of delinquent accounts incurred prior to January 1, 2005 totaling \$11,149.
3. Authorize the Finance Director to send these accounts to a collection agency.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

A handwritten signature in black ink, appearing to read 'Gary R. Brown', written over a horizontal line.

Gary R. Brown, City Manager

Attachment:

1. Resolution 2007-6558

RESOLUTION NO. 2007- 6558

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE WRITE-OFF OF DELINQUENT DUI COST RECOVERY ACCOUNTS AND AUTHORIZING THESE ACCOUNTS BE SENT TO A COLLECTION AGENCY

The City Council of the City of Imperial Beach does hereby resolve as follows:

WHEREAS, the City Council endorses the recovery of costs associated with DUI emergency response; and

WHEREAS, collection efforts of the City have been exhausted; and

WHEREAS, collection agencies have additional capabilities to potentially recovery on these delinquent accounts.

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

- 1. The above recitations are true and correct.
- 2. City Council authorizes the Finance Director to write-off uncollected DUI accounts incurred prior to January 1, 2005.
- 3. City Council authorizes the Finance Director to send these DUI accounts to a collection agency.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting on the 21st day of November 2007, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2006-6369 – A Resolution of the City Council of the City of Imperial Beach, California, AMENDING FY 05-06 BUDGET BY TRANSFERRING \$65,100 IN REVENUE INTO THE 50th ANNIVERSARY CELEBRATION BUDGET.

CITY CLERK

DATE



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: NOVEMBER 21, 2007

ORIGINATING DEPT.: PUBLIC WORKS *HAL*

SUBJECT: RESOLUTION AMENDING THE PUMP STATION NUMBER 3 UPGRADE (CIP# W05-104) PROJECT IN THE FIVE -YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET 2004/2005 THROUGH FISCAL YEAR 2008/2009 AND AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – PUMP STATION NUMBER 3 UPGRADE (CIP# W05-104)

BACKGROUND:

The Five-Year Capital Improvement Program Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009 adopted by Resolution No. 2005-6089 and as amended December 7, 2005 – Resolution No. 2005-6253 - included CIP Project Pump Station Number 3 Upgrade (CIP# W05-104) funded with the Sewer Enterprise Fund in the amount of \$46,000. On September 19, 2007 Council approved Resolution No. 2007-6538 revising the scope of work to included 4-gate valves, 2-new bases for sewer pumps, sewerage bypassing, painting of the equipment, pump vibration testing and traffic control. The revised scope of work was approved and budget was increased to \$97,000.

DISCUSSION:

Pump Station Number 3 Upgrade was advertised for bids on September 27, 2007. On November 8, 2007, the bids were opened and evaluated. The lowest, qualified bid was from Zondiros Corporation for \$94,777, (ninety four thousand, seven hundred and seventy seven dollars).

The four contractors who bid on the project are listed below from lowest qualified bidder to highest, along with their bid amounts:

- Zondiros Corporation \$ 94, 777
- Dietrich Corporation \$141,298
- NeWest Construction \$158,700
- SCW Contracting \$176,437

Engineer's Estimate for the construction of this Project was \$68,000.

ENVIRONMENTAL DETERMINATION:

An environmental review was conducted on this project and it was determined that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15302(c): Replacement or Reconstruction of Existing Utility Systems and Facilities.

FISCAL IMPACT:

Since the actual bid for construction came in higher than the original estimate, staff proposes revising the project budget as follows:

Proposed Revision:

- Construction \$ 94,777
- Project Delivery \$ 40,623
- Total \$135,400

This is an overall budget increase of \$38,400. If attached resolution is approved the total budget allocation for the project will be \$135,400 allocated from Sewer Enterprise Fund, Account No 601-5060-536-2006/1001.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Adopt the attached resolution awarding a contract to the Zondiros Corporation for the Pump Station Number 3 Upgrade and amending Pump Station Number 3 (CIP W05-104) project budget total to \$135,400, funded from the Sewer Enterprise Fund.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution 2007-6557

Return to Agenda

RESOLUTION NO. 2007-6557

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH,
CALIFORNIA, AMENDING THE PUMP STATION NUMBER 3 UPGRADE (CIP# W05-104)
PROJECT IN THE FIVE –YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET 2004/2005
THROUGH FISCAL YEAR 2008/2009 AND AWARDING A CONTRACT FOR CERTAIN
PUBLIC WORKS PROJECT – PUMP STATION NUMBER 3 UPGRADE (CIP# W05-104)**

The City Council of the City of Imperial Beach does hereby resolve as follows:

WHEREAS, the City of Imperial Beach advertised and requested proposals for the Construction of certain public works of improvements, to wit, Pump Station Number 3 Upgrade on September 27, 2007; and

WHEREAS, the final date for submitting proposals to accomplish said public works of Improvement was November 8, 2007; and

WHEREAS, sealed bids to accomplish said public works of improvement were opened on November 8, 2007, and;

WHEREAS, the lowest responsive bidder was Zondiros Corporation for \$94,777; and

WHEREAS, the construction bid is \$26,777 higher than the amount budgeted; and

WHEREAS, the adopted budget for CIP W05-104 is \$97,000; and

WHEREAS, the budget estimate needed to construct this project is \$135,400; and

WHEREAS, the budget for this project shall come from the Sewer Enterprise Fund (Account No. 601-5060-536-2006/1001).

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

1. The above recitals are true and correct.
2. The legislative body hereby rejects all proposals for bids except that identified as the lowest responsible bid. The bid of the lowest, responsible qualified bidder will be on file with the transcript of these proceedings and open for public inspection in the City Clerk Department on file as Contract No. 2245.
3. The Contractor shall not commence construction or order equipment until he/she has received a Notice to Proceed.
4. The works of improvements shall be constructed in the manner and form and in compliance with the requirements as set forth in the specifications for the project.
5. The City Manager is authorized to sign a purchase order for "Zondiros Corporation" for project as bid and awarded.
6. This legislative body approves a budget amendment increasing the total Project budget to \$135,400 using Sewer Enterprise Fund.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 21st day of November 2007, by the following roll call vote:

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

James C. Janney
JAMES C. JANNEY, MAYOR

ATTEST:

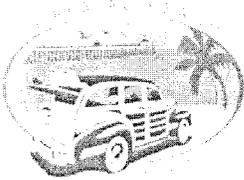
Jacqueline M. Hald

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2007-6557 – A Resolution of the City Council of the City of Imperial Beach, California, awarding a contract for certain Public Works project - Pump Station Number 3 Upgrade (CIP# W05-104)

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: November 21, 2007
ORIGINATING DEPT.: Jacqueline M. Hald, CMC, City Clerk
SUBJECT: TIDELANDS ADVISORY COMMITTEE – TERMS EXPIRING
 DECEMBER 31, 2007

BACKGROUND

On August 7, 1991, the City Council of the City of Imperial Beach adopted Resolution No. 91-4037, establishing the Tidelands Advisory Committee (TAC), consisting of seven (7) to eleven (11) members who are residents of the City of Imperial Beach. The original scope of the TAC covered issues involving the San Diego Unified Port District tidelands. On January 14, 2004, the City Council expanded the scope of the TAC to allow the committee to provide recommendations to the City Council on issues relating to the tideland areas within and adjacent to the City of Imperial Beach.

DISCUSSION:

Pursuant to Section 2.18.010A(1) of the Imperial Beach Municipal Code, the city clerk shall advise the city council of the names of those persons whose term of office on a city commission, board or committee will be expiring thirty days prior to such expiration.

The following TAC members' terms will expire on December 31, 2007:

COMMITTEE MEMBER	DATE APPOINTED
Debra Carey	November 16, 2005 (filled a scheduled vacancy)
Michel Dedina	November 16, 2005 (filled a scheduled vacancy)
Richard Pilgrim	November 16, 2005 (filled a scheduled vacancy)
Rita Lane	July 19, 2006 (filled an unscheduled vacancy)
Jean F. Villard	June 6, 2007 (filled an unscheduled vacancy)

The committee members have been informed of their upcoming term expirations and have been asked if they are interested in serving another term. Staff will return to City Council with further information and seek Council direction at a future date.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

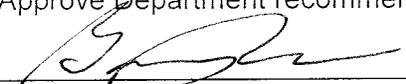
None associated with this report.

DEPARTMENT RECOMMENDATION:

Receive and file.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



 Gary Brown, City Manager



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: NOVEMBER 21, 2007
ORIGINATING DEPT.: CITY MANAGER
SUBJECT: LETTER OF SUPPORT FOR AN EPA GRANT

BACKGROUND AND DISCUSSION:

On November 13th, Mr. Phillips, the Reserve Manager for the Tijuana River National Estuarine Research Reserve (TRNERR), asked for a letter of support for a grant that TRNERR and the Southwest Wetlands Interpretive Association (SWIA) are seeking from EPA. The letter had to be finished by Friday, November 16th.

Please see the attached information outlining their proposal and a draft budget.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

No direct impact, but helps ecotourism.

DEPARTMENT RECOMMENDATION:

Ratify the attached letter.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

A handwritten signature in black ink, appearing to read "Gary Brown".

Gary Brown, City Manager

Attachments:

1. Letter of Support
2. Proposal Summary and Draft Budget



City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

November 15, 2007

Dan Pingaro
West Coast Estuaries Initiative – California US EPA Region 9
75 Hawthorne Street (WTR-3)
San Francisco, CA 94105

Dear Mr. Pingaro,

I am writing in support of a grant application under the West Coast Estuaries Initiative for the California Coast for the "Tijuana River Watershed: Water Quality Improvement and Community Outreach Project." This project is a partnership between the Southwest Wetlands Interpretive Association and NOAA's Tijuana River National Estuarine Research Reserve (TRNERR), with additional public and private partners in both the U.S. and Mexico.

The Estuary is an inestimably valuable resource to our City's efforts to establish ecotourism as a regional attraction. Also, as a designated Ramsar site, it is recognized by the United Nations as a natural resource of worldwide importance. Our community is honored to be associated with the TRNERR and supports efforts to preserve and enhance it.

This project will provide the public and government officials the information necessary to make informed decisions that will benefit estuaries throughout the San Diego region. In addition, the project will generate active community involvement in the protection and enhancement of the Tijuana Estuary. Such actions are critically important as we work to preserve and restore the estuary and other coastal wetlands nearby. This project will also address critical erosion and water quality problems through specific site projects within the Tijuana River watershed.

We are committed to comprehensive collaborative efforts that preserve and protect the Tijuana Estuary, one of Southern California's premier wetland/salt marsh complexes. Therefore, we strongly encourage you to award this grant. We are familiar with the work of both the Southwest Wetlands Interpretive Association and the Tijuana River National Estuarine Research Reserve and are confident they will produce significant results that will benefit California's estuaries.

Sincerely,

A handwritten signature in cursive script that reads "Gary Brown".

Gary Brown
City Manager

cc: City Council

ATTACHMENT 2

Southwest Wetlands Interpretive Association (SWIA) Proposal Summary
for the U.S. EPA, Region 9 West Coast Estuaries Initiative for the California Coast

Tijuana River Watershed: Water Quality Improvement and Community Outreach Project

Coastal Resources

The Tijuana River Watershed is a 1,750 square-mile binational watershed – one quarter in the U.S. and three quarters in Mexico – that faces increasing threats. After the Tijuana River crosses into the U.S., it culminates in one of the most important salt marsh estuary complexes left in Southern California: the 2,500-acre Tijuana River National Estuarine Research Reserve. This Reserve has been designated by the International Ramsar Committee as a “wetland of international importance,” and yet it is surrounded by intense urban development (the San Diego and Tijuana metropolitan areas). Well over 1 million people live within a 30 minute drive of the Reserve, yet many of these residents remain largely unaware of this valuable and vulnerable coastal wetland. On the Mexican side of the watershed, intense and poorly-constructed development creates serious flows of sediment and trash into the estuary. Due in large part to these flows, the Tijuana River and the Tijuana River Estuary are included on the U.S. EPA’s 303(d) list of impaired waterways.

Project Objectives and Activities

The Southwest Wetlands Interpretive Association (SWIA) will address these challenges through a holistic watershed approach to water quality management. The goal of this three and a half year, \$927,080 project is to restore and protect the water quality, habitat, and environment of the Tijuana River Watershed by accomplishing five major objectives:

- Influence decision-makers on behalf of the Tijuana Estuary (and other coastal wetlands) by providing them with science-based information.
 - Decision-maker topical workshops
 - Elected Official education events
 - Watershed tours
- Improve the abilities of fellow watershed agencies to protect and restore coastal wetlands by transferring knowledge and experience gained at the Reserve.
 - Project Symposiums
 - Project Tours and Assessment
 - Skill-building Workshops
- Expand active community participation in protection and enhancement of the Tijuana Estuary.
 - Volunteer watershed improvement projects
 - Outreach presentations to schools, community organizations, and businesses
- Transform the public’s perceptions and lifestyles regarding coastal wetlands and environmental protection by providing education and technical training, in collaboration with other watershed agencies.
 - Targeted training and education programs (e.g.: *Sustainable Living to Reduce the effects of Climate Change*)
 - Media Outreach
 - Brochures and other educational materials
- Facilitate watershed improvement projects that result in direct environmental benefits to the Tijuana Estuary.
 - Erosion control projects in Los Laureles Canyon
 - Stormwater Management
 - Conservation Easements
 - Sediment Basins
 - Tire Recycling

**Tijuana River Watershed: Community Outreach and Water Quality Improvement Project
DRAFT BUDGET**

Item	Description	Ave. Annual Cost	Years	Total Grant	%
<i>USA Work</i>					73%
Watershed Training (WT) Coordinator	Will provide science-based training to watershed stakeholders who make decisions about coastal management in the Tijuana River Watershed and other coastal watersheds in the region. Will also serve as a liason between the Reserve and the Wetlands Recovery Project.	\$57,000	3.5	\$199,500	
WT Assistant	Will help plan and coordinate workshops and other training activities and events in the Tijuana River Watershed and other coastal watersheds in the region.	\$40,000	3.5	\$140,000	
WT Supplies and Support	Includes materials and supplies for the stakeholder and decision-maker workshops and trainings, as well as mileage.	\$15,000	3.5	\$52,500	
Community Outreach Coordinator (5/6 time)	Will coordinate volunteer watershed improvement projects at the Reserve; make presentations to civic groups, community organizations, corporations, and schools; expand public participation by recruiting new volunteers; reach out to the media about community projects and activities at the Reserve; and build fiscal capacity in support of the Reserve.	\$55,000	3.5	\$192,500	
Outreach Supplies and Support	Includes materials and supplies for volunteer restoration projects, volunteer recruitment, and public outreach, as well as mileage.	\$5,500	3.5	\$19,250	
<i>Mexico Watershed Work</i>					27%
Watershed Projects Facilitator	Facilitate cross-border interactions within the Tijuana River Watershed between conservation entities and community members to implement watershed improvement projects.	\$57,000	3.5	\$199,500	
WF Supplies and Support	Includes materials and supplies for trainings and workshops, as well as mileage.	\$7,000	3.5	\$24,500	
Subtotal				\$827,750	
SWIA Administrative @ 12%				\$99,330	
TOTAL USEPA GRANT				\$927,080	



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: NOVEMBER 21, 2007
ORIGINATING DEPT: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER
DARRELL GENTRY, PROJECT MANAGER/CONSULTANT

SUBJECT: FIRST READING/PUBLIC HEARING: SEACOAST INN:
OWNER/APPLICANT: IMPERIAL COAST LIMITED
PARTNERSHIP/PACIFICA COMPANIES RE SPECIFIC PLAN
(GPA 03-095), DESIGN REVIEW (DRC 03-094), REGULAR
COASTAL PERMIT (CP 03-091) SITE PLAN REVIEW (SPR 03-
093), TENTATIVE MAP (TM 03-092), DEVELOPMENT
AGREEMENT AND ENVIRONMENTAL IMPACT REPORT (EIA
04-034) FOR THE REDEVELOPMENT OF AN EXISTING HOTEL
LOCATED AT 800 SEACOAST DRIVE IN THE C-2 (SEACOAST
COMMERCIAL) ZONE. MF661

PROJECT DESCRIPTION/BACKGROUND:

This is an application (MF 661) by Imperial Coast Limited Partnership (owner)/Pacifica Companies (applicant) filed on November 13, 2003, for a Regular Coastal Permit (CP 03-091), a Tentative Map (TM 03-092) that proposes the hotel units to be sold as condominiums for financing purposes, Site Plan Review (SPR 03-093), Design Review (DRC 03-094), a Specific Plan (GPA 03-095), and an Environmental Impact Report (EIR 04-034) to demolish the existing 3-story 38-room Seacoast Inn hotel and timber seawall and redevelop the site as a 78-room hotel, 40 feet high with 111 parking spaces in a subterranean garage, a restaurant, swimming pool, meeting rooms, and a new vertical seawall to be located 35 feet east of the existing seawall. The new hotel would be located landward of the new seawall. What is currently private property on the beach to the mean high tide line is proposed to be dedicated as a public beach. Enhanced street end improvements to Date Avenue along with a new vertical seawall are proposed in conjunction with this project. However, it is recommended that these improvements be included as part of the Redevelopment Agency's Capital Improvement Program (CIP) and constructed independently from and in coordination with the Seacoast Inn.



The 1.39-acre property (APN 625-011-16-00) is located at 800 Seacoast Drive and designated C-2 (Seacoast Commercial Zone) by the General Plan/Local Coastal Plan. A development agreement will also be considered for approval to enforce the terms and conditions of the specific plan and coastal permit, to govern the hotel’s full service operations, to identify “green building” requirements, and provide financial and project-related performance responsibilities for the applicant and guest room ownership restrictions.

This hearing culminates a series of briefing and progress reports and public workshops held over the past 3 years by the City Council, Tidelands Advisory Committee and Design Review Board regarding the proposed project, the environmental review process and details related to the redevelopment of the proposed hotel. The proposed hotel proposes an ownership financing arrangement accommodated through the approval of a Tentative Map and also includes a Development Agreement that assures the continued operation of the proposed hotel as a commercial enterprise through the use a centralized reservation system, full-room service, and limitations on guest owner usage and room stays. The proposed hotel also includes the incorporation of “green building” designs, which are discussed in more detail in this report.

PROJECT EVALUATION/DISCUSSION:

General Plan/Local Coastal Plan/Zoning Consistency: The proposed development is subject to the C-2 (Seacoast Commercial) zoning requirements and the various elements, including the Coastal Policies, of the General Plan/Local Coastal Plan.

Standards	Provided/Proposed
30 guest rooms for H1 hotel	78 guest rooms with restaurant and meeting room
Front Yard: zero feet, 5 feet for second floor, 10 feet for third floor Side Yard: none Rear Yard: none	6 feet for Porte Cochere and 24 feet for 2 nd and 3 rd and 4 th floors Side Yard: 0 feet Ocean Blvd (beach):70 to 100 feet from MHTL
Minimum lot size of 3,000 square feet (Section 19.27.050) or 35,000 square feet for a H1 hotel	1.39-acre parcel.
Minimum street frontage of 30 feet (Section 19.27.060).	Seacoast Drive frontage of 200 feet.
Maximum building height of three stories or 30 feet (Section 19.27.070), with exception of 40 feet for Class H1 hotels approved with a specific plan.	40 feet measured from average grade.
Minimum 15% landscaping (Section 19.50.030) of 1.39 acre (60,548 square feet) = 9082 square feet .	5,000 square feet landscaping plus 18,000 square feet for public beach
1 parking space per room; 1.5 parking spaces per room with kitchen (Section 19.48.040.A).1 space per room with approved traffic study	1.4 spaces per room = 111 parking spaces in garage

Pursuant to Section 19.27.150. (Specific Plan):

- A. The City Council may approve a Specific Plan for a hotel use that allows deviations from the following regulations in the C-2 zone:
 - 1. Building heights specified in Section 19.27.070, provided that a height deviation may not exceed four stories;

2. Building setbacks specified in Section 19.27.040; and
 3. Parking requirements specified in Section 19.48.040.
- B. The intent of this section is to accommodate, to the greatest extent possible, an equitable balance of project design, project amenities, public improvements, and community and City benefits. The purpose of the Specific Plan is to provide flexibility in the application of development regulations for hotel projects where strict application of those regulations would restrict design options and result in a less desirable project.
- C. The City Council may approve a Specific Plan for a proposed hotel project that occupies property within both the Seacoast Commercial (C-2) and Seacoast Mixed-Use Overlay (MU-2) Zones that allows deviations from the C-2 zoning regulations that are authorized by subsection A and deviations from the following regulations in the MU-2 zone:
1. Conditional use permit requirement specified in subsection 19.27.140(B)(1);
 2. Building setbacks specified in subsection 19.27.140(C)(2)(b);
 3. Building heights specified in subsection 19.27.040(C)(2)(c), provided that a height deviation may not exceed four stories; and
 4. Parking requirements specified in Section 19.48.040.
- D. All of the following findings must be made before a Specific Plan may be approved under this section:
1. The proposed project will not adversely affect the General Plan or the local coastal program;
 2. The proposed project will not be detrimental to the public health, safety or welfare;
 3. The proposed project, when considered as a whole, will be beneficial to the community and the City; and
 4. The proposed deviations are appropriate for the location and will result in a more desirable project than would be achieved if designed in strict conformance with zoning regulations in the C-2 zone.
- E. A Specific Plan approved under this section must state the ways in which the project benefits the community and the City and the ways in which the resulting project is preferable to what the existing regulations would have allowed. (Ord. 2003-1002 § 1, 2003; Ord. 2002-984 § 1, 2002)

The necessary findings are included in Ordinance No. 2007-1060 that will be adopted at the Second Reading of the Ordinance. Section 3.1 of the Seacoast Inn Specific Plan demonstrates how these findings are supported.

1. *The proposed project will not adversely affect the General Plan or the local coastal program;*

The project is consistent with the tenets of both the General Plan and the Local Coastal Program as described in detail to follow in Section 3.2 (see page 26).

2. *The proposed project will not be detrimental to the public health, safety, or welfare;*

The project is not expected to have any negative public safety impacts. The proposed project improves pedestrian safety by redesigning the parking program thereby eliminating the surface parking lot and providing 111 spaces in a controlled subterranean parking garage. The ingress/egress to the parking garage will be made clearly visible to pedestrians on Date Avenue through the implementation of the street end sidewalk improvements. Hotel signage and

landscaping will also be designed to clearly indicate the parking garage entrance/exit. Additionally, the proposed project improves public safety by calling for the removal of the existing seawall and replacement with a new protection structure that will be integrated into the hotel design and will protect the development from flooding during combined design storm and high tide events.

3. *The proposed project, when considered as a whole, will be beneficial to the community and the City;*

The project provides many benefits to the City and community summarized as follows:

- Property tax, hotel (TOT) tax, and sales tax revenue.
- An environmentally-friendly hotel design that is geared toward attracting the “eco-tourist” market and reducing water and energy consumption.
- An enhanced commercial zone with an expanded list of visitor-serving amenities.
- Landscaping enhancements on and adjacent to the site that will utilize native and drought tolerant plants for incorporation into a beach “sand dune” theme.
- The dedication of 35 feet of new public beach area in front of the hotel.
- Elimination of a “sea” of surface parking to be replaced by 111 spaces in a subterranean garage and no net loss of on-street parking.
- The addition of 40 rooms to the pool of visitor-serving accommodations in Imperial Beach.
- Street end improvements on Date Avenue that include enhanced paving, landscaping, parking, and a realigned seawall that will be a contiguous southward extension of the proposed hotel seawall (situated 35 feet landward from existing structure).
- A new public restaurant (with patio dining), cocktail lounge, lobby lounge, meeting, and convention rooms.
- Removal of physical encroachments such as the private stairs accessing the beach from the deck area of the existing hotel and currently limiting lateral beach access by approximately 10 feet.
- Increased public access with the provision of an ADA ramp from the north side of the building (Dunes Park parking lot) to the beach, and from the end of Date Avenue to the beach.
- A curvilinear hotel design that reduces the “fortress” effect created by the existing building and opens up visual access on the Dunes Park side of the building by almost 50%.

4. *The proposed deviations are appropriate for the location and will result in a more desirable project than would be achieved if designed in strict conformance with zoning regulations in the C-2 zone.*

A 78 room full-service hotel could not be accommodated at the current site without flexibility in zoning. The ability to build to four stories and accommodate

parking at a ratio of 1 space per room has afforded the project team the opportunity to design a curvilinear hotel that significantly enhances views, returns 35 feet of beach width (where the current hotel stands) to the public, eliminates a sea of unattractive surface parking, and results in a unique boutique hotel that honors the character of Imperial Beach while providing a catalyst for enhancement of the commercial zone. See Section 3.1(c) below for more detail.

Surrounding Land Use and Zoning

North:	C-2/PF	Dunes Park
South:	R-1500/MU-2	Residential/commercial/vacant
East:	C-2	Commercial/vacant
West:	PF	private beach and ocean

Shore Protection: A seawall is proposed as a part of this project. The Local Coastal Program permits construction of a seawall in this area, provided it is vertical and entirely within the private property that it is protecting, and provided that payment of a sand loss mitigation fee for beach replenishment purposes is submitted if the wall encroaches onto the public beach. (19.87.050.D).

Building Height Conformity and Determination: On April 2, 2003, the City Council amended the LCP to allow hotels up to 40 feet high in the C-2 Zone subject to a specific plan and to include Policy L-9. On April 16, 2003, the City Council amended the Zoning Ordinance to specify a 40 foot height limit for qualified hotel projects and to require a parking study to support parking at one space per unit. On August 30, 2005, the City Council accepted the average grade versus warped plane interpretation for determining building height that conforms to the maximum height limit of forty (40) feet for a hotel due to the unique site characteristics of the Seacoast Inn.. The existing Seacoast Inn parcel has varying topographic grades throughout the site. The subject varies in existing grades along Seacoast Drive from 11.99 feet (elevation) above sea level at the intersection of Date Avenue and Seacoast Drive. The property, at this street frontage, gently slopes northerly toward the Dunes Park.

As a result, the property’s northeast corner has a site grade elevation of 11.26 feet (AMSL). The middle of the property also varies in grade elevations from 10.31 feet to 11.56 feet near the south property line. Along the beach front, where the existing building is located, the grade elevation is 16.82 feet. The average grade elevation was established by the City Council at 14.0 feet. The maximum height is measured from this average grade elevation, which means the maximum roof level height can not exceed 54 feet. The proposed hotel project conforms to this established maximum height limit with a height of 53.5 feet to the roof level.



The proposed project has been designed to not exceed the forty (40) foot height from average grade limit from average grade, except for rooftop features, such as HVAC mechanical units, solar panels, elevator penthouses, and stairway towers with a maximum height of eighty-four (84) inches above the maximum roof level.

PROJECT COMPONENTS:

The initial design for the hotel that was submitted on November 13, 2003 proposed the new seawall to be located where the existing seawall was and for the swimming pool and other improvements (including a box-like hotel) to be located where the large “sandbox” is located. City staff and the applicant met with the Coastal Commission staff to review these earlier concepts. The Commission advised us that the proposal would conflict with their “stringline development policy.” They advised the applicant to relocate the seawall and buildings landward. The new 4-story hotel buildings and seawall design are proposed to be set back approximately forty (40) feet landward of the existing seawall and private hotel beach area. This new location allows for improved public access to the beach and a re-dedication of a private beach for public use and benefit, and also allows the new structures to be located in conformance with the stringline development policy.

Project Objectives:

The applicant, Pacifica Companies, has set its objectives for this project as follows:

- 1) Redevelop the existing property in compliance with the City’s General Plan and Local Coastal Plan.
- 2) Preserve and expand visitor serving uses.
- 3) Provide a modern, attractive hotel with a conference center, public restaurant and is environmentally sensitive to issues related to greenhouse gas emission reduction, low impact development and meets the goals of the City’s Conservation Element.
- 4) Designating an existing private beach area for public use and beach area.
- 5) Conform to the Coastal Commission’s “stringline” designation for beach front development.

Grading: The proposed project is using the City Council established method of grade averaging to set the finish pad elevation, and maintain the maximum height limitation of forty (40) feet. The average grade elevation is 14.0 feet mean sea level, which means that a maximum roof level height of 54 feet can not be exceeded. The proposed project roof level is 53.5 feet and conforms to the maximum height limit of forty (40) feet.

To the extent feasible and practical, sand excavated during construction will be tested for possible replenishment onsite as specified by the Final EIR Mitigation Monitoring & Reporting Plan.

Building Configuration: The proposed project includes 84,388 square feet of total floor area in 4-stories housed in two building wings. The hotel is proposed to incorporate contemporary Mediterranean style architecture for the two angled building wings, north and south.

The first floor of the north wing includes: a 3,000 square feet of function room, a main lobby and reservation area, a public restaurant/cocktail lounge area, an outdoor seating area, the guest pool area with secured access for guest visitors only, and six (6) ground floor guest rooms.

The second to fourth floor areas sixteen (16) guest suites in the north wing and eight (8) guest suites in the south wing. Total number of guest suites is 78, which will also contain individual kitchens in all rooms. Each guest suite contains approximately 600 to 700 square feet of floor area and each has an outdoor deck or balcony. Hotel offices and other function areas are also planned for the first floor.

The “grand entryway” for the proposed hotel incorporates a porte-cochere and water feature marking the lobby entrance location, and a curved driveway for receiving guests and the public. Inside the lobby entrance. There is another water feature that continues the water theme and leads visitors to a lobby lounge and outdoor patio areas with direct views of the Pacific Ocean. Access to the below grade garage area will also be provided in the main lobby area. There are 111 parking spaces provided in the below garage area, which is accessed from Date Avenue. The existing Seacoast Inn buildings encroach into public rights-of-way. The new buildings are located to any encroachment and will also allow for new on-street parking spaces on Date Avenue that also includes public right-of-way landscape treatments.

The applicant is required to dedicate additional rights-of-way for public sidewalks on Date Avenue and perhaps on Seacoast Drive including dedications for increased sidewalk widths for compliance with ADA requirements.

The City has established special landscape design and installation guidelines specific to Seacoast Drive to create a “classic California beachside community” through unifying design elements, and celebrating the eclectic character. A detailed landscaping plan has been prepared for the proposed project, which incorporates extensive landscape areas along Seacoast Drive and Date Avenue, including landscape planters within Date Avenue right-of-way. Final plans for the Seacoast Inn will need to conform to the new Seacoast streetscape plans.

A Final Landscape Plan is required to be submitted to the Community Development Department for review and approval prior to the issuance of building permits for the project. The Final Landscape Plan shall incorporate all applicable mitigation measures specified in the EIR Mitigation Monitoring & Reporting Plan and the adopted Seacoast Inn Specific Plan document dated August 15, 2007.

Project Development Plans: Pacifica Companies has maintained its current proposed building design and configuration for this proposed project. This type of plan re-configures and demolishes the existing hotel into a full service hotel using a curvilinear-designed building that provides:

- full guest services,
- maximizes guest room views,
- enhances public view corridors from the north and south,
- pulls the existing hotel and seawall back off the beach area approximately 35 feet,
- improves lateral and horizontal public beach access,
- provides a full-service public restaurant, and conference/function room, and on-site underground parking.



The above aerial photo with overlay shows the proposed building wings as related to the existing buildings shown in background. The “red line” shown in a north-south orientation represents the City’s and Coastal Commission’s determination of stringline for coastal developments in the City.

A visual analysis for the proposed project was also done including shadow analysis. This analysis indicates that there are no significant issues or concerns with view corridors or with shading to adjacent properties. View corridors from Seacoast Drive and some adjoining properties and Dunes Park will be improved because of the proposed building placement on the subject property, and the opening up of view corridors to the beach area. The public beach area is not affected at all by any shading or shadow effect resulting from building placement.

Energy Conservation and Greenhouse Gas Reduction Strategies:

Pacifica Companies has also indicated that the project will incorporate “green building” design/construction concepts for the project, which will include reduction strategies of greenhouse gas emissions, as a response to AB 32, the California Climate Solutions Act of 2006 public policy position, through the use of solar photovoltaic panels for direct use electricity or for the power grid. Additionally, the project will be incorporating solar collection panels for hot water heating throughout the hotel, using triple glazed windows, use of R22 refrigerant instead of CFC coolant, use of high-efficiency energy-efficient lighting and appliances throughout the hotel, and will designate a senior management staff person assigned to head an environmental management program onsite to seek and generate environmental ideas for hotel operations and facilities.

Project Building Elevations and Architectural Design Review: This site of the existing hotel fronts on Seacoast Drive, a designated Design Corridor, and is also situated on the beach, a

public vantage point. This project is intended to create an architectural statement for the Seacoast Drive corridor and provide expanded visitor servicing opportunities at the beach.

Isometric studies provided for the proposed new hotel illustrate building placement and configuration. There would be two 4-story buildings and a relocated pool that would replace the existing structures. The following design elements have been incorporated into the buildings, such as entryway canopies, curvilinear walls on the building exteriors visible to Seacoast Drive and the beach area. This articulation alters the “straight line, flat surface” look to these exteriors that was previously presented.



There is also more building articulation along all building exteriors through the use of offset balconies in the upper floors and the use of recessing of the building planes to avoid a monotonous, flat exterior appearance. The proposed architectural style is a contemporary Mediterranean motif that is compatible with structures located to the north and south of the project site. The proposed hotel's grand entryway/water features will add visual interest to the project from the street side of the property.

ENVIRONMENTAL REVIEW AND DOCUMENTATION:

An Environmental Impact Report (EIR) was prepared per California Environmental Quality Act (CEQA) requirements for this project. A required Notice of Preparation informing affected public agencies, interested parties and the general public of the intent to prepare a Draft EIR was published on October 27, 2005. A Public Scoping meeting for interested parties and the general public was conducted on November 21, 2005 by City staff and it's Project Manager/Consultant.

The applicant's consultant, EDAW, completed the preparation of a Draft EIR (SCH # 2005101113) in accordance with the requirements of the CEQA on August 15, 2007. A required Notice of Completion and Availability was prepared for distribution of the Draft EIR. The Notice of Completion and Availability was published on August 16, 2007 initiating a required forty-five (45) day public review and comment period per CEQA guidelines. The public review and comment period terminated on October 1, 2007. At the end of this timeframe, City staff and EDAW evaluated all written comments and public workshop comments received and provided instruction regarding the preparation of the Final EIR. The Final EIR document contains written responses to the written and pertinent public workshop comments, as required by CEQA, to comments received from affected public agencies, the general public and any interested parties. Public workshop comments not specifically identified as environmental impact comments have also been answered either by the applicant, the applicant's environmental consultant or City staff directly to the original inquiry or person involved with the comment.

The Draft EIR evaluated project-related and cumulative impacts for this project. Specific areas of analysis include: land use, traffic/parking, public services, utilities, noise, air quality, hydrology/wave run-up, geology/coastal processes, biological and cultural resources, hazardous materials and climate change. Project Alternatives, as required by CEQA, have also been evaluated in the Draft EIR.

Statement of Overriding Consideration:

Pursuant to CEQA Guidelines Section 15093, A Statement of Overriding Considerations for short-term noise related impacts must be adopted, based on the following findings of fact:

Short-term construction noise levels associated with pile driving and vibration effects as identified in the Draft and Final EIR, will remain significant and unavoidable.

These short-term construction noise level impacts shall be mitigated, to the extent possible and as specified in the adopted Mitigation Monitoring & Reporting Plan and according to the conditions herein specified, in compliance with Section 15070 of CEQA. Said mitigation shall, at a minimum, consist of the installation, prior to the commencement of construction activities, of a ten (10) high solid fence to abate noise levels to surrounding properties. Said solid fencing shall be maintained and installed throughout the entire construction phase of the project. Additionally, all construction-related equipment shall be limited to a warm-up period of not earlier than 15 minutes prior to the start of daily construction activities. The hours of construction activity shall be limited to 8:00 AM to 5:00 PM, Monday through Friday.

The economic and social benefits of this proposed project as described in the Seacoast Inn Specific Plan outweigh the unavoidable but temporary adverse effects of the project and the effects are found to be acceptable.

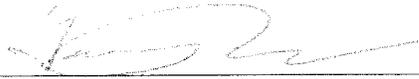
DEPARTMENT RECOMMENDATION:

Staff recommends that:

1. A public hearing be convened to entertain public testimony on the proposed project;
2. The Mayor call for the introduction of Ordinance No. 2007-1060 (Approving the Seacoast Inn Specific Plan GPA 03-095) and Ordinance No. 2007-1061 (Approving the Seacoast Inn Development Agreement);
3. A motion be considered to dispense First Reading of both ordinances;
4. The City Clerk read Ordinance No. 2007-1060 and Ordinance No. 2007-1061 by title only; and
5. Ordinance No. 2007-1060 and Ordinance No. 2007-1061 be considered for Second Reading and Adoption on December 5, 2007 and that Resolution No. 2007-6559 (that includes necessary findings and conditions Approving Regular Coastal Development permit CP 03-091, Tentative Map TM 03-092, Site Plan Review SPR 03-093 and Design Review DRB 03-094 and certifying the Final Environmental Impact Report FEIR 04-034, adopting a finding of overriding considerations, and adopting the Mitigation, Monitoring, and Reporting Program for the FEIR), be considered for adoption on December 5, 2007.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gary Brown, City Manager

Attachments:

- 1 Ordinance No. 2007-1060 .
- 2 Ordinance No. 2007-1061
- 3 Resolution No. 2007-6559
- 4 Plans
- 5 Final Environmental Impact Report
- 6 Mitigation, Monitoring, and Reporting Program

cc: file MF 661

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CITY OF IMPERIAL BEACH

TO: City Council
FROM: Gary Brown, City Manager *GB*
SUBJECT: Development Agreement for Seacoast Inn

Attached is the Staff Report from October 3, 2007 that outlined key points to be achieved in the Development Agreement, the latest draft of the Development Agreement, and the ordinance approving it.

Let me stress that attorneys are still reviewing the Development Agreement, but it's unlikely that substantive changes will be made. We will have the final version for Wednesday's meeting.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: OCTOBER 3, 2007
ORIGINATING DEPT.: CITY MANAGER
SUBJECT: DRAFT DEVELOPMENT AGREEMENT FOR SEACOAST INN

BACKGROUND:

Pacifica and City staffs have been drafting a Development Agreement (DA) to delineate the obligations and rights of the City and the Developer related to the development of a new, 78 room (suites) Seacoast Inn. The DA will eliminate or reduce uncertainty in planning for orderly development of the project, assure installation of necessary improvements, provide public services, ensure effective utilization of resources, and otherwise achieve the purposes set forth in the state's Development Agreement Statute.

DISCUSSION:

The attached draft is presented for Council review and comment. There will be a public hearing on the DA on November 21 when Council considers it and other Seacoast Inn related documents such as the Specific Plan and EIR.

Some of the key provisions are:

Rights and Obligations of Developer:

The Developer will:

1. Comply with the Specific Plan
2. Dedicate to the City 35' of Ocean Lane for public beach access
3. Construct public improvements to Seacoast Drive, Dunes Park and other requirements specified by the City Engineer and approved by the City Council.
4. Dedicate to the City necessary right-of-way for improvements to Date Avenue. (This language is not in the draft, but will be added.)
5. Eliminate existing encroachments into public rights-of-way on the north and south property lines.
6. Build access to Date Avenue and Dunes Park from the hotel.
7. Construct new shoreline protection at locations approved by the City Engineer.

8. Build and operate a new 78 room hotel with ancillary uses such as a full service fine dining restaurant, conference center, and centralized room reservation system.
9. Incorporate "green building" development concepts into the project.
10. Coordinate advertising with the City's Ecotourism Program.
11. Advertising for room rentals will be done only through a centralized reservation system.
12. (The 40 foot height limitation is in the Specific Plan.)
13. Pay a fee for mitigating environmental impacts, if necessary.
14. Pay a fee equal to the Transient Occupancy Tax that would have been collected if construction had not disrupted operations.

There are a number of conditions required to be in the Covenants, Conditions and Restrictions (CC&R's) designed to ensure that the project will remain and be operated as a hotel including:

1. There will be an on-site hotel operator to manage reservations for all rooms through a centralized reservation system.
2. The restaurant and conference center will be available to the general public, not just hotel guests.
3. Room and maid service will be provided.
4. Investor owners can use a room for no more than 90 days per year and no more than 25 consecutive days preceded by 50 days of not using a room.
5. Transient Occupancy Tax is to be paid on all occupied rooms, whether occupied by an owner investor or non-investor.
6. No portion of the project can be converted to time-share, full-time occupancy, condominium, apartment, or any other type of project that differs from the 78 guest rooms.
7. Covenants, Conditions and Restrictions cannot be changed without Coastal Commission approval. (In the event that the Coastal Commission does not require this condition, we'll probably state the CC&R's can't be changed without City Council approval. Council might prefer this option now.)
8. The hotel operator will market and advertise all the rooms to the general public.
9. Owner investors cannot discourage rentals or create disincentives for renting.

The City will:

1. Diligently proceed to complete all steps necessary to implement the DA.
2. Hold necessary public hearings.
3. Process and approve all Ministerial Approvals like building permits necessary to complete the project. (City staff will recommend that Date Avenue improvements be added to the CIP, but this is not part of the Development Agreement.)

The Development Agreement also states:

1. Conditions for the Developer to assign his rights

2. Amendments to the DA can be made by mutual consent
3. Requirements for annual reviews of the DA
4. Default conditions and default remedies

The DA Procedures, Exhibit B, provides for annual reviews of the agreement findings, and possible actions such as modifications or terminations based upon findings.

In summary, the DA, its Exhibits, and other documents such as the Specific Plan, are designed to ensure that the project will be of high quality and meet certain key goals:

1. Build a high quality hotel with fine dining and conference facilities.
2. Increase beach area and access.
3. The project will be used as a hotel and not be converted to other uses.
4. Generate additional financial resources for the City.
5. Create a hotel consistent with ecotourism and green building standards.
6. The hotel will meet all requirements necessary to build to the 40 foot height limit.

Council can be proud of the project when it is completed.

ENVIRONMENTAL DETERMINATION:

Staff is currently reviewing the Development Agreement.

FISCAL IMPACT:

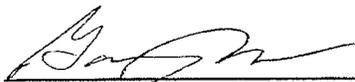
The project when completed is likely to generate \$400,000 to \$500,000 more than is generated currently at the project site.

DEPARTMENT RECOMMENDATION:

City Council review and comment upon the Draft Development Agreement.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Seacoast Inn Development Agreement

ORDINANCE NO. 2007-1060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE SEACOAST INN SPECIFIC PLAN (GPA 03-095) THAT PROPOSES THE DEMOLITION OF THE EXISTING 38-ROOM HOTEL AND CONSTRUCTION OF A NEW 4-STORY, 78-ROOM HOTEL WITH A SEAWALL, 111 PARKING SPACES, A RESTAURANT, A MEETING ROOM AND RELATED DATE AVENUE STREET END IMPROVEMENTS LOCATED AT 800 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 661

**OWNER: IMPERIAL COAST LIMITED PARTNERSHIP
APPLICANT: PACIFICA COMPANIES**

WHEREAS, on November 21, 2007 and on December 5, 2007, the City Council of the City of Imperial Beach held duly advertised public hearings to consider the merits of approving or denying an application for a Specific Plan (GPA 03-095), Regular Coastal Permit (CP 03-091), Design Review (DRC 03-091), Site Plan Review (SPR 03-093), Development Agreement, Tentative Map (TM 03-092), and Environmental Impact Report (EIA 04-034) to demolish an existing 3-story, 38-room Seacoast Inn Hotel and timber seawall, and to redevelop the site as a 4-story, 78-guest room hotel, 40-feet high with 111 parking spaces in a subterranean garage, a restaurant, swimming pool, meeting rooms, and a new vertical seawall to be located 35 feet east of the existing timber seawall. The new hotel would be located landward of the new seawall. Currently private property on the beach to the mean high tide line is proposed to be dedicated as a public beach. The proposed project is located on 1.39 acres (APN 625-011-16-00) at 800 Seacoast Drive in the C-2 (Seacoast Commercial Zone) and is legally described as follows:

Lots 1 to 15, inclusive, in Block 7, in South San Diego Beach, in the City of Imperial Beach, County of San Diego, State of California, according to Map Thereof No. 1071, filed in the Office of the County Recorder of San Diego County, July 6, 1907.

Also all that certain alley in said Block 7 lying and being east of and adjacent to Lots 1 and 7, inclusive, in said Block and West of and adjacent to Lots 8 and 12 in said Block, and also all of the other certain alley of said Block, lying between Lots 8, 9, 10 and 11 on the south and Lots 12, 13, 14 and 15 on the north.

Also all that portion of Ocean Boulevard described as follows:

Commencing at the Southwest Corner of Said Block 7, and running thence Northerly along the West line of said Block as shown upon said Map to the Northwest Corner Thereof; Thence at right angles westerly to the high tide line of said Pacific Ocean; Thence Southerly along said high tide line to a point opposite and directly West of the Southwest Corner of said Block; Thence East to said Southwest Corner of said Block and being all that point of said boulevard lying between said Block 7 and the high tide of Pacific Ocean, and extending in a general Northerly direction from said south line of said Block projected Westerly to said high tide line, to the North line of said Block projected Westerly to said high tide line. Said alleys and said portion of Ocean Boulevard were vacated and

closed to public use on December 9, 1908, by an order of the Board of Supervisors of San Diego County, recorded in Book 27, Page 432 and Page 433 of the records of said Supervisors Office.

Except any portion thereof lying below the Mean High Tide Line of the Pacific Ocean.

Together with the reversionary rights, if any, to the centerline of Seacoast Drive, Daisy Avenue, and Date Avenue adjacent Thereto.

Lots 18 and 19, Block 7, Silver Strand Beach Gardens Addition to Imperial Beach, in the City of Imperial Beach, County of San Diego, Sate of California, according to map thereof No. 1902, filed in the Office of the County Recorder of San Diego County, March 25, 1926; Excepting therefrom any portion therefore heretofore or now lying below the ordinary high tide of the Pacific Ocean; and,

WHEREAS, the California Government Code Section 65430 et. Seq. provides authority to cities to prepare Specific Plans for the systematic implementation of the General Plan. Section 65452 provides that the Specific Plan may address any subjects which the planning agency determines are desirable to implement the General Plan; and

WHEREAS, On April 16, 2003, the City Council of the City of Imperial Beach adopted Ordinance No. 2003-1002 amending Ordinance 2002-984 that permits the development of hotels to a maximum height limit of 40 feet, and specifies a process for the adoption of a Specific Plan for hotel uses within the C-2 Zone subject to findings, and conformance to the development requirements as specified in said Ordinance; and

WHEREAS, Pacifica Companies submitted an application on November 13, 2003 for Specific Plan approval to the City in conjunction with other entitlement permit requests for the development of a hotel in the Seacoast Commercial (C-2) Zone located at 800 Seacoast Drive; and

WHEREAS, the City determined that said application required the preparation of an Environmental Impact Report (EIR) evaluating project related impacts. A Draft and Final EIR was prepared, circulated and completed in accordance with the requirements of the California Environmental Quality Act (CEQA). By separate but concurrent action and Resolution, the City Council of the City of Imperial Beach has certified the Final EIR with a Statement of Overriding Considerations and incorporates the environmental findings and conditions cited in said resolution; and

WHEREAS, the City Council of the City of Imperial Beach hereby finds that the project is consistent with the General Plan as demonstrated in Chapter 3 of the Seacoast Inn Specific Plan and the project design of the 78-guest room hotel, 40 feet high is compatible in use with surrounding commercial and residential developments in the vicinity which consist of multiple-story multiple-family residential developments to the north and south, and commercial buildings to the north and east, and, therefore, would be consistent with Policy D-8 of the Design Element of the General Plan which promotes project design harmonious with adjoining residential and surrounding uses; and

WHEREAS, in compliance with the provisions of AB 32, The California Climate Solutions Act of 2006, the potential impacts of the Seacoast Inn project were, to the extent that such impacts were, as directly associated with the project conditions, evaluated in the Draft and Final EIR for the project (reference- Section 3.12 of said EIR). The project applicant has agreed to incorporate: solar panels for direct use, hot water production and other specific measures discussed in the EIR, and

WHEREAS, the City Council of the City of Imperial Beach furthers offers the following findings in support of its decision to approve the Seacoast Inn Specific Plan as required by Section 19.27.150:

1. The proposed project will not adversely affect the General Plan or the local coastal program.

The Seacoast Inn project, as proposed, is consistent with the City's adopted General Plan and Local Coastal Program in the following manner: The Seacoast Inn Specific Plan complies with specific parking policy of the General Plan, specifically Policy C-22 of the Circulation Element, which encourages the provision of parking facilities, shared parking and development of parcels west of Seacoast Drive as commercial and recreational uses rather than parking lots. The proposed 78 room full service hotel increases the number of expands hotel guest rooms and visitor serving facilities on the west side of Seacoast Drive, and is providing an increase of off-street parking facilities in a subterranean garage. Additionally, new on-street parking spaces will be installed by separate action by the City on Date Avenue.

A more pedestrian friendly design and improvements will be installed along Seacoast Drive and Date Avenue in the form of wider public sidewalks, grand entryway design treatments and contemporary building architecture for this project.

2. The proposed project will not be detrimental to the public health, safety, or welfare.

Based on the Draft and Final Environmental Impact Report (EIR), the proposed project is not expected to have any adverse or negative impacts on public health, safety or welfare. Improved pedestrian safety will be provided by wider public sidewalks along Seacoast Drive and Date Avenue. Ingress/egress for the project will be located off of Date Avenue and be clearly visible to pedestrians and other vehicles. Additionally, the project is providing for the replacement of an existing timber seawall with a new seawall structure that is incorporated into the building design in conformance with the City's "stringline" for this portion of the beach area. This new seawall will provide property protection from flooding conditions during storm and high tide events.

Project parking conforms to requirements for providing a parking ratio of 1 space per room, if evident through a certified traffic engineering analysis demonstrating the conditions and findings in support of said ratio. The proposed project provided a traffic analysis, which is incorporated into the Draft and Final EIR documents, prepared by Linscott, Law & Greenspan. This analysis supports a parking ratio of 1 space per room. The project is providing 1.4 spaces per room, which exceeds the analysis recommendations, therefore, the project conforms to the City requirements.

3. The proposed project, when considered as a whole, will be beneficial to the community and the City.

The proposed project will provide several benefits to the City that specifically comply with or implement public policies, goals and objectives. The proposed project will increase property taxes to the City through its use of condominium financing for the guest rooms, and as a result of new building construction at the project site. The City will also receive increased hotel (TOT) taxes from the increase of available hotel guest rooms from 38 guest rooms to 78 guest rooms. Retail sales taxes are anticipated to increase as a result of the new hotel operations which will be providing full-service facilities, including a public restaurant, meeting rooms and other hotel amenities that generate sales tax revenues.

The proposed hotel is designed to incorporate and include environmentally-friendly building design features that reduce water and energy consumption and lowers its anticipated carbon footprint through the use of, but not limited to the use of roof-top solar panels, drought-tolerant landscape materials, bicycles for guest use, high-efficiency appliances throughout the hotel operations/facilities, the dedication of a senior hotel person that is dedicated to be an environmental manager responsible for the monitoring and implementation of environmental programs and activities on-site.

The proposed hotel will also be geared toward promoting and attracting eco-tourism markets, which is consistent with the City's unique position of being the host city for existing State and Federal Wildlife Park areas located in close proximity to the proposed hotel.

The proposed hotel also removes physical encroachments in existing public rights-of-way for public sidewalk areas; will also remove encroachment by private stairs accessing the beach area from a private deck area of the existing hotel, which limits lateral beach access.

The proposed hotel also provides for the dedication of private beach area from the mean high tide line back to the public for use and benefit in conformance with the City's Local Coastal Program, and increases public access with the provision of new ADA ramps from the north side of the hotel building to the beach and from the street end at Date Avenue to the beach area.

4. The proposed deviations are appropriate for the location and will result in a more desirable project than would be achieved if designed in strict conformance with zoning regulations in the C-2 Zone.

A 4-story, 78 room, full service hotel can not be accommodated at the current site using existing C-2 Zone regulations. A 4-story high structure would not be allowed in this Zone. The proposed project design has been achieved using the City's Specific Plan process that results in a design increasing public lateral and horizontal access to the beach area, provides a unique boutique hotel honoring the "small beach community character" of Imperial Beach, enhances views from other public areas, provides a catalyst for enhancement of the Seacoast Drive commercial zone, and returns a private

beach area to public use and benefit. The curvilinear building design of the project not only achieves these results, but the project design could not be achieved by the strict conformance with C-2 Zone regulations for height, parking and building design features.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH DOES ORDAIN AS FOLLOWS:

SECTION 1. The Seacoast Inn Specific Plan which is attached as Exhibit A is hereby approved and adopted subject to the following:

CONDITIONS OF APPROVAL:

A. PLANNING:

1. All conditions and requirements for the project's concurrent entitlements as provided in Resolution 2007-6559 that approved Regular Coastal Permit (CP 03-091), Design Review (DRC 03-094), Site Plan Review (SPR 03-093), Tentative Map (TM 03-09 1) and Environmental Impact Report (EIA 04-034) and as provided by Ordinance No. 2007-1061 that approved the Seacoast Inn Development Agreement are hereby made conditions of approval for the Seacoast Inn Specific Plan (GPA 03-95).
2. All mitigation measures as required by the Final Environmental Impact Report for the Seacoast Inn project are required.
3. **Expiration Date.** Approval of the Seacoast Inn Specific Plan (GPA 03-95) is valid for three years from the date of final action, to **expire on December 5, 2010**, unless an appeal is filed to or by the California Coastal Commission. Any such appeal will stay the expiration date until the case is resolved and the permit will expire 3 years from the date the Commission acts on the appeal. In the event that no appeal is filed, conditions of approval must be satisfied, building permits issued, and substantial construction must have commenced prior to the expiration date, **or** unless a time extension is granted by the City pursuant to such a request for extension by the applicant. The applicant is responsible for tracking these expiration dates and shall, if necessary, file a written request for a time extension at least 45 days prior to said expiration dates, either the Coastal Commission decision or the City Council of the City of Imperial Beach.

SECTION 2: The City Council of the City of Imperial Beach hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

SECTION 3: The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption by the City Council. Within fifteen (15) days after its adoption, the City Clerk of the City

of Imperial Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code Section 36933.

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.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held the 21st day of November, 2007; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 5th day of December, 2007, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

JAMES P. LOUGH
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2007-1060 - An Ordinance of the City of Imperial Beach approving the Seacoast Inn Specific Plan (GPA 03-95) for the demolition of the existing 38-room hotel and construction of a 4-story, 78-room hotel located at 800 Seacoast Drive in the C-2 (Seacoast Commercial) Zone. MF 661

CITY CLERK

DATE

Item 3.1
Attachment 1
(Ordinance No. 2007-1060)

Exhibit A
**(Specific Plan/
Application for
Coastal
Development)**
**Available in the
City Clerk's Dept.
for review**

ORDINANCE NO. 2007-1061

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AND IMPERIAL COAST LIMITED PARTNERSHIP OF A GENERAL PARTNERSHIP OF PACIFICA HOSPITALITY GROUP, INC. MF 661

WHEREAS, the California Government Code, Section 65864 et seq. authorizes local agencies to enter into a property development agreement with any person having a legal or equitable interest in real property for development of such real property in order to establish certain development rights in the real property; and

WHEREAS, on July 7, 2004, the City Council of the City of Imperial Beach adopted Chapter 19.89 enacting procedures and requirements for the consideration of Development Agreements pursuant to Section 65864; and

WHEREAS, the City Council of the City of Imperial Beach ("City") desires to enter into this Development Agreement ("Agreement") with Imperial Coast Limited Partnership ("Developer") for the purpose of and related to the development of real property known as the "Seacoast Inn Development Project" ("Project"); and

WHEREAS, the Developer is a corporation organized under the laws of the State of California and owns in fee that real property, 1.39 acres, more specifically described as Assessor's Parcel Number 625-262-01, located at 800 Seacoast Drive (the "Site") in the City of Imperial Beach; and

WHEREAS, the Developer intends to develop the real property as a seventy-eight (78) guest suite full-service resort hotel on an existing 1.39 acres site located at 800 Seacoast Drive in compliance with land use policies and regulations as set forth in the City's General Plan and in the project Specific Plan (GPA 03-093), and with the terms and conditions set forth in this Ordinance and the related Development Agreement document; and

WHEREAS, a Final Environmental Impact Report ("EIR") SCH 2005101113 has been prepared for the Project and certified by the City Council of the City of Imperial Beach on December 5, 2007 in accordance with the provisions and requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, this Final EIR having been certified by the City Council of the City of Imperial Beach did identify significant effects on the environment of the proposed hotel project, and indicated the manner in which those significant effects are to be mitigated to a level of insignificance or avoided whenever feasible to do so; and

WHEREAS, a Statement of Overriding Considerations was adopted by the City Council of the City of Imperial Beach for short-term construction noise levels associated with pile driving and vibration effects that would not be mitigated to a level below significance; and .

WHEREAS, this certified Final EIR includes a Mitigation Monitoring & Reporting Program, as required by CEQA, specifying mitigation measures to be completed and responsible parties for purposes of monitoring and reporting of each Mitigation Measure; and

WHEREAS, the Developer and City have agreed to enter into this Agreement for purposes of providing additional terms, conditions and enforcement provisions for the Project development and implementation of project-related mitigation measures or conditions of approval related to the Project.

WHEREAS, environmental effects associated with the Project, which are also applicable to this Agreement, have been identified, evaluated and mitigated per CEQA requirements in the Final EIR (SCH 2005101113) and based on applicable findings herein.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH DOES ORDAIN AS FOLLOWS:

SECTION 1. This Development Agreement (attached as Exhibit A) by and between the City Council of the City of Imperial Beach and Imperial Coast Limited Partnership of a General Partnership of Pacifica Hospitality Group, Inc. is adopted, subject to the following findings, terms and conditions to read as follows:

FINDINGS:

Development Agreement: The City Council, hereby, determines that the Agreement, complies with the findings set forth herein:

Finding:

1. Consistent with the objectives, policies, general land uses and programs specified in the general plan, the local coastal plan and any applicable specific plan;

General Plan and Local Coastal Plan Consistency: The City Council has, based on recommendations of the City's Community Development Director and City Manager, determined that the Development Agreement is consistent with the Goals and Objectives of the City's General Plan. This determination is made based on the following:

The City's Land Use Element of the General Plan specifies Goals and Objectives that the Seacoast Drive Commercial Corridor (C-2/MU-2) shall serve as a visitor-serving pedestrian-oriented commercial area.

The Project is a redevelopment and expansion of an existing 38 guest room hotel into a full-service, 78 guest room resort hotel. This expanded guest room capacity will provide new opportunities for visitor/tourism services to the City, and will complement the City's adopted eco-tourism strategies that will enhance opportunities for the in-town Federal Preserve and State Park facilities.

Finding:

2. Compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.

The Land Use Element of the General Plan and the Local Coastal Plan specify that the Seacoast Drive Commercial Corridor should provide a stimulus for the revitalization of commercial developments along the corridor and enhance the overall design features and appearance in a manner consistent with the "classic California Beach Community" theme and motif.

The Project is proposing the redevelopment and expansion of an existing 38 guest room hotel into a full-service, 78 guest room resort hotel, which has been reviewed by the City's Design Review Board and determined to be consistent with a California Beach Community architectural style and appearance. The Project increases opportunities for visitor-serving facilities and usage by increasing the number of rooms and providing new public and visitor serving facilities.

The Project is providing enhancement to beach and coastal access, horizontal and vertical, through a re-dedication of a private beach area for public benefit and use and by coordinating private development improvements with public street end improvements for Date Avenue, including sidewalks and parking spaces.

Finding:

3. Provides for the public convenience and will not adversely affect the health, safety and general welfare or the orderly development of the property or the preservation of property values.

The Land Use Element of the General Plan specifies that the Seacoast Drive Commercial Corridor should provide a stimulus for the revitalization of commercial developments along the corridor and enhance the overall design features and appearance in a manner consistent with the "classic California Beach Community" theme and motif.

The Project applicant has prepared a Specific Plan in accordance with State and City regulations. The Project is consistent with Specific Plan regulations by providing for a general plan consistency analysis, a set of policies, an environmental review, design review and a set of requirements and diagrams based on various technical studies that support the Specific Plan for the subject property and its proposed development as a full-service hotel operation, with the dedication of a private beach area for public benefit and use, by providing design and architectural features that reduce carbon footprints in accordance with State public policy as described by AB 32, and improvement of existing property value by new building construction and development as a full-service hotel to serve the community of Imperial Beach.

Environmental Review:

Finding:

4. There are no new significant or unavoidable environmental impacts, and no new information concerning environmental impacts applicable to this Agreement.

The Final EIR (SCH 2005101113) has been certified by the City Council with specific findings and a Statement of Overriding Consideration for the Project. This Final EIR evaluated impacts for traffic and parking, land use, noise, aesthetics, biological resources, cultural resources, hydrology, water quality, hazardous materials, climate change, air quality, geology and coastal process and public services. Furthermore, the Final EIR contained an analysis of project alternatives, cumulative impacts and a detailed Mitigation Monitoring & Reporting Program for the Project applicable to this Agreement. The City Council has independently considered and certified with specified findings at a City Council public hearing on December 5, 2007, the Final EIR (SCH 2005101113) for the Project and determined that any environmental impacts associated with this Agreement are the same as those evaluated for the Project.

CEQA regulation, Section 15153, specifies that a Lead Agency may use a single EIR prepared for another project, such as the subject Agreement, when such circumstances and impacts are essentially the same as those described and evaluated in an earlier EIR.

The City has reviewed an Initial Study for this Agreement and has determined that there are no changes in the environmental setting, in any significant impacts, any alternatives and any mitigation measures related to this Agreement that would require additional environmental analysis.

TERMS AND CONDITIONS:

The terms and conditions specified in the Development Agreement are hereby incorporated by reference. All terms and conditions of said Agreement shall be completed as specified unless otherwise modified or amended by action(s) of the City Council at a public hearing conducted in accordance with procedures and requirements specified by State law and City Ordinance.

Recordation: Within ten days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder.

If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code Section 65868, or if the City terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply with good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the County Recorder. (Ord. 2004-1018 § 1 (part), 2004)

SECTION 2: The City Council of the City of Imperial Beach hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

SECTION 3: The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Imperial Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code section 36933.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held the 21st day of November, 2007; and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 5th day of December, 2007, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

JAMES P. LOUGH
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2007-1061 – An Ordinance of the City Council of the City of Imperial Beach, California, **ADOPTING THIS DEVELOPMENT AGREEMENT BETWEEN THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AND IMPERIAL COAST LIMITED PARTNERSHIP OF A GENERAL PARTNERSHIP OF PACIFICA HOSPITALITY GROUP, INC.**

CITY CLERK

DATE

Item 3.1
Attachment 2
(Ordinance No. 2007-1061)

Exhibit A
(Draft Development
Agreement)
Available in the
City Clerk's Dept.
for review

RESOLUTION NO. 2007-6559

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING REGULAR COASTAL DEVELOPMENT PERMIT (CP 03-091), DESIGN REVIEW (DRC 03-094), SITE PLAN REVIEW (SPR 03-093), TENTATIVE MAP (TM 03-092), AND ENVIRONMENTAL IMPACT REPORT (EIA 04-034) FOR THE DEMOLITION OF THE EXISTING 38-ROOM SEACOAST INN AND CONSTRUCTION OF A 4-STORY, 78-ROOM HOTEL WITH A SEAWALL, 111 PARKING SPACES, A RESTAURANT, A MEETING ROOM AND RELATED DATE AVENUE STREET END IMPROVEMENTS LOCATED AT 800 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 661

APPLICANT: PACIFICA COMPANIES

WHEREAS, on November 21, 2007 and on December 5, 2007, the City Council of the City of Imperial Beach held duly advertised public hearings to consider the merits of approving or denying an application for a Specific Plan (03-095), Regular Coastal Permit (CP 03-091), Design Review (DRC 03-091), Site Plan Review (SPR 03-093), Development Agreement, Tentative Map (TM 03-092), and Environmental Impact Report (EIA 03-034) to demolish an existing 3-story, 38-room Seacoast Inn Hotel and timber seawall, and to redevelop the site as a 4-story, 78-guest room hotel, 40-feet high with 111 parking spaces in a subterranean garage, a restaurant, swimming pool, meeting rooms, and a new vertical seawall to be located 35 feet east of the existing timber seawall. The new hotel would be located landward of the new seawall. Currently private property on the beach to the mean high tide line is proposed to be dedicated as a public beach. The proposed project is located on 1.39 acres (APN 625-011-16-00) at 800 Seacoast Drive in the C-2 (Seacoast Commercial Zone) and is legally described as follows:

Lots 1 to 15, inclusive, in Block 7, in South San Diego Beach, in the City of Imperial Beach, County of San Diego, State of California, according to Map Thereof No. 1071, filed in the Office of the County Recorder of San Diego County, July 6, 1907.

Also all that certain alley in said Block 7 lying and being east of and adjacent to Lots 1 and 7, inclusive, in said Block and West of and adjacent to Lots 8 and 12 in said Block, and also all of the other certain alley of said Block, lying between Lots 8, 9, 10 and 11 on the south and Lots 12, 13, 14 and 15 on the north.

Also all that portion of Ocean Boulevard described as follows:

Commencing at the Southwest Corner of Said Block 7, and running thence Northerly along the West line of said Block as shown upon said Map to the Northwest Corner Thereof; Thence at right angles westerly to the high tide line of said Pacific Ocean; Thence Southerly along said high tide line to a point opposite and directly West of the Southwest Corner of said Block; Thence East to said Southwest Corner of said Block and being all that point of said boulevard lying between said Block 7 and the high tide of Pacific Ocean, and extending in a general Northerly direction from said south line of said Block projected Westerly to said high tide line, to the North line of said Block projected Westerly to said

high tide line. Said alleys and said portion of Ocean Boulevard were vacated and closed to public use on December 9, 1908, by an order of the Board of Supervisors of San Diego County, recorded in Book 27, Page 432 and Page 433 of the records of said Supervisors Office.

Except any portion thereof lying below the Mean High Tide Line of the Pacific Ocean.

Together with the reversionary rights, if any, to the centerline of Seacoast Drive, Daisy Avenue, and Date Avenue adjacent Thereto.

Lots 18 and 19, Block 7, Silver Strand Beach Gardens Addition to Imperial Beach, in the City of Imperial Beach, County of San Diego, Sate of California, according to map thereof No. 1902, filed in the Office of the County Recorder of San Diego County, March 25, 1926; Excepting therefrom any portion therefore heretofore or now lying below the ordinary high tide of the Pacific Ocean; and,

WHEREAS, on October 18, 2007, the Design Review Board of the City of Imperial Beach held a duly noticed public meeting and recommended approval of this application for Design Review (DRC 03-094) for to demolish an existing 3-story, 38-room Seacoast Inn Hotel and timber seawall, and to redevelop the site as a 4-story, 78-guest room hotel, 40-feet high with 111 parking spaces in a subterranean garage, a restaurant, swimming pool, meeting rooms, and a new vertical seawall to be located 35 feet east of the existing timber seawall in the C-2 (Seacoast Commercial) Zone, on a site at 800 Seacoast Drive; and

WHEREAS, the City Council of the City of Imperial Beach hereby finds that the project is consistent with the General Plan and the project design of the 78-guest room hotel, 40 feet high is compatible in use with surrounding commercial and residential developments in the vicinity which consist of multiple-story multiple-family residential developments to the north and south, and commercial buildings to the north and east, and, therefore, would be consistent with Policy D-8 of the Design Element of the General Plan which promotes project design harmonious with adjoining residential and surrounding uses; and

WHEREAS, in compliance with the provisions of AB 32, The California Climate Solutions Act of 2006, the potential impacts of the Seacoast Inn project were, to the extent that such impacts were, as directly associated with the project conditions, evaluated in the Draft and Final EIR for the project (reference- Section 3.12 of said EIR). The project applicant has agreed to incorporate: solar panels for direct use, hot water production and other specific measures discussed in the EIR, and

WHEREAS, in compliance with Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, an Environmental Impact Report (EIR) has been prepared for this project and routed for public review from August 15 to October 1, 2007, and submitted to the State Clearinghouse (SCH # 2005101113) in accordance with the requirements of the (CEQA) for agency review, and

WHEREAS, the City Council has considered and heard any and all public testimony regarding the potential environmental impacts associated with this project, and hereby determines that:

- 1) the Final Environmental Impact Report (SCH # 2005101113) reflects the decision-making body's independent judgment and analysis;
- 2) the decision-making body has, pursuant to CEQA Guidelines Section 15074(b), considered the information contained in the Draft and Final Environmental Impact Reports (SCH # 2005101113) and the written comments received during the public review period;
- 3) revisions in the project plans or proposals made by or agreed to by the project applicant, pursuant to CEQA Guidelines Section 15070(b)(1), would avoid the effects or mitigate the effects to a point where no identified significant effects would occur;
- 4) Upon review of the EIR, the City Council has determined that the submitted Final Environmental Impact Report, inclusive of the Draft EIR and written comments received during the public review period, shall be certified based on substantial evidence, in light of the whole record. This determination is based on the EIR information that the proposed project impacts will not cause a significant effect on the environment as proposed, as conditioned, or as revised: and
- 5) a Statement of Overriding Considerations is hereby adopted, by the City Council of the City of Imperial Beach, for short-term construction noise levels associated with pile driving and vibration effects. These short-term construction noise impacts, as identified in the Draft and Final EIR, will remain significant and unavoidable.

The City Council hereby finds and determines that these short-term construction noise level impacts shall be mitigated, to the extent possible as specified in the adopted Mitigation Monitoring & Reporting Plan and according to the conditions herein specified, in compliance with Section 15070 of CEQA.

The economic and social benefits of this proposed project as described in the Seacoast Inn Specific Plan outweigh the unavoidable but temporary adverse effects of the project and the effects are found to be acceptable.

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

SITE PLAN REVIEW FINDINGS:

1. **The proposed use does not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood, and is not detrimental or injurious to the value of property and improvements in the neighborhood.**

The applicant proposes the demolish of an existing 3-story, 38 room hotel and redevelop the site as a 4-story, 78-guest room hotel, 40-feet high with 111 parking spaces in a subterranean garage, a restaurant, swimming pool, meeting rooms, and a new vertical seawall to be located 35 feet east of the existing timber seawall. The new hotel would be located landward of the new seawall. Currently private property on the beach to the

mean high tide line is proposed to be dedicated as a public beach. Enhanced street end improvements to Date Avenue along with its new vertical seawall are also proposed.

The 1.39 acre property (APN 625-011-16-00) is located at 800 Seacoast Drive and designated C-2 (Seacoast Commercial Zone) by the General Plan/Local Coastal Plan. construction of a 4-story, full service 78-guest room hotel with an underground parking garage

The project includes the placement of the new hotel buildings and a seawall system that will be installed a minimum of thirty-five (35) feet landward (east) of the applicant's existing timber seawall. A new seawall system will be constructed as a part of the proposed hotel building and conform to the stringline north and south of the subject property. The height of the building will be required to be no higher than 40 feet, based on average grade methodology, above mean sea level. Coastal engineering reports prepared by Moffatt & Nichol dated November 2005 with an update dated February 2006 provide information regarding wave runup conditions, seawall design, beach sand erosion, scouring, and the avoidance of adverse impacts on neighboring properties. A geotechnical analysis was prepared by TGR Geotechnical date December 24, 2002 with an update dated May 18, 2005. Based on this engineering information, no adverse impacts to adjacent properties would occur.

The proposed hotel use is similar to the other hotel operations within the region, and compatible with other residential uses established nearby. The current timber seawall configuration is further seaward than the adjoining structures both north and south. This existing condition may be impacting the up-and-down coast properties by acting as a barrier for the longshore transport of sediments. The new proposed seawall location is to be located thirty-five (35) feet landward of the existing seawall and should be more in line to an existing seawall north of Dunes Park. The landward shift of the existing seawall should create greater uniformity for shoreline protection. Constructing the new seawall thirty-five (35) feet landward of the existing timber seawall will decrease the encroachment onto the public beach area that currently exists. As such, the project is not expected to have a detrimental effect upon the health, welfare, safety and convenience of persons residing or working in the neighborhood. The on-site parking for the proposed hotel conforms to the requirements specified by the City's Specific Plan Ordinance for off-street parking.

The project building footprint has been set back from its west property line to be more consistent with the City's established stringline of the beach area and thereby, providing enhanced public lateral and horizontal access along the coast. The project is being required to re-dedicate a private beach area for public use and access.

The project building footprint has replaced an existing asphalt parking with a "grand entryway" design element and features that enhances the street level perspective of the project, and provides greater public view access from Dunes Park and properties to the south by its proposed building orientations on the property.

2. The proposed use will not adversely affect the General Plan/Local Coastal Plan.

The subject site is located within the Seacoast Commercial (C-2) Zone and land use designation. This zoning classification and land use designation provides for the development of a new hotel development based on Specific Plan requirements pursuant to the City's Specific Plan Ordinance. The Specific Plan Ordinance will permit the construction of a hotel with a maximum roof level height of forty (40) feet and off-street parking, design standards, full-service facilities inclusive of a public restaurant and meeting rooms. This project has provided various technical studies and environmental analysis in compliance with the Specific Ordinance, including an off-street parking study, visual analysis, market-demand analysis, specific design standards, and full-service facilities. Additionally, the maximum building height shall be fifty-four (54) feet from an average grade of fourteen (14) feet from mean sea level. Therefore, the project is determined to be consistent with the City's General/Local Coastal Plan.

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

The subject site is located in the "Seacoast Commercial Area" which encompasses beachfront development along Seacoast Drive from Palm Avenue south to Imperial Boulevard. Within this area, generally commercial and residential developments dominate, and structural types and residential densities vary in character, bulk and scale. The proposed project is compatible with the established two-story and three-story residential and commercial beachfront developments along Seacoast Drive.

The project design relates in bulk, setback and scale to similar multiple-family residential projects developed along Seacoast Drive, north of Imperial Beach Boulevard. The proposed building design provides a visual link with similar existing commercial and high density residential beachfront developments, north and south that incorporate seawalls, beachfront decks, upper level balconies, stucco or wood exterior finish, glass and concrete tile roof materials in their designs. As such, the project is compatible with commercial and residential developments along the City's developed beachfront, Imperial Beach Boulevard to Palm Avenue, and complies with the requirements of the City's Specific Plan Ordinance.

4. The location, site layout and design of the proposed use properly orients the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.

The proposed hotel buildings will enhance view corridors to the ocean as shown and described in the Final EIR shadow analysis section. No adjacent structures or uses are affected by the proposed building orientation for sunlight, wind or views. The proposed subterranean garage is located to away from ocean views. Most guest rooms and public areas of the proposed hotel provides views toward the ocean. This project thereby demonstrates proper orientation.

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

The project represents a redevelopment development on a beachfront site that is predominantly commercial and visitor serving in character. As a visitor serving facility,

the hotel provides an important link and relationship to the City's plan for eco-tourism visitor serving facilities, and for the revitalization/redevelopment efforts planned within the Palm Avenue's commercial area. The project is not a mixed-use development; therefore, this finding is not applicable.

6. Access to and parking for the proposed use will not create any undue traffic problems.

The hotel's planned subterranean garage provides sufficient parking, per the submitted traffic study analysis provided by the applicant, to meet the peak demands generated by the project. There is adequate back-out area for the cars to maneuver for access/egress onto Date Avenue and Seacoast Drive. Ocean Lane is a low volume local access road. The project proposes to provide 1.43 parking spaces per guest room as recommended by the submitted traffic study, prepared by Linscott, Law & Greenspan Traffic Engineers, and evaluated in the EIR. This meets the parking requirements as specified in the City's Specific Plan Ordinance.

COASTAL PERMIT FINDINGS:

1. The proposed development conforms to the Certified Local Coastal Plan including Coastal Land Use Policies.

Shore Processes and Shore Protection

The subject site is situated within the Silver Strand Littoral Cell (SSLC), representing a coastal compartment which contains a complete cycle of littoral (beach) sedimentation, including sand sources, transport pathways and sediment sinks. Recent Army Corps of Engineers studies indicate that erosion problems are most noticeable in Imperial Beach and at Playas de Tijuana. A detailed description of coastal conditions and processes for this project is provided in the coastal engineering reports prepared by Moffatt & Nichols, dated November 2005.

The City of Imperial Beach has approximately 17,600 feet of shoreline, approximately 12,000 feet or 68% of which is either publicly owned or has direct vertical or lateral access. This includes 6,000 linear feet of sandy beach owned by the State of California within the Border Field State Park in the extreme southwest corner of the City. The project represents infill development where shore protection is provided by seawalls and rock revetment, both authorized and unauthorized. However, in 1994, the City of Imperial Beach incorporated new language in its Local Coastal Program that established the construction of vertical seawalls north of Imperial Beach Boulevard. Such shore protection must be shown to be necessary to protect the infill development and must not extend seaward of the western property limits.

The proposed project represents the material impact of this new language on infill development north of Imperial Beach Boulevard. A seawall is proposed to be constructed entirely on the subject site and a minimum of thirty-five (35) feet landward of the existing timber seawall, and in accordance with design standards described in the coastal engineering reports prepared by Alan Alcorn of Moffatt & Nichols dated November 2005. The project is not expected to alter lateral beach access or any portion

of beach area for public recreation uses consistent with the certified Local Coastal Plan.

Policy S-11 of the Safety Element of the General Plan/Local Coastal Plan states that new development fronting on Seacoast Drive north of Imperial Beach Boulevard shall incorporate an engineered vertical seawall in its design if it is determined that shoreline protection is necessary. Such a seawall shall be located within the private property of the development and shall be sufficient to protect the development from wave runup and flooding during combined design storm and high tide events. The coastal engineering study presents the justification for the seawall, designed to withstand the 1982-83 winter storms.

Public Access

The subject site is located between the ocean and the first public road, which is Seacoast Drive. Date Avenue is a fifty-three (53) foot wide public street that runs in an east-west direction and intersects Seacoast Drive. Date Avenue also provides public access to the beach area at the existing street end. Public access to the beach is provided from Dunes Park to the north. The hotel project will provide public access to the existing north and south public accessway.

The certified Local Coastal Program contains policies that address street-end improvement standards designed to facilitate beach access. These planned improvements will include enhanced landscaping and more parking spaces with an ADA space. Given this, and the fact that improved beach street ends are programmed adjacent to the project site, it can be found that there is adequate and enhanced vertical access to the shoreline. Additionally, adequate on-site parking for the hotel will be provided to serve the needs of the development.

The project is in conformity with the public access and public recreation policies in the certified Local Coastal Program and Chapter 3 of the Coastal Act, commencing with Section 30200, because:

- a) improved public access to the beach and shoreline is readily available adjacent and to the south and north of the subject site;
- b) improved lateral and horizontal coastal access is being provided by having this project set back away from the beach in conformance with the Coastal Commission's stringline development policy, and the project is being required to re-dedicate a private beach area from mean high tide to the new building seawall and associated buildings for public use and access;
- c) the new development will be located entirely on private property upland (landward) of the sandy beach;
- d) the project protects public access parking opportunities through the provision of 111 on-site parking spaces, as required by the certified Local Coastal Program and in conformance with the City's Specific Plan Ordinance requirements.

Coastal View Access

The beach is not entirely visible from Seacoast Drive given some of the existing hotel development. Public viewing areas are provided at the street ends to the south of the site and from Dunes Park to north. From a position on the beach seaward of the subject site, the proposed hotel seawall, patio, swimming pool, outdoor restaurant area and guest room balconies appear similar to other buildings on this frontage. Additionally, enhanced lateral and horizontal coastal access is being provided by having this project set back away from the beach in conformance with the Coastal Commission's stringline development policy and the re-dedication of the private beach area for public use and access.

Refer to Site Plan Review Finding No. 2 for land use consistency, incorporated here by reference.

Scenic Views: The seawall and the proposed hotel project will not be significantly out of scale with the height of nearby structures. Refer to photo simulation and shadow analysis study in the Draft and Final EIR.

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 subject site is located between the ocean and the first public road, which is Seacoast Drive. Date Avenue is a fifty-three (53) foot wide public street that runs intersects Seacoast Drive and the beach. The existing hotel development does not allow public access to the beach area. The property owner will provide lateral and horizontal coastal access by having this project set back away from the beach in conformance with the Coastal Commission's stringline development policy and re-dedicating the private beach for public use.

The certified Local Coastal Program contains policies that address street-end improvement standards designed to facilitate beach access. Given this, and the fact that improved beach street ends are programmed near the site, it can be found that there is adequate horizontal and lateral access to the shoreline. Additionally, adequate on-site parking will be provided to serve the needs of the development.

Section 30252 of the Coastal Act addresses public access, and states in part "The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities..." This project will provide 111 off-street parking spaces as required by the Specific Plan Ordinance. Additionally, fourteen (14) on-street parking spaces are planned for Date Avenue to replace spaces from Seacoast Drive and provide more parking spaces on Date Avenue than currently exists.

3. The proposed development meets the minimum relevant criteria set forth in Title 19, Zoning.

Refer to Site Plan Review findings No.3, 4 and 5 incorporated herein.

4. For all development involving the construction of a shoreline protective device, a mitigation fee shall be collected which shall be used for beach 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 and beach area that would be lost due to the impacts of any protective structures.

The project includes the construction of a vertical seawall. Therefore the project is conditioned to provide the fee in compliance with Section 19.87.050 of the City of Imperial Beach Municipal Code. However, due to an interpretation by the Coastal Commission, this project may not need to pay a fee since the seawall will be placed on private property.

DESIGN REVIEW FINDINGS:

1. The project is consistent with the City's Design Review Guidelines.

The design of the project and the landscaping improvements are consistent with the City's Design Review Guidelines as per Design Review Compliance checklist and the findings adopted by the Design Review Board per their Resolution No. 2007-09.

NOW, THEREFORE, BE IT RESOLVED, that Regular Coastal Permit (CP 03-091), Design Review (DRC 03-094), Site Plan Review (SPR 03-093), Tentative Map (TM 03-091) Environmental Impact Report (EIA 04-034) to demolish an existing 3-story, 38-guest room hotel and construct a 4-story, 78-guest room full service hotel, 40 feet high to roof level height with a new vertical seawall on a 1.39 acre lot at 800 Seacoast Drive in the C-2 (Seacoast Commercial) Zone, are hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

CONDITIONS OF APPROVAL:

A. PLANNING:

General Conditions:

1. Final building permit plans shall indicate and the site shall be developed substantially in accordance with the approved conceptual plans on file in the Community Development Department as of November 1, 2007 and with the conditions adopted herein.
2. The applicant shall submit a licensed surveyor's certificate upon completion of the foundation work that demonstrates proper placement of the structure relative to building setbacks from property lines and a certificate upon completion of framing that demonstrates and ensures that the building does not exceed the maximum roof level height of 40 feet above an average grade of 14 feet mean sea level grade.
3. Approval of this request shall not waive compliance with any portion of the Uniform Building Code and Municipal Code in effect at the time a building permit is issued.
4. Mechanical equipment, including solar collectors and panels or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, and shall be located so as not to be visible from any public way. (19.83).

5. No improvements, structural or non-structural, may be placed on the roof deck. Only personal property, which does not obstruct views, is permitted on the roof deck while authorized person(s) are actually present on the roof deck.
6. All landscaped areas, including any in the public right-of-way, shall be maintained, at all times, in a healthy condition, free from weeds, trash, and debris.
7. It shall be the applicant's responsibility to assure that shoreline protection structures on adjacent properties are not damaged during construction on the subject site, and to repair any damage to the adjacent property's shoreline protection structures that may be caused by the construction on the subject site. The construction of temporary slopes shall be shored in compliance with CAL-OSHA requirements.
8. Disturbances to sand and inter-tidal areas shall be minimized, and prohibited during the predicted grunion season. The applicant shall obtain the forecasted grunion runs from the California Department of Fish & Game. The grunion spawning season extends from March through August. If spawning grunion are observed seaward of the subject site construction activity must cease for a period of 17 days to allow for incubation of the eggs.
9. All sand excavated from the project site shall be analyzed for suitability as beach nourishment material. If determined to be suitable, any sand in excess of that required to provide berming along the first level wall shall be used for beach nourishment seaward of the project site. Local sand, cobbles or armor stones shall not be used for backfill or construction materials. Additionally, the applicant shall remove from the beach and seawall area any and all debris that result from the construction period and dispose of such materials in an acceptable landfill site.
10. Within 60 days following project completion, the applicant shall submit certification by a registered civil engineer verifying that the seawall has been constructed in conformance with the final approved plans for the project.
11. Construction materials or equipment shall not be stored on the beach seaward of the western property line. Equipment shall be removed from the beach at the end of any given work day.
12. A Registered Engineer shall supervise the construction of the seawall.
13. The property owner shall be responsible for maintenance of the permitted seawall. Any debris or other materials which become dislodged after completion through weathering and coastal processes, which impair public access, shall be removed from the beach. Any future additions or reinforcements may require a coastal development permit. If after inspection it is apparent that repair and maintenance is necessary, the applicant shall contact the City to determine whether such a permit is necessary.
14. The applicant or applicant's representative shall, pursuant to Section 711.4 of the California Fish and Game Code, pay by certified or cashier's check payable to the San Diego County Clerk \$2,500 plus a \$50 documentary handling fee at the time the Notice of Determination is filed by the City, which is required to be filed with the County Clerk within five working days after project approval becomes final (Public Resources Code Section 21152).
15. Applicant shall pay off any unpaid negative balances in the Project Account Numbers (03-91/03-92/03-93/03-94/03-95/04-034) prior to issuance of building permit and prior to final inspection/certificate of occupancy.

16. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed affidavit accepting said conditions.
17. The applicant shall comply and conform to the requirements, specifications, mitigation measures and conditions provided, by separate action or as specified herein, for the City Council approved Development Agreement applicable to this project, the certified Final EIR and Mitigation Monitoring & Reporting Plan, and the Specific Plan applicable to this project.
18. Building design and architectural treatment/style, project amenities and features shall conform and comply with the standards and requirements specified by the Seacoast Inn Specific Plan as adopted by the City Council. No deviation or modification shall be allowed unless prior approval for modifications have been granted by public hearing action by the City Council.

Prior to the Issuance of Construction or Grading Permits or Commencement of Site Work:

19. The applicant shall dedicate an easement over, under, along and across that portion of the property west (seaward) of the proposed seawall from the mean high tide line to the new seawall to the City of Imperial Beach for public use and access by City maintenance and emergency vehicles to the beach.
20. The applicant shall provide the City Community Development Department with a construction schedule in order to commence any site work. All construction activity on the beach shall be scheduled during low tides.
21. The applicant shall submit final plans for the shoreline protection device consistent with the recommendations contained in the Wave Runup engineering report prepared by Moffatt & Nichols dated November 2005 with an update dated February 14, 2006, and a Geotechnical Study report prepared by TGR Geotechnical December 24, 2002 with an update dated May 18, 2005.
22. The applicant shall submit plans showing the locations, both on and off site that will be used as staging or storage areas for materials and equipment during the construction phase of the project. The staging/storage plan shall be subject to review and written approval of the Community Development Director. The plan shall also note that no work requiring encroachment on the public beach shall be allowed on weekend days between Memorial Day and Labor Day, and during predicted grunion runs, of any year.
23. The applicant shall submit a traffic control plan for the diversion of traffic on Ocean Lane during construction. Ocean Lane shall remain open, except at intersection with Date Avenue, for vehicular traffic, including emergency vehicles during construction of the project. If traffic must be impeded, the applicant must submit a traffic control plan to the Public Works Director for approval at least 10 days prior to closure of Date Avenue and Ocean Lane intersection or closure of Date Avenue at Seacoast Drive.
24. The landowner, if required, shall execute and record a deed restriction in a form and content that is acceptable to the Community Development Director which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from waves during storms and from erosion or flooding, and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the City of Imperial Beach and agrees to indemnify and hold

harmless the City of Imperial Beach relative to its approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

25. The applicant shall pay a sand mitigation fee if required which shall be used for beach sand replenishment purposes, in lieu of providing sand to replace the sand and beach area that would be lost due to the impacts of the proposed shoreline protection structure. 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 the City of Imperial Beach. The mitigation fee shall be determined in accordance with Section 19.87.050 of the City of Imperial Beach Municipal Code, in consultation with the California Coastal Commission technical staff.
26. Form 7-B shall be submitted with the Building Permit Application.
27. Identify all BMP's on the site plan or a separate landscape or drainage plan in compliance with Form 7-B of the Storm Water Management Plan.
28. Provide this note on the plans: "All construction wastes shall be collected, stored and disposed of in an approved manor per Caltrans Storm Water Quality Handbook." Show the location of your waste container or dumpster on site. If you intend to set a dumpster in the public right of way an Encroachment Permit is required.
29. Show proposed drainage pattern with high point elevation and flow-lines elevation every 25'.
30. Provide a final soils report from a licensed soils engineer.
31. An undergrounding agreement is required prior to permit issuance.
32. Locate on the site plan the sewer line for the new dwellings.
33. A final grading / Improvement plan is required for this project and shall be approved by the City Of Imperial Beach Engineer prior to permit issuance.
34. Provide this note on the plans: "BMP's shall be maintained through final inspection. If the building Inspector finds that BMP's are not in place during a regularly scheduled inspection, the inspection will not be complete and a re-inspection fee may be assessed at the discretion of the Building Official."
35. Project building plans shall show and ensure that the hot water tank P.T. discharge pipe is directly connected to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system onto a an impervious surface that flows to a public street shall be avoided and would be in violation of the Municipal Storm Water Permit – Order 2001-01.
36. 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 2001-01.
37. Require the building foundation elevation be at least 1 foot above gutter line to minimize flooding during storm conditions.
38. Ensure construction design includes adequate storage for trash containers for regular trash, recycled waste, green waste as required by the City Public Works Director.

39. Install survey monuments, as specified and required by Public Works Director, on all property lines and/or adjacent to the property line. Record same with county office of records.
40. Applicant shall incorporate into project design and implement pre- and post construction Best Management Practices (BMP's), inclusive of site design, source control and treatment controls, and verify maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and / or the conditions as required by the City Public Works Director.
41. Applicant shall submit for review and approval a Storm Water Pollution and Prevention Plan (SWPPP), project is greater than 1-acre in size, by City Public Works Director.
42. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5-feet. Where the distance from "Area to be removed", to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.
43. For any work to be performed in the street submit a traffic control plan for approval by Public Works Director a minimum of 10 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
44. The applicant shall agree to pay a pro-rata share, as may be identified by a pending study being prepared by RBF Consulting for the City of Imperial Beach, for the cost of a sewer system study for existing system stations downstream from Lift Station 1A to 8.

Prior to Final Map Approval for Recordation:

45. The applicant shall dedicate an easement over, under, along and across that portion of the property west (seaward) of the proposed seawall from the mean high tide line to the new seawall to the City of Imperial Beach for public use and access by City maintenance and emergency vehicles to the beach.

Expiration Date:

46. Approval of Regular Coastal Permit (CP 03-091), Design Review (DRC 03-094), Site Plan Review (SPR 03-093), Tentative Map (TM 03-09 1) and Environmental Impact Report (EIA 04-034) is valid for three years from the date of final action, to **expire on December 5, 2007**, unless an appeal is filed to or by the California Coastal Commission. Any such appeal will stay the expiration date until the case is resolved and the permit will expire 3 years from the date the Commission acts on the appeal. In the event that no appeal is filed, conditions of approval must be satisfied, building permits issued, and substantial construction must have commenced prior to the expiration date, **or** unless a time extension is granted by the City pursuant to such a request for extension by the applicant. The applicant is responsible for tracking these expiration dates and shall, if necessary, file a written request for a time extension at least 45 days prior to said expiration dates, either the Coastal Commission decision or the City Council of the City of Imperial Beach Notice of Decision(s).

B. ENVIRONMENTAL MITIGATION MEASURES:

General:

All mitigation measures, as specified in the Draft and Final EIR Mitigation Monitoring and Reporting Plan (MMRP), shall, at a minimum be initiated or completed, by designated responsible parties.

Air Quality:

Temporary impacts to air quality associated with construction activities are anticipated. Implementation of the following measures during construction operations shall reduce impacts to below a level of significance:

47. Water all active construction areas at least twice daily.
48. Cover all trucks hauling soil, sand, and other loose materials, or require trucks to maintain at least 2 feet of free board.
49. Pave/apply water three times daily, or apply nontoxic soil stabilizers, on all unpaved access roads, parking areas, and staging areas at the construction sites.
50. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction site.
51. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
52. Hydroseed or apply nontoxic soil stabilizers to inactive construction areas. Inactive construction areas are areas that have been previously graded and are inactive for 10 days or more.
53. Install sandbags, silt fences or other erosion control measures to prevent silt runoff to public roadways.
54. Replant vegetation in disturbed areas as quickly as possible.
55. Suspend excavation and grading activity when wind gusts exceed 25 MPH.

Biological Resources:

The following measures shall be implemented to reduce potential impacts to the Pismo clam and grunion associated with construction activities:

56. Impacts to Pismo clam shall be mitigated by avoiding vehicle use in the lower intertidal zone, and minimizing vehicle use in the middle intertidal zone (or conduct a survey at the time of construction to verify their absence); and
57. Impacts to grunion shall be mitigated by scheduling construction outside the spawning period (e.g., September 1 to March 1). Alternatively, significant impacts shall be avoided during construction by implementing a monitoring and avoidance protocol within the construction zone by a qualified biologist, who shall establish an appropriate buffer around any observed spawning locations to restrict vehicles and equipment for a period of 14 days to allow grunion eggs to hatch.

Geology:

The following geotechnical mitigation measures shall be required in the planning and implementation of the project:

58. A comprehensive geotechnical evaluation, including development-specific subsurface exploration and laboratory test, shall be conducted prior to design and construction if previous studies need to be updated. The purpose of the subsurface evaluation shall evaluate the subsurface conditions in the area of the proposed structures and to provide information pertaining to the engineering characteristics of earth materials at the project site. From the data, recommendations for grading/earthwork, surface and subsurface drainage, foundations, pavement structure sections, and other pertinent geotechnical design considerations shall be formulated and submitted to City Building Official for approval.
59. Vibration induced settlement due to driving of sheet piles may occur during the construction of the seawalls. Nearby structures and pavement may experience distress due to the induced settlements. A vibration monitoring plan, in accordance with 2007 California Building Code requirements, shall be developed and implemented during construction of the sheet pile seawalls. The purpose of the plan would be to document construction induced vibrations and is subject to the approval of the City Building Official and/or Public Works Director prior to issuance of building or grading permits.
60. A baseline geotechnical reconnaissance shall be performed at each of the nearby structures to document pre-construction distress features, if any. Such an evaluation may include manometer surveys, crack measurements, and photographic/video documentation.
61. During construction, nearby structures shall be monitored for distress and/or settlement that may occur as a result of construction. Upon completion, a final evaluation of the nearby structures shall be performed, and the results compared with the initial baseline findings.
62. Liquefiable soils may be present on the site. The confirmation of their presence (or absence) shall be done through subsurface exploration (e.g. drilling) and laboratory testing.
63. Loose surficial soils that are not suitable for structural support in their current state are present on the sites. The loose surficial soils shall be mitigated by their removal during site grading. Much of the soils should be suitable for reuse as compacted fill.
64. The project has a potential for strong ground motions due to earthquakes. Accordingly, the potential for relatively strong seismic accelerations shall be considered in the design of proposed improvements.

Hydrology and Water Quality:

The potential for impacts to water quality would primarily occur as a result of construction activities. The following measures shall be implemented prior to initiation of construction activities:

65. Prior to City approval of construction permits, the final grading and drainage plans will be reviewed for compliance with SUSMP.
66. The proposed project includes a subterranean parking garage; therefore, excavation below the street level elevation may intercept the groundwater table. An updated geotechnical report shall be required prior to construction to ensure the appropriate measures are implemented. Temporary construction dewatering may be required during excavation. The applicant shall be responsible for obtaining an appropriate permit(s) for construction dewatering.
67. Project shall adhere to the Water Pollution Control Plan (WPCP) prepared by Landmark Consulting Engineers as conditioned and approved by the City of Imperial Beach including Construction and Permanent Best Management Practices (BMP) and other requirements pursuant to the City's Standard Urban Storm Water Mitigation Plan (SUSMP).
68. In order to provide the appropriate protection to the project site in case of a flood event, the applicant shall be required to Implement Flood Hazard Reduction Standards established for construction in order to assure protection from flooding (Imperial Beach Municipal Code 15.50.160).
69. In addition to building permits, a flood hazard area development permit may need to be obtained from the City Engineer prior to commencement of any construction (Imperial Beach Municipal Code 19.32.020).

Noise:

It is anticipated that the project will create temporary noise impacts associated with construction activities. During construction, equipment and material transport will generate temporary noise, which could be a significant increase in levels for the adjacent residents. Therefore, the following mitigation measures shall be implemented to reduce impacts to below a level of significance:

70. To further deter construction noise from adjacent properties, the applicant shall be responsible for notifying residents and businesses within a 300-foot radius prior to shoring or pile driving activities.
71. Additionally, construction activities associated with implementation of pile driving shall be limited to the hours of 8 a.m. to 5 p.m., Monday through Friday.
72. The applicant shall notify all residents within 500 feet of the project site prior to pile driving activities. The applicant shall also incorporate the best available technology acoustical dampering features during pile driving or drilling, including but not limited to the installation of a ten (10) foot high sound attenuating wall at the property perimeters. Other Best Management Practices for construction noise abatement shall be employed, to the extent feasible, by the contractor throughout the construction phase, including limiting equipment warm-up to no more than fifteen (15) minutes prior to start of daily construction activities.

C. BUILDING:

73. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach, including but not limited to the applicable 2007 California

Building and Mechanical Code requirements for building design, ADA access for swimming pool and all areas of the hotel, garage ventilation, building sprinkler systems, alarm system, elevator access and controls.

74. Applicant shall submit a complete set of construction documents for building permit review including complete architectural, structural, civil, mechanical, electrical, plumbing, energy calculations and landscape/irrigation plans.
75. The project shall be fully fire sprinklered in accordance with NFPA 13 requirements and include an alarm system in conformance with NFPA 72 requirements and Knox box located near the main entry or specified by the Fire Department.
76. Building design shall comply with the Uniform Fire Code or the IFC requirements, if adopted by the City and applicable to this project.
77. Building design plans shall note that all elevator sizes and controls shall comply with the 2007 California Building Code requirements.
78. Building design and amenities shall conform to the requirements and specifications as adopted by the City Council for the Seacoast Inn Specific Plan, Development Agreement and EIR Mitigation Monitoring & Reporting Plan for this project.

D. PUBLIC WORKS:

79. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 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.
80. Relocate and replant, to the extent possible, existing Palm trees out of the public rights-of-way, including Seacoast Drive and/or Date Avenue. Applicant may incorporate any removed Palm trees into the landscape design for Seacoast Drive or Date Avenue.
81. Remove sidewalk on Seacoast Drive frontage and construct an 8-foot wide sidewalk with a design that conforms to the constructed sidewalk adjacent to Dunes Park. Applicant shall dedicate a one-foot wide for additional sidewalk width.
82. Remove existing driveway approach on Seacoast Drive and Date Avenue and replace with new curb, gutter, and sidewalk, wherever not coincident with the new driveway approach, per Regional Standard drawings G-2 and G-7.
83. Install new driveway approach(s) on Seacoast Drive in accordance with Regional Standard Drawing G-14A. Asphalt cuts for said installation shall conform to the requirements and satisfaction of the City Public Works Director.
84. Reconstruct ADA compliant Type "A" handicap ramp at the intersection of Date Avenue and Seacoast Drive per Regional Standard Drawing G-27. If additional property dedication is required by City Public Works Director to construct this ramp, the applicant shall provide said dedication as required to construct or reconstruct this ramp.
85. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt placed in the street trench. Asphalt shall be AR4000 ½ mix (hot).

86. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work site, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
87. Applicant agree to underground all utilities in accordance with I.B.M.C. 13.08.060.
88. Advise the property owner that he/she must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant must provide the following documents to the City of Imperial Beach following before project may begin work:
- A certification of intent to comply with storm water requirements – Form 7-A.
 - A checklist of selected BMPs and location of the BMPs on project plans for review by the City – Form 7-B and Table 7-3
 - Certification of intent to maintain selected BMPs – Form 7-B.
 - A Storm Water Management Plan (Form 7-B).
89. Additionally these BMP practices shall include but are not limited to:
- 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.
 - All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - 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).
 - 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.
 - 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
90. Any disposal/transportation of solid waste / 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.

E. Public Safety:

91. **Provide a note on the plans stating:** "Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property and from any alley that fronts the property. Lettering shall be a minimum of four (4) inches high, with a minimum ¾ inch stroke, on a contrasting background." CFC Section 901.4.4

92. **Provide a note on the plans stating:** "All electric, gas, and water meters shall be clearly marked to indicate the unit or portion of the building they serve."
93. No on-street parking shall be allowed in Ocean Lane, south of Date Avenue.

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.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 5th day of December, 2007, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
DISQUALIFIED: COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

JAMES P. LOUGH, CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2007-6559 - A Resolution of the City of Imperial Beach approving a Regular Coastal Development Permit (CP 03-091), Design Review (DRC 03-094), Site Plan Review (SPR 03-093), Tentative Map (TM 03-092), AND Environmental Impact Report (EIA 04-034) for the demolition of the existing 38-room hotel and construction of a 4-story, 78-room hotel located at 800 Seacoast Drive in the C-2 (Seacoast Commercial) Zone. MF 661

CITY CLERK

DATE

Item 3.1

Due to large file size,

**Attachments 4 - 6
are available for
review in the
City Clerk's Dept.**



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: November 21, 2007

ORIGINATING DEPT.: CITY ATTORNEY

SUBJECT: AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING ADDITIONAL RETAIL ESTABLISHMENTS SELLING TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA DURING A 45-DAY SPECIAL STUDY PERIOD FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS

BACKGROUND/DISCUSSION:

Currently, the City's zoning regulations do not specifically address tobacco retailers: i.e. business establishments that are dedicated to the sale of tobacco products and tobacco-related paraphernalia, or businesses that derive a substantial portion of their revenue from the sale of such products. These types of businesses, also commonly referred to as "smoke shops," are not specifically listed as permitted uses in the C-1 General Commercial Zone (Imperial Beach Municipal Code (Code) chapter 19.26), C-2 Seacoast Commercial Zone (Code chapter 19.27), or C-3 Neighborhood Commercial Zone (Code chapter 19.28). Nor are tobacco retailers included on the list of prohibited uses in the C-2 zone. See Code section 19.27.030.

The proliferation of tobacco and tobacco paraphernalia retailers in the commercial areas of the city, particularly along Seacoast Drive, has the potential to have a deleterious effect on the vitality of a strong central business area and remove from the stock of commercial properties those properties that could be utilized for local retail operations that would better complement the existing and future commercial activities.

Given the interests in maintaining the city's character, the diversity and vitality of the community's commercial areas, and the quality of life for the city's residents, as well as protecting the health and safety of its residents, the adoption of an interim urgency measure would be prudent in order to provide City staff time to study proposed regulation of the location and operation of tobacco retailers within the commercial zones of the city.

On October 17, 2007, the City Council adopted Interim Ordinance No. 2007-1058 as an urgency measure, prohibiting the permitting, licensing, or approving of additional retail establishments that sell tobacco products or tobacco paraphernalia for a 45-day period in order to allow the City to study the effects of such businesses and potential regulation of the location and operation of such businesses within the commercial zones of the city.

During the intervening period, City staff studied various aspects of the issue, including the following: the experiences of other municipalities and jurisdictions regarding retailers of tobacco and tobacco-related products; regulations and ordinances of other jurisdictions regarding tobacco and tobacco-related retailers; and state law concerning drug and marijuana paraphernalia and its applicability to tobacco-related products.

The 45-day period was insufficient in which to satisfactorily study the issue and prepare proposed regulation and therefore City staff has returned with this request for an extension of the moratorium in order to allow further study time.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The cost of the study is unknown at this time.

DEPARTMENT RECOMMENDATION:

Staff Recommends the Mayor and City Council:

1. Receive this report
2. Introduce, read, pass, and adopt the proposed ordinance extending the current moratorium for an additional 10 months and 15 days to allow further study

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachment:

1. Ordinance 2007-1059

**AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE
PROHIBITING ADDITIONAL RETAIL ESTABLISHMENTS SELLING
TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA
DURING A 45-DAY SPECIAL STUDY PERIOD FOR AN
ADDITIONAL 10 MONTHS AND 15 DAYS**

**THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH DOES HEREBY ORDAIN
AS FOLLOWS:**

SECTION 1. Findings and Determination. The City Council ("Council") of the City of Imperial Beach ("City") does hereby find and determine that:

- (a) The City, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote, preserve and protect the public health, safety and general welfare of its citizens; and
- (b) There is concern over the proliferation of retail establishments whose primary business, or at least a significant percentage of that business, is the sale of tobacco products and tobacco paraphernalia, which include establishments commonly referred to as "head shops" or "smoke shops", and the potential impacts of such businesses to the health, safety, and general welfare of the citizens of Imperial Beach; and
- (c) There is concern that the City's existing land use and zoning regulations do not sufficiently control the location and operation of the retail establishments referenced above and as a consequence do not adequately protect the health, safety, and general welfare of the citizens of Imperial Beach from the actual and potential impacts arising from those retail establishments; and
- (d) The Council wishes to study the potential effects of further restricting the operation of retail establishments whose primary business, or at least a significant percentage of that business, is the sale of tobacco products and tobacco paraphernalia within the city limits; and
- (e) The Council has determined that there is a current and immediate threat to the public health, safety, or general welfare of the City's citizens in allowing additional retail establishments whose primary business, or at least a significant percentage of that business, is the sale of tobacco products and tobacco paraphernalia to obtain licenses and operate within the City and that granting permits to such additional establishments would result in a threat to public safety, health, and general welfare during the term of the study of additional regulations regarding retail establishments whose primary business, or at least a significant percentage of that business, is the sale of tobacco products and tobacco paraphernalia; and
- (f) The current 45-day study period is inadequate to allow for the necessary study of the effects of tobacco products and tobacco paraphernalia retailers on the commercial areas of the City and of proposed regulatory measures, and therefore an extension of the moratorium in order to provide additional time for study and review of the issues is required.

SECTION 2. Emergency Measures.

- (a) No business licenses, use permits, or zoning approvals for Tobacco Retailers within the City shall be approved or granted, until such time as the City Council of the City of Imperial Beach has conducted an appropriate study of the effect of Tobacco Retailers on the character of commercial areas of the City and their visitor-serving aspects and the effect they may have on property values, density and effective utilization of commercially-zoned areas in Imperial Beach, which study is intended to occur within a reasonable time.
- (b) The following words and phrases, whenever used in this Interim Ordinance, shall have the meanings defined in this subdivision:
 - (1) "Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco products.
 - (2) "Tobacco product" means (i) any product containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and (ii) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.
 - (3) "Tobacco Retailer" means (i) any person, entity, or business that sells, offers for sale, exchanges or offers to exchange for any form of consideration, tobacco, tobacco products and/or tobacco paraphernalia, and (ii) devotes a substantial portion of its display area (i.e. fifteen percent (15%) or more of floor space to tobacco, tobacco products and/or tobacco paraphernalia, or devotes more than sixteen (16) cubic feet of shelf space, for the display or sale of tobacco, tobacco products, or tobacco paraphernalia to purchasers for consumption or use.
- (c) Applications for that have been submitted to the City but are not deemed complete, as of the effective date of this Interim Ordinance, shall be subject to this Interim Ordinance.

SECTION 3. Severability. The City Council of the City of Imperial Beach hereby declares that should any section, paragraph, sentence, phrase, term, or word of this Interim Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Interim Ordinance irrespective of any such portion declared invalid.

SECTION 4. Effective Date; Expiration; Extension. Pursuant to California Government Code Section 65858, this interim ordinance is an urgency measure of the City Council of the City of Imperial Beach and shall take effect immediately upon passage. This Interim Ordinance shall

remain in force and effect for a period of ten (10) months and fifteen (15) days from the date of the expiration of the time period established in Ordinance No. 2007-1058, adopted on October 17, 2007 and shall, thereafter, expire unless and until the City Council has extended this Interim Ordinance by a four-fifths (4/5) vote of the City Council prior to its expiration, all in accordance with Section 65858. The immediate effective date of this Interim Ordinance is necessary to preserve and protect the public health, safety, or welfare of the residents of the City of Imperial Beach.

INTRODUCED, READ, PASSED AND ADOPTED at a regular meeting of the City Council of the City of Imperial Beach held on November 21, 2007 by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

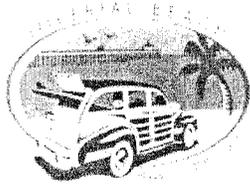
APPROVED AS TO FORM:

JAMES P. LOUGH
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2007-1059 – AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING ADDITIONAL RETAIL ESTABLISHMENTS SELLING TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA DURING A 45-DAY SPECIAL STUDY PERIOD FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS.

CITY CLERK

DATE



STAFF REPORT CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: NOVEMBER 21, 2007
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR
DAVID GARCIAS, CODE COMPLIANCE OFFICER

SUBJECT: 822 GEORGIA STREET – NOTICE AND ORDER TO
DEMOLISH AND REMOVE SUBSTANDARD AND PUBLIC
NUISANCE CONDITIONS.

BACKGROUND / DISCUSSION:

On December 25, 2006, at about 10:43 pm, a fire occurred in a vacant single family dwelling structure on the property located at 822 Georgia Street. The Fire Department responded, and was successfully able to put out the fire. The fire caused significant damage to the vacant structure.

In January 2007, the Imperial Beach Fire Department notified the property owner to secure all the openings in to the vacant structure.

In February 2007, staff conducted several drive-by inspections, and observed several openings to the vacant structure were not secured.

In February 2007, the Building Official inspected the property and determined the structure could be either demolished or rebuilt.

On February 20, 2007, after conducting drive-by inspections and observing openings to the vacant structure had not been secured staff sent a Warning Notice / Notice of Violation to the property owner. The notice directed the owner to:

1. Secure all the opening to the vacant structure.
2. Either submit plans and obtain building permits for the repair of the building or to obtain a demolition permit to remove the vacant dwelling structure.

On February 21, 2007, Staff spoke to the property owner by phone, communicated the violations, and directed the owner to abate the violations. The owner said he was going to correct the violations. Since then, the following has occurred:

- March 6, 2007, re-inspected, and the violations were not corrected. Issued an Administrative Citation.
- March 12, 2007, the property owner came in and met with the Building Division staff, picked up paperwork necessary for a Demolition permit. The Property owner said he was going to turn in the paperwork later.

- April 3, 2007, re-inspected, and the violations were not corrected. Issued an Administrative Citation.
- April 9, 2007, staff spoke to the property owner, and he said all the utilities were shut off. The owner said he had a contractor that was going to handle the demolition. Staff told the owner to have the demolition contractor contact staff.
- May 21, 2007, staff left a voicemail message for the owner to return the call, and communicate about the status of the demolition or re-build.
- June 15, 2007, re-inspected, and the violations were not corrected. Issued an Administrative Citation.
- June 29, 2007, re-inspected, and the violations were not corrected. Issued an Administrative Citation.
- June 29, 2007, staff left a voicemail message for the owner, communicating that if the violations were not abated staff may seek legal action against the property.
- August 15, 2007, re-inspected, and the violations were not corrected. Issued an Administrative Citation.
- September 10, 2007, conducted drive-by inspection and observed a setup for the abatement of asbestos at the property.
- September 11, 2007, staff from the Building Division inspected the site to ensure the work that was being conducted on the property did not require a permit.
- October 18, 2007, re-inspected, and the violations were not corrected. Staff telephoned the property owner and left a voicemail message communicating the code violations, and directed the owner to abate the violations.

On October 18, 2007, the Building Official determined that due to the damage caused to the structure by the fire, the lack of maintenance on the structure, the deterioration of the remaining structure, and that the property owner's failure to correct the below listed Imperial Beach Municipal Code violations, the property and structure were determined to be substandard and a public nuisance conditions. Further, the Building Official determined the structure needed to be demolished and removed. The Imperial Beach Municipal Code violations were as follows:

These violations identified on the property at 822 Georgia Street were:

1. **IBMC 8.50.040.I. Vacant Building Constituting a Public Nuisance.**
 - Demolish & Remove the vacant / fire damaged dwelling structure.
2. **IBMC 1.16.010.D. Failure to close all openings to a vacant structure.**
 - Immediately secure all openings to the vacant dwelling structure.
3. **IBMC 8.50.040.B Structural Damage due to Fire.**
 - Demolish & Remove the vacant / fire damaged dwelling structure.
4. **IBMC 12.72.070. Graffiti – Declaration of Nuisance.**
 - Remove the all graffiti from the property.
5. **IBMC 1.16.010.G. Overgrown Vegetation.**
 - Cut down and remove all overgrown vegetation from the yards.
6. **IBMC 1.16.010.H. Dead or Hazardous Vegetation.**
 - Cut down and remove all the dead and hazardous vegetation from the yards.
7. **IBMC 1.16.010.U. "Visual Blight"**
 - Remove all of the junk, trash, and debris from the yards.

On October 18, 2007, staff posted a Notice and Order to Demolish and Remove Substandard and Public Nuisance Conditions.

On October 19, 2007, staff re-posted a Notice and Order to Demolish and Remove Substandard and Public Nuisance Conditions. On the notice, staff directed the owner to abate the violations

on or before November 21, 2007, and that a public hearing would be held on that date. Staff also contacted the property owner by telephone, and left a message for the owner concerning the abatement of the violations and the public hearing date. Since then, the following has occurred:

- October 22, 2007, staff called the property owner and left a voicemail message for the owner to call back to let staff know about the status of the abatement of the violations.
- October 23, 2007, re-inspected, and the code violations were not corrected.
- October 30, 2007, re-inspected, and the code violations were not corrected.
- November 5, 2007, re-inspected, and the code violations were not corrected.

By the time of the November 21, 2007 City Council Meeting staff may have additional items to discuss.

FISCAL ANALYSIS:

Current assessment of \$500.00 in administrative costs for nuisance abatement proceedings pursuant to Imperial Beach Municipal Code Sections 1.16.190 and 1.16.240, and pursuant to Section 1.12.020 civil penalties at \$50.00 per day per violation starting from October 19, 2007 to November 21, 2007, have accrued as follows:

1. October 19, 2007 to November 21, 2007 – 34 days (7 violation) @ \$50.00 per day per violation = **\$11,900.00**
2. Administrative Costs: **\$500.00**

CIVIL PENALTIES:	\$11,900.00
ADMINISTRATIVE COSTS:	+ 500.00
TOTAL COSTS:	\$12,400.00

Since March 6, 2007, the following are the current amounts of Civil Fines, Penalties, and Interest assessed against the property at 822 Georgia Street:

1. *March 6, 2007. Administrative Citation: \$300 (Civil Fine)*
2. *April 3, 2007. Administrative Citation: \$700 (Civil Fine)*
3. *June 15, 2007. Administrative Citation: \$1,800 (Civil Fine)*
4. *June 29, 2007. Administrative Citation: \$3,700 (Civil Fine)*
5. *August 15, 2007. Administrative Citation: \$4,500 (Civil Fine)*

<i>Civil Fines:</i>	<i>\$11,000</i>
<i>Delinquent Penalties:</i>	<i>2,750</i>
<i>Interest on unpaid Fines:</i>	<i>+ 680</i>
<i>Total Charges:</i>	<i>\$14,430</i>

DEPARTMENT RECOMMENDATION:

Staff recommends adopting resolution 2007-6560, declaring the property and structure at 822 Georgia Street substandard, and a public nuisance and ordering the structure to be demolished and removed, and assessing the Five Hundred dollars (\$500.00) in administrative costs, and the Eleven Thousand Nine Hundred dollars (\$11,900.00) in accumulated civil penalties. The total amount of **\$12,400.00** would need to be remitted to the City within 30 days of adoption of this Resolution and would constitute an assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of notice of lien, shall be collected at the same time and in the same manner as ordinary municipal taxes, and would be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary municipal taxes.

Staff also recommends the council direct staff, to commence legal action to abate the nuisance, and that staff will cause the required work to be done at the expense of the owner(s), and will secure payment of such expense by assessment and lien.

Staff Recommends the Mayor and City Council:

1. Open the public hearing.
2. Entertain testimony.
3. Consider a motion to adopt Resolution 2007-6560, declaring the property and structure at 822 Georgia Street substandard, and a public nuisance and ordering the structure to be demolished and removed, and assessing the twelve thousand four hundred dollars (\$12,400.00) in administrative costs and accumulated civil penalties against the property.
4. Consider a motion to direct staff, to commence legal action to abate the nuisance, and staff will cause the required work to be done at the expense of the owner(s), and will secure payment of such expense by assessment and lien.
5. Close the public hearing.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments: Resolution 2007-6560
Code Enforcement case file #07-078

cc: Juan M. Moreno III

RESOLUTION NO. 2007-6560

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, FINDING AND DECLARING THAT THE NOTICE AND ORDER TO DEMOLISH AND REMOVE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 822 GEORGIA STREET IS APPROPRIATE AND ASSESSING COSTS OF ABATEMENT, AN ADMINISTRATIVE FEE AND CIVIL PENALTIES.

The City Council of the City of Imperial Beach does hereby resolve as follows:

WHEREAS, On December 25, 2006, at about 10:43 pm, a fire occurred in a vacant single family dwelling structure on the property located at 822 Georgia Street. The Fire Department responded, and was successfully able to put out the fire. The fire caused significant damage to the vacant structure, and

WHEREAS, In January 2007, the Imperial Beach Fire Department notified the property owner to secure all the openings in to the vacant structure; and

WHEREAS, In February 2007, staff conducted several drive-by inspections, and observed several openings to the vacant structure were not secured; and

WHEREAS, In February 2007, the Building Official inspected the property and determined the structure could be either demolished or rebuilt; and

WHEREAS, On February 20, 2007, after conducting drive-by inspections and observing openings to the vacant structure had not been secured staff sent a Warning Notice / Notice of Violation to the property owner. The notice directed the owner to:

1. Secure all the opening to the vacant structure.
2. Either submit plans and obtain building permits for the repair of the building or to obtain a demolition permit to remove the vacant dwelling structure; and

WHEREAS, On February 21, 2007, Staff spoke to the property owner by phone, communicated the violations, and directed the owner to abate the violations. The owner said he was going to correct the violations. Since then, the following has occurred:

- March 6, 2007, re-inspected, and the violations were not corrected. Issued an Administrative Citation.
- March 12, 2007, the property owner came in and met with the Building Division staff, picked up paperwork necessary for a Demolition permit. The Property owner said he was going to turn in the paperwork later.
- April 3, 2007, re-inspected, and the violations were not corrected. Issued an Administrative Citation.
- April 9, 2007, staff spoke to the property owner, and he said all the utilities were shut off. The owner said he had a contractor that was going to handle the demolition. Staff told the owner to have the demolition contractor contact staff.
- May 21, 2007, staff left a voicemail message for the owner to return the call, and communicate about the status of the demolition or re-build.
- June 15, 2007, re-inspected, and the violations were not corrected. Issued an Administrative Citation.
- June 29, 2007, re-inspected, and the violations were not corrected. Issued an Administrative Citation.

- June 29, 2007, staff left a voicemail message for the owner, communicating that if the violations were not abated staff may seek legal action against the property.
- August 15, 2007, re-inspected, and the violations were not corrected. Issued an Administrative Citation.
- September 10, 2007, conducted drive-by inspection and observed a setup for the abatement of asbestos at the property.
- September 11, 2007, staff from the Building Division inspected the site to ensure the work that was being conducted on the property did not require a permit.
- October 18, 2007, re-inspected, and the violations were not corrected. Staff telephoned the property owner and left a voicemail message communicating the code violations, and directed the owner to abate the violations; and

WHEREAS, On October 18, 2007, the Building Official determined that due to the damage caused to the structure by the fire, the lack of maintenance on the structure, the deterioration of the remaining structure, and that the property owner's failure to correct the below listed Imperial Beach Municipal Code violations, the property and structure were determined to be substandard and a public nuisance conditions. Further, the Building Official determined the structure needed to be demolished and removed. The Imperial Beach Municipal Code violations were as follows:

These violations identified on the property at 822 Georgia Street were:

1. **IBMC 8.50.040.I. Vacant Building Constituting a Public Nuisance.**
 - Demolish & Remove the vacant / fire damaged dwelling structure.
2. **IBMC 1.16.010.D. Failure to close all openings to a vacant structure.**
 - Immediately secure all openings to the vacant dwelling structure.
3. **IBMC 8.50.040.B Structural Damage due to Fire.**
 - Demolish & Remove the vacant / fire damaged dwelling structure.
4. **IBMC 12.72.070. Graffiti – Declaration of Nuisance.**
 - Remove the all graffiti from the property.
5. **IBMC 1.16.010.G. Overgrown Vegetation.**
 - Cut down and remove all overgrown vegetation from the yards.
6. **IBMC 1.16.010.H. Dead or Hazardous Vegetation.**
 - Cut down and remove all the dead and hazardous vegetation from the yards.
7. **IBMC 1.16.010.U. "Visual Blight"**
Remove all of the junk, trash, and debris from the yards; and

WHEREAS, On October 18, 2007, staff posted a Notice and Order to Demolish and Remove Substandard and Public Nuisance Conditions; and

WHEREAS, On October 19, 2007, staff re-posted a Notice and Order to Demolish and Remove Substandard and Public Nuisance Conditions. On the notice, staff directed the owner to abate the violations on or before November 21, 2007, and that a public hearing would be held on that date. Staff also contacted the property owner by telephone, and left a message for the owner concerning the abatement of the violations and the public hearing date. Since then, the following has occurred:

- October 22, 2007, staff called the property owner and left a voicemail message for the owner to call back to let staff know about the status of the abatement of the violations.
- October 23, 2007, re-inspected, and the code violations were not corrected.
- October 30, 2007, re-inspected, and the code violations were not corrected.
- November 5, 2007, re-inspected, and the code violations were not corrected; and

WHEREAS, testimony was presented to the City Council at the public hearing on November 21, 2007 regarding conditions at 822 Georgia Street; and

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

SECTION 1: The foregoing recitals are true and correct, and the City Council hereby declares the property and structure at 822 Georgia Street substandard, and a public nuisance and ordering the structure to be demolished and removed.

SECTION 2: The City Council directs staff to commence legal action to abate the nuisance, and any work performed by the City shall be done at the expense of the owner and the expense of such abatement shall constitute a lien against the property and a personal obligation of the person(s) causing and creating the substandard and nuisance conditions.

SECTION 3: The cost of abatement is approved as follows:

Current assessment of \$500.00 in administrative costs for nuisance abatement proceedings pursuant to Imperial Beach Municipal Code Sections 1.16.190 and 1.16.240, and pursuant to Section 1.12.020 civil penalties at \$50.00 per day per violation starting from October 19, 2007 to November 21, 2007, have accrued as follows:

1. October 19, 2007 to November 21, 2007 – 34 days (7 violation) @ \$50.00 per day per violation = **\$11,900.00**
2. Administrative Costs: **\$500.00**

CIVIL PENALTIES:	\$11,900.00
ADMINISTRATIVE COSTS:	+ 500.00
TOTAL COSTS:	\$12,400.00

Since March 6, 2007, the following are the current amounts of Civil Fines, Penalties, and Interest assessed against the property at 822 Georgia Street:

- | | | | |
|----|------------------|----------------------------------|--------------|
| 1. | March 6, 2007. | Administrative Citation: \$300 | (Civil Fine) |
| 2. | April 3, 2007. | Administrative Citation: \$700 | (Civil Fine) |
| 3. | June 15, 2007. | Administrative Citation: \$1,800 | (Civil Fine) |
| 4. | June 29, 2007. | Administrative Citation: \$3,700 | (Civil Fine) |
| 5. | August 15, 2007. | Administrative Citation: \$4,500 | (Civil Fine) |

Civil Fines:	\$11,000
Delinquent Penalties:	2,750
<u>Interest on unpaid Fines:</u>	<u>+ 680</u>
Total Charges:	\$14,430

SECTION 4: The Five Hundred dollars (\$500.00) in administrative costs, and the Eleven Thousand Nine Hundred dollars (\$11,900.00) in accumulated civil penalties are hereby assessed and to be remitted to the City within 30 days of adoption of this Resolution. The total amount of **\$12,400.00** would constitute an assessment against the respective lot or parcel of

land to which it relates, and upon recordation in the office of the county recorder of notice of lien, shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and would be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary municipal taxes.

SECTION 5: The City manager may cause a copy of this Resolution to be conspicuously posted as deemed necessary.

SECTION 6: The City Clerk is hereby directed to:

1. Mail a copy or copies of this Resolution by first class mail, to all those with a recorded interest and to the owners of the subject property as shown on the latest equalized assessment roll.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 21st day of November 2007, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2007-6560 – A Resolution of the City Council of the City of Imperial Beach, California, FINDING AND DECLARING THAT THE NOTICE AND ORDER TO DEMOLISH AND REMOVE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 822 GEORGIA STREET IS APPROPRIATE AND ASSESSING COSTS OF ABATEMENT, AN ADMINISTRATIVE FEE AND CIVIL PENALTIES.

CITY CLERK

DATE

NOTICE AND ORDER TO DEMOLISH AND REMOVE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS

The Building Official has determined that a condition exist which constitutes substandard and public nuisance conditions, pursuant to Chapter 8.50 Unsafe Buildings, Substandard Buildings and Property or Dangerous Conditions, and Chapter 1.16 Property Maintenance, of the Imperial Beach Municipal Code.

PROPERTY OWNER(S): Juan M. Moreno III,

ASSESSOR'S RECORD(S): Street Closed Adjacent & Lot (s) 35 & 36, Block 37, as found on Map 497 – South SD COS ADD South SD or, Property located at 822 Georgia Street, Imperial Beach, CA 91932, also known as Assessor's Parcel No. 627-111-19.

- On December 25, 2006, a fire occurred at the property located at 822 Georgia Street, Imperial Beach, causing damage to the vacant dwelling structure.
- In January 2006, the Imperial Beach Fire Dept. contacted and notified the property owner to secure all openings in to the vacant structure.
- On February 20, 2007, you were given a Warning Notice / Notice of Violation to Secure all opening to the vacant structure and to either submit plans and obtain building permits for the repair of the building or to obtain a demolition permit to remove the vacant dwelling structure.
- On March 6, 2007, you were issued a First Administrative Citation for failing to correct the violations of the Imperial Beach Municipal Code, and fines in the amount of **\$300** were assessed against the property.
- On April 3, 2007, you were issued a Second Administrative Citation for failing to correct the violations of the Imperial Beach Municipal Code, and fines in the amount of **\$700** were assessed against the property.
- On June 15, 2007, you were issued a Third Administrative Citation for failing to correct the violations of the Imperial Beach Municipal Code, and fines in the amount of **\$1,800** were assessed against the property.
- On June 29, 2007, you were issued a Fourth Administrative Citation for failing to correct the violations of the Imperial Beach Municipal Code, and fines in the amount of **\$3,700** were assessed against the property.
- On August 15, 2007, you were issued a Fifth Administrative Citation for failing to correct the violations of the Imperial Beach Municipal Code, and fines in the amount of **\$4,500** were assessed against the property.

ON OCTOBER 18, 2007, YOU HAVE FAILED TO CORRECT THE BELOW LISTED IMPERIAL BEACH MUNICIPAL CODE VIOLATIONS, AND THE CONDITIONS DETERMINED TO CREATE A SUBSTANDARD AND PUBLIC NUISANCE ARE AS FOLLOWS.

THESE ARE THE VIOLATIONS IDENTIFIED AT 822 Georgia Street:

1. **IBMC 8.50.050.I. Vacant Building Constituting a Public Nuisance.**
 - Demolish & Remove the vacant / fire damaged dwelling structure.
2. **IBMC 1.16.010.D. Failure to close all openings to a vacant structure.**
 - Immediately secure all openings to the vacant dwelling structure.
3. **IBMC 8.50.040.B Structural Damage due to Fire.**
 - Demolish & Remove the vacant / fire damaged dwelling structure.
4. **IBMC 12.72.070. Graffiti – Declaration of Nuisance.**
 - Remove the all graffiti from the property.
5. **IBMC 1.16.010.G. Overgrown Vegetation.**
 - Cut down and remove all overgrown vegetation from the yards.
6. **IBMC 1.16.010.H. Dead or Hazardous Vegetation.**
 - Cut down and remove all the dead and hazardous vegetation from the yards.
7. **IBMC 1.16.010.U. “Visual Blight”**
 - Remove all of the junk, trash, and debris from the yards.

Pursuant to Imperial Beach Municipal Code Chapters 1.12, 1.16, and 8.50, all buildings, structures, properties, or portions thereof which are determined by Authorized personnel to be substandard or unsafe are declared to be unsafe or substandard and are declared to be a public nuisance, and the structure must be demolished and removed, and the lot cleared of all remaining violations.

The property located at the **822 Georgia Street, Imperial Beach, CA 91932** must be cured of all violations on or before **November 21, 2007**. If the violations are not demolished, cleared, removed, and abated by **November 21, 2007** the city will cause the required work to be done at the expense of the owner(s), and will secure payment of such expense by assessment and lien as described in Chapters 1.12, 1.16, and 8.50 of the Imperial Beach Municipal Code .The City may also continue Public Nuisance Abatement proceedings against you and your property and will secure payment of such expense by assessment and lien, as provided by Imperial Beach Municipal Code Chapters 1.12, 1.16 and 8.50. Administrative fees of up to \$500.00 may be assessed. In addition to an administrative fee, beginning on the date of this notice, civil penalties of \$50.00 per day per violation will be imposed upon the nuisance property for each day the violations exist.

IMPORTANT INFORMATION: The City of Imperial Beach City Council will consider this matter at its hearing on **November 21, 2007**, 6:00 PM at 825 Imperial Beach Boulevard, at which time the owner(s) of said property may appear and present reason why civil penalties and administrative costs may not be assessed, and why demolishing and removing, and clearing should not be required.

CITY OF IMPERIAL BEACH

Date Posted: OCT 19 2007

By: _____



Signed for City Manager/Title

CITY OF IMPERIAL BEACH
CODE COMPLIANCE DIVISION

7005 1820 0003 2700 2357

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	OCT 19 2007 Postmark Here
Certified Fee	2.65	
Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.21	

<p>Juan M. Moreno III</p> <p>_____</p> <p>_____</p> <p>_____</p>

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature</p> <p>X <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Juan Moreno</i> 10-21-07</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center; font-size: 1.2em;">Juan M. Moreno III</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p style="font-size: 1.2em; text-align: center;">07-078 (10-19-07 Notice)</p>	<p style="font-size: 1.2em; text-align: center;">7005 1820 0003 2700 2357</p>

COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE DIVISION

825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932



DECLARATION OF SERVICE

October 22, 2007

I, **DAVID GARCIAS**, hereby certify on penalty of perjury, that on October 19, 2007, at approximately 3:00 pm, Pacific Daylight Time, I served a Notice and Order to Demolish and Remove Substandard and Public Nuisance Conditions to Juan M. Moreno III, the Property Owner for the Property located at 822 Georgia Street, **Imperial Beach, CA, 91932** in the following manner:

- Personally Served Signed: _____ Refused: _____ Other: _____
- Mailed Regular Mail
- Mailed Certified Mail, Return Receipt
- Posted at Property

In accordance with Chapters 8.50, 1.12, 1.16, and 1.22 of the Imperial Beach Municipal Code.

DAVID GARCIAS
CODE COMPLIANCE OFFICER
CITY OF IMPERIAL BEACH

State of California
County of San Diego ss:

On 10/22/07 **DAVID GARCIAS**, personally appeared before me, **Jacqueline Hald**, City Clerk, known to me to be the person, whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signatures on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal:

Signature Jacqueline M. Hald (Seal)

JACQUELINE M. HALD, CITY CLERK



City of Imperial Beach
 Code Compliance Division
 825 Imperial Beach Blvd
 Imperial Beach, CA 91932
 Tel. (619) 628-1359 / 628-1358 / Fax. (619) 424-4093

Citation No. 1121

Case No. 07-078

ADMINISTRATIVE CITATION

1st Citation - \$100
 2nd Citation - \$200
 3rd Citation - \$500
 4th and Subsequent Citation (s) - \$1,000

These civil fines are calculated per violation, per occurrence, and are cumulative. Payment does not excuse correction of the violation(s), nor shall it bar further enforcement action by the City.

Payments of \$ 4,500.00 is due no later than Sept. 17, 2007 (See reverse side for payment instructions).

Correction of the violation(s) indicted below must be completed by: Correction Date: Aug. 16, 2007 Time: —

IMPORTANT INFORMATION: If you fail to correct the violations by the correction date, or re-violate anytime within 18-months, the next level Administrative Citation may be issued:

The Building Official will suspend or refuse to issue any building permits until all violations are corrected pursuant to Chapters 15.06 and 8.30 of the Imperial Beach Municipal Code.

Date Citation Issued: <u>8/15/2007</u>	Date Violation Observed: <u>8/15/2007</u>	Time of Violation: A.M. / P.M. <u>3:30 pm</u>	Day of Week <u>Wed</u>
Location of Violation (Address) <u>822 Georgia St. IB 91932</u>			Assessor's Parcel Number: <u>627-111-19</u>
Person Cited: Last <u>Moreno</u>	First <u>Juan M.</u>	Middle <u>III</u>	Identification / Driver's License:
Title/Relationship to the Violation (i.e. Property Owner, Tenant, Contractor...): <u>Property Owner</u>		Business Name (If Applicable)	
Mailing Address:	City/State:	Zip:	Phone No.

Code Section(s) Violated	Date Observed	Description of Violation(s)
8.50.040.I	8/15/07	Vacant Bldg. Constituting a Public Nuisance
1.16.010.D	8/15/07	Failure to close all openings to Vacant Structures
8.50.040.B	8/15/07	Structural Damage due to Fire Damage
12.72.070	8/15/07	Graffiti - Declaration of Nuisance
1.16.010.G&H	8/15/07	Overgrown & Dead Vegetation

CORRECTIONS REQUIRED: You must immediately remove or restore the fire damaged structure by either obtaining a Demo permit from the IB Bldg. Dept or submitting plans to restore and re-construct the building. You must secure all openings to the vacant structure. Remove all the graffiti from the property. Remove all overgrown and dead vegetation, and remove all the trash. This is the 5th Citation for violations 1, 2, and 3. This is the 4th Citation for violation 4. This is the 3rd Cite for No. 5. ~~The~~ You are hereby fined \$4,500. Fines will continue until abated.

ISSUING ENFORCEMENT OFFICER:		Telephone:	Officer's Signature:	Date:
Officer's Name (Print): <u>D. Garcias</u>		<u>(619) 628-1359</u>	<u>[Signature]</u>	<u>8/15/07</u>
PERSON CITED:				
<input checked="" type="checkbox"/> Violator's Signature: <u>- Posted & Mailed -</u> Date: <u>8.15.07</u>				

(Note: Signing this citation acknowledges receipt only, and is not an admission of guilt.)

Citation Served: In Person To: Posted on Property By Mail Other

SEE REVERSE SIDE FOR IMPORTANT INFORMATION AND PAYMENT INSTRUCTIONS

COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE DIVISION
825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932



DECLARATION OF SERVICE

August 16, 2007

I, **DAVID GARCIAS**, hereby certify on penalty of perjury, that on August 15, 2007, at approximately 3:30 pm, Pacific Daylight Time, I served an Administrative Citation Number # 1121 to Juan M. Moreno III, the Property Owner for the Property located at 822 Georgia Street, **Imperial Beach, CA, 91932** in the following manner:

- Personally Served Signed: _____ Refused: _____ Other: ✓ Vacant Structure
- Mailed Regular Mail
- Mailed Certified Mail, Return Receipt
- Posted at Property

In accordance with Chapters 8.50, 1.12, 1.16, and 1.22 of the Imperial Beach Municipal Code.

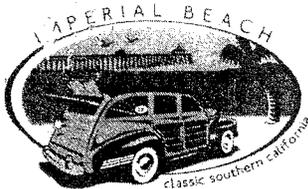
DAVID GARCIAS
CODE COMPLIANCE OFFICER
CITY OF IMPERIAL BEACH

State of California
County of San Diego ss:

On 8/16/07 **DAVID GARCIAS**, personally appeared before me, **Jacqueline Hald**, City Clerk, known to me to be the person, whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signatures on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal:

Signature Jacqueline M. Hald (Seal)
JACQUELINE M. HALD, CITY CLERK



City of Imperial Beach
 Code Compliance Division
 825 Imperial Beach Blvd
 Imperial Beach, CA 91932
 Tel. (619) 628-1359 / 628-1358 / Fax. (619) 424-4093

Citation No. 1140
 Case No. 07-078

ADMINISTRATIVE CITATION

1st Citation - \$100
 2nd Citation - \$200
 3rd Citation - \$500
 4th and Subsequent Citation (s) - \$1,000

These civil fines are calculated per violation, per occurrence, and are cumulative. Payment does not excuse correction of the violation(s), nor shall it bar further enforcement action by the City.
 Payments of \$3,700.00 is due no later than July 30, 2007 (See reverse side for payment instructions).
 Correction of the violation(s) indicted below must be completed by: **Correction Date:** 6/30/07 **Time:** —#—

IMPORTANT INFORMATION: If you fail to correct the violations by the correction date, or re-violate anytime within 18-months, the next level Administrative Citation may be issued:

The Building Official will suspend or refuse to issue any building permits until all violations are corrected pursuant to Chapters 15.06 and 8.30 of the Imperial Beach Municipal Code.

Date Citation Issued: <u>6/29/07</u>	Date Violation Observed: <u>6/29/07</u>	Time of Violation: A.M. / P.M. <u>4pm</u>	Day of Week <u>Friday</u>
Location of Violation (Address) <u>822 Georgia Street, IB 91932</u>			Assessor's Parcel Number: <u>627-111-19</u>
Person Cited: Last <u>Moreno, Juan M. III</u>	First <u>M. III</u>	Middle	Identification / Driver's License:
Title/Relationship to the Violation (i.e. Property Owner, Tenant, Contractor...): <u>Property Owner</u>		Business Name (if Applicable)	
Mailing Address:	City/State:	Zip:	Phone No.:

Code Section(s) Violated	Date Observed	Description of Violation(s)
<u>8.50.040.I</u>	<u>6-29-07</u>	<u>Vacant Bldg. Constituting a Public Nuisance</u>
<u>1.16.010.D</u>	<u>6-29-07</u>	<u>Failure to close all openings to Vacant Structures</u>
<u>8.50.040.B</u>	<u>6-29-07</u>	<u>Structural Damage due to Fire Damage.</u>
<u>12.72.070</u>	<u>6-29-07</u>	<u>Graffiti - Declaration of Nuisance</u>
<u>1.16.010.G & H</u>	<u>6/29/07</u>	<u>Overgrown & Dead Vegetation</u>

CORRECTIONS REQUIRED: You must immediately Remove or Restore the Fire Damaged structure by either obtaining a Demo Permit from the IB Bldg. Dept., or submitting plans to Restore and Re-construct the Bldg. You must immediately secure all openings to the structure. Remove all graffiti from the property. Remove all overgrown and dead vegetation. This is the 4th Citation for violations one, two, and three. This is the 3rd Citation for violation four. This is the 2nd Citation for Violation five.
The city will continue the fines until all violations are abate, and the city will pursue other legal actions.

ISSUING ENFORCEMENT OFFICER: D. Garcias Telephone: (619) 628-1359 Officer's Signature: [Signature] Date: 6/29/07 as described in the IBMC

PERSON CITED:
 Violator's Signature: [Signature] Date: 6-29-07

(Note: Signing this citation acknowledges receipt only, and is not an admission of guilt.)

Citation Served: In Person To: Posted on Property By Mail Other

SEE REVERSE SIDE FOR IMPORTANT INFORMATION AND PAYMENT INSTRUCTIONS

COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE DIVISION
825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932



DECLARATION OF SERVICE

July 2, 2007

I, **DAVID GARCIAS**, hereby certify on penalty of perjury, that on June 29, 2007, at approximately 4:00 pm, Pacific Daylight Time, I served an Administrative Citation Number # 1140 to Juan M. Moreno III, the Property Owner for the Property located at 822 Georgia Street, **Imperial Beach, CA, 91932** in the following manner:

Personally Served Signed: _____ Refused: _____ Other: _____

Mailed Regular Mail

Mailed Certified Mail, Return Receipt

Posted at Property

In accordance with Chapters 8.50, 1.12, 1.16, and 1.22 of the Imperial Beach Municipal Code.

DAVID GARCIAS
CODE COMPLIANCE OFFICER
CITY OF IMPERIAL BEACH

State of California
County of San Diego ss:

On 7/2/07 **DAVID GARCIAS**, personally appeared before me, **Jacqueline Hald**, City Clerk, known to me to be the person, whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signatures on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal:

Signature Jacqueline M. Hald (Seal)
JACQUELINE M. HALD, CITY CLERK



City of Imperial Beach
 Code Compliance Division
 825 Imperial Beach Blvd
 Imperial Beach, CA 91932
 Tel. (619) 628-1359 / 628-1358 / Fax. (619) 424-4093

Citation No. 1117
 Case No. 07-078

ADMINISTRATIVE CITATION

<input type="checkbox"/> 1st Citation - \$100	<input type="checkbox"/> 2nd Citation - \$200	<input checked="" type="checkbox"/> 3rd Citation - \$500	<input type="checkbox"/> 4th and Subsequent Citation (s) - \$1,000
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These civil fines are calculated per violation, per occurrence, and are cumulative. Payment does not excuse correction of the violation(s), nor shall it bar further enforcement action by the City.

Payments of \$ 1,800.00 is due no later than July 18, 2007 (See reverse side for payment instructions).

Correction of the violation(s) indicted below must be completed by: Correction Date: 6/18/07 Time: ---

IMPORTANT INFORMATION: If you fail to correct the violations by the correction date, or re-violate anytime within 18-months, the next level Administrative Citation may be issued:

The Building Official will suspend or refuse to issue any building permits until all violations are corrected pursuant to Chapters 15.06 and 8.30 of the Imperial Beach Municipal Code.

Date Citation Issued: <u>6/15/07</u>	Date Violation Observed: <u>6/15/07</u>	Time of Violation: A.M. / P.M. <u>4 pm</u>	Day of Week <u>Friday</u>
Location of Violation (Address) <u>822 Georgia St. IB 91932</u>			Assessor's Parcel Number: <u>627-111-19</u>
Person Cited: Last <u>Moreno, Juan M. III</u>	First <u>Juan M. III</u>	Middle	Identification / Driver's License:
Title/Relationship to the Violation (i.e. Property Owner, Tenant, Contractor...): <u>Property Owner</u>		Business Name (If Applicable)	
Mailing Address:	City/State:	Zip:	Phone No.

Code Section(s) Violated	Date Observed	Description of Violation(s)
<u>3rd Fine 8.50.040.I.</u>	<u>6/15/07</u>	<u>Vacant Bldg. Constituting a Public Nuisance</u>
<u>3rd Fine 1.16.010.D</u>	<u>6/15/07</u>	<u>Failure to close all openings to Vacant Structures</u>
<u>3rd Fine 8.50.040B</u>	<u>6/15/07</u>	<u>Structural Damage due to fire damage.</u>
<u>2nd Fine 12.72.070</u>	<u>6/15/07</u>	<u>Graffiti</u>
<u>1st Fine 1.16.010G&H.</u>	<u>6/15/07</u>	<u>Overgrow and Dead Vegetation.</u>

CORRECTIONS REQUIRED: Immediately Remove or Restore the damage structure, Either with a Demo Permit or Re-Building Permit. Immediately secure all openings. Remove all graffiti. Remove all overgrown and dead vegetation. This is the 3rd Citation for Violations One, two, and three. This is the 2nd Citation for violation four, and the 1st Citation for Violations Five. If not corrected by 6/18/07 Fines will increase.

ISSUING ENFORCEMENT OFFICER: Officer's Name (Print): <u>D. Garcias</u>	Telephone: <u>(619) 628-1359</u>	Officer's Signature: <u>[Signature]</u>	Date: <u>6/15/07</u>
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PERSON CITED: <input checked="" type="checkbox"/> Violator's Signature: <u>Posted & Mailed</u>	Date: <u>6-15-07</u>
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(Note: Signing this citation acknowledges receipt only, and is not an admission of guilt.)

Citation Served: In Person To: Posted on Property By Mail Other

SEE REVERSE SIDE FOR IMPORTANT INFORMATION AND PAYMENT INSTRUCTIONS

COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE DIVISION
825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932



DECLARATION OF SERVICE

June 18, 2007

I, **DAVID GARCIAS**, hereby certify on penalty of perjury, that on June 15, 2007, at approximately 4:00 PM, Pacific Daylight Time, I served an Administrative Citation Number # 1117 to Juan M. Moreno III, the Property Owner for the Property located at 822 Georgia Street, **Imperial Beach, CA, 91932** in the following manner:

- Personally Served Signed: _____ Refused: _____ Other: _____
- Mailed Regular Mail Mailed 6-16-07
- Mailed Certified Mail, Return Receipt Mailed 6-16-07
- Posted at Property Posted on 6-15-07

In accordance with Chapters 8.50, 1.12, 1.16, and 1.22 of the Imperial Beach Municipal Code.

DAVID GARCIAS
CODE COMPLIANCE OFFICER
CITY OF IMPERIAL BEACH

State of California
County of San Diego ss:

On 6/18/07 **DAVID GARCIAS**, personally appeared before me, **Jacqueline Hald**, City Clerk, known to me to be the person, whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signatures on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal:

Signature Jacqueline M. Hald (Seal)
JACQUELINE M. HALD, CITY CLERK



City of Imperial Beach
 Code Compliance Division
 825 Imperial Beach Blvd
 Imperial Beach, CA 91932
 Tel. (619) 628-1359 / 628-1358 / Fax. (619) 424-4093

Citation No. 1104
 Case No. 07-078

ADMINISTRATIVE CITATION

1st Citation - \$100
 2nd Citation - \$200
 3rd Citation - \$500
 4th and Subsequent Citation (s) - \$1,000

These civil fines are calculated per violation, per occurrence, and are cumulative. Payment does not excuse correction of the violation(s), nor shall it bar further enforcement action by the City.

Payments of \$ 700.00 is due no later than 5/4/2007 (See reverse side for payment instructions).

Correction of the violation(s) indicted below must be completed by: Correction Date: 4/4/2007 Time: 4

IMPORTANT INFORMATION: If you fail to correct the violations by the correction date, or re-violate anytime within 18-months, the next level Administrative Citation may be issued:

The Building Official will suspend or refuse to issue any building permits until all violations are corrected pursuant to Chapters 15.06 and 8.30 of the Imperial Beach Municipal Code.

Date Citation Issued: <u>4/3/2007</u>	Date Violation Observed: <u>4/3/2007</u>	Time of Violation: A.M. / P.M. <u>5:05 pm</u>	Day of Week <u>Tues</u>
Location of Violation (Address) <u>822 Georgia St. IB 91932</u>			Assessor's Parcel Number: <u>627-111-19</u>
Person Cited: Last <u>Moreno, Juan M. III</u>	First <u>Juan M. III</u>	Middle	Identification / Driver's License:
Title/Relationship to the Violation (i.e. Property Owner, Tenant, Contractor...): <u>Property Owner</u>		Business Name (If Applicable)	
Mailing Address:	City/State:	Zip:	Phone No.

Code Section(s) Violated	Date Observed	Description of Violation(s)
<u>8.50.010I</u>	<u>4-3-07</u>	<u>Vacant Building constituting a Public Nuisance</u>
<u>1.16.010D</u>	<u>4-3-07</u>	<u>Failure to Close All openings to a Vacant Structure</u>
<u>8.50.040B</u>	<u>4-3-07</u>	<u>Structural Damage due to Fire Damage</u>
<u>12.72.070</u>	<u>4-3-07</u>	<u>Graffiti</u>
<u>1.16.010G&H</u>	<u>4-3-07</u>	<u>Overgrown & Dead Vegetation</u>

CORRECTIONS REQUIRED: You were given a Warning Notice on 2/20/07, and a First Admin Citation on 3/6/07 with fines assessed. To date you have still not corrected the violations.

1) You must secure all openings including the garage and windows. 2) You must Remove all the Graffiti. 3) You must either obtain a Bldg. Permit for Repairs or a Demo Permit to Remove the structure. 4) Cut down and Remove all Overgrown and Dead Vegetation. * You Are Hereby Fined \$700.00 for Not Correcting the

ISSUING ENFORCEMENT OFFICER: D. Garcias Telephone: (619) 628-1359 Officer's Signature: [Signature] Date: 4/3/07

PERSON CITED: Violator's Signature: [Signature] Date: 4/3/07

(Note: Signing this citation acknowledges receipt only, and is not an admission of guilt.)

COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE DIVISION
825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932



DECLARATION OF SERVICE

April 4, 2007

I, **DAVID GARCIAS**, hereby certify on penalty of perjury, that on April 3, 2007, at approximately 5:05 PM, Pacific Daylight Time, I served an Administrative Citation Number #1104 to Juan M. Moreno III, the Property Owner for the Property located at 822 Georgia Street, **Imperial Beach, CA, 91932** in the following manner:

- Personally Served Signed: _____ Refused: _____ Other: Vacant Bldg.
- Mailed Regular Mail ~~4/4/07~~ 4/4/07
- Mailed Certified Mail, Return Receipt 4/4/07
- Posted at Property 4/3/07

In accordance with Chapters 8.50, 1.12, 1.16, and 1.22 of the Imperial Beach Municipal Code.

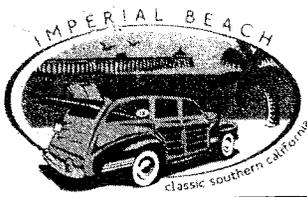
DAVID GARCIAS
CODE COMPLIANCE OFFICER
CITY OF IMPERIAL BEACH

State of California
County of San Diego ss:

On 4/5/07 **DAVID GARCIAS**, personally appeared before me, **Jacqueline Hald**, City Clerk, known to me to be the person, whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signatures on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal:

Signature Jacqueline M. Hald (Seal)
JACQUELINE M. HALD, CITY CLERK



City of Imperial Beach
Code Compliance Division
825 Imperial Beach Blvd
Imperial Beach, CA 91932
Tel. (619) 628-1359 / 628-1358 / Fax. (619) 424-4093

Citation No. 1095
Case No. 07-078

ADMINISTRATIVE CITATION

<input checked="" type="checkbox"/> 1st Citation - \$100	<input type="checkbox"/> 2nd Citation - \$200	<input type="checkbox"/> 3rd Citation - \$500	<input type="checkbox"/> 4th and Subsequent Citation (s) - \$1,000
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These civil fines are calculated per violation, per occurrence, and are cumulative. Payment does not excuse correction of the violation(s), nor shall it bar further enforcement action by the City.

Payments of \$300.00 is due no later than April 6, 2007 (See reverse side for payment instructions).

Correction of the violation(s) indicted below must be completed by: Correction Date: March 7, 2007 Time: ---

IMPORTANT INFORMATION: If you fail to correct the violations by the correction date, or re-violate anytime within 18-months, the next level Administrative Citation may be issued:

The Building Official will suspend or refuse to issue any building permits until all violations are corrected pursuant to Chapters 15.06 and 8.30 of the Imperial Beach Municipal Code.

Date Citation Issued: <u>3/6/2007</u>	Date Violation Observed: <u>3-6-2007</u>	Time of Violation: A.M. / P.M. <u>2:55 pm</u>	Day of Week <u>Tues</u>
Location of Violation (Address) <u>822 Georgia St. 1B 91932</u>			Assessor's Parcel Number: <u>627-111-19</u>
Person Cited: Last <u>Moreno</u>	First <u>Juan M.</u>	Middle <u>III</u>	Identification / Driver's License:
Title/Relationship to the Violation (i.e. Property Owner, Tenant, Contractor...): <u>Property Owner</u>		Business Name (If Applicable)	
Mailing Address:	City/State:	Zip:	Phone No.

Code Section(s) Violated	Date Observed	Description of Violation(s)
<input checked="" type="checkbox"/> 8.50.040.I	<u>3/6/07</u>	<u>vacant Bldgs constituting a Public Nuisance</u>
<input checked="" type="checkbox"/> 1.16.010.D	<u>3/6/07</u>	<u>Failure to close all openings to a Vacant Structure</u>
<input checked="" type="checkbox"/> 8.50.040.B	<u>3/6/07</u>	<u>Structural Damage due to Fire Damage.</u>
<input checked="" type="checkbox"/> 12.72.070	<u>3/6/07</u>	<u>Graffiti declared a public Nuisance.</u>
<input type="checkbox"/>		

CORRECTIONS REQUIRED: You must Board up and secure all openings to the vacant structure; such as the garage door and front bathroom window. Both are open. You must then either submit plans and obtain Bldg permits to either repair the Bldg. or a Demolition Permit to remove the Bldg / Vacant Structure. Remove All the Graffiti from the Bldg, and remove Graffiti regularly.

A warning Notice was given on 2/20/2007, for identical violations. The violations have not been corrected. You are hereby Fined \$300. (\$100 x 3-code

ISSUING ENFORCEMENT OFFICER: Officer's Name (Print): <u>D. Garcia</u>	Telephone: <u>(619)628-1359</u>	Officer's Signature: <u>[Signature]</u>	Date: <u>3/6/07</u>	Violation:
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PERSON CITED:

Violator's Signature: Posted & Mailed Date: 3-6-07

(Note: Signing this citation acknowledges receipt only, and is not an admission of guilt.)

Citation Served: In Person To: Posted on Property By Mail Other

SEE REVERSE SIDE FOR IMPORTANT INFORMATION AND PAYMENT INSTRUCTIONS

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

7001 1140 0001 4684 5918

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.64

MAR - 6 2007

Postmark
Here

Sent To Juan. M. Moreno III
Street, Apt. No.;
or PO Box No. _____
City, State, ZIP+ 4 _____

COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE DIVISION
825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932



DECLARATION OF SERVICE

March 6, 2007

I, **DAVID GARCIAS**, hereby certify on penalty of perjury, that on March 6, 2007, at approximately 2:55 pm, Pacific Daylight Time, I served an Administrative Citation Number # 1095 to Juan M. Moreno III, the Property Owner for the Property located at 822 Georgia St., **Imperial Beach, CA, 91932** in the following manner:

Personally Served Signed: _____

Refused: _____

Other: ✓ No One Home
Vacant Structure

Mailed Regular Mail

Mailed Certified Mail, Return Receipt

Posted at Property

In accordance with Chapters 8.50, 1.12, 1.16, and 1.22 of the Imperial Beach Municipal Code.

DAVID GARCIAS
CODE COMPLIANCE OFFICER
CITY OF IMPERIAL BEACH

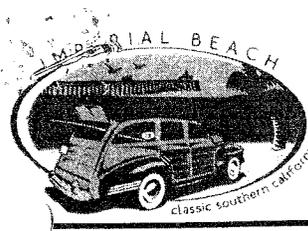
State of California
County of San Diego ss:

On 3/6/07 **DAVID GARCIAS**, personally appeared before me, **Jacqueline Hald**, City Clerk, known to me to be the person, whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signatures on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal:

Signature Jacqueline M. Hald (Seal)

JACQUELINE M. HALD, CITY CLERK



City of Imperial Beach
 Code Compliance Division
 825 Imperial Beach Blvd
 Imperial Beach, CA 91932
 Tel. (619) 628-1359 / 628-1358 / Fax. (619) 424-4093

Case No. 07-78
 Case Type Code: NA

NOTICE OF VIOLATION

The City of Imperial Beach is very concerned about preserving and maintaining clean and well-kept residential neighborhoods and commercial areas. In order to carry out this objective, the City's Code Compliance Division has made an inspection of this property and the below violations of the Imperial Beach Municipal, Zoning, Building, and State Codes were found. If you have any questions regarding this matter, please contact the Code Compliance Division at Tel. (619) 628-1359 / 628-1358.

Correction of the violation(s) indicted below must be completed by: Correction Date: 3/5/2007 Time: #

IMPORTANT INFORMATION: This notice is a **WARNING NOTICE**. If you fail to correct the violations by the correction date, or re-violate anytime within 18-months, an Administrative Citation may be issued:

1st Administrative Citation - \$100 / 2nd Citation - \$200 / 3rd Citation - \$500 / 4th and Subsequent Citation(s) - \$1000

These civil fines are calculated per violation, per occurrence, and are cumulative. Payment does not excuse correction of the violation(s), nor shall it bar further enforcement action by the City as specified by the Imperial Beach Municipal Code.

Date Notice Issued: <u>2/20/07</u>	Date Violation Observed: <u>Feb. 2007</u>	Time of Violation: A.M. / P.M. <u>#</u>	Day of Week <u>#</u>	Origination Code: <u>FD</u>
Location of Violation (Address): <u>822 Georgia St. IB 91932</u>				Assessor's Parcel Number: <u>627-111-19</u>
Property Owner's Name: Last <u>Moreno, Juan M.</u>		First <u>III</u>	Middle	Phone No.
Mailing Address:		City/State:	Zip:	Property Mgmt. \ Business

Occupant / Recipient Name (If different from owner):	Title/Relationship to the Violation (i.e. Property Owner, Tenant, Business Owner..):
--	--

Code Section(s) Violated	Description of Violation(s) (See Reverse)
<u>18.50.040.B</u>	<u>Structural Hazard due to Fire damage.</u>
<u>X 8.50.040.I</u>	<u>Vacant Bldgs constituting a Public Nuisance.</u>
<u>X 1.16.010.D</u>	<u>Failure to close All Openings to a Vacant Structure.</u>

- | | |
|---|--|
| <input type="checkbox"/> IBMC 4.04.040. Business License – Required
<input type="checkbox"/> Commercial Business License <input type="checkbox"/> Rental Business License
<input type="checkbox"/> IBMC 1.16.010 (G). Overgrown vegetation
<input type="checkbox"/> IBMC 1.16.010 (H). Dead or hazardous vegetation.
<input type="checkbox"/> IBMC 1.16.010 (R). Property constituting a public nuisance.
<input type="checkbox"/> IBMC 1.16.010 (U). Junk, trash, and debris littered on property. | <input type="checkbox"/> IBMC 8.36.040. Garbage, discarded appliances, and trash on property.
<input type="checkbox"/> IBMC 8.44.020. Inoperable, wrecked, dismantled, or abandon vehicles on private property.
<input type="checkbox"/> IBMC 8.50.050 (I). Fence violation.
<input type="checkbox"/> IBMC 8.50.050 (K). Vehicles must be parked on a paved surface.
<input type="checkbox"/> IBMC 8.50.050 (M). Maintenance of Premises.
<input type="checkbox"/> IBMC 19.54.030. Temporary awnings, temporary structures designed to cover automobiles are prohibited in front yards. |
|---|--|

CORRECTIONS REQUIRED: Due to the Fire that occurred at your property causing extensive damage to the vacant structure you must: 1) Board up and secure all openings to the vacant structure; 2) You must then either submit plans and obtain Bldg permits for the Repair of the Bldg., or Obtain a Demo Permit to Remove the Bldg/Vacant Structure. If not corrected

ISSUING ENFORCEMENT OFFICER: Officer's Name (Print): <u>D. Garcias</u>	Telephone: <u>(619) 628-1359</u>	Date: <u>2/20/07</u>
Recipient's Signature: <u>- Mailed -</u>	Date: <u>2-20-07</u>	Fines <u>Maybe</u> assessed.

(Note: Signing this notice acknowledges receipt only, and is not an admission of guilt.)

Complaint # _____

CASE STATUSCase No. 07-78

AVA Case No: _____

Case Completed: _____ Date: _____

1st Notice:	Date: <u>2-20-07</u>	Type of Notice:	<u>N.O.V.</u>
2nd Notice:	Date: <u>3-6-07</u>	Type of Notice:	<u>Admin Cite</u>
3rd Notice:	Date: <u>4-3-07</u>	Type of Notice:	<u>Admin Cite</u>
Change/Add violations:	<u>Added Violations</u> <u>12.72.07D</u> <u>1.16.010 G. and H</u>	ACTIONS TYPE	Date:
		<u>Re-Inspect</u>	<u>3-5-07</u>
		<u>1A-First Admin Cite</u>	<u>3-6-07</u>
Comments / Notes:		<u>Re-Inspect</u>	<u>3-13-07</u>
<u>3-6-07: Re-Inspected. Violations were not corrected. The garage door is unlocked and accesses the home. Front Bathroom window is broken and not secured. And there is graffiti.</u>		<u>Admin Cite</u>	<u>4-3-07</u>
		<u>Verify Payment</u>	<u>4-9-07</u>
		<u>DN Delinquent Notice</u>	<u>5-18-07</u>
		<u>NI Notice of Intent to Lien</u>	<u>5-18-07</u>
		<u>Re-Inspect</u>	<u>6-15-07</u>
		<u>3A: Third Admin Cite</u>	<u>6-15-07</u>
<u>3-6-07: Issued First Admin Cite #1095/\$300. Posted, and mailed cert. & regular.</u>		<u>Lien</u>	<u>6-18-07</u>
<u>Also, telephoned owner notifying him of the fines, and how to correct violations. Owner says he is going to pull a demo permit.</u>		<u>Re-Inspect</u>	<u>6-25-07</u>
		<u>6-29-07: Left message for owner about 4th cite and seeking legal action to abate.</u>	
<u>4/3/07: Re-Inspected. Violations still present. Issued Second Admin Cite #1104. Fine \$700.</u>		<u>6-15-07: Re-Inspected. Violations not abated. Issued 3rd cite #1117 Fine \$1800. Posted, and Mailed Regular & Certified.</u>	
<u>Posted, Mailed Regular & Certified. Added Violation for 1.16.010 G and H.</u>		<u>6-18-07: Completed Lien for first two cites.</u>	
<u>3/12/07: Owner came in and picked up Demo paperwork. Said he was going to turn in later. Never did.</u>		<u>5-21-07: Left message to owner to return call, let me know status of demo or re-build.</u>	
<u>4-9-07: Spoke to Owner, he says all utilities are shut off. He says he has a Contractor that is going to handle the Demo. I told him to have them Contact Me.</u>		<u>5-18-07: No payment received for both cit. Added 25% penalty for both and 10% interest on citation #1095 fines. Also completed Delinquent & Notice of intent to Lien notice Mailed Regular & Certified \$250 25% Delinquent \$30 10% Interest (cite 1095)</u>	

Complaint # _____

CASE STATUSCase No. 07-78

AVA Case No: _____

Case Completed: _____		Date: _____
1 st Notice:	Date: <u>6/29/07</u>	Type of Notice: <u>4th Admin Cite</u>
2 nd Notice:	Date: <u>8/15/07</u>	Type of Notice: <u>5th Admin Cite</u>
3 rd Notice:	Date: _____	Type of Notice: _____
Change/Add violations:	ACTIONS TYPE Date:	
	<u>4th Admin Cite</u>	<u>6-29-07</u>
	<u>Re-Inspect</u>	<u>7-5-07</u>
Comments / Notes:	<u>5th Admin Citation</u>	<u>8-15-07</u>
<u>6-29-07: Re-Inspected. Violations not abated.</u>	<u>Extension</u>	<u>9/10/07</u>
<u>Issued 4th Admin Citation #1140 / Fine \$3,700.</u>	<u>Re-Inspect</u>	<u>9/18/07</u>
<u>Mailed certified & Regular and posted at property</u>	<u>DN Delinquent Notice</u>	<u>9/20/07</u>
<u>8-15-07: Violations still present.</u>	<u>NI Notice of Intent to Lien</u>	<u>9/20/07</u>
<u>Fines issued \$4500.00/cite #1121</u>	<u>Re-Inspect</u>	<u>10/18/07</u>
<u>Posted & Mailed Reg. and Cert.</u>	<u>PN Public Nuisance Notice</u>	<u>10/18/07</u>
<u>8/20/07: Mailed copy of liens to the owner at SD address.</u>	<u>L. Lien</u>	<u>10/19/07</u>
<u>9/10/07: Drive-by inspection, I observed abatement of asbestos setup at property on going.</u>	<u>RI Re-Inspect</u>	<u>10/31/07</u>
<u>Extend to 9/18/07, verify payment of cite #1121.</u>	<u>RI Re-Inspect</u>	<u>11/5/07</u>
<u>9/11/07: Bldg. Insp. checked to verify they weren't doing work which required permits.</u>	<u>RI Re-Inspect</u>	<u>11</u>
<u>10/18/07: Posted Notice to Eliminate at the Property, and mailed regular mail. Mailed certified on 10/19/07.</u>	<u>10/18/07: called the owner, and left a msg on voicemail.</u>	
<u>10/18/07: Re-Inspection, violations Not Abated</u>	<u>10/18/07: Fines from Cite #1121 were not paid. Added 10% percent interest \$450.</u>	
	<u>10/19/07: Recorded Lien for 6,075. Mailed copy to Owner.</u>	
	<u>10/19/07: Re-did Notice to Eliminate Corrected the "date to Correct" and "date of hearing" to 11/21/07.</u>	
	<u>10/19/07: Re-Mailed the corrected Notice via Regular & Certified mail, and posted.</u>	
	<u>10/22/07: Left a msg for Owner concerning the notice, the order, the fines, and the hearing.</u>	
	<u>10/23/07: Re-Inspected. No change.</u>	
	<u>10/30/07: Re-Inspected. No change.</u>	
	<u>11-5-07: Re-Inspected. No change.</u>	