A G E N D A

IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY

DECEMBER 1, 2010

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

CLOSED SESSION MEETING – 5:15 P.M.
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.

CLOSED SESSION CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8:
Property: 800 Seacoast Drive, Imperial Beach, CA 91932, APN 625-262-01-00
Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Imperial Coast LTD Partnership
Under Negotiation: Instruction to Negotiators will concern price and terms of payment

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

REGULAR MEETING CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/ REPORTS ON ASSIGNMENTS AND COMMITTEES

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)

None.

Any writings or documents provided to a majority of the City Council/RDA/Planning Commission/Public Financing Authority regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.

CONSENT CALENDAR (2.1 - 2.4) *- 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 MINUTES.

City Manager's Recommendation: Approve the minutes of the Regular City Council Meeting of November 17, 2010.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 72098 through 72172 with the subtotal amount of $641,455.76 and Payroll Checks 43326 through 43364 for the pay period ending 11/04/10 with the subtotal amount of $147,427.68, for a total amount of $788,883.44.

2.3 RESOLUTION NO. 2010-6972 – ADOPTING, AFFIRMING, AND INCORPORATING BY REFERENCE THE STANDARD CONFLICT OF INTEREST PROVISIONS OF 2 CALIFORNIA CODE OF REGULATIONS SECTION 18730 AND ADOPTING AMENDED AND UPDATED APPENDICES TO THE CONFLICT OF INTEREST CODE OF THE CITY OF IMPERIAL BEACH. (0410-95 & 0420-95)

City Manager's Recommendation: Adopt resolution.

2.4 LOCAL APPOINTMENTS LIST. (0460-45)

City Manager's Recommendation: Approve the Local Appointments List in compliance with Government Code §54972, and authorize the City Clerk to post said list at City Hall and the Library in compliance with Government Code §54973.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2010-1112 – UPDATING CHAPTER 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT. (0770-85)

City Manager's Recommendation:

1. Receive report;
2. Mayor to call for the reading of the title of Ordinance No. 2010-1112, "An Ordinance of the City Council of the City of Imperial Beach, California, UPDATING CHAPTER 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT";
3. City Clerk to read title of Ordinance No. 2010-1112; and
4. Motion to dispense with second reading and adopt Ordinance No. 2010-1112 by title only.

ORDINANCES – SECOND READING, ADOPTION & PUBLIC HEARING (4.2 - 4.3)

4.2 ORDINANCE NO. 2010-1113 – ADOPTING THE MODEL CODES CONTAINED IN THE 2010 CALIFORNIA BUILDING STANDARDS CODE (CBSC), PART OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND THE ADOPTION OF THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, INCLUDING LOCAL AMENDMENTS FOR THE CITY OF IMPERIAL BEACH. (0710-95)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and public testimony;
3. Close the public hearing;
4. Mayor to call for the reading of the title of Ordinance No. 2010-1113, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING TITLES 8 AND 15 OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING CHAPTERS 8.50, 15.06, 15.16, 15.28, AND 15.32, ADDING CHAPTERS 15.02, 15.04, 15.38, AND 15.40 AND REPEALING CHAPTERS 8.88, 15.18, AND 15.36, ALL BY ADOPTING THE CALIFORNIA BUILDING STANDARDS CODE, 2010 EDITION, WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND ADOPTING THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION";
5. City Clerk to read title of Ordinance No. 2010-1113; and
6. Motion to dispense with second reading and adopt Ordinance No. 2010-1113 by title only.

4.3 ORDINANCE NO. 2010-1114 – AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS. (0710-95)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and public testimony;
3. Close the public hearing;
4. Mayor to call for the reading of the title of Ordinance No. 2010-1114, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS";
5. City Clerk to read title of Ordinance No. 2010-1114; and
6. Motion to dispense with second reading and adopt Ordinance No. 2010-1114 by title only.

PUBLIC HEARINGS (5.1)

5.1 APPROVING AN ADDENDUM TO THE FEIR AND A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE IMPERIAL BEACH REDEVELOPMENT AGENCY AND IMPERIAL COAST, L.P., AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISPOSITION AND DEVELOPMENT AGREEMENT. (0660-43)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive the staff's report and public testimony on the proposed Project and DDA;
3. Close the public hearing; and
4. Adopt City Council Resolution No. 2010-6970 and Redevelopment Agency Resolution No. R-10-237.

REPORTS (6.1 - 6.3)

6.1 RESOLUTION NO. 2010-6971 – FINDING AND DECLARING THAT WEEDS, BRUSH, RUBBISH AND REFUSE UPON OR IN FRONT OF SPECIFIED PROPERTIES IN THE CITY ARE A SEASONAL AND RECURRENT PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SCHEDULE A WEED AND RUBBISH ABATEMENT PUBLIC HEARING TO HEAR OBJECTIONS ON DECEMBER 15, 2010 FOR THE PROPERTIES LOCATED AT 715 HOLLY AVENUE AND 822 GEORGIA STREET. (0470-20)

City Manager's Recommendation: Adopt resolution.

6.2 NEW STREET BANNERS. (0160-40 & 0720-10)

City Manager's Recommendation:

1. Receive report;
2. Consider the street banner designs presented in Attachment 1 of Staff Report;
3. Approve the designs as presented in Attachment 1 of Staff Report, or provide other direction on the approved banner design; and
4. Authorize staff to proceed with the printing and installation of 85 banners funded from their respective O&M budget line items.

6.3 AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED $274,750 FOR THE PREPARATION OF ZONING ORDINANCE AMENDMENTS, GENERAL PLAN AMENDMENTS AND THE ENVIRONMENTAL IMPACT REPORT ASSOCIATED WITH ADOPTION OF THE COMMERCIAL ZONING REVIEW RECOMMENDATIONS OF THE CITY COUNCIL. (0610-95)

City Manager's Recommendation: Adopt Resolution No. R-10-238.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

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, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT www.cityofib.com.

Jacqueline M. Hald, CMC
City Clerk

Item No. 2.1

DRAFT

MINUTES

IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY

NOVEMBER 17, 2010

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.

CALL TO ORDER
MAYOR JANNEY called the Closed Session Meeting to order at 5:30 p.m.

ROLL CALL

Councilmembers present:	Bragg, McCoy, Rose
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION
MOTION BY KING, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:

Pursuant to Government Code Section 54956.8:
Property: 800 Seacoast Drive, Imperial Beach, CA 91932, APN 625-262-01-00
Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Imperial Coast LTD Partnership
Under Negotiation: Instruction to Negotiators will concern price and terms of payment

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, CITY ATTORNEY LYON announced direction was given to Agency negotiators and had no reportable action.

REGULAR MEETING CALL TO ORDER
MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

Councilmembers present:	Bragg, McCoy, Rose
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE
MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY ROSE, SECOND BY BRAGG, TO TAKE ITEM NO. 6.6 IMMEDIATELY AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/ REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER BRAGG invited the community to an event at the Skate Park on Saturday in celebration of its grand opening.

COUNCILMEMBER ROSE announced the Skate Park ribbon cutting and grand opening ceremony is scheduled tomorrow at 3:00 p.m.

MAYOR JANNEY presented a letter of commendation to Jovon Parris Quarles for completing Basic Underwater Demolition training with the United States Navy and achieving a Navy SEAL student's highest honor.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1)

1.1 UPDATE ON THE RESPONSIBLE RETAILER PROGRAM. (0240-07)

SHERIFF'S DEPUTY BLACK gave a PowerPoint presentation on the Responsible Retailer Program and recognized Joel Gonzales, a Mar Vista graduate and Institute for Public Strategies volunteer, for his extensive work on the program.

CONSENT CALENDAR (2.1 - 2.3)

MOTION BY MCCOY , SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of October 20, 2010, and the Regular and Special City Council Meeting of November 3, 2010.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 72005 through 72097 with the subtotal amount of $437,137.24 and Payroll Checks 43284 through 43325 for the pay period ending 10/21/10 with the subtotal amount of $146,978.00, for a total amount of $584,115.24

2.3 RESOLUTION NO. 2010-6967 – AMENDING FY 09-11 SALARY AND COMPENSATION PLAN TO ADD THE POSITION DESCRIPTION AND SALARY RANGE FOR GIS ADMINISTRATOR. (0520-75)

Adopted resolution.

REPORTS (6.6)

6.6 RESOLUTION NO. R-10-236 – ALLOCATING UP TO $40,000 FROM NON-HOUSING REDEVELOPMENT FUNDS TO BE USED FOR THE INITIAL DUE DILIGENCE AND CONCEPTUAL DESIGN OF LIBRARY IMPROVEMENTS IN IMPERIAL BEACH. (0150-20 & 0640-20)

CITY MANAGER BROWN gave a report on the item.

MAYOR JANNEY spoke in support of the item.

MOTION BY JANNEY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-10-236 – AUTHORIZING UP TO $40,000 FOR DUE DILIGENCE AND CONCEPTUAL DESIGN FOR IMPROVEMENTS OF LIBRARY FACILITIES IN IMPERIAL BEACH. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – INTRODUCTION/FIRST READING (3.1 - 3.3)

3.1 ORDINANCE NO. 2010-1112 – UPDATING CHAPTER 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT. (0770-85)

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a PowerPoint presentation on the item.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2010-1112.

CITY CLERK HALD read the title of Ordinance No. 2010-1112, "An Ordinance of the City Council of the City of Imperial Beach, California, UPDATING CHAPTER 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT."

MOTION BY KING, SECOND BY BRAGG, TO DISPENSE FIRST READING OF ORDINANCE NO. 2010-1112 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING, AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.

3.2 ORDINANCE NO. 2010-1113 – ADOPTING THE MODEL CODES CONTAINED IN THE 2010 CALIFORNIA BUILDING STANDARDS CODE (CBSC), PART OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND THE ADOPTION OF THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, INCLUDING LOCAL AMENDMENTS FOR THE CITY OF IMPERIAL BEACH. (0710-95)

CITY MANAGER BROWN introduced the item.

BUILDING OFFICIAL ADAME gave a PowerPoint presentation on the item.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2010-1113.

CITY CLERK HALD read the title of Ordinance No. 2010-1113, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING TITLES 8 AND 15 OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING CHAPTERS 8.50, 15.06, 15.16, 15.28, AND 15.32, ADDING CHAPTERS 15.02, 15.04, 15.38, AND 15.40 AND REPEALING CHAPTERS 8.88, 15.18, AND 15.36, ALL BY ADOPTING THE CALIFORNIA BUILDING STANDARDS CODE, 2010 EDITION, WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND ADOPTING THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION."

MOTION BY MCCOY, SECOND BY KING, TO DISPENSE FIRST READING OF ORDINANCE NO. 2010-1113 AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING, AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.

3.3 ORDINANCE NO. 2010-1114 – AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS. (0710-95)

CITY MANAGER BROWN reported on the item and spoke about the added construction costs due to the need for sprinklers in new homes or larger additions (information submitted as Last Minute Agenda Information).

City Council expressed concern about the increase in construction costs due to the requirement for automatic sprinklers for remodels, reconstructions or additions that surpasses 50% of the existing square footage threshold; there was support for introducing the ordinance with the exception of Section 9 – Fire Sprinkler Systems; there was a request of City Council for staff to return with additional analysis including: statistics on the spread of single family residential fires, response times to fires, information on what other jurisdictions adopted regarding sprinklers, and to consider other options for large homes on small lots such as only requiring sprinklers for second story remodels.

CITY ATTORNEY LYON advised that should City Council proceed with the first reading and introduction of Ordinance No. 2010-1114, Chapter 9 – Fire Sprinkler Systems (appearing on pages 5 and 6) should be deleted.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2010-1114.

CITY CLERK HALD read the title of Ordinance No. 2010-1114, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS."

MOTION BY JANNEY, SECOND BY ROSE, TO DISPENSE FIRST READING OF ORDINANCE NO. 2010-1114 WITH AS MODIFIED BY THE CITY ATTORNEYAND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING, AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4)
None.

PUBLIC HEARINGS (5)
None.

REPORTS (6.1 - 6.5 & 6.7)

6.1 UPDATE FOR REGULAR COASTAL PERMIT (CP 100014), CONDITIONAL USE PERMIT (CUP 100015), SITE PLAN REVIEW (SPR 100016) – CERTIFIED FARMER'S MARKET ("IMPERIAL BEACH FARMER'S MARKET") LOCATED AT PIER PLAZA IN THE PF (PUBLIC FACILITIES) ZONE. MF 1036. (0130-30 & 0600-20)

A revised #2 Condition of Approval – Planning was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on an update report on the Farmer's Market and noted the following issues and corresponding recommendations as amendments to the CUP: hours of operation (adjusting winter hours to 2:00 p.m. to 7:00 p.m. subject to a $100 fee for the extra hour of operation), Public Safety inspection fees (inspection to occur on a monthly basis, and that the frequency and cost of the safety inspections are subject to the discretion of the Public Safety Director), market cleanliness (establish a cleaning and maintenance account that will be charged to the applicant on an as needed basis), market cancellations (allow for cancellations for other events and when City staff is not available), market updates (staff will monitor market operations and return to City Council with periodic updates as deemed necessary by the City Manager) and long-term impacts to Pier Plaza (aesthetic proposals/modifications are subject to design review by the Community Development Department); and he reported on the wear to Pier Plaza due to increased activity at the site.

In response to concern expressed about wear and tear, and rubbish at Pier Plaza, and how to address these issues as time goes on, COMMUNITY DEVELOPMENT DIRECTOR WADE stated staff is working on a process in which the Market would be responsible for cleanup; he noted there is no way to effectively eliminate these issues and there will be wear and tear with usage.

MIKE BIBBEY spoke favorably of the Farmer's Market.

JOE LINDER, President of IB Beautiful; thanked the City Council for their support and thanked staff for their cooperation and hard work.

DEANNA ROSE, of IB Beautiful, requested as much notification time as possible when scheduled Market dates are cancelled, she asked for permanent signage at the location and for banners on light poles; and she requested the lights be serviced and/or replaced.

Council discussion ensued. It was discussed that when cancelling scheduled Farmer's Market dates, enough notice should be given for vendors to register for another event; it was suggested an annual schedule showing holidays be posted and publicized; there was support to keep the market open during the holiday; there was concern expressed regarding long-term damage to Pier Plaza and it was suggested trucks be kept on the street as an option to mitigate deterioration of facilities.

MAYOR JANNEY directed staff to return to City Council with an update report on wear and tear to Pier Plaza in the spring and for staff to return with changes to the CUP at the City Council meeting of December 15; he also directed staff to present an update report on all of the Port of San Diego leases.

Council also requested lighting issues be addressed; Council suggested the Farmer's Market explore other funding opportunities.

6.2 MONTHLY UPDATE REPORT ON THE REDEVELOPMENT OF THE SEACOAST INN HOTEL. (0660-43)

The Project Schedule as submitted at the October 20, 2010 Council meeting was submitted as Last Minute Agenda Information.

COUNCILMEMBER BRAGG left Council Chambers at 7:41 p.m. due to a potential conflict interest due to the location of her employment.

ALLISON ROLFE, Project Manager for Pacifica, reported the construction documents and shoring plans were submitted on Tuesday; they continue to work with City staff to get the DDA and ground lease completed in order to bring them forward for Council's consideration at its meeting of December 1; and she stated financing should be secured by the end of the year with construction commencing at the beginning of 2011.

COUNCILMEMBER BRAGG returned to Council Chambers at 7:47 p.m.

6.3 RESOLUTION NO. 2010-6966 – APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CARE AND ANIMAL CONTROL SERVICES; AND RESOLUTION NO. 2010-6968 – APPROVING THE PURCHASE OF AN ANIMAL CONTROL VEHICLE WITH AN ANIMAL TRANSPORT UNIT. (0200-10)

CITY MANAGER BROWN gave a report on the item.

City Council expressed concern about the purchase and maintenance costs of an animal control vehicle and there was a suggestion to look at other options such as purchasing a used vehicle or having the City of Chula Vista purchase the vehicle; and there was a request to look at other resources or recourse to better monitor activities along the beach on weekends during the summer and on holidays.

MOTION BY MCCOY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6966 – APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CARE AND ANIMAL CONTROL SERVICES.

6.4 RESOLUTION NO. R-10-235 – AWARDING CAPITAL IMPROVEMENT PROJECT DESIGN SERVICES TO CITY ENGINEER – BDS ENGINEERING – TO WIT STREET IMPROVEMENTS RDA PHASE 4/5 CIP (S11-105). (0720-25)

COUNCILMEMBER ROSE announced she had a potential conflict of interest on the item due to the location of her residence and was left Council Chambers at 8:12 p.m.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

MOTION BY KING, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-10-235 – AWARDING CAPITAL IMPROVEMENT PROJECT DESIGN SERVICES TO CITY ENGINEER - BDS ENGINEERING - TO WIT STREET IMPROVEMENTS RDA PHASE 4/5 CIP (S11-105). MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	**COUNCILMEMBERS:**	**BRAGG, MCCOY, KING, JANNEY**
NOES:	**COUNCILMEMBERS:**	**NONE**
ABSENT:	**COUNCILMEMBERS:**	**NONE**
DISQUALIFIED:	**COUNCILMEMBERS:**	**ROSE (DUE TO A POTENTIAL CONFLICT OF INTEREST)**

COUNCILMEMBER ROSE returned to Council Chambers at 8:19 p.m.

PUBLIC COMMENTS
DONNA ALSUM complained about a citation she received for a boat and recreational vehicles parked in her driveway and questioned how to appeal the citation.

MAYOR JANNEY referred the item to City Manager Brown.

6.5 RESOLUTION NO. 2010-6969 – AUTHORIZING CHANGE ORDER NO. 2 TO SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CONTRACT WITH NEWEST CONSTRUCTION COMPANY AND AUTHORIZING A BUDGET AMENDMENT OF $63,435 TO THE SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CIP PROJECT. (0830-35)
CITY MANAGER BROWN introduced the item.

MOTION BY ROSE, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6969 – AUTHORIZING CHANGE ORDER NO. 2 TO SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CONTRACT WITH NEWEST CONSTRUCTION COMPANY AND AUTHORIZING A BUDGET AMENDMENT OF $63,435 TO THE SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CIP PROJECT. MOTION CARRIED UNANIMOUSLY.

6.7 DESIGN REVIEW BOARD – TWO (2) TERMS EXPIRING DECEMBER 31, 2010. (0120-30)
MAYOR JANNEY recommended reappointment of members Thomas Schaaf and Daniel Lopez to the Design Review Board in accordance with Chapter 2.18.010.C of the I.B.M.C. The new term of office shall begin January 1, 2011 and expire December 31, 2014.

MOTION BY KING, SECOND BY BRAGG, TO APPROVE MAYOR JANNEY'S APPOINTMENTS OF MEMBERS THOMAS SCHAAF AND DANIEL LOPEZ TO THE DESIGN REVIEW BOARD. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS
ROBERT TAYLOR questioned City Council's action on Item No. 6.6 (SEASIDE POINT NEIGHBORHOOD STOP SIGN ALIGNMENT) at the meeting of September 22.

CITY MANAGER BROWN to contact Mr. Taylor regarding the item.

ADJOURNMENT
MAYOR JANNEY adjourned the meeting at 8:28 p.m.

_____
James C. Janney, Mayor

_____
Jacqueline M. Hald, CMC
City Clerk

AGENDA ITEM NO. 2.2

STAFF REPORT
CITY OF IMPERIAL BEACH

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

MEETING DATE: **December 1, 2010**

ORIGINATING DEPT.: **Michael McGrane** md
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	Check	Amount	Description
S.D. County Sheriff	72156	$452,365.88	Law Enforcement Services for Sept. 2010

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

WARRANT #	DATE	AMOUNT
Accounts Payable		
72098-72128	11/12/10	$ 67,829.31
72129-72130	11/15/10	1,286.83
72131-72172	11/18/10	572,339.62
	Sub-Total	**$ 641,455.76**

Payroll Checks:

43326-43364	P.P.E. 11/04/10	$	147,427.68
		$	**147,427.68**
	TOTAL	**$**	**788,883.44**

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

Gary Brown, City Manager

Attachments:

1. Warrant Registers

ATTACHMENT 1

CHECK DATE / ACCOUNT #	CHECK NUMBER	VENDOR NAME / TRN DATE	VENDOR # / DESCRIPTION	INVOICE	PO #	PER/YEAR	CHECK AMOUNT / TRN AMOUNT
11/12/2010	72098	ALPHA & OMEGA RESPIRATORY	FIT 156				250.00
101-3020-422.20-06		10/04/2010	SEPT 2010 QUANTITATIVE	201010-1130		05/2011	250.00
11/12/2010	72099	ARROWHEAD MOUNTAIN SPRING	WATE 1340				74.16
101-5020-432.30-02		10/22/2010	OCTOBER 2010 PW	00J0026726646	110219	04/2011	74.16
11/12/2010	72100	BARROWS CONSTRUCTION	2062				8,600.00
248-1920-519.20-06		11/09/2010	CLEAN&GREEN-176 IB BLVD	7	110438	05/2011	1,100.00
248-1920-519.20-06		09/22/2010	CLEAN&GREEN-176 IB BLVD	4	011179	03/2011	7,500.00
11/12/2010	72101	CALIFORNIA COMMERCIAL ASPHALT	590				1,645.16
101-5010-431.30-02		10/28/2010	ASPHALT/EMULSION	97901	110082	04/2011	1,361.00
101-5010-431.30-02		10/29/2010	4 TONS ASPHALT	97951	110082	04/2011	284.16
11/12/2010	72102	CVA SECURITY	797				60.00
101-1910-419.20-23		11/01/2010	NOVEMBER 2010 EOC	16761	110060	05/2011	30.00
101-1910-419.20-23		11/01/2010	NOVEMBER 2010 PW	16840	110060	05/2011	30.00
11/12/2010	72103	CITY OF CHULA VISTA	823				8,538.12
101-3050-425.21-04		09/29/2010	AUG 2010 ANIMAL CONTROL	AR129267		05/2011	8,538.12
11/12/2010	72104	COX COMMUNICATIONS	1073				779.00
503-1923-419.21-04		10/22/2010	3110039780701 10/25-11/24	11-15-2010	110130	04/2011	600.00
601-5050-436.21-04		10/31/2010	11/04-12/03 3110091187001	11-25-2010	110130	04/2011	179.00
11/12/2010	72105	DANIEL DESOUSA	2250				150.00
101-3050-425.21-04		11/08/2010	CHAMELEON TRAINING-A/C	03-22-2010		05/2011	150.00
11/12/2010	72106	EAGLE NEWSPAPER	1204				535.00
101-1020-411.28-07		10/07/2010	ADVERTISING	60044	110233	04/2011	85.00
101-1020-411.28-07		10/14/2010	ADVERTISING	60206	110233	04/2011	225.00
101-1020-411.28-07		10/21/2010	ADVERTISING	60375	110233	04/2011	192.50
101-1020-411.28-07		10/28/2010	ADVERTISING	60546	110233	04/2011	32.50
11/12/2010	72107	GEOCON INC.	2206				1,659.50
405-1260-513.20-06		03/25/2010	VETERAN'S PK SOCCER FIELD	1002136	010885	01/2011	1,659.50
11/12/2010	72108	GRACIELA E ZAVALA-GARCIA	4				538.00
101-0000-221.01-02		11/02/2010	RFND DEV DEPOSIT	MF 972		05/2011	538.00
11/12/2010	72109	I B FIREFIGHTERS ASSOCIATION	214				216.50
101-0000-209.01-08		11/10/2010	PR AP PPE 11/4/10	20101110		05/2011	216.50
11/12/2010	72110	ICMA RETIREMENT TRUST 457	242				5,267.73
101-0000-209.01-10		11/10/2010	PR AP PPE 11/4/10	20101110		05/2011	5,267.73
11/12/2010	72111	JASON BELL	1432				315.00
101-3020-422.30-02		09/24/2010	BELL,J-STATE EMT/PARAMEDI	P17180		05/2011	165.00
101-3020-422.30-02		03/15/2009	REIMBURSE ACLS RECERT	03-15-2009		05/2011	150.00

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11/12/2010	72112	KIM A MIKHAEL	1680				360.00
101-3010-421.20-06		10/27/2010	10/21/10 PARKING HEARINGS	10-27-2010	110073	04/2011	225.00
101-3070-427.20-06		10/27/2010	CODE-2ND LEVEL ADMIN CIT	10-27-2010 CODE	F11060	04/2011	135.00
11/12/2010	72113	LOUNSBERY FERGUSON ALTONA AND	1624				1,726.00
101-1220-413.20-02		10/01/2010	STORMWATER STATE MANDATES	10-01-2010	110472	04/2011	1,726.00
11/12/2010	72114	MARCIA RASKIN	2116				3,898.00
101-1110-412.20-06		10/01/2010	09/13-09/30/10 LG INVESTI	FINAL-3	110548	04/2011	1,949.00
101-1130-412.20-06		10/01/2010	09/13-09/30/10 LG INVESTI	FINAL-3	110548	04/2011	1,949.00
11/12/2010	72115	MASON'S SAW & LAWNMOWER	923				111.24
101-6040-454.30-22		11/01/2010	REPLACEMENT FUEL TANK	226148	110050	05/2011	45.58
501-1921-419.28-16		11/01/2010	FILTER STOCK ORDER	226149	110050	05/2011	65.66
11/12/2010	72116	MIRELES LANDSCAPING	2107				920.00
408-1920-519.20-06		10/31/2010	OCTOBER 2010 SERVICES	0690	110226	04/2011	800.00
245-1240-413.20-06		10/31/2010	OCTOBER 2010 LOT MAINT	0691	110469	04/2011	120.00
11/12/2010	72117	OFFICE DEPOT, INC	1262				788.19
101-5020-432.30-01		10/14/2010	SELF-ADHESIVE FASTENER	537434298001	110047	04/2011	2.24
408-5020-432.30-02		10/20/2010	TONER CARTRIDGES	538082780001	110047	04/2011	745.86
101-5020-432.30-01		10/27/2010	LABELS	538899604001	110047	04/2011	27.43
101-5020-432.30-01		10/27/2010	CREDIT FOR RETURNS	539088588001	110047	04/2011	6.00-
101-5020-432.30-01		10/28/2010	LABELS	539089496001	110047	04/2011	18.66
11/12/2010	72118	PMI	23				352.58
101-6040-454.30-02		10/18/2010	PROTECTIVE GLOVES	0256299	110030	04/2011	352.58
11/12/2010	72119	RECLAIMED AGGREGATES, INC.	2137				200.00
101-5010-431.29-04		10/15/2010	4 TRUCKS TO RECYCLE	11299	110084	04/2011	200.00
11/12/2010	72120	SDGE	289				6,986.12
405-1260-413.27-01		11/02/2010	0440 533 7641 09/30-10/29	11-17-2010		04/2011	140.28
101-5010-431.27-01		11/02/2010	0646 753 1938 09/30-10/29	11-17-2010		04/2011	10.04
101-5010-431.27-01		11/02/2010	1694 231 2432 09/30-10/29	11-17-2010		04/2011	25.24
101-5010-431.27-01		10/29/2010	1912 409 2723 09/28-10/27	11-13-2010		04/2011	10.21
101-6010-451.27-01		11/04/2010	2081 689 7619 10/01-11/01	11-19-2010		04/2011	389.86
101-5010-431.27-01		11/02/2010	2741 969 9359 09/30-10/31	11-17-2010		04/2011	147.51
215-6026-452.27-01		11/02/2010	2819 871 6315 09/30-10/31	11-17-2010		04/2011	1,907.93
101-5010-431.27-01		11/02/2010	3062 843 3719 09/30-10/29	11-17-2010		04/2011	12.08
101-5010-431.27-01		10/29/2010	5280 340 6641 09/28-10/27	11-13-2010		04/2011	109.02
101-5010-431.27-01		10/29/2010	5576 188 0541 09/28-10/27	11-13-2010		04/2011	10.04
601-5060-436.27-01		11/04/2010	8773 823 6424 09/30-10/29	11-19-2010		04/2011	916.56
405-1260-413.27-01		11/02/2010	8774 937 7894 09/30-10/29	11-17-2010		04/2011	55.98
101-6020-452.27-01		11/03/2010	0175 275 3776 10/01-11/01	11-18-2010		05/2011	401.10
101-5010-431.27-01		11/03/2010	0824 329 2041 10/01-11/01	11-18-2010		05/2011	336.77
101-6020-452.27-01		11/03/2010	2081 689 1273 10/01-11/01	11-18-2010		05/2011	411.09
101-6010-451.27-01		11/03/2010	2081 692 3399 10/01-11/01	11-18-2010		05/2011	13.33

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ACCOUNT #	TRN DATE	DESCRIPTION / INVOICE / PO # / PER/YEAR	TRN AMOUNT
101-6020-452.27-01	11/03/2010	2083 847 9032 10/01-11/01 / 11-18-2010 / 05/2011	52.02
101-6010-451.27-01	11/03/2010	3206 700 9265 10/01-11/01 / 11-18-2010 / 05/2011	57.25
101-5010-431.27-01	11/02/2010	3448 930 9646 09/30-10/29 / 11-17-2010 / 05/2011	10.04
101-6020-452.27-01	11/03/2010	5456 692 8951 10/01-11/01 / 11-18-2010 / 05/2011	71.99
101-6020-452.27-01	11/03/2010	6921 003 2109 10/01-11/01 / 11-18-2010 / 05/2011	564.63
101-5010-431.27-01	11/03/2010	7706 795 7872 10/01-11/01 / 11-18-2010 / 05/2011	12.24
101-6020-452.27-01	11/03/2010	9327 898 1346 10/01-11/01 / 11-18-2010 / 05/2011	353.74
101-6010-451.27-01	11/03/2010	9956 693 6272 10/01-11/01 / 11-18-2010 / 05/2011	206.37
405-1260-413.27-01	11/04/2010	9424 632 2704 09/30-10/29 / 11-19-2010 / 05/2011	23.65
101-5010-431.27-01	11/04/2010	9476 001 6989 10/01-11/01 / 11-19-2010 / 05/2011	737.15
11/12/2010	72121	SEIU LOCAL 221 / 1821	1,363.47
101-0000-209.01-08	11/10/2010	PR AP PPE 11/4/10 / 20101110 / 05/2011	1,363.47
101-0000-209.01-08	11/10/2010	VOID PR PE11/4/10BENNETT / 20101110 / 05/2011	19.42-
101-0000-209.01-08	11/10/2010	MANUAL PR CK BENNETT11/4 / 20101110 / 05/2011	19.42
11/12/2010	72122	SHARON ANN MARSHALL / 2276	6,622.50
101-1110-412.20-06	10/01/2010	LG ADMIN INVESTIGATION / FINAL-3 / 110554 / 04/2011	3,311.25
101-1130-412.20-06	10/01/2010	LG ADMIN INVESTIGATION / FINAL-3 / 110554 / 04/2011	3,311.25
11/12/2010	72123	SKS INC. / 412	7,537.94
501-1921-419.28-15	10/28/2010	200 G DIESEL/1199.2 G REG / 1236444-IN / 110104 / 04/2011	4,076.78
501-1921-419.28-15	11/04/2010	1185.8 GAL REG FUEL / 1236598-IN / 110104 / 05/2011	3,461.16
11/12/2010	72124	SOUTH WEST SIGNAL / 488	160.00
101-5010-431.21-04	10/31/2010	OCTOBER 2010 / 50080 / 110083 / 04/2011	160.00
11/12/2010	72125	THOMAS SANTOS / 2209	30.00
101-3020-422.28-04	09/02/2010	SANTOS,T FIRE PREVENTION / NFPA-13 2010 / 05/2011	30.00
11/12/2010	72126	THYSSENKRUPP ELEVATOR / 663	219.65
101-3030-423.20-06	11/01/2010	NOVEMBER 2010 / 1037054176 / 110065 / 05/2011	219.65
11/12/2010	72127	WEST COAST APPLIANCE SERVICES, / 2045	6,147.00
248-1920-519.20-06	11/03/2010	CLEAN&GREEN-620 SILVER ST / 20977 / 110556 / 05/2011	6,147.00
11/12/2010	72128	XEROX CORPORATION / 861	1,778.45
101-1920-419.20-17	11/01/2010	OCTOBER 2010 / 051352155 / 110203 / 05/2011	1,491.57
101-3030-423.20-06	11/02/2010	OCTOBER 2010 / 051454451 / 110203 / 05/2011	286.88
11/15/2010	72129	NEXTEL OF CALIFORNIA / 1465	1,056.11
101-3070-427.27-05	10/29/2010	09/26/10-10/25/10 / 896132755-039 / 04/2011	25.21
101-1010-411.27-05	10/29/2010	09/26/10-10/25/10 / 896132755-039 / 04/2011	32.71
101-5020-432.27-05	10/29/2010	09/26/10-10/25/10 / 896132755-039 / 04/2011	354.65
101-5020-432.21-25	10/29/2010	09/26/10-10/25/10 / 896132755-039 / 04/2011	557.42
101-3020-422.27-05	10/29/2010	09/26/10-10/25/10 / 896132755-039 / 04/2011	86.12
11/15/2010	72130	SPRINT / 2040	230.72
101-3020-422.27-05	10/29/2010	09/26/10-10/25/10 / 594768811-035 / 04/2011	150.10
101-3040-424.27-05	10/29/2010	09/26/10-10/25/10 / 527638813-035 / 04/2011	40.63

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ACCOUNT #		TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
503-1923-419.30-02		10/29/2010	09/26/10-10/25/10	527638813-035		04/2011	39.99
11/18/2010	72131	ACE UNIFORMS & ACCESSORIES INC	1571				16.31
101-3020-422.25-03		10/19/2010	FLAG PATCH	50800	110407	04/2011	16.31
11/18/2010	72132	AT&T	291				46.56
101-5020-432.27-04		11/01/2010	SEPT 2010 PW DEPT	11-26-2010		05/2011	12.70
101-3020-422.27-04		11/01/2010	SEPT 2010 FIRE DEPT	11-26-2010		05/2011	7.53
101-6030-453.27-04		11/01/2010	SEPT 2010 SENIOR CTR	11-26-2010		05/2011	26.33
11/18/2010	72133	AT&T / SBC DATACOMM	1854				4,482.39
503-1923-419.21-04		10/29/2010	RENEWAL SMARTNET	319-008930	110463	04/2011	892.50
503-1923-419.50-04		11/04/2010	CISCO SWITCH	319-008887		05/2011	3,589.89
11/18/2010	72134	AZTEC LANDSCAPING INC	310				1,540.00
101-5010-431.21-04		11/01/2010	OCTOBER 2010	0021133-IN	110086	05/2011	1,540.00
11/18/2010	72135	BOYS & GIRLS CLUB OF IB	489				100.00
101-1920-419.29-04		11/04/2010	BOY&GIRLS CLUB 2010 FEED	BG2010	F11061	05/2011	100.00
11/18/2010	72136	CALIFORNIA AMERICAN WATER	612				1,264.61
101-6040-454.27-02		11/08/2010	05-0092998-9 09/03-11/03	11-29-2010		05/2011	414.71
101-3030-423.27-02		11/08/2010	05-0093917-8 09/03-11/03	11-29-2010		05/2011	131.51
101-5010-431.27-02		11/08/2010	05-0094000-2 09/03-11/03	11-29-2010		05/2011	33.53
101-5010-431.27-02		11/08/2010	05-0094041-6 09/03-11/03	11-29-2010		05/2011	27.08
101-5010-431.27-02		11/08/2010	05-0094076-2 09/03-11/03	11-29-2010		05/2011	27.08
101-5010-431.27-02		11/08/2010	05-0094163-8 09/03-11/03	11-29-2010		05/2011	27.08
101-5010-431.27-02		11/08/2010	05-0094234-7 09/03-11/03	11-29-2010		05/2011	23.87
101-5010-431.27-02		11/08/2010	05-0094268-5 09/03-11/03	11-29-2010		05/2011	23.87
101-5010-431.27-02		11/08/2010	05-0094293-3 09/03-11/03	11-29-2010		05/2011	36.75
101-5010-431.27-02		11/08/2010	05-0094304-8 09/03-11/03	11-29-2010		05/2011	208.49
101-5010-431.27-02		11/08/2010	05-0094973-0 09/03-11/03	11-29-2010		05/2011	310.64
11/18/2010	72137	CLEAN HARBORS	913				728.54
101-5040-434.21-04		11/05/2010	OCTOBER 2010	6Y1037940	110046	05/2011	728.54
11/18/2010	72138	COUNTY RECORDER	1818				50.00
405-1260-413.20-06		11/08/2010	NOE-EBONY AVE/13TH ST ADA	2010-6964		05/2011	50.00
11/18/2010	72139	A SHADE BETTER	2282				370.00
101-3030-423.28-01		10/07/2010	LG TRUCK WINDOW TINTING	15296	110559	04/2011	370.00
11/18/2010	72140	DONALD DAVIS	1183				54.00
101-3030-423.28-04		11/10/2010	REIMBURSE EMT FEES	001265		05/2011	54.00
11/18/2010	72141	ERIKA N. CEJA	1491				350.00
101-0000-371.83-02		11/15/2010	EMP PARTY RAFFLE DONATION	11-15-2010		05/2011	350.00
11/18/2010	72142	GO-STAFF, INC.	2031				2,012.73
101-1210-413.21-01		11/02/2010	DURAN,A W/E 10/31/10	76936	110078	05/2011	577.50

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101-1110-412.21-01		11/02/2010	MENDOZA,L W/E 10/31/10	76937	110324	05/2011	1,075.23
101-1210-413.21-01		11/09/2010	DURAN,A W/E 11/07/10	77154	110078	05/2011	360.00
11/18/2010	72143	GRAINGER	1051				541.58
501-1921-419.30-02		10/26/2010	GRINDING WHEEL	9380375627	110038	04/2011	28.70
101-6040-454.30-02		10/29/2010	KEY CONTROL CABINET	9382798222	110038	04/2011	111.03
101-1910-419.30-02		11/02/2010	HOLE SAWS/LAMPS	9385432399	110038	05/2011	90.24
101-1910-419.28-01		09/22/2010	LAMP/BALLAST	9353898159	110038	03/2011	273.48
101-1910-419.30-02		09/23/2010	CONTROL RECEPTACLE	9354882780	110038	03/2011	38.13
11/18/2010	72144	GTC SYSTEMS INC	1910				1,275.00
503-1923-419.20-06		10/18/2010	IT CONSULTING SVC 10/5&15	30792	110343	04/2011	475.00
503-1923-419.21-04		11/08/2010	IT CONSULTING	30889	110551	05/2011	800.00
11/18/2010	72145	HARLAN CONSTRUCTION	2074				12,495.00
248-1920-519.20-06		11/08/2010	CLEAN&GREEN-1370/78 GROVE	11-08-2010	110562	05/2011	12,495.00
11/18/2010	72146	DOCUFLOW SOLUTIONS	367				76.00
503-1923-419.21-04		11/03/2010	PRINTER REPAIR	5516	110561	05/2011	76.00
11/18/2010	72147	KAENON POLARIZED	2269				2,520.00
101-3030-423.25-03		06/24/2010	LG UNIFORM SUNGLASSES	INV062937	110558	01/2011	2,520.00
11/18/2010	72148	KAMAN INDUS TECHNOLOGIES	583				14.44
501-1921-419.28-16		10/21/2010	HI POWER V BELT	H700873	110027	04/2011	14.44
11/18/2010	72149	KOA CORPORATION	611				8,808.50
210-1235-513.20-06		09/30/2010	08/16-09/26/10 IB CROSSWK	JB04102X1	110310	03/2011	8,808.50
11/18/2010	72150	LLOYD PEST CONTROL	814				286.00
101-1910-419.20-22		10/14/2010	OCTOBER 2010-SPORTS PARK	2772801	110049	04/2011	45.00
101-1910-419.20-22		10/14/2010	OCTOBER 2010 SENIOR CTR	2775004	110049	04/2011	47.00
101-1910-419.20-22		10/14/2010	OCTOBER 2010 DEMPSEY CTR	2775352	110049	04/2011	54.00
101-1910-419.20-22		10/14/2010	OCTOBER 2010 CITY HALL	2788405	110049	04/2011	31.00
101-1910-419.20-22		10/08/2010	OCTOBER 2010 SENIOR CTR	2788713	110049	04/2011	47.00
101-1910-419.20-22		10/14/2010	OCTOBER 2010 FD	2788406	110049	04/2011	31.00
101-1910-419.20-22		10/14/2010	OCTOBER 2010 SHERIFF DEPT	2788616	110049	04/2011	31.00
11/18/2010	72151	MCDOUGAL LOVE ECKIS &	962				25,190.45
405-1260-413.20-01		10/31/2010	OCTOBER 2010	10-31-2010		04/2011	1,499.70
405-1260-413.20-01		10/31/2010	OCTOBER 2010	10-31-2010		04/2011	10.59
408-1920-519.20-06		10/31/2010	OCTOBER 2010	10-31-2010		04/2011	954.56
101-0000-221.01-02		10/31/2010	OCTOBER 2010	10-31-2010		04/2011	3,460.81
101-1220-413.20-01		10/31/2010	OCTOBER 2010	10-31-2010		04/2011	1,620.71
101-1220-413.21-04		10/31/2010	OCTOBER 2010	10-31-2010		04/2011	10.16
101-1220-413.21-04		10/31/2010	OCTOBER 2010	10-31-2010		04/2011	5,751.14
405-1260-413.20-01		10/31/2010	OCTOBER 2010	10-31-2010		04/2011	425.05
405-1260-413.20-01		10/31/2010	OCTOBER 2010	10-31-2010		04/2011	1,528.26
101-1220-413.20-01		10/31/2010	OCTOBER 2010	10-31-2010		04/2011	979.97
101-1220-413.21-04		10/31/2010	OCTOBER 2010	10-31-2010		04/2011	722.50

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101-1220-413.20-01	10/31/2010	OCTOBER 2010 / 10-31-2010 / 110079 / 04/2011	8,227.00
11/18/2010	72152	PROTECTION ONE / 69	264.18
601-5060-436.20-23	10/20/2010	NOVEMBER 2010 / 79925808 / 110003 / 04/2011	264.18
11/18/2010	72153	RANCH CATERING / 110	3,053.06
101-1130-412.29-02	11/10/2010	2010 EMP PARTY CATERING / E19489 / 110444 / 05/2011	3,053.06
11/18/2010	72154	RICHARD LONSDALE / 2196	200.00
408-1920-519.20-06	11/10/2010	FACADE-720/730 HWY 75 - A / 11-10-2010 / F11065 / 05/2011	200.00
11/18/2010	72155	SAN DIEGO GAS & ELECTRIC / 1399	17,951.93
101-3020-422.27-01	11/08/2010	10087869371 09/30-10/29 / 11-24-2010 / 05/2011	37.62
101-1910-419.27-01	11/08/2010	10087869371 09/30-10/29 / 11-24-2010 / 05/2011	146.33
101-5010-431.27-01	11/08/2010	10088604389 09/28-10/27 / 11-24-2010 / 05/2011	206.01
101-3020-422.27-01	11/08/2010	19807697764 09/30-10/29 / 11-24-2010 / 05/2011	2,298.66
601-5060-436.27-01	11/08/2010	52635219238 09/28-10/27 / 11-24-2010 / 05/2011	10.82
101-6020-452.27-01	11/08/2010	56497714749 10/01-11/01 / 11-08-2010 / 05/2011	9.87
101-5010-431.27-01	11/08/2010	56497714749 10/01-11/01 / 11-24-2010 / 05/2011	9,559.38
101-5010-431.27-01	11/08/2010	85075178464 10/01-11/01 / 11-24-2010 / 05/2011	120.31
601-5060-436.27-01	11/08/2010	85075178464 10/01-11/01 / 11-24-2010 / 05/2011	76.11
101-6020-452.27-01	11/08/2010	85075178464 10/01-11/01 / 11-24-2010 / 05/2011	951.75
601-5060-436.27-01	11/08/2010	85417701270 10/01-11/01 / 11-24-2010 / 05/2011	3,638.52
101-5020-432.27-01	11/08/2010	91692992261 09/28-10/27 / 11-24-2010 / 05/2011	896.55
11/18/2010	72156	SAN DIEGO COUNTY SHERIFF / 882	452,365.88
101-3010-421.20-06	10/22/2010	SEPTEMBER 2010 / 10-22-2010 / 04/2011	438,605.12
212-3036-421.20-06	10/22/2010	SEPTEMBER 2010 / 10-22-2010 / 04/2011	16,080.00
101-0000-338.60-03	10/22/2010	SEPTEMBER 2010 / 10-22-2010 / 04/2011	2,319.24-
11/18/2010	72157	SEA BREEZE ELECTRIC / 1969	6,190.00
408-1920-519.20-06	11/02/2010	9TH/PALM SIGN REMOVAL / 559 / 110553 / 05/2011	5,800.00
408-1920-519.20-06	11/04/2010	FACADE-1293/99 IB BLVD / 561 / 110563 / 05/2011	390.00
11/18/2010	72158	SOUTHERN CALIFORNIA SOIL & TES / 2251	2,882.00
601-5060-536.20-06	10/15/2010	9TH/IB BLVD DEWATERING RP / 355572 / 110235 / 04/2011	2,882.00
11/18/2010	72159	TERRA BELLA NURSERY, INC. / 1946	172.92
101-6020-452.30-02	10/21/2010	PREMIUM TOP SOIL / 44102 / 110054 / 04/2011	163.07
101-6020-452.30-02	05/27/2010	CREDIT MEMO / 36423 / 110054 / 01/2011	18.38-
101-6020-452.30-02	10/05/2010	PHORMIUM SUNDOWNER / 43498 / 110054 / 04/2011	28.23
11/18/2010	72160	TRACY RIVERA / 2	657.00
101-0000-221.01-03	11/10/2010	REFND CLEANING FEE/DEPOST / 1496 / 05/2011	657.00
11/18/2010	72161	TRANSWORLD SYSTEMS INC. / 2160	51.63
101-1920-419.21-04	11/09/2010	TRANSWORLD COLLECTIONS / 214494 / 05/2011	827.11
101-0000-321.72-10	11/09/2010	TRANSWORLD COLLECTIONS / 214494 / 05/2011	140.00-
101-0000-323.71-03	11/09/2010	TRANSWORLD COLLECTIONS / 214494 / 05/2011	170.00-
101-0000-344.76-03	11/09/2010	TRANSWORLD COLLECTIONS / 214494 / 05/2011	77.50-

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ACCOUNT #	TRN DATE	DESCRIPTION / INVOICE / PO # / PER/YEAR	TRN AMOUNT
101-0000-324.73-01	11/09/2010	TRANSWORLD COLLECTIONS / 214494 / 05/2011	70.00-
101-0000-353.78-01	11/09/2010	TRANSWORLD COLLECTIONS / 214494 / 05/2011	183.90-
101-0000-374.85-02	11/09/2010	TRANSWORLD COLLECTIONS / 214494 / 05/2011	134.08-
11/18/2010	72162	UNDERGROUND SERVICE ALERT OF 731	34.50
601-5060-436.21-04	11/01/2010	OCTOBER 2010 / 1020100317 / 110002 / 05/2011	34.50
11/18/2010	72163	WAGE WORKS INC. 2210	97.25
101-1920-419.21-04	11/15/2010	NOVEMBER 2010 / 125AI0146823 / 110093 / 05/2011	97.25
11/18/2010	72164	WAXIE SANITARY SUPPLY 802	1,230.99
101-6040-454.30-02	11/04/2010	WAXIE STEEL LINERS / 72281551 / 110031 / 05/2011	833.13
101-6040-454.30-02	10/29/2010	ROLLMASTR / 72269526 / 110031 / 04/2011	397.86
11/18/2010	72165	ALLIANT INSURANCE SERVICES 1193	2,452.55
101-0000-209.01-13	10/28/2010	PR AP PPE 10/21/2010 / 20101028 / 04/2011	415.65
101-0000-209.01-14	10/28/2010	PR AP PPE 10/21/2010 / 20101028 / 04/2011	489.69
101-0000-209.01-13	11/10/2010	PR AP PPE 11/4/10 / 20101110 / 05/2011	415.65
101-0000-209.01-14	11/10/2010	PR AP PPE 11/4/10 / 20101110 / 05/2011	489.69
101-1010-411.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	19.36
101-1020-411.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	34.44
101-1110-412.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	64.46
101-1130-412.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	33.81
101-1210-413.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	48.66
101-1230-413.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	23.70
101-3070-427.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	.63
101-3080-428.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	.63
101-1910-419.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	6.32
101-3010-421.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	11.00
101-3020-422.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	44.68
101-3030-423.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	38.49
101-3040-424.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	22.12
101-5020-432.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	47.40
101-5010-431.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	15.80
101-5040-434.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	4.11
101-6020-452.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	6.32
101-6010-451.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	3.16
101-6040-454.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	12.64
245-1240-413.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	6.32
405-1260-413.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	121.42
405-5030-433.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	6.32
601-5060-436.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	15.80
601-5050-436.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	18.01
501-1921-419.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	6.32
502-1922-419.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	7.43
503-1923-419.11-04	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	20.86
101-0000-209.01-14	11/01/2010	NOV 10 DISABILITY/LIFE/ / 11-01-2010 / 05/2011	1.66
11/18/2010	72166	PREFERRED BENEFIT INS ADMIN IN 37	2,426.33
101-0000-209.01-12	10/28/2010	PR AP PPE 10/21/2010 / 20101028 / 04/2011	1,147.31

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ACCOUNT #	TRN DATE		DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-0000-209.01-12	11/10/2010		PR AP PPE 11/4/10	20101110		05/2011	1,161.78
101-0000-209.01-12	11/10/2010		VOID PR PE11/4/10BENNETT	20101110		05/2011	32.36-
101-0000-209.01-12	11/10/2010		MANUAL PR CK BENNETT11/4	20101110		05/2011	32.36
101-0000-209.01-12	11/01/2010		NOVEMBER 2010	CP11214		05/2011	117.24
VOID CHECKS # 72167-72170							
11/18/2010	72171	U.S. BANK	1873				19,898.34
101-3070-427.30-01	09/23/2010		INVERTER FOR CC LAPTOP	YHST-8166938327	110486	04/2011	231.49
101-3070-427.30-01	09/23/2010		LAPTOP VEHICLE MOUNT	99053664	110486	04/2011	212.34
101-1230-413.30-01	09/21/2010		BUNGEE CORDS FOR BANNER	054607/6027441	110487	04/2011	14.99
101-3040-424.28-12	09/23/2010		ICC MEMBERSHIP-ADAME/LANE	09-23-2010	110491	04/2011	100.00
101-3070-427.30-01	10/11/2010		LAPTOP LOCKING DEVICE	99055204	110486	04/2011	144.79
101-3040-424.28-04	10/13/2010		LANE,J-CALBO TRNG	11-16-2010	110491	04/2011	300.00
101-1230-413.30-01	10/04/2010		MISC OFFICE SUPPLIES	536329071-001	110492	04/2011	29.81
101-1230-413.28-04	10/06/2010		BARCLAY,T-NOTARY SEMINAR/	5057542	110492	04/2011	431.60
101-1230-413.29-02	10/11/2010		EMP BDAY RECOGNITION	6755060057258	110492	04/2011	15.86
101-3040-424.28-14	10/12/2010		TAX&FREIGHT ICC BOOKS	1242978-IN	110492	04/2011	210.50
101-1210-413.28-04	10/12/2010		CD RECORDING GASB51	4582-1817-1546-	110513	04/2011	25.00
101-1210-413.28-04	10/15/2010		QRTRLY EMP LUNCHEON	881447	110513	04/2011	105.00
101-1020-411.30-01	09/22/2010		MISC OFFICE SUPPLIES	535007964-001	110485	04/2011	57.20
101-1020-411.30-01	09/23/2010		CREDIT-MISC OFC SUPPLIES	535131231-001	110485	04/2011	40.13-
101-1020-411.30-01	09/23/2010		MISC OFFICE SUPPLIES	535131232-001	110485	04/2011	63.87
503-1923-419.21-04	09/27/2010		WHITE TEE W/BACK PRINTING	HGCT3-CA790-700	110514	04/2011	9.40
101-1020-411.28-04	10/05/2010		HALD,J-LUNCH AT TRAINING	024789	110484	04/2011	12.31
101-1020-411.28-04	10/18/2010		WOLFSON,L-BKFAST MTG	31927	110485	04/2011	12.60
101-3040-424.28-14	10/12/2010		ICC CODE BOOKS	1242978-IN	110489	04/2011	1,000.00
101-1230-413.28-04	10/01/2010		NAKAGAWA,J-COMPLETE STS T	14945	110490	04/2011	95.00
101-3020-422.21-02	10/01/2010		CLARK,T LUNCH W/INVESTGR	248059583	110504	04/2011	52.71
101-3020-422.30-02	10/03/2010		STATION SUPPLIES	070197	110508	04/2011	198.03
101-3020-422.30-02	10/07/2010		SHOP RAGS	023547	110508	04/2011	17.38
503-1923-419.21-04	10/13/2010		MS SUPPORT/IT	8000422847	110514	04/2011	259.00
101-3030-423.30-02	09/23/2010		CTY CELL PHONES/CASE&CHRG	111351	110512	03/2011	56.51
101-0000-221.01-03	10/17/2010		BUANGAN,E-EMP COMP LOAN	042893		04/2011	797.03
101-3030-423.30-02	09/27/2010		HI OCTANE PWC FUEL	00-003354	110509	04/2011	39.11
101-3030-423.30-02	09/30/2010		HI OCTANE PWC FUEL	00-086567	110509	04/2011	30.59
101-5020-432.28-04	09/23/2010		LEVIEN,H-PARKING FEE	011097	110523	04/2011	2.00
501-1921-419.30-02	09/28/2010		SHOP SUPPLIES	040405/9593612	110535	04/2011	40.78
101-3030-423.30-02	10/08/2010		PWC TRAILER PARTS	2461	110509	04/2011	164.25
101-3030-423.30-02	10/08/2010		ENVELOPES	6018	110509	04/2011	12.18
101-3035-423.30-02	10/08/2010		JG MAGNETS	7DFWV-CA081-9L9	110509	04/2011	173.99
101-3030-423.28-01	10/13/2010		PWC TRAILER PARTS	20857	110509	04/2011	54.38
101-3030-423.30-02	10/17/2010		HI OCTANE PWC FUEL	071855	110509	04/2011	27.04
101-3030-423.28-01	10/19/2010		DIVE EQUIPMENT SERVICE	598753	110509	04/2011	97.08
101-3030-423.28-01	10/19/2010		DIVE EQUIPMENT SERVICE	598848	110509	04/2011	278.00
101-3030-423.28-01	10/21/2010		PA SPEAKER REPAIR/PIER	1-100548	110509	04/2011	362.18
501-1921-419.28-15	10/20/2010		GENERAL ADDITIVE	008354	110535	04/2011	5.43
101-3030-423.30-02	09/22/2010		STORAGE CONTAINERS	044558/5195459	110510	04/2011	260.57
101-3030-423.30-02	09/22/2010		BARRICADE FOR NO PARKING	15045330	110510	04/2011	47.26
101-3030-423.30-02	09/22/2010		RESCUE KNIFE REPLACEMENT	267189	110510	04/2011	58.67
101-3030-423.30-02	09/29/2010		SOAP DISPENSERS	051765	110510	04/2011	34.95
101-3030-423.30-02	09/29/2010		SHAMPOO FOR SHOWERS	086260	110510	04/2011	8.68

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR		TRN AMOUNT
101-3030-423.30-02	09/29/2010	OFFICE SUPPLIES	3164	110510	04/2011		35.08
101-3030-423.30-02	09/29/2010	ZIP-LOCK BAGS/FIRST AID	7393	110510	04/2011		6.50
101-3030-423.30-02	10/01/2010	JANITORIAL SUPPLIES	307615	110510	04/2011		192.18
101-3030-423.30-02	10/03/2010	REPAIR MATERIAL/PIER	024977/4584324	110510	04/2011		34.93
101-3030-423.28-01	10/05/2010	DRILL BIT/ROAD TRAILER	011094/2564703	110510	04/2011		16.90
101-3030-423.30-02	10/06/2010	ATV SPARE KEY	21739	110510	04/2011		3.81
101-3030-423.28-01	10/10/2010	DIVE TEAM GEAR SERVICE	598353	110510	04/2011		933.94
101-3030-423.28-01	10/15/2010	DIVE GEAR SERVICE	598806	110510	04/2011		296.14
101-3030-423.30-02	10/19/2010	OFFICE SUPPLY ORGANIZER	538106793-001	110510	04/2011		53.42
101-3020-422.30-01	09/27/2010	TIME STAMP CHARGE	6VK377391S29423	110506	04/2011		39.98
101-3050-425.30-02	09/29/2010	MAILING FEES-A/C	069422	110506	04/2011		6.32
101-5020-432.30-01	09/30/2010	PLANNER REFILLS	3575	110536	04/2011		29.35
101-5020-432.28-04	09/30/2010	FUEL FOR POOL CAR	745174	110536	04/2011		16.46
101-3020-422.21-02	10/07/2010	ITEMS FOR FD OPEN HOUSE	640709407	110506	04/2011		325.07
101-3020-422.21-04	10/14/2010	CREDIT FOR DOUBLE CHARGE	10-14-2010	110506	04/2011		785.84-
101-3050-425.30-02	10/15/2010	MAILING FEES-A/C CASES	013510	110506	04/2011		12.30
601-5060-436.28-12	10/12/2010	MOELLER,AJ-CWEA RENEWAL	6913	110516	04/2011		132.00
601-5060-436.28-12	10/12/2010	CASAS,M-CWEA RENEWAL	906	110516	04/2011		132.00
101-5010-431.30-02	10/07/2010	CURB & GUTTER CONCRETE	90188941-002	110536	04/2011		269.16
101-1910-419.30-02	10/20/2010	STORAGE CONTAINER	12359	110536	04/2011		513.10
101-5040-434.30-02	10/20/2010	STORAGE CONTAINER	12359	110536	04/2011		1,000.00
101-6020-452.30-02	10/20/2010	STORAGE CONTAINER	12359	110536	04/2011		513.10
101-6040-454.30-02	10/20/2010	STORAGE CONTAINER	12359	110536	04/2011		513.11
101-3030-423.28-01	07/26/2010	PWC REPLACEMENT PARTS	1869	110511	04/2011		339.75
101-3030-423.30-02	09/15/2010	CALL OUT TEAM PATCHES	471122	110511	04/2011		353.73
101-3030-423.30-02	09/24/2010	PWC TRAILER COUPLER	514	110511	04/2011		51.73
101-1910-419.30-02	09/01/2010	SINK REPAIR	14813	110519	04/2011		67.86
101-6020-452.30-02	09/28/2010	US FLAG/VETERANS PARK	44339	110519	04/2011		102.01
101-1910-419.30-02	09/29/2010	CONEX BOX PAINT	2068057044	110519	04/2011		77.38
101-3030-423.28-01	10/02/2010	PWC REPAIR PARTS	17980	110511	04/2011		175.03
101-3030-423.28-01	10/02/2010	PWC REPAIR PARTS	17988	110511	04/2011		106.47
101-3030-423.30-02	10/02/2010	PWC TRAILER LIGHTS	2315	110511	04/2011		68.50
101-3030-423.28-01	10/02/2010	PWC ROAD TRAILER RETRO	2329	110511	04/2011		27.91
101-3030-423.28-01	10/03/2010	PWC TRAILER RETRO	1067	110511	04/2011		280.38
101-3030-423.28-01	10/09/2010	PWC TRAILER PAINT	067009	110511	04/2011		19.54
101-3030-423.28-01	10/09/2010	DIVE TRAILER EQUIPMENT	682-75126	110511	04/2011		344.50
101-3030-423.28-01	10/11/2010	PWC TRAILER PROTECTIVE CO	10059892	110511	04/2011		500.00
101-5010-431.30-02	09/21/2010	HARDWARE CLOTH	085241/6012930	110517	04/2011		10.61
101-5010-431.30-02	09/22/2010	CONCRETE BATCH PLANT MIX	89913132-001	110517	04/2011		186.29
101-5020-432.28-04	09/27/2010	RAMOS-VEHICLE FUEL-TRNG	028430	110529	04/2011		30.01
101-5020-432.28-04	09/27/2010	CASAS/RAMOS-MEAL AT TRNG	106810	110529	04/2011		28.08
101-5020-432.28-04	09/28/2010	CASAS/RAMOS-MEAL AT TRNG	246660	110529	04/2011		35.14
101-5020-432.28-04	09/30/2010	RAMOS, VEHICLE FUEL-TRNG	056131	110529	04/2011		18.61
101-5020-432.28-04	09/27/2010	CASAS/RAMOS-MEAL AT TRNG	017413	110530	04/2011		28.78
101-5020-432.28-04	09/28/2010	CASAS/RAMOS-MEAL AT TRNG	080276	110530	04/2011		21.60
101-5020-432.28-04	09/29/2010	CASAS/RAMOS-MEAL AT TRNG	107369	110530	04/2011		23.76
101-5020-432.28-04	09/30/2010	CASAS/RAMOS-MEAL AT TRNG	107595	110530	04/2011		21.60
101-5010-431.30-02	10/14/2010	ADAPTER FOR TRAFFIC CTR	029848	110517	04/2011		40.22
101-5010-431.30-02	10/18/2010	CONCRETE MIXER TRAILER	90363932-001	110517	04/2011		123.11
101-5010-431.30-02	10/21/2010	CONCRETE TRAILER MIXER	90437861-001	110517	04/2011		179.44

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR		TRN AMOUNT
601-5060-436.30-02	10/20/2010	RAMOS,JM-SAFETY BOOTS	013585318344	110529	04/2011		73.89
101-5020-432.28-04	09/29/2010	CASAS/RAMOS-MEAL AT TRNG	072783	110529	03/2011		43.22
101-1110-412.28-04	09/22/2010	YOUSENDIT/SEPT 2010	09-22-2010	110502	04/2011		9.99
101-6040-454.30-02	09/29/2010	SPRAY PAINT	044123/8563850	110524	04/2011		84.57
101-6040-454.30-02	09/29/2010	PIER SIGNS PAINT	020041548	110525	04/2011		92.07
101-6040-454.30-02	09/29/2010	PAINT & SUPPLIES	097430/8084450	110525	04/2011		78.12
101-1010-411.28-04	10/07/2010	KING/MEETING PARKING FEES	095051	110498	04/2011		2.00
101-6040-454.30-02	10/01/2010	5GAL PAINT-PIER	020041666	110524	04/2011		106.58
101-3030-423.30-02	10/04/2010	S/S FLATBAR	053385	110524	04/2011		58.15
101-6040-454.30-02	10/05/2010	METAL FILLER	275847	110524	04/2011		26.87
101-1910-419.30-02	10/07/2010	1GAL PAINT SAFETY CTR	0048-2	110524	04/2011		42.51
101-6040-454.30-02	10/11/2010	PRIMER	013185/6565499	110524	04/2011		9.77
101-1910-419.30-02	10/12/2010	S/S SHEETS-SAFETY CTR	302222	110524	04/2011		110.85
101-6040-454.30-02	10/19/2010	WIRE WHEEL/SPREADERS	022332/8019996	110524	04/2011		25.59
101-1910-419.30-02	10/19/2010	CURTAIN ROD	2-0292-0203-007	110524	04/2011		8.69
101-1910-419.30-02	10/06/2010	CABLE CONDUIT	080975	110525	04/2011		147.03
101-1910-419.30-02	10/07/2010	SAFETY CTR AMERICAN FLAGS	115647A	110525	04/2011		180.08
101-6040-454.30-02	10/19/2010	GUIDE WIRE ASSEMBLIES	5962	110525	04/2011		38.41
101-5010-431.30-02	08/18/2010	2 YDS CONCRETE-SIDEWALKS	89291897-001	110531	04/2011		358.88
101-6010-451.30-01	09/20/2010	MISC OFFICE SUPPLIES	0240	110497	04/2011		48.09
101-6010-451.30-02	09/28/2010	CLEANING SUPPLIES	044285/9573835	110497	04/2011		75.35
101-6010-451.30-02	09/29/2010	SPEAKER CABLES/SPORTS PK	L27041825	110497	04/2011		239.70
101-1910-419.30-02	09/29/2010	GENERATOR SUPPLIES	037844/8014996	110522	04/2011		41.78
101-1910-419.30-02	09/30/2010	GENERATOR PAINT	023201/7584045	110522	04/2011		21.64
101-6040-454.30-02	09/24/2010	TRASH CART WHEELS	073336/3028276	110526	04/2011		17.36
101-5010-431.30-02	09/24/2010	BIRD SPIKES	87259	110531	04/2011		646.00
101-5010-431.30-02	09/29/2010	CORTEZ,M-SAFETY BOOTS	039596	110531	04/2011		150.00
101-6010-451.30-02	10/01/2010	FLOOR CLEANING SUPPLIES	053490/6564174	110497	04/2011		26.05
101-1910-419.30-02	10/01/2010	PW PICTURE FRAME	3778	110522	04/2011		16.30
101-1910-419.30-02	10/04/2010	REPLACEMENT LITES/CH	002490/3197091	110522	04/2011		27.06
101-1910-419.30-02	10/04/2010	GENERATOR COVER	14367	110522	04/2011		151.16
101-1910-419.30-02	10/05/2010	DUCT INSULATION & TAPE	011628/2564698	110522	04/2011		46.10
101-1910-419.30-02	10/18/2010	SHERIFF STATION PAINT	049939/9590138	110522	04/2011		28.57
101-1910-419.30-02	10/19/2010	GARAGE DOOR SUPPLIES	012320/8010009	110522	04/2011		33.47
101-1910-419.30-02	10/20/2010	GARGE DOOR SUPPLIES	001732/7010101	110522	04/2011		65.12
101-1910-419.30-02	10/20/2010	COUNCIL CHAMBERS DOOR STR	191846	110522	04/2011		54.38
601-5060-436.30-02	10/20/2010	BENNETT,E-SAFETY BOOTS	3/577/31906	110528	04/2011		146.79
501-1921-419.28-16	10/12/2010	KNOB/CONTROL VALVE	459091	110534	04/2011		27.59
101-1130-412.29-02	09/27/2010	CREDIT RTND LETTERHEAD	131-17989382-79	110493	04/2011		122.36-
101-1130-412.29-02	09/27/2010	INVITATION LETTERHEAD	131-61565352-51	110493	04/2011		130.31
101-6010-451.25-03	09/29/2010	SPORTS PARK STAFF SHIRTS	09061580	110493	04/2011		279.40
101-1110-412.28-04	09/29/2010	BROWN,G-ULI OCT MEETING	10/05/2010	110493	04/2011		50.00
101-1110-412.28-04	09/22/2010	BROWN,G-LUNCH MTG W ATTY/	016409	110495	04/2011		30.94
101-1110-412.28-04	09/24/2010	BROWN,G-LUNCH MTG W/MAYOR	036818	110495	04/2011		19.75
101-1110-412.28-04	09/30/2010	BROWN,G-LUNCH MTG	1020674	110495	04/2011		12.59
601-5050-436.30-02	09/23/2010	ENVIRO EDUCATION MATERIAL	2065	110520	04/2011		115.85
101-1010-411.30-02	10/06/2010	COUNCIL DINNER 10/06/10	024433	110493	04/2011		80.00
101-1010-411.30-02	10/20/2010	COUNCIL DINNER 10/20/10	052969	110493	04/2011		87.00
101-1110-412.28-04	10/06/2010	BROWN,G-LUNCH MTG W/ATTY	030092	110495	04/2011		29.31
101-1110-412.28-04	10/11/2010	BROWN,G-LUNCH -BENEFITS	032342	110495	04/2011		25.64

CHECK DATE	CHECK NUMBER	VENDOR NAME / VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION / INVOICE / PO # / PER/YEAR	TRN AMOUNT
101-1110-412.28-04	10/20/2010	BROWN,G-LUNCH MTG W/ATTY 041069 110495 04/2011	28.31
405-5030-433.30-02	10/06/2010	GRAFFITI SUPPLIES 084067/1197311 110521 04/2011	93.76
101-6020-452.30-02	10/12/2010	STATUE SUPPLIES/TRIANGLE 000053/5198206 110521 04/2011	42.29
101-1910-419.30-02	10/12/2010	CLEANING SUPPLIES 10-12-2010 110533 04/2011	220.24
601-5050-436.30-02	10/07/2010	SPILL ABSORBENT/TOWELS 017146/0080063 110538 04/2011	26.03
101-1130-412.29-02	10/04/2010	NAKAGAWA,J-EMP SVC AWARD 13-59787/NTL 110500 04/2011	96.00
101-1130-412.29-02	10/06/2010	EMP SVC AWARD/SELBY-SERRA 3333 110500 04/2011	70.00
101-1130-412.29-02	10/11/2010	EMP SVC AWARD-COATES,J 10-11-2010 110500 04/2011	75.50
101-1130-412.28-09	09/08/2010	PERSONNEL SUBSCRIPTION 29634 110500 04/2011	27.19
101-1130-412.29-02	10/11/2010	EMP SVC AWARD/CORTEZ,M 222433 110500 04/2011	104.34
101-1130-412.29-02	10/11/2010	EMP SVC AWARD/CORTEZ,N 798003608 110500 04/2011	35.00
101-0000-209.01-03	09/23/2010	GALLEGOS,A-EMP COMP LOAN BBY01-353751005 04/2011	1,320.99
11/18/2010	72172	VISION PLAN OF AMERICA 785	188.95
101-0000-209.01-18	10/28/2010	PR AP PPE 10/21/2010 20101028 04/2011	89.53
101-0000-209.01-18	11/10/2010	PR AP PPE 11/4/10 20101110 05/2011	89.53
101-0000-209.01-18	11/01/2010	DECEMBER 2010 11-01-2010 05/2011	.11-
101-1920-419.29-04	11/01/2010	DECEMBER 2010 11-01-2010 05/2011	10.00

DATE RANGE TOTAL * 641,455.76 *

AGENDA ITEM NO. 2.3

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**DECEMBER 1, 2010**
ORIGINATING DEPT:	**CITY CLERK**
SUBJECT:	**CONFLICT OF INTEREST CODE UPDATE**

BACKGROUND:

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate and up to date, or if the code must be amended. Following review, notice regarding status of the code must be submitted to the code reviewing body no later than October 1 of even-numbered years. The required notice was submitted to the code reviewing body on October 1, 2010.

DISCUSSION:

The City of Imperial Beach adopted by reference 2 California Code of Regulations section 18730 ("Standard Code") in 1991 pursuant to City of Imperial Beach Resolution No. 91-4020. Resolution No. 91-4020 adopted the Standard Code, but the Standard Code was adopted with certain exceptions and substitutions, and without reference to subsequent amendments by the Fair Political Practices Commission ("FPPC").

This current resolution updates the City's Conflict of Interest Code and adopts and affirms the City's incorporation by reference of the Standard Code, including any amendments adopted by the FPPC. Because the City is now adopting the Standard Code by reference in its entirety, including any amendments adopted by the FPPC, the wording of the City's Conflict of Interest Code has been revised accordingly.

The proposed disclosure categories of Appendix I have been revised to clarify the City's disclosure categories and to more accurately reflect the disclosure duties of designated employees. Further, due to changes in staff positions and corrections to staff position titles, Appendix II must be updated and approved.

FISCAL IMPACT:

None related to this report.

DEPARTMENT RECOMMENDATION:

Approve Resolution No. 2010-6972 adopting the updated Conflict of Interest Code, amending and updating the corresponding Appendices I and II to the Conflict of Interest Code as shown in Attachment 1, and approves the Conflict of Interest Code as City Council Policy No. 115.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

Gary Brown, City Manager

Attachments:

1. Resolution No. 2010-6972
2. Council Policy No. 115 – Conflict of Interest Code

ATTACHMENT 1

RESOLUTION NO. 2010-6972

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING, AFFIRMING, AND INCORPORATING BY REFERENCE THE STANDARD CONFLICT OF INTEREST PROVISIONS OF 2 CALIFORNIA CODE OF REGULATIONS SECTION 18730 AND ADOPTING AMENDED AND UPDATED APPENDICES TO THE CONFLICT OF INTEREST CODE OF THE CITY OF IMPERIAL BEACH

WHEREAS, pursuant to the requirements of the California Political Reform Act (the "Act"), section 81000 of the California Government Code, all local governmental agencies must adopt Conflict of Interest Codes applicable to every officer, employee, member or consultant of the agency whose position entails the making or participating in the making of decisions that may foreseeably have a material financial effect on any financial interest, and which Code requires such designated employees to disclose and disqualify themselves from making, participating in, or attempting to influence such decisions; and

WHEREAS, the City has previously adopted the terms of 2 California Code of Regulations section 18730, the Conflict of Interest Code terms promulgated by the Fair Political Practices Commission ("FPPC") by City of Imperial Beach Resolution No. 91-4020; and

WHEREAS, the City Council of the City of Imperial Beach, as the Code Reviewing body under the Act, adopts, affirms and incorporates by reference the standard Conflict of Interest Code set forth in 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the FPPC; and

WHEREAS, the standard Conflict of Interest Code set forth in 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the FPPC, along with Appendix I setting forth amended disclosure categories, and Appendix II, amending the list of designated officials, including establishment and deletion of certain positions and changes in job titles, does constitute the Conflict of Interest Code of the City of Imperial Beach.

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

1. The standard Conflict of Interest Code set forth in 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the FPPC is hereby incorporated by reference.

2. The amended disclosure categories are set forth in Appendix I and the amended list of designated positions subject to the requirements of the Conflict of Interest Code are set forth in Appendix II.

3. The standard Conflict of Interest Code set forth in 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the FPPC and the Appendices I and II constitute the Conflict of Interest Code for the City of Imperial Beach.

4. The City Council of the City of Imperial Beach does hereby adopt the attached amended Conflict of Interest Code (Exhibit A) and its amended Appendices I and II.

5. The City Council hereby approves City Council Policy 115 as the Conflict of Interest Code.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 1st day of December 2010, by the following vote:

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

_____
JAMES C. JANNEY, MAYOR

ATTEST:

_____
JACQUELINE M. HALD, CMC
CITY CLERK

CITY OF IMPERIAL BEACH
CONFLICT OF INTEREST CODE

~~**SECTION I.** This code is adopted pursuant to the provisions of Government Code Section 87300 et seq~~. ~~to provide for the disclosure or prevention of all foreseeable potential conflict of interest; to provide affected persons with clear and specific statements of their duties under the Code; and to differentiate between designated employees with different powers and responsibilities. The requirements hereof are in addition to the other requirements of the Political Reform Act and other state and local laws pertaining to conflict of interests, including the general prohibition against conflicts of interest found in Government Code Section 87100~~. The Political Reform Act (Government Code Section 81000~~,~~ et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's conflict-of-interest code. After public notice and hearing, the standard code may be amended by the Fair Political Practices commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements, shall constitute the conflict-of-interest code of the City of Imperial Beach.

Individuals holding designated positions shall file their statements with the City Clerk, which will retain the statements and make the statements available for public inspection and reproduction. (Gov. Code Section 81008.)

~~**SECTION II.** Incorporation by Reference. The provisions of California Code of Regulations Section 18730, except Section 8.5 thereof, a copy of which is attached hereto marked Exhibit "A" are hereby incorporated by this reference and constitute the Conflict of Interest Code for the City of Imperial Beach.~~

~~**SECTION III.** Section 4 of the Code found in 2 California Code of Regulations Section 18730 is replaced with the following Section 4:~~

~~Section 4. All designated employees shall file the statements of economic interests required herein with the City Clerk for the City of Imperial Beach. Where the person filing such statements is required to file in more that one capacity, said filing may be made on a single form(s), specifying therein that it is filed in both capacities (e.g. Mayor, Chairman of the Public Facilities Corporation).~~

APPENDIX I

A. Public Officials/employees ~~Persons~~ holding positions ~~listed~~ designated in Appendix II ~~below~~ are required to file the initial, annual, and leaving office statement~~s~~ of ~~financial~~ economic interest ~~required by this Code~~ for the types of interests in the categories set forth in the ~~column~~ Disclosure Categories column opposite the column Designated Positions. It has been determined that these persons make or participate in making decisions, which foreseeably may have a material effect on such financial interests.

B. Where the Disclosure Category requires disclosure of interests in real property, the designated employee need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the ~~local government agency~~ City of Imperial Beach.

C. Where the Disclosure Category requires disclosure of investments or ~~S~~sources of ~~I~~income, the designated employee need only disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

D. Where the Disclosure Category requires disclosure of business positions, the designated employee need only disclose positions of director, officer, partner, employee, or any position of management in organizations or enterprises operated for profit.

E. The Disclosure Categories are:

~~CATEGORY 1: Investments and sources of income.~~

~~CATEGORY 2: Interests in real property.~~

~~CATEGORY 3: Investments, interests in real property and sources of income subject to the regulatory, permit, or licensing authority of the Department.~~

~~CATEGORY 4: Investments, in business entities and sources of income, which engage in land development; construction, or the acquisition or sale of real property.~~

~~CATEGORY 5: Investments in business entities and sources of income of the type which, **within the past two years**, have contracted with the City of Imperial Beach to provide services, supplies, materials, machinery, or equipment.~~

~~CATEGORY 6: Investments in business entities and sources of income of the type which, **within the past two years**, have contracted with the designated employee's department to provide services, supplies, materials, machinery, or equipment.~~

~~CATEGORY 7: Business positions.~~

CATEGORY 1 Broad Responsibilities. Full Disclosure.
All interests in real property located in the City of Imperial Beach, including any property owned or used by the City in which the designated employee has a direct or indirect interest, as well as investments, business positions in business entities, and sources of income, including gifts, loans and travel payments from all sources located in or doing business in the City.

CATEGORY 2 Decision-Making Authority Affecting Real Property.
All interests in real property located in the City of Imperial Beach, including any property owned or used by the City in which the designated employee has a direct or indirect interest.

CATEGORY 3 City-Wide Decision-Making Authority.
All investments, business positions in business entities, and sources of income, including gifts, loans, and travel payments from all sources that provide leased facilities, goods, vehicles, supplies, materials, machinery, equipment, or services, including consulting services, of the type utilized by the City.

CATEGORY 4 Department/Division Decision-Making Authority.
All investments, business positions in business entities, and sources of income, including gifts, loans, and travel payments from all sources that provide leased facilities, goods, vehicles, supplies, materials, machinery, equipment, or services, including consulting services, of the type utilized by the employee's department, division, or area of authority.

CATEGORY 5 Regulatory Power.
All investments, business positions in business entities, and sources of income, including gifts, loans, and travel payments from any source that is subject to the regulatory, permit, or licensing authority of the designated official, consultant, or employee's department, division, or area of authority.

CATEGORY 6 Decision-Making Authority Affecting Claims.
All investments, business positions in business entities, and sources of income, including gifts, loans, and travel payments from all sources that filed a claim against the agency during the previous two years, or have a claim pending that is reviewed by the designated official, consultant or employee's department or division.

APPENDIX II

CONFLICT OF INTEREST CODE

~~Title~~ Designated Positions	Disclosure Categories
Mayor, Councilmembers, Public Fac., Corp. Members	*/
City Manager	*/
City Attorney	*/
Finance Director/City Treasurer	*/
Planning Commissioners	*/
City Clerk	1~~,2,7~~
Assistant City Attorney(s)	1~~,2,7~~
Community Development Director	1~~,2,7~~
Public Safety Director/Fire Chief	1~~,2,7~~
Public Works Director	1~~,2,7~~
Assistant City Manager	1~~,2,7~~
City Planner	1~~,2,7~~
Environmental Program Manager	~~1,~~2~~,7~~ 5
~~Project Manager Technician~~ Capital Improvement Project Manager	~~1,~~2~~,7~~, 4
~~Project Manager Technician~~ Public Works Inspector	~~1~~,2,~~7~~,4, 5
Lifeguard Captain	~~1,2,7~~, 4
Management Analyst	~~1,2,7~~2, 4
~~Network Administrator~~Information Technology Manager	~~1,2,7~~ 4
Redevelopment Coordinator	1~~,2,7~~
~~Personnel Services Technician~~Human Resources Manager	~~1,2,7~~ 4
Building Official	1~~,2,7~~
Building/Housing Inspector~~s~~ I and II	~~3,7~~ 2, 5
Public Works Superintendent	2, 3~~,4~~
Finance Supervisor	~~3~~ 1
Code Compliance Officer	~~3,7~~ 2, 5
Fire/Safety Inspector II	2, 5
Design Review Board Members	~~2,4,7~~ 1
Tidelands Advisory Committee Members	~~2~~,4~~,7~~ 1
~~All other Council appointed Boards, Commissions, & Committees~~	~~2,4,7~~
Port Commissioner	~~1,2,4,7~~*/
Consultants: ~~If designated in their contracts, for the categories specified in their contracts by Council, City Manager, or Purchasing Officer~~ Consultants who, pursuant to a contract with the City of Imperial Beach, either (a) make government	

decisions, or (b) provide "services in a staff capacity" otherwise performed by an individual holding a designated position in this code, shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Section 81008.)

Consultants who "serve in a staff capacity" as described in (b) above shall disclose financial interests in the same manner as is required for the designated position the duties for which are performed in whole or part, by the consultant.

*/ As required by Government Code Sections 87200-87210, included for informational purposes only. See Government Code Section 87206-87210 for disclosure requirement.

CITY OF IMPERIAL BEACH COUNCIL POLICY			
SUBJECT: **CONFLICT OF INTEREST CODE**	**POLICY NUMBER**	**EFFECTIVE DATE**	**PAGE**
	115	**12/1/2010**	**1 OF 1**
ADOPTED BY: Resolution No. 2010-6972		**DATED: December 1, 2010**	

See attached Conflict of Interest Code, approved December 1, 2010.

AGENDA ITEM NO. 2.4

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**DECEMBER 1, 2010**
ORIGINATING DEPT.:	**JACQUELINE M. HALD, CITY CLERK**
SUBJECT:	**LOCAL APPOINTMENTS LIST**

BACKGROUND:

Government Code §54972 requires that on or before December 31st of each year, the legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency. The list shall be known as the Local Appointments List and will include a list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.

DISCUSSION:

In 2011, no terms will expire. Any vacancies that would occur would be unscheduled and notices would be posted as they occur.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

It is recommended that the City Council approve the Local Appointments List in compliance with Government Code §54972, and authorize the City Clerk to post said list at City Hall and the Library in compliance with Government Code §54973.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

Gary Brown, City Manager

Attachments:
1. Local Appointments List

CITY OF IMPERIAL BEACH
LOCAL APPOINTMENTS LIST

DESIGN REVIEW BOARD COMMITTEE

Qualifications: All members of commissions, boards and committees of the city shall be residents of the city (IBMC Section 2.18.040).

Purpose: All members of the design review board shall investigate, review and evaluate the design, layout and other features of proposed developments and take action, as appropriate, in accordance with the intent and purposes set forth in Chapter 19.83, Design Review (IBMC Section 2.31.030A).

NAME	TITLE	DATE APPOINTED	TERM EXPIRATIONS FOR 2011
None	-	-	None

TIDELANDS ADVISORY COMMITTEE

Qualifications: All members of commissions, boards and committees of the city shall be residents of the city (IBMC Section 2.18.040).

Purpose: It shall be the duty of the committee to review all matters involving coastal and tidelands issues referred to the committee by resolution of the city council or by the city manager or designee. The city council may delegate particular issues or a general work plan for review and make recommendations within the time limits set out in the referring resolution by the city council (IBMC Section 2.24.050).

NAME	TITLE	DATE APPOINTED	TERM EXPIRATIONS FOR 2011
None	-	-	None

AGENDA ITEM NO. 4.1

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**DECEMBER 1, 2010**
ORIGINATING DEPT.:	**PUBLIC WORKS**
SUBJECT:	**ADOPTION OF ORDINANCE NO. 2010-1112 – UPDATING CHAPTER 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT**

BACKGROUND:
On January 2, 2007, the San Diego Regional Water Quality Control Board (RWQCB) reissued a municipal NPDES Stormwater Permit (Order No. R9-2007-0001) to the San Diego area municipal Copermittees. This reissued permit updates and expands stormwater requirements for new development and redevelopment projects. Stormwater treatment requirements have been made more widely applicable and more stringent; minimum standards for Low Impact Development (LID) have been added, and the Copermittees are required to develop and implement criteria for the control of runoff peaks and durations from development sites. The Permit mandates the collaborative development of a Countywide Model SUSMP and Hydromodification Management Plan to meet the stormwater management requirements for priority development projects.

The Copermittees completed the first of two updates to the Countywide Model SUSMP in January 2010 that updated the previous countywide standards that had been in effect since 2002. The updates made the implementation of stormwater best management practices (BMPs) more stringent for new development and redevelopment projects to treat, infiltrate, or filter stormwater runoff. Staff presented the updated Countywide Model SUSMP to Council on January 20, 2010 and amended the requirements into the City's Standard Urban Stormwater Mitigation Plan (Ordinance Chapter 8.32) through Ordinance No. 2010-1096.

Staff is now ready to present the next update to the Countywide Model SUSMP that incorporates the flow control criteria established in the Final Hydromodification Management Plan (HMP) that was approved by the RWQCB on July 19, 2010. The HMP provides guidance on selecting BMPs that meet the criteria to control the rate, frequency, and duration for runoff from development projects. The City has until January 14, 2011 to incorporate these changes into our local SUSMP (Chapter 8.32 I.B.M.C.).

City Council conducted the first reading of this ordinance at its meeting of November 17, 2010.

DISCUSSION:
The attached ordinance amends the Standard Urban Stormwater Mitigation Plan in the Imperial Beach municipal code Chapter 8.32 that pertain to the BMPs that are required to control runoff peaks and durations that result from new development or redevelopment projects. These changes are required under the NPDES municipal Stormwater Permit R9-2007-0001. These

requirements apply to project applicants who are proposing a development or redevelopment project that meet the criteria of a priority development project. The criteria of projects that fall within priority development projects are listed in full under Section 8.32.040. In general, they apply to projects that are over one acre in size or are projects that have a reasonable potential to generating stormwater pollution.

In addition to demonstrating compliance with the existing SUSMP requirements to treat, infiltrate, or filter runoff, some proposed applicants of priority development projects will also need to demonstrate compliance with the hydromodification management criteria, as detailed in the approved RWQCB HMP to ensure that the proposed development project will not cause any adverse impacts on downstream habitat or conditions. This additional SUSMP requirement only applies to the portions of the City that do not discharge directly to a tidally influenced water body. Most of the City's storm drain systems discharge to tidally influenced portions of the Otay River, San Diego Bay, Tijuana Estuary, or Ocean and therefore are exempt under the approved HMP. However, priority development projects that discharge to the Tijuana River will be required to demonstrate compliance with the HMP criteria.

ENVIRONMENTAL DETERMINATION:
This project is exempt from the California Environmental Quality Act (CEQA) because it is a certified environmental regulatory program as defined in CEQA guidelines section 15308.

FISCAL IMPACT:
Although there is no definitive analysis that staff is aware of regarding the added costs from this new mandate, it might be instructional to look at the added costs relative to the recently completed Imperial Beach Skate Park to meet the SUSMP program. In this light, the following is provided:

- SUSMP added 19% to the design cost
- SUSMP added 7% to the construction cost
- SUSMP added 3% to the construction administration

DEPARTMENT RECOMMENDATION:
Staff recommends the Mayor and City Council:

1. Receive this report;
2. Mayor to call for the reading of the title of Ordinance No. 2010-1112, "An Ordinance of the City Council of the City of Imperial Beach, California, UPDATING CHAPTER 8.32, AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT";
3. City Clerk to read Ordinance No. 2010-1112; and
4. Motion to dispense with second reading and adopt Ordinance No. 2010-1112 by title only.

CITY MANAGER'S RECOMMENDATION:
Approve Department recommendation.

Gary Brown

Gary Brown, City Manager

Attachments:

1. Ordinance No. 2010-1112, including clean and redline of IBMC Chapter 8.32
2. Countywide Model SUSMP, October 18, 2010 (Due to the large size of the document, this attachment is available at City Clerk's Office)
3. Draft City of Imperial Beach Guidance for Meeting SUSMP Compliance for Priority Development Projects

ATTACHMENT 1

ORDINANCE NO. 2010-1112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, UPDATING CHAPTER 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT

WHEREAS, the City of Imperial Beach, pursuant to the Water Quality Permit issued on January 24, 2007, is required to develop and implement a program to address urban runoff pollution issues in development planning for public and private projects as mandated by the Regional Water Quality Control Board (San Diego Region).

WHEREAS, the requirement to implement a program for development planning is based on Federal and State Statutes including: Section 402 (p) of the Clean Water Act, Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 ("CZARA"), and the California Water Code. The Clean Water Act amendments of 1987 established a framework for regulating urban runoff discharges from municipal, industrial, and construction activities under the NPDES program. The municipal permit requires the implementation of a Jurisdictional Urban Runoff Management Program (JURMP), which has been adopted by the City of Imperial Beach pursuant to Resolution No. 2008-6602, and subsequently amended.

WHEREAS, pursuant to the mandates established under the Water Quality Permit, state and federal statutes that ensure discharges from municipal urban runoff conveyance systems do not cause or contribute to a violation of water quality standards; that effectively prohibit non-stormwater discharges in urban runoff; and reduce the discharge of pollutants from urban runoff conveyance systems to the Maximum Extent Practicable (MEP statutory standard).

WHEREAS, the adoption of this Ordinance shall implement policies that establish a hydromodification management criteria applicable to new development and redevelopment applications that fall under priority project categories to ensure that development does not increase urban runoff flow rates and velocities that would adversely impact downstream habitat or conditions.

WHEREAS, policies contained in this Ordinance amendment will incorporate into the Imperial Beach Municipal Code the *Hydromodification Management Plan located in Appendix B of the Countywide Model SUSMP (Standard Urban Stormwater Mitigation Plan Requirements for Development Applications),* dated October 18, 2010, and any subsequent amendments as part of the required iterative process mandated under state and federal law.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AS FOLLOWS:

Section 1. Chapter 8.32 of the Imperial Beach Municipal Code is hereby

amended to read as shown in Attachment "A".

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 a summary of 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, on the 17th day of November 2010; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 1st day of December 2010, 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:

JENNIFER LYON
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 2010-1112 – An Ordinance of the City of Imperial Beach, California, UPDATING CHAPTER 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT.

CITY CLERK DATE

ATTACHMENT "A"

Chapter 8.32. STANDARD URBAN STORM WATER MITIGATION PLAN

8.32.010. Title
8.32.020. Statutory Authority
8.32.030. Purpose
8.32.040. Applicability of Chapter
8.32.050. Applicability of Chapter 8.30
8.32.060. Limited Exclusion (Utility Projects)
8.32.070. Limitations.
8.32.080. Provisions for SUSMP Requirements
8.32.090. Implementation.
8.32.100. Hydromodification Applicability
8.32.110. Identifying Pollutants and Conditions of Concern
8.32.120. General Categories of Water Pollution
8.32.130. Identifying Pollutants from the Project Area
8.32.140. Identifying Pollutants and Conditions of Concern
8.32.150. Hydromodification Requirements
8.32.160. Hydromodification BMPs
8.32.170. Sizing Hydromodification BMPs
8.32.180. Progression of Storm Water BMPs
8.32.190. Requirements to Implement Storm Water BMPs
8.32.1200. Selection of Storm Water Treatment Facilities
8.32.210. Storm Water BMPs for Projects not Generating Pollutants
8.32.220. Storm Water BMPs for Projects Generating Primary and Secondary Pollutants
8.32.230. Alternative Storm Water BMPs
8.32.240. Low Impact Development (LID) and Site Design BMPs
8.32.250. Maintaining Pre-Development Rainfall Runoff Characteristics
8.32.260. Protection of Slopes and Channels
8.32.270. Providing Storm Drain System Stenciling, Signage, and Information.
8.32.280. Designing Outdoor Material Storage Areas to Reduce Pollution Introduction
8.32.290. Designing Trash Storage Areas to Reduce Pollution Introduction
8.32.300. Using Efficient Irrigation Systems and Landscape Design
8.32.310. Incorporate Requirements Applicable to Individual Priority Project Categories
8.32.320. Storm Water Treatment Objectives
8.32.330 Design to Treatment Control and LID Site Design BMPs Standards
8.32.340. Treatment Control Volume-Based BMPs
8.32.350. Treatment Control Flow-Based BMPs
8.32.360. Treatment Control BMPs, Limited Exclusions
8.32.370. Locating Treatment Control BMPs Near Pollutant Sources
8.32.380. Treatment Control – Restrictions on Use of Infiltration BMPs
8.32.390. Maintenance Mechanism to be in Place before Acceptance

8.32.4000. Maintenance Mechanisms
8.32.410. Verification Mechanisms
8.32.420. Maintenance Requirements
8.32.430. Waiver of Structural Treatment BMP Requirements

Chapter 8.32. STANDARD URBAN STORM WATER MITIGATION PLAN

8.32.010. Title

The ordinance codified in this chapter shall be known as the "standard urban storm water mitigation plan (SUSMP) of the City of Imperial Beach."

8.32.020. Statutory Authority

A. The municipal storm water National Pollutant Discharge Elimination System (NPDES) permit (Order No. R9-2007-0001, NPDES No. CAS0108758, hereinafter referred to as "Municipal Permit") issued to San Diego County, San Diego County Regional Airport Authority, the Port of San Diego, and eighteen cities by the San Diego Regional Water Quality Control Board (Regional Board) on January 24, 2007, requires the development and implementation of a program addressing urban runoff pollution issues in development planning for public and private projects.

B. The requirement to implement a program for development planning is based on Federal and State Statutes including: Section 402 (p) of the Clean Water Act, Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 ("CZARA"), and the California Water Code. The Clean Water Act amendments of 1987 established a framework for regulating urban runoff discharges from municipal, industrial, and construction activities under the NPDES program. The municipal permit requires the implementation of a Jurisdictional Urban Runoff Management Program (JURMP) and the adoption of a local SUSMP that incorporates the minimum LID, BMP, and hydromodification requirements outlined in the Countywide Model SUSMP and Final Hydromodification Plan documents.

8.32.030. Purpose.

A. The primary objectives of this chapter are to:

1. Ensure that discharges from municipal urban runoff conveyance systems do not cause or contribute to a violation of water quality standards;

2. Identify potential storm water quality impacts from development and redevelopment projects and develop options to avoid, reduce, or minimize the potential for storm water quality impacts where practical;

3. Provide guidance on effective design criteria for LID, storm water treatment control devices, and hydromodification management

4. Reduce the discharge of pollutants from urban runoff conveyance systems to the Maximum Extent Practicable (MEP statutory standard);

5. Fulfill the state requirement that the City adopt a "Standard Urban Stormwater Management Plan" (SUSMP) for imposing specific additional regulatory requirements on "Priority Development Projects".

B. The regulations of this chapter were developed to address post-construction urban runoff pollution from new development and redevelopment applications that fall under "priority project" categories. The goal of this chapter is to develop and implement practicable policies to ensure to the maximum extent practicable that development does not increase pollutant loads from a project site and considers urban runoff flow rates and velocities. This goal may be achieved through site-specific controls and/or drainage area-based or shared structural treatment controls.

8.32.040. Applicability of Chapter.

The regulations set forth in this chapter shall apply to the development plan approval process for discretionary development applications, and prior to issuing development permits for ministerial projects. All development projects must include control measures to reduce the discharge of storm water pollutants to the MEP (Sections 8.30.150). The NPDES permit requires more specific criteria be applied to "priority development projects'.

A. Projects on previously undeveloped land are priority development projects if they are in one or more of the categories listed in Table 1.

Table 1 Priority Development Projects

Housing subdivisions of 10 or more dwelling units. Examples: single-family homes, multi-family homes, condominiums, and apartments.
Commercial—greater than one acre. Any development other than heavy industry or residential. Examples: hospitals; laboratories and other medical facilities; educational institutions; recreational facilities; municipal facilities; commercial nurseries; multi-apartment buildings; car wash facilities; mini-malls and other business complexes; shopping malls; hotels; office buildings; public warehouses; automotive dealerships; airfields; and other light industrial facilities.
Heavy industry—greater than one acre. Examples: manufacturing plants, food processing plants, metal working facilities, printing plants, and fleet storage areas (bus, truck, etc.).
Automotive repair shops. A facility categorized in any one of Standard Industrial Classification (SIC) codes 5013, 5014, 5541, 7532-7534, or 7536-7539.
Restaurants. Any facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812), where the land area for development is greater than 5,000 square feet. Restaurants where land development is less than 5,000 square feet shall meet all SUSMP requirements except for structural treatment BMP and numeric sizing criteria requirements and hydromodification requirements.
Hillside development greater than 5,000 square feet. Any development that creates 5,000 square feet of impervious surface and is located in an area with known erosive soil conditions, where the

development will grade on any natural slope that is twenty-five percent or greater.
Environmentally Sensitive Areas (ESAs). All development located within or directly adjacent to or discharging directly to an ESA (where discharges from the development or redevelopment will enter receiving waters within the ESA), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition. "Directly adjacent" means situated within 200 feet of the ESA. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.
Parking lots 5,000 square feet or more or with 15 or more parking spaces and potentially exposed to urban runoff.
Street, roads, highways, and freeways. Any paved surface that is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.
Retail Gasoline Outlets (RGOs) that are: (a) 5,000 square feet or more or (b) a projected Average Daily Traffic (ADT) of 100 or more vehicles per day.

B. Redevelopment projects as defined in Section 8.30.030 are priority development projects if they create, add, or replace 5,000 square feet or more of impervious surface and are also in one of the categories listed in Table 1.

C. Redevelopment projects that create or replace more than 5,000 square feet of impervious area are subject to the treatment control numeric sizing criteria (Sections 8.32.340 – 8.32.350) on the entire site, if the project results in an increase of, or replacement of, 50% or more of the previously existing impervious surface, and the existing development was not previously subject to SUSMP requirements. If less than 50% of the previously developed area is to be affected, then only that portion must be included in the treatment measure design.

8.32.050. Applicability of Chapter 8.30.

The provisions of chapter 8.30 (Urban Runoff Management and Discharge Control), including the definitions and enforcement provisions, shall be applicable to this chapter as though fully set forth herein.

8.32.060. Limited Exclusion (Utility Projects).

Trenching and resurfacing work associated with utility projects are not considered priority projects. Parking lots, buildings and other structures associated with utility projects are subject to the requirements of this chapter if one or more of the criteria for the above categories are met.

8.32.070. Limitations.

Where requirements of this chapter conflict with other provisions of this Municipal Code, (e.g., specific language of signage used on storm drain stenciling), the more stringent standards shall apply.

8.32.080. Provisions for SUSMP Requirements.

The requirements of this chapter shall be incorporated into the project design and shown on the plans prior to approval of discretionary permits. For projects requiring only Ministerial Permits, the requirements of this chapter shall be incorporated into the project design and shown on the plans prior to the issuance of any Ministerial Permits. City departments carrying out public projects that are not required to obtain permits shall be responsible for ensuring the requirements of this chapter are incorporated into the project design and shown on the plans prior to bidding for construction contracts, or equivalent. For public projects, the requirements of this chapter must be incorporated into the project design and shown on the plans before allowing the project to commence. The Countywide Model SUSMP (Standard Urban Stormwater Mitigation Plan for Development Applications, amended October 18, 2010,, and as may be further amended, is incorporated herein by reference and made a part of this Chapter's requirements. (www.projectcleanwater.org)

8.32.090. Implementation.

All priority projects shall implement one or a combination of storm water BMPs, including, (1) LID and site design BMPs, (2) source control BMPs and, (3) structural treatment BMPs after the pollutants and conditions of concern have been identified. Priority projects may also be required to implement hydromodification mitigation measures so that post-project runoff flow rates and durations do not exceed pre-project flow rates and durations where such increases would result in an increased potential for erosion or significant impacts to beneficial uses. Storm water BMPs shall be considered and implemented where expressly required by this division and if not so required where determined applicable and feasible by the Director of Public Works. The storm water BMPs shall adhere to the requirements of this Chapter, and shall be correctly designed so as to remove pollutants to the maximum extent practicable and designed so that runoff rates and durations are controlled to maintain or reduce downstream erosion conditions and protect stream habitat. Design criteria and procedures for hydromodification management are identified in Section 8.32.150 through Section 8.32.170 and further outlined in the San Diego County Appendix B, Final Hydromodification Plan.
(www.projectcleanwater.org)

8.32.100. Hydromodification Applicability.
The Final Hydomodification Plan (HMP) outlines potential exemptions from hydromodification management criteria through a HMP Decision Matrix. Projects may be exempt from HMP criteria under the following conditions:

1. The project is not a Priority Development Project
2. If the proposed project does not increase the impervious area or peak flow s to a discharge location
3. If the proposed project discharges directly to an exempt receiving water body such as the Pacific Ocean, San Diego Bay, or tidally-influenced area

4. If the proposed project discharges to a hardened conveyance systems that extends to an exempt receiving water body
5. If the contributing watershed area to which the project discharges has an impervious area percentage greater than 70 percent
6. If the project is a redevelopment project (urban infill project) within a sub-watershed that is greater than 40 percent and does not increase the composite impervious area by more than 3 percent

Priority Development Projects that do not meet any of the above exemptions are required to mitigate for impacts related to increased flow rates and durations as outlined in Section 8.32.150. Priority Development Projects that are exempt from hydromodification criteria are still subject to NPDES Permit LID and water quality treatment requirements.

8.32.110. Identifying Pollutants and Conditions of Concern.

A. Priority project proponents shall use this guidance to identify pollutants and conditions of concern, for which they need to mitigate or protect against (see Table 2 "Anticipated and Potential Pollutants Generated by Land Use Type" and Table 3 "Grouping of Potential Pollutants of Concern by Fate During Treatment"). Site design LID, source control BMPs, and treatment control BMPs are required and vary in relative effectiveness of treatment based on pollutants commonly associated with the proposed project type (see Table 4, "Groups of Pollutants and relative Effectiveness of Treatment Facilities"). Additional guidance on LID site design BMPs, source control BMPs, and treatment control BMPs are presented in Section 8.32.180 through Section 8.32.380 and in the Countywide Model SUSMP. (www.projectcleanwater.org)

B. For private priority projects, the information shall be provided with the project application prior to being deemed complete.

C. For public priority projects, the information shall be approved by the City Engineer prior to bidding for construction contracts.

8.32.120. General Categories of Water Pollution.

For the purposes of identifying pollutants of concern and associated storm water BMPs, pollutants are grouped in nine general categories as follows:

A. Sediments. Sediments are soils or other surficial materials eroded and then transported or deposited by the action of wind, water, ice, or gravity. Sediments can increase turbidity, clog fish gills, reduce spawning habitat, lower young aquatic organism survival rates, smother bottom dwelling organisms, and suppress aquatic vegetation growth.

B. Nutrients. Nutrients are inorganic substances, such as nitrogen and phosphorus. They commonly exist in the form of mineral salts that are either dissolved or suspended in water. Primary sources of nutrients in urban runoff are fertilizers and eroded soils.

Discharge of nutrients to water bodies and streams can cause excessive aquatic algae and plant growth. Such excessive production, referred to as cultural eutrophication, may lead to excessive decay of organic matter in the water body, loss of oxygen in the water, release of toxins in sediment, and the eventual death of aquatic organisms.

C. Metals. Metals are raw material components in non-metal products such as fuels, adhesives, paints, and other coatings. Primary source of metal pollution in storm water are typically commercially available metals and metal products. Metals of concern include cadmium, chromium, copper, lead, mercury, and zinc. Lead and chromium have been used as corrosion inhibitors in primer coatings and cooling tower systems. At low concentrations naturally occurring in soil, metals are not toxic. However, at higher concentrations, certain metals can be toxic to aquatic life. Humans can be impacted from contaminated groundwater resources, and bioaccumulation of metals in fish and shellfish. Environmental concerns, regarding the potential for release of metals to the environment, have already led to restricted metal usage in certain applications.

D. Organic Compounds. Organic compounds are carbon-based. Commercially available or naturally occurring organic compounds are found in pesticides, solvents, and hydrocarbons. Organic compounds can, at certain concentrations, indirectly or directly constitute a hazard to life or health. When rinsing off objects, toxic levels of solvents and cleaning compounds can be discharged to storm drains. Dirt, grease, and grime retained in the cleaning fluid or rinse water may also adsorb levels of organic compounds that are harmful or hazardous to aquatic life.

E. Trash and Debris. Trash (such as paper, plastic, polystyrene packing foam, and aluminum materials) and biodegradable organic matter (such as leaves, grass cuttings, and food waste) are general waste products on the landscape. The presence of trash and debris may have a significant impact on the recreational value of a water body and aquatic habitat. Excess organic matter can create a high biochemical oxygen demand in a stream and thereby lower its water quality. Also, in areas where stagnant water exists, the presence of excess organic matter can promote septic conditions resulting in the growth of undesirable organisms and the release of odorous and hazardous compounds such as hydrogen sulfides.

F. Oxygen-Demanding Substances. This category includes biodegradable organic material as well as chemicals that react with dissolved oxygen in water to form other compounds. Proteins, carbohydrates, and fats are examples of biodegradable organic compounds. Compounds such as ammonia and hydrogen sulfide are examples of oxygen-demanding compounds. The oxygen demand of a substance can lead to depletion of dissolved oxygen in a water body and possibly the development of septic conditions.

G. Oil and Grease. Oil and grease are characterized as high-molecular weight organic compounds. Primary sources of oil and grease are petroleum hydrocarbon products, motor products from leaking vehicles, esters, oils, fats, waxes, and high molecular-weight fatty acids. Introduction of these pollutants to the water bodies are

very possible due to the wide uses and applications of some of these products in municipal, residential, commercial, industrial, and construction areas. Elevated oil and grease content can decrease the aesthetic value of the water body, as well as the water quality.

H. Bacteria and Viruses. Bacteria and viruses are ubiquitous microorganisms that thrive under certain environmental conditions. Their proliferation is typically caused by the transport of animal or human fecal wastes from the watershed. Water, containing excessive bacteria and viruses can alter the aquatic habitat and create a harmful environment for humans and aquatic life. Also, the decomposition of excess organic waste causes increased growth of undesirable organisms in the water.

I. Pesticides. Pesticides (including herbicides) are chemical compounds commonly used to control nuisance growth or prevalence of organisms. Application of a pesticide may result in runoff containing toxic levels of its active component.

8.32.130. Identifying Pollutants From The Project Area.

Using Table 2, pollutants shall be identified that are anticipated to be generated from the proposed priority project categories. Pollutants associated with any hazardous material sites that have been remediated or are not threatened by the proposed project are not considered a pollutant of concern.

Table 2. Anticipated and Potential Pollutants Generated by Land Use Type.

Priority Project Categories	Sediment	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Detached Residential Development	X	X			X	X	X	X	X
Attached Residential Development	X	X			X	P(1)	P(2)	P	X
Commercial Development >one acre	P(1)	P(1)	X	P(2)	X	P(5)	X	P(3)	P(5)
Heavy Industry	X		X	X	X	X	X		
Automotive Repair Shops			X	X(4)(5)	X		X		
Restaurants					X	X	X	X	P(1)

Priority Project Categories	Sediment	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Hillside Development >5,000 ft2	X	X			X	X	X		X
Parking Lots	P(1)	P(1)	X		X	P(1)	X		P(1)
Retail Gasoline Outlets			X	X	X	X	X		
Streets, Highways & Freeways	X	P(1)	X	X(4)	X	P(5)	X	X	P(1)

X = anticipated
P = potential
(1) A potential pollutant if landscaping exists on-site.
(2) A potential pollutant if the project includes uncovered parking areas.
(3) A potential pollutant if land use involves food or animal waste products.
(4) Including petroleum hydrocarbons.
(5) Including solvents.

8.32.140. Identifying Pollutants And Conditions Of Concern.

A. Pollutants generated by the proposed priority project that exhibits one or more of the following characteristics are considered primary pollutants of concern:

1. Current loadings or historical deposits of the pollutant are impairing the beneficial uses of a receiving water;

2. Elevated levels of the pollutant are found in water or sediments of a receiving water and/or have the potential to be toxic to or bioaccumulate in organisms therein; and

3. Inputs of the pollutant are at a level high enough to be considered potentially toxic.

4. Discharge directly to an “Area of Biological Significance” as identified by the State Water Resource Control Board’s California Ocean Plan.

B. To identify primary pollutants of concern in receiving waters, each priority project shall, at a minimum, do the following:

1. For each of the proposed projects discharge points, identify the receiving water(s) that each discharge point proposes to discharge to, including

hydrologic unit basin number(s), as identified in the most recent version of the Water Quality Control Plan for the San Diego Basin, prepared by the San Diego Regional Water Quality Control Board.

2. Identify any receiving waters, into which the developed area would discharge to, listed on the most recent list of Clean Water Act Section 303(d) impaired water bodies. List any and all pollutants for which the receiving waters are impaired.

3. Identify any receiving waters, into which the developed area would discharge to, with established TMDLs. List any pollutants for which receiving waters have established TMDLs.

4. Compare the list of pollutants for which the receiving waters are impaired and for which have established TMDLs with the pollutants anticipated to be generated by the project (as identified in Table 2). Any pollutants identified by Table 2, which are also causing impairment of receiving waters, shall be considered primary pollutants of concern.

5. For projects where no primary pollutants of concern exist, those pollutants identified through the use of Table 2 shall be considered secondary pollutants of concern.

C. To identify conditions of concerns for the project the applicant must do the following:

1. Evaluate the project's conditions of concern in a drainage study report prepared by a registered civil engineer in the State of California, with experience in fluvial geomorphology and water resources management. The report shall consider the project area's location (from the larger watershed perspective), topography, soil and vegetation conditions, percent impervious area, natural and infrastructure drainage features, wet season groundwater depth, and any other relevant hydrologic and environmental factors to be protected specific to the project area's watershed;

2. As part of the drainage study, a qualified, licensed professional shall provide a report on proposed infiltration techniques (trenches, basins, dry wells, permeable pavements with underground reservoir for infiltration) regarding any potential adverse geotechnical concerns. Geotechnical conditions (such as slope stability, expansive soils, compressible soils, seepage, groundwater depth, and loss of foundation or pavement subgrade) should be addressed, and mitigation measures provided;

3. As part of the drainage study, the civil engineer shall conduct a field reconnaissance to observe and report on downstream conditions, including undercutting erosion, slope stability, vegetative stress (due to flooding, erosion,

water quality degradation, or loss of water supplies) and the area's susceptibility to erosion or habitat alteration as a result of an altered flow regime;

4. The drainage study shall compute rainfall runoff characteristics from the project area including, at a minimum, peak flow rate, flow velocity, runoff volume, time of concentration, and retention volume. These characteristics shall be developed for the two-year and 10-year frequency, Type I storm, of six-hour or 24-hour duration (whichever is the closer approximation of the site's time of concentration), during critical hydrologic conditions for soil and vegetative cover[1]. The drainage study shall report the project's conditions of concern based on the hydrologic and downstream conditions discussed above. Where downstream conditions of concern have been identified, the drainage study shall establish that pre-project hydrologic conditions affecting downstream conditions of concern would be maintained by the proposed project, satisfactory to the Director of Public Works, by incorporating the site design, source control, and treatment control requirements identified in this division.

8.32.150. Hydromodification Requirements.

Common impacts to the hydrologic regime resulting from development typically include increased runoff volume and velocity; reduced infiltration; increased flow frequency, duration, and peaks; faster time to reach peak flow; and water quality degradation. These changes have the potential to permanently impact downstream channels and habitat integrity.

Projects that do not meet the HMP exemptions in Section 8.32.100 must demonstrate compliance with the hydromodification management criteria in the NPDES permit, as detailed in the approved Hyrdomodification Plan (HMP) located in Appendix B of the Countywide Model SUSMP on the County of San Diego website (www.projectcleanwater.org).

Facilities that detain or infiltrate runoff to mitigate development impacts are the focus of most HMP implementation guidance. They work either by reducing the volume of runoff (infiltration facilities) or by holding water and releasing it (retention facilities). These facilities are referred to as Best Management Practices (BMPs) and range from regional detention basins designed solely for flow control, to bioretention facilities that serve a number of functions. In many cases these facilities can be designed to meet both water quality and hydromodification management requirements.

8.32.160. Hydromodification BMPs.

Hydromodification BMPs differ slightly from those BMPs used to meet water quality objectives in that they focus more on matching undeveloped flow-regimes than on filtering storm runoff, although these two functions can be combined into one facility. Various methods exist for sizing Hydromodification BMPs and are presented below.

Hydrograph Matching. This is an approach whereby the outflow hydrograph for a particular site matches closely with the pre-project hydrograph for a design storm. This method is most traditionally used to design flood-detention facilities to mitigate for a particular storm recurrence interval (e.g., the 100-year storm). Although hydrograph matching can be employed for multiple storms, this method generally does not take into account the smaller, more frequent storms where a majority of the erosive work in stream channel is done and is therefore not widely accepted for HMP compliance.

Volume Control. This is a method for matching the pre-project and post-construction runoff volume for a project site. Any increase in runoff volume is either infiltrated on site, or discharged to another location where streams will not be impacted. The magnitude of peak flows is not controlled, and therefore this method, while ensuring that there is no increase in total volume of runoff, can result in higher erosive forces during storms.

Flow Duration Control. Refers to matching both the duration and magnitude of a specified range of storms. The entire hydrologic record is taken into account and pre-project and post-construction runoff magnitudes and volumes are matched as closely as possible. Excess runoff is either infiltrated on site, or is discharged below Qcp.

8.32.170. Sizing Hydromodification BMPs.

Projects may demonstrate compliance with hydromodification criteria by using the integrated LID design procedure, which is streamlined through use of San Diego County BMP Sizing Calculator located on the County of San Diego website (www.projectcleanwater.org). For larger projects, the applicant may use the automated pond sizer, which is included in the BMP Sizing Calculator, or continuous simulation hydrologic computer models to simulate pre-project and post-project runoff, including the effects of extended detention facilities to mitigate peak flows and durations. Guidance for applying the hydromodification criteria and selecting the appropriate flow control BMPs is available in Appendix B of the Countywide Model SUSMP.

8.32.180. Progression of Storm Water BMPs.

Low impact development (LID) site design BMPs reduce the need for source and/or treatment control BMPs, and source control BMPs may reduce the amount of treatment control BMPs needed. Throughout all the following sections, all priority projects shall

consider, and incorporate and implement where expressly required by this chapter and if not so required where determined applicable and feasible by the Director of Community Development, storm water BMPs into the project design, in the following progression:

A. LID Site Design BMPs

B Source Control BMPs

C. Treatment Control BMPs

8.32.190. Requirements to Implement Storm Water BMPs.

Selection of BMPs from the menus included in this chapter, including the Countywide Model SUSMP, using the rules set out in this chapter, must implement the following storm water BMP requirements.

A. Priority development projects must implement LID site design BMPs to minimize directly connected impervious areas and promote infiltration. Minimum LID site design BMPs are identified in Section 8.32.240.

B. Each priority development project must implement source control BMPs that achieve certain performance standards set out in the SDRWQB municipal permit. The source control BMPs shall be required to:

1. Minimize stormwater pollutants of concern in urban runoff.
2. Include storm drain system stenciling or signage.
3. Include properly designed outdoor material storage areas.
4. Include properly designed trash storage areas.
5. Include efficient irrigation systems.
6. Include water quality requirements applicable to individual priority project categories.
7. Meet the requirements listed in Section 8.32.240 – 8.32.330.
8. Meet the requirements identified in the Countywide Model SUSMP (Appendix A– Storm Water Pollutant Sources/Source Control Checklist.

C. Each priority project shall select appropriate LID site design BMPs, source control BMPs, and when applicable the necessary treatment control BMPs that target the primary pollutants of concern generated by the project.

D. Each Priority Development Project must demonstrate compliance with the hydromodification criteria so that runoff rates and durations are controlled to maintain or reduce pre-projects downstream erosion conditions and protect stream habitat.

8.32.200. Selection of Storm Water Treatment Facilities

The Countywide Model SUSMP provides guidance on the selection of storm water treatment facilities. (Treatment facilities include both LID and treatment control BMPs) The selection of appropriate treatment facilities depends on the grouping of potential pollutants of concern and how easily they are removed by various treatment processes. Table 3 indentifies the fate of pollutants during storm water treatment and will aid in the selection of appropriate treatment facilities for the project (Table 4).

Table 3. Grouping of Potential Pollutants of Concern by Fate During Storm Water Treatment.

Pollutant	Coarse Sediment and Trash	Pollutants that tend to associate with fine particles during treatment	Pollutants that tend to be dissolved following treatment
Sediment	X	X	
Nutrients		X	X
Heavy Metals		X	
Organic Compounds		X	
Trash & Debris	X		
Oxygen Demanding		X	
Bacteria		X	
Oil & Grease		X	
Pesticides		X	

Table 4 identifies groups of pollutants and relative effectiveness of various types of treatment facilities. Priority projects that are anticipated to generate a primary pollutant of concern shall meet all applicable requirements of establishing storm water BMPs in Sections 8.32.240 to 8.32.380, inclusive, and shall select a single or combination of storm water treatment facilities from Table 4 which maximizes pollutant removal for the particular primary pollutant(s) of concern.

Table 4. Groups of Pollutants and Relative Effectiveness of Treatment Facilities

Pollutants of Concern	Bioretention Facilities (LID)	Settling Basins (Dry Ponds)	Wet Ponds and Constructed Wetlands	Infiltration Facilities or Practices (LID)	Media Filters	Higher-rate biofilters	Higher-rate media filters	Trash Racks & Hydro -dynamic Devices	Vegetated Swales
Coarse Sediment and Trash	High	High	High	High	High	High	High	High	High
Pollutants that tend to associate with fine particles during treatment	High	High	High	High	High	Medium	Medium	Low	Medium
Pollutants	Medium	Low	Medium	High	Low	Low	Low	Low	Low

that tend to be dissolved following treatment									

Notes on Treatment Control BMP Categories

To assist the land development community, streamline project reviews, and maximize cost-effective environmental benefits, a unified LID design procedure for San Diego County has been developed in the form of the Countywide Model SUSMP. This design procedure integrates site planning and design measures with engineered, small-scale Integrated Management Practices (IMPs) such as bioretention. By following the procedure, applicants can develop a single integrated design which complies with the complex and overlapping NPDES permit LID requirements, storm water treatment requirements, and flow-control (hydromodification management) requirements.

The following are descriptions on some possible storm water treatment control options as outlined in the above Table 4 "Grouping of Pollutants and Relative Effectiveness of Treatment Facilities". Further Guidance on the selection of appropriate flow control and treatment control facilities is provided in the Countywide Model SUSMP. (www.projectcleanwater.org)

Bioretention Facilities (infiltration planters, flow-through planters, bioretention areas, and bioretention swales). Facilities are designed to capture runoff and infiltrate slowly through soil media, which also supports vegetation. Bioretention facilities, except for flow-through planters, effectively promote infiltration into native soils. In clay soils, facilities may capture excess treated runoff in an underdrain piped to the municipal storm drain system. Typical criteria: an infiltration surface area at least 4% of tributary impervious area, 6-inch average depth of top reservoir, 18-inch soil layer, 12-inch to 18-inch gravel subsurface storage layer.

Settling Basins, Wet Ponds, and Wetlands (settling basins, "dry" ponds, extended detentions basins "wet" ponds, decorative or recreational lakes or water features also used for storm water treatment, constructed wetlands). The required detention volume is based on the 85th percentile 24-hour storm depth. Some wetland designs have proven effective in removing nutrients, but performance varies. For design considerations and details, see the *California Stormwater Best Management Practices Handbooks*.

Infiltration Facilities or Practices (infiltration basins, infiltration trenches, dry wells, dispersal of runoff to landscape, pervious pavements). These facilities and landscape designs capture, retain, and infiltrate runoff to native soils and must be sized to detain and infiltrate a volume equivalent to the 85th percentile 24-hour event. Infiltration facilities are generally only feasible in permeable (Hydrologic Soil Group A or B) soils. Volume and area of infiltration facilities depends on soil permeability and safety factor used. Typical criteria: Infiltration facilities should have pretreatment to remove silt to prolong life of the facility. A 10-foot vertical separation from average seasonal groundwater depth is required. Dispersal to landscape may be accomplished in any soil

type and generally requires a maximum 2:1 ratio impervious:pervious and concave topography to ensure the first 1 inch of rainfall is retained.

Media Filters (sand and soil filters). Filters designed to treat runoff produced by a rainfall of 0.2 inches per hour (or 2 $\times$ 85th percentile hourly rainfall intensity) by slow infiltration through sand or other media. Typical criteria: Surface loading rate not to exceed 5 inches/hour. Entire surface of the sand must be accessible for maintenance.

High Rate Biofilters (tree wells, high rate bioretention areas, and flow through planter boxes). Biofilters with specially designed media to rapidly filter runoff while removing some pollutants.

High-rate Media Filters (typically proprietary). Vaults with replaceable cartridge filters filled with inorganic media.

Trash Racks and Hydrodynamic Devices have low effectiveness in removing pollutants that tend to associate with fine particles and have high effectiveness in removing coarse sediment and trash. They are sometimes used to augment more effective treatment facilities and are sometimes used alone when more effective facilities have been deemed infeasible.

Vegetated Swales use available on-site soils and typically do not include an under drain system. Treatment occurs as runoff flows through grass or other vegetation before exiting at the downstream end. Recommended detention times are on the order of 10 minutes. Design recommendations for conventional vegetated swales are in the *California Stormwater Best Management Practices Handbooks*.

8.32.210. Storm Water BMPS for Projects not Generating Pollutants.

Priority projects that are not anticipated to generate a pollutant, for which the receiving water is impaired under Clean Water Section 303(d), shall meet applicable standard requirements establishing storm water BMPs in Sections 8.32.240 to 8.32.380, inclusive, and shall select a single or combination of storm water BMPs from Table 4 which are effective for pollutant removal of the identified secondary pollutants of concern, consistent with the “maximum extent practicable” standard defined in Attachment “D” of the San Diego Regional Water Quality Control Board Permit No. R9-2007-0001.

8.32.220. Storm Water BMPS for Projects Generating Primary and Secondary Pollutants.

Where a site generates both primary and secondary pollutants of concern, primary pollutants of concern receive priority for BMP selection. For such sites, selected BMPs must only maximize pollutant removal for the primary pollutants of concern. Where a site generates only secondary pollutants of concern, selected BMPs shall target the secondary pollutant of concern determined to be most significant for the project.

Selected BMPs must be effective for the widest range of pollutants of concern anticipated to be generated by a priority project (as identified in Table 2), consistent with the maximum extent practicable standard defined in Attachment "D" of the San Diego Regional Water Quality Control Board Permit No. R9-2007-0001. The Public Works Director or Community Development Director may also require treatment controls to target secondary pollutants of concern.

Storm water treatment facilities with high or medium pollutant removal efficiency for the project's most significant pollutant of concern shall be selected. Treatment facilities with a low removal efficiency ranking shall only be approved by the city when a feasibility analysis has been conducted, which exhibits that implementation of treatment facilities with a high or medium removal efficiency ranking are infeasible. Treatment control BMPs shall not be constructed within a receiving water.

8.32.230. Alternative Storm Water BMPs.

Alternative storm water BMPs not identified in Table 4 may be approved at the discretion of the Director of Community Development, provided the alternative BMP is as effective in removal of pollutants of concern as other feasible BMPs listed in Table 4.

8.32.240. Low Impact Development (LID) and site Design BMPs .

A. Priority projects shall be designed so as to minimize, to the maximum extent practicable, the introduction of pollutants and conditions of concern that may result in significant impacts, generated from site runoff to the storm water conveyance system. Priority projects shall also control post-development peak storm water runoff discharge rates and velocities to maintain or reduce pre-development downstream pollution and to protect the receiving water. Although not mandatory, priority projects can address these objectives through the creation of a hydrologically functional project design that attempts to mimic the natural hydrologic regime. Mimicking a site's natural hydrologic regime can be pursued by:

1. Reducing imperviousness, conserving natural resources and areas, maintaining and using natural drainage courses in the storm water conveyance system, and minimizing clearing and grading.

2. Providing runoff storage measures dispersed uniformly throughout a site's landscape with the use of a variety of detention, retention, and runoff practices.

3. Implementing on-lot hydrologically functional landscape design and management practices.

B. Each Priority Development Project shall implement LID BMPs which will collectively minimize connected impervious areas and promote infiltration at Priority Development Projects:

1. The Following LID site design BMPs shall be implemented at all Priority Development Projects as required below:

   (a) For Priority Development Projects with landscaped or other pervious areas, drain a portion of impervious areas (rooftops, parking lots, sidewalks, walkways, patios and similar areas of impervious surface) into pervious areas prior to discharge to the MS4. The amount of runoff from impervious areas shall correspond with the total capacity of the project's pervious areas to infiltrate or treat runoff, taking into consideration the pervious area's soil conditions, slope, and other pertinent factors.

   (b) For Priority Development Projects with landscaped or other pervious areas, properly design and construct pervious areas to effectively receive and infiltrate or treat runoff from impervious areas, taking into consideration the pervious areas' soil; conditions, slope, and other pertinent factors.

   (c) For Priority Development Projects with low traffic areas and appropriate soil conditions, construct a portion of walkways, trails, overflow parking lots, alleys, or other low-traffic areas with permeable surfaces, such as previous concrete, porous asphalt, unit pavers, and granular materials.

2. The following LID BMPs listed below shall be implemented at all Priority Development Projects where applicable and feasible.

   a. Conserve natural areas, including existing trees, other vegetation, and soils.

   b. Construct streets, sidewalks, or parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised.

   c. Minimize the impervious footprint of the project.

   d. Minimize soil compaction.

   e. Minimize disturbances to natural drainages (*e.g.,* natural swales, topographic depressions and similar land features).

C. Site design BMPs shall offer an innovative approach to urban storm water management that does not rely on the conventional end-of-pipe or in-the-pipe structural methods but instead uniformly or strategically integrates storm water controls throughout the urban landscape. Examples of many of these methods may be found in the County of San Diego's LID Handbook and County of San Diego's Countywide Model SUSMP (Chapter 4, most recently amended October 18, 2010, and may be further amended), *Start at the Source*, and *Low-Impact Development Design Strategies*, in the

City of Portland, Oregon's *Stormwater Manual*, and in the Contra Costa (California) Clean Water Program's *Stormwater C.3 Guidebook*.

8.32.250. Maintaining Pre-Development Rainfall Runoff Characteristics.

A. Post-project runoff flow rates and durations shall not exceed pre-project runoff flow rates and durations where the increased discharge flow rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in flow rates and durations. Projects should control runoff discharge volumes and durations to the maximum extent practicable using the LID site design, source control, and treatment control requirements, identified in Sections 8.32.240 to 8.32.380, inclusive.

B. Design Concept 1: Minimize Project's Impervious Footprint & Conserve Natural Areas. The following site design options shall be considered and, incorporated and implemented where determined applicable and feasible by the Director of Community Development, during the site planning and approval process, consistent with applicable General Plan policies and other development regulations.

1. Minimize Impervious Footprint. This can be achieved in various ways, including, but not limited to increasing building density (number of stories above or below ground) and developing land use regulations seeking to limit impervious surfaces. Decreasing the project's footprint can substantially reduce the project's impacts to water quality and hydrologic conditions.

2. Conserve Natural Areas Where Feasible. This can be achieved by concentrating or clustering development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural, undisturbed condition. The following list provides a guideline for determining the least sensitive portions of the site, in order of increasing sensitivity. Jurisdictions should also refer to their Multiple Species Conservation Plans or other biological regulations, as appropriate

    a. Areas devoid of vegetation, including previously graded areas and agricultural fields.

    b. Areas of non-native vegetation, disturbed habitats and eucalyptus woodlands.

    c. Areas of chamise or mixed chaparral, and non-native grasslands.

    d. Areas containing coastal scrub communities.

    e. All other upland communities.

    f. Occupied habitat of sensitive species and all wetlands.

g. All areas necessary to maintain the viability of wildlife corridors.

h. Within each of the previous categories, areas containing hillsides should be considered more sensitive than the same category without hillsides.

3. Construct walkways, trails, patios, overflow parking lots and alleys and other low-traffic areas with permeable surfaces, such as pervious concrete, porous asphalt, unit pavers, and granular materials.

4. Construct streets, sidewalks and parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised. Maximize canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native or drought tolerant trees and large shrubs.

5. Maximize canopy interception and water conservation by preserving existing native trees and shrubs and planting additional native or drought tolerant trees and large shrubs.

6. Minimize the use of impervious surfaces, such as decorative concrete, in the landscape design.

7. Use natural drainage systems to the maximum extent practicable.

8. Other site design options that are comparable, and equally effective.

C. Design Concept 2: Minimize Directly Connected Impervious Areas (DCIAs). Priority projects shall consider, and incorporate and implement the following design characteristics, where determined applicable and feasible by the Director of Public Works.

1. Where landscaping is proposed, drain rooftops into adjacent landscaping prior to discharging to the storm drain.

2. Where landscaping is proposed, drain impervious sidewalks, walkways, trails, and patios into adjacent landscaping.

3. Other design characteristics that are comparable and equally effective.

8.32.260. Protection of Slopes and Channels.

Project plans shall include storm water BMPs to decrease the potential for erosion of slopes and/or channels and degradation of downstream habitat consistent with local codes and ordinances and with the approval of all agencies with jurisdiction, e.g., the

U.S. Army Corps of Engineers, the San Diego Regional Water Quality Control Board, and the California Department of Fish and Game.

8.32.270. Providing Storm Drain System Stenciling, Signage, and Information.

Storm drain stencils are highly visible source control messages, typically placed directly adjacent to storm drain inlets. The stencils contain a brief statement that prohibits the dumping of improper materials into the urban runoff conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. Priority projects shall include the following requirements in the project design.

A. Provide stenciling or labeling of all storm drain inlets and catch basins within the project area with prohibitive language (such as: "NO DUMPING -- I LIVE IN <<name receiving water>>") and/or graphical icons to discourage illegal dumping.

B. Post signs and prohibitive language and/or graphical icons, which prohibit illegal dumping at public access points along channels and creeks within the project area.

C. Maintain legibility of stencils and signs throughout the life of the project.

D. Provide storm water pollution prevention information to new site owners, lessees, or operators.

E. Include the following in lease agreements: "Tenant shall not allow anyone to discharge anything to storm drains or to store or deposit materials so as to create a potential discharge to storm drains."

8.32.280. Designing outdoor material storage areas to reduce pollution introduction.

Improper storage of materials outdoors may increase the potential for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the urban runoff conveyance system. Where the priority project plans include outdoor areas for storage of hazardous materials that may contribute pollutants to the urban runoff conveyance system, the following storm water BMPs are required:

A. Hazardous materials with the potential to contaminate urban runoff shall either be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

B. The storage area shall be paved and sufficiently impervious to contain leaks and spills.

C. The storage area shall have a roof or awning to minimize direct precipitation within the secondary containment area.

8.32.290. Designing Trash Storage Areas to Reduce Pollution Introduction.

All trash storage areas shall meet the following requirements (limited exclusion: detached residential homes):

A. Paved with an impervious surface, designed not to allow run-on from adjoining areas, screened or walled to prevent off-site transport of trash; and

B. Provide trash containers with attached lids that exclude rain, or provide a roof or awning over storage areas to minimize direct precipitation intrusion.

8.32.300. Using Efficient Irrigation Systems and Landscape Design.

Priority projects shall design the timing and application methods of irrigation water to minimize the runoff of excess irrigation water into the storm water conveyance system. The following methods to reduce excessive irrigation runoff shall be considered, and incorporated and implemented where determined applicable and feasible by the Director of Community Services (Detached residential homes may be exempted from these measures by the community development director as long as the project design includes methods to minimize runoff):

A. Employing rain shutoff devices to prevent irrigation after precipitation.

B. Designing irrigation systems to each landscape area's specific water requirements.

C. Using flow reducers or shutoff valves triggered by a pressure drop to control water loss in the event of broken sprinkler heads or lines.

D. Employing other comparable, equally effective, methods to reduce irrigation water runoff.

8.32.310. Incorporate Requirements Applicable to Individual Priority Project Categories.

The following requirements shall be incorporated into applicable priority projects during the storm water BMP selection and design process. Projects shall adhere to each of the individual priority project category requirements that apply to the project (e.g., a restaurant with more than fifteen parking spaces would be required to incorporate the requirements for "g. Equipment Wash Areas" and "h. Parking Areas" into the project design.

A. Private Roads. The design of private roadway drainage shall use at least one of the following:

1. Rural swale system: street sheet flows to vegetated swale or gravel shoulder, curbs at street corners, culverts under driveways and street crossings;

2. Urban curb/swale system: street slopes to curb, periodic swale inlets drain to vegetated swale/biofilter;

3. Dual drainage system: First flush captured in street catch basins and discharged to adjacent vegetated swale or gravel shoulder, high flows connect directly to storm water conveyance system; or

4. Other methods that are comparable and equally effective within the project.

B. Residential Driveways & Guest Parking. The design of driveways and private residential parking areas shall use one at least of the following features.

1. Design driveways with shared access, flared (single lane at street) or wheel strips (paving only under tires); or, drain into landscaping prior to discharging to the storm water conveyance system;

2. Uncovered temporary or guest parking on private residential lots may be: paved with a permeable surface; or, designed to drain into landscaping prior to discharging to the storm water conveyance system; or

3. Other features which are comparable and equally effective.

C. Dock Areas. Loading/unloading dock areas shall include the following:

1. Cover loading dock areas, or design drainage to preclude urban run-on and runoff;

2. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited; or

3. Other features which are comparable and equally effective.

D. Maintenance Bays. Maintenance bays shall include the following:

1. Repair/maintenance bays shall be indoors; or, designed to preclude urban run-on and runoff; and

2. Design a repair/maintenance bay drainage system to capture all wash water, leaks and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is

prohibited. If required by local jurisdiction, obtain an industrial waste discharge permit, or

3. Other features which are comparable and equally effective.

E. Vehicle Wash Areas. Priority projects that include areas for washing/steam cleaning of vehicles shall use the following:

1. Self-contained; or covered with a roof or overhang;

2. Equipped with a clarifier or other pretreatment facility;

3. Properly connected to a sanitary sewer; or

4. Other features which are comparable and equally effective.

F. Outdoor Processing Areas. Outdoor process equipment operations, such as rock grinding or crushing, painting or coating, grinding or sanding, degreasing or parts cleaning, landfills, waste piles, and wastewater and solid waste treatment and disposal, and other operations determined to be a potential threat to water quality shall adhere to the following requirements:

1. Cover or enclose areas that would be the most significant source of pollutants; slope the area toward a dead-end sump; or, discharge to the sanitary sewer system following appropriate treatment in accordance with conditions established by the applicable sewer agency;

2. Grade or berm areas to prevent run-on from surrounding areas;

3. Installation of storm drains in areas where equipment repair is prohibited; or

4. Other features which are comparable or equally effective.

G. Equipment Wash Areas. Outdoor equipment/accessory washing and steam cleaning activities at priority projects shall use the following:

1. Be self-contained; or covered with a roof or overhang;

2. Be equipped with a clarifier, grease trap or other pretreatment facility, as appropriate;

3. Properly connected to a sanitary sewer; or

4. Other features which are comparable or equally effective.

H. Parking Areas. To minimize the offsite transport of pollutants from parking areas, the following design concepts shall be considered, and incorporated and implemented where determined applicable and feasible by the Director of Community Development:

1. Where landscaping is proposed in parking areas, incorporate landscape areas into the drainage design;

2. Overflow parking (parking stalls provided in excess of the City's minimum parking requirements) may be constructed with permeable paving;

3. Other design concepts which are comparable and equally effective;

4. Indoor parking garages must be properly connected to the sanitary sewer.

I. Roadways. Priority roadway projects shall select treatment control BMPs following the treatment control selection procedure identified in Sections 8.32.330 to 8.32.380, inclusive, regarding the establishment of Storm Water BMPs.

J. Fueling Area. Non-retail fuel dispensing areas shall contain the following:

1. Overhanging roof structure or canopy. The cover's minimum dimensions must be equal to or greater than the area within the grade break. The cover must not drain onto the fuel dispensing area and the downspouts must be routed to prevent drainage across the fueling area. The fueling area shall drain to the project's treatment control BMP(s) prior to discharging to the storm water conveyance system.

2. Paved with Portland cement concrete (or equivalent smooth impervious surface). The use of asphalt concrete shall be prohibited.

3. Have an appropriate slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of urban runoff.

4. At a minimum, the concrete fuel dispensing area must extend six and one-half feet (two meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus one foot (three-tenths meter), whichever is less.

K. Hillside Landscaping. Preserve existing native trees, shrubs, and ground cover to the maximum extent practicable. Hillside areas that are disturbed by project development shall be landscaped with deep-rooted, drought tolerant plant species selected for erosion control, satisfactory to the Director of Community Development. Design landscaping to minimize irrigation and runoff, to promote surface infiltration where appropriate, and to minimize the use of pesticides and fertilizers that can contribute to storm water pollution. Where landscaped areas are used to retain or detain storm water, specify plants that are tolerant of saturated soil conditions. Consider using

pest resistant plants, especially adjacent to hardscape. To ensure successful establishment, select plants appropriate to site soils, slopes, climate, sun, wind, rain, land use, air movement, ecological consistency, and plant interactions.

L. Interior Floor Drains and Elevator Shaft Sump Pumps. Interior floor drains and elevator shaft sump pumps need to be properly connected to the sanitary sewer.

M. Fire Sprinkler Test Water. Provide means to drain fire sprinkler test water to the sanitary sewer.

8.32.320. Storm Water Treatment Objectives.

A. Minimizing a development's detrimental effects on water quality can be most effectively achieved through the use of a combination of LID site design, source control and treatment control storm water BMPs. LID treatment controls such as infiltration and bioretention are encouraged on project sites where conditions are appropriate in order to achieve multiple benefits towards water quality and improved flow-control for hydromodification management. When treatment controls are included on projects, provisions must be made to ensure their long-term maintenance.

B. In meeting the requirements in this section, priority projects shall implement a single or combination of storm water BMPs that will remove anticipated pollutants of concern from site runoff to the maximum extent practicable. The guidance from this chapter and the Countywide Model SUSMP will help applicants select appropriate storm water treatment facilities and prepare the necessary documentation for project submittal. Treatment control BMPs must be implemented unless a waiver is granted to the project by the Director of Community Development based on the infeasibility of any treatment control BMP.

C. Multiple Priority Development Projects may use shared treatment facilities as long as construction of any shared treatment control BMP is completed prior to the use or occupation of any Priority Development Project from which the treatment facility will receive runoff.

8.32.330. Design to Treatment Control and LID Site Design BMPs Standards.

All priority projects shall design, construct and implement LID site design and structural treatment control BMPs that meet the design standards of this section, unless specifically exempted by the limited exclusions. LID site design and structural treatment control BMPs required by this section shall be operational prior to the use of any dependent development, and shall be located and designed in accordance with the requirements of this chapter, including the Countywide Model SUSMP requirements.

A. All treatment control BMPs for Priority Development Projects shall, at a minimum:

1. Be ranked with high or medium pollutant removal efficiency for the project's most significant pollutants of concern, as the pollutant removal efficiencies are identified in the Countywide Model SUSMP and the most current updates thereto. Treatment control BMPs with a low removal efficiency ranking shall only be approved by the City when a feasibility analysis has been conducted which exhibits that the implementation of treatment control BMPs with high or medium removal efficiency rankings are infeasible for a Priority Development Project or portion of a Priority Development Project.
2. Be correctly sized and designed so as to remove pollutants to the maximum extent practicable (MEP).
3. Target removal of pollutants of concern from urban runoff.
4. Be implemented close to pollutant sources (where shared BMPs are not proposed), and prior to discharging into the waters of the United States.
5. Not be constructed within receiving water.
6. Include proof of a mechanism, in a form acceptable to the City Attorney, to be provided by the project proponent, which ongoing long-term maintenance will be conducted.

8.32.340. Treatment Control Volume Based BMPs.

Volume-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) by the volume of runoff produced from a 24-hour 85th percentile storm event, as determined from isoplovial maps contained in the County of San Diego Hydrology Manual. See County of San Diego's Isoplovial map at
http://www.sdcounty.ca.gov/dpw/engineer/flood.htm

8.32.350. Treatment Control Flow Based BMPs.

As an alternative to volume-based BMPs, structural treatment controls may be designed as flow-based BMPs. Flow-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) either:

A. The maximum flow rate of runoff produced from a rainfall intensity of two-tenths inch of rainfall per hour for each hour of a storm event; or

B. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two, for each hour of a storm event.

8.32.360. Treatment Control BMPs, Limited Exclusions.

A. Proposed restaurants, where the land area for development or redevelopment is less than five thousand square feet, are excluded from the numerical sizing criteria requirements listed for structural treatment control volume-based BMPs.

B. Where significant redevelopment results in an increase of less than fifty percent of the impervious surfaces of a previously existing development, and the existing development was not subject to SUSMP requirements, the numeric sizing criteria discussed for structural treatment control volume-based BMPs apply only to the addition, and not to the entire development.

8.32.370. Locating Treatment Control BMPs Near Pollutant Sources.

Structural treatment control storm water BMPs should be implemented close to pollutant sources to minimize costs and maximize pollutant removal prior to runoff entering receiving waters. Such BMPs may be located on- or off-site, used singly or in combination, or shared by multiple new developments, pursuant to the following requirements:

A. All structural treatment control BMPs shall be located so as to infiltrate, filter, and/or treat the required runoff volume or flow prior to its discharge to any receiving water body supporting beneficial uses;

B. Multiple post-construction structural treatment control BMPs for a single priority development project shall collectively be designed to comply with the design standards for structural treatment control volume-based BMPs;

C. Shared storm water BMPs shall be operational prior to the use of any dependent development or phase of development. The shared BMPs shall only be required to treat the dependent developments or phases of development that are in use;

D. Interim storm water BMPs that provide equivalent or greater treatment than is required by structural treatment control volume-based BMPs may be implemented by a dependent development until each shared BMP is operational. If interim BMPs are selected, the BMPs shall remain in use until permanent BMPs are operational. (Ord. 2003-996 § 3 (part), 2003)

8.32.380. Treatment Control--Restrictions on Use of Infiltration BMPs.

Infiltration devices shall comply with the criteria establish in the Countywide Model SUSMP, as amended, that is incorporated by reference as part of this Chapter. These conditions do not apply to structural treatment BMPs which allow incidental infiltration and are not designed to primarily function as infiltration devices (such as grassy swales, detention basins, vegetated buffer strips, constructed wetlands, etc.) .At a minimum, use of structural treatment BMPs that are designed to primarily function as infiltration devices shall meet the following conditions:

A. Urban runoff from commercial developments shall undergo pretreatment to remove both physical and chemical contaminants, such as sedimentation or filtration, prior to infiltration.

B. All dry weather flows shall be diverted from infiltration devices except for those non-storm water discharges authorized pursuant to 40 Code of Federal Regulations ("CFR") 122.26(d)(2)(iv)(B)(1): diverted stream flows, rising ground waters, uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(20)] to storm water conveyance systems, uncontaminated pumped ground water, foundation drains, springs, water from crawl space pumps, footing drains, air conditioning condensation, flow from riparian habitats and wetlands, water line flushing, landscape irrigation, discharges from potable water sources other than water main breaks, irrigation water, individual residential car washing, de-chlorinated swimming pool discharges.

C. Pollution prevention and source control BMPs shall be implemented as a level appropriate to protect groundwater quality at sites where infiltration structural treatment BMPs are to be used.

D. The vertical distance from the base of any infiltration structural treatment BMP to the seasonal high groundwater mark shall be at least ten feet or as determined on an individual, site-specific basis by the Director of Community Development. Where groundwater does not support beneficial uses, this vertical distance criterion may be reduced, provided groundwater quality is maintained.

E. The soil through which infiltration is to occur shall have physical and chemical characteristics (such as appropriate cation exchange capacity, organic content, clay content, and infiltration rate) that are adequate for proper infiltration durations and treatment of urban runoff for the protection of groundwater beneficial uses.

F. Infiltration structural treatment BMPs shall not be used for areas of industrial or light industrial activity; areas subject to high vehicular traffic (twenty-five thousand or greater average daily traffic on main roadway or fifteen thousand or more average daily traffic on any intersecting roadway); automotive repair shops; car washes; fleet storage areas (bus, truck, etc.); nurseries; and other high threat to water quality land uses and activities as designated by the Director of Community Development.

G. The horizontal distance between the base of any infiltration structural BMP and any water supply wells shall be one hundred feet or as determined on an individual, site-specific basis by the Director of Community Development.

8.32.390. Maintenance Mechanism to be in Place before Acceptance.

Structural BMPs shall not be considered "effective," and shall not be accepted as meeting the MEP standard, unless a mechanism is in place that will ensure ongoing long-term maintenance of all structural BMPs. As part of project review, if a project proponent is required to include interim or permanent structural BMPs in project plans,

and if the Director of Community Development does not provide a mechanism for BMP maintenance, the project proponent shall provide verification of maintenance requirements through such means as may be appropriate, at the discretion of the Director of Community Development, including, but not limited to covenants, legal agreements, maintenance agreements, and/or conditional use permits.

8.32.400. Maintenance Mechanisms.

A. Public Equity Maintenance. The City Council may approve a public or acceptable quasi-public entity (e.g., the County Flood Control District, or annex to an existing assessment district, an existing utility district, a State or Federal resource agency, or a conservation conservancy) to assume responsibility for maintenance, repair and replacement of the BMP. Unless acceptable to the City Council, public entity maintenance agreements shall ensure estimated costs are front-funded or reliably guaranteed, (e.g., through a trust fund, assessment district fees, bond, letter of credit or similar means). In addition, the City Council may seek protection from liability by appropriate releases and indemnities. The City Council shall have the authority to approve storm water BMPs proposed for transfer to any other public entity within its jurisdiction before installation. The City Council shall be involved in the negotiation of maintenance requirements with any other public entities accepting maintenance responsibilities within their respective jurisdictions; and in negotiations with the resource agencies responsible for issuing permits for the construction and/or maintenance of the facilities. The City Council must be identified as a third party beneficiary empowered to enforce any such maintenance agreement within their respective jurisdictions.

B. Project Proponent Agreement to Maintain Storm Water BMPs: The City Council may enter into a contract with the project proponent obliging the project proponent to maintain, repair and replace the storm water BMP as necessary into perpetuity. Security may be required.

C. Assessment Districts: The City Council may approve an Assessment District or other funding mechanism created by the project proponent to provide funds for storm water BMP maintenance, repair and replacement on an ongoing basis. Any agreement with such a District shall be subject to the Public Entity Maintenance Provisions above.

D. Lease Provisions: In those cases where the City holds title to the land in question, and the land is being leased to another party for private or public use, the City may assure storm water BMP maintenance, repair and replacement through conditions in the lease.

E. Conditional Use Permits: For discretionary projects only, the City Council may assure maintenance of storm water BMPs through the inclusion of maintenance conditions in the conditional use permit. Security may be required.

F. Alternative Mechanisms: The City Council may accept alternative maintenance mechanisms if such mechanisms are as protective as those listed above.

8.32.410. Verification Mechanisms.

For discretionary projects, the City approved method of storm water BMP maintenance shall be incorporated into the project's permit, and shall be consistent with permits issued by resource agencies, before City approval of discretionary permits. For projects requiring only ministerial permits, the approved method of storm water BMP maintenance shall be incorporated into the permit conditions before the issuance of any ministerial permits. In all instances, the project proponent shall provide proof of execution of an approved method of maintenance repair and replacement before the issuance of construction approvals. Public projects that are not required to obtain permits shall be responsible for ensuring that an approved method of storm water BMP maintenance repair and replacement is executed prior to the commencement of construction. For all properties, the verification mechanism will include the project proponent's signed statement, as part of the project application, accepting responsibility for all structural BMP maintenance, repair and replacement, until a City approved entity agrees to assume responsibility for structural BMP maintenance, repair and replacement.

8.32.420. Maintenance Requirements.

A. Operation & Maintenance (O&M) Plan: A copy of an Operation & Maintenance (O&M) plan, prepared by the project proponent satisfactory to the Director of Community Development shall be attached to the approved maintenance agreement, which describes the designated responsible party to manage the storm water BMP(s), employees' training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of resource agency permits, and any other necessary activities. At a minimum, maintenance agreements shall require the inspection and servicing of all structural BMPs on an annual basis. The project proponent maintenance entity shall complete and maintain O&M forms to document all maintenance requirements. Parties responsible for the O&M plan shall retain records for at least five years. These documents shall be made available to the City for inspection upon request at any time.

B. Access Easement/Agreement: As part of the maintenance mechanism selected above, it shall include a copy of an executed access easement that shall be binding on the land throughout the life of the project, until such time that the storm water BMP requiring access is replaced, satisfactory to the Director of Community Development.

8.32.430. Waiver of Structural Treatment BMP Requirements.

A. The requirement of implementing structural treatment BMPs may be waived under Section 8.32.330 (""Design to Treatment Control and LID Site Design BMP Standards") if infeasibility can be established. A waiver of infeasibility shall be granted only when all available structural treatment BMPs have been considered and rejected as infeasible.

Waivers may only be granted from structural treatment BMP and structural treatment BMP sizing requirements. Priority development projects, whether or not granted a waiver may not cause or contribute to an exceedance of water quality objectives. Pollutants in runoff from projects granted a waiver must still be reduced to the maximum extent practicable.

B. The City shall notify the Regional Water Quality Control Board (San Diego Region) within five days of each waiver issued. The notice shall include:

1. Name of the officer(s) who issued the waiver;
2. Name of the Developer receiving each waiver;
3. Site location;
4. Reason for the waiver; and
5. Description of the BMPs required.

C. To the extent allowed by law, the City shall establish, by Resolution, a stormwater mitigation fund based on fees derived from project proponents who have received waivers to transfer savings in cost, as solely determined by City, to the City fund. Said Stormwater Mitigation Fund shall have established fees based on the avoided costs of developers receiving waivers and be used to fund a Waiver Mitigation Program with minimum Program components as follows:

1. The entity or entities that will manage the stormwater mitigation fund;
2. The range and types of acceptable projects for which mitigation funds may be expended;
3. The entity or entities that will assume full responsibility for each mitigation project including successful completion; and
4. How the dollar amount of fund contributions will be determined.

ATTACHMENT "A"

Chapter 8.32. STANDARD URBAN STORM WATER MITIGATION PLAN

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8.32.4003~~37~~0. Maintenance Mechanisms
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Chapter 8.32. STANDARD URBAN STORM WATER MITIGATION PLAN

8.32.010. Title

The ordinance codified in this chapter shall be known as the "standard urban storm water mitigation plan (SUSMP) of the City of Imperial Beach."

8.32.020. Statutory Authority

A. The municipal storm water National Pollutant Discharge Elimination System (NPDES) permit (Order No. R9-2007-0001, NPDES No. CAS0108758, hereinafter referred to as "Municipal Permit") issued to San Diego County, San Diego County Regional Airport Authority, the Port of San Diego, and eighteen cities by the San Diego Regional Water Quality Control Board (Regional Board) on January 24, 2007, requires the development and implementation of a program addressing urban runoff pollution issues in development planning for public and private projects.

B. The requirement to implement a program for development planning is based on Federal and State Statutes including: Section 402 (p) of the Clean Water Act, Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 ("CZARA"), and the California Water Code. The Clean Water Act amendments of 1987 established a framework for regulating urban runoff discharges from municipal, industrial, and construction activities under the NPDES program. The municipal permit requires the implementation of a Jurisdictional Urban Runoff Management Program (JURMP) and the adoption of a local SUSMP that incorporates the minimum LID, ~~and~~ BMP, and hydromodification requirements ~~developed~~ outlined in the Countywide Model SUSMP and Final Hydromodification Plan documents.

8.32.030. Purpose.

A. The primary objectives of this chapter are to:

1. Ensure that discharges from municipal urban runoff conveyance systems do not cause or contribute to a violation of water quality standards;

2. Identify potential storm water quality impacts from development and redevelopment projects and develop options to avoid, reduce, or minimize the potential for storm water quality impacts where practical;

3. Provide guidance on effective design criteria for LID, storm water treatment control devices, and hydromodification management

4. Reduce the discharge of pollutants from urban runoff conveyance systems to the Maximum Extent Practicable (MEP statutory standard);

5. Fulfill the state requirement that the City adopt a "Standard Urban Stormwater Management Plan" (SUSMP) for imposing specific additional regulatory requirements on "Priority Development Projects".

B. The regulations of this chapter were developed to address post-construction urban runoff pollution from new development and redevelopment applications that fall under "priority project" categories. The goal of this chapter is to develop and implement practicable policies to ensure to the maximum extent practicable that development does not increase pollutant loads from a project site and considers urban runoff flow rates and velocities. This goal may be achieved through site-specific controls and/or drainage area-based or shared structural treatment controls.

8.32.040. Applicability of Chapter.

The regulations set forth in this chapter shall apply to the development plan approval process for discretionary development applications, and prior to issuing development permits for ministerial projects. All development projects must include control measures to reduce the discharge of storm water pollutants to the MEP (Sections 8.30.150-~~8.30.210~~). The NPDES permit requires more specific criteria be applied to "priority development projects'.

A. Projects on previously undeveloped land are priority development projects if they are in one or more of the categories listed in Table 1.

Table 1 Priority Development Projects

Housing subdivisions of 10 or more dwelling units. Examples: single-family homes, multi-family homes, condominiums, and apartments.
Commercial—greater than one acre. Any development other than heavy industry or residential. Examples: hospitals; laboratories and other medical facilities; educational institutions; recreational facilities; municipal facilities; commercial nurseries; multi-apartment buildings; car wash facilities; mini-malls and other business complexes; shopping malls; hotels; office buildings; public warehouses; automotive dealerships; airfields; and other light industrial facilities.
Heavy industry—greater than one acre. Examples: manufacturing plants, food processing plants, metal working facilities, printing plants, and fleet storage areas (bus, truck, etc.).
Automotive repair shops. A facility categorized in any one of Standard Industrial Classification (SIC) codes 5013, 5014, 5541, 7532-7534, or 7536-7539.
Restaurants. Any facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812), where the land area for development is greater than 5,000 square feet. Restaurants where land development is less than 5,000 square feet shall meet all SUSMP requirements except for structural treatment BMP and numeric sizing criteria requirements and hydromodification requirements.
Hillside development greater than 5,000 square feet. Any development that creates 5,000 square feet of impervious surface and is located in an area with known erosive soil conditions, where the

development will grade on any natural slope that is twenty-five percent or greater.
Environmentally Sensitive Areas (ESAs). All development located within or directly adjacent to or discharging directly to an ESA (where discharges from the development or redevelopment will enter receiving waters within the ESA), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition. "Directly adjacent" means situated within 200 feet of the ESA. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.
Parking lots 5,000 square feet or more or with 15 or more parking spaces and potentially exposed to urban runoff.
Street, roads, highways, and freeways. Any paved surface that is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.
Retail Gasoline Outlets (RGOs) that are: (a) 5,000 square feet or more or (b) a projected Average Daily Traffic (ADT) of 100 or more vehicles per day.

B. Redevelopment projects as defined in Section 8.30.030 are priority development projects if they create, add, or replace 5,000 square feet or more of impervious surface and are also in one of the categories listed in Table 1.

C. Redevelopment projects that creat~~eing~~ or replac~~eing~~ more than 5,000 square feet of impervious area are subject to the treatment control numeric sizing criteria (Sections 8.32.34~~1~~0 – 8.32.35~~2~~0) on the entire site, if the project results in an increase of, or replacement of, 50% or more of the previously existing impervious surface, and the existing development was not previously subject to SUSMP requirements. If less than 50% of the previously developed area is to be affected, then only that portion must be included in the treatment measure design.

8.32.050. Applicability of Chapter 8.30.

The provisions of chapter 8.30 (Urban Runoff Management and Discharge Control), including the definitions and enforcement provisions, shall be applicable to this chapter as though fully set forth herein.

8.32.060. Limited Exclusion (Utility Projects).

Trenching and resurfacing work associated with utility projects are not considered priority projects. Parking lots, buildings and other structures associated with utility projects are subject to the requirements of this chapter if one or more of the criteria for the above categories are met.

8.32.070. Limitations.

Where requirements of this chapter conflict with other provisions of this Municipal Code, (e.g., specific language of signage used on storm drain stenciling), the more stringent standards shall apply.

8.32.080. Provisions for SUSMP Requirements.

The requirements of this chapter shall be incorporated into the project design and shown on the plans prior to approval of discretionary permits. For projects requiring only Ministerial Permits, the requirements of this chapter shall be incorporated into the project design and shown on the plans prior to the issuance of any Ministerial Permits. City departments carrying out public projects that are not required to obtain permits shall be responsible for ensuring the requirements of this chapter are incorporated into the project design and shown on the plans prior to bidding for construction contracts, or equivalent. For public projects, the requirements of this chapter must be incorporated into the project design and shown on the plans before allowing the project to commence. The Countywide Model SUSMP (Standard Urban Stormwater Mitigation Plan for Development Applications, amended ~~dated~~ ~~January 2, 2009~~October 18, 2010, ~~as amended~~, and as may be further amended, is incorporated herein by reference and made a part of this Chapter's requirements. (www.projectcleanwater.org)

8.32.090. Implementation.

All priority projects shall implement one or a combination of storm water BMPs, including, (1) LID and site design BMPs, (2) source control BMPs and, (3) structural treatment BMPs after the pollutants and conditions of concern have been identified. Priority projects may also be required to implement hydromodification mitigation measures so that post-project runoff flow rates and durations do not exceed pre-project flow rates and durations where such increases would result in an increased potential for erosion or significant impacts to beneficial uses. Storm water BMPs shall be considered and implemented where expressly required by this division and if not so required where determined applicable and feasible by the Director of Public Works. The storm water BMPs shall adhere to the requirements of this Chapter, and shall be correctly designed so as to remove pollutants to the maximum extent practicable~~. Priority projects must also be~~ and designed so that runoff rates and durations are controlled to maintain or reduce downstream erosion conditions and protect stream habitat. Design criteria and procedures for hydromodification management are identified in Section 8.32.15~~4~~0 through Section 8.32.170 and further outlined in the San Diego County ~~Interim~~ Appendix B, Final Hydromodification Plan.
(www.projectcleanwater.org)

8.32.100. Hydromodification Applicability.

The Final Hydomodification Plan (HMP) outlines potential exemptions from hydromodification management criteria through a HMP Decision Matrix. Projects may be exempt from HMP criteria under the following conditions:

1. The project is not a Priority Development Project
2. If the proposed project does not increase the impervious area or peak flow s to a discharge location
3. If the proposed project discharges directly to an exempt receiving water body such as the Pacific Ocean, San Diego Bay, or tidally-influenced area

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4. If the proposed project discharges to a hardened conveyance systems that extends to an exempt receiving water body
5. If the contributing watershed area to which the project discharges has an impervious area percentage greater than 70 percent
6. If the project is a redevelopment project (urban infill project) within a sub-watershed that is greater than 40 percent and does not increase the composite impervious area by more than 3 percent

Priority Development Projects that do not meet any of the above exemptions are required to mitigate for impacts related to increased flow rates and durations as outlined in Section 8.32.150. Priority Development Projects that are exempt from hydromodification criteria are still subject to NPDES Permit LID and water quality treatment requirements.

8.32.110. Identifying Pollutants and Conditions of Concern.

A. Priority project proponents shall use this guidance to identify pollutants and conditions of concern, for which they need to mitigate or protect against (see Table 2 "Anticipated and Potential Pollutants Generated by Land Use Type" and Table 3 "Grouping of Potential Pollutants of Concern by Fate During Treatment"). Site design LID, source control BMPs, and treatment control BMPs are required and vary in relative effectiveness of treatment based on pollutants commonly associated with the proposed project type (see Table 4, "Groups of Pollutants and relative Effectiveness of Treatment Facilities"). Additional guidance on LID site design BMPs, source control BMPs, and treatment control BMPs are presented in Section 8.32.150 through Section 8.32.350 and in the Countywide Model SUSMP. (www.projectcleanwater.org)

B. For private priority projects, the information shall be provided with the project application prior to being deemed complete.

C. For public priority projects, the information shall be approved by the City Engineer prior to bidding for construction contracts.

8.32.120. General Categories of Water Pollution.

For the purposes of identifying pollutants of concern and associated storm water BMPs, pollutants are grouped in nine general categories as follows:

A. Sediments. Sediments are soils or other surficial materials eroded and then transported or deposited by the action of wind, water, ice, or gravity. Sediments can increase turbidity, clog fish gills, reduce spawning habitat, lower young aquatic organism survival rates, smother bottom dwelling organisms, and suppress aquatic vegetation growth.

B. Nutrients. Nutrients are inorganic substances, such as nitrogen and phosphorus. They commonly exist in the form of mineral salts that are either dissolved or suspended in water. Primary sources of nutrients in urban runoff are fertilizers and eroded soils.

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Discharge of nutrients to water bodies and streams can cause excessive aquatic algae and plant growth. Such excessive production, referred to as cultural eutrophication, may lead to excessive decay of organic matter in the water body, loss of oxygen in the water, release of toxins in sediment, and the eventual death of aquatic organisms.

C. Metals. Metals are raw material components in non-metal products such as fuels, adhesives, paints, and other coatings. Primary source of metal pollution in storm water are typically commercially available metals and metal products. Metals of concern include cadmium, chromium, copper, lead, mercury, and zinc. Lead and chromium have been used as corrosion inhibitors in primer coatings and cooling tower systems. At low concentrations naturally occurring in soil, metals are not toxic. However, at higher concentrations, certain metals can be toxic to aquatic life. Humans can be impacted from contaminated groundwater resources, and bioaccumulation of metals in fish and shellfish. Environmental concerns, regarding the potential for release of metals to the environment, have already led to restricted metal usage in certain applications.

D. Organic Compounds. Organic compounds are carbon-based. Commercially available or naturally occurring organic compounds are found in pesticides, solvents, and hydrocarbons. Organic compounds can, at certain concentrations, indirectly or directly constitute a hazard to life or health. When rinsing off objects, toxic levels of solvents and cleaning compounds can be discharged to storm drains. Dirt, grease, and grime retained in the cleaning fluid or rinse water may also adsorb levels of organic compounds that are harmful or hazardous to aquatic life.

E. Trash and Debris. Trash (such as paper, plastic, polystyrene packing foam, and aluminum materials) and biodegradable organic matter (such as leaves, grass cuttings, and food waste) are general waste products on the landscape. The presence of trash and debris may have a significant impact on the recreational value of a water body and aquatic habitat. Excess organic matter can create a high biochemical oxygen demand in a stream and thereby lower its water quality. Also, in areas where stagnant water exists, the presence of excess organic matter can promote septic conditions resulting in the growth of undesirable organisms and the release of odorous and hazardous compounds such as hydrogen sulfides.

F. Oxygen-Demanding Substances. This category includes biodegradable organic material as well as chemicals that react with dissolved oxygen in water to form other compounds. Proteins, carbohydrates, and fats are examples of biodegradable organic compounds. Compounds such as ammonia and hydrogen sulfide are examples of oxygen-demanding compounds. The oxygen demand of a substance can lead to depletion of dissolved oxygen in a water body and possibly the development of septic conditions.

G. Oil and Grease. Oil and grease are characterized as high-molecular weight organic compounds. Primary sources of oil and grease are petroleum hydrocarbon products, motor products from leaking vehicles, esters, oils, fats, waxes, and high molecular-weight fatty acids. Introduction of these pollutants to the water bodies are

very possible due to the wide uses and applications of some of these products in municipal, residential, commercial, industrial, and construction areas. Elevated oil and grease content can decrease the aesthetic value of the water body, as well as the water quality.

H. Bacteria and Viruses. Bacteria and viruses are ubiquitous microorganisms that thrive under certain environmental conditions. Their proliferation is typically caused by the transport of animal or human fecal wastes from the watershed. Water, containing excessive bacteria and viruses can alter the aquatic habitat and create a harmful environment for humans and aquatic life. Also, the decomposition of excess organic waste causes increased growth of undesirable organisms in the water.

I. Pesticides. Pesticides (including herbicides) are chemical compounds commonly used to control nuisance growth or prevalence of organisms. Application of a pesticide may result in runoff containing toxic levels of its active component.

8.32.13~~2~~0. Identifying Pollutants From The Project Area.

Using Table 2, pollutants shall be identified that are anticipated to be generated from the proposed priority project categories. Pollutants associated with any hazardous material sites that have been remediated or are not threatened by the proposed project are not considered a pollutant of concern.

Table 2. Anticipated and Potential Pollutants Generated by Land Use Type.

Priority Project Categories	Sediment	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Detached Residential Development	X	X			X	X	X	X	X
Attached Residential Development	X	X			X	P(1)	P(2)	P	X
Commercial Development >one acre	P(1)	P(1)	X	P(2)	X	P(5)	X	P(3)	P(5)
Heavy Industry	X		X	X	X	X	X		
Automotive Repair Shops			X	X(4)(5)	X		X		
Restaurants					X	X	X	X	P(1)

Priority Project Categories	Sediment	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Hillside Development >5,000 ft2	X	X			X	X	X		X
Parking Lots	P(1)	P(1)	X		X	P(1)	X		P(1)
Retail Gasoline Outlets			X	X	X	X	X		
Streets, Highways & Freeways	X	P(1)	X	X(4)	X	P(5)	X	X	P(1)

X = anticipated
P = potential
(1) A potential pollutant if landscaping exists on-site.
(2) A potential pollutant if the project includes uncovered parking areas.
(3) A potential pollutant if land use involves food or animal waste products.
(4) Including petroleum hydrocarbons.
(5) Including solvents.

8.32.14~~3~~0. Identifying Pollutants And Conditions Of Concern.

A. Pollutants generated by the proposed priority project that exhibits one or more of the following characteristics are considered primary pollutants of concern:

1. Current loadings or historical deposits of the pollutant are impairing the beneficial uses of a receiving water;

2. Elevated levels of the pollutant are found in water or sediments of a receiving water and/or have the potential to be toxic to or bioaccumulate in organisms therein; and

3. Inputs of the pollutant are at a level high enough to be considered potentially toxic.

4. Discharge directly to an “Area of Biological Significance” as identified by the State Water Resource Control Board’s California Ocean Plan.

B. To identify primary pollutants of concern in receiving waters, each priority project shall, at a minimum, do the following:

1. For each of the proposed projects discharge points, identify the receiving water(s) that each discharge point proposes to discharge to, including

hydrologic unit basin number(s), as identified in the most recent version of the Water Quality Control Plan for the San Diego Basin, prepared by the San Diego Regional Water Quality Control Board.

2. Identify any receiving waters, into which the developed area would discharge to, listed on the most recent list of Clean Water Act Section 303(d) impaired water bodies. List any and all pollutants for which the receiving waters are impaired.

3. Identify any receiving waters, into which the developed area would discharge to, with established TMDLs. List any pollutants for which receiving waters have established TMDLs.

4. Compare the list of pollutants for which the receiving waters are impaired and for which have established TMDLs with the pollutants anticipated to be generated by the project (as identified in Table 2). Any pollutants identified by Table 2, which are also causing impairment of receiving waters, shall be considered primary pollutants of concern.

4. 5. For projects where no primary pollutants of concern exist, those pollutants identified through the use of Table 2 shall be considered secondary pollutants of concern.

5.

C. To identify conditions of concerns for the project the applicant must do the following:

1. Evaluate the project's conditions of concern in a drainage study report prepared by a registered civil engineer in the State of California, with experience in fluvial geomorphology and water resources management. The report shall consider the project area's location (from the larger watershed perspective), topography, soil and vegetation conditions, percent impervious area, natural and infrastructure drainage features, wet season groundwater depth, and any other relevant hydrologic and environmental factors to be protected specific to the project area's watershed;

2. As part of the drainage study, a qualified, licensed professional shall provide a report on proposed infiltration techniques (trenches, basins, dry wells, permeable pavements with underground reservoir for infiltration) regarding any potential adverse geotechnical concerns. Geotechnical conditions (such as slope stability, expansive soils, compressible soils, seepage, groundwater depth, and loss of foundation or pavement subgrade) should be addressed, and mitigation measures provided;

3. As part of the drainage study, the civil engineer shall conduct a field reconnaissance to observe and report on downstream conditions, including undercutting erosion, slope stability, vegetative stress (due to flooding, erosion,

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water quality degradation, or loss of water supplies) and the area's susceptibility to erosion or habitat alteration as a result of an altered flow regime;

4. The drainage study shall compute rainfall runoff characteristics from the project area including, at a minimum, peak flow rate, flow velocity, runoff volume, time of concentration, and retention volume. These characteristics shall be developed for the two-year and 10-year frequency, Type I storm, of six-hour or 24-hour duration (whichever is the closer approximation of the site's time of concentration), during critical hydrologic conditions for soil and vegetative cover[1]. The drainage study shall report the project's conditions of concern based on the hydrologic and downstream conditions discussed above. Where downstream conditions of concern have been identified, the drainage study shall establish that pre-project hydrologic conditions affecting downstream conditions of concern would be maintained by the proposed project, satisfactory to the Director of Public Works, by incorporating the site design, source control, and treatment control requirements identified in this division.

8.32.1540. ~~Identifying Conditions of Concern.~~Hydromodification Requirements.

Common impacts to the hydrologic regime resulting from development typically include increased runoff volume and velocity; reduced infiltration; increased flow frequency, duration, and peaks; faster time to reach peak flow; and water quality degradation. These changes have the potential to permanently impact downstream channels and habitat integrity. ~~A change to a priority project site's hydrologic regime would be considered a condition of concern if the change would impact downstream channels and habitat integrity. Because of these potential impacts, a director, or his or her designee,~~

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1. ~~Evaluate the project's conditions of concern in a drainage study report prepared by a registered civil engineer in the State of California, with experience in fluvial geomorphology and water resources management. The report shall consider the project area's location (from the larger watershed perspective), topography, soil and vegetation conditions, percent impervious area, natural and infrastructure drainage features, wet season groundwater depth, and any other relevant hydrologic and environmental factors to be protected specific to the project area's watershed;~~

2. ~~As part of the drainage study, a qualified, licensed professional shall provide a report on proposed infiltration techniques (trenches, basins, dry wells, permeable pavements with underground reservoir for infiltration) regarding any potential adverse geotechnical concerns. Geotechnical conditions (such as slope stability, expansive soils, compressible soils, seepage, groundwater depth, and~~

~~loss of foundation or pavement subgrade) should be addressed, and mitigation measures provided;~~

3. ~~As part of the drainage study, the civil engineer shall conduct a field reconnaissance to observe and report on downstream conditions, including undercutting erosion, slope stability, vegetative stress (due to flooding, erosion, water quality degradation, or loss of water supplies) and the area's susceptibility to erosion or habitat alteration as a result of an altered flow regime;~~

4. ~~The drainage study shall compute rainfall runoff characteristics from the project area including, at a minimum, peak flow rate, flow velocity, runoff volume, time of concentration, and retention volume. These characteristics shall be developed for the two-year and 10-year frequency, Type I storm, of six hour or 24 hour duration (whichever is the closer approximation of the site's time of concentration), during critical hydrologic conditions for soil and vegetative cover[2]. The drainage study shall report the project's conditions of concern based on the hydrologic and downstream conditions discussed above. Where downstream conditions of concern have been identified, the drainage study shall establish that pre-project hydrologic conditions affecting downstream conditions of concern would be maintained by the proposed project, satisfactory to the Director of Public Works, by incorporating the site design, source control, and treatment control requirements identified in this division.~~

~~B. For priority development projects that disturb ("PDP fifty (50) acres or more):~~

1. ~~PDP post project runoff flow rates and durations shall not exceed pre-project runoff flow rates and durations (interim hydromodification criteria) where the increased discharge flow rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in flow rates and durations.~~

2. ~~PDPs disturbing fifty (50) acres or more shall implement hydrologic controls to manage post-project runoff flow rates and durations as required by the interim hydromodification criteria.~~

Projects that do not meet the HMP exemptions in Section 8.32.100 must demonstrate compliance with the hydromodification management criteria in the NPDES permit, as detailed in the approved Hyrdomodification Plan (HMP) located in Appendix B of the ~~Coutywide~~Countywide Model SUSMP on the County of San Diego website (www.projectcleanwater.org). ~~that the following steps be followed for priority projects that, in their judgment, may impact the hydrologic regime:~~

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Facilities that detain or infiltrate runoff to mitigate development impacts are the focus of most HMP implementation guidance. They work either by reducing the volume of runoff (infiltration facilities) or by holding water and releasing it (retention facilities). These facilities are referred to as Best Management Practices (BMPs) and range from regional detention basins designed solely for flow control, to bioretention facilities that serve a number of functions. In many cases these facilities can be designed to meet both water quality and hydromodification management requirements.

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8.32.160. Hydromodification BMPs.

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Hydromodification BMPs differ slightly from those BMPs used to meet water quality objectives in that they focus more on matching undeveloped flow-regimes than on filtering storm runoff, although these two functions can be combined into one facility. Various methods exist for sizing Hydromodification BMPs and are presented below.

Hydrograph Matching. This is an approach whereby the outflow hydrograph for a particular site matches closely with the pre-project hydrograph for a design storm. This method is most traditionally used to design flood-detention facilities to mitigate for a particular storm recurrence interval (e.g., the 100-year storm). Although hydrograph matching can be employed for multiple storms, this method generally does not take into account the smaller, more frequent storms where a majority of the erosive work in stream channel is done and is therefore not widely accepted for HMP compliance.

Volume Control. This is a method for matching the pre-project and post-construction runoff volume for a project site. Any increase in runoff volume is either infiltrated on site, or discharged to another location where streams will not be impacted. The magnitude of peak flows is not controlled, and therefore this method, while ensuring that there is no increase in total volume of runoff, can result in higher erosive forces during storms.

Flow Duration Control. Refers to matching both the duration and magnitude of a specified range of storms. The entire hydrologic record is taken into account and pre-project and post-construction runoff magnitudes and volumes are matched as closely as possible. Excess runoff is either infiltrated on site, or is discharged below Qcp.

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8.32.170. Sizing Hydromodification BMPs.

Projects may demonstrate compliance with hydromodification criteria by using the integrated LID design procedure, which is streamlined through use of San Diego County BMP Sizing Calculator located on the County of San Diego website

(www.projectcleanwater.org). For larger projects, the applicant may use the automated pond sizer, which is included in the BMP Sizing Calculator, or continuous simulation hydrologic computer models to simulate pre-project and post-project runoff, including the effects of extended detention facilities to mitigate peak flows and durations. Guidance for applying the hydromodification criteria and selecting the appropriate flow control BMPs is available in Appendix B of the Countywide Model SUSMP.

8.32.185~~5~~0. Progression of Storm Water BMPs.

Low impact development (LID) site design BMPs reduce the need for source and/or treatment control BMPs, and source control BMPs may reduce the amount of treatment control BMPs needed. Throughout all the following sections, all priority projects shall consider, and incorporate and implement where expressly required by this chapter and if not so required where determined applicable and feasible by the Director of Community Development, storm water BMPs into the project design, in the following progression:

A. LID Site Design BMPs

B Source Control BMPs

C. Treatment Control BMPs

8.32.16~~9~~0. Requirements to Implement Storm Water BMPs.

Selection of BMPs from the menus included in this chapter, including the Countywide Model SUSMP, using the rules set out in this chapter, must implement the following storm water BMP requirements.

A. Priority development projects must implement LID site design BMPs to minimize directly connected impervious areas and promote infiltration. Minimum LID site design BMPs are identified in Section 8.32.24~~1~~0.

B. Each priority development project must implement source control BMPs that achieve certain performance standards set out in the SDRWQB municipal permit. The source control BMPs shall be required to:

1. Minimize stormwater pollutants of concern in urban runoff.
2. Include storm drain system stenciling or signage.
3. Include properly designed outdoor material storage areas.
4. Include properly designed trash storage areas.
5. Include efficient irrigation systems.
6. Include water quality requirements applicable to individual priority project categories.
7. Meet the requirements listed in Section 8.32.24~~1~~0 – 8.32.33~~0~~0.

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8. Meet the requirements identified in the Countywide Model SUSMP (Appendix A– Storm Water Pollutant Sources/Source Control Checklist.

C. Each priority project shall select appropriate LID site design BMPs, source control BMPs, and when applicable the necessary treatment control BMPs that target the primary pollutants of concern generated by the project.

D. Each Priority Development Project must demonstrate compliance with the hydromodification criteria so that runoff rates and durations are controlled to maintain or reduce pre-projects downstream erosion conditions and protect stream habitat.

8.32.2017~~0~~. Selection of Storm Water Treatment Facilities

The Countywide Model SUSMP provides guidance on the selection of storm water treatment facilities. (Treatment facilities include both LID and treatment control BMPs) The selection of appropriate treatment facilities depends on the grouping of potential pollutants of concern and how easily they are removed by various treatment processes. Table 3 indentifies the fate of pollutants during storm water treatment and will aid in the selection of appropriate treatment facilities for the project (Table 4).

Table 3. Grouping of Potential Pollutants of Concern by Fate During Storm Water Treatment.

Pollutant	Coarse Sediment and Trash	Pollutants that tend to associate with fine particles during treatment	Pollutants that tend to be dissolved following treatment
Sediment	X	X	
Nutrients		X	X
Heavy Metals		X	
Organic Compounds		X	
Trash & Debris	X		
Oxygen Demanding		X	
Bacteria		X	
Oil & Grease		X	
Pesticides		X	

Table 4 identifies groups of pollutants and relative effectiveness of various types of treatment facilities. Priority projects that are anticipated to generate a primary pollutant of concern shall meet all applicable requirements of establishing storm water BMPs in Sections 8.32.24~~2~~0 to 8.32.38~~5~~0, inclusive, and shall select a single or combination of storm water treatment facilities from Table 4 which maximizes pollutant removal for the particular primary pollutant(s) of concern.

Table 4. Groups of Pollutants and Relative Effectiveness of Treatment Facilities

Pollutants of Concern	Bioretention Facilities (LID)	Settling Basins (Dry Ponds)	Wet Ponds and Constructed Wetlands	Infiltration Facilities or Practices (LID)	Media Filters	Higher-rate biofilters	Higher-rate media filters	Trash Racks & Hydro -dynamic Devices	Vegetated Swales
Coarse Sediment and Trash	High	High	High	High	High	High	High	High	High
Pollutants that tend to associate with fine particles during treatment	High	High	High	High	High	Medium	Medium	Low	Medium
Pollutants that tend to be dissolved following treatment	Medium	Low	Medium	High	Low	Low	Low	Low	Low

Notes on Treatment Control BMP Categories

To assist the land development community, streamline project reviews, and maximize cost-effective environmental benefits, a unified LID design procedure for San Diego County has been developed in the form of the Countywide Model SUSMP. This design procedure integrates site planning and design measures with engineered, small-scale Integrated Management Practices (IMPs) such as bioretention. By following the procedure, applicants can develop a single integrated design which complies with the complex and overlapping NPDES permit LID requirements, storm water treatment requirements, and flow-control (hydromodification management) requirements.

The following are descriptions on some possible storm water treatment control options as outlined in the above Table 4 "Grouping of Pollutants and Relative Effectiveness of Treatment Facilities". Further Guidance on the selection of appropriate flow control and treatment control facilities is provided in the Countywide Model SUSMP. (www.projectcleanwater.org)

Bioretention Facilities (infiltration planters, flow-through planters, bioretention areas, and bioretention swales). Facilities are designed to capture runoff and infiltrate slowly through soil media, which also supports vegetation. Bioretention facilities, except for flow-through planters, effectively promote infiltration into native soils. In clay soils, facilities may capture excess treated runoff in an underdrain piped to the municipal storm drain system. Typical criteria: an infiltration surface area at least 4% of tributary impervious area, 6-inch average depth of top reservoir, 18-inch soil layer, 12-inch to 18-inch gravel subsurface storage layer.

Settling Basins, Wet Ponds, and Wetlands (settling basins, "dry" ponds, extended detentions basins "wet" ponds, decorative or recreational lakes or water features also used for storm water treatment, constructed wetlands). The required detention volume

is based on the 85th percentile 24-hour storm depth. Some wetland designs have proven effective in removing nutrients, but performance varies. For design considerations and details, see the *California Stormwater Best Management Practices Handbooks*.

Infiltration Facilities or Practices (infiltration basins, infiltration trenches, dry wells, dispersal of runoff to landscape, pervious pavements). These facilities and landscape designs capture, retain, and infiltrate runoff to native soils and must be sized to detain and infiltrate a volume equivalent to the 85th percentile 24-hour event. Infiltration facilities are generally only feasible in permeable (Hydrologic Soil Group A or B) soils. Volume and area of infiltration facilities depends on soil permeability and safety factor used. Typical criteria: Infiltration facilities should have pretreatment to remove silt to prolong life of the facility. A 10-foot vertical separation from average seasonal groundwater depth is required. Dispersal to landscape may be accomplished in any soil type and generally requires a maximum 2:1 ratio impervious:pervious and concave topography to ensure the first 1 inch of rainfall is retained.

Media Filters (sand and soil filters). Filters designed to treat runoff produced by a rainfall of 0.2 inches per hour (or 2 × 85th percentile hourly rainfall intensity) by slow infiltration through sand or other media. Typical criteria: Surface loading rate not to exceed 5 inches/hour. Entire surface of the sand must be accessible for maintenance.

High Rate Biofilters (tree wells, high rate bioretention areas, and flow through planter boxes). Biofilters with specially designed media to rapidly filter runoff while removing some pollutants.

High-rate Media Filters (typically proprietary). Vaults with replaceable cartridge filters filled with inorganic media.

Trash Racks and Hydrodynamic Devices have low effectiveness in removing pollutants that tend to associate with fine particles and have high effectiveness in removing coarse sediment and trash. They are sometimes used to augment more effective treatment facilities and are sometimes used alone when more effective facilities have been deemed infeasible.

Vegetated Swales use available on-site soils and typically do not include an under drain system. Treatment occurs as runoff flows through grass or other vegetation before exiting at the downstream end. Recommended detention times are on the order of 10 minutes. Design recommendations for conventional vegetated swales are in the *California Stormwater Best Management Practices Handbooks*.

8.32.21~~18~~0. Storm Water BMPS for Projects not Generating Pollutants.

Priority projects that are not anticipated to generate a pollutant, for which the receiving water is impaired under Clean Water Section 303(d), shall meet applicable standard requirements establishing storm water BMPs in Sections 8.32.24~~2~~0 to 8.32.38~~5~~0, inclusive, and shall select a single or combination of storm water BMPs from Table 4

which are effective for pollutant removal of the identified secondary pollutants of concern, consistent with the "maximum extent practicable" standard defined in Attachment "D" of the San Diego Regional Water Quality Control Board Permit No. R9-2007-0001.

8.32.220~~190~~. Storm Water BMPS for Projects Generating Primary and Secondary Pollutants.

Where a site generates both primary and secondary pollutants of concern, primary pollutants of concern receive priority for BMP selection. For such sites, selected BMPs must only maximize pollutant removal for the primary pollutants of concern. Where a site generates only secondary pollutants of concern, selected BMPs shall target the secondary pollutant of concern determined to be most significant for the project. Selected BMPs must be effective for the widest range of pollutants of concern anticipated to be generated by a priority project (as identified in Table 2), consistent with the maximum extent practicable standard defined in Attachment "D" of the San Diego Regional Water Quality Control Board Permit No. R9-2007-0001. The Public Works Director or Community Development Director may also require treatment controls to target secondary pollutants of concern.

Storm water treatment facilities with high or medium pollutant removal efficiency for the project's most significant pollutant of concern shall be selected. Treatment facilities with a low removal efficiency ranking shall only be approved by the city when a feasibility analysis has been conducted, which exhibits that implementation of treatment facilities with a high or medium removal efficiency ranking are infeasible. Treatment control BMPs shall not be constructed within a receiving water.

8.32.23~~0~~0. Alternative Storm Water BMPs.

Alternative storm water BMPs not identified in Table 4 may be approved at the discretion of the Director of Community Development, provided the alternative BMP is as effective in removal of pollutants of concern as other feasible BMPs listed in Table 4.

8.32.240~~210~~. Low Impact Development (LID) and site Design BMPs .

A. Priority projects shall be designed so as to minimize, to the maximum extent practicable, the introduction of pollutants and conditions of concern that may result in significant impacts, generated from site runoff to the storm water conveyance system. Priority projects shall also control post-development peak storm water runoff discharge rates and velocities to maintain or reduce pre-development downstream pollution and to protect the receiving water. Although not mandatory, priority projects can address these objectives through the creation of a hydrologically functional project design that attempts to mimic the natural hydrologic regime. Mimicking a site's natural hydrologic regime can be pursued by:

1. Reducing imperviousness, conserving natural resources and areas, maintaining and using natural drainage courses in the storm water conveyance system, and minimizing clearing and grading.

2. Providing runoff storage measures dispersed uniformly throughout a site's landscape with the use of a variety of detention, retention, and runoff practices.

3. Implementing on-lot hydrologically functional landscape design and management practices.

B. Each Priority Development Project shall implement LID BMPs which will collectively minimize connected impervious areas and promote infiltration at Priority Development Projects:

1. The Following LID site design BMPs shall be implemented at all Priority Development Projects as required below:

   (a) For Priority Development Projects with landscaped or other pervious areas, drain a portion of impervious areas (rooftops, parking lots, sidewalks, walkways, patios and similar areas of impervious surface) into pervious areas prior to discharge to the MS4. The amount of runoff from impervious areas shall correspond with the total capacity of the project's pervious areas to infiltrate or treat runoff, taking into consideration the pervious area's soil conditions, slope, and other pertinent factors.

   (b) For Priority Development Projects with landscaped or other pervious areas, properly design and construct pervious areas to effectively receive and infiltrate or treat runoff from impervious areas, taking into consideration the pervious areas' soil; conditions, slope, and other pertinent factors.

   (c) For Priority Development Projects with low traffic areas and appropriate soil conditions, construct a portion of walkways, trails, overflow parking lots, alleys, or other low-traffic areas with permeable surfaces, such as previous concrete, porous asphalt, unit pavers, and granular materials.

2. The following LID BMPs listed below shall be implemented at all Priority Development Projects where applicable and feasible.

   a. Conserve natural areas, including existing trees, other vegetation, and soils.

   b. Construct streets, sidewalks, or parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians ~~is~~are not compromised.

c. Minimize the impervious footprint of the project.

d. Minimize soil compaction.

e. Minimize disturbances to natural drainages (*e.g.,* natural swales, topographic depressions and similar land features).

C. Site design BMPs shall offer an innovative approach to urban storm water management that does not rely on the conventional end-of-pipe or in-the-pipe structural methods but instead uniformly or strategically integrates storm water controls throughout the urban landscape. Examples of many of these methods may be found in the County of San Diego's LID Handbook and County of San Diego's Countywide Model SUSMP (Chapter 4, ~~January 2, 2009~~most recently amended October 18, 2010, and may be further amended), *Start at the Source*, and *Low-Impact Development Design Strategies*, in the City of Portland, Oregon's *Stormwater Manual*, and in the Contra Costa (California) Clean Water Program's *Stormwater C.3 Guidebook*.

8.32.25~~2~~0. Maintaining Pre-Development Rainfall Runoff Characteristics.

A. Post-project runoff flow rates and durations shall not exceed pre-project runoff flow rates and durations where the increased discharge flow rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in flow rates and durations. Projects should control runoff discharge volumes and durations to the maximum extent practicable using the LID site design, source control, and treatment control requirements, identified in Sections 8.32.24~~2~~0 to 8.32.38~~5~~0, inclusive.

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B. Design Concept 1: Minimize Project's Impervious Footprint & Conserve Natural Areas. The following site design options shall be considered and, incorporated and implemented where determined applicable and feasible by the Director of Community Development, during the site planning and approval process, consistent with applicable General Plan policies and other development regulations.

1. Minimize Impervious Footprint. This can be achieved in various ways, including, but not limited to increasing building density (number of stories above or below ground) and developing land use regulations seeking to limit impervious surfaces. Decreasing the project's footprint can substantially reduce the project's impacts to water quality and hydrologic conditions.

2. Conserve Natural Areas Where Feasible. This can be achieved by concentrating or clustering development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural, undisturbed condition. The following list provides a guideline for determining the least sensitive portions of the site, in order of increasing sensitivity. Jurisdictions should also refer to their Multiple Species Conservation Plans or other biological regulations, as appropriate

a. Areas devoid of vegetation, including previously graded areas and agricultural fields.

b. Areas of non-native vegetation, disturbed habitats and eucalyptus woodlands.

c. Areas of chamise or mixed chaparral, and non-native grasslands.

d. Areas containing coastal scrub communities.

e. All other upland communities.

f. Occupied habitat of sensitive species and all wetlands.

g. All areas necessary to maintain the viability of wildlife corridors.

h. Within each of the previous categories, areas containing hillsides should be considered more sensitive than the same category without hillsides.

3. Construct walkways, trails, patios, overflow parking lots and alleys and other low-traffic areas with permeable surfaces, such as pervious concrete, porous asphalt, unit pavers, and granular materials.

4. Construct streets, sidewalks and parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised. Maximize canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native or drought tolerant trees and large shrubs.

5. Maximize canopy interception and water conservation by preserving existing native trees and shrubs and planting additional native or drought tolerant trees and large shrubs.

6. Minimize the use of impervious surfaces, such as decorative concrete, in the landscape design.

7. Use natural drainage systems to the maximum extent practicable.

8. Other site design options that are comparable, and equally effective.

C. Design Concept 2: Minimize Directly Connected Impervious Areas (DCIAs). Priority projects shall consider, and incorporate and implement the following design characteristics, where determined applicable and feasible by the Director of Public Works.

1. Where landscaping is proposed, drain rooftops into adjacent landscaping prior to discharging to the storm drain.

2. Where landscaping is proposed, drain impervious sidewalks, walkways, trails, and patios into adjacent landscaping.

3. Other design characteristics that are comparable and equally effective.

8.32.26~~3~~0. Protection of Slopes and Channels.

Project plans shall include storm water BMPs to decrease the potential for erosion of slopes and/or channels and degradation of downstream habitat~~,~~ consistent with local codes and ordinances and with the approval of all agencies with jurisdiction, e.g., the U.S. Army Corps of Engineers, the San Diego Regional Water Quality Control Board, and the California Department of Fish and Game. ~~The following design principles shall be considered, and incorporated and implemented where determined applicable and feasible by the Director of Community Services:~~

~~A. Minimize disturbances to natural drainages.~~

~~B. Convey runoff safely from the tops of slopes.~~

~~C. Vegetate slopes with native or drought tolerant vegetation.~~

~~D. Control and treat flows in landscaping and/or other controls prior to reaching existing natural drainage systems.~~

~~E. Stabilize permanent channel crossings.~~

~~F. Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion. Energy dissipaters shall be installed in such a way as to minimize impacts to receiving waters.~~

8.32.27~~4~~0. Providing Storm Drain System Stenciling, Signage, and Information.

Storm drain stencils are highly visible source control messages, typically placed directly adjacent to storm drain inlets. The stencils contain a brief statement that prohibits the dumping of improper materials into the urban runoff conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. Priority projects shall include the following requirements in the project design.

A. Provide stenciling or labeling of all storm drain inlets and catch basins within the project area with prohibitive language (such as: “NO DUMPING -- I LIVE IN <<name receiving water>>“) and/or graphical icons to discourage illegal dumping.

B. Post signs and prohibitive language and/or graphical icons, which prohibit illegal dumping at public access points along channels and creeks within the project area.

C. Maintain legibility of stencils and signs throughout the life of the project.

D. Provide storm water pollution prevention information to new site owners, lessees, or operators.

E. Include the following in lease agreements: "Tenant shall not allow anyone to discharge anything to storm drains or to store or deposit materials so as to create a potential discharge to storm drains."

8.32.28~~5~~0. Designing outdoor material storage areas to reduce pollution introduction.

Improper storage of materials outdoors may increase the potential for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the urban runoff conveyance system. Where the priority project plans include outdoor areas for storage of hazardous materials that may contribute pollutants to the urban runoff conveyance system, the following storm water BMPs are required:

A. Hazardous materials with the potential to contaminate urban runoff shall either be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

B. The storage area shall be paved and sufficiently impervious to contain leaks and spills.

C. The storage area shall have a roof or awning to minimize direct precipitation within the secondary containment area.

8.32.29~~6~~0. Designing Trash Storage Areas to Reduce Pollution Introduction.

All trash storage areas shall meet the following requirements (limited exclusion: detached residential homes):

A. Paved with an impervious surface, designed not to allow run-on from adjoining areas, screened or walled to prevent off-site transport of trash; and

B. Provide trash containers with attached lids that exclude rain, or provide a roof or awning over storage areas to minimize direct precipitation intrusion.

8.32.30~~27~~0. Using Efficient Irrigation Systems and Landscape Design.

Priority projects shall design the timing and application methods of irrigation water to minimize the runoff of excess irrigation water into the storm water conveyance system. The following methods to reduce excessive irrigation runoff shall be considered, and incorporated and implemented where determined applicable and feasible by the Director of Community Services (Detached residential homes may be exempted from these measures by the community development director as long as the project design includes methods to minimize runoff):

A. Employing rain shutoff devices to prevent irrigation after precipitation.

B. Designing irrigation systems to each landscape area's specific water requirements.

C. Using flow reducers or shutoff valves triggered by a pressure drop to control water loss in the event of broken sprinkler heads or lines.

D. Employing other comparable, equally effective, methods to reduce irrigation water runoff.

8.32.31~~28~~0. Incorporate Requirements Applicable to Individual Priority Project Categories.

The following requirements shall be incorporated into applicable priority projects during the storm water BMP selection and design process. Projects shall adhere to each of the individual priority project category requirements that apply to the project (e.g., a restaurant with more than fifteen parking spaces would be required to incorporate the requirements for "g. Equipment Wash Areas" and "h. Parking Areas" into the project design.

A. Private Roads. The design of private roadway drainage shall use at least one of the following:

1. Rural swale system: street sheet flows to vegetated swale or gravel shoulder, curbs at street corners, culverts under driveways and street crossings;

2. Urban curb/swale system: street slopes to curb, periodic swale inlets drain to vegetated swale/biofilter;

3. Dual drainage system: First flush captured in street catch basins and discharged to adjacent vegetated swale or gravel shoulder, high flows connect directly to storm water conveyance system; or

4. Other methods that are comparable and equally effective within the project.

B. Residential Driveways & Guest Parking. The design of driveways and private residential parking areas shall use one at least of the following features.

1. Design driveways with shared access, flared (single lane at street) or wheel strips (paving only under tires); or, drain into landscaping prior to discharging to the storm water conveyance system;

2. Uncovered temporary or guest parking on private residential lots may be: paved with a permeable surface; or, designed to drain into landscaping prior to discharging to the storm water conveyance system; or

3. Other features which are comparable and equally effective.

C. Dock Areas. Loading/unloading dock areas shall include the following:

1. Cover loading dock areas, or design drainage to preclude urban run-on and runoff;

2. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited; or

3. Other features which are comparable and equally effective.

D. Maintenance Bays. Maintenance bays shall include the following:

1. Repair/maintenance bays shall be indoors; or, designed to preclude urban run-on and runoff; and

2. Design a repair/maintenance bay drainage system to capture all wash water, leaks and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. If required by local jurisdiction, obtain an industrial waste discharge permit, or

3. Other features which are comparable and equally effective.

E. Vehicle Wash Areas. Priority projects that include areas for washing/steam cleaning of vehicles shall use the following:

1. Self-contained; or covered with a roof or overhang;

2. Equipped with a clarifier or other pretreatment facility;

3. Properly connected to a sanitary sewer; or

4. Other features which are comparable and equally effective.

F. Outdoor Processing Areas. Outdoor process equipment operations, such as rock grinding or crushing, painting or coating, grinding or sanding, degreasing or parts cleaning, landfills, waste piles, and wastewater and solid waste treatment and disposal, and other operations determined to be a potential threat to water quality shall adhere to the following requirements:

1. Cover or enclose areas that would be the most significant source of pollutants; slope the area toward a dead-end sump; or, discharge to the sanitary sewer system following appropriate treatment in accordance with conditions established by the applicable sewer agency;

2. Grade or berm areas to prevent run-on from surrounding areas;

3. Installation of storm drains in areas where equipment repair is prohibited; or

4. Other features which are comparable or equally effective.

G. Equipment Wash Areas. Outdoor equipment/accessory washing and steam cleaning activities at priority projects shall use the following:

1. Be self-contained; or covered with a roof or overhang;

2. Be equipped with a clarifier, grease trap or other pretreatment facility, as appropriate;

3. Properly connected to a sanitary sewer; or

4. Other features which are comparable or equally effective.

H. Parking Areas. To minimize the offsite transport of pollutants from parking areas, the following design concepts shall be considered, and incorporated and implemented where determined applicable and feasible by the Director of Community Development:

1. Where landscaping is proposed in parking areas, incorporate landscape areas into the drainage design;

2. Overflow parking (parking stalls provided in excess of the City's minimum parking requirements) may be constructed with permeable paving;

3. Other design concepts which are comparable and equally effective;

4. Indoor parking garages must be properly connected to the sanitary sewer.

I. Roadways. Priority roadway projects shall select treatment control BMPs following the treatment control selection procedure identified in Sections 8.32.3~~0~~30 to 8.32.3~~5~~85, inclusive, regarding the establishment of Storm Water BMPs.

J. Fueling Area. Non-retail fuel dispensing areas shall contain the following:

1. Overhanging roof structure or canopy. The cover's minimum dimensions must be equal to or greater than the area within the grade break. The cover must not drain onto the fuel dispensing area and the downspouts must be routed to prevent drainage across the fueling area. The fueling area shall drain to the project's treatment control BMP(s) prior to discharging to the storm water conveyance system.

2. Paved with Portland cement concrete (or equivalent smooth impervious surface). The use of asphalt concrete shall be prohibited.

3. Have an appropriate slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of urban runoff.

4. At a minimum, the concrete fuel dispensing area must extend six and one-half feet (two meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus one foot (three-tenths meter), whichever is less.

K. Hillside Landscaping. Preserve existing native trees, shrubs, and ground cover to the maximum extent practicable. Hillside areas that are disturbed by project development shall be landscaped with deep-rooted, drought tolerant plant species selected for erosion control, satisfactory to the Director of Community Development. Design landscaping to minimize irrigation and runoff, to promote surface infiltration where appropriate, and to minimize the use of pesticides and fertilizers that can contribute to storm water pollution. Where landscaped areas are used to retain or detain storm water, specify plants that are tolerant of saturated soil conditions. Consider using pest resistant plants, especially adjacent to hardscape. To ensure successful establishment, select plants appropriate to site soils, slopes, climate, sun, wind, rain, land use, air movement, ecological consistency, and plant interactions.

L. Interior Floor Drains and Elevator Shaft Sump Pumps. Interior floor drains and elevator shaft sump pumps need to be properly connected to the sanitary sewer.

M. Fire Sprinkler Test Water. Provide means to drain fire sprinkler test water to the sanitary sewer.

8.32.3~~2~~22~~9~~0. Storm Water Treatment Objectives.

A. Minimizing a development's detrimental effects on water quality can be most effectively achieved through the use of a combination of LID site design, source control

and treatment control storm water BMPs. LID treatment controls such as infiltration and bioretention are encouraged on project sites where conditions are appropriate in order to achieve multiple benefits towards water quality and improved flow-control for hydromodification management. When treatment controls are included on projects, provisions must be made to ensure their long-term maintenance.

B. In meeting the requirements in this section, priority projects shall implement a single or combination of storm water BMPs that will remove anticipated pollutants of concern from site runoff to the maximum extent practicable. The guidance from this chapter and the Countywide Model SUSMP will help applicants select appropriate storm water treatment facilities and prepare the necessary documentation for project submittal. Treatment control BMPs must be implemented unless a waiver is granted to the project by the Director of Community Development based on the infeasibility of any treatment control BMP.

C. Multiple Priority Development Projects may use shared treatment facilities as long as construction of any shared treatment control BMP is completed prior to the use or occupation of any Priority Development Project from which the treatment facility will receive runoff.

8.32.3~~0~~30. Design to Treatment Control and LID Site Design BMPs Standards.

All priority projects shall design, construct and implement LID site design and structural treatment control BMPs that meet the design standards of this section, unless specifically exempted by the limited exclusions. LID site design and structural treatment control BMPs required by this section shall be operational prior to the use of any dependent development, and shall be located and designed in accordance with the requirements of this chapter, including the Countywide Model SUSMP requirements.

A. All treatment control BMPs for Priority Development Projects shall, at a minimum:

1. Be ranked with high or medium pollutant removal efficiency for the project's most significant pollutants of concern, as the pollutant removal efficiencies are identified in the Countywide Model SUSMP and the most current updates thereto. Treatment control BMPs with a low removal efficiency ranking shall only be approved by the City when a feasibility analysis has been conducted which exhibits that the implementation of treatment control BMPs with high or medium removal efficiency rankings are infeasible for a Priority Development Project or portion of a Priority Development Project.
2. Be correctly sized and designed so as to remove pollutants to the maximum extent practicable (MEP).
3. Target removal of pollutants of concern from urban runoff.
4. Be implemented close to pollutant sources (where shared BMPs are not proposed), and prior to discharging into the waters of the United States.

5. Not be constructed within receiving water.
6. Include proof of a mechanism, in a form acceptable to the City Attorney, to be provided by the project proponent, which ongoing long-term maintenance will be conducted.

8.32.3~~41~~0. Treatment Control Volume Based BMPs.

Volume-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) by the volume of runoff produced from a 24-hour 85th percentile storm event, as determined from isoplovial maps contained in the County of San Diego Hydrology Manual. See County of San Diego's Isoplovial map at
http://www.sdcounty.ca.gov/dpw/engineer/flood.htm

8.32.3~~52~~0. Treatment Control Flow Based BMPs.

As an alternative to volume-based BMPs, structural treatment controls may be designed as flow-based BMPs. Flow-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) either:

A. The maximum flow rate of runoff produced from a rainfall intensity of two-tenths inch of rainfall per hour for each hour of a storm event; or

B. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two, for each hour of a storm event.

8.32.3~~63~~0. Treatment Control BMPs, Limited Exclusions.

A. Proposed restaurants, where the land area for development or redevelopment is less than five thousand square feet, are excluded from the numerical sizing criteria requirements listed for structural treatment control volume-based BMPs.

B. Where significant redevelopment results in an increase of less than fifty percent of the impervious surfaces of a previously existing development, and the existing development was not subject to SUSMP requirements, the numeric sizing criteria discussed for structural treatment control volume-based BMPs apply only to the addition, and not to the entire development.

8.32.3~~74~~0. Locating Treatment Control BMPs Near Pollutant Sources.

Structural treatment control storm water BMPs should be implemented close to pollutant sources to minimize costs and maximize pollutant removal prior to runoff entering receiving waters. Such BMPs may be located on- or off-site, used singly or in

combination, or shared by multiple new developments, pursuant to the following requirements:

A. All structural treatment control BMPs shall be located so as to infiltrate, filter, and/or treat the required runoff volume or flow prior to its discharge to any receiving water body supporting beneficial uses;

B. Multiple post-construction structural treatment control BMPs for a single priority development project shall collectively be designed to comply with the design standards for structural treatment control volume-based BMPs;

C. Shared storm water BMPs shall be operational prior to the use of any dependent development or phase of development. The shared BMPs shall only be required to treat the dependent developments or phases of development that are in use;

D. Interim storm water BMPs that provide equivalent or greater treatment than is required by structural treatment control volume-based BMPs may be implemented by a dependent development until each shared BMP is operational. If interim BMPs are selected, the BMPs shall remain in use until permanent BMPs are operational. (Ord. 2003-996 § 3 (part), 2003)

8.32.3~~85~~0. Treatment Control--Restrictions on Use of Infiltration BMPs.

Infiltration devices shall comply with the criteria establish in the Countywide Model SUSMP, as amended, that is incorporated by reference as part of this Chapter. These conditions do not apply to structural treatment BMPs which allow incidental infiltration and are not designed to primarily function as infiltration devices (such as grassy swales, detention basins, vegetated buffer strips, constructed wetlands, etc.) .At a minimum, use of structural treatment BMPs that are designed to primarily function as infiltration devices shall meet the following conditions:

A. Urban runoff from commercial developments shall undergo pretreatment to remove both physical and chemical contaminants, such as sedimentation or filtration, prior to infiltration.

B. All dry weather flows shall be diverted from infiltration devices except for those non-storm water discharges authorized pursuant to 40 Code of Federal Regulations ("CFR") 122.26(d)(2)(iv)(B)(1): diverted stream flows, rising ground waters, uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(20)] to storm water conveyance systems, uncontaminated pumped ground water, foundation drains, springs, water from crawl space pumps, footing drains, air conditioning condensation, flow from riparian habitats and wetlands, water line flushing, landscape irrigation, discharges from potable water sources other than water main breaks, irrigation water, individual residential car washing, de-chlorinated swimming pool discharges.

C. Pollution prevention and source control BMPs shall be implemented as a level appropriate to protect groundwater quality at sites where infiltration structural treatment BMPs are to be used.

D. The vertical distance from the base of any infiltration structural treatment BMP to the seasonal high groundwater mark shall be at least ten feet or as determined on an individual, site-specific basis by the Director of Community Development. Where groundwater does not support beneficial uses, this vertical distance criterion may be reduced, provided groundwater quality is maintained.

E. The soil through which infiltration is to occur shall have physical and chemical characteristics (such as appropriate cation exchange capacity, organic content, clay content, and infiltration rate) that are adequate for proper infiltration durations and treatment of urban runoff for the protection of groundwater beneficial uses.

F. Infiltration structural treatment BMPs shall not be used for areas of industrial or light industrial activity; areas subject to high vehicular traffic (twenty-five thousand or greater average daily traffic on main roadway or fifteen thousand or more average daily traffic on any intersecting roadway); automotive repair shops; car washes; fleet storage areas (bus, truck, etc.); nurseries; and other high threat to water quality land uses and activities as designated by the Director of Community Development.

G. The horizontal distance between the base of any infiltration structural BMP and any water supply wells shall be one hundred feet or as determined on an individual, site-specific basis by the Director of Community Development.

8.32.39~~6~~0. Maintenance Mechanism to be in Place before Acceptance.

Structural BMPs shall not be considered "effective," and shall not be accepted as meeting the MEP standard, unless a mechanism is in place that will ensure ongoing long-term maintenance of all structural BMPs. As part of project review, if a project proponent is required to include interim or permanent structural BMPs in project plans, and if the Director of Community Development does not provide a mechanism for BMP maintenance, the project proponent shall provide verification of maintenance requirements through such means as may be appropriate, at the discretion of the Director of Community Development, including, but not limited to covenants, legal agreements, maintenance agreements, and/or conditional use permits.

8.32.40~~37~~0. Maintenance Mechanisms.

A. Public Equity Maintenance. The City Council may approve a public or acceptable quasi-public entity (e.g., the County Flood Control District, or annex to an existing assessment district, an existing utility district, a State or Federal resource agency, or a conservation conservancy) to assume responsibility for maintenance, repair and replacement of the BMP. Unless acceptable to the City Council, public entity maintenance agreements shall ensure estimated costs are front-funded or reliably

guaranteed, (e.g., through a trust fund, assessment district fees, bond, letter of credit or similar means). In addition, the City Council may seek protection from liability by appropriate releases and indemnities. The City Council shall have the authority to approve storm water BMPs proposed for transfer to any other public entity within its jurisdiction before installation. The City Council shall be involved in the negotiation of maintenance requirements with any other public entities accepting maintenance responsibilities within their respective jurisdictions; and in negotiations with the resource agencies responsible for issuing permits for the construction and/or maintenance of the facilities. The City Council must be identified as a third party beneficiary empowered to enforce any such maintenance agreement within their respective jurisdictions.

B. Project Proponent Agreement to Maintain Storm Water BMPs: The City Council may enter into a contract with the project proponent obliging the project proponent to maintain, repair and replace the storm water BMP as necessary into perpetuity. Security may be required.

C. Assessment Districts: The City Council may approve an Assessment District or other funding mechanism created by the project proponent to provide funds for storm water BMP maintenance, repair and replacement on an ongoing basis. Any agreement with such a District shall be subject to the Public Entity Maintenance Provisions above.

D. Lease Provisions: In those cases where the City holds title to the land in question, and the land is being leased to another party for private or public use, the City may assure storm water BMP maintenance, repair and replacement through conditions in the lease.

E. Conditional Use Permits: For discretionary projects only, the City Council may assure maintenance of storm water BMPs through the inclusion of maintenance conditions in the conditional use permit. Security may be required.

F. Alternative Mechanisms: The City Council may accept alternative maintenance mechanisms if such mechanisms are as protective as those listed above.

8.32.41~~38~~0. Verification Mechanisms.

For discretionary projects, the City approved method of storm water BMP maintenance shall be incorporated into the project's permit, and shall be consistent with permits issued by resource agencies, before City approval of discretionary permits. For projects requiring only ministerial permits, the approved method of storm water BMP maintenance shall be incorporated into the permit conditions before the issuance of any ministerial permits. In all instances, the project proponent shall provide proof of execution of an approved method of maintenance repair and replacement before the issuance of construction approvals. Public projects that are not required to obtain permits shall be responsible for ensuring that an approved method of storm water BMP maintenance repair and replacement is executed prior to the commencement of construction. For all properties, the verification mechanism will include the project

proponent's signed statement, as part of the project application, accepting responsibility for all structural BMP maintenance, repair and replacement, until a City approved entity agrees to assume responsibility for structural BMP maintenance, repair and replacement.

8.32.4~~239~~0. Maintenance Requirements.

A. Operation & Maintenance (O&M) Plan: A copy of an Operation & Maintenance (O&M) plan, prepared by the project proponent satisfactory to the Director of Community Development shall be attached to the approved maintenance agreement, which describes the designated responsible party to manage the storm water BMP(s), employees' training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of resource agency permits, and any other necessary activities. At a minimum, maintenance agreements shall require the inspection and servicing of all structural BMPs on an annual basis. The project proponent maintenance entity shall complete and maintain O&M forms to document all maintenance requirements. Parties responsible for the O&M plan shall retain records for at least five years. These documents shall be made available to the City for inspection upon request at any time.

B. Access Easement/Agreement: As part of the maintenance mechanism selected above, it shall include a copy of an executed access easement that shall be binding on the land throughout the life of the project, until such time that the storm water BMP requiring access is replaced, satisfactory to the Director of Community Development.

8.32.4~~3~~0. Waiver of Structural Treatment BMP Requirements.

A. The requirement of implementing structural treatment BMPs may be waived under Section 8.32.3~~3~~0 (""Design to Treatment Control and LID Site Design BMP Standards") if infeasibility can be established. A waiver of infeasibility shall be granted only when all available structural treatment BMPs have been considered and rejected as infeasible.

Waivers may only be granted from structural treatment BMP and structural treatment BMP sizing requirements. Priority development projects, whether or not granted a waiver may not cause or contribute to an exceedance of water quality objectives. Pollutants in runoff from projects granted a waiver must still be reduced to the maximum extent practicable.

B. The City shall notify the Regional Water Quality Control Board (San Diego Region) within five days of each waiver issued. The notice shall include:

1. Name of the officer(s) who issued the waiver;
2. Name of the Developer receiving each waiver;
3. Site location;

4. Reason for the waiver; and
5. Description of the BMPs required.

C. To the extent allowed by law, the City shall establish, by Resolution, a stormwater mitigation fund based on fees derived from project proponents who have received waivers to transfer savings in cost, as solely determined by City, to the City fund. Said Stormwater Mitigation Fund shall have established fees based on the avoided costs of developers receiving waivers and be used to fund a Waiver Mitigation Program with minimum Program components as follows:

1. The entity or entities that will manage the stormwater mitigation fund;
2. The range and types of acceptable projects for which mitigation funds may be expended;
3. The entity or entities that will assume full responsibility for each mitigation project including successful completion; and
4. How the dollar amount of fund contributions will be determined.

Item No. 4.1

Attachment 2
Countywide Model SUSMP

Available in the City Clerk's Office for Review

You may also view the document on our website: www.cityofib.com

Guidance For Meeting SUSMP Compliance for Priority Development Projects

City of Imperial Beach
825 Imperial Beach Blvd.

Getting Started

Standard Urban Stormwater Mitigation Plan (SUSMP) requirements apply to new development and redevelopment projects that meet the criteria of a Priority Development project as defined in Municipal Code 8.32.040. These development requirements are mandated by the San Diego Regional Water Quality Control Board (RWQCB) and were collaboratively for the San Diego area through the Countywide Model SUSMP.

The purpose for the Imperial Beach SUSMP is to mitigate the impact of new development and redevelopment on downstream water quality and habitat. Development can increase the impervious area of local drainage basins, which can significantly increase the volume and rate of runoff entering the storm drain system. The addition of impervious surfaces also reduces the natural capacity for land to infiltrate and purify runoff. Development, by its very nature, can also introduce sources of human-induced pollution that ends up in the watershed.

Suggested Steps For SUSMP Preparation

1. Assemble needed information for existing site conditions
2. Identify constraints and opportunities for treating storm water on site
3. Prepare and document LID design and storm water treatment facilities for project site
4. Specify source control BMPs
5. Prepare long term storm water facility O&M Plan
6. Assemble and complete SUSMP project submittal document

The goal of the SUSMP is to develop and implement countywide policies that ensure to the maximum extent possible (MEP) that development sites achieve a new design standard to infiltrate, filter, or treat runoff in a manner that captures urban pollutants and controls runoff flow rates, durations, and velocities on downstream habitat and conditions.

This guidance document provides a 'how to' guide for project applicants to achieve compliance with the SUSMP (I.B.M.C. Chapter 8.32) in the City of Imperial Beach.

Step 1: Assemble Needed Information

In order to select the appropriate types and locations for storm water treatment facilities, the applicant will need to assemble information on site characteristics that will contribute to the landscape and site design for the project. The applicant will need to identify the following site characteristics:

- Existing natural and hydrologic features for the project site location and for the downstream drainage area. These features may include contiguous natural areas, wetlands, receiving waters, watercources, seeps, or springs.
- Priority pollutants for the downstream receiving water body (these are 303(d) listed or TMDL pollutants) and the pollutants potentially generated by the proposed development project (reference Table 2 in IBMC 8.32.130).
- Existing vegetation, impervious areas, and direction of surface drainage.
- Existing site topography that includes contours of any slopes greater than 4% and any significant geologic features.
- Existing site drainage. For undeveloped sites the applicant should inspect the site and examine topographic maps and survey data. Previous developed sites should also consider existing structures, connections to the municipal storm drain system, and plans for previous development.
- Regional design standards or other local codes that govern zoning or minimum setback requirements for open space, street widths, and sidewalk construction. Additional Public Works standards may apply to site drainage and allowable building materials.
- Soil types and depth to groundwater, which will help to determine the capacity for storm water infiltration and selection of LID treatment and flow control facilities.

Step 2: Identify Constraints and Opportunities

Review the information assembled in Step 1. Identify the principal constraints on site design and selection of treatment and flow control devices that best address the project's priority pollutants and pollutants of concern. Look for opportunities to reduce imperviousness and incorporate facilities into the site landscape and design. **Constraints** might include impermeable soils, high groundwater, contaminated soils, geotechnical instability, high intensity land use, heavy pedestrian or vehicle traffic, restricted right-of-way, or safety concerns. **Opportunities** might include existing natural areas, depressed topography, easements, open space buffers, and landscape amenities.

Prepare a brief narrative that describes the site opportunities and constraints. This narrative will help in the selection and design of appropriate storm water treatment facilities.

Step 3: Prepare and Document Storm Water Treatment Facilities

The following types of storm water treatment facilities are appropriate for treatment of runoff potentially containing most pollutants of concern.

Bioretention facilities (LID)	Infiltration facilities or practices	Higher-rate media filters
Settling basins (dry ponds)	Media filters	Trash racks and hydrodynamic devices
Wet ponds and constructed	Higher-rate biofilters	Vegetated swales

These storm water treatment facilities should be used independently or in combination to meet the water quality treatment and hydromodification flow control requirements of the NPDES Stormwater Permit with the preference on low impact development (LID) design strategies.

Applicants should use the Low Impact Development Design Guide in the Countywide Model SUSMP-Chapter 4, to analyze the project for applicable LIDs. The detailed instructions in Chapter 4 provide guidance for designing and documenting LIDs and integrated management practices that achieve both storm water treatment and flow control requirements. The LID Design Guide includes calculation procedures and formats for submitting LID sizing calculations. This guide has been developed to provide the applicant with step-by-step instructions that will achieve the flow and treatment control requirement.

Project submittals will need to include a drawing or multiple drawings showing:

1. The entire site divided into separate drainage management areas (DMAs), with each area identified as one of the following:
   - Self-treating area,
   - Self-retaining area,
   - Draining to a self-retaining area, or
   - Draining to an integrated management practice (IMP) area
2. For each drainage area, the types of impervious area proposed, and the area of each.
3. Proposed locations and sizes of treatment facilities. Each feature should be clearly marked so it can be easily identified.

Proprietary Devices

Many currently available proprietary media filters do not meet the NPDES Permit requirements when used alone for storm water treatment.

In addition to a site map, project submittals will need to include:
1. Tabulation of proposed self-treating areas, self-retaining areas, areas draining to self-retaining areas, areas draining to IMP areas, and corresponding IMPs indentified on the exhibit. 2. Calculations, in the format shown in the LID Design Guide (Countywide Model SUSMP, Chapter 4), showing the minimum square footage required and proposed square footage for each IMP. 3. Preliminary designs for each IMP. The design sheets and drawings in the LID Design Guide may be used or adapted for this purpose. 4. A narrative overview of the proposed LID designs and how they optimize the site layout, use pervious surfaces, disperse runoff from pervious surfaces, and drain impervious surfaces to engineered IMPs. 5. A narrative briefly describing each DMA, its drainage, and where the drainage will be directed.

Compliance

Design criteria in the Countywide Model SUSMP ensure the required volume of flow from all developed portions of the project, including landscaped areas, is infiltrated, filtered, or treated.

Provision D.1.d.(6)(a)

Step 4: Specify Source Control BMPs

Source control BMPs minimize the contact between pollutants and urban runoff. They are land use or site planning practices that can be structural or non-structural measures that prevent urban runoff pollution by reducing the potential for contamination at the source.

Project applicants must include permanent source control BMPs that are identified in the IBMC 8.32.250 through 8.32.310 into the design of the project. In addition, the project applicant must identify operational source control BMPs, such as regular sweeping and good housekeeping measures that must be implemented by the site's occupant or user.

Permanent source control BMPs must be identified on submittal drawings with a corresponding narrative that explains any special features, materials, or methods of construction that will be used to implement these permanent structural BMPs. In addition, project applicants must submit a table that identifies the potential sources of runoff pollution with the corresponding permanent source control or operation source control BMPs to prevent pollutants from entering run-off.

Applicants should strongly consider using the Pollutant Sources/Source Control Checklist (Appendix-A of the County-wide Model SUSMP) as a guide for meeting the source control BMP requirements of the NPDES Stormwater Permit.

Step 5: Storm Water Facility Long-Term Maintenance

The most important component of these SUSMP requirements is the continued long-term operation and maintenance of the project's storm water treatment facilities and source control measures. Prior to the issuance of any discretionary permits, the applicant will submit a project specific SUSMP that will identify the proposed storm water BMPs for the site and an Operation and Maintenance (O&M) Plan that will outline the long-term continued maintenance requirements for the proposed BMPs. In order to receive a notice of completion for the project the applicant must submit a signed maintenance agreement that is provided by the City to ensure that the BMPs will be maintained in perpetuity. The agreement will have the approved O&M Plan as an attachment and will include the following:

- A means to finance and implement facility maintenance in perpetuity.
- Acceptance of responsibility for maintenance from the time the facilities are constructed until responsibility for operation and maintenance is legally transferred.
- The identified responsible party to management the storm water BMPs.
- An outline of general maintenance requirements for the treatment and flow-control facilities on site.
- Schedule of routine service frequency and identification of specific maintenance activities.

Step 6: Finalize Project Submittal

The City does not provide a specific format for SUSMP project submittals. Applicants are expected to provide a clear, complete, and well organized project submittal that will make it possible for City staff to confirm the selected storm water treatment facilities and meet the minimum requirements of the NPDES Stormwater Permit, IBMC 8.32, and the Countywide Model SUSMP.

References and Resources

- Imperial Beach Municipal Code, Chapter 8.32 Standard Urban Runoff Mitigation Plan
- RWQCB Order R9-2007-0001
- Countywide Model SUSMP
- CASQWA Stormwater Handbooks

Frequently Asked Questions

Why do I have to use BMPs, LIDs, and hydromodification management practices for my project?

- In January 2007, the San Diego Region Water Quality Control Board reissued a municipal Stormwater NPDES Permit to the San Diego area storm water Copermittees. The reissued permit updates and expands storm water requirements for new development and redevelopment projects, including requirements for LIDs, source control BMPs, and HMP.

What are the different types of BMPs that might be required for my project?

- Site Design: A project design feature that reduces the amount of impervious surfaces or disconnects impervious surfaces from the municipal storm drain system.
- LID BMPs: An integrated site design methodology that uses mall-scale detention and retention facilities to mimic pre-existing site hydrologic conditions. LID BMPs are often referred to as integrated management practices (IMPs).
- Source Control: Structural or non-structural measures that reduce the potential for pollution at the source, such as roof structures over trash or material storage areas and berms around fuel dispensing areas.
- Treatment Control BMP: Any engineered system designed and constructed to remove pollutants. These BMPs encompass most types of storm water treatment facilities required for priority development projects.

What is hydromodification management (HMP)?

- It is the management of post-project runoff flows and durations to the levels of the pre-project conditions.

How do I meet the HMP requirements?

- By implementing properly sized LID facilities as outlined in the Countywide Model SUSMP, your project will automatically meet the HMP criteria of the NPDES Stormwater Permit.

Who can I contact with specific question regarding my project?

- All questions should be direct to the Community Development Department at 619-628-1356.

AGENDA ITEM NO. 4.2

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**DECEMBER 1, 2010**
ORIGINATING DEPT.:	**COMMUNITY DEVELOPMENT DEPARTMENT** **GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR** **RAFAEL ADAME, BUILDING OFFICIAL**
SUBJECT:	**ADOPTION OF ORDINANCE NO. 2010-1113 – ADOPTING THE MODEL CODES CONTAINED IN THE 2010 CALIFORNIA BUILDING STANDARDS CODE (CBSC), PART OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND THE ADOPTION OF THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, INCLUDING LOCAL AMENDMENTS FORTHE CITY OF IMPERIAL BEACH**

BACKGROUND:

Every three years, new construction regulations are selected and adopted by the State of California substantially based on model codes. These codes become effective January 1, 2011, 180 days after the publishing by the State. The California Building Standards Code, Title 24, consists of the most recent edition of the model codes with amendments added by individual state agencies. Although the California Building Standards Code regulates the majority of structures, it does not apply to all structures or all aspects of all structures. This makes it necessary for the City of Imperial Beach to adopt the most recent editions of the model codes to ensure that those structures or portions of structures not regulated by the California Building Standards Codes are constructed to the most current building code standards. In addition, local agencies/jurisdictions may incorporate amendments to the California Standards Building Codes with appropriate findings for construction standards to address local conditions and methods of construction.

The City's Building Official has participated in regional efforts with the local San Diego Chapter of the International Code Council (ICC) to identify issues within the proposed California Building Codes and to ensure consistency within the region. In addition, City staff has reviewed the most recent Los Angeles Region Uniform Program Committee (LARUP) recommendations for amendments to the new proposed building codes. After analyzing these recommendations and how they affect the City of Imperial Beach, staff is proposing some needed local amendments to the new building codes.

City Council conducted the first reading of this ordinance at its meeting of November 17, 2010.

DISCUSSION:

General

Approximately every three years it is necessary for the City of Imperial Beach to amend Title 15 of the Imperial Beach Municipal Code to incorporate the most recent editions of the model building codes that have been adopted by the California Building Standards Commission. Our adoption process this year will include the adoption of four new chapters to Title 15. They are:

1. An Administrative Code
2. A Green Building Code
3. A Residential Building Code
4. A Dangerous Building Code

The new code adoption will also repeal existing code modifications that were adopted by the City of Imperial Beach during the previous building code adoption cycles, which are either no longer needed or are now contained in the new proposed building codes (e.g., the swimming pool ordinance). In addition, staff is proposing local amendments to the California Building Standards Code to address local conditions of specific methods and materials of construction. Unlike the changes to the administrative provisions, all local amendments involving a proposed change to a building standard require an express finding based on local climatic, geological and or topographical conditions. These findings and the reasons for the local amendments are described below and are included within the adopting ordinance.

New Chapters to Title 15

Administrative Code. The new California Building Code's administrative provisions for local jurisdictions omitted critical administrative components and contained varying provisions for each code to be adopted. These administrative provisions are critical to insuring clear and effective administration and enforcement at the local level. Staff is proposing, therefore, that one administrative provisions section be provided in a central location for all construction regulations which will provide for consistency and clarity of how all codes are administrated., This will be a benefit both to staff and the public. This new administrative chapter will provide clear and comprehensive administrative rules for the newly adopted codes (i.e. California Building Code, California Residential Code, California Green Building Code, California Plumbing Code, California Electrical Code, California Mechanical Code etc.) into one chapter.

Green Building Code. A new chapter will also be added to accommodate the new mandatory California Green Building Code which will apply to all new commercial buildings and new residential buildings of three stories or less. The new Green Building Code is intended to enhance the design and construction of new buildings through the use of building concepts and methods of construction that will reduce negative impacts and/or provide positive environmental impacts and to encourage sustainable construction practices in the following categories: Planning and Design, Energy Efficiency, Water Efficiency and Conservation, Material Conservation and Resource Efficiency and Environmental Quality. In short, the Green Building Code is being established to reduce construction waste, make buildings more efficient through the use of construction materials and energy efficient design, and reduce environmental impacts

both during and after construction. These new mandatory regulations will require additional staff time for plan review and inspection services required in verifying compliance with the new Green Building Code. Although, other California Cities are charging for these services, staff is proposing a six month review of the time expended for Green Building to determine an appropriate charge. A fee proposal would then be presented to Council along with the time study data.

Residential Building Code. A new chapter will be adopted for the new Residential Code which will be specific to the construction of one and two-family dwelling units. Previously, residential regulations were contained in the California Building Code, which required stricter standards applicable to both commercial and residential buildings. The majority of the new code is based on pre-determined methods and materials of construction, which are known to perform adequately and are contained in tables for the various phases of construction. An example of this prescriptive approach would be the lateral resistance elements required in Imperial Beach's Seismic Zone Category "D". A table will indicate how many feet of shear walls are required based on the seismic zone and will identify where the shear walls must be located. Another table will identify the allowed materials for shear walls in the different seismic zones and another table will identify how many feet are required for multi-story buildings. As long as the buildings are designed or constructed to meet the minimum requirements presented in the tables, no engineering would be required. This new Residential Code is expected to provide more flexibility for the design and construction of one and two-family dwelling units. .

Dangerous Building Code. The addition of a Dangerous Building Code is also being proposed. The proposed building codes, however, provide very few provisions for dealing with dangerous buildings; therefore, staff is proposing the adoption of the 1997 "Uniform Cod for the Abatement of Dangerous Buildings". This would provide a more comprehensive code for the enforcement and abatement of dangerous buildings. This more comprehensive code would include a more current definition of "dangerous buildings", would provide more clearly defined procedures for dangerous building abatement and would also provide for a clearer appeals process for buildings declared dangerous. The adoption of this code will also necessitate the amendment of Title 8, Section 8.50.030 of the Municipal Code to specifically refer to the current and more detailed definition of dangerous buildings contained in the Abatement of Dangerous Buildings Code.

<u>New Building Codes and Local Amendments</u>

This adoption would include the California Building Standards Codes which include the Building Code, the Residential Code, the Green Building Code, the Mechanical Code, the Plumbing Code and the Electrical Code. With the exception of the California Building Code and California Residential Code, the other codes are proposed to be adopted with no additional local amendments and will include the Appendices which are needed.

The local amendments which staff is recommending for the Building Code and the Residential Code are to address the lack of requirements for buildings in high seismic zones. In staff's opinion, these are required because Imperial Beach is located in a high seismic zone (Zone "D"). Although there is extensive testing and proof of failures in unreinforced foundations, the use of non-ductile (a material unable to deform without breaking or becoming brittle, when subjected to forces)materials for shear walls and the use of staple fasteners in shear walls, the new Building Code and Residential Code do not address these issues adequately. Therefore, staff is recommending that the City Council adopt the following amendments to addres them:

1. **A minimum of two number four reinforcement bars shall be required at the top and bottom of concrete foundations to address the poor performance of unreinforced or under-reinforced footings during a seismic event.** This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of such structures observed during the 1994 Northridge earthquake. This amendment will help to minimize failures during seismic events and would be consistent with standards now being applied as policy by Imperial Beach Building Division This would continue an ongoing practice and would not be a significant impact to the Development Community.

2. **Gypsum drywall or concrete plaster shall not be used in shear walls resisting seismic forces.** Testing of these types of materials under cyclic loading (repeated introduction of forces) during an earthquake has shown them to fail. The poor performance of these types of shear walls was investigated by SEAOSC and the Los Angeles City Joint Task Force that investigated the poor performance of buildings in the 1994 Northridge earthquake. This is the basis for this recommended amendment. Considering that shear walls sheathed with gypsum wall board and cement plaster are less ductile than wood shear walls, it is recommended that they not be used for this application. This change would again address known failures of these materials during seismic events and would be consistent with standards now being applied as policy by Imperial Beach Building Division. This would continue an ongoing practice and would not be a significant impact to the Development Community.

3. **Staple fasteners shall not be allowed in diaphragms and shear walls used to resist seismic forces, unless they are tested for cyclic loading.** In September of 2007, cyclic testing was conducted by a private firm to determine if wood structural panels fastened with staples would exhibit the same behavior as wood structural panels fastened with common nails. The testing revealed that wood structural panels fastened with staples appeared to be much lower in strength and stiffness than did wood structural panels fastened with common nails. Therefore, it was recommended that the use of staples for structural shear wall panels not be used in high seismic categories unless their use can be substantiated by cyclic testing. This change would address known failures of staples during seismic events and would be consistent with standards now being applied as policy by Imperial Beach Building Division. This would continue an ongoing practice and would not be a significant impact to the Development Community.

These amendments are proposed to maintain a minimum quality of construction and set forth performance standards that will reduce or eliminate the poor performance of buildings or structures located in high seismic zones such as Imperial Beach. These recommended amendments involve a proposed change to a building standard and, therefore, require that findings be made within the ordinance clearly demonstrating the technical reason(s) for the proposed local amendments based on local climatic, geological and or topographical conditions. These amendments are based on local geological conditions since the City of Imperial Beach is located in a high seismic zone (Zone D). The expressed findings are included in the ordinance and will be forwarded to the Building Standards Commission upon final approval pursuant to Health and Safety Code Section 17958.7.

ENVIRONMENTAL DETERMINATION:
Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the proposed amendments to and the adoption of the California Building Standards Code would not have a significant effect on the environment as the proposed amendments relate to safety standards that would be more applicable to local conditions. It is anticipated that with the adoption and implementation of the California Green Building Code there will be a positive environmental impact in the long run.

FISCAL IMPACT:
The cost of implementation and enforcement associated with the new regulations are generally passed on to the building permit applicants through plan check and permit fees. As noted above, Staff is proposing that a new Green Building fee be added to offset the additional staff time needed to conduct green building plan review and field inspections. Although other California Cities are adding a fee equal to 10% of the normal plan check fee for new structures staff will review the actual time expended in implementation and will then return to Council with a proposed fees for services. Additionally, there will be one-time and ongoing training and material obligations necessitated by the adoption of new codes. These one-time costs will be paid for from the Community Development Department's Building Division two-year budget.

DEPARTMENT RECOMMENDATION:
Staff recommends that the Mayor and City Council:

1. Declare the public hearing open;
2. Receive this report and public testimony;
3. Close the public hearing;
4. Mayor to call for the reading of the title of Ordinance No. 2010-1113, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING TITLES 8 AND 15 OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING CHAPTERS 8.50, 15.06, 15.16, 15.28, AND 15.32, ADDING CHAPTERS 15.02, 15.04, 15.38, AND 15.40 AND REPEALING CHAPTERS 8.88, 15.18, AND 15.36, ALL BY ADOPTING THE CALIFORNIA BUILDING STANDARDS CODE, 2010 EDITION, WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND ADOPTING THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION";
5. City Clerk to read title of Ordinance No. 2010-1113; and
6. Motion to dispense with second reading of Ordinance No. 2010-1113 by title only.

CITY MANAGER'S RECOMMENDATION:
Approve Department Recommendation.

Gary Brown, City Manager

Attachments:
1. Ordinance No. 2010-1113 with attachments including findings in accordance with Health and Safety Code Section 17958.5.
2. Exhibit Redline – Chapter 8.50 of the Imperial Beach Municipal Code redlined amendments.

ATTACHMENT 1

ORDINANCE NO 2010-1113

AN ORDINANCE OF THE CITY OF IMPERIAL BEACH AMENDING TITLES 8 AND 15 OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING CHAPTERS 8.50, 15.06, 15.16, 15.28, AND 15.32, ADDING CHAPTERS 15.02, 15.04, 15.38, AND 15.40 AND REPEALING CHAPTERS 8.88, 15.18, AND 15.36, ALL BY ADOPTING THE CALIFORNIA BUILDING STANDARDS CODE, 2010 EDITION, WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND ADOPTING THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION

WHEREAS, Health & Safety Code Section 17958 mandates that the City of Imperial Beach shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code Section 17922; and

WHEREAS, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2010 California Building Standards Code, Title 24 of the California Code of Regulations; and

WHEREAS, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2010 California Building Standards Code, together with the City of Imperial Beach amendments, which collectively shall be the City of Imperial Beach Building Code, for the purpose of prescribing regulations in the City of Imperial Beach; and

WHEREAS, local amendments adopted by the City of Imperial Beach shall take precedence over the 2010 California Building Standards Code; and

WHEREAS, Health & Safety Code Section 17958.5 permits the City of Imperial Beach to make such changes or modifications to the 2010 California Building Standards Code as are reasonably necessary because of local conditions; and

WHEREAS, Health & Safety Code Section 17958.7 requires that the City of Imperial Beach before making any changes or modifications to building standards pursuant to Section 17958.5 make express findings that such changes or modifications are needed due to climatic, geographic, or topographic conditions and files the same with the California Building Standards Commission; and

WHEREAS, the City Council of the City of Imperial Beach does herewith find that the city has certain climatic, geologic, and topographical features that can have a deleterious effect on the safety and fitness of property, buildings and structures; and

WHEREAS, the City of Imperial Beach finds that the modifications and changes to the 2010 California Building Standards Code are reasonably necessary because of the local climatic, geological, and topographical conditions as identified in each Attachment; and

WHEREAS, certain amendments to the 2010 California Building Standards Code serve to mitigate to the extent possible said deleterious effects; and

WHEREAS, Sections 50022.1 through 50022.10, inclusive, of the Government Code provide authority for the adoption by reference of codes, or portion of such codes; and

WHEREAS, if a city does not make changes then the California Building Standards Code becomes effective in such city 180 days after publication of the California Building Standards Code by the California Building Standards Commission; and

WHEREAS, amendments to provisions relating to civil, administrative, or criminal procedures and remedies available for enforcing violations do not require findings pursuant to Health & Safety Code Section 17958.7.

NOW THEREFORE, the City Council of the City of Imperial Beach does ordain as follows:

SECTION 1

That a certain document, one (1) copy of which is on file in the office of the Building Official of the City of Imperial Beach, being marked and designated as the 2010 California Building Standards Code, including Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Imperial Beach, in the State of California regulating and governing the conditions and maintenance of all property, facilities, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City of Imperial Beach are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Sections 2-9 of this ordinance.

SECTION 2: Chapter 8.50 of the Imperial Beach Municipal Code is amended in its entirety to read as set forth in Attachment A.

SECTION 3: Chapter 15.02 is added to the Imperial Beach Municipal Code to read as set forth in Attachment B.

SECTION 4: Chapter 15.04 of the Imperial Beach Municipal Code is amended in its entirety to read as set forth in Attachment C.

SECTION 5: Chapter 15.06 of the Imperial Beach Municipal Code is amended in its entirety to read as set forth in Attachment D.

SECTION 6: Chapter 15.16 of the Imperial Beach Municipal Code is amended in its entirety to read as set forth in Attachment E.

SECTION 7: Chapter 15.28 of the Imperial Beach Municipal Code is amended in its entirety to read as set forth in Attachment F.

SECTION 8: Chapter 15.32 of the Imperial Beach Municipal Code is amended in its entirety to read as set forth in Attachment G.

SECTION 9: Chapter 15.38 is added to the Imperial Beach Municipal Code to read as set forth in Attachment H.

SECTION 10: Chapter 15.40 is added to the Imperial Beach Municipal Code to read as set forth in Attachment I.

SECTION 11: Chapter 8.88 of the Imperial Beach Municipal Code is hereby repealed in its entirety.

SECTION 12: Chapter 15.18 of the Imperial Beach Municipal Code is hereby repealed in its entirety.

SECTION 13 : Chapter 15.36 of the Imperial Beach Municipal Code is hereby repealed in its entirety.

SECTION 14

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Imperial Beach hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 15

That nothing in this ordinance or in the Building Standards Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Sections 11, 12 and 13 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 16

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 pursuant to the provisions of Government Code section 36933. Upon passage, the City Clerk shall transmit a copy of this Ordinance to the California Building Standards Commission pursuant to Health and Safety Code section 17958.7.

SECTION 17

That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect **30 days** from and after the date of its final passage and adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held the 17th day of November 2010 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
JAMES C. JANNEY, MAYOR

ATTEST

_____
Jacqueline M. Hald, CMC
City Clerk

APPROVED AS TO FORM:

_____
JENNIFER M. LYON
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. 2010-XXXX – An Ordinance of the City Council of the City of Imperial Beach, California AMENDING TITLES 8 AND 15 OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING CHAPTERS 8.50, 15.06, 15.16, 15.28, AND 15.32, ADDING CHAPTERS 15.02, 15.04, AND 15.38 AND REPEALING CHAPTERS 8.88, 15.18, AND 15.36, ALL BY ADOPTING THE CALIFORNIA BUILDING STANDARDS CODE, 2010 EDITION, WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND ADOPTING THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION.

_____
CITY CLERK DATE

ATTACHMENT A

Chapter 8.50. SUBSTANDARD BUILDINGS AND PROPERTY

8.50.010. Short title.

The ordinance codified in this chapter shall be known as the "substandard buildings ordinance" of the city.

8.50.020. Definitions generally.

For the purpose of this chapter, except as otherwise provided herein, certain words, phrases and terms, and their derivatives, shall be construed as specified in this chapter. Words, phrases and terms used in this chapter, but not specifically defined herein, shall have the meanings stated in the currently adopted regulatory codes of the city, including the Building Code, the Residential Code, the Uniform Housing Code, the Plumbing Code, the Mechanical Code, the Electrical Code, and the Fire Code. Where not defined in this chapter or in the foregoing codes, such words, phrases and terms shall have the meanings stated in Webster's New International Dictionary of the English Language, Unabridged, Third Edition.

8.50.030. Defined.

For the purpose of this chapter, the definition of a dangerous building will be as stated in section 302 of the adopted Uniform Code for Abatement of Dangerous Buildings in chapter 15.40 of title 15.

8.50.040. Sanitation—Substandard buildings

For the purpose of this chapter, any building, structure or portion thereof, including any dwelling unit, guest room or suite of rooms, which has any or all of the conditions or defects hereinafter described to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof, shall be deemed and is declared to be a substandard building:

A. Inadequate Sanitation. Inadequate sanitation includes, but is not limited to the following:

1. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit,

2. Lack of or improper kitchen sink,

3. Lack of hot and cold running water to plumbing fixtures in a dwelling unit,

4. Lack of or improper operation of necessary ventilating equipment,

5. Lack of reasonable amounts of natural light and ventilation,

6. Room and space dimensions less than required by this code,

7. Lack of necessary electrical lighting,

8. Infestation of insects, vermin or rodents,

9. Lack of connection to required sewage disposal system;

B. Structural Hazards. Structural hazards includes but is not limited to the following:

1. Whenever the building, structure or any portion thereof, is likely to partially or completely collapse because of:

a. Dilapidation, deterioration or decay,

b. Faulty construction,

c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building,

d. The deterioration, decay or inadequacy of its foundation, or

e. Any other cause,

2. Whenever any building, structure or portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction,

3. Whenever there is a structural hazard contained in a building or structure. Structural hazards shall include but not be limited to the following:

a. Deteriorated or inadequate foundations,

b. Defective or deteriorated flooring or floor supports,

c. Flooring or floor supports of insufficient size to carry imposed loads with safety,

d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration,

e. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety,

f. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration,

g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety,

h. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration,

i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety,

4. Whenever the building, structure or portion thereof has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to:

a. Become an attractive nuisance to children,

b. Become a harbor for trespassers, or

c. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts,

5. Whenever any building, structure or portion thereof has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this code;

C. Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;

D. Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures;

E. Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good and safe condition;

F. Inadequate Exits. All buildings, structure or portions thereof, not provided with adequate exit facilities as required by this chapter, except those buildings, structures or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupancy load, alteration or addition or any change in occupancy;

When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed;

G. Inadequate Fire Protection or Firefighting Equipment. All buildings, structures or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and

improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy;

H. Improper Occupancy. All buildings, structures or portions thereof occupied for any purpose other than that for which they were approved, including all buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies;

I. Abandoned or Partial Buildings. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months, so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

8.50.050. Additional substandard conditions designated.

For the purpose of this chapter, any building, structure or portion thereof which has any one or more of the following conditions constitutes substandard property:

A. Substandard buildings;

B. Unpainted buildings or buildings with dry rot, warping and/or termite infestation;

C. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;

D. Inoperable or abandoned motor vehicles, trailers, campers, boats and other mobile equipment stored for unreasonable periods on the premises;

E. Attractive nuisances dangerous to children in the form of unattended, abandoned or broken equipment and neglected machinery;

F. Clotheslines in front yard areas;

G. Lack of adequate garbage and rubbish storage and removal facilities;

H. Trash and garbage containers stored in front of side yards and visible from public streets, except when placed in areas of collection at times permitted in compliance with this code;

I. Fences (including retaining walls) which are not constructed of new or suitable used material, do not conform with the methods of construction pursuant to the requirements of the Uniform Building Code as adopted by reference and modified by Chapter 15.04 of this code, or are not maintained in a state of good repair. Any dilapidated, dangerous or unsightly fence or retaining wall shall be repaired or removed. Temporary materials shall not be permitted as a fencing material;

J. The parking or storage of four or more motorized or nonmotorized vehicles, motorcycles, trailers, campers, boats and other mobile equipment in the front yard area of property located in a residential zone (as defined in Section 19.04.650 of this code);

K. The parking or storage of any type of motorized or nonmotorized vehicle, motorcycle, or recreational vehicle off a paved driveway, on a lawn or on unpaved areas, on property located in a residential zone (as defined in Section 19.04.650 of this code);

L. Storage of machinery or parts thereof, or material or equipment associated with building, painting, plumbing and electrical contracting and services and similar activities, including implements or tools (other than what is stored and carried in a motor vehicle) having a power rating of greater than one horsepower, on property located in a residential zone (as defined in Section 19.04.650 of this code). "Equipment" includes any motor vehicle with a gross vehicle weight greater than ten-thousand pounds;

M. Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance;

N. Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property values of such adjacent properties;

O. All premises on which any abandoned underground storage tanks, cesspools, wells, pits, shafts or other dangerous excavations may exist;

P. All premises on which there are any "weeds," as described in Government Code Section 39561.5, rubbish or refuse found upon parkways, sidewalks, or private property within the city.

8.50.060. Enforcement of chapter.

The building official and the public safety director are authorized to enforce the provisions of this chapter. The city manager may delegate authority for the enforcement of the provisions on "dangerous conditions."

8.50.070. Inspections.

The building official, the city manager and the public safety director are authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

8.50.080. Public nuisances to be abated.

All buildings, structures, properties or portions thereof which are determined by the building official or the public safety director to be substandard are declared to be public nuisances, and may be abated by repair, rehabilitation, demolition, removal or clearing in accordance with the procedure specified in this chapter.

8.50.090. Commencement of proceedings to compel repairs or demolition.

A. Whenever the building official or the public safety director has inspected or caused to be inspected any building, structure, property or portion thereof, and has found and determined it to be substandard, the building official or the public safety director shall commence proceedings to cause repair, rehabilitation, demolition or abatement of the violations of this chapter.

8.50.100. Notice and appeal—Housing violations—Notification of Franchise Tax Board.

A. The city manager and the city attorney are authorized to determine whether any rental housing within the city is in violation of state or local law. Following such determination, the property owner shall be notified by the building official and/or the city attorney that failure to correct substandard conditions on the property within six months will result in notification of the Franchise Tax Board.

B. If the conditions are not brought into compliance within six months, the building official may be directed to prepare and mail by certified mail, postage prepaid, return receipt requested, a notice of noncompliance to the affected property owner. Such notice shall reflect that substandard housing conditions have not been cured within the time prescribed by law and shall advise the property owner of a right to appeal.

1. The affected property owner may appeal the city manager or city attorney's determination by filing a written request with the city clerk within ten days of the date of the notice of noncompliance. The filing of such appeal shall stay notification of the State Franchise Tax Board until the council has acted on the appeal.

2. If no appeal is filed within ten days, the building official shall forward a copy of the notice of noncompliance to the State Franchise Tax Board. The council may also be requested by staff to approve any actions already taken with respect to such notification, including forwarding such notice to the Franchise Tax Board.

C. The city council shall review evidence submitted on appeal, and affirm, modify or reverse the determination with respect to the existence of state law or Municipal Code violations on the property.

1. If the council determines that a violation exists on the property, the building official shall be directed to forward a copy of the notice of noncompliance to the State Franchise Tax Board.

D. Upon appeal, the city council shall make written findings on the evidence and a copy of such findings shall be mailed by certified mail, postage prepaid, return receipt requested, to the affected property owner. Action by the city council on the appeal shall be final and conclusive.

8.50.110. Compliance with chapter—Penalty for violation.

No person, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person violating the provisions of this chapter is guilty of a misdemeanor for each day such violation continues. All violations of this chapter shall be subject to civil penalties in accordance with Chapter 1.12 of this code.

ATTACHMENT B

Chapter 15.02. Administrative Code

15.02.010. Adoption of Division II of Chapter 1 of Part 2 and Division II of Chapter 1 of Part 2.5 of Title 24 of the California Code of Regulations.

Except as provided in this Chapter, Division II of Chapter 1 of Part 2 and Division II of Chapter 1 of Part 2.5 of Title 24 of the California Code of Regulations are adopted, incorporated by reference and consolidated herein as the Administrative Code of the City of Imperial Beach.

15.02.020. Division II of Chapter 1 of Part 2 and Division II of Chapter 1 of Part 2.5 are consolidated and amended to read as follows:

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the City of Imperial Beach's Administrative Regulations for Building and Housing Codes including the 2010 California Building Code, 2010 California Residential Code, 2010 California Green Building Code, 2010 California Electrical Code, 2010 California Plumbing Code, and 2010 California Mechanical Code, and shall be cited as such and will be referred to hereinafter as "this code."

101.2 Purpose. The purpose of this chapter is to provide for the administration and enforcement of the California Building Standard Code and other adopted codes of the City of Imperial Beach relating to building construction, property maintenance, housing standards, dangerous buildings, fire regulations and other codes as adopted by this jurisdiction within Title 15 of the Imperial Beach Municipal Code.

101.3 Scope. The provisions of this chapter shall serve as the administrative, organizational and enforcement rules and regulations for Title 15 of the Imperial Beach Municipal Code and shall apply to the construction, alteration, movement, enlargement, replacement, repair equipment, use and occupancy, location, removal and demolition of every building, structure or facilities serving such structures or any appurtenances connected or attached to such building or structures. These provisions will apply to codes contained within section 101.1 of this code.

Exemption for Pending Applications. The provisions of this chapter shall not apply to any building or structure for which a completed application was accepted by the building division for a construction or demolition permit prior to January 1, 2011. Such buildings or structures shall be erected, constructed, enlarged, altered or repaired in accordance with the provisions in effect at the date of said application.

Exception: Live/work units complying with the requirements of Section 419 of the California Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the International Building Code when constructed under the California Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the California Building Code.

101.3 Intent. The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation, disabled access and safety to life and

property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas. The provisions of the 2010 California Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the 2010 California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.3 Plumbing. The provisions of the 2010 California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.4 Electrical. The provisions of the 2010 California Electrical Code shall apply to the installation, alteration, repair and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances.

101.4.5 Fire prevention. The provisions of the 2010 California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Energy. The provisions of the 2010 California Energy Code, Title 24, Part 6 shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.7 Historical Buildings. The provisions of the 2010 California Historical Building Code shall apply to all matters governing the design, construction, repairs of designated Historical Buildings.

101.4.8 Green Building. The provisions of the 2010 California Green Building Code

101.4.9 Property maintenance. The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.5 One copy of the California Building Standards Code and each code mentioned in section 101.1 of the Imperial Beach Municipal Code is on file in the Office of the City Building Official, City of Imperial Beach, for the use and examination of the public, and each and every provision, section, table, diagram, illustration, figure, phrase and paragraph thereof, including all appendices, thereto, except as expressly deleted, added to, excepted, modified or amended by this chapter.

101.6 Definitions.
All defined terms as used in this code will be as defined in Chapter 11A, section 1107A.6-F and Chapter 11B, section 1102B of the 2010 California Building Code

SECTION 102
APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.1.1 Additional requirements. ***[OSHPD 1, 2, 3, &4,]*** *See Chapter 1, Division I, Section 1.1.7.*

102.1.2 When conflicting provisions or requirements occur between this code and chapters elsewhere in Title 15 of the Imperial Beach Municipal Code or other codes or laws, this code shall govern.
102.1.3 When conflicts occur between specific provisions of this code and administrative provisions elsewhere in Title 15 of the Imperial Beach Municipal Code, which is applicable within this jurisdiction, the provisions of this chapter shall prevail.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

102.4.1 Code References. All reference to International Codes or other similar codes in referenced standards shall be replaced by equivalent provisions in the California Building Standard Codes.

102.4.2 Reference in Standards. All references listed in reference standards shall be replaced by referenced standards listed in Chapter 35 of the California Building Code, where applicable, and shall include all amendments to the reference standards in this code.

102.5 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

102.6 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.7 Existing structures. The legal occupancy of any structure existing legally on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in the California Building Standards Code, the International Property Maintenance Code or the California Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

102.7.1 Additions, alterations or repairs. Additions, alterations or repairs to any structure or facilities shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure or facilities to become unsafe or adversely affect the performance of the building.

102.7.2 Additions or alterations shall not be made to existing building, facilities or building service equipment in violation of the provisions of Title 15 of the Imperial Beach Municipal Code nor shall such additions or alterations cause the existing building or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the Building Code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life. A building plus new additions shall not exceed the height, number of stories and area specified by the California Building Code for new buildings.

102.7.3 Existing Installations. Building service equipment lawfully in existence at the time of the adoption of Title 8 of the Imperial Beach Municipal Code may have such use, maintenance or repair continued if such use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

102.7.4 Existing Occupancy. Buildings in existence on December 31, 2010, may have an existing use or occupancy continued if such use or occupancy was erected prior to July 27, 1956 or one for which a legal building permit has been issued prior to the adoption of this code, and provided continued use is not dangerous to life, health and safety.

102.7.4 Maintenance. Building, structures, facilities and its building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the Imperial Beach Municipal Code when installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this section, the Building Official may cause a structure to be re-inspected.

SECTION 103
DEPARTMENT OF BUILDING SAFETY

103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official.

103.2 Appointment. Whenever the term or title "Administrative Authority," "Responsible Official," "Building Official," "Chief Inspector," "Code Enforcement Officer," or other similar designation is used herein or in Title 15 of the Imperial Beach Municipal Code, it shall be construed to mean the Building Official designated by the chief appointing authority of this jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

SECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. For such purposes, the Building Official and his appointed deputies under this section shall have powers of a law enforcement officer. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The building official is authorized to make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible individual of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the

jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the Code Enforcement Agency or its parent jurisdiction be held as assuming such liability by reason of the inspections authorized by this code or permits or certificates issued under this chapter.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. Used materials, equipment and devices shall not be reused unless approved by the building official.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements or structural. The details of action granting modifications shall be recorded and entered in the files of the Building Division.

104.10.1 Areas prone to flooding. The building official shall not grant modifications to any provision related to areas prone to flooding unless authorized by Chapter 15.50 of the Flood Damage Prevention Ordinance in Title 15 of the Imperial Beach Municipal Code.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code with regards to suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. Compliance with the specific performance-based provisions of the International Codes in lieu of specific requirements of this code shall also be permitted as an alternate.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION 105
PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building structure, or facilities or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application there for to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory buildings to one- and two-family dwellings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m^2) and a five (5') foot set back from property lines and other structures is maintained.

2. Fences not over 6 feet (1829 mm) high. Masonry block fences not over 3 feet above grade.

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A Liquids.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

5. Sidewalks and driveways not more than thirty (30") inches (762 mm) above grade and not over any basement or story below and are not part of an accessible route.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

8. Swings and other playground equipment accessory to detached one and two family dwellings.

9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

10. No fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9inches in height.

11. Residential decks not exceeding 200 square feet (18.58 m^2) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

12. Roof repairs. Replacement, repair or overlay of less than 101 square feet of an existing roof within any twelve (12) month period.

Electrical:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the California Electrical Code.
2. Repair or replacement of current-carrying parts of any switch, conductor or control device
3. Listed cord-and-plug connected temporary decorative lighting.
4. Reinstallation of attachment plug receptacles, but not the outlets thereof.
5. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
6. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
7. Taping joints.
8. Removal of non-functioning electrical wiring.
9. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
10. Low-energy power, control and signal circuits of Class II and Class III as defined in the California Electrical Code.
11. Installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.
12. Temporary testing systems. Installation of any temporary system required for the testing or servicing of electrical equipment.
13. Repairs and Maintenance. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
14. Radio and television transmitting stations. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.
15. Temporary testing systems. Installation of any temporary system required for the testing or servicing of electrical equipment.
16. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

Plumbing:

1. Portable heating, cooking or clothes drying appliances.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

4. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
5. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

6. The replacement of the following existing fixtures or equipment: p-traps, garbage disposals, water faucets, bibs, sinks, lavatories, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, fixture or removal of wall finish membranes.

Mechanical:

1. Portable heating appliances.

2. Portable ventilation appliances.

3. Portable cooling units.

4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

6. Portable evaporative coolers.

7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements, not shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application thereof in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by *construction documents* and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *building official*.

105.3.1 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as possible.

105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, *addition* or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the *building official* shall examine or cause to be examined the *construction documents* and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damaged condition. If the *building official* finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall require all existing portions of the entire building or structure to meet the requirements of Section R322 and all requirements of Chapter 15.50 of Title 15 of the Imperial Beach Municipal Code.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned or expired 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. An application shall not be extended if this chapter or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

105.4 Validity of permit. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the

jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

105.5 Expiration. Every permit issued by the Building Official under the provisions of Title 15 shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

> **105.5.1 Expired permits.** Before work can be recommenced, a new permit shall be first obtained to do so, and a fee equal to the established hourly rate for City staff to complete all work shall be paid, provided no changes have been made or will be made in the original plans and specifications for such work. Permits shall not be extended more than once, except that, the Building Official may approve a maximum of one additional extension of 180 days when the applicant demonstrates that special unusual circumstances exist. All expired permits not acted on after receipt of 30 day notification from the building official will become a violation of this code if not acted upon during the 30 day period and will become subject to a code lien on the property to insure new property owners are advised of pending violations on the property.

105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.7 Placement of permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project at a visible location from the public way.

105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

105.9 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structure, and sites for which an application has been filed.

SECTION 106
CONSTRUCTION DOCUMENTS

106.1 Submittal documents. Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to required additional construction documents to be prepared by a registered design professional.

> **Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

106.2 Construction documents. *Construction documents* shall be in accordance with Sections 106.2.1 through 106.2.10.

106.2.1 Information on construction documents. Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. Where required by the building official, all braced wall lines, shall be identified on the construction documents and all pertinent information including, but not limited to, bracing methods, location and length of braced wall panels, foundation requirements of braced wall panels at top and bottom shall be provided.

106.2.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be provided during plan check.

106.2.3 Information for construction in flood hazard areas. For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), construction documents shall show compliance with Chapter 15.50 of Title 15of the Imperial Beach Municipal Code.

and include:

1. Delineation of flood hazard area, floodway boundaries and flood zones and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
4. If the design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

106.2.4 Design flood elevation elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1. and with Chapter 15.50 of Title 15 of the Imperial Beach Municipal Code.

106.2.5 Site Plan The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new constructions and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is

authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

106.2.6 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the references installation standards in Chapter 9.

106.2.7 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

106.2.8 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

106.2.9 Fire penetrations Plans for buildings of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire-resistive integrity will be maintained when a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

106.2.10 Disabled Access Disabled accessibility plans for commercial applications will be required identifying all disabled access feature requirements for project and site facilities.

106.3 Examination of documents. The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved in writing or by a stamp which states "REVIEWED FOR CODE COMPLIANCE." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative.

106.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned or expired.

106.3.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

106.3.4 Design Professional in responsible charge.

106.3.4.1 General. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.
The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

106.3.4.2 Deferred submittals. For the purpose of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.
Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

106.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

106.5 Retention of plans. One set of approved plans, specifications and computations shall be retained by the building official for the life of the building or as required by state law. One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

SECTION 107
TEMPORARY STRUCTURES AND USES

107.1 General. The building official is authorized is issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days.

The building official is authorized to grant extensions for demonstrated cause. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated above or compliance with this code under a new permit must be issued.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

107.4 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 108
FEES

108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

108.2 Schedule of permit fees. On buildings, structures or facilities, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as adopted in the schedule of fees established by City Council.

SECTION 109
INSPECTIONS

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official not the jurisdictions shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.1.1 Survey A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.

109.1.2 Duty to inspect. All inspections specified herein shall be at the discretion of the Building Official and nothing in the California Building Code or in this code shall be construed as requiring the City to conduct such inspection, nor shall any actual inspection made imply a duty to conduct any other inspection. Furthermore, neither the California Building Code, nor this code shall be construed to hold the City or any officer, employee or representative of the City, responsible for any damage to persons or property by reason of making inadequate or negligent inspection or by reason of any failure to make an inspection or re-inspection.

109.1.2 Inspection record card. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. Residential permit Inspection cards issued for work must be posted in a conspicuous location, visible from the public way, private drive or main access to the area of construction. At location where a structure does not yet exist or the site is vacant, the inspection record card shall be maintained and made readily available by the permit holder until final approval has been granted by the Building Official.

109.2 Types of inspections. For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. The enforcing agency upon notification of the permit holder or their agent shall within a reasonable time make the inspections set forth in Sections 109.2.1 through 109.2.11

Note: Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the enforcing agency.

109.2.1 Foundation inspection. Inspection of the foundation and footings shall be made after poles or piers are set or trenches or basement areas are excavated and nay required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation or footing inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations. Materials for the foundation shall be on the job site except where concrete is ready-mixed in accordance with ASTM C94. Under this circumstance concrete is not required to be

109.2.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduits, piping or other ancillary building trade products or equipment are installed, but before any concrete is placed or floor sheathing is installed, including the subfloor.

109.2.3 Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322 and CBC section 1612.5.

109.2.4 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

> **Exception:** Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105.1 prior to inspection shall be permitted.

109.2.5 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, fire stopping, draft stopping and bracing are in place and after chimneys and vents to be concealed are completed and the rough electrical, plumbing, heating wires, pipes and ducts are approved. Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved. All hardware, anchors, connectors, straps etc. must not be concealed and inspected prior to a frame inspection.

109.2.6 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

109.2.7 Fire and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved.*

109.2.8 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R*- and *U*-values, fenestration *U*-valve, duct system *R*-value, and HVAC and water-heating equipment efficiency.

109.2.9 Other inspections. In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official.

109.2.10 Special Inspections. For special inspections, see California Building Code, section 1704.

109.2.11 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

109.3 Inspection agencies. The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

109.4 Inspections requests. It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

109.5 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

109.5.1 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fee the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. The fee will be equal to the established hourly rate for the time needed to complete the inspection.

SECTION 110
CERTIFICATE OF OCCUPANCY

110 .1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy thereof as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other

ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2
2. Accessory buildings or structures.

110.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in Sections 3406 and 3407 of the California Building Code.

110.3 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of constructions as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided and whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

Note: one- and two-family *dwellings* or townhouses do not require item 8 and 9 above.

110.4 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

110.5 Revocation. The building official is authorized to, in writing suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

110.5.1 Occupancy Violations. When a building or structure or building service equipment therein regulated by Title 15 of the Imperial Beach Municipal Code is being used contrary to the provisions of such codes, the Building Official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.

SECTION 111
SERVICE UTILITES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

111.2 Temporary connection. The building official shall have the authority to authorize and approve the temporary connection of the building or system to the utility, source of energy, fuel or power.

111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connections has been made without the approval required by Section 111.1 or 111.2. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

> **111.3.1 Connection after order to disconnect.** No person shall make or suffer the connection from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.
>
> **111.3.1 Authority to condemn building service equipment.** When the Building Official ascertains that building service equipment regulated in code has become hazardous to life, health or property, or has become unsanitary, the Building Official shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

SECTION 112
BOARD OF APPEALS

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals hereafter known also as the Local Appeals Board. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. Appeals to the Local Appeals Board shall be processed in accordance with the provisions and procedures contained in Chapter 5, Chapter 6, and Chapter 7 of the 1997 edition of the “Abatement of Dangerous Building Code” as adopted by reference in Chapter 15.40 of Title 15 of the Imperial Beach Municipal Code.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to interpret the administrative provisions of this code, nor shall the Board be empowered to waive requirements of this code.

112.3 Qualifications. The "Local Appeals Board", consisting of members qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the City.

112.3 Appeals. Any person, firm or corporation may register an appeal with the Local Appeals Board for review of any decision of the Building Official about this code, provided that the appeal is made in writing within thirty (30) days of receipt of notice and is accompanied with the administrative fee specified in the City's fee schedule for an appeal. All appeals where notices declaring structures or equipment "Dangerous" must be submitted within ten (10) days of receipt of notice.

112.3.1 Conditions. Any person shall be permitted to appeal a decision of the Building Official or Fire Chief to the Local Appeals Board when it is claimed that any one or more of the following conditions exists.

i. The true intent of this Title as described in those codes has been incorrectly interpreted;
ii. A provision in this code do not apply;
iii. A decision is arbitrary as it applies to alternatives, new materials or interpretations of this Title.

112.4 Request for Appeals Action Ratification. For the purposes of this chapter, "Request for Ratification" shall mean actions required under Section 1.9.1.5 of the California Building Code. A written request by the Building Official that the Board approve a proposed solution based upon a finding of "unreasonable hardship" as that term is used in Title 24 of the California Code of Regulations.

112.4.1 Request. The Board must have approved a Request for Ratification, prior to the approval of plans or issuance of a permit, which requires a finding of unreasonable hardship from an appeal to the Building Official.

112.4.2 Agenda. The Building Official shall place any appeal consisting of a request for ratification to determine an unreasonable hardship on the Board's Agenda in compliance with provisions contained in this section.

112.5 Decisions. The Board shall not render any decision allowing a proposed design solution unless, after the hearing, it finds on the basis of substantial evidence that:

i. The proposed design is satisfactory and complies with the intent of this chapter;
ii. The proposed design meets the requirements of Title 24;
iii. Board decisions overruling the Building Official's decisions shall require four (4) votes. Board decisions ratifying the Building Official's requests for ratification shall require three (3) votes; and
iv. Should the Board render a decision contrary to that of the Building Official, then the decision of the Board shall be deemed the decision of the Building Official.

112.5.1 Decisions Findings and Order.

i. The decision of the Board shall be final and conclusive.
ii. The findings and order of the Board shall include the following notice:
iii. Notice to Parties. The time within which judicial review must be sought to review this decision is governed by the provisions of California Code of Civil Procedure Section 1094.6.

112.5 Administration. The building official shall take immediate action in accordance with the decision of the board.

SECTION 113
VIOLATIONS

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolitions or occupancy of a building, structure or facilities in violation of the provisions of this code, or in violation of a detail statement or a plan approved there under, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

113.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute and appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to required the removal or termination of the unlawful occupancy of the building, structure or facilities in violation of the provisions of this code or of the order or direction made pursuant thereto.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters ore repairs a building, structure or facilities in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Title 1, Chapter 1.22 of the Imperial Beach Municipal Code and other remedies prescribed by law.

SECTION 114
STOP WORK ORDER

114.1 Notice to owner. Upon notice from the building official that work on any building or structure is being performed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

114.3 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 115
UNSAFE STRUCTURES AND EQUIPMENT

115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve

illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

115.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

115.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

115.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

115.5 Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

115.6 Abatement. Unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapter 8.50 of Title 8 of the Imperial Beach Municipal Code or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.

SECTION 116
FLOOR AND ROOF DESIGN LOADS

116.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m^2), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

116.1.1 Snow Load Posting. [OSHPD 1, 2, 3 & 4, DSA-SS & DSA-SS/CC] Snow loads used in design shall be posted as for live loads.

116.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

116.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

ATTACHMENT C

Chapter 15.04. Residential Code

15.04.010. Adoption of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations).

Except as provided in this Chapter and Chapter 15.02, the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Residential Code of the City of Imperial Beach.

15.04.020. Amendments and Additions of Provisions of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations).

(1) California Residential Code Appendix H, Patio Covers, is adopted.

(2) Chapter 4 (FOUNDATIONS) of the California Residential Code: Amendments.

Section R403.1.3 of Chapter 4 of the California Residential Code is hereby amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design categories D_0, D_1 and D_2, as established in Table R301.2(1), shall have minimum reinforcement. Top and Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the top of stem wall and 3 inches (76 mm) from the bottom of the footing.

In Seismic Design categories D_0, D_1 and D_2, where construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at no more than 4 feet (1219mm) on center. The vertical bar shall extend to 3 inches (76mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357mm) into the stem wall.

In Seismic Design categories D_0, D_1 and D_2, where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at no more than 4 feet (1219mm) on center. The vertical bar shall extend to 3 inches (76mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design categories D_0, D_1 and D_2, masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one-and two family dwellings located in Seismic Design Category A, B or C which are three stories or less in height and constructed with stud bearing walls, plain concrete footings without longitudinal reinforcement supporting walls and isolated plain concrete footings supporting columns or pedestals are permitted.

(3) Chapter 6 (WALL CONSTRUCTION) of the 2010 California Residential Code: Amendments.

Table R602.3(1) of Chapter 6 of the California Residential Code is hereby amended to read as follows:

TABLE R602.3(1)—continued
FASTENER SCHEDULE FOR STRUCTURAL MEMBERS

ITEM	DESCRIPTION OF BUILDING MATERIALS	DESCRIPTION OF FASTENER[b, c, e]	SPACING OF FASTENERS	
			Edges (inches)[i]	Intermediate supports[c, e] (inches)
Wood structural panels, subfloor, roof and interior wall sheathing to framing and particleboard wall sheathing to framing				
30	$^3/_8$″ - $^1/_2$″	6d common (2″ × 0.113″) nail (subfloor wall)[j] 8d common ($2^1/_2$″ × 0.131″) nail (roof)	6	12[g]
31	$^5/_{16}$″ - $^1/_2$″	6d common (2″ × 0.113″) nail (subfloor, wall) 8d common ($2^1/_2$″ × 0.131″) nail (roof)[f]	6	12[g]
32	$^{19}/_{32}$″ - 1″	8d common nail ($2^1/_2$″ × 0.131″)	6	12[g]
33	$1^1/_8$″ - $1^1/_4$″	10d common (3″ × 0.148″) nail or 8d ($2^1/_2$″ × 0.131″) deformed nail	6	12
Other wall sheathing[h]				
34	$^1/_2$″ structural cellulosic fiberboard sheathing	$^1/_2$″ galvanized roofing nail, $^7/_{16}$″ crown or 1″ crown staple 16 ga., $1^1/_4$″ long	3	6
35	$^{25}/_{32}$″ structural cellulosic fiberboard sheathing	$1^3/_4$″ galvanized roofing nail, $^7/_{16}$″ crown or 1″ crown staple 16 ga., $1^1/_2$″ long	3	6
36	$^1/_2$″ gypsum sheathing[d]	$1^1/_2$″ galvanized roofing nail; staple galvanized, $1^1/_2$″ long; $1^1/_4$ screws, Type W or S	7	7
37	$^5/_8$″ gypsum sheathing[d]	$1^3/_4$″ glavanized roofing nail; staple galvanized, $1^5/_8$″ long; $1^5/_8$″ screws, Type W or S	7	7
Wood structural panels, combination subfloor underlayment to framing				
38	$^3/_4$″ and less	6d deformed (2″ × 0.120″) nail or 8d common ($2^1/_2$″ × 0.131″) nail	6	12
39	$^7/_8$″ - 1″	8d common ($2^1/_2$″ × 0.131″) nail or 8d deformed ($2^1/_2$″ × 0.120″) nail	6	12
40	$1^1/_8$″ - $1^1/_4$″	10d common (3″ × 0.148″) nail or 8d deformed ($2^1/_2$″ × 0.120″) nail	6	12

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 mile per hour = 0.447 m/s; 1ksi = 6.895 MPa.

a. All nails are smooth-common, box or deformed shanks except where otherwise stated. Nails used for framing and sheathing connections shall have minimum average bending yield strengths as shown: 80 ksi for shank diameter of 0.192 inch (20d common nail), 90 ksi for shank diameters larger than 0.142 inch but not larger than 0.177 inch, and 100 ksi for shank diameters of 0.142 inch or less.

b. Staples are 16 gage wire and have a minimum $^7/_{16}$-inch on diameter crown width.

c. Nails shall be spaced at not more than 6 inches on center at all supports where spans are 48 inches or greater.

d. Four-foot-by-8-foot or 4-foot-by-9-foot panels shall be applied vertically.

e. Spacing of fasteners not included in this table shall be based on Table R602.3(2).

f. For regions having basic wind speed of 110 mph or greater, 8d deformed ($2^1/_2$″ × 0.120) nails shall be used for attaching plywood and wood structural panel roof sheathing to framing within minimum 48-inch distance from gable end walls, if mean roof height is more than 25 feet, up to 35 feet maximum.

g. For regions having basic wind speed of 100 mph or less, nails for attaching wood structural panel roof sheathing to gable end wall framing shall be spaced 6 inches on center. When basic wind speed is greater than 100 mph, nails for attaching panel roof sheathing to intermediate supports shall be spaced 6 inches on center for minimum 48-inch distance from ridges, eaves and gable end walls; and 4 inches on center to gable end wall framing.

h. Gypsum sheathing shall conform to ASTM C 1396 and shall be installed in accordance with GA 253. Fiberboard sheathing shall conform to ASTM C 208.

i. Spacing of fasteners on floor sheathing panel edges applies to panel edges supported by framing members and required blocking and at all floor perimeters only. Spacing of fasteners on roof sheathing panel edges applies to panel edges supported by framing members and required blocking. Blocking of roof or floor sheathing panel edges perpendicular to the framing members need not be provided except as required by other provisions of this code. Floor perimeter shall be supported by framing members or solid blocking.

Wood structural panel diaphragms or shear walls fastened with staples shall not be used to resist seismic forces in structures assigned to Seismic design category D, E or F.

Exception: Staples may be used for wood structural panel diaphragms when the allowable shear values are substantiated by cyclic testing and approved by the building official.

Table R602.3(2) of Chapter 6 of the California Residential Code is hereby amended to read as follows:

TABLE R602.3(2)
ALTERNATE ATTACHMENTS

NOMINAL MATERIAL THICKNESS (inches)	DESCRIPTION[a, b] OF FASTENER AND LENGTH (inches)	SPACING[c] OF FASTENERS	
		Edges (inches)	Intermediate supports (inches)
Wood structural panels subfloor, roof and wall sheathing to framing and particleboard wall sheathing to framing[f]			
up to $^1/_2$	Staple 15 ga. $1^3/_4$	4	8
	0.097 - 0.099 Nail $2^1/_4$	3	6
	Staple 16 ga. $1^3/_4$	3	6
$^{19}/_{32}$ and $^5/_8$	0.113 Nail 2	3	6
	Staple 15 and 16 ga. 2	4	8
	0.097 - 0.099 Nail $2^1/_4$	4	8
$^{23}/_{32}$ and $^3/_4$	Staple 14 ga. 2	4	8
	Staple 15 ga. $1^3/_4$	3	6
	0.097 - 0.099 Nail $2^1/_4$	4	8
	Staple 16 ga. 2	4	8
1	Staple 14 ga. $2^1/_4$	4	8
	0.113 Nail $2^1/_4$	3	6
	Staple 15 ga. $2^1/_4$	4	8
	0.097 - 0.099 Nail $2^1/_2$	4	8
NOMINAL MATERIAL THICKNESS (inches)	**DESCRIPTION[a,b] OF FASTENER AND LENGTH (inches)**	**SPACING[c] OF FASTENERS**	
		Edges (inches)	**Body of panel[d] (inches)**
Floor underlayment; plywood-hardboard-particleboard[f]			
Plywood			
$^1/_4$ and $^5/_{16}$	$1^1/_4$ ring or screw shank nail—minimum $12^1/_2$ ga. (0.099″) shank diameter	3	6
	Staple 18 ga., $^7/_8$, $^3/_{16}$ crown width	2	5
$^{11}/_{32}$, $^3/_8$, $^{15}/_{32}$, and $^1/_2$	$1^1/_4$ ring or screw shank nail—minimum $12^1/_2$ ga. (0.099″) shank diameter	6	8[e]
$^{19}/_{32}$, $^5/_8$, $^{23}/_{32}$ and $^3/_4$	$1^1/_2$ ring or screw shank nail—minimum $12^1/_2$ ga. (0.099″) shank diameter	6	8
	Staple 16 ga. $1^1/_2$	6	8
Hardboard[f]			
0.200	$1^1/_2$ long ring-grooved underlayment nail	6	6
	4d cement-coated sinker nail	6	6
	Staple 18 ga., $^7/_8$ long (plastic coated)	3	6
Particleboard			
$^1/_4$	4d ring-grooved underlayment nail	3	6
	Staple 18 ga., $^7/_8$ long, $^3/_{16}$ crown	3	6
$^3/_8$	6d ring-grooved underlayment nail	6	10
	Staple 16 ga., $1^1/_8$ long, $^3/_8$ crown	3	6
$^1/_2$, $^5/_8$	6d ring-grooved underlayment nail	6	10
	Staple 16 ga., $1^5/_8$ long, $^3/_8$ crown	3	6

For SI: 1 inch = 25.4 mm.

a. Nail is a general description and may be T-head, modified round head or round head.

b. Staples shall have a minimum crown width of $^7/_{16}$-inch on diameter except as noted.

c. Nails or staples shall be spaced at not more than 6 inches on center at all supports where spans are 48 inches or greater. Nails or staples shall be spaced at not more than 12 inches on center at intermediate supports for floors.

d. Fasteners shall be placed in a grid pattern throughout the body of the panel.

e. For 5-ply panels, intermediate nails shall be spaced not more than 12 inches on center each way.

f. Hardboard underlayment shall conform to ANSI/AHA A135.4.

Wood structural panel diaphragms or shear walls fastened with staples shall not be used to resist seismic forces in structures assigned to Seismic design category D, E or F.

Exception: Staples may be used for wood structural panel diaphragms when the allowable shear values are substantiated by cyclic testing and approved by the building official.

Table R602.10.1.2(2) of Chapter 6 of the California Residential Code is hereby amended to read as follows:

TABLE R602.10.1.2(2)[a, b, c]—continued
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY
(AS A FUNCTION OF BRACED WALL LINE LENGTH)

SOIL CLASS D[a] WALL HEIGHT = 10 FT 10 PSF FLOOR DEAD LOAD 15 PSF ROOF/CEILING DEAD LOAD BRACED WALL LINE SPACING ≤ 25 FT			MINIMUM TOTAL LENGTH (feet) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE			
Seismic Design Category (SDC)	Story Location	Braced Wall Line Length	Method LIB	METHODS DWB, SFB, GB, PBS, PCP, HPS	Method WSP	Continuous Sheathing
SDC D_0 or D_1		10	NP	3.0	2.0	1.7
		20	NP	6.0	4.0	3.4
		30	NP	9.0	6.0	5.1
		40	NP	12.0	8.0	6.8
		50	NP	15.0	10.0	8.5
		10	NP	6.0	4.5	3.8
		20	NP	12.0	9.0	7.7
		30	NP	18.0	13.5	11.5
		40	NP	24.0	18.0	15.3
		50	NP	30.0	22.5	19.1
		10	NP	8.5	6.0	5.1
		20	NP	17.0	12.0	10.2
		30	NP	25.5	18.0	15.3
		40	NP	34.0	24.0	20.4
		50	NP	42.5	30.0	25.5
SDC D_2		10	NP	4.0	2.5	2.1
		20	NP	8.0	5.0	4.3
		30	NP	12.0	7.5	6.4
		40	NP	16.0	10.0	8.5
		50	NP	20.0	12.5	10.6
		10	NP	7.5	5.5	4.7
		20	NP	15.0	11.0	9.4
		30	NP	22.5	16.5	14.0
		40	NP	30.0	22.0	18.7
		50	NP	37.5	27.5	23.4
		10	NP	NP	NP	NP
		20	NP	NP	NP	NP
		30	NP	NP	NP	NP
		40	NP	NP	NP	NP
		50	NP	NP	NP	NP

For SI: 1 foot = 304.8 mm, 1 pound per square foot = 47.89 Pa.

a. Wall bracing lengths are based on a soil site class "D." Interpolation of bracing length between the S_{ds} values associated with the seismic design categories shall be permitted when a site-specific S_{ds} value is determined in accordance with Section 1613.5 of the *California Building Code.*

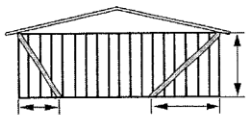
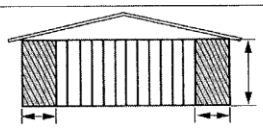
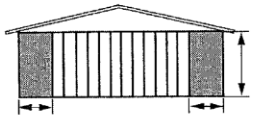
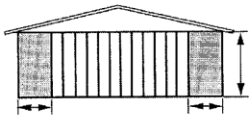
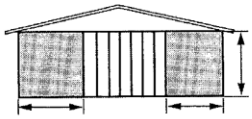
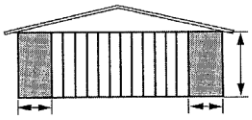
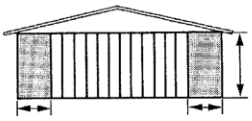
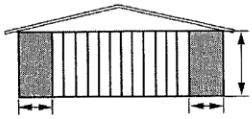
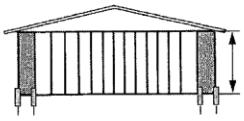
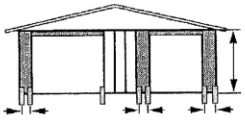
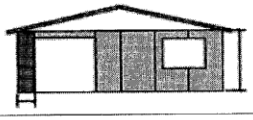
b. Foundation cripple wall panels shall be braced in accordance with Section R602.10.9.

c. Methods of bracing shall be as described in Sections R602.10.2, R602.10.4 and R602.10.5.

Methods GB & PCP shall not be used to resist seismic forces in structures assigned to Seismic design category D, E or F.

Table R602.10.2 of Chapter 6 of the California Residential Code is hereby amended to read as follows:

TABLE R602.10.2
INTERMITTENT BRACING METHODS

METHOD	MATERIAL	MINIMUM THICKNESS	FIGURE	CONNECTION CRITERIA
LIB	Let-in-bracing	1 × 4 wood or approved metal straps at 45° to 60° angles for maximum 16″ stud spacing		Wood: 2-8d nails per stud including top and bottom plate metal: per manufacturer
DWB	Diagonal wood boards	$^3/_4$″ (1″ nominal) for maximum 24″ stud spacing		2-8d ($2^1/_2$″ × 0.113″) nails or 2 staples, $1^3/_4$″ per stud
WSP	Wood structural panel (see Section R604)	$^3/_8$″		For exterior sheathing see Table R602.3(3) For interior sheathing see Table R602.3(1)
SFB	Structural fiberboard sheathing	$^1/_2$″ or $^{25}/_{32}$″ for maximum 16″ stud spacing		$1^1/_2$″ galvanized roofing nails or 8d common ($2^1/_2$″ × 0.131) nails at 3″ spacing (panel edges) at 6″ spacing (intermediate supports)
GB	Gypsum board	$^1/_2$″		Nails or screws at 7″ spacing at panel edges including top and bottom plates; for all braced wall panel locations for exterior sheathing nail or screw size, see Table R602.3(1); for interior gypsum board nail or screw size, see Table R702.3.5
PBS	Particleboard sheathing (see Section R605)	$^3/_8$″ or $^1/_2$″ for maximum 16″ stud spacing		$1^1/_2$″ galvanized roofing nails or 8d common ($2^1/_2$″ × 0.131) nails at 3″ spacing (panel edges) at 6 spacing (intermediate supports)
PCP	Portland cement plaster	See Section R703.6 For maximum 16″ stud spacing		$1^1/_2$″, 11 gage, $^7/_{16}$″ head nails at 6″ spacing or $^7/_8$″, 16 gage staples at 6″ spacing
HPS	Hardboard panel siding	$^7/_{16}$″ For maximum 16″ stud spacing		0.092″ dia., 0.225″ head nails with length to accommodate $1^1/_2$″ penetration into studs at 4″ spacing (panel edges), at 8″ spacing (intermediate supports)
ABW	Alternate braced wall	See Section R602.10.3.2		See Section R602.10.3.2
PFH	Intermittent portal frame	See Section R602.10.3.3		See Section R602.10.3.3
PFG	Intermittent portal frame at garage	See Section R602.10.3.4		See Section R602.10.3.4

Methods GB & PCP shall not be used to resist seismic forces in structures assigned to Seismic design category D, E or F.

ATTACHMENT B – 1
FINDINGS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 17958.7

A. Chapter 4 (FOUNDATIONS) of the 2010 California Residential Code: Findings.

The amendments to Chapter 4 of the California Residential Code are reasonably necessary because of the following local geological, topographical and climatic conditions:

I. Local Geological Conditions. The City of Imperial Beach is located in San Diego County, which is densely populated and located in area of high seismic activities. Although the City of Imperial Beach has not faults running through it, there are a number of faults in close proximity which are active and able to produce earthquake between 7.5 and 7.8 on the Richter scale. The City of Imperial Beach is also located geographically within an area where sandy soil conditions are commonly found in the region increasing the likelihood of liquefaction during a seismic event causing widespread damage to both public, private buildings and infrastructure. Recent earthquake activity, including the 1989 Loma Prieta and the 1994 Northridge earthquakes have indicated the lack of adequate design and detailing as contributing factors to damages that reduce the protection of building occupants.

a) The proposed modification to require minimum reinforcement to address the problem of poor performance of plain or under-reinforced footings during a seismic event and therefore need to be incorporated into the code to assure than new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with objectives of the California Building Codes.

Amendments. CRC Section R403.1.3 of the 2010 Edition of the California Residential Code is hereby amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement. Top and Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the top of stem wall and 3 inches (76 mm) from the bottom of the footing.

In Seismic Design categories D0, D1 and D2, where construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at no more than 4 feet (1219mm) on center. The vertical bar shall extend to 3 inches (76mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357mm) into the stem wall.

In Seismic Design categories D0, D1 and D2, where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at no more than 4 feet (1219mm) on center. The vertical bar shall extend to 3 inches (76mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design categories D0, D1 and D2, masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one-and two family dwellings located in Seismic Design Category A, B or C which are three stories or less in height and constructed with stud bearing walls, plain concrete footings without longitudinal reinforcement supporting walls and isolated plain concrete footings supporting columns or pedestals are permitted.

B. Chapter 6 (WALL CONSTRUCTION) of the 2010 California Residential Code: Findings.

The amendments to Chapter 6 of the California Residential Code are reasonably necessary because of the following local geological, topographical and climatic conditions:

I. Local Geological Conditions. The City of Imperial Beach is located in San Diego County, which is densely populated and located in area of high seismic activities. Although the City of Imperial Beach has not faults running through it, there are a number of faults in close proximity which are active and able to produce earthquake between 7.5 and 7.8 on the Richter scale. The City of Imperial Beach is also located geographically within an area where sandy soil conditions are commonly found in the region increasing the likelihood of liquefaction during a seismic event causing widespread damage to both public, private buildings and infrastructure. Recent earthquake activity, including the 1989 Loma Prieta and the 1994 Northridge earthquakes have indicated the lack of adequate design and detailing as contributing factors to damages that reduce the protection of building occupants.

a) In September 2007, limited cyclic testing was conducted by a private engineering firm to determine if wood structural panels fastened with staples would exhibit the same behavior as the wood structural panels fastened with common nails. The test result revealed that wood structural panel fastened with staples appeared to be much lower in strength and stiffness than wood structural panels fastened with common nails. It was recommended that the use of staples as fasteners for wood structural panel shear walls or diaphragms not be permitted to resist seismic forces in structures assigned to Seismic Design Category D, E and F unless it can be substantiated by cyclic testing.

b) Due to the high geologic activities in the California and the expected higher level of performance on buildings and structures, this local amendment will not allow shear walls sheathed with lath, plaster, gypsum board or portland cement. The poor performance of such shear walls sheathed with these materials in the 1994 Northridge Earthquake was investigated by the Structural Engineers Association of Southern California (SEAOSC).

ATTACHMENT D

Chapter 15.06. Building Code

15.06.010. Adoption of the California Building Code (Part 2 of Title 24 of the California Code of Regulations).

Except as provided in this Chapter and Chapter 15.02, the California Building Code (Part 2 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Building Code of the City of Imperial Beach.

15.06.020. Amendments and Additions of Provisions of the California Building Code (Part 2 of Title 24 of the California Code of Regulations).

(1) California Building Code Appendix I, Patio Covers, is adopted.

(2) Chapter 9 (Fire Protection) of the California Building Code: Amendments.

Section 903 Automatic Sprinkler Systems of the California Building Code shall be adopted as modified and adopted by City of Imperial Beach of the California Fire Code in the City of Imperial Beach Fire Code, Chapter 15.20 of this Municipal Code.

Section 907.2.11.6 is added to Chapter 9 of the California Building Code to read as follows:

> 907.2.11.6. Additions, alterations or repairs to Group R occupancies. When the valuation of an addition, alteration, or repair to Group R occupancy exceeds $1,000 and a permit is required, or when one or more sleeping rooms are added or created in existing Group R occupancies, smoke alarms shall be installed in accordance with Section 907.2.11.

(3) Chapter 19 (CONCRETE) of the California Building Code: Amendments.

Section 1908.1.8 of Chapter 19 of the California Building Code is hereby amended to read as follows:

1908.1.8 ACI 318, Section 22.10. Delete ACI 318, Section 22.10, and replace with the following:

22.10 – Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

22.10.1 – Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

b) Plain concrete footings supporting walls are permitted provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area

of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception:

In detached one- and two-family dwellings three stories or less in height and constructed with stud-bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

(4) Chapter 23 (WOOD) of the California Building Code: Amendments.

Section 2306.2.1 of Chapter 23 of the California Building Code is hereby amended to read as follows:

2306.2.1 Wood structural panel diaphragms. Wood structural panel diaphragms shall be designed and constructed in accordance with AF&PA SDPWS. Wood structural panel diaphragms are permitted to resist horizontal forces using the allowable shear capacities set forth in Table 2306.2.1(1) or 2306.2.1(2). The allowable shear capacities in Table 2306.2.1(1) or 2306.2.1(2) are permitted to be increased 40 percent for wind design. Wood structural panel diaphragms fastened with staples shall not be used to resist seismic forces in structures assigned to Seismic design category D, E or F.

Exception: Staples may be used for wood structural panel diaphragms when the allowable shear values are substantiated by cyclic testing and approved by the building official.

Section 2306.7 of Chapter 23 of the California Building Code is hereby amended to read as follows:

2306.7 Shear walls sheathed with other materials. Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall be designed and constructed in accordance with AF&PA SDPWS. Shear walls sheathed with these materials are permitted to resist horizontal forces using the allowable shear capacities set forth in Table 2306.7. Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall not be used to resist seismic forces in structures assigned to Seismic Design Category D, E or F.

ATTACHMENT C – 1
FINDINGS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 17958.7

A. Findings. The amendments to Chapter 9 of the California Building Code are reasonably necessary because of the following local geological, topographical and climatic conditions:

I. The City of Imperial Beach is geographically located at the most south west portion of San Diego County along the coast of the Pacific Ocean, served by major (2) two east and west arteries (1) one Highway 75 and (1) one Imperial Beach Boulevard, many of the remaining small streets and alleys are arranged in a dense manner to make timely fire department vehicle access and assistance from additionally responding agencies difficult.;

II. Imperial Beach is characterized by a sub- tropical climate with very dry summers and rain occurring during the winter season. The City of Imperial Beach is subject to daily land and sea breezes. The sea breeze commences 2 to 4 hours after sunrise and is experienced as a westerly wind with an average speed of 10 knots. The City of Imperial Beach is comprised of many existing buildings and structures arranged in a dense manner with limited property line setbacks. This arrangement in conjunction with a predominant westerly wind increases the difficulty for fire suppression personnel to limit exposure of neighboring structures or buildings from fire by direct transmission, radiation, or convection;

III. The city of Imperial Beach is located geographically within an active seismic zone. The sandy soil conditions commonly found in the region increases the likelihood of liquefaction during a seismic event causing widespread damage to both public and private buildings, structures, utilities, and surface streets making travel for both locally responding agencies and assistance from additionally responding agencies burdensome or impossible, preventing rapid access and orderly evacuation;

IV. The predominantly flat topography specific to the City of Imperial Beach and its location directly bordering Pacific Ocean in conjunction with its elevation relative to sea level increases the cities susceptibility to damage by tsunami. An event such as a tsunami is likely to cause widespread damage to both public and private buildings, structures, utilities, and surface streets making travel for locally responding agencies and assistance from additionally responding agencies burdensome or impossible, preventing rapid access and orderly evacuation.

B. **Findings.** The amendments to Chapter 19 of the California Building Code are reasonably necessary because of the following local geological, topographical and climatic conditions:

I. <u>Local Geological Conditions.</u> The City of Imperial Beach is located in San Diego County, which is densely populated and located in area of high seismic activities. Although the City of Imperial Beach has not faults running through it, there are a

number of faults in close proximity which are active and able to produce earthquake between 7.5 and 7.8 on the Richter scale. The City of Imperial Beach is also located geographically within an area where sandy soil conditions are commonly found in the region increasing the likelihood of liquefaction during a seismic event causing widespread damage to both public, private buildings and infrastructure. Recent earthquake activity, including the 1989 Loma Prieta and the 1994 Northridge earthquakes have indicated the lack of adequate design and detailing as contributing factors to damages that reduce the protection of building occupants.

The proposed modification to require minimum reinforcement to address the problem of poor performance of plain or under-reinforced footings during a seismic event and therefore need to be incorporated into the code to assure than new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with objectives of the California Building Codes.

C. **Findings.** The amendments to Chapter 23 of the California Building Code are reasonably necessary because of the following local geological, topographical and climatic conditions:

I. Local Geological Conditions. The City of Imperial Beach is located in San Diego County, which is densely populated and located in area of high seismic activities. Although the City of Imperial Beach has not faults running through it, there are a number of faults in close proximity which are active and able to produce earthquake between 7.5 and 7.8 on the Richter scale. The City of Imperial Beach is also located geographically within an area where sandy soil conditions are commonly found in the region increasing the likelihood of liquefaction during a seismic event causing widespread damage to both public, private buildings and infrastructure. Recent earthquake activity, including the 1989 Loma Prieta and the 1994 Northridge earthquakes have indicated the lack of adequate design and detailing as contributing factors to damages that reduce the protection of building occupants.

a) In September 2007, limited cyclic testing was conducted by a private engineering firm to determine if wood structural panels fastened with staples would exhibit the same behavior as the wood structural panels fastened with common nails. The test result revealed that wood structural panel fastened with staples appeared to be much lower in strength and stiffness than wood structural panels fastened with common nails. It was recommended that the use of staples as fasteners for wood structural panel shear walls or diaphragms not be permitted to resist seismic forces in structures assigned to Seismic Design Category D, E and F unless it can be substantiated by cyclic testing.

b) Due to the high geologic activities in the California and the expected higher level of performance on buildings and structures, this local amendment

will not allow shear walls sheathed with lath, plaster, gypsum board or portland cement. The poor performance of such shear walls sheathed with these materials in the 1994 Northridge Earthquake was investigated by the Structural Engineers Association of Southern California (SEAOSC).

ATTACHMENT E

Chapter 15.16. Electrical Code

15.16.010. Adoption of the California Electrical Code (Part 3 of Title 24 of the California Code of Regulations).

The California Electrical Code (Part 3 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Electrical Code of the City of Imperial Beach.

ATTACHMENT F

Chapter 15.28. Building Code

15.28.010. Adoption of the California Building Code (Part 2 of Title 24 of the California Code of Regulations).

Except as provided in this Chapter, the California Mechanical Code (Part 4 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Mechanical Code of the City of Imperial Beach.

15.28.020. Amendments of Provisions of the California Mechanical Code (Part 4 of Title 24 of the California Code of Regulations).

California Mechanical Code Appendix A, Uniform Mechanical Code standard No. 6-2, is adopted.

ATTACHMENT G

Chapter 15.32. Plumbing Code

15.32.010. Adoption of the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations).

The California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Plumbing Code of the City of Imperial Beach.

ATTACHMENT H

Chapter 15.38. Green Building Code

15.38.010. Adoption of the California Green Building Code (Part 11 of Title 24 of the California Code of Regulations).

The California Green Building Code (Part 11 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Green Building Code of the City of Imperial Beach.

EXHIBIT - REDLINED

Chapter 8.50. ~~UNSAFE BUILDINGS,~~ SUBSTANDARD BUILDINGS AND PROPERTY ~~OR DANGEROUS CONDITIONS~~

8.50.010. Short title.

The ordinance codified in this chapter shall be known as the "substandard ~~unsafe~~ buildings ordinance" of the city.

8.50.020. Definitions generally.

For the purpose of this chapter, except as otherwise provided herein, certain words, phrases and terms, and their derivatives, shall be construed as specified in this chapter. Words, phrases and terms used in this chapter, but not specifically defined herein, shall have the meanings stated in the currently adopted regulatory codes of the city, including the ~~Uniform~~ Building Code, the Residential Code, the Uniform Housing Code, the ~~Uniform~~ Plumbing Code, the ~~Uniform~~ Mechanical Code, ~~the Uniform Swimming Pool Spa and Hot Tub Code,~~ the ~~National~~ Electrical Code, and the ~~Uniform~~ Fire Code. Where not defined in this chapter or in the foregoing codes, such words, phrases and terms shall have the meanings stated in Webster's New International Dictionary of the English Language, Unabridged, ~~Second~~ Third Edition.

8.50.030. Defined.

For the purpose of this chapter, the definition of a dangerous building will be as stated in section 302 of the adopted Uniform Code for Abatement of Dangerous Buildings in chapter 15.40 of title 15~~——~~.

~~any building, structure or portion thereof, which has any or all of the conditions or defects hereinafter described, shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:~~

~~A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;~~

~~B. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;~~

~~C. Whenever any building, structure or portion thereof has wracked, warped, buckled or settled causing walls or other structural portions to have materially less resistance to winds or earthquakes than is required in the case of similar new construction;~~

~~D. Whenever the building, structure or any portion thereof, because of:~~

~~1. Dilapidation, deterioration or decay,~~

~~2. Faulty construction,~~

~~3. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building,~~

~~4. The deterioration, decay or inadequacy of its foundation, or~~

~~5. Any other cause, is likely to partially or completely collapse;~~

~~E. Whenever, for any reason, the building or structure, or portion thereof, is unsafe for the purpose for which it is being used;~~

~~F. Whenever there is a structural hazard contained in a building or structure. Structural hazards shall include but not be limited to the following:~~

~~1. Deteriorated or inadequate foundations,~~

~~2. Defective or deteriorated flooring or floor supports,~~

~~3. Flooring or floor supports of insufficient size to carry imposed loads with safety,~~

~~4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration,~~

~~5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety,~~

~~6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration,~~

~~7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety,~~

~~8. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration,~~

~~9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;~~

~~G. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to:~~

~~1. Become an attractive nuisance to children,~~

~~2. Become a harbor for trespassers,~~

~~3. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts;~~

~~H. Whenever any building, structure or portion thereof has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in any of the adopted regulatory codes of the city, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings;~~

~~I. Whenever any building, structure or portion thereof which, whether or not erected in accordance with all applicable laws and ordinances, has been substantially reduced in:~~

~~1. Strength,~~

~~2. Fire-resisting qualities or characteristics, or~~

~~3. Weather-resisting qualities or characteristics;~~

~~J. Whenever a building, structure or portion thereof, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer or building official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;~~

~~K. Whenever any building, structure or portion thereof, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, heating apparatus, or other cause, is determined by the fire marshal or building official to be a fire hazard;~~

L. Whenever any building structure or portion thereof is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence;

M. Whenever any portion of a building, structure or portion thereof remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public;

N. Whenever, for any reason, the building or structure, or portion thereof, is unsafe for the purpose for which it is being used.

For the purpose of this chapter, a "dangerous condition" shall mean the actual or threatened existence of conditions which risk the immediate safety of persons or property within the city as determined by the city council, or by the sole discretion of the city manager. (Ord. 98-931 § 5 (part), 1998)

8.50.040. Sanitation—Structural hazards.

For the purpose of this chapter, any building, structure or portion thereof, including any dwelling unit, guest room or suite of rooms, which has any or all of the conditions or defects hereinafter described to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof, shall be deemed and is declared to be a substandard building:

A. Inadequate Sanitation. Inadequate sanitation includes, but is not limited to the following:

1. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit,

2. Lack of or improper kitchen sink,

3. Lack of hot and cold running water to plumbing fixtures in a dwelling unit,

4. Lack of or improper operation of necessary ventilating equipment,

5. Lack of reasonable amounts of natural light and ventilation,

6. Room and space dimensions less than required by this code,

7. Lack of necessary electrical lighting,

8. Infestation of insects, vermin or rodents,

9. Lack of connection to required sewage disposal system;

B. Structural Hazards. Structural hazards includes but is not limited to the following:

1. Whenever the building, structure or any portion thereof, is likely to partially or completely collapse because of:

a. Dilapidation, deterioration or decay,

b. Faulty construction,

c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building,

d. The deterioration, decay or inadequacy of its foundation, or

e. Any other cause,

2. Whenever any building, structure or portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction,

3. Whenever there is a structural hazard contained in a building or structure. Structural hazards shall include but not be limited to the following:

a. Deteriorated or inadequate foundations,

b. Defective or deteriorated flooring or floor supports,

c. Flooring or floor supports of insufficient size to carry imposed loads with safety,

~~d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration,~~

~~e. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety,~~

~~f. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration,~~

~~g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety,~~

~~h. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration,~~

~~i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety,~~

~~4. Whenever the building, structure or portion thereof has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to:~~

~~a. Become an attractive nuisance to children,~~

~~b. Become a harbor for trespassers, or~~

~~c. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts,~~

~~5. Whenever any building, structure or portion thereof has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this code;~~

~~C. Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;~~

~~D. Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures;~~

~~E. Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good and safe condition;~~

~~F. Inadequate Exits. All buildings, structure or portions thereof, not provided with adequate exit facilities as required by this chapter, except those buildings, structures or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupancy load, alteration or addition or any change in occupancy;~~

~~When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed;~~

~~G. Inadequate Fire Protection or Firefighting Equipment. All buildings, structures or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy;~~

~~H. Improper Occupancy. All buildings, structures or portions thereof occupied for any purpose other than that for which they were approved, including all buildings or portions~~

~~thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies;~~

~~I. Abandoned or Partial Buildings. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months, so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.~~

8.50.040. Sanitation—S<u>**ubstandard buildings**</u>**~~structural hazards.~~**

For the purpose of this chapter, any building, structure or portion thereof, including any dwelling unit, guest room or suite of rooms, which has any or all of the conditions or defects hereinafter described to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof, shall be deemed and is declared to be a substandard building:

A. Inadequate Sanitation. Inadequate sanitation includes, but is not limited to the following:

1. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit,

2. Lack of or improper kitchen sink,

3. Lack of hot and cold running water to plumbing fixtures in a dwelling unit,

4. Lack of or improper operation of necessary ventilating equipment,

5. Lack of reasonable amounts of natural light and ventilation,

6. Room and space dimensions less than required by this code,

7. Lack of necessary electrical lighting,

8. Infestation of insects, vermin or rodents,

9. Lack of connection to required sewage disposal system;

B. Structural Hazards. Structural hazards includes but is not limited to the following:

1. Whenever the building, structure or any portion thereof, is likely to partially or completely collapse because of:

a. Dilapidation, deterioration or decay,

b. Faulty construction,

c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building,

d. The deterioration, decay or inadequacy of its foundation, or

e. Any other cause,

2. Whenever any building, structure or portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction,

3. Whenever there is a structural hazard contained in a building or structure. Structural hazards shall include but not be limited to the following:

a. Deteriorated or inadequate foundations,

b. Defective or deteriorated flooring or floor supports,

c. Flooring or floor supports of insufficient size to carry imposed loads with safety,

d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration,

e. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety,

f. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration,

g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety,

h. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration,

i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety,

4. Whenever the building, structure or portion thereof has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to:

a. Become an attractive nuisance to children,

b. Become a harbor for trespassers, or

c. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts,

5. Whenever any building, structure or portion thereof has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this code;

C. Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;

D. Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures;

E. Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good and safe condition;

F. Inadequate Exits. All buildings, structure or portions thereof, not provided with adequate exit facilities as required by this chapter, except those buildings, structures or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupancy load, alteration or addition or any change in occupancy;

When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed;

G. Inadequate Fire Protection or Firefighting Equipment. All buildings, structures or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy;

H. Improper Occupancy. All buildings, structures or portions thereof occupied for any purpose other than that for which they were approved, including all buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies;

I. Abandoned or Partial Buildings. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months, so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

8.50.050. Additional substandard conditions designated.

For the purpose of this chapter, any building, structure or portion thereof which has any one or more of the following conditions constitutes substandard property:

A. Substandard buildings;

B. Unpainted buildings or buildings with dry rot, warping and/or termite infestation;

C. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;

D. Inoperable or abandoned motor vehicles, trailers, campers, boats and other mobile equipment stored for unreasonable periods on the premises;

E. Attractive nuisances dangerous to children in the form of unattended, abandoned or broken equipment and neglected machinery;

F. Clotheslines in front yard areas;

G. Lack of adequate garbage and rubbish storage and removal facilities;

H. Trash and garbage containers stored in front of side yards and visible from public streets, except when placed in areas of collection at times permitted in compliance with this code;

I. Fences (including retaining walls) which are not constructed of new or suitable used material, do not conform with the methods of construction pursuant to the requirements of the Uniform Building Code as adopted by reference and modified by Chapter 15.04 of this code, or are not maintained in a state of good repair. Any dilapidated, dangerous or unsightly fence or retaining wall shall be repaired or removed. Temporary materials shall not be permitted as a fencing material;

J. The parking or storage of four or more motorized or nonmotorized vehicles, motorcycles, trailers, campers, boats and other mobile equipment in the front yard area of property located in a residential zone (as defined in Section 19.04.650 of this code);

K. The parking or storage of any type of motorized or nonmotorized vehicle, motorcycle, or recreational vehicle off a paved driveway, on a lawn or on unpaved areas, on property located in a residential zone (as defined in Section 19.04.650 of this code);

L. Storage of machinery or parts thereof, or material or equipment associated with building, painting, plumbing and electrical contracting and services and similar activities, including implements or tools (other than what is stored and carried in a motor vehicle) having a power rating of greater than one horsepower, on property located in a residential zone (as defined

in Section 19.04.650 of this code). "Equipment" includes any motor vehicle with a gross vehicle weight greater than ten-thousand pounds;

M. Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance;

N. Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property values of such adjacent properties;

O. All premises on which any abandoned underground storage tanks, cesspools, wells, pits, shafts or other dangerous excavations may exist;

P. All premises on which there are any "weeds," as described in Government Code Section 39561.5, rubbish or refuse found upon parkways, sidewalks, or private property within the city.

~~8.50.060. Additional dangerous conditions designated.~~

~~Nothing in this chapter is intended to limit the discretion of the city manager in the determination of a "dangerous condition." The determination by the city manager that a condition poses imminent danger shall be final. (Ord. 98-931 § 5 (part), 1998)~~

8.50.06~~7~~0. Enforcement of chapter.

The building official and the public safety director are authorized to enforce the provisions of this chapter. The city manager may delegate authority for the enforcement of the provisions on "dangerous conditions."

8.50.0~~8~~7~~0~~. Inspections.

The building official, the city manager and the public safety director are authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

8.50.0~~8~~9~~0~~. Public nuisances to be abated.

All buildings, structures, properties or portions thereof which are determined by the building official or the public safety director to be ~~unsafe or~~ substandard are declared to be public nuisances, and may be abated by repair, rehabilitation, demolition, removal or clearing in accordance with the procedure specified in this chapter.

~~8.50.100. Dangerous conditions to be eliminated.~~

~~All conditions which are determined by the city manager to risk the immediate safety of persons or property within the city are declared to be dangerous conditions, and may be eliminated in accordance with the procedure specified in this chapter or other applicable sections of the Imperial Beach Municipal Code or applicable laws.~~

~~8.50.110. Standards to be followed in ordering repairs or demolition.~~

~~The following standards shall be followed by the building official and the public safety director in ordering the clearing, repair, vacation or demolition of any building, structure or property, or by the city manager in ordering the elimination of a dangerous condition:~~

~~A. If the building, structure or property is in such condition as to make it immediately dangerous to the life, limb, property or safety of its occupants or the public, it shall be ordered to be vacated and a "Notice to Vacate" shall be issued.~~

~~B. If the building, structure or property is in substandard or unsafe condition, but the condition is not immediately dangerous, then the building, structure or property shall be ordered to be cleared or repaired and a "Notice to Clear or Repair" shall be issued.~~

~~C. An order to demolish and remove in a notice to vacate shall not indicate an alternative permission to repair; however, an order to repair may be satisfied by demolition and removal.~~

~~D. If the condition poses imminent danger to the safety of persons or property within the city, it shall be immediately remedied at the discretion of the city manager and a "Notice of Response to Dangerous Condition(s)," shall be issued.~~

~~E. If the condition does not pose an imminent danger, but in the discretion of the city manager requires expeditious action, the condition shall be ordered eliminated and a "Notice and Order to Eliminate Dangerous Condition(s)" shall be issued.~~

8.50.~~12~~09~~0~~0. Commencement of proceedings to compel repairs or demolition.

A. Whenever the building official or the public safety director has inspected or caused to be inspected any building, structure, property or portion thereof, and has found and determined it to be ~~unsafe or~~ substandard, the building official or the public safety director shall commence proceedings to cause repair, rehabilitation, demolition ~~and/~~or abatement of the violations of this chapter. ~~, removal or clearing as follows:~~

~~1. The building official, upon making an inspection, findings and determination, shall obtain the written report of the public safety director before proceeding;~~

~~2. The public safety director, upon making an inspection, findings and determination, shall issue a report which lists violations of this code and declares any recommendations to the building official.~~

~~B. Whenever the city manager, in his/her sole discretion, has determined an existing condition to be a dangerous condition requiring the application of this chapter, proceedings to eliminate the dangerous condition shall be commenced as follows:~~

~~1. In the case of a dangerous condition which requires immediate action, the city manager shall take such action or designate another to take such action as the city manager believes to be necessary, and send a letter to the building official advising the building official of the action taken and the circumstances surrounding such actions.~~

~~2. In the case of a dangerous condition which does not require immediate action, but must, in the city manager's opinion, be eliminated quickly, the city manager shall send to the building official a letter describing the dangerous condition and declaring what action the city manager has determined necessary for the property owner to take.~~

~~8.50.130. Building official to determine ownership and request hearing date.~~

~~After the inspection of any building, structure, property or portion thereof and a determination that it is unsafe or substandard, or upon a determination of a dangerous condition, the building official shall:~~

~~A. Obtain the names and addresses of all persons having a recorded interest in the property, through a current title search;~~

~~B. Request the city clerk to set a date, at least five calendar days from the date of such request, for a hearing by the city council to determine whether the declaration of substandard or unsafe building, structure or property is warranted;~~

~~C. Request the city clerk to set a date, not less than twenty-four hours from the date of such request, for a hearing by the city council to determine whether the declaration of dangerous condition is warranted.~~

~~8.50.140. Hearing procedures.~~

~~Notice must be given and a hearing must be held after a property is determined to be substandard or unsafe or a condition is determined to be hazardous. The provisions of Chapter 1.16 apply.~~

8.50.1~~8~~0. Notice and appeal—Housing violations—Notification of Franchise Tax Board.

A. The city manager and the city attorney are authorized to determine whether any rental housing within the city is in violation of state or local law. Following such determination, the property owner shall be notified by the building official and/or the city attorney that failure to correct substandard conditions on the property within six months will result in notification of the Franchise Tax Board.

B. If the conditions are not brought into compliance within six months, the building official may be directed to prepare and mail by certified mail, postage prepaid, return receipt requested, a notice of noncompliance to the affected property owner. Such notice shall reflect that substandard housing conditions have not been cured within the time prescribed by law and shall advise the property owner of a right to appeal.

1. The affected property owner may appeal the city manager or city attorney's determination by filing a written request with the city clerk within ten days of the date of the

notice of noncompliance. The filing of such appeal shall stay notification of the State Franchise Tax Board until the council has acted on the appeal.

2. If no appeal is filed within ten days, the building official shall forward a copy of the notice of noncompliance to the State Franchise Tax Board. The council may also be requested by staff to approve any actions already taken with respect to such notification, including forwarding such notice to the Franchise Tax Board.

C. The city council shall review evidence submitted on appeal, and affirm, modify or reverse the determination with respect to the existence of state law or Municipal Code violations on the property.

1. If the council determines that a violation exists on the property, the building official shall be directed to forward a copy of the notice of noncompliance to the State Franchise Tax Board.

D. Upon appeal, the city council shall make written findings on the evidence and a copy of such findings shall be mailed by certified mail, postage prepaid, return receipt requested, to the affected property owner. Action by the city council on the appeal shall be final and conclusive.

8.50.~~32~~110. Compliance with chapter—Penalty for violation.

No person, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person violating the provisions of this chapter is guilty of a misdemeanor for each day such violation continues. All violations of this chapter shall be subject to civil penalties in accordance with Chapter 1.12 of this code.

AGENDA ITEM NO. 4.3

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**DECEMBER 1, 2010**
ORIGINATING DEPT.:	**PUBLIC SAFETY**
SUBJECT:	**ORDINANCE NO. 2010-1114 – AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS**

BACKGROUND:

On June 1, 2010, the State of California published the 2010 California Fire Code which is based on the 2009 International Fire Code. The International Fire Code is developed by a committee made up of building officials, fire service personnel, building industry officials, and other interested parties from all over the United States. The State of California amended the 2009 International Fire Code to include requirements that reflect the fire safety needs of the State. The effective date of the 2010 California Fire Code is January 1, 2011. A major code change summary can be made available upon request.

In 2002 the City Council adopted the 1997 Uniform Fire Code with local amendments by Ordinance Number (Ord. 2002-995 § 1 (part), 2002). Though there was a State code adoption cycle in 2001 and in 2007, the City did not formally adopt the 2001 or the 2007 California Fire Codes. The 2001 California Fire Code and then the 2007 California Fire Codes were enforced in the City of Imperial Beach based on state legislation which mandated its use within the City. Under normal conditions the Fire Code cycle occurs every three years. The three-year cycle is based on when the State of California completes the revision and reprinting of a newer code. However, in 2007 the State undertook a base code document change from the Uniform Fire Code to the International Fire Code and the adoption cycle was extended from the 2001 adoption to the 2007 adoption process, and now we are again on a three-year cycle. Under state law, local jurisdictions adopt the latest edition of the California Fire Code with local amendments; or adopt a local fire code by a specific date established by the State Building Standards Commission. If a local jurisdiction fails to adopt the State Code with

amendments or a local fire code, then the State-adopted Fire Code is in effect in the local jurisdiction.

DISCUSSION:

Earlier this year, a working group of San Diego County fire marshals, including area building officials, developed the base document of the proposed local Ordinance. This group met regularly over the past 6 months to develop this document with the desire to provide more uniform local code amendments across the County of San Diego. This working group brought years of fire service experience to the regular meetings and provided opportunities to review code amendments that have helped other local communities to be fire safe. The Imperial Beach Fire Department staff has added additional amendments to this document that are specific to the City of Imperial Beach. Staff believes the amendments in the proposed ordinance reflect the fire safety needs of the City.

Adoption of the California Fire Code with local amendments is very important for the City of Imperial Beach. The Fire Code sets the minimum fire and life safety standards for new construction and existing buildings within the City. With specific findings required under California law, the City Council may make amendments to significantly improve fire and life safety within our community.

Staff recommends proceeding with the adoption of the 2010 California Fire Code and the 2009 International Fire Code with local amendments, Ordinance No. 2010-1114.

It is the professional opinion of the County Fire Marshals working group and City Staff that the amendments to the fire code ordinance reflect the needs of the City. Staff recommends the adoption of Ordinance No. 2010-1114.

At the meeting of November 17, 2010, City Council conducted the first reading of the ordinance and recommended the removal of the portion regarding fire sprinkler systems. This change has been reflected in the ordinance and findings attached to this staff report.

City Council also requested more information on fire sprinklers. This information will be brought back to Council at a future meeting.

FISCAL IMPACT:

Fiscal impact of these amendments will include a cost recoverable increased time for existing staff to enforce the requirements of this code. The benefit will be an increase in life safety and a decrease in fire loss.

DEPARTMENT RECOMMENDATION:

Staff recommends that the Mayor and City Council:

1. Declare the public hearing open;
2. Receive this report and public testimony;
3. Close the public hearing;
4. Mayor to call for the reading of the title of Ordinance No. 2010-1114, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS';
5. City Clerk to read title of Ordinance No. 2010-1114; and
6. Motion to dispense with second reading and adopt Ordinance No. 2010-1114 by title only.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown, City Manager

Attachments:

1. Ordinance No. 2010-1114
2. Findings in accordance with Health and Safety Code section 17958

ATTACHMENT 1

ORDINANCE NO 2010-1114

AN ORDINANCE OF THE CITY OF IMPERIAL BEACH AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS

WHEREAS, Health & Safety Code Section 17958 mandates that the City of Imperial Beach shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code Section 17922; and

WHEREAS, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2010 California Fire Code, hereinafter referred to collectively as the Fire Code; and,

WHEREAS, the State of California is mandated by Health & Safety Code section 17922 to impose the same requirements as are contained in the 2010 California Fire Code, together with the City of Imperial Beach amendments, which collectively shall be the City of Imperial Beach Fire Code, for the purpose of prescribing regulations in the City of Imperial Beach and

WHEREAS, code amendments adopted by the State of California shall take precedence over the 2010 California Fire Code language. The 2010 California Fire Code amendments language shall be used for those code sections not adopted by the State; and

WHEREAS, local amendments adopted by the City of Imperial Beach shall take precedence over both 2010 California Fire Code and 2009 International Fire Code; and

WHEREAS, Health & Safety Code Section 17958.5 permits the City of Imperial Beach to make such changes or modifications to the Codes as are reasonably necessary because of local conditions; and,

WHEREAS, Health & Safety Code Section 17958.7 requires that the City of Imperial Beach before making any changes or modifications pursuant to Section 17958.5 make express findings that such changes or modifications are needed due to climatic, geographic, or topographic conditions; and,

WHEREAS, the City Council of the City of Imperial Beach does herewith find that the city has certain climatic, geologic, and topographical features that can have a deleterious effect on emergency services such as fire protection and emergency medical services; and,

WHEREAS, the City of Imperial Beach finds that the modifications and changes to the 2010 California Fire Code are reasonably necessary because of the following local climatic, geological, and topographical conditions as identified in Attachment A; and,

WHEREAS, certain amendments to the 2010 California Fire Code serve to mitigate to the extent possible said deleterious effects, and,

WHEREAS, Sections 50022.1 through 50022.10, inclusive, of the Government Code provide authority for the adoption by reference of codes, or portion of such codes.

NOW THEREFORE, the City Council of the City of Imperial Beach does ordain as follows:

SECTION 1

Ordinance Number 2002-995 of the City of Imperial Beach is hereby repealed.

SECTION 2: Section 15.20.010 of Chapter 15.20 of the Imperial Beach Municipal Code is amended in its entirety to read as follows:

15.20.010. Adoption.

That a certain document, three (3) copies of which are on file in the Imperial Beach Fire Department Fire Prevention Bureau, being marked and designated as the 2010 California Fire Code, including Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Imperial Beach, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, equipment use, and maintenance of buildings and structures, including that providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the Imperial Beach Fire Department Fire Prevention Bureau are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.20.020.

SECTION 3: Section 15.20.020 of Chapter 15.20 of the Imperial Beach Municipal Code is amended in its entirety to read as follows:

15.20.020. Amendments.

That the following sections are hereby amended:

Chapter 1 Administration is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

> **(R) Section 101.5 City of Imperial Beach Validity**
> The City of Imperial Beach hereby declares that should any section, paragraph, sentence or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City of Imperial Beach that it would have passed all other portions of this ordinance independently of the elimination here from of any such portion as may be declared invalid.

Chapter 1 - Section 102.13 Repeal of Conflicting Ordinances, Resolutions or motions is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

> **(A) Section 102.13 REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS OR MOTIONS** All former ordinances, resolutions or motions, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance or of the Code or standards hereby adopted are hereby repealed.

(R) Chapter 1 Administration - Section 109.3. Violation penalties - Any person who shall violate any of the provisions of this code or standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement or specification or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the attorney for the City of Imperial Beach or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding $1000.00 or by imprisonment in County Jail not exceeding six (6) months, or both. The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 1 Administration - Section 111.4 Failure to Comply is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

> **(R) Section 111.4 Failure to comply** – Any person, who shall continue any work having been served with a stop work order, except such work as that the person is

directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than the amounts as established for administrative citations pursuant to Chapter 1.22 of the City of Imperial Beach Municipal Code.

Chapter 2 Definitions - Section 202 is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(A) MID-RISE BUILDING A building four stories or more in height, 75 feet or more in height and not defined as a high-rise building by section 202 of the California Building Code. Measurements shall be made from the midpoint of the highest portion of the roof or floor above the topmost space that may be occupied to the lowest fire department connection.

Chapter 3 General Precautions Against Fire - Section 319 is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

Section 319 is added to the California Fire Code to read:

SECTION 319
MID-RISE BUILDINGS

Sec 319.1 General All newly constructed mid-rise buildings or any mid-rise building which undergoes a complete renovation that requires the complete vacancy of the building to complete the renovation shall comply with this section.

Exceptions:

1. Buildings used exclusively as an open parking garage.
2. Buildings where all floors above the fourth floor level are used exclusively as an open parking garage.
3. Buildings such as a power plant, lookout tower, steeple, grain house, and other similar structures.

Sec. 319.1.1 Automatic fire sprinkler systems and standpipes. Mid-rise buildings shall have an automatic fire sprinkler system designed and installed in conformance with the latest edition of NFPA 13 and in accordance with the following:

1. A shut-off valve and a water flow alarm shall be provided for each floor. Each shut-off valve and water flow alarm shall be electronically supervised.
2. Mid-rise buildings shall be provided with a class I standpipe system that is interconnected with the automatic fire sprinkler system. The system shall

consist of 2½-inch hose valves located in each stair enclosure on every floor level. Two hose outlets shall be located on the roof outside of each stair enclosure which penetrates the roof. The standpipe system shall be designed, installed and tested in accordance with the edition of NFPA 14 as recognized in Chapter 47 Referenced Standards.

3. Fire department standpipe connections and valves serving the floor shall be within the vestibule and located in a manner so as not to obstruct ingress and egress when hose lines are connected and charged.

Chapter 5 Fire Service Features - Section 503 is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(A)Sec. 503.3.1 Fire lane designation Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code section 22500.1.

(A)Sec. 503.4.1 Roadway design features. Roadway design features (speed bumps, speed humps, speed control dips, etc.) which may interfere with emergency apparatus responses shall not be installed on fire access roadways, unless they meet design criteria approved by the Fire Code Official.

Chapter 5 Fire Service Features - Section 505 is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(R) Section 505.1 ADDRESS NUMBERS. Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a 1/2 ” stroke for residential buildings, 8" high with a ½" stroke for commercial, multi-residential and industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Code Official, such as rear access doors, building corners, and entrances to commercial centers.

~~**Chapter 9 Fire Sprinklers systems** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:~~

~~**(R) 903.2 Where required.** Approved automatic fire sprinkler systems in all new construction including all occupancy groups including the locations described in sections 903.2.1 through 903.2.18, and may be required in additions and remodels of existing structures as described in sections **903.2.1 through 903.2.13.1.**~~

~~**Exception:**~~

~~(A) (1) Group U occupancies not greater than 500 square feet, when building lies more than 20 feet from an adjacent structure or property line.~~

~~(A) (2) Accessory buildings/barns not greater than 1000 square feet, and not otherwise considered enclosed buildings/structures, which are of non-combustible construction or as determined by the Fire Code Official to not present a significant fire hazard.~~

~~(A) (3) Agricultural buildings constructed of wood or metal frames over which fabric or similar material is stretched which are specifically used as green houses are exempt from fire sprinkler requirements unless physically connected to other structures.~~

~~**(A) 903.2. 13.1 Additions.** An automatic fire sprinkler system shall be installed in accordance section 903.3 and shall be required to be installed throughout existing buildings and structures when the addition is more than 50% of the existing building or structure or when the altered building will exceed a fire flow of 1,500 gallons per minute as calculated per section 507.3.~~

~~**(A) 903.2. 13.2 Remodels or reconstructions.** An automatic sprinkler system installed in accordance section 903.3 shall be required if the scope of work includes the remodel or reconstruction of the structure involving the removal of 50% or more of the existing interior membrane, or when the remolded or reconstructed building will exceed a fire flow of 1,500 gallons per minute as calculated per section 507.3.~~

~~**Chapter 9 907.2.11.5 Additions, alterations or repairs to Group R occupancies** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:~~

~~**(A) 907.2.11.5 Additions, alterations or repairs to Group R occupancies.** When the valuation of an addition, alteration, or repair to Group R occupancy exceeds $1,000 and a permit is required, or when one or more sleeping rooms are added or created in existing Group R occupancies, smoke alarms shall be installed in accordance with Section 907.2.11.~~

SECTION 4: Sections 15.20.030, 15.20.040, 15.20.050, and 15.20.060 of Chapter 15.20 of the Imperial Beach Municipal Code are deleted in their entirety.

SECTION 5

That Ordinance Number 2002-995 of the City of Imperial Beach, which Adopts the Uniform Fire Code, 2000 Edition, with Certain Amendments, and National Fire

Protection Association Standards and all other ordinances or parts of ordinances in conflict herewith is hereby repealed.

SECTION 6

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Imperial Beach hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 7

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 5 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 8

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 pursuant to the provisions of Government Code section 36933. Upon passage, the City Clerk shall transmit a copy of this Ordinance to the California Building Standards Commission pursuant to Health and Safety Code section 17958.7.

SECTION 9

That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect **30 days** from and after the date of its final passage and adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held the 20TH day of October 2010 by the following roll call vote::

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
JAMES C. JANNEY, MAYOR

ATTEST

_____
Jacqueline M. Hald, CMC
City Clerk

APPROVED AS TO FORM:

JENNIFER M. LYON
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. 2010-XXXX – An Ordinance of the City Council of the City of Imperial Beach, California AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS.

CITY CLERK DATE

ATTACHMENT 2

ATTACHMENT A

FINDINGS

FOR REVISION OF THE CITY OF IMPERIAL BEACH
AMENDMENTS TO THE 2010 CALIFORNIA FIRE CODE OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9

As required by Health and Safety Code section 17958 the City of Imperial Beach does herewith make express findings that amendments to the California Building Standards Code are necessary for the protection of the public health, safety, and welfare due to certain climatic, topographic, or geological features existing in the County of San Diego.

The following matrix lists the City of Imperial Beach amendments and the corresponding express findings. Minor editorial changes or typographical corrections to the Fire Code are not shown in these findings. The full text of the proposed City of Imperial Beach amendments are shown in City of Imperial Beach Fire Code.

MATRIX OF FINDINGS		
2010 California Fire Code Amendments		
Chapters or Sections	**PAGE NUMBER**	**FINDING NUMBER(S)**
Chapter 2 Definitions	4	ALL
Chapter 3 General Precautions Against fire		
Section 319.1.1General Precautions Against fire	5	ALL
Chapter 5 Fire Service Features		
Section 503.3.1 Marking of Fire Apparatus Access Roads	5	ALL
Section 503.4.1 Roadway Design Features	5	1, 3, 4
Section 505.1 Street Numbers	6	1, 3, 4
Chapters & Sections	**PAGE NUMBER**	**FINDING NUMBER(S)**
~~**Chapter 9** Fire Protection Systems~~	-	
~~Section 903.2 Where Required~~	~~6~~	~~ALL~~
~~Section 903.2.13.1 Additions~~	~~6~~	~~ALL~~
~~Section 903.2.13.2 Remodels and Additions~~	~~7~~	~~ALL~~
~~Section 907.2.11.5 Power Sources (Group R Occupancies)~~	~~7~~	~~ALL~~

AGENDA ITEM NO. 5.1

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**MAYOR AND MEMBERS OF THE CITY COUNCIL AND CHAIR AND DIRECTORS OF THE REDEVELOPMENT AGENCY**
FROM:	**GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR**
MEETING DATE:	**DECEMBER 1, 2010**
ORIGINATING DEPT:	**COMMUNITY DEVELOPMENT DEPARTMENT** **GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR**
SUBJECT:	**PUBLIC HEARING AND ADOPTION OF CITY COUNCIL RESOLUTION NUMBER NO. 2010-6970 AND REDEVELOPMENT AGENCY RESOLUTION NO. R-10-237 APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE IMPERIAL BEACH REDEVELOPMENT AGENCY AND IMPERIAL COAST LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, TO PROVIDE REDEVELOPMENT AGENCY FINANCIAL ASSISTANCE FOR THE DEVELOPMENT THE SEACOAST INN HOTEL, LOCATED AT 800 SEACOAST DRIVE, IMPERIAL BEACH, CA 91932**

BACKGROUND:

On December 5, 2007, the City Council approved the Seacoast Inn project along with the associated documents, permits and entitlements and certified an environmental impact report (EIR 04-034) for the proposed development of a four-story (40 feet high), 78-room, full-service hotel with 113 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. At the time of its approval, the project was specifically granted an increase in building height from 30 feet to 40 feet by meeting the municipal code definition of a hotel providing a site area of a minimum of thirty-five thousand square feet, at least thirty guest rooms, facilities for conference, meeting or public use and a full service restaurant on site. After approval by the City Council, the California Coastal Commission appealed the project to itself and, on April 10, 2008, the Coastal Commission voted 11-1 to support the project. In December of 2008, the Coastal Commission approved revised findings in support of the project.

After approval by the Coastal Commission, Pacifica Companies ("Pacifica") approached City staff about the possibility of providing a rooftop patio/garden to the hotel. Staff reviewed the request and determined that, in order to approve the requested rooftop patio/garden, an amendment to the approved Specific Plan would be required. Because the request also had impacts to elements of the project that legally project above the permitted building height, it was

determined that the rooftop patio/garden proposal also required design review by the Design Review Board (DRB) and the City Council. On February 9, 2009, the City Council approved the Seacoast Inn Specific Plan Amendment and Design Review and conducted the first reading of the ordinance amending the Specific Plan and, on March 4, 2009, the second reading was conducted by the City Council. Subsequently, on August 18, 2009, the Coastal Commission also approved an amendment to the Coastal Permit to allow the rooftop patio/garden and additional building height for the project.

On April 21, 2010, the City Council/Redevelopment Agency (Agency) approved a Memorandum of Understanding (MOU) between the Imperial Beach Redevelopment Agency and Imperial Coast Limited Partnership (Developer) to provide for Redevelopment Agency financial assistance of up to $6,940,000, subject to applicable federal and state laws and approval of an appropriate agreement between the Agency and the Developer. After approval of the MOU, Agency staff, its legal counsel and economic consultants and the Developer have been negotiating terms of the Disposition and Development Agreement (DDA) in order to facilitate development of the Seacoast Inn project.

DISCUSSION:

Since City's approval of the Specific Plan and Development Agreement in 2007 and the Coastal Commission's subsequent appeal and approval of the Coastal Development Permit in 2008, economic conditions resulted in Pacifica requesting financial assistance from the Redevelopment Agency to allow for construction of the hotel in an otherwise unfavorable real estate development market. After this request, an analysis of the project's financial pro forma by the Agency's economic consultant, Keyser Marston Associates, Inc. indicated that the difference between the total supportable private investment in the project and the total proposed development costs yielded a Project financing gap sufficient to warrant financial participation by the Agency in an amount of $6,999,990. Agency staff, therefore, is recommending this contribution to the Project and has negotiated and drafted a Disposition and Development Agreement in order to provide this financial assistance to the Developer for construction of the new hotel.

Disposition and Development Agreement (DDA) Terms

The purpose of the DDA is to effectuate the Redevelopment Plan for the Palm/Commercial Redevelopment Project through the redevelopment of the Seacoast Inn property and the construction of a new, full-service hotel by providing for the following:

1. Agency's purchase of the Property from Developer

2. Agency's payment to Developer for certain off-site public improvements ("Public Improvements");

3. Agency's payment to the Developer for the plans for the Project; and

4. Agency's leasing of the Property back to Developer in accordance with a Ground Lease (collectively, "Agency Subsidy").

The Agency Subsidy shall be in consideration for the following:

1. Developer's demolition of existing improvements on the site; and

2. Construction of a full service hotel on the Property with seventy-eight (78) lodging rooms known as the Seacoast Inn ("the Project"), in accordance with the DDA, the City's approved Development Agreement, and any permits for development by and between Developer and the City;

3. Developer's satisfactory construction of the Public Improvements; and

4. Developer's operation of the Seacoast Inn in accordance with the Ground Lease. The development and use of the Property pursuant to the DDA are in the vital and best interests of the City of Imperial Beach and to the health, safety, and welfare of its residents, and is also in accord with the public purposes and provisions of applicable federal, state, and local laws and requirements.

The salient aspects of the proposed DDA between the Agency and the Developer are as follows:

- The Agency will purchase the Property from the Developer for $5,760,000. The Agency will then enter into a 55-year lease with the Developer for $1.00 per year.

- Commencing from the date of approval of this DDA, the Developer will have one hundred and twenty (120) days within which to secure construction financing and within which the Agency must close on the acquisition of the property. The Executive Director of the Agency may grant two (2) 30-day extensions to this 120-day time limit.

- The Developer will have an option to purchase the Property for $1.00. The Developer's right to exercise this option is conditioned on the following events: (a) commencing on completion of the hotel until on or before the tenth year of operations, the City's cumulative transient occupancy tax (TOT) from the hotel is equal to $3,202,000; or (b) after the tenth year of operations, the City's cumulative TOT from the hotel is equal to $2,351,000.

- The Developer will pay all City's/Agency's staff, consultant, and legal fees to negotiate and draft the Agreements. If Developer has made any partial payments, the Developer will pay, as a condition to closing, any outstanding amounts of Agency fees invoiced to Developer prior to closing.

- The Agency will purchase the plans for the Project from the Developer for an amount not to exceed $354,193.

- The Agency will reimburse the Developer for the cost of constructing certain public improvements in an amount not to exceed $885,797.

- The Developer will have paid all in-lieu TOT owed to the City beginning from the City's issuance of Developer's demolition permit through the date of completion of the public improvements. Provided the Developer is current on all payments at the time of the completion of the public improvements, the Agency will withhold $200,000 as the estimated withholding of in-lieu TOT that will be incurred and paid to the City by the Agency during the period from completion of the public improvements through completion of the Project. If the Developer is not current on all payment of in-lieu TOT at the time of the completion of the public improvements, the Agency will withhold both the $200,000 withholding amount and the amount not current, and pay directly to the City

the amount owed to the City beginning from the issuance of the demolition permit through the date of the completion of the public improvements.

- The Developer will record the Declaration of CC&Rs and an associated Resort Covenant as agreed to by the Agency. The Declaration of CC&Rs and Resort Covenants documents subject the Property and Project to mutually beneficial limitations, restrictions, easements, and other conditions to comply with the City's and California Coastal Commission's requirements for a comprehensive plan of development for: (1) the lease and/or sale of condominium hotel units to the general public, (2) the use and management of the Property and Project, and (3) enhancing and protecting the value and attractiveness of Property and Project for the benefit of the owners and permitted users.

- The Developer covenants and agrees to only use the Property for the uses specified in the Seacoast Inn Specific Plan, Seacoast Inn Development Agreement, Pedestrian and Vehicular Access Easement Agreement, the Temporary Encroachment Permit, the Declaration of CC&Rs, and the Resort Covenants. More specifically, the Developer will only use the Property and/or the improvements for the following uses for the 55-year leasehold period, or for a period of 30 years from execution of the DDA if the Developer exercises his option to purchase the Property: operation of a four-story hotel with a minimum of 78 rooms with a rating of not less than three diamonds by AAA or three stars by Mobile Travel Guide, including the following characteristics:

    - An on-site full-service, three-meal (sit down) restaurant and lounge;

    - At least one swimming pool;

    - A fully equipped exercise room/fitness center;

    - A business center; and

    - A minimum of 2,080 SF of meeting and conference space.

- The Developer will be required to collect and pay the TOT to the City for all occupied hotel rooms, regardless of the occupant's status as guest unit owner, lessee, private guest, or guest. If a room is occupied by a hotel unit owner, the TOT shall be based upon the nightly rate then in effect for the unit as if it were being occupied by a third party renter. For occupancies of the guest unit/hotel unit other than by a unit owner, the TOT shall be based on the actual rent charged. If there is a legal reason why the Developer cannot collect the TOT from owner/occupants of a hotel room, the Developer shall be required to provide to the City an amount of TOT equivalent to the amount that should have been collected from the owner/occupant for each night a guest unit is occupied by the owner/occupant.

- Any property transfers will require Agency approval. In granting such a transfer, the Agency will base its decision on relevant experience, financial capability and reputation of the proposed assignee, and current experience in owning and operating a full-service hotel of comparable quality and size to the hotel contemplated in the Specific Plan and Development Agreement.

A copy of the DDA and all of its Attachments are contained in Attachment 1 to this staff report and is also available for public review at the City of Imperial Beach City Hall located at 825 Imperial Beach Blvd., Imperial Beach, California 91932.

33433 Summary Report

If a redevelopment agency sells or leases land that it acquired with tax increment funds, directly or indirectly (i.e., through the use of redevelopment bond proceeds), then the City Council (legislative body) must hold a public hearing and make certain findings pursuant to Health & Safety Code Section 33433. Specifically, the City Council must find that the price being paid for the property is not less than either of the following:

(1) the fair market value at highest and best use under the Redevelopment Plan

(2) the fair re-use value, taking into account the uses, covenants, conditions, and development costs required by the DDA and/or lease

The Agency's economic consultant, Keyser Marston Associates, Inc. (KMA) prepared the required 33433 Summary Report (Summary Report), which is included as Attachment 2 to this staff report. In Section VI of the Summary Report, KMA reports that the City/Agency cannot make finding number 1 noted above. However, the City/Agency can make finding number 2. Specifically, the estimated compensation to the Agency is negative $827,000 and the fair re-use value is negative $2,252,000. In general, the Summary Report also provides substantiation of the Agency's financial participation in the project.

As required under redevelopment law, the Summary Report also addresses the elimination of blight through the Agency's participation and construction of the hotel. The Palm/Commercial Redevelopment Plan contains the goals and objectives and the projects and expenditures proposed to eliminate blight within the Project Area. These blighting factors include:

- Areas suffering from economic dislocation and disuse.

- Areas which are stagnant or improperly utilized, and which the planning, redesign, or redevelopment could not be accomplished by private enterprises acting alone, without public participation.

Implementation of the proposed DDA can be expected to assist in the alleviation of blighting conditions through the following:

- Elimination and prevention of blight and deterioration; and the conservation, rehabilitation, and redevelopment of the Project Area in accord with the General Plan, specific plans, Redevelopment Plan, and local codes and ordinances.

- Achievement of an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate to attainment of the objectives of the Redevelopment Plan.

- Provision for increased revenues to the City, including sales, business license, and other fees, taxes, and revenues to the City.

- Provision for tax increment to provide funds necessary to finance rehabilitation and development programs which cannot be accomplished through existing publicly funded

programs or by the private sector acting alone to eliminate blighting influences in the Project Area.

- Creation and development of local job opportunities and the preservation of the area's existing employment base.

- Elimination or amelioration of certain environmental deficiencies, including substandard vehicular circulation systems; inadequate water, sewer, and storm drain systems; insufficient off-street parking; and other similar public improvements, facilities, and utilities deficiencies adversely affecting the Project Area.

- Encouragement of investment by the private sector in the redevelopment of the Project Area by assisting in the alleviation of impediments to such redevelopment.

ENVIRONMENTAL DETERMINATION:

The Final Environmental Impact Report (FEIR) for the Seacoast Inn Specific Plan was certified (SCH# 2005101113) by the City Council on December 5, 2007 pursuant to the provisions of the California Environmental Quality Act (CEQA). A copy of the FEIR document was made and is available for public inspection at the Community Development Department, 825 Imperial Beach Boulevard.

The proposed DDA requires the discretionary approval of the City and the Agency. The DDA was not listed as one of the intended uses/discretionary approvals of the EIR (Section 2.9) because the DDA was not considered at the time the DEIR was prepared. Pursuant to CEQA Guidelines Section 15164, an Addendum to the FEIR has been prepared to include the DDA as one of the intended uses/discretionary approvals of the FEIR. The sale of the property from the developer to the redevelopment agency and a subsequent leaseback by the redevelopment agency to the developer to construct the Project pursuant to approved Project plans do not raise any additional impacts associated with the development that have not been previously addressed in the certified FEIR.

Finding: The Addendum to the Final Environmental Impact Report (SCH# 2005101113) reflects the decision-making body's independent judgment and analysis. The preparation of an Addendum pursuant to CEQA Guidelines section 15164 is appropriate because the inclusion of the proposed DDA as one of the City's discretionary actions/intended uses of the Project is a minor technical change or addition to the FEIR and none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent EIR have occurred. The DDA does not propose any changes in or additions to the Project which was evaluated in the FEIR. A subsequent EIR is not required because (i) no substantial changes are proposed in the Project which require major revisions of the EIR, (ii) no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which require major revisions to the EIR, and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete which shows any of the conditions or circumstances described in CEQA Guidelines section 15162(a)(3). Therefore, pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further review under CEQA, the CEQA Guidelines and the applicable ordinances and regulations of the City is required for the DDA.

Coastal Development Permit: This Project is located in the coastal zone as defined by the California Coastal Act of 1976. The City's coastal development permit (CP 03-091) that was

issued for the original Project on December 5, 2007 was appealed by the Coastal Commission on December 28, 2007 and the Commission made a finding of a substantial issue on February 7, 2008. The Coastal Commission subsequently approved their coastal development permit (A-6-IMB-07-131) for this Project on April 10, 2008 with revised findings made on December 11, 2008. The Coastal Commission granted a one-year extension for the applicant's coastal development permit A-6-IMB-07-131 to April 10, 2011.

FISCAL IMPACT:

The Agency staff is recommending that the Redevelopment Agency provide financial assistance to the project in the amount of $6,999,990, to be funded through redevelopment bond proceeds.

DEPARTMENT RECOMMENDATION:

Staff recommends that City Council and Redevelopment Agency:

1. Declare the public hearing open;
2. Receive the staff's report and public testimony on the proposed Project and DDA;
3. Close the public hearing;
4. Adopt City Council Resolution No. 2010-6970 approving a Disposition and Development Agreement (DDA) by and between the Imperial Beach Redevelopment Agency and Imperial Coast, L.P., and making certain findings with respect to such DDA for the development of a 4-story, 78 room hotel located at 800 Seacoast Drive in the C-2 (Seacoast Commercial) Zone; and
5. Adopt Redevelopment Agency Resolution No. R-10-237 approving a Disposition and Development Agreement (DDA) by and between the Imperial Beach Redevelopment Agency and Imperial Coast, L.P., and making certain findings with respect to such DDA for the development of a 4-story, 78 room hotel located at 800 Seacoast Drive in the C-2 (Seacoast Commercial) Zone.

CITY MANAGER'S/EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department Recommendation.

Gary Brown, City Manager/Executive Director

Attachments:

1. Disposition and Development Agreement (DDA) by and between the Imperial Beach Redevelopment Agency and Imperial Coast, L.P.
2. Summary Report Pursuant California Community Redevelopment Law Section 33433
3. City Council Resolution No. 2010-6970
4. Redevelopment Agency Resolution No. R-10-237
5. Addendum to Final Environmental Impact Report for the Seacoast Inn Disposition and Development Agreement

Item No. 5.1

Attachment 1
Disposition and
Development Agreement

Available in the City Clerk's
Office for Review

You may also view the
document on our website:
www.cityofib.com

ATTACHMENT 2

PALM/COMMERCIAL REDEVELOPMENT PROJECT AREA

IMPERIAL BEACH, CALIFORNIA

SUMMARY REPORT PERTAINING TO THE PROPOSED CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE REDEVELOPMENT PROJECT AREA

California Community Redevelopment Law
Section 33433

PURSUANT TO PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT, GROUND LEASE, AND OPTION AGREEMENT FOR PURCHASE OF LEASEHOLD INTEREST BETWEEN THE IMPERIAL BEACH REDEVELOPMENT AGENCY AND IMPERIAL COAST, L.P.

Redevelopment Agency
of the
City of Imperial Beach, California

November 2010

KEYSER MARSTON ASSOCIATES

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KEYSER MARSTON ASSOCIATES

I. INTRODUCTION

A. Purpose of Report

This Summary Report was prepared in accordance with Section 33433 of the California Community Redevelopment Law in order to inform the Redevelopment Agency of the City of Imperial Beach (Agency) and the public about the proposed Disposition and Development Agreement, Ground Lease, and Option Agreement for Purchase of Leasehold Interest (Agreements) between the Agency and Imperial Coast, L.P. (Developer).

As described in Table 1, the Developer intends to develop an approximately 84,000-square foot (SF) resort hotel located at 800 Seacoast Drive (Property) in the City of Imperial Beach. The development will consist of 78 rooms, a full-service restaurant, meeting and conference facilities, a business center, pool, and fitness center (Project). The parking for the Project will be provided in a partially subterranean garage consisting of 113 spaces.

This Report and technical analysis (attached) describes the transaction between the Agency and the Developer. This Report specifies:

1. The costs to be incurred by the Agency under the Agreements;

2. Estimated value of the interest to be conveyed at the highest and best use permitted under the Redevelopment Plan;

3. The estimated value of the interest to be conveyed at the proposed use and with the conditions, covenants, and development costs required by the Agreements;

4. The compensation to be paid to the Agency pursuant to the proposed transaction;

5. An explanation of the difference, if any, between the compensation to be paid to the Agency under the proposed transaction, and the fair market value at the highest and best use consistent with the Redevelopment Plan; and

6. An explanation of why the Agreements will assist with the elimination of blight.

B. Summary of Findings

The Agency engaged its economic consultant, Keyser Marston Associates, Inc. (KMA), to analyze the proposed financial terms. The principal KMA conclusions are summarized as follows:

- The estimated costs of the DDA to the Agency total $7,079,990.
- The estimated fair market value of the Property at its highest and best use is $5,760,000.
- The estimated re-use value of the interest to be conveyed is *negative* $2,252,000.
- The estimated value of the compensation to be received by the Agency is *negative* $827,000.

C. Description of Area and Proposed Project

Description of Environs and Surrounding Area

The City of Imperial Beach (City) is located just north of the Mexico border in southwestern San Diego County. The City's boundaries encompass an area of 4.4 square miles. Over the past several years, the City has renewed itself as a popular destination due to the City's beachfront (including the Imperial Beach Pier), the Tijuana Estuary Natural Preserve, and the San Diego Bay. The City continues to be proactive in its efforts to provide amenities for visitors while increasing the quality of life for residents.

Project Description

The Property is a 49,560-SF site on Seacoast Drive. It is bounded on the north by Daisy Avenue, on the east by Seacoast Drive, on the south by Date Avenue, and on the west by the Pacific Ocean. The Developer proposes to develop an approximately 84,000-SF, full-service hotel on the Property consisting of 78 rooms, a full-service restaurant, meeting and conference facilities, a business center, pool, and fitness center.

D. Proposed Transaction Terms

This section summarizes the salient aspects of the proposed Agreements between the Agency and the Developer.

- The Agency will purchase the Property from the Developer for $5,760,000. The Agency will then enter into a 55-year lease with the Developer for a $1.00 per year.

- The Developer will have an option to purchase the Property for $1.00. The Developer's right to exercise this option is conditioned on the following events: (a) commencing on completion of the hotel until on or before the tenth year of operations, the City's cumulative transient occupancy tax (TOT) from the hotel is equal to $3,202,000; or (b) after the tenth year of operations, the City's cumulative TOT from the hotel is equal to $2,351,000.

- The Developer will pay all City's/Agency's staff, consultant, and legal fees to negotiate and draft the Agreements. If Developer has made any partial payments, the Developer will pay, as a condition to closing, any outstanding amounts of Agency fees invoiced to Developer prior to closing.

- The Agency will purchase the plans for the Project from the Developer for an amount not to exceed $354,193.

- The Agency will reimburse the Developer for the cost of constructing certain public improvements in an amount not to exceed $885,797.

- The Developer will have paid all in-lieu TOT owed to the City beginning from the City's issuance of Developer's demolition permit through the date of completion of the public improvements. Provided the Developer is current on all payments at the time of the completion of the public improvements, the Agency will withhold $200,000 as the estimated withholding of in-lieu TOT that will be incurred and paid to the City by the Agency during the period from completion of the public improvements through completion of the Project.

  If the Developer is not current on all payment of in-lieu TOT at the time of the completion of the public improvements, the Agency will withhold both the $200,000 withholding amount and the amount not current, and pay directly to the City the amount owed to the City beginning from the issuance of the demolition permit through the date of the completion of the public improvements.

- The Declaration of CC&Rs and Resort Covenants will be recorded against the leasehold, unless it is determined by the Agency and the California Department of Real Estate (DRE) that the covenants must be recorded against the fee. The covenants will be recorded no earlier than completion of the improvements and prior to issuance of the certificate of occupancy for the Project. If the Agency and the DRE determine that the recording of the covenants against the fee is required by law, then the covenant documents will contain provisions that require termination of the covenants no later than the 55-year term of the

Ground Lease, except in the event the Developer exercises his option to purchase. The Declaration of CC&Rs and Resort Covenants will be consistent with the provisions of the Development Agreement and Specific Plan.

- The Developer covenants and agrees to only use the Property for the uses specified in the Seacoast Inn Specific Plan, Seacoast Inn Development Agreement, Pedestrian and Vehicular Access Easement Agreement, the Temporary Encroachment Permit, the Declaration of CC&Rs, and the Resort Covenants.

  More specifically, the Developer will only use the Property and/or the improvements for the following uses for the 55-year leasehold period, or for a period of 30 years from execution of the DDA if the Developer exercises his option to purchase the Property: operation of a four-story hotel with a minimum of 78 rooms with a rating of not less than three diamonds by AAA or three stars by Mobile Travel Guide, including the following characteristics:

  - An on-site full-service, three-meal (sit down) restaurant and lounge;
  - At least one swimming pool;
  - A fully equipped exercise room/fitness center;
  - A business center; and
  - A minimum of 2,080 SF of meeting and conference space.

- The Developer will be required to collect and pay the TOT to the City for all occupied hotel rooms, regardless of the occupant's status as guest unit owner, lessee, private guest, or guest. If a room is occupied by a hotel unit owner, the TOT shall be based upon the nightly rate then in effect for the unit as if it were being occupied by a third party renter. For occupancies of the guest unit/hotel unit other than by a unit owner, the TOT shall be based on the actual rent charged. If there is a legal reason why the Developer cannot collect the TOT from owner/occupants of a hotel room, the Developer shall be required to provide to the City an amount of TOT equivalent to the amount that should have been collected from the owner/occupant for each night a guest unit is occupied by the owner/occupant.

- The Agency will approve any permitted transfers. In granting such a transfer, the Agency will base its decision on relevant experience, financial capability and reputation of the proposed assignee, and current experience in owning and operating a full-service hotel of comparable quality and size to the hotel contemplated in the Specific Plan and Development Agreement.

II. COSTS OF THE AGREEMENTS TO THE AGENCY

The estimated costs of the Agreements to the Agency total $7,079,990, and include the following items:

Acquisition-Related Costs [1]	**Amount**
Site Acquisition	$5,760,000
Off-site Improvements	$885,797
Purchase of Plans	$354,193
Subtotal Agency Costs	$6,999,990
Add: Agency Third Party Costs [2]	$80,000
Total Agency Costs	**$7,079,990**

(1) Per Agency.
(2) Includes appraisal, legal, economic, and other costs incurred by the Agency.

III. ESTIMATED VALUE OF THE INTEREST TO BE CONVEYED AT THE HIGHEST AND BEST USE PERMITTED UNDER THE REDEVELOPMENT PLAN

This section presents an analysis of the fair market value of the Property at its highest and best use. KMA finds that the fair market value of the Property at its highest and best use is $5,760,000.

Typically, the analysis of fair market value at highest and best use does not consider the specific transaction or development concept, but rather the most profitable use that is consistent with the Seacoast Inn Specific Plan, the Seacoast Inn Development Agreement, Redevelopment Plan, or other governing land use regulations. The purpose of the analysis is to estimate the maximum compensation that the Agency could achieve if it were to offer the Property on the open market.

The highest and best use of the Property is that use that generates the highest property value. By definition, the highest and best use is the use that is physically possible, financially feasible, and legally permitted. The Seacoast Inn Specific Plan and the Seacoast Inn Development Agreement govern the land uses for the Property as follows:

- The Seacoast Specific Plan allows for the following uses: the redevelopment of the then existing 38-room hotel into a 78-room hotel; a full-service restaurant with patio dining; a conference room; and a pool, parking, and landscaping.

- The Seacoast Inn Development Agreement requires the following: the construction and implementation of public right-of-way improvements and landscaping; a full-service visitor-serving facility offering a minimum of 78 guest rooms; a full-service fine dining restaurant; a conference center; the incorporation of “green” building concepts; and to operate the owner-investor rooms by the terms outlined in the Seacoast Inn Development Agreement and the Seacoast Inn Specific Plan.

Both documents designate the Property as part of the Seacoast Commercial Zone (C-2). This designation permits a wide variety of uses, including hotels and motels, office, shops and restaurants, and mixed-use buildings.

Agency legal counsel, on behalf of the Agency, engaged Robert Backer & Associates to prepare an appraisal of the Property. The appraisal carries a date of value of October 15, 2010. The appraisal found that the highest and best use of the Property was “to hold for future commercial or mixed-use development under more favorable conditions”. KMA reviewed the Robert Backer & Associates appraisal and concurs with the conclusion regarding the highest and best use of the Property.

The Robert Backer & Associates appraisal concluded that the indicated fair market value of the Property was $5,760,000, or $115 per SF of land. KMA conducted an independent review of commercial and residential land sales of sites within coastal communities in San Diego County from January 2008 to the present. (The KMA survey excluded sites within Downtown San Diego.) As indicated in Table 2, surveyed sales ranged from $34 to $230 per SF of land. Only two of the surveyed comparables had direct ocean frontage. The median and average prices per SF were $157 and $141, respectively. In KMA's view, the majority of the comparable sales identified are superior to the Property due to their location within more established visitor destinations. On this basis, then, KMA believes that downward adjustments of the comparables ranging from 15% to 25% are warranted. Therefore, KMA concurs with the appraiser's estimate of value for the Property of $115 per SF of land.

Conclusion

Based on the foregoing, KMA concludes that the fair market value of the Property at its highest and best use is $5,760,000.

IV. ESTIMATED VALUE OF THE INTEREST TO BE CONVEYED AT THE USE AND WITH THE CONDITIONS, COVENANTS, AND DEVELOPMENT COSTS REQUIRED BY THE AGREEMENTS OF THE PROPERTY

This section explains the principal conditions and covenants which the Developer of the Property must meet in order to comply with the Downtown Redevelopment Plan. The DDA contains specific covenants and conditions designed to ensure that the conveyance of the Property will be carried out in a manner to achieve the Agency's objectives, standards, and criteria under the Redevelopment Plan. Based on a detailed financial feasibility analysis of the proposed Project, KMA concludes that the fair re-use value of the Property is *negative* $2,252,000.

KMA estimated the re-use value of the Property based on the anticipated income characteristics of the proposed Project. Re-use value is defined as the highest price in terms of cash or its equivalent which a property or development right is expected to bring for a specified use in a competitive open market, subject to the covenants, conditions, and restrictions imposed by the Agreements.

KMA solved for residual value based on the terms of the Agreements absent any Agency financial assistance. Tables 3 through 6 present KMA's residual value analysis for the proposed Project.

Development Costs

In estimating the direct costs of the development, KMA reviewed the financial pro forma submitted by the Developer. KMA made various adjustments to the Developer pro forma based on industry standards and our experience with comparable projects in Southern California. As shown in Table 3, the development costs for the Project, excluding land acquisition, are estimated to be $23,505,000, or $279 per SF gross building area (GBA). These include the following:

- Direct construction costs, such as site preparation, parking, shell construction, furniture fixtures & equipment, and contingency, are estimated to be $20,596,000, or $244 per SF GBA. These costs include the requirement to pay prevailing wages during construction.

- Indirect costs, such as architecture, engineering, public permits and fees, legal and accounting, taxes and insurance, marketing, leasing commissions, developer fee, and contingency, are projected to be $1,725,000, or 8.4% of direct costs.

- Financing costs, consisting of loan fees, interest during construction, and operating deficit reserves, are estimated to be $1,184,000, or 5.7% of direct costs.

Net Operating Income

Table 4 presents the estimate of Net Operating Income (NOI) for the Project at stabilization (Year 3). KMA reviewed the revenue projection provided by the Developer and compared it to other similar projects with which we are familiar in Southern California. In addition, KMA reviewed the August 2010 *Trends in the Hotel Industry* by PKF Consulting for the South Bay area of San Diego County. The PKF report acknowledges the deep downturn in the hotel market both nationally and in San Diego County. According to PKF, the average daily rate (ADR) for the South Bay region was $60. On a more regional basis, the survey indicated an ADR of $127 for San Diego County hotels of 100 rooms or less.

The KMA pro forma analysis assumes the Developer's NOI projection of $1,819,000 at stabilization. This NOI projection reflects the following assumptions:

- An ADR of $175 per night and a 74.0% occupancy rate. While this projection reflects the Project's beachfront location and all-suite format, the Imperial Beach hotel market is untested and this revenue target presents considerable market risk to the Developer.

- Other revenue, such as food and beverage, telephone revenue, and rental revenue, equal to about 35.1% of room revenue.

- Departmental, overhead, and fixed expenses totaling approximately 63.6% of gross income.

Residual Value

The residual land value supported by the Project can be estimated as the difference between the total development costs, exclusive of land acquisition, and the maximum debt and equity investment that can be attracted to the Project based on current industry standards. As shown in Table 5, KMA estimates maximum supportable investment to be $21,213,000, based on the following assumptions:

- *Maximum supportable conventional loan of $14,103,000.* The maximum conventional loan that can be supported by the Project is at estimated to be equal to 60% of the total development costs, excluding land, for the Project (Table 3). Therefore, KMA estimated that the Project can support a conventional loan of $14,103,000.

- *Maximum equity investment of $7,150,000.* Table 6 presents the KMA estimate of the Developer's Internal Rate of Return (IRR) on equity investment. KMA estimates that the Project requires a minimum leveraged IRR of 10.0% to 15.0%, reflective of the level of risk associated with the location, quality, and mix of components proposed for the

Project. Based on this target IRR, KMA calculates that the maximum equity investment supported by the Project is $7,150,000.

In sum, the comparison of total development costs (Table 3) and maximum supportable investment (Table 5) yields a residual land value of *negative* $2,252,000, as follows:

Residual Land Value	**Totals**
Maximum Supportable Conventional Loan	$14,103,000
Maximum Supportable Private Investment	$7,150,000
Total Supportable Private Investment	$21,253,000
(Less) Total Development Costs, Excluding Land	($23,505,000)
Residual Land Value	**($2,252,000)**

Conclusion

Based on the foregoing, KMA concludes that the fair re-use value of the Property is *negative* $2,252,000.

V. THE COMPENSATION WHICH DEVELOPER WILL BE REQUIRED TO PAY

The compensation to be received by the Agency for the Property under the terms of the Agreements is estimated to be *negative* $827,000, comprised of the following:

Sources	**Totals**
Lease Payments	$10
Developer Purchase Option in Year 10	$1
Developer Payment for Cost of Agreements	$58,939
Total Payments to Agency	$58,950
(Less) Agency Reimbursement of Public Improvements	($885,797)
Net Compensation to Agency	($826,847)
Or Say (Rounded)	($827,000)

Lease Payments and Purchase Price

The Developer has the option to purchase the Property conditioned on the Developer meeting: (a) a specified TOT threshold on or before the tenth year of operation; or (b) a lower TOT threshold after the tenth year of operation. KMA estimates that the Developer should reasonably achieve these thresholds no later than the tenth year of operation. Therefore, it is the KMA opinion that the Developer will exercise its right to purchase the Property by Year 10. On this basis, then, KMA conservatively estimates that the lease payments and purchase price to the Agency under the Agreements will total $11.

Payment for Cost of Agreements

Under the proposed Agreements, the Developer will be obligated to reimburse the City's/Agency's fees to negotiate and draft the Agreements. The Agency estimates that it has incurred total costs to date of approximately $58,939. The Agency anticipates additional costs beyond this estimate. However, the exact amount of costs to be incurred by the City/Agency and eligible for reimbursement by the Developer is not known at this time. Therefore, KMA has conservatively estimated compensation to the Agency from this provision in the amount of $58,939.

Reimbursement of Public Improvements

The Agency will reimburse the Developer for the installation of public improvements up to a maximum of $885,797.

Conclusion

On this basis, then, KMA estimates the net compensation to the Agency to be *negative* $827,000 (rounded).

VI. EXPLANATION OF THE DIFFERENCE, IF ANY, BETWEEN THE COMPENSATION TO BE PAID TO THE AGENCY BY THE PROPOSED TRANSACTION AND THE FAIR MARKET VALUE OF THE INTEREST TO BE CONVEYED AT THE HIGHEST AND BEST USE CONSISTENT WITH THE REDEVELOPMENT PLAN

The Agency will receive estimated total compensation of *negative* $827,000. The estimated fair market value at highest and best use of the interest to be conveyed is $5,760,000. The compensation to the Agency is lower than the fair market value at highest and best use for the following reasons:

- The fair market value of the Property at highest and best use assumes clearing the Property for a new development and holding it until more stable market conditions prevail. The Agreements require the Developer to complete construction of the Project within 24 months after conveyance, notwithstanding current market and financing conditions.

- The Agreements imposes the obligation on the Developer and its contractors to comply with applicable governmental requirements, including (to the extent applicable) the payment of State prevailing wages during construction.

- The Agreements impose specific obligations on the Developer, such as the requirement to operate the Property as a hotel for the 55-year leasehold period, or for a period of 30 years from execution of the DDA if the Developer decides to exercise his option to purchase the Property. Specifically, the Developer will use the Property and/or the improvements only for operation of a four-story hotel with a minimum of 78 rooms with a rating of not less than three diamonds by AAA or three stars by Mobile Travel Guide, and including the following characteristics:

    - An on-site full-service, three-meal (sit down) restaurant and lounge;
    - At least one swimming pool;
    - A fully equipped exercise room/fitness center;
    - A business center; and
    - A minimum of 2,080 SF of meeting and conference space.

- The Developer will be required to collect and pay the TOT to the City for all occupied hotel rooms, regardless of the occupant's guest status, i.e., unit owner, private guest, or other occupancy status.

VII. EXPLANATION OF WHY THE AGREEMENTS OF THE PROPERTY WILL ASSIST WITH THE ELIMINATION OF BLIGHT

The Palm/Commercial Redevelopment Plan contains the goals and objectives and the projects and expenditures proposed to eliminate blight within the Project Area. These blighting factors include:

- Areas suffering from economic dislocation and disuse.

- Areas which are stagnant or improperly utilized, and which the planning, redesign, or redevelopment could not be accomplished by private enterprises acting alone, without public participation.

Implementation of the proposed Agreements can be expected to assist in the alleviation of blighting conditions through the following:

- Elimination and prevention of blight and deterioration; and the conservation, rehabilitation, and redevelopment of the Project Area in accord with the General Plan, specific plans, Redevelopment Plan, and local codes and ordinances.

- Achievement of an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate to attainment of the objectives of the Redevelopment Plan.

- Provision for increased revenues to the City, including sales, business license, and other fees, taxes, and revenues to the City.

- Provision for tax increment to provide funds necessary to finance rehabilitation and development programs which cannot be accomplished through existing publicly funded programs or by the private sector acting alone to eliminate blighting influences in the Project Area.

- Creation and development of local job opportunities and the preservation of the area's existing employment base.

- Elimination or amelioration of certain environmental deficiencies, including substandard vehicular circulation systems; inadequate water, sewer, and storm drain systems; insufficient off-street parking; and other similar public improvements, facilities, and utilities deficiencies adversely affecting the Project Area.

- Encouragement of investment by the private sector in the redevelopment of the Project Area by assisting in the alleviation of impediments to such redevelopment.

VIII. LIMITING CONDITIONS

The estimates of re-use and fair market value at the highest and best use contained in this Summary Report assume compliance with the following assumptions:

1. There are no known soil or subsoil problems, including toxic or hazardous conditions on the Property that need to be remediated in order to develop the Property.

2. The ultimate development will not vary significantly from that assumed in this Summary Report.

3. The title of the property is good and marketable; no title search has been made, nor have we attempted to determine the ownership of the property. The value estimates are given without regard to any questions of title, boundaries, encumbrances, liens or encroachments. It is assumed that all assessments, if any are paid.

4. The Property will be in conformance with the applicable zoning and building ordinances.

5. Information provided by such local sources as governmental agencies, financial institutions, realtors, buyers, sellers, and others was considered in light of its source, and checked by secondary means.

6. If an unforeseen change occurs in the economy, the conclusions herein may no longer be valid.

7. The development will adhere to the schedule of performance described in the Agreements.

8. Both parties are well informed and well advised and each is acting prudently in what he/she considers his/her own best interest.

attachments

TABLE 1

PROJECT DESCRIPTION
SEACOAST INN
CITY OF IMPERIAL BEACH

I. Site Area	49,560	SF		
	1.14	Acres		
II. Gross Building Area (GBA)				
Guestrooms & Circulation	65,532	SF		
Rest./Kitchen/Lobby/Administration (1)	16,776	SF		
Meeting Rooms	2,080	SF		
Total GBA	84,388	SF		
III. Construction Type	Type V			
IV. Number of Stories	4	Stories		
V. Number of Rooms	78	Rooms	1,082	SF GBA/Room
VI. Parking				
Number of Spaces	113	Spaces		
Parking Ratio	1.45	/Room		
Type	Partially Subterranean (One Level)			

(1) Imputed by KMA.

Prepared by: Keyser Marston Associates, Inc.
Filename: i: Imperial Beach/Seacoast Inn/Seacoast Inn Pro Forma;11/15/2010;wcl

TABLE 2

COMMERCIAL AND RESIDENTIAL LAND SALES COMPARABLES (1)
SEACOAST INN
CITY OF IMPERIAL BEACH

Sale Date	Address	City	Sale Price	Acres	Land SF	$/SF Land	Property Description
8/31/2010	2526 S. Coast Highway	Encinitas	$5,000,000	0.64	27,878	$179	Commercial
6/21/2010	1984 Abbott Street	San Diego	$3,800,000	0.46	20,168	$188	Apartment Units - Condo
10/8/2009	1300 N. Coast Highway	Encinitas	$520,000	0.19	8,471	$61	Commercial, Mixed-use
9/30/2009	1007 S. Cleveland Street	Oceanside	$450,000	0.31	13,364	$34	Multi-family Development
9/11/2009	1802 S. Coast Highway	Oceanside	$690,000	0.41	17,859	$39	Restaurant
8/31/2009	901-905 F Avenue	Coronado	$1,595,000	0.16	6,970	$229	Single-family Development
8/28/2009	1606 Grand Avenue	San Diego	$2,600,000	0.29	12,502	$208	Commercial
6/25/2009	1920 Garnet Avenue	San Diego	$1,400,000	0.14	6,098	$230	Office
2/5/2009	7855 Ivanhoe Avenue	San Diego	$3,700,000	0.91	39,682	$93	Commercial
8/20/2008	647 S. Coast Highway	Solana Beach	$3,400,000	0.80	34,839	$98	Commercial
6/7/2008	109 S. Tremont Street	Oceanside	$500,000	0.11	4,791	$104	Hold for Development
3/18/2008	710 S. Coast Highway	Encinitas	$1,875,000	0.20	8,712	$215	Parking Lot
2/27/2008	115 S. Tremont Street	Oceanside	$750,000	0.11	4,792	$157	Commercial
		Minimum	$450,000	0.11	4,791	$34	
		Maximum	$5,000,000	0.91	39,682	$230	
		Median	$1,595,000	0.29	12,502	$157	
		Average	$2,021,538	0.36	15,856	$141	

(1) Selected sales transactions for commercial and residential land in San Diego County beach communities from January 2008 to present.

Source: CoStar Comps and Robert Backer Associates appraisal dated October 15, 2010.
Prepared by: Keyser Marston Associates, Inc.
Filename i: Imperial Beach/Seacoast Inn/Seacoast Inn Pro Forma;11/15/2010;wcl

TABLE 3

DEVELOPMENT COSTS
SEACOAST INN
CITY OF IMPERIAL BEACH

	Totals		Notes
I. Direct Costs			
Off-Site Improvements	$885,797	$18	Per SF Site
Demolition	$150,000	$3	Per SF Site
On-Site Improvements/Landscaping	$1,852,192	$37	Per SF Site
Parking	$1,462,808	$12,945	Per Space
Shell Construction	$11,982,559	$142	Per SF GBA
Solar Costs	$166,703	$2	Per SF GBA
Amenities/FF&E	$2,039,584	$26,149	Per Room
Contingency	$556,000	3.0%	of Directs
Subtotal Direct Costs	$19,095,643	$226	Per SF GBA (2)
Add: Prevailing Wage Impact	$1,500,000	7.9%	of Directs
Total Direct Costs	$20,595,643	$244	Per SF GBA
II. Indirect Costs			
Architecture & Engineering	$955,000	5.0%	of Directs (2)
Permits & Fees (1)	$218,875	$3	Per SF GBA
Legal & Accounting	$50,000	0.3%	of Directs (2)
Taxes & Insurance	$191,000	1.0%	of Directs (2)
Developer Fee	$75,000	0.4%	of Directs
Marketing/Lease-Up	$185,000	$2,372	Per Room
Contingency	$50,000	3.0%	of Indirects
Total Indirect Costs	$1,724,875	8.4%	of Directs
III. Financing Costs			
Loan Fees	$224,200	1.1%	of Directs
Interest During Construction	$960,000	4.7%	of Directs
Operating Deficit Reserve	$0	0.0%	of Directs
Total Financing Costs	$1,184,200	5.7%	of Directs
IV. Total Development Costs, Excluding Land	**$23,504,718**	**$279**	**Per SF GBA**
Or Say (Rounded)	**$23,505,000**	**$301,000**	**Per Room**

(1) Per Developer; not verified by KMA or City.

(2) Direct costs before impact of prevailing wages.

Prepared by: Keyser Marston Associates, Inc.
Filename: i: Imperial Beach\Seacoast Inn/Seacoast Inn Pro Forma\11/15/2010;wcl

TABLE 4

NET OPERATING INCOME
SEACOAST INN
CITY OF IMPERIAL BEACH

					Stabilized Year (Year 3)
I. Revenue					
Room Revenue	$175	ADR	74.0%	Occupancy	$3,693,607
Food & Beverage			32.1%	of Room Revenue	$1,187,000
Telephone Revenue			0.3%	of Room Revenue	$12,000
Parking Revenue	113	Spaces @	$0	/Space/Month	$0
Other Revenue			2.7%	of Room Revenue	$99,000
Total Revenue					$4,991,607
II. Expenses					
(Less) Room Expenses			21.0%	of Room Revenue	($775,657)
(Less) Food & Beverage Expense			70.0%	of Food & Beverage	($830,900)
(Less) Telephone Expense			100.0%	of Telephone Revenue	($12,000)
(Less) Parking Expense			0.0%	of Parking Revenue	$0
(Less) Other Expense			20.0%	of Other Revenue	($19,800)
Subtotal - Departmental Expenses					($1,638,357)
(Less) Overhead Expenses			18.2%	of Gross Revenue	($905,977)
(Less) Fixed Charges			12.6%	of Gross Revenue	($628,586)
Total Operating Expenses			63.6%	of Gross Revenue	($3,172,920)
III. Net Operating Income (NOI)			**36.4%**	**of Gross Revenue**	**$1,819,000**

Prepared by: Keyser Marston Associates, Inc.
Filename i: Imperial Beach\Seacoast Inn/Seacoast Inn Pro Forma;11/15/2010;wcl

TABLE 5

RESIDUAL LAND VALUE
SEACOAST INN
CITY OF IMPERIAL BEACH

I. Supportable Private Investment	
Maximum Supportable Conventional Loan (1)	$14,103,000
Maximum Supportable Equity Investment (See Table 6)	$7,150,000
Total Supportable Private Investment	$21,253,000
II. Residual Land Value	
Supportable Private Investment	$21,253,000
(Less) Total Development Costs, Excluding Land	($23,505,000)
Residual Land Value	**($2,252,000)**

(1)	Total Development Costs, Excluding Land	$23,505,000
	Loan to Cost	60.0%
	Total Loan	$14,103,000
	Interest Rate	7.50%
	Term	30
	Annual Debt Service	$1,183,000

Prepared by: Keyser Marston Associates, Inc.
Filename: i: Imperial Beach\Seacoast Inn/Seacoast Inn Pro Forma\11/15/2010;wcl

TABLE 6

CASH FLOW PROJECTION
SEACOAST INN
CITY OF IMPERIAL BEACH

Operating Year		1	2	3	4	5	6	7	8	9	10
I. Total Revenue		$4,101,973	$4,589,897	$4,991,607	$5,141,423	$5,295,611	$5,455,169	$5,617,309	$5,787,030	$5,960,333	$6,139,639
(Less) Operating Expenses		($2,865,820)	($3,028,392)	($3,172,920)	($3,266,287)	($3,362,069)	($3,521,795)	($3,562,210)	($3,667,729)	($3,775,977)	($3,887,406)
II. Net Operating Income (NOI)		$1,236,153	$1,561,505	$1,818,687	$1,875,136	$1,933,542	$1,933,374	$2,055,099	$2,119,301	$2,184,356	$2,252,233
(Less) Debt Service		($1,183,000)	($1,183,000)	($1,183,000)	($1,183,000)	($1,183,000)	($1,183,000)	($1,183,000)	($1,183,000)	($1,183,000)	($1,183,000)
III. Net Project Cash Flow		$53,153	$378,505	$635,687	$692,136	$750,542	$750,374	$872,099	$936,301	$1,001,356	$1,069,233
IV. Reversion Value											
Capitalized Value @ 9.0%											$25,025,000
(Less) Cost of Sale @ 3.0%											($751,000)
(Less) Outstanding Loan Pay-off											($12,237,000)
Net Proceeds											$12,037,000
V. Total Return to Developer	($7,150,000)	$53,153	$378,505	$635,687	$692,136	$750,542	$750,374	$872,099	$936,301	$1,001,356	$13,106,233

Developer Internal Rate of Return (IRR)	**12.5%**

Prepared by: Keyser Marston Associates, Inc.
Filename i: Imperial Beach\Seacoast Inn/Seacoast Inn Pro Forma;11/15/2010;wcl

Attachment 3

RESOLUTION NUMBER 2010-6970

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, APPROVING AN ADDENDUM TO THE FEIR AND A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE IMPERIAL BEACH REDEVELOPMENT AGENCY AND IMPERIAL COAST, L.P., AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISPOSITION AND DEVELOPMENT AGREEMENT

WHEREAS, the Imperial Beach Redevelopment Agency ("Agency") is engaged in activities necessary to implement the Redevelopment Plan ("the Plan") for the Palm/Commercial Redevelopment Project (the "Redevelopment Project");

WHEREAS, the Agency has adopted a Five Year Implementation Plan for the Redevelopment Project, in accordance with Section 33490 of the California Community Redevelopment Law (Health & Safety Code 33000 *et seq.*) ("CRL") (the "Implementation Plan");

WHEREAS, the Agency has negotiated a Disposition and Development Agreement ("Agreement") with Imperial Coast, L.P., a California limited partnership ("Developer") relating to the disposition and development of approximately 49,560 square feet of real property generally located at 800 Seacoast Drive, in the City of Imperial beach, California, which is located within the Redevelopment Project Area ("Property");

WHEREAS, the Agreement contemplates the Agency's purchase of the Property from the Developer and ground leasing of the Property back to Developer for 55 years, with an option that may be exercised by the Developer to purchase the Agency's fee interest in the Property in the event that Developer meets certain conditions ("Option Right"), including the development and operation of a full service hotel on the Property;

WHEREAS, a joint public hearing has been duly called, noticed and advertised as required by law for December 1, 2010, at 6:00 p.m. in the City Council Chambers of the City of Imperial beach, which is located at 825 Imperial Beach Boulevard, Imperial Beach, CA 91932, for the Agency and City Council to consider approval of the Agreement, as contemplated by the CRL;

WHEREAS, pursuant to Section 33433 of the CRL, the Agency has prepared a summary ("Summary Report") which contains the following:

(A) A copy of the proposed Agreement.

(B) A summary which describes and specifies all of the following:

(i) The cost of the Agreement to the Agency, including land acquisition costs, clearance costs, relocation costs, the costs of any improvements to be provided by the agency, plus the expected interest on any loans or bonds to finance the Agreement.

(ii) The estimated value of the interest to be conveyed or leased, determined at the highest and best uses permitted under the Plan.

(iii) The estimated value of the interest to be conveyed or leased, determined at the use and with the conditions, covenants, and development costs required by the Agreement. The purchase price or present value of the lease payments which the lessor will be required to make during the term of the lease. If the sale price or total rental amount is less than the fair market value of the interest to be conveyed or leased, determined at the highest and best use consistent with the Plan, then the Agency shall provide as part of the summary an explanation of the reasons for the difference.

(iv) An explanation of why the sale or lease of the Property will assist in the elimination of blight, with reference to all supporting facts and materials relied upon in making this explanation.

WHEREAS, the Agreement contains all the provisions, terms, conditions and obligations required by state and local law and a copy of the Agreement and the Summary Report have been available for public review and copying at the City Clerk's office as required by the CRL;

WHEREAS, ground leasing of the Property for 55 years with the Option Right will assist in the elimination of blight as more fully discussed in Section VII of the Summary Report, and the development of the Property in accordance with the Agreement is consistent with the goals and objectives of the Implementation Plan;

WHEREAS, a Final Environmental Impact Report (FEIR) for the Seacoast Inn Project was certified (SCH# 2005101113) by the City Council on December 5, 2007 pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15090 and, pursuant to CEQA Guidelines Section 15164, an Addendum to the FEIR has been prepared to include the Agreement as one of the intended uses of the FEIR with the finding that the Agreement does not raise any additional impacts peculiar to the Agreement that have not been previously addressed in the certified FEIR and that the Agreement would not prompt the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent or supplement to the Final EIR because there is no substantial evidence that the Agreement itself will have a significant effect on the environment; and

WHEREAS, the City Council has duly considered all terms and conditions of the proposed Agreement, and believes that it is in the best interests of the Redevelopment Project and the City of Imperial Beach and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law and requirements.

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

SECTION 1. The City Council hereby finds and determines that all recitals set forth in this resolution are true and correct and incorporated herein in full by this reference.

SECTION 2. The City Council has exercised its independent review of the FEIR for the Project and finds that the uses contemplated in the Agreement are consistent with the previous Project entitlements and will not have any environmental effects which are peculiar to the Agreement or the property, or were not analyzed in the FEIR. The City Council further finds that, pursuant to CEQA Guidelines Section 15164, an Addendum to the FEIR has been prepared to include the proposed Agreement among the intended uses/discretionary approvals

for the Project, and none of the conditions described in CEQA Guidelines Section 15162 concerning preparation of a subsequent EIR have occurred. The City Council hereby approves the Addendum to the FEIR. Therefore, pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, the City Council hereby finds that no further review under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and the applicable ordinances and regulations of the City is required for the DDA.

SECTION 3. The City Council has reviewed and approves the Summary Report.

SECTION 4. The City Council finds and determines that the consideration to be received by the Agency for the ground leasing of the Property for 55 years with the Option Right is not less than fair reuse value at the use and with covenants and conditions and development costs authorized by the Agreement for, among other reasons, the reasons set forth in the Summary Report.

SECTION 5. The City Council finds and determines that the ground leasing of the Property for 55 years with the Option Right and the development of the Property in accordance with the Agreement will assist in the elimination of blight and is consistent with the Implementation Plan adopted pursuant to CRL Section 33490.

SECTION 6. The City Council has reviewed and hereby approves the ground leasing of the Property to Developer for 55 years with the Option Right and the development of the Property in accordance with the Agreement.

SECTION 7. The City Council hereby approves the Agreement in substantially the form presented at this meeting or with such non-substantive changes and amendment as may be approved by the Agency's Executive Director. The City Council hereby authorizes the City Manager to sign any necessary documents in implementation of the Agreement.

SECTION 8. In making the findings and approvals herein, the City Council has considered all testimony presented at the noticed public hearing, all written evidence presented, and the entire record prepared by Agency and City staff.

SECTION 9. The City Clerk shall certify the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach, California, at its regular meeting held on December 1, 2010, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____

JAMES C. JANNEY, MAYOR

ATTEST:

_____

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

_____

JENNIFER LYON
CITY ATTORNEY

Attachment 4

RESOLUTION NUMBER R-10-237

A RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE IMPERIAL BEACH REDEVELOPMENT AGENCY AND IMPERIAL COAST, L.P., AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISPOSITION AND DEVELOPMENT AGREEMENT

WHEREAS, the Imperial Beach Redevelopment Agency ("Agency") is engaged in activities necessary to implement the Redevelopment Plan ("the Plan") for the Palm/Commercial Redevelopment Project (the "Redevelopment Project");

WHEREAS, the Agency has adopted a Five Year Implementation Plan for the Redevelopment Project, in accordance with Section 33490 of the California Community Redevelopment Law (Health & Safety Code 33000 *et seq.*) ("CRL") (the "Implementation Plan");

WHEREAS, the Agency has negotiated a Disposition and Development Agreement ("Agreement") with Imperial Coast, L.P., a California limited partnership ("Developer") relating to the disposition and development of approximately 49,560 square feet of real property generally located at 800 Seacoast Drive, in the City of Imperial beach, California, which is located within the Redevelopment Project Area ("Property");

WHEREAS, the Agreement contemplates the Agency's purchase of the Property from the Developer and ground leasing of the Property back to Developer for 55 years, with an option that may be exercised by the Developer to purchase the Agency's fee interest in the Property in the event that Developer meets certain conditions ("Option Right"), including the development and operation of a full service hotel on the Property;

WHEREAS, a joint public hearing has been duly called, noticed and advertised as required by law for December 1, 2010, at 6:00 p.m. in the City Council Chambers of the City of Imperial beach, which is located at 825 Imperial Beach Boulevard, Imperial Beach, CA 91932, for the Agency and City Council to consider approval of the Agreement, as contemplated by the CRL;

WHEREAS, pursuant to Section 33433 of the CRL, the Agency has prepared a summary ("Summary Report") which contains the following:

(A) A copy of the proposed Agreement.

(B) A summary which describes and specifies all of the following:

(i) The cost of the Agreement to the Agency, including all land acquisition costs, clearance costs, relocation costs, the costs of any improvements to be provided by the agency, plus the expected interest on any loans or bonds to finance the Agreement.

(ii) The estimated value of the interest to be conveyed or leased, determined at the highest and best uses permitted under the Plan.

(iii) The estimated value of the interest to be conveyed or leased, determined at the use and with the conditions, covenants, and development costs required by the Agreement. The purchase price or present value of the lease payments which the lessor will be required to make during the term of the lease. If the sale price or total rental amount is less than the fair market value of the interest to be conveyed or leased, determined at the highest and best use consistent with the Plan, then the Agency shall provide as part of the summary an explanation of the reasons for the difference.

(iv) An explanation of why the sale or lease of the Property will assist in the elimination of blight, with reference to all supporting facts and materials relied upon in making this explanation.

WHEREAS, the Agreement contains all the provisions, terms, conditions and obligations required by state and local law and a copy of the Agreement and the Summary Report have been available for public review and copying at the City Clerk's office as required by the CRL;

WHEREAS, ground leasing of the Property for 55 years with the Option Right will assist in the elimination of blight as more fully discussed in Section VII of the Summary Report, and the development of the Property in accordance with the Agreement is consistent with the goals and objectives of the Implementation Plan;

WHEREAS, the Agency has duly considered all terms and conditions of the proposed Agreement, and believes that it is in the best interests of the Redevelopment Project and the City of Imperial Beach and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law and requirements; and

WHEREAS, the City Council of the City of Imperial Beach has approved Resolution 2010-6970 which makes the necessary findings and approves the Agreement.

NOW, THEREFORE, THE IMPERIAL BEACH REDEVELOPMENT AGENCY DOES RESOLVE AS FOLLOWS:

SECTION 1. The Agency hereby finds and determines that all recitals set forth in this resolution are true and correct and incorporated herein in full by this reference.

SECTION 2. The Agency has reviewed and approves the Summary Report.

SECTION 3. The Agency finds and determines that the consideration to be received by the Agency for the ground leasing of the Property for 55 years with the Option Right is not less than fair reuse value at the use and with covenants and conditions and development costs authorized by the Agreement for, among other reasons, the reasons set forth in Section VI of the Summary Report.

SECTION 4. The Agency finds and determines that the ground leasing of the Property for 55 years with the Option Right and the development of the Property in accordance with the Agreement will assist in the elimination of blight and is consistent with the Implementation Plan adopted pursuant to CRL Section 33490.

SECTION 5. The Agency has reviewed and hereby approves of the ground leasing of the Property to Developer for 55 years with the Option Right and the development of the Property in accordance with the Agreement.

SECTION 6. The Agency hereby approves the Agreement in substantially the form presented at this meeting or with such non-substantive changes and amendment as may be approved by the Agency's Executive Director. The Agency hereby authorizes the Executive Director to execute the Agreement and any necessary implementing documents of the Agreement and authorizes staff to take all necessary actions to implement the Agreement.

SECTION 7. In making the findings and recommendations herein, the Agency has considered all testimony presented at the noticed public hearing, all written evidence presented, and the entire record prepared by Agency and City staff.

SECTION 8. The Secretary of the Agency shall certify the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach, California, at its regular meeting held on December 1, 2010, by the following roll call vote:

AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

_____

JAMES C. JANNEY, CHAIR

ATTEST:

_____

JACQUELINE M. HALD, CMC
AGENCY SECRETARY

APPROVED AS TO FORM:

_____

JENNIFER LYON
AGENCY GENERAL COUNSEL

Attachment 5

The City of Imperial Beach

(619) 628-1356
FAX: (619) 429-9770

COMMUNITY DEVELOPMENT DEPARTMENT
825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932

ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT SEACOAST INN DISPOSITION AND DEVELOPMENT AGREEMENT (DDA)

A. PROJECT NAME/PROJECT DESCRIPTION/APPLICANT/PROJECT LOCATION:

Project Description: This is a Disposition and Development Agreement (DDA) for an approved specific plan (GPA 03-095), site plan review (SPR 03-093), design review case (DRC 03-094), tentative map (TM 03-92), development agreement, environmental impact report (EIA 04-034), and Coastal Commission-issued coastal development permit (A-6-IMB-07-131) for the Seacoast Inn Redevelopment project (MF 661). These existing entitlements allowed the demolition of the existing 3-story 38-room Seacoast Inn hotel and timber seawall and would allow the redevelopment of the site as a 78-room hotel, 40 feet high with 111 parking spaces in a subterranean garage, a restaurant, swimming pool, meeting rooms, roof garden, a new vertical seawall to be located 35 feet east of the existing seawall, and make related seawall and street improvements to Date Avenue and Seacoast Drive "Project." The DDA details the Imperial Beach Redevelopment Agency's ("Agency") proposed financial contributions to the development of the Project and sets forth certain requirements for the property owner to meet in order to obtain the proposed financing. The DDA also sets forth the terms for the sale of the property by the property owner to the Agency and a subsequent leaseback of the property to the property owner in order for the Project to be constructed. A true and correct copy of the Disposition and Development Agreement (Attachment 1) and the FEIR (Attachment 2) are attached hereto and are incorporated herein by this reference.

Project Location: The 1.39-acre subject 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.

Property Owner: Imperial Coast Limited Partnership /Pacifica Companies ; **Applicant:** Imperial Coast Limited Partnership /Pacifica Companies; **Developer Representative**: Allison Rolfe.

B. ENVIRONMENTAL FINDINGS:

Environmental Determination: The Final Environmental Impact Report (FEIR) for the Project was certified (SCH# 2005101113) by the City Council on December 5, 2007 pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15090. A copy of the FEIR document is available for public inspection at the Community Development Department, 825 Imperial Beach Boulevard. The proposed DDA requires the discretionary approval of the City and the Agency. The DDA was not listed as one of the intended uses/discretionary approvals of the EIR (Section 2.9) because the DDA was not considered at the time the DEIR was prepared. Pursuant to CEQA Guidelines Section 15164, this Addendum has been prepared to include the DDA as one of the intended uses/discretionary approvals of

the FEIR. The sale of the property from the developer to the redevelopment agency and a subsequent leaseback by the redevelopment agency to the developer to construct the Project pursuant to approved Project plans do not raise any additional impacts associated with the development that have not been previously addressed in the certified FEIR.

Finding: This Addendum to the Final Environmental Impact Report (SCH# 2005101113) reflects the decision-making body's independent judgment and analysis. The preparation of an Addendum pursuant to CEQA Guidelines section 15164 is appropriate because the inclusion of the proposed DDA as one of the City's discretionary actions/intended uses of the Project is a minor technical change or addition to the FEIR and none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent EIR have occurred. The DDA does not propose any changes in or additions to the Project which was evaluated in the FEIR. A subsequent EIR is not required because (i) no substantial changes are proposed in the Project which require major revisions of the EIR, (ii) no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which require major revisions to the EIR, and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete which shows any of the conditions or circumstances described in CEQA Guidelines section 15162(a)(3). Therefore, pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, no further review under CEQA, the CEQA Guidelines and the applicable ordinances and regulations of the City is required for the DDA.

Coastal Development Permit: This Project is located in the coastal zone as defined by the California Coastal Act of 1976. The City's coastal development permit (CP 03-091) that was issued for the original Project on December 5, 2007 was appealed by the Coastal Commission on December 28, 2007 and the Commission made a finding of a substantial issue on February 7, 2008. The Coastal Commission subsequently approved their coastal development permit (A-6-IMB-07-131) for this Project on April 10, 2008 with revised findings made on December 11, 2008. The Coastal Commission granted a one-year extension for the applicant's coastal development permit A-6-IMB-07-131 to April 10, 2011.

C. CERTIFICATION:

James Nakagawa, AICP
Imperial Beach City Planner

c: file MF 661

AGENDA ITEM NO. 6.1

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**DECEMBER 1, 2010**
ORIGINATING DEPT.:	**COMMUNITY DEVELOPMENT DEPARTMENT** **GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR** **DAVID GARCIAS, CODE COMPLIANCE OFFICER**
SUBJECT:	**CODE ENFORCEMENT – WEED & RUBBISH ABATEMENT**

BACKGROUND:

Among other responsibilities, the Code Compliance division handles complaints and conducts inspections regarding the existence of weeds, rubbish, refuse, and unsightly materials on residential and commercial properties. To address weed and rubbish abatement, notices are sent to parcel owners within the City deemed by Code Compliance staff to be a public nuisance and dangerous to the public health and safety.

The California Government Code (Sect. 39560) has been adopted into the Imperial Beach Municipal Code (Chapter 8.40 – Weed & Rubbish Abatement) and sets out the following procedure for the abatement of weeds and rubbish. The California Government Code section 39560 et. seq. and Chapter 8.40 of the Imperial Beach Municipal Code describe the following process for weed and rubbish abatement:

1. Staff shall present to City Council those properties which constitute a public nuisance requiring weed and rubbish abatement. City Council may declare by resolution those properties that are a public nuisance requiring abatement.
2. Staff shall cause notices to be conspicuously posted on or in front of the property on which the nuisance exists. Staff shall both post and mail a notice to the property owner.
3. City Council shall conduct a public hearing to hear and consider all objections. City Council may direct staff to proceed with and perform the necessary abatement.
4. Staff shall keep an account of the cost of abatement on each separate parcel of land where the work is conducted, and shall submit it to the City Council at completion of all abatement for their consideration.
5. The City Council shall hear the abatement cost report and any objections of the property owners liable to be assessed for the abatement costs. The City Council may modify the report if it is deemed necessary. The City Council shall then confirm the report by motion or resolution to assess the individual properties.

DISCUSSION:

The following properties have been inspected by staff and identified to be in violation of California Government Code section 39560 et. seq. and Chapter 8.40 of the Imperial Beach Municipal Code. The properties were issued Notices of Violations, and Administrative Citations assessing fines. To date, staff has not heard from the respective property owners and the violations on the properties have not been abated.

PROPERTIES:

1. **715 Holly Ave** ***(APN. 632-233-03)***; Owner: Lombardi-Munizza, Carmela (details see table "A")
    a. July 13, 2010: Citizen Complaint received identifying above violations.
    b. July 15, 2010: Notice of Violation issued to property owner to abate violations.
    c. July 26, 2010: Staff inspected and observed the violations were unchanged.
    d. August 2, 2010: Staff inspected and observed the violations were unchanged. Sheriff's conducted a welfare check of the home in search of the elderly owner.
    e. August 4, 2010: Staff issued an Administrative Citation to property owner to abate violations.
    f. September 7, 2010: Staff inspected and observed the violations were unchanged.
    g. October 6, 2010: Staff inspected and observed the violations were unchanged.
    h. November 4, 2010: Staff inspected and observed the violations were unchanged.
2. **822 Georgia St** ***(APN. 627-111-19)***; Owner: Moreno, Juan M III (details see table "A")
    a. December 25, 2006: The property had a structure fire. Since February 2007, the property has had ongoing code violations, and has been assessed $41,680.00 in civil fines, civil penalties, and penalties and interest charges of which only $8,355.00 has been paid.
    b. November 10, 2010: Staff inspected and observed the above violations.
    c. November 17, 2010: Notice of Violation issued to property owner to abate violations by December 1, 2010.

Staffs is requesting that the City Council declare that weeds growing upon and in front of the above listed properties constitute a public nuisance and authorize staff to proceed with weed and rubbish abatement at the non-compliant properties.

FISCAL IMPACT:

Abatement costs may vary. All costs shall be assessed to the individual properties/property owners and the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes on the next regular tax bill levied against the individual parcels for municipal purposes.

Further, the City may assess $500.00 in administrative costs per property for nuisance abatement proceedings pursuant to Imperial Beach Municipal Code Sections 1.16.240.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 2010-6971 declaring that weeds growing on and in front of the properties located at 715 Holly Avenue and 822 Georgia Street constitute a public nuisance and directing staff to proceed with abatement of the violations.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

Gary Brown, City Manager

Attachments:

- City Council Resolution #2010-6971
- Table "A"

RESOLUTION NO. 2010-6971

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, FINDING AND DECLARING THAT WEEDS, BRUSH, RUBBISH AND REFUSE UPON OR IN FRONT OF SPECIFIED PROPERTIES IN THE CITY ARE A SEASONAL AND RECURRENT PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SCHEDULE A WEED AND RUBBISH ABATEMENT PUBLIC HEARING TO HEAR OBJECTIONS ON DECEMBER 15, 2010

WHEREAS, Among other responsibilities, the Code Compliance division handles complaints and conducts inspections regarding the existence of weeds, rubbish, refuse, and unsightly materials on residential and commercial properties. To address weed and rubbish abatement, notices are sent to parcel owners within the City deemed by Code Compliance staff to be a public nuisance and dangerous to the public health and safety; and

WHEREAS, The California Government Code (Sect. 39560) has been adopted into the Imperial Beach Municipal Code (Chapter 8.40 – Weed & Rubbish Abatement) and sets out the following procedure for the abatement of weeds and rubbish. The California Government Code section 39560 et. seq. and Chapter 8.40 of the Imperial Beach Municipal Code describe the following process for weed and rubbish abatement; and

WHEREAS,

1. Staff shall present to City Council those properties which constitute a public nuisance requiring weed and rubbish abatement. City Council may declare by resolution those properties that are a public nuisance requiring abatement.
2. Staff shall cause notices to be conspicuously posted on or in front of the property on which the nuisance exists. Staff shall both post and mail a notice to the property owner.
3. City Council shall conduct a public hearing to hear and consider all objections. City Council may direct staff to proceed with and perform the necessary abatement.
4. Staff shall keep an account of the cost of abatement on each separate parcel of land where the work is conducted, and shall submit it to the City Council at completion of all abatement for their consideration.
5. The City Council shall hear the abatement cost report and any objections of the property owners liable to be assessed for the abatement costs. The City Council may modify the report if it is deemed necessary. The City Council shall then confirm the report by motion or resolution to assess the individual properties; and

WHEREAS, The following properties have been inspected by staff and identified to be in violation of California Government Code section 39560 et. seq. and Chapter 8.40 of the Imperial Beach Municipal Code. The properties were issued Notices of Violations, and Administrative Citations assessing fines. To date, staff has not heard

from the respective property owners and the violations on the properties have not been abated.

PROPERTIES:

1. **<u>715 Holly Ave</u>** ***(APN. 632-233-03)***; Owner: Lombardi-Munizza, Carmela (details see table "A")
    a. July 13, 2010: Citizen Complaint received identifying above violations.
    b. July 15, 2010: Notice of Violation issued to property owner to abate violations.
    c. July 26, 2010: Staff inspected and observed the violations were unchanged.
    d. August 2, 2010: Staff inspected and observed the violations were unchanged. Sheriff's conducted a welfare check of the home in search of the elderly owner.
    e. August 4, 2010: Staff issued an Administrative Citation to property owner to abate violations.
    f. September 7, 2010: Staff inspected and observed the violations were unchanged.
    g. October 6, 2010: Staff inspected and observed the violations were unchanged.
    h. November 4, 2010: Staff inspected and observed the violations were unchanged.
2. **<u>822 Georgia St</u>** ***(APN. 627-111-19)***; Owner: Moreno, Juan M III (details see table "A")
    a. December 25, 2006: The property had a structure fire. Since February 2007, the property has had ongoing code violations, and has been assessed $41,680.00 in civil fines, civil penalties, and penalties and interest charges of which only $8,355.00 has been paid.
    b. November 10, 2010: Staff inspected and observed the above violations.
    c. November 17, 2010: Notice of Violation issued to property owner to abate violations by December 1, 2010.; and

WHEREAS, Staffs is requesting that the City Council declare that weeds growing upon and in front of the above listed properties constitute a public nuisance and authorize staff to proceed with weed and rubbish abatement at the non-compliant properties; and

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

<u>Section 1.</u> The foregoing recitals are true and correct, and the City Council hereby concurs with the Finding and Declaring that the weeds, brush, rubbish, and refuse upon or in front of the specified property in the City area a public nuisance, and declaring its intention to provide for the abatement thereof and schedule a weed and rubbish abatement public hearing to hear objections on December 15, 2010.

Section 2. The cost of abatement is approved as follows:
Any work performed by 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 City Manager may cause a copy or copies of this Resolution to be conspicuously posted, as the City Manager may deem necessary.

Section 4. The City Clerk is hereby directed to:

1. Mail a copy or copies of this Resolution, by first class mail, to the owner(s) of the above-described properties as shown in the last equalized assessment roll;
2. Inform the property owner, by copy of this Resolution, that the time within which judicial review of this decision must be sought is governed by §1094.6 of the California Code of Civil Procedure. The property owner's right to appeal this decision is governed by California Code of Civil Procedure §1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 1st day of December 2010, by the following 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 correct copy of Resolution No. 2010-6971 – A Resolution of the City Council of the City of Imperial Beach, California, FINDING AND DECLARING THAT WEEDS, BRUSH, RUBBISH AND REFUSE UPON OR IN FRONT OF SPECIFIED PROPERTIES IN THE CITY ARE A SEASONAL AND RECURRENT PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SCHEDULE A WEED AND RUBBISH ABATEMENT PUBLIC HEARING TO HEAR OBJECTIONS ON DECEMBER 1, 2010.

CITY CLERK

DATE

Table "A"

APN	*SITE ADDRESS*	*PROPERTY OWNER*	*MAILING ADDRESS*	*CITY*	*STATE*	*ZIP*
632-233-03-00	715 Holly Ave	LOMBARDI-MUNIZZA, CARMELA	4229 CHAMOUNE AVE,#220	SAN DIEGO	CA	921115
627-111-19-00	822 Georgia St	MORENO, JUAN M. III	6056 CAMINO DEL RINCON	SAN DIEGO	CA	92120

AGENDA ITEM NO. 6.2

STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: DECEMBER 1, 2010

ORIGINATING DEPT.: PUBLIC WORKS

SUBJECT: NEW STREET BANNERS

BACKGROUND:
In 1999, the City installed the current set of street banners displayed on Old Palm Avenue and Seacoast Drive at a cost of approximately $6,000. In September 2000, City Council authorized the design and purchase of street banners now mounted and displayed on State Route 75 within the City of Imperial Beach. The purchase and installation cost for these 28 banners was approximately $8,000. These banners are pretty well aged and tattered. Their maintenance is extensive and their look is generally faded.

DISCUSSION:
Staff has been working on a replacement program for these banners for several years. Staff believes the existing banners have met the end of their useful life. Staff recommends that the existing banners be replaced with a new design. Attachment 1 is a design proposal for the replacement of the existing banners. These five designs are meant to represent the significant attributes in the City of Imperial Beach:

- A land of sun
- A fun beach
- Great Surfing
- Plentiful wildlife
- Many pathways

The below table shows the number of banners currently hung in the City:

Banner Count	Locations
28	Highway 75
65	Highway 75 and Seacoast Dr.
85	Highway 75, Seacoast Dr and Old Palm

Staff has received one quote for the printing and installation of the banners. That quote is as follows (does not include shipping or sales tax):

Printing of Banners:

- 28 banners – for State Route 75 $2,380
- 65 banners – for S.R. 75 and Seacoast Dr. $5,200
- 85 Banners – for S.R. 75, Seacoast Dr. & Old Palm $6,375

Installation of Banners:

- 28 banners – for S.R. 75 $1,400
- 65 banners – for S.R. 75 and Seacoast Dr. $3,250
- 85 banners – for S.R. 75, Seacoast Dr. & Old Palm $4,250

Staff is requesting City Council provide direction regarding two issues: They are as follows:

1) Are the proposed banner designs acceptable; and
2) Should the City commit to funding banner replacement in all three areas of the City or only a subset of the three areas this fiscal year. The areas being:
   a. S.R. 75
   b. Seacoast Drive
   c. Old Palm

ENVIRONMENTAL DETERMINATION:
Not a project as defined by CEQA.

FISCAL IMPACT:
Staff proposes to share the cost of the printing and installation 50% General Fund – Environmental Division and 50% Redevelopment Agency – Redevelopment Division. Both divisions would fund this through their Operating and Maintenance (O&M) account.

Cost for printing and installation of 28 banners on S.R. 75	$3,780
Cost for printing and installation of 65 banners (S.R. 75 plus Seacoast Drive)	$8,450
Cost for printing and installation of 85 banners (S.R. 75, Seacoast Drive plus Old Palm	$10,625

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Consider the street banner designs presented in Attachment 1.
3. Approve the designs as presented in Attachment 1, or provide other direction on the approved banner design.
4. Authorize staff to proceed with the printing and installation of 85 banners funded from their respective O&M budget line items.

CITY MANAGER'S RECOMMENDATION:
Approve Department recommendation.

Gary Brown, City Manager

Attachments:
1. Representation of Proposed Street Banners

SUN
IMPERIAL
BEACH

SAND
IMPERIAL
BEACH

SURF
IMPERIAL
BEACH

LIFE
IMPERIAL
BEACH

WALK
IMPERIAL
BEACH

AGENDA ITEM NO. 6.3

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL/CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY**
FROM:	**GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR**
MEETING DATE:	**DECEMBER 1, 2010**
ORIGINATING DEPT.:	**COMMUNITY DEVELOPMENT DEPARTMENT** **GREG WADE, DIRECTOR** GW
SUBJECT:	**ADOPTION OF RESOLUTION NO. R-10-238 AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED $274,750 FOR THE PREPARATION OF ZONING ORDINANCE AMENDMENTS, GENERAL PLAN AMENDMENTS AND THE ENVIRONMETNAL IMPACT REPORT ASSOICATED WITH ADOPTION OF THE COMMERCIAL ZONING REVIEW RECOMMENDATIONS OF THE CITY COUNCIL**

BACKGROUND:

In February of 2007, the City executed a contract with EDAW (now AECOM) to conduct a review of the City's Commercial Zoning to analyze and propose ways in which the commercial zoning could be amended to provide for more effective and desirable commercial development to serve the City. After providing recommendations for consideration, the City Council embarked upon a series of focus discussions to determine which recommendations should be considered for implementation. Over the past year, the City Council conducted these focus discussions on the proposed Commercial Zoning Review amendments which then resulted in the preparation of summary document that was then to be presented to the public for their input.

On Tuesday, September 28, 2010, and Thursday, October 7, 2010, City staff and consultant team members from AECOM conducted two Community Workshops to present the Commercial Zoning Review Recommendations to the public in order to receive input from the community. On October 20, 2010, staff reported the results of the workshops to the City Council who then provided unanimous support of the final recommendations for future consideration. In supporting the recommendations, the City Council directed staff to negotiate a professional services contract for the preparation and processing of the zoning ordinance and General Plan amendments along with the environmental impact report necessary to adopt the proposed commercial zoning amendments.

DISCUSSION:

Staff has discussed the needed professional services with AECOM. As they have been involved with the project since its inception, staff believes that AECOM is uniquely qualified to provide the desired services to the City. With their detailed knowledge of this specific project and others like it, AECOM has prepared a Scope of Work that staff feels is both comprehensive and cost-effective in order to complete the Commercial Zoning Review project through the

preparation and adoption of the proposed Zoning and General Plan Amendments and the Environmental Impact Report. A detailed Scope of Work and Fee Estimate is provided with this staff report as Attachment 1.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The consideration of this professional services contract is not, in itself, subject to CEQA. However, the primary portion of the services for which this contract is being considered are to provide the required review and analyses under CEQA for adoption of the proposed amendments to the General Plan/Local Coastal Program and the Zoning Code of the Imperial Beach Municipal Code.

FISCAL IMPACT:

City/Agency staff is seeking authorization from the City Council/Redevelopment Agency to enter into a professional services contract with AECOM in an amount not to exceed $274,750 for planning and environmental consultant services to prepare and process the required zoning and General Plan amendments and associated documents and also to prepare and process the required environmental impact report.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council/Redevelopment Agency adopt Resolution No. R-10-238 authorizing the Executive Director to execute a professional services contract with AECOM in an amount not to exceed $274,750 to prepare and process the required zoning amendments and General Plan/Local Coastal Program Amendments and to prepare and process the required environmental impact report for adoption the recommendations of the Commercial Zoning Review.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

Gary Brown, Executive Director/City Manager

Attachments:
1. Scope of Work and Fee Estimate
2. Resolution No. R-10-238

City of Imperial Beach Commercial Zoning Amendments, General Plan/LCP Amendments, Council Workshop, Coastal Commission Meetings/Support and Environmental Impact Report Scope of Work

This document describes our scope of work for successfully completing the commercial zoning amendments, General Plan/Local Coastal Plan (LCP) amendments, Council Workshop on zoning and General Plan/LCP amendments, and Environmental Impact Report for the City. This scope represents our approach based on discussion with City staff, our knowledge of Imperial Beach, and our extensive experience with similar projects.

Number and Format of Deliverables
The number and format of the deliverable products are contained within the detailed provisions of this scope of work. In addition, electronic files will be provided on CD for the City's use. Documents, outlines, meeting notes, handouts, agendas, and presentations, as indicated in this scope, will be provided to the City electronically.

Number of Staff Meetings, Workshops, and Public Hearings
AECOM attendance at staff meetings, workshops, and public hearings is indicated within the detailed provisions of this scope of work and summarized below. No meetings with Coastal Commission staff or hearings before the Coastal Commission are assumed in this scope of work.

Summary of Meetings

- One meeting with City staff regarding zoning amendments
- One meeting with City staff regarding General Plan/LCP amendments
- One meeting with City Council on zoning ordinance and General Plan/LCP amendments
- Two meetings with City staff regarding the EIR tasks
- One meeting for Scoping the EIR
- One meeting with City Council on hearing for certification of Final EIR and adoption of zoning ordinance and General Plan/LCP amendments
- One meeting with California Coastal Commission staff on GP/LCP amendments and EIR
- One meeting with California Coastal Commission on formal hearing for GP/LCP amendment

1. ZONING AMENDMENTS

Task 1. Project Management

Subtask 1.1 – Ongoing Project Management and Staff Meetings

Throughout the work program, we will communicate on a regular basis with Community Development staff to coordinate work tasks. To make the most efficient use of time for the program, we will meet with staff by phone, with sit-down meetings reserved for brainstorming sessions or review of City comments on draft work products, if necessary. The project manager will attend these meetings, along with supporting staff, as needed. Progress reporting and invoicing will be done on a monthly basis.

It is assumed that two members of AECOM will attend one meeting with City staff regarding zoning amendments.

Task 2. Zoning Ordinance

Subtask 2.1 – Evaluate Existing Zoning Ordinance, Revise General Plan/LCP Consistency Analysis

The purpose of this task is to identify where changes need to be made to the existing zoning ordinance and to ensure that zoning amendments are consistent with General Plan/LCP language.

AECOM will identify where changes need to be made to the existing zoning ordinance for consistency with the concepts and recommendations in the Final Commercial Zoning Review document (October 2010), and Commercial Working Paper #2. AECOM will perform this task by doing an exhaustive search and analysis of the existing zoning ordinance and marking up areas for change. This marked up version will be provided to the City.

AECOM will reevaluate the consistency analysis that was performed for and is contained in Commercial Working Paper #2. Reevaluation is necessary, as zoning recommendations contained in working paper #2 have been significantly revised.

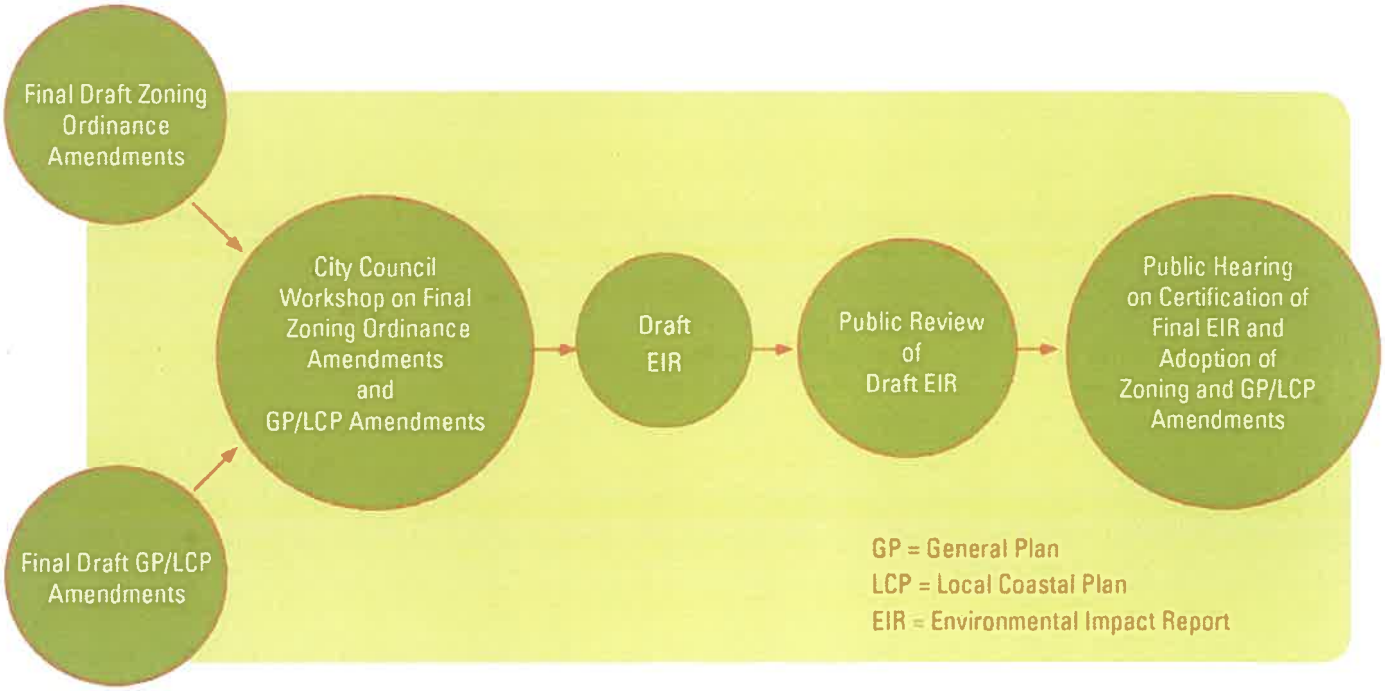
Products:

- Marked-up version of existing zoning ordinance indicating where change is needed, digital copy
- One General Plan/LCP/zoning consistency matrix, digital copy

Subtask 2.2 – Prepare Screencheck and Preliminary Draft Zoning Ordinance Amendments

During this task, we will prepare a screencheck draft zoning ordinance amendments document and a preliminary draft zoning ordinance amendments document. It is assumed throughout this task that AECOM is preparing a stand-alone zoning ordinance amendments document to be provided to City staff in word format. City staff would then use the language provided in the final zoning ordinance amendments documents (subtask 2.5) to insert into the City's municipal code for update and publication.

The zoning ordinance amendments will be prepared as follows.



- **Use regulations.** AECOM will replace the use regulations currently identified for the C-1, C-2, C-3, MU-1, and MU-2 zones, with those identified in the Final Commercial Zoning Review document (October 2010). Tables will be used to display applicable land uses per zone.

- **Zoning districts, development standards.** We will replace C-1, C-2, C-3, MU-1, and MU-2 with C/MU1, C/MU2, C/MU3, and a Residential Overlay zone. We will work with City staff to develop a designation for the Residential Overlay Zone.

  We will revise development standards consistent with those recommended in the Final Commercial Zoning Review document (October 2010), including the following:

  - Minimum Active Commercial Use Requirements
  - Building heights
  - First Floor Height
  - Setbacks
  - Stepbacks
  - Density
  - Parking standards

  AECOM will work with City staff to design the best possible method for display of development standards, which in addition to written text could include a series of figures to graphically illustrate standards.

- **Development incentives.** We will incorporate the development incentives described in the Final Commercial Zoning Review document (October 2010) into the applicable zones.

- **Definitions.** We will add definitions as included in Commercial Zoning Review #2 to the applicable zones.

AECOM will create a complete screencheck zoning ordinance amendment document for review by City staff. We will then revise and incorporate City comments on the screencheck draft zoning ordinance and complete a preliminary draft zoning ordinance amendment document. The preliminary draft zoning ordinance amendment document and map will be reviewed with the City Council in a workshop open to the public prior to a formal public hearing (see Council Workshop task).

AECOM assumes that the zoning ordinance changes are limited to the issues listed above, consistent with the recommendations located in the Final Commercial Zoning Review document (October 2010), and/or Commercial Working Paper #2.

Products:

- One screencheck draft zoning ordinance amendments document, digital
- One preliminary draft Zoning Ordinance amendments document, digital

Subtask 2.3 – Zoning Map

At the direction of the City, we will prepare a computer-based zoning map consistent with the General Plan/LCP Land Use Policy map that updates zoning on all parcels in the City.

Products:

- One zoning map, digital

Subtask 2.4 – Public Review Draft Ordinance Amendments and Map Incorporating City Input

Based on input received from the public and the City Council on the preliminary draft Zoning Ordinance amendments document and map, we will revise the preliminary draft amendments document (and map as appropriate) to incorporate revisions and prepare a public review draft zoning ordinance amendments document and map for review by the public and City Council in public hearings.

Products:
One public review draft zoning ordinance amendments document and map, digital

Subtask 2.5 – Final Zoning Ordinance Amendments and Map

We will prepare a final version of the zoning ordinance amendments document and map that incorporates any final changes directed by the City Council during public hearings. Following completion of the zoning ordinance amendments, we will provide City staff with a final digital version of the final zoning ordinance amendments document and map. It is assumed throughout this task that AECOM is preparing zoning ordinance amendments documents to be provided to City staff. City staff would then use the language provided in the zoning ordinance documents to insert into the City's municipal code for update and publication.

Products:

- One final zoning ordinance amendments document and map, digital

2. GENERAL PLAN/LOCAL COASTAL PLAN AMENDMENTS

Task 1. Project Management

Subtask 1.1 – Ongoing Project Management and Staff Meetings

Throughout the work program, we will communicate on a regular basis with Community Development staff to coordinate work tasks. To make the most efficient use of time for the program, we will meet with staff by phone, with sit-down meetings reserved for brainstorming sessions or review of City comments on draft work products, if necessary. The project manager will attend these meetings, along with supporting staff, as needed. Progress reporting and invoicing will be done on a monthly basis.

It is assumed that two members of AECOM will attend one meeting with City staff regarding the General Plan/LCP amendments.

Task 2. General Plan/Local Coastal Plan Amendments

Subtask 2.1 – Evaluate Existing General Plan/LCP, Revise General Plan/LCP Consistency Analysis

The purpose of this task is to identify where changes need to be made to the content of the existing General Plan/LCP for consistency with the updated zoning ordinance.

Review Zoning Ordinance and General Plan/LCP. We will review the existing General Plan/LCP concurrently with review of the updated zoning ordinance to determine what general changes in content are required to achieve consistency. These changes will be included in the General Plan/LCP/zoning consistency matrix described in Task 2 of Zoning Amendments. This will include a matrix in memorandum format that provides an overall evaluation of necessary changes to the General Plan/LCP and a detailed list of issues.

Products:

- One General Plan/LCP/zoning consistency matrix, digital

Subtask 2.2 – Prepare Screencheck and Preliminary Draft General Plan/LCP Amendments

During this task, we will prepare screencheck draft General Plan/LCP amendments and preliminary draft General Plan/LCP amendments. The General Plan/LCP amendments will be submitted to City staff for review.

We will prepare preliminary draft General Plan/LCP amendments based on the results of the revised consistency analysis in subtask 2.1 and input from City staff. We will then revise and incorporate City comments on the screencheck draft General Plan/LCP amendments and complete preliminary draft General Plan/LCP amendments. The preliminary draft General Plan/LCP amendments will be reviewed with the City Council in a workshop open to the public prior to a formal public hearing.

Products:

- One screencheck draft General Plan/LCP amendments document, digital
- One preliminary draft General Plan/LCP amendments document, digital

Subtask 2.3 – Public Review General Plan/LCP Amendments Incorporating City Input

Based on input received from the public and the City Council on the preliminary draft General Plan/LCP amendments, we will revise the preliminary draft to incorporate revisions and prepare public review draft General Plan/LCP amendments for review by the City Council in public hearings.

Products:

- One public review draft General Plan/LCP amendments document, digital

Subtask 2.4 – Final General Plan/LCP Amendments

We will prepare final versions of the General Plan/LCP amendments that incorporate any final changes directed by the City Council during public hearings. Following completion of the General Plan/LCP

amendments, we will provide City staff with a final digital version of the final General Plan/LCP amendments.

Products:

- One final General Plan/LCP amendments document, digital

3. COUNCIL WORKSHOP ON ZONING AND GENERAL PLAN/LOCAL COASTAL PLAN AMENDMENTS

Task 1. Council Workshop

Subtask 1.1 – Prepare for Council Workshop on Zoning and General Plan/Local Coastal Plan Amendments

In consultation with City staff, AECOM will prepare a PowerPoint presentation on the final draft zoning ordinance amendments and General Plan/LCP amendments.

Products:

- One PowerPoint presentation, digital

Subtask 1.2 – Attend Council Workshop

The public participation director and project manager will attend the Council Workshop and present or support a presentation to the City Council on the final draft zoning ordinance and General Plan/LCP amendments.

4. CALIFORNIA COASTAL COMMISSION MEETINGS AND SUPPORT

Task 1. Coastal Commission Meetings and Support

Subtask 1.1 – Prepare for and attend meeting with Coastal Commission staff

In consultation with City staff, one member of AECOM will prepare for and attend a meeting with Coastal Commission staff to discuss issues and comments on the GP/LCP amendments and the EIR. It is anticipated that this meeting would occur before the GP/LCP and the EIR are released before public review.

Subtask 1.2 – Provide support for Coastal Commission Comments

Members of AECOM will work with City staff and Coastal Commission staff to provide responses to comments and issues on the GP/LCP amendments and the EIR. If the volume or complexity of the comments requires additional effort beyond the hours allocated in the attached fee proposal, an adjustment to the work plan and budget would be needed.

Subtask 1.2 – Prepare for and attend Coastal Commission Hearing on GP/LCP Amendments

In consultation with City staff, one member of AECOM will prepare for and attend a formal hearing with the Coastal Commission on the GP/LCP amendments and the EIR.

5. ENVIRONMENTAL IMPACT REPORT (EIR)

Task 1. Project Management

Subtask 1.1 – Ongoing Project Management and Staff Meetings

Throughout the work program, we will communicate on a regular basis with City staff to coordinate work tasks. To make the most efficient use of time for the program, we will meet with staff by phone, with sit-down meetings reserved for kick-off and review of City comments on draft work products, if necessary. The project manager will attend these meetings, along with supporting staff, as needed. Progress reporting and invoicing will be done on a monthly basis.

It is assumed that two members of AECOM will attend up to two meetings with City staff regarding the EIR task.

Task 2. Project Initiation, Initial Study, and Notice of Preparation

Subtask 2.1 – Collect Existing Documents, Plans, and Studies
We will collect and review all existing documents, plans, and studies pertinent to conducting an analysis of the environmental impacts that could result from the updated zoning ordinance and General Plan/LCP amendments.

Subtask 2.2 – Prepare Project Description

We will prepare a draft Project Description for use in the EIR. A pared down version of the Project Description will be included in the Notice of Preparation (NOP). The draft Project Description will be sent to City staff for review and comment. AECOM will then prepare a revised draft Project Description.

Products:

- One draft Project Description, digital
- One revised final Project Description, digital

Subtask 2.3 – Prepare Initial Study and Notice of Preparation

We will prepare one draft and one final initial study and NOP for submittal to the State Clearinghouse. The NOP will identify the potential environmental effects that could result from the implementation of the updated zoning ordinance and General Plan/LCP amendments. Based on our knowledge of the City, it is expected that Agricultural Resources, Biological Resources, and Mineral Resources will require minimal discussion in the EIR. We assume that the City will distribute the NOP to Trustee, Responsible agencies, and others identified by City staff. We assume that the City will also publish the NOP in a local newspaper.

Products:

- One draft Initial Study and NOP, digital
- One final Initial Study and NOP, digital

Subtask 2.4 – Scoping Meeting

We will facilitate a scoping meeting prior to work on the Draft EIR. The scoping meeting will be conducted as a public meeting to which interested agencies, stakeholder organizations, and the general public will be invited. We will summarize public comments received at the scoping meeting in a file memorandum for record. We will assist City staff in preparing and presenting technical information about environmental issues and the environmental review process. It is assumed that the City will secure the location for the scoping meeting. It is also assumed that one member of AECOM will attend the scoping meeting and conduct necessary noticing and publicity.

Products:

- One PowerPoint presentation, digital

Task 3. Administrative Draft EIR

Subtask 3.1 – Prepare Administrative Draft EIR

We will prepare a program EIR as described in Section 15168 of the CEQA Guidelines. The program EIR approach will facilitate streamlined environmental review of future projects within the scope of the zoning ordinance and General Plan/LCP amendment areas. A program EIR will consider the broader, cumulative impacts of the project and will also allow the City to consider programwide mitigation measures. Subsequent projects proposed within the project area would be reviewed in light of the program EIR to determine whether a subsequent project's effects are beyond those analyzed in the EIR.

The EIR will encompass the project area, which consists of the scope of the zoning ordinance and General Plan/LCP amendment area. The EIR will include analysis of all zoning ordinance and General Plan/LCP amendments currently under revision. The EIR will allow decision-makers to consider impacts, policy alternatives, controversial issues, mitigation measures, regional influences, cumulative impacts, and other factors that apply to the project. The CEQA document will be comprehensive and address all the environmental issues with a potential to result in significant environmental impacts. The text of the EIR will be supplemented with graphics and summary tables, as appropriate, to present information in a concise and easily understood format.

An Administrative Draft EIR will be prepared, which evaluates the potentially significant impacts that would result from implementation of the project. The EIR will contain all of the information and topics outlined in Sections 15120 through 15132 of the CEQA Guidelines – Contents of an EIR.

Setting, Impacts and Mitigation Measures. The EIR sections will focus appropriately on identifying impacts that would result from implementation of the project. The impact sections will include the existing setting, regulatory setting, thresholds of significance, the level of impact, mitigation measures to reduce the impact to a less than significant level, and residual impacts, including any unavoidable

significant impacts. The CEQA Appendix G Environmental Checklist provides a likely list of issues that will be addressed in the EIR.

A comprehensive EIR addressing all topic areas specified within CEQA is proposed. For certain sections of the EIR, our scope of work and budget include the analysis assumptions listed below.

Aesthetics. We will describe existing conditions within the project area. This will include a listing and map (if available from existing information) of view corridors, scenic vistas, and existing visual resources within the project area. The regulatory framework will describe existing regulations and standards for height, lighting, and visual character. We will analyze visual changes that could occur as a result of the land use changes in the project. Mitigation measures will be developed in coordination with City staff as appropriate.

Air Quality. The project area is located in San Diego County and is under the jurisdiction of the San Diego Air Pollution Control District (SDAPCD). The San Diego Air Basin, which includes Imperial Beach, is a federal nonattainment area for ozone (O_3), and falls under a federal "maintenance plan" for carbon monoxide (CO). Regional and local air quality conditions in the vicinity of the City will be described (e.g., ambient monitoring data, attainment designations, and source types). Natural factors (e.g., meteorology, climate, and topography) in the City that affect the transport and dilution of pollutants will also be discussed. However, field monitoring of meteorology and pollutant emissions is not included in this scope. Applicable air quality regulatory framework, standards, plans, and significance thresholds will be discussed.

The air quality impact analysis will include a general discussion of short-term (i.e., construction-generated) air pollutant emissions. Short-term increases in criteria air pollutant and ozone precursor emissions (reactive organic gases [ROG] and oxides of nitrogen [NO_x] will be assessed for the project using the most current version of the Urban Emissions (URBEMIS) computer model, currently Version 9.2.4, and default parameters for composition of the construction equipment fleet. The modeling will take into account the type and size of the proposed land uses, project timeline, and other project-specific construction data and assumptions. Default settings of the URBEMIS model will be used for construction parameters that are not known at the time of the analysis.

The EIR will also analyze long-term (i.e., operational) regional criteria air pollutant and precursor emissions from area and mobile sources (e.g., vehicle trips, landscape maintenance equipment, retail deliveries) for the project. The URBEMIS model will be used to estimate area and mobile-source emissions based, in part, on trip generation data from the traffic analysis prepared for the plan. Stationary-source emissions will be qualitatively discussed.

It is assumed that a screening-level analysis will be sufficient to assess worst-case local mobile-source CO impacts, and CALINE4 modeling will not be necessary. Thus, CALINE4 modeling is not included in this scope and budget. The screening analysis will be based on peak hour traffic data from the traffic analysis. If the City determines that a CO "hot spot" analysis is necessary, AECOM has this capability and will submit a separate scope and budget to perform CALINE4 modeling.

Short- and long-term (i.e., from construction and operation, respectively) toxic air contaminant (TAC) emissions (e.g., diesel particulate matter from heavy-duty equipment, commercial truck delivery activity) will be qualitatively assessed (e.g., no dispersion modeling or health risk assessment [HRA] will

be performed) for the potential to result in the exposure of sensitive uses (e.g., residences, schools) to levels that exceed the recommended thresholds. We will also address the potential exposure of sensitive uses proposed as part of the plan to TACs from the existing sources (e.g., nearby highways/major roadways, and major permitted sources).

We will also qualitatively address the potential exposure of existing and proposed sensitive uses to proposed and existing odor sources, respectively. Increases in air pollutant and precursor emissions, and exposure to TACs and odors will be compared with applicable thresholds (e.g., SDAPCD-recommended, where available) for determination of significance. Mitigation measures, which clearly identify timing, responsibility, and performance standards, will be prepared for any significant impacts.

Climate Change. The EIR will contain a stand-alone Climate Change chapter. The chapter will discuss the existing climate conditions in the project area; greenhouse gas (GHG) emission sources in the project area; the current state of the science and foreseeable effects of climate change as they relate to the project area; and federal, state, and local regulatory framework applicable to GHG emissions, including Assembly Bill (AB) 32, Executive Order (EO) S-3-05, and Senate Bills (SBs) 97 and 375. Sources of information consulted would include, but not be limited to, the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) released February 27, 2007, the California Air Resources Board (ARB), California Department of Water Resources (DWR), the California Energy Commission (CEC), SDAPCD, and other state and local agencies.

GHG emissions contribute on a cumulative basis to global climate change impacts. GHG emissions attributable to the proposed project will be estimated for the following sources: construction, area sources, mobile sources, electricity consumption, and water consumption. This is consistent with the recommendation by the Governor's Office of Planning and Research (OPR) in its Technical Advisory: *CEQA and Climate Change*. Sources of information referenced and calculation methodologies that will be employed may include, but are not limited to, the California Climate Action Registry, the IPCC, and the ARB (e.g., EMFAC and OFFROAD 2007 emission factors as contained in URBEMIS 2007). We will evaluate the project's GHG emissions to determine significance of the project's impact on climate change. We will coordinate with the City to discuss approaches to defensible threshold development that incorporate the goals of legislation such as AB 32, EO S-3-05, and SB 97, OPR's Technical Advisory, and recommendations from OPR and the California Attorney General's Office. Due to the dynamic, fast-evolving regulatory environment on the subject of climate change, we will also employ the most recently adopted guidance, as appropriate, at the time the EIR is prepared.

The EIR analysis will evaluate whether the estimated GHG emissions generated by the project constitute a substantial contribution to the significant adverse cumulative impact of global climate change. We will qualitatively discuss any potential adverse impacts to the project from the effects of climate change. Mitigation measures, which clearly identify timing, responsibility, and performance standards, will be prepared for any adverse effects.

Historic and Cultural Resources. The Historic and Cultural Resources section of the EIR will provide an overview of prehistoric, ethnographic, and historic-era developments in Imperial Beach including the key historical and cultural factors that have shaped the project area. In addition, we will undertake a records search to identify additional documented cultural resources known to exist within the project area. Resources may include archaeological and built environment resources. It is expected that the records search will include, but not necessarily be restricted to, an examination of the following archival sources: California Inventory of Historic Resources, National Register of Historic Places, California

Register of Historical Resources, California Historical Landmarks, California Points of Historical Interest, and Historic General Land Office maps and other historic maps. Our work scope and budget include the direct cost of the records search.

We will contact the Native American Heritage Commission (NAHC) in Sacramento to request a review of the Sacred Lands File to determine if there are areas of concern to Native American individuals or organizations within the project area. This contact is separate from the SB 18 consultation required for project efforts and is intended to solicit general knowledge regarding potentially sensitive sites and incorporate Native American concerns regarding the project into the study. Government Code Section 65352.3 (adopted pursuant to the requirements of SB 18) requires local governments to contact, refer plans to, and consult with tribal organizations on a government-to-government basis prior to making a decision to adopt or amend a general or specific plan or designate areas as open space. The purpose of SB 18 is to obtain Native American tribal input early in the planning process to avoid, or mitigate the effects to, cultural places in local government jurisdiction. The tribal organizations offered the opportunity to consult have traditional lands in a local government's jurisdiction, and are identified, upon request, by the NAHC. Although SB 18 consultation must be conducted by the City, we can facilitate the process as requested. Our work scope assumes that City staff will conduct the consultation process with AECOM as a technical advisor.

We will prepare a Historic and Cultural Resources section of the EIR that will include the results of the archival research, the records search, and the interested parties' consultation. We anticipate that existing archives will provide sufficient information to establish the cultural setting of the project area and provide for a detailed analysis of cultural resources locations within the project area. The impact analysis will focus on changes primarily in land use that would have the potential to affect cultural resources. Mitigation measures will be developed as necessary to reduce or avoid impacts.

Geology and Soils. Existing geologic conditions and hazards in the project area will be documented based on background studies from recent EIRs, the existing General Plan, and other public data sources. The geology and soils analysis will describe each geologic condition and hazard, and how it may potentially impact buildout within the project area.

Hazards and Hazardous Materials. We will review current federal, state, and county regulatory agency lists indicating known hazardous material related instances within the planning area and vicinity. We will also use background studies from recent EIRs, the existing General Plan, and other public data sources. The hazards analysis will describe known hazardous waste sites and potential generators of hazardous materials. This scope of work does not include a City-wide survey report. The hazards analysis in the EIR will describe known hazardous waste sites and potential generators of hazardous materials, and how it may potentially impact buildout within the project area.

Hydrology/Water Quality. We will describe existing drainage and water quality conditions of the project area based on existing information and studies. The setting will be based on existing information to the extent possible, including floodplain data, resource agency reports, and other readily available information. It is assumed that the City will provide the results of any relevant hydrologic and water quality research that has been conducted within the project area. We will prepare a hydrology and water quality impact assessment that focuses on four main water resource topics. These general impact mechanisms are considered to be the most important for the project in terms of water quality impacts:

- short-term temporary construction-related effects on hydrology and water quality;

- permanent changes to storm water drainage and/or flooding;
- project-related impacts to groundwater quantity and quality; and
- cumulative on-site and off-site hydrology and water quality impacts.

Water quality effects associated with construction and long-term urban development will be evaluated. The effect of impervious surfaces from the proposed project on groundwater recharge will be addressed. To comply with the requirements of CEQA, the potential effects of the proposed project on flooding will be evaluated. Applicable federal, state, and local regulations for storm water drainage, grading and erosion control, flooding, and other water quality and hydrological protection procedures will be described and, where necessary, additional feasible mitigation measures will be.

The impact analysis of hydrologic and water quality resource topics will generally be qualitative based on existing information; quantitative information and analyses will be provided where information is available. For the purpose of technical analyses to be conducted and completion of this scope of work, we will not conduct hydrologic or water quality field data collection.

Land Use. The EIR section will include an overview of historical land use trends in the project area, distribution of existing land uses, consistency analysis between existing General Plan designations and zoning districts, applicable Specific Plans, and Redevelopment Project Area plans. Focus will be placed on those areas of that project that have undergone land use transitions since preparation of the current Land Use Element. We will analyze land use changes that would occur from the project. Potential conflicts between existing and proposed uses will also be identified.

Noise. We will document existing conditions and relevant background information, including noise fundamentals; descriptors; and applicable federal, state, and local regulations in the Environmental and Regulatory Settings of the EIR. A description of the existing ambient noise environment will be based on existing documentation, reconnaissance-level data (up to 15 short-term [i.e., 15-minute] and six long-term [i.e., 24-hour] noise measurements at various locations on and in the vicinity of the project area), and through the application of accepted noise prediction methodologies. We will provide a map of noise measurement locations in the Environmental Setting. The Environmental and Regulatory Settings in the EIR will contain the same information that would normally be contained in a Technical Background Report and will serve as a functioning Noise Technical Background Report for the project. A separate Noise Technical Background Report can be prepared, at an additional cost.

To assess potential short-term (i.e., construction) noise impacts, sensitive receptors and their relative exposure (considering topographic barriers and distance) will be identified. Noise levels of specific construction equipment will be determined and resultant noise levels at those receptors (at given distances from the source) will be calculated. Predicted noise levels will be compared with applicable state and local standards. The analysis will consider sensitive receptors adjacent to the site and along any facility extension right-of-ways, such as water, storm drainage, or sewer line extensions.

An AECOM noise analyst will evaluate transportation-related noise impacts through the application of traffic noise prediction methodologies and models recommended by the Federal Highway Administration-recommended (FHWA). Traffic noise modeling will be based on average daily traffic volumes obtained from the transportation analysis to be prepared for the EIR. We will determine if modeled increases to roadway noise levels would adversely affect nearby existing or proposed noise-sensitive land uses, specifically those close in proximity to major roadways.

The compatibility of the proposed sensitive land use in terms of both exterior and interior noise levels with the existing and future predicted noise will also be addressed in the EIR.

The analysis will include an assessment of potential stationary source noise impacts. We will identify major stationary sources of noise (e.g., light industrial, mechanical) that currently exist in the project area through site reconnaissance level data, aerial photographs, discussions with City staff, and existing documentation. We will determine which facilities require noise measurements to quantify background noise levels associated with their operations. We will discuss the types of noise sources and levels associated with such uses (e.g., schools, pump stations, and industrial/commercial facilities).

The significance of short-term and long-term noise impacts will be evaluated based on comparisons with applicable criteria from state and local regulatory agencies. Mitigation measures along with their relative effectiveness will be provided for significant and potentially significant noise impacts. Effects of noise mitigation measures on other environmental resource areas will be considered when determining if mitigation is feasible (e.g., sound walls would not be considered feasible mitigation where connectivity within the community would be compromised).

In addition to noise, vibration issues applicable to the project would be assessed. Vibration impacts with implementation of the project will be based on standard construction equipment vibration levels, the Federal Transit Authority vibration impact guidance, and proximity of vibration-sensitive structures. Vibration impacts from the operation of proposed industrial uses will be based on similar industrial activities.

Population and Housing. This section of the EIR will describe the existing housing and population conditions in the project area based on City projections, in addition to discussing available regional and census data. This section will describe population trends that have occurred since the existing General Plan was adopted. We will analyze the housing and population opportunities created by the project and compare them to local and regional projections. This section will also analyze the project's potential to displace substantial numbers of housing units or people.

Public Services and Utilities. We will provide the following analyses for the Public Services and Utilities section of the EIR:

> **Water, Wastewater, and Storm Drainage.** Based on existing data and master plans from service providers, we will describe current water, wastewater, and storm drainage systems, including any recent systems modeling studies, reports that describe existing water demand, dry and wet weather wastewater flows, and hydrological conditions affecting storm drainage. Existing system deficiencies will also be summarized from these studies and reports.
>
> **Other Public Facilities and Services.** We will describe other public services provided within the project area (fire protection, police protection, solid waste, and schools), including service standards that are established by the agencies providing those services. We will describe, in general terms, operational characteristics, current facilities, administration, planned improvements or reorganization, and other elements of service provision important to the project. We will rely on existing plans and studies and consult with City and County service agencies, as needed, to document other services and facilities.

Recreation. We will describe and map the existing parks and recreation resources available within the project area. We will provide an assessment of the existing parks per 1,000 persons ratio and compare this to established local, state, and national standards, if desired by the City. This section will rely extensively on information available from the existing General Plan and recent EIRs.

We will compare existing demand at baseline to proposed demand under buildout of the project. We will use the level of service standards identified in the General Plan, if available, to assess impacts of buildout conditions. Mitigation measures will be developed as appropriate.

Traffic/Circulation. Under a separate contract, KOA was selected to provide the traffic impact analysis i support of the EIR. We will work with KOA and the City to develop any alternatives that must be analyzed qualitatively and incorporated into the traffic impact analysis report. We will also review the report to make sure it is adequate for CEQA and provide any recommendations on revisions that are necessary for this purpose. Using the final traffic impact analysis report, we will prepare the traffic section of the EIR. This will include a description of the existing traffic and circulation setting, including public transit and pedestrian facilities, regulatory setting, and impacts of implementing the project on the local circulation system. Mitigation measures will be incorporated as necessary to reduce impacts to a less than significant level, where feasible.

Alternatives. An EIR must consider a reasonable range of potentially feasible alternatives (including the "No Project" Alternative) that will foster informed decision-making and public participation. The alternatives considered in the EIR should be able to attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects that would result from implementation of the project. As noted in CEQA Guidelines Section 15126.6(e)(3), when the project is the revision of an existing land use or regulatory plan, such as a zoning ordinance, the "No Project" Alternative will be the continuation of the existing zoning ordinance and General Plan provisions into the future. Thus, the projected impacts of the proposed project or alternative projects would be compared to the impacts that would occur under the existing zoning ordinance and General Plan. In addition, we will compare the impacts of the proposed project with two other alternatives that are developed by City staff and AECOM.

Cumulative and Growth Inducing Impacts. An EIR must also discuss cumulative impacts of a project pursuant to CEQA Guidelines Section 15130 and Growth Inducing Impacts pursuant to Section 15126.2(d). Cumulative and Growth Inducing Impacts will be included as distinct sections of the EIR. The EIR will discuss ways in which the project could indirectly or directly foster economic or population growth. This could include construction of additional housing or projects that would remove obstacles to population growth.

Other EIR Sections. AECOM will prepare all other sections required to assemble a full and complete EIR. This task will include the table of contents, environmental setting, growth inducement, unavoidable significant effects, significant irreversible environmental changes, references, and individuals and agencies consulted. AECOM will pay specific attention to the required contents of an EIR as specified by the CEQA Guidelines to ensure that no element is overlooked.

Effects Found Not to Be Significant. It is anticipated that several environmental resource and issue areas will be identified as "Effects Not Found Significant" that do not require further analysis, minimizing the

complexity of the EIR. These sections include Biological Resources, Agricultural Resources, and Mineral Resources. Brief substantiation of these conclusions will be provided in the EIR.

Products:

- Administrative Draft EIR: five hard copies and one electronic copy in native file format and Adobe Acrobat PDF format.

Task 4. Public Review Draft EIR

Subtask 4.1 – Prepare Public Review Draft EIR

Following review of the Administrative Draft EIR by City staff and the submittal of a consolidated set of City comments to AECOM, we will revise the EIR as necessary. It is assumed that no new substantial technical issues will need to be assessed as a result of the Administrative Draft review. We will make final edits and provide a Public Review Draft EIR. Certain sections may be submitted to City staff for review, comment, and approval; however, it is assumed that a complete screencheck of the Public Review Draft EIR will not be provided to the City.

AECOM will produce the Public Review Draft EIR and transmit the requisite number of copies to the State Clearinghouse along with the Notice of Completion (NOC), In accordance with current State Clearinghouse Guidelines for electronic copies and hard copies only of the EIR Project Description. The complete hard copies will be delivered to the City. The City will distribute the EIR to other agencies and interested public. We assume that the City is responsible for newspaper publication associated with the Draft EIR.

Products:

- Public Review Draft EIR: five hard copies and electronic copies in native file format and Adobe Acrobat PDF format

Task 5. Final EIR

Subtask 5.1 – Responses to Comments and Administrative Draft Final EIR

At the conclusion of the 45-day public review period on the Public Review Draft EIR, we will prepare responses to all written comments on the Draft EIR. We will prepare an Administrative Draft of the Final EIR that will build on the Public Review Draft EIR with enumerated comment letters, draft responses to written comments, and any appropriate revisions to the text of the Draft EIR. The responses to comments section of the Administrative Draft of the Final EIR will reference the location in the text of the Draft EIR where any changes are made. We assume that a total of 130 person-hours of technical labor (not including word processing, graphics, or other support staff) will be adequate for responding to public comments on the Draft EIR, and that these responses will be based on clarification, elaboration, or explanation of the conclusions in the Draft EIR. We assume that no new issues or alternatives will be raised in the comments. This estimate is based on our experience in the time required to respond to written comments for programmatic EIRs of similar complexity. If the volume or complexity of the comments requires additional effort, an adjustment to the work plan and budget would be needed. Because we cannot predict in advance the number of comments, or the time required to respond to

comments, we will advise the City if additional funding will be needed to complete the responses to comments and any other revisions to the Final EIR resulting from those responses.

Products:

- Administrative Draft of the Final EIR, electronic copy

Subtask 5.2 – Complete and Distribute Final EIR

Following review by City staff of the administrative Draft of the Final EIR, we will incorporate any revisions and prepare and print the Final EIR. We do not anticipate any new substantive comments from the City during the final review.

Products:

- Final EIR: five hard copies and electronic copies in native file format and Adobe Acrobat PDF format

Subtask 5.3 – Mitigation Monitoring and Reporting Program

We will prepare a Mitigation Monitoring and Reporting Program (MMRP) based on the mitigation measures contained in the Final EIR. The MMRP will include a table detailing all proposed mitigation measures, party(ies) responsible for implementation, party(ies) responsible for monitoring, time frames for implementation, and a section for confirmation of implementation. The format of the MMRP will be confirmed and agreed upon with the City prior to submittal of the MMRP.

Products:

- One MMRP, digital

Subtask 5.4 – Findings of Fact/Statement of Overriding Considerations

Pursuant to CEQA requirements, we will prepare administrative draft and final versions of Findings of Fact and a Statement of Overriding Considerations to accompany the Final EIR. A Statement of Overriding Considerations will be required if there are any significant impacts that are not avoided or substantially lessened and if the City determines that there are specific economic, social, or other considerations that override any unmitigated environmental effects. These documents will be made available prior to City Council hearings on the EIR.

Products:

- One Administrative draft and final version of Findings of Fact and a Statement of Overriding Considerations, digital

Subtask 5.5 – Attend Adoption Hearings/Notice of Determination

Key members of the EIR team will be available to attend one City Council hearing to present the EIR and to respond to public and Council comments and questions. The work scope assumes that one AECOM staff member and one representative from KOA will be present at these public hearings. We will prepare a PowerPoint presentation for the public hearings. We will prepare the Notice of Determination (NOD)

for signature by the City upon certification of the EIR. It is assumed that the City will file the NOD with the County Clerk and the State Clearinghouse.

Products:

- PowerPoint presentation for certification hearings
- Notice of Determination

AECOM FEE ESTIMATE

PROJECT TITLE: CITY OF IMPERIAL BEACH COMMERCIAL ZONING REVIEW, GENERAL PLAN/LCP AMENDMENTS, COUNCIL WORKSHOP, COMMISSION MEETINGS/SUPPORT, AND EIR

DATE: November 23, 2010

	AECOM	
TASKS	Staff Total Hours	Total Dollars
ZONING AMENDMENTS		
Task 1: Project Management		
1.1. Ongoing Project Management and Staff Meetings	18	$2,512
Total, Task 1	16	$2,512
Task 2: Zoning Ordinance		
2.2 Evaluate Existing Zoning Ordinance, Revise Consistency Analysis	30	$3,283
2.3 Prepare Screencheck and Preliminary Draft Zoning Ordinance Amendments	138	$13,814
2.4 Zoning Map	64	$8,285
2.5 Public Review Draft Ordinance and Map Incorporating City Input	100	$10,159
2.6 Final Zoning Ordinance and Map	66	$7,170
Total, Task 2	398	$40,711
TOTAL LABOR HOURS	414	
TOTAL LABOR COST		$43,223
GP/LCP AMENDMENTS		
Task 1: Project Management		
1.1. Ongoing Project Management and Staff Meetings	8	$1,256
Total, Task 1	8	$1,256
Task 2: General Plan Amendments		
2.2 Evaluate Existing General Plan, Revise Consistency Analysis	16	$2,198
2.3 Prepare Screencheck and Preliminary Draft General Plan Amendments	50	$5,577
2.5 Public Review Draft General Plan Amendments Incorporating City Input	42	$4,809
2.6 Final General Plan Amendments	30	$3,292
Total, Task 2	138	$15,877
TOTAL LABOR HOURS	146	
TOTAL LABOR COST		$17,133
COUNCIL WORKSHOP ON ZONING AND GENERAL PLAN AMENDMENTS		
Task 1: Council Workshop		
1.1 Prepare for Council Workshop on Zoning and General Plan Amendments	28	$3,130
1.2 Attend Council Workshop	8	$1,171
Total, Task 1	36	$4,301
TOTAL LABOR HOURS	36	
TOTAL LABOR COST		$4,301
LOCAL COASTAL COMMISSION MEETINGS AND SUPPORT		
Task 1: Coastal Commission Meetings/Support		
1.1 Prepare for and attend Coastal Commission Meeting	16	$2,101
1.2 Provide support for Coastal Commission Comments	32	$3,791
1.3 Prepare for and attend Coastal Commission Hearing on GP/LCP Amendments	30	$3,579
Total, Task 1	78	$9,471
TOTAL LABOR HOURS	78	
TOTAL LABOR COST		$9,471
ZONING, GP/LCP AMENDMENTS, COUNCIL MEETING, COMMISSION MEETINGS SUBTOTAL		$74,128
EIR		
Task 1: Project Management		
1.1. Ongoing Project Management and Staff Meetings	52	$8,846
Total, Task 1	52	$8,846
Task 2. Project Initiation, Initial Study, Notice of Preparation		
2.1 Collect Existing Documents, Plans and Studies	10	$1,005
2.2 Prepare Project Description	72	$7,130
2.3 Prepare Initial Study and Notice of Preparation	92	$9,107
2.4 Scoping Meeting	22	$2,466
Total, Task 2	196	$19,708
Task 3: Administrative Draft EIR		
3.1 Prepare Administrative Draft EIR	586	$62,646
Total, Task 3	586	$62,646
Task 4: Public Review Draft EIR		
4.1 Prepare Public Review Draft EIR	254	$27,661
Total, Task 4	254	$27,661
Task 5: Final EIR		
5.1 Responses to Comments and Administrative Draft Final EIR	170	$18,952
5.2 Complete and Distribute Final EIR	42	$4,661
5.3 Mitigation Monitoring and Reporting Program	22	$2,515
5.4 Findings of Fact/Statement of Overriding Considerations	34	$3,770
5.5 Attend Adoption Hearings/Notice of Determination	14	$1,813
Total, Task 5	282	$31,911
TOTAL LABOR HOURS	1,370	
TOTAL LABOR COST		$150,772
TRAFFIC CONSULTANT		$41,000
TOTAL EIR COST		$191,772
DIRECT COSTS		
1. Printing and Reproduction		$6,000
2. Travel (Mileage/parking)		$2,000
3. Record Search		$850
TOTAL DIRECT COSTS		$8,850
TOTAL ESTIMATED FEES FOR ZONING ORDINANCE, GP/LCP AMENDMENTS, COUNCIL WORKSHOP, COMMISSION SUPPORT, AND EIR		$274,750

Attachment 2

RESOLUTION NO. R-10-238

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH AECOM FOR PLANNING AND ENVIRONMENTAL PLANNING CONSULTANT SERVICES TO PREPARE AND PROCESS THE ZONING AND GENERAL PLAN AMENDMENTS AND THE ASSOCIATED ENVIRONMENTAL IMPACT REPORT TO ADOPT THE COMMERCIAL ZONING REVIEW RECOMMENDATIONS

WHEREAS, the Redevelopment Agency of the City of Imperial Beach is authorized to fund redevelopment activities to further redevelopment, as defined in Health and Safety Code sections 33020 and 33021, that primarily benefits of the project area; and

WHEREAS, the Redevelopment Agency and City of Imperial Beach (the "AGENCY/CITY") desired to conduct a Review of the City's Commercial Zoning and Development Regulations to maximize commercial/retail development opportunities within the City and to provide for better design and functionality of mixed use and commercial/retail development projects; and

WHEREAS, on January 17, 2007, by Resolution No. R-07-115 the AGENCY/CITY authorized the Executive Director/City Manager to enter into a contract for consultant services with EDAW Inc., now known as AECOM, (the "CONSULTANT") to provide professional services for this effort; and

WHEREAS, on October 20, 2010, the AGENCY/CITY supported the proposed recommendations of the Commercial Zoning Review and directed staff to negotiate a contract with AECOM to prepare and process the necessary Zoning and General Plan Amendments and the associated Environmental Impact Report; and

WHEREAS, AECOM is uniquely qualified to provide the requested services and has submitted a Scope of Work and Fee Proposal to carry out the required professional services; and

WHEREAS, CITY/AGENCY staff find the Scope of Work and Fee Proposal to be acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Redevelopment Agency of the City of Imperial Beach hereby states:

1. The above-listed recitals are true and correct.
2. That the Agency authorizes the Executive Director to execute a professional services agreement with AECOM for planning environmental planning services in a total amount not to exceed $274,750.
3. That the Agency authorizes the expenditure of funds by the Agency with bond proceeds or other such appropriate Agency funds.

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 1st day of December 2010, by the following vote:

AYES:	BOARDMEMBERS:
NOES:	BOARDMEMBERS:
ABSENT:	BOARDMEMBERS:
DISQUALIFIED:	BOARDMEMBERS:

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, CMC
SECRETARY