A G E N D A

IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY

FEBRUARY 20, 2008

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

CLOSED SESSION MEETING – 5:30 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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: City Attorney

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 ANNOUNCEMENTS/REIMBURSEMENTS/REPORTS

COMMUNICATIONS FROM CITY STAFF

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

PRESENTATIONS (1.1 - 1.2)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)
City Manager's Recommendation: Present the Recycle All-Star Award Certificate, $100.00 check and used oil-recycling premiums to Kirk Jones.

1.2* TIJUANA ESTUARY FATE AND TRANSPORT STUDY PRESENTATION BY CLAY PHILLIPS, SUPERINTENDENT FOR CALIFORNIA STATE PARKS AND MANAGER OF THE TIJUANA RIVER NATIONAL ESTUARINE RESEARCH RESERVE. (0150-40)

* No Staff Report.

CONSENT CALENDAR (2.1 - 2.8) - *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 Meetings of January 9, January 16, and February 6, 2008 and the Regular Workshop Meeting of January 29, 2008.

2.2 ADMINISTRATIVE COASTAL PERMIT (ACP 060474) AND FINAL MAP (TM 060475) FOR A THIRTY-SIX (36) UNIT CONDOMINIUM CONVERSION LOCATED AT 740-798 FLORIDA STREET AND 1100-1114 DONAX AVENUE IN THE R-1500/MU-1 (HIGH DENSITY RESIDENTIAL WITH A MIXED-USE OVERLAY) ZONE. (0600-20)
City Manager's Recommendation: Approve Final Map for recordation along with the recordation of any required documents as security for the required improvements.

2.3 RESOLUTION NO. 2008-6579 – AUTHORIZING THE MAYOR ON BEHALF OF THE CITY TO ENTER INTO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND CITY OF IMPERIAL BEACH FOR A COMMUNITY DEVELOPMENT PROGRAM AND SIGN OTHER ANCILLARY DOCUMENTS NECESSARY TO IMPLEMENT THE AGREEMENT. (0650-33)
City Manager's Recommendation: Adopt resolution.

2.4 RESOLUTION NO. R-08-140 – APPROVING A REQUEST FROM IMPERIAL BEACH PROFESSIONAL BUILDING FOR FAÇADE IMPROVEMENT PROGRAM MATCHING FUNDS AT 1340 IMPERIAL BEACH BOULEVARD. (0640-20)
City Manager's Recommendation: Adopt resolution.

2.5 RESOLUTION NO. 2008-6581 – UPGRADE TO MICROSOFT OFFICE 2007 AND REPLACE TEN COMPUTERS. (1110-40)
City Manager's Recommendation: Adopt resolution.

2.6 RESOLUTION NO. 2008-6582 – PURCHASE OF THE CISCO SWITCHES HARDWARE FROM AT&T. (1110-30)
City Manager's Recommendation: Adopt resolution.

2.7 RESOLUTION NO. 2008-6584 – AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2007-2008 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT, ALSO KNOWN AS THE COPS GRANT. (0390-86)
City Manager's Recommendation: Adopt resolution.

2.8 RESOLUTION NO. 2008-6586 – RATIFYING AN AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT FOR THE 2007 ANNUAL CONCERT EVENT. (1040-10)
City Manager's Recommendation: Adopt resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2008-1065 TO AMEND THE PROVISIONS OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE, ADDING SECTION 10.36.085 TO CHAPTER 10.36 TO THE IMPERIAL BEACH MUNICIPAL CODE, RELATED TO PARKING, STANDING, AND STOPPING VIOLATIONS OF THE MUNICIPAL CODE. (0920-95)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2008-1065;
3. City Clerk reads title of Ordinance No. 2008-1065 - adding section 10.36.085 to Chapter 10.36 of the Imperial Beach Municipal Code relating to parking, standing, and stopping violations of the municipal code; and
4. Motion to dispense first reading of Ordinance No. 2008-1065 and set the matter for adoption at the next regularly scheduled City Council meeting, and authorize the publication in a newspaper of general circulation.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 2008-1062, AMENDMENT TO CHAPTER 8.30 OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROL; ORDINANCE NO. 2008-1063, AMENDMENT TO CHAPTER 8.32, PERTAINING TO THE STANDARD URBAN STORMWATER MITIGATION PLAN; AND ORDINANCE NO. 2008-1064, AMENDMENT TO CHAPTER 15.54, PERTAINING TO GRADING PERMITS AND PLANS. (0770-75)

City Manager's Recommendation: Receive report; and

Ordinance No. 2008-1062:

1. The Mayor call for the reading of Ordinance No. 2008-1062;
2. The City Clerk reads title of Ordinance No. 2007-1062 – an Ordinance amending Chapter 8.30 of the City of Imperial Beach Municipal Code: "Urban Runoff Management and Discharge Control"; and
3. Motion to dispense second reading and adopt Ordinance No. 2008-1062 by title only.

Ordinance No. 2008-1063:

1. The Mayor call for the reading of Ordinance No. 2008-1063;
2. The City Clerk reads title of Ordinance No. 2008-1063 – an Ordinance amending Chapter 8.32 of the Imperial Beach Municipal Code: "Standard Urban Stormwater Mitigation Plan (SUSMP)"; and
3. Motion to dispense second reading and adopt Ordinance No. 2008-1063 by title only.

Ordinance No. 2008-1064:

1. The Mayor call for the reading of Ordinance No. 2008-1064;
2. The City Clerk reads title of Ordinance No. 2008-1064 – an Ordinance amending Chapter 15.54 of the Imperial Beach Municipal Code: "Grading Permits and Plans"; and
3. Motion to dispense second reading and adopt Ordinance No. 2008-1064 by title only.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1 - 6.2)

6.1 ROBERT MILLER: REGULAR COASTAL PERMIT (CP 060427) AND TENTATIVE MAP (TM 060428) FOR THE PROPOSED CONDOMINIUM CONVERSION OF THIRTY-SEVEN (37) UNITS LOCATED AT 1037 AND 1047 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 878. (0600-20)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive public testimony;
3. Close the public hearing; and
4. Adopt Resolution No. 2008-6577, approving a Regular Coastal Permit (ACP 060427) and Tentative Map (TM 060428), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

6.2 PROPOSED THIRD AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT. (0640-85)

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive public testimony; and
3. Continue the public hearing to March 5, 2008.

REPORTS (7.1 - 7.4)

7.1 RESOLUTION NO. 2008-6578 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – SOUTH SEACOAST DRIVE OVERLAY PROJECT (CIP# S08-101); RTIP – MINOR STREET IMPROVEMENTS FY 2007 AND FY 2008. (0720-25)

City Manager's Recommendation: Adopt resolution.

7.2 RESOLUTION NO. 2008-6580 – APPROVAL OF STATE PROPOSITION 1B, REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM (RTCIP) PROJECT PLAN. (0680-80)

City Manager's Recommendation:

1. Receive report;
2. Discuss the project description;
3. Modify or accept the project plan and direct staff to include the project (if or as modified) as an approved City of Imperial Beach Capital Improvement Program project and that it be included in the current "Amendments Approved February 6, 2008, Five-Year Capital Improvement Program Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009"; and
4. Adopt resolution.

7.3 REVIEW OF ENVIRONMENTAL IMPACT OF OPPORTUNISTIC BEACH FILL PROGRAM. (0120-90 & 0220-70)

City Manager's Recommendation: Provide direction on the following questions:

1. Does Council wish the City Attorney to continue his work to proscribe TAC's purview to questions referred to it by City Council or City Manager? (It is recommended that this work proceed.)
2. Does Council wish to ask TAC for its advice on the draft MND on the Opportunistic Beach Fill Program?

   It would take a special TAC meeting to get advice to Council for its March 5th meeting in order to submit comments by March 12th. Given the relatively small nature of the project and a draft Mitigated Negative Declaration, seeking TAC's advice may not be worth the effort.

(Continued on Next Page)

REPORTS (Continued)

7.4 RESOLUTION NOS. 2008-6585/R-08-141 – JOINT RESOLUTIONS OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA APPROVING A BUDGET AMENDMENT FOR COMPLETION OF FIRE STATION REMODEL AND PURCHASE OF FURNITURE AND OTHER ITEMS. (0910-40)

City Manager's Recommendation: Adopt resolutions.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

REPORTS OF MAYOR AND COUNCILMEMBERS

ADJOURNMENT

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

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

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

Copies of this notice were provided on February 14, 2008 to the City Council, San Diego Union-Tribune, I.B. Eagle & Times, and I.B. Sun.

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

I, Jacqueline M. Hald, City Clerk of the City of Imperial Beach, hereby certify that the Agenda for the Regular Meeting as called by the City Council, Redevelopment Agency, and Public Financing Authority of Imperial Beach was provided and posted on February 14, 2008. Said meeting to be held at 5:30 p.m., February 20, 2008, in the Council Chambers, 825 Imperial Beach Boulevard, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers on February 14, 2008 at 1:00 p.m.

_____
Jacqueline M. Hald, CMC
City Clerk

AGENDA ITEM NO. 1.1

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**FEBRUARY 20, 2008**
ORIGINATING DEPT.:	**PUBLIC WORKS** HAL
SUBJECT:	**RECYCLE ALL-STAR AWARD PRESENTATION**

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

DISCUSSION:
On January 10, 2008, City inspectors canvassed the 200 block of Elder Avenue in search of a Recycle All-Star. The following resident was selected as the Recycle All-Star for the month of January, 2008: Kirk Jones.

The above resident has been notified of his/her award by telephone and letter and invited to accept the Recycle All-Star award at the February 20, 2008 City Council meeting.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:
Not a project as defined by CEQA.

FISCAL ANALYSIS:
None

DEPARTMENT RECOMMENDATION:
Mayor, in company with an EDCO representative, will present the Recycle All-Star award certificate, $100 check, and other premiums listed above to Kirk Jones.

CITY MANAGER'S RECOMMENDATION:
Approve Department recommendation.

Gary Brown

Gary Brown, City Manager

City of Imperial Beach

and

EDCO DISPOSAL CORPORATION

Wish to present to

Kirk Jones the month of January, 2008

RECYCLING ALL STAR AWARD

for your diligence, environmental concern,

and love of the earth,

The City of Imperial Beach EDCO Disposal Corporation

CITY OF IMPERIAL BEACH · MOST SOUTHWESTERLY CITY IN CONTINENTAL U.S. · IMPERIAL BEACH · CALIFORNIA · INCORPORATED JULY 18, 1956

WE THANK YOU!

RECYCLE, REDUCE, REUSE, AND CLOSE THE LOOP!

_____

Jim Janney, Mayor

Item No. 2.1

DRAFT

MINUTES

IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY

JANUARY 9, 2008

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

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

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:34 p.m.

ROLL CALL

Councilmembers present:	McLean, McCoy
Councilmembers absent:	Bragg
Mayor present:	Janney
Mayor Pro Tem present:	Winter
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

CLOSED SESSION

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(c)
Number of Potential Cases: 1

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	**COUNCILMEMBERS:**	**MCLEAN, MCCOY, WINTER, JANNEY**
NOES:	**COUNCILMEMBERS:**	**NONE**
ABSENT:	**COUNCILMEMBERS:**	**BRAGG**

MAYOR JANNEY adjourned the meeting to Closed Session at 6:35 p.m. and he reconvened the meeting to Open Session at 6:05 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session and had nothing to report.

REGULAR MEETING CALL TO ORDER BY MAYOR

MAYOR JANNEY called the Regular Meeting to order at 6:06 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	McLean, Bragg, McCoy
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Winter
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

COUNCILMEMBER MCLEAN reported attendance at the First Friday Breakfast at the San Diego County Country Club where John Ohanian, Chief Executive Officer of 211, was the speaker and provided City Council with information on the 211 Program; he reported that he and Mayor Janney attended the South County Economic Development Council meeting where Tim Kelly of the Imperial Valley Economic Develop Corp. gave a report on the valley's economic status; and he reported attendance at the Oath of Office Ceremony for Mike Bixler who was sworn in as Chair of the Port of San Diego.

COUNCILMEMBER BRAGG thanked Mayor Janney and the volunteers for installing the lighted trees at Pier Plaza and Triangle Park for the holiday season; she thanked Public Works Director Levien and the Public Works crews for their hard work during the recent storms; she attended the swearing-in ceremony of Chair Bixler, she reminded residents to register cell phones with Alert San Diego; and reminded everyone to register to vote before the deadline.

In accordance with AB 1234, MAYOR PRO TEM WINTER reported attendance at the League of California Cities Legislative Action Committee and Executive Committee lunch meeting on December 10; she reported that she was appointed to the League of California Cities Policy Committee for Housing Community and Economic Development.

MAYOR JANNEY congratulated Mike Bixler on his recent appointment to Chairman of the Port of San Diego; he reported that he was appointed to the League of California Cities Policy Committee for Tax and Revenue.

COMMUNICATIONS FROM CITY STAFF

None

PUBLIC COMMENT

ED KRAVITZ requested press credentials from City Manager Brown and video feed for the website "SaveIB.com"; he asked that the City and Eagle & Times adjust their schedules in order to publicize City Council meeting agendas in the newspaper prior to City Council meetings; and he expressed concern about approving the Warrant Register by Consent, a legal case in which he claimed a councilmember was defended by the City and who has received redevelopment loans (additional speaking time donated by Bob Rechs).

MICHEL DEDINA requested Council's support for a ban of the sale of miniature liquor bottles.

PRESENTATION/REPORT (1.1)

1.1 ROTATION OF MAYOR PRO TEM DUTIES. (0410-13)

MAYOR JANNEY thanked Mayor Pro Tem Winter for serving as Mayor Pro Tem for the past year and he expressed appreciation for her support.

MOTION BY WINTER, SECOND BY BRAGG, TO APPOINT COUNCILMEMBER PATRICIA MCCOY AS MAYOR PRO TEMPORE FOR A ONE-YEAR PERIOD PURSUANT TO ROTATIONAL REQUIREMENTS AND BE SEATED [THE ROTATION TAKE PLACE] AT THE FIRST COUNCIL MEETING IN JANUARY PURSUANT TO REQUIREMENTS AS STATED UNDER COUNCIL POLICY NO. 112. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY called a recess at 6:20 p.m. and called the meeting to order at 6:23 p.m. and announced all members were present.

CONSENT CALENDAR (2.1)

MOTION BY MCLEAN, SECOND BY BRAGG, TO ACCEPT CONSENT CALENDAR ITEM NO. 2.1. MOTION CARRIED UNANIMOUSLY.

2.1 ACCEPTING THE STATE CONTROLLER'S ANNUAL REPORT ON FINANCIAL TRANSACTIONS, HOUSING AND COMMUNITY DEVELOPMENT ANNUAL REPORT OF HOUSING ACTIVITY FOR THE YEAR ENDED JUNE 30, 2007, AND THE REDEVELOPMENT AGENCY FINANCIAL STATEMENTS AS OF JUNE 30, 2007. (0300-88 & 0310-30)
Accepted the State Controller's Redevelopment Agencies Financial Transactions Report and Housing and Community Development Annual Report of Housing Activity for the fiscal year ended June 30, 2007.

ITEMS PULLED FROM THE CONSENT CALENDAR

None.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6)

None.

REPORTS (7.1 - 7.4)

7.1 TIDELANDS ADVISORY COMMITTEE APPOINTMENTS. (0120-90)

MAYOR JANNEY recommended reappointment of committee members.

MOTION BY MCLEAN, SECOND BY MCCOY, TO REAPPOINT DEBRA CAREY, MICHEL DEDINA, RICHARD PILGRIM, RITA LANE, AND JEAN VILLARD TO THE TIDELANDS ADVISORY COMMITTEE IN ACCORDANCE WITH CHAPTER 2.18.010.C OF THE I.B.M.C. TERMS OF OFFICE SHALL TAKE PLACE IMMEDIATELY AND EXPIRE DECEMBER 31, 2009. MOTION CARRIED UNANIMOUSLY.

7.2 PRESENTATION OF THE SAND COMPATIBILITY AND OPPORTUNISTIC USE PROGRAM ("SCOUP") AND MITIGATED NEGATIVE DECLARATION (MND). (0220-70)

COUNCILMEMBER WINTER announced she had a potential conflict of interest on the item due to her employment and left Council Chambers at 6:25 p.m.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

SHELBY TUCKER gave a PowerPoint presentation, focusing on the background of the program.

CHRIS WEBB continued with the PowerPoint presentation, reviewed the specifics of the Imperial Beach program, including possible staging areas and placement sites; discussed the permitting process; and provided examples of other projects in Southern California.

Council discussion ensued regarding concern about endangered species such as snowy plover and least tern, a preference to have the sand transported by boat rather then by truck, the notification process; and the procedure for receiving/accepting sand.

COUNCILMEMBER WINTER returned to Council Chambers at 6:52 p.m.

7.3 GENERAL PLAN AND LOCAL COASTAL PLAN CONSISTENCY REQUIREMENT FOR PROPOSED THIRD AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT AND SETTING A JOINT PUBLIC HEARING. (0640-85)

CITY MANAGER BROWN introduced the item and announced a summary/outline was submitted as Last Minute Agenda Information.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item.

SUSAN COLA, of Kane, Ballmer & Berkman, clarified that there are no new uses from what was considered when the original project area was adopted; it is just a technical step for the Planning Commission to review the proposed amendment and then make its report and recommendation for the joint public hearing; she also noted that eminent domain is restricted to the original project area and could not be applied to properties where one lawfully resides.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-08-135 – A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, FORMALLY RECEIVING THE DRAFT REPORT TO COUNCIL AND THE PROPOSED THIRD AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT PERTAINING TO THE ORIGINAL PROJECT AREA; REFERRING THE PROPOSED AMENDMENT TO THE CITY COUNCIL, SITTING AS THE PLANNING COMMISSION, FOR REPORT AND RECOMMENDATION; ADOPTING THE DRAFT REPORT TO COUNCIL AND AUTHORIZING THE TRANSMITTAL OF THE PROPOSED THIRD AMENDMENT AND THE REPORT TO COUNCIL TO THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH FOR CONSIDERATION UPON THE RECOMMENDATION OF THE PLANNING COMMISSION; CONSENTING TO THE JOINT PUBLIC HEARING; AND AUTHORIZING AGENCY STAFF TO HOLD A COMMUNITY WORKSHOP ON PROPOSED AMENDMENT BEFORE THE JOINT PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

MOTION BY MCCOY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2008-6565 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, MAKING AND APPROVING ITS REPORT AND RECOMMENDATION AS TO THE CONFORMITY OF THE REDEVELOPMENT PLAN, AS AMENDED BY THE PROPOSED THIRD AMENDMENT THERETO, WITH THE IMPERIAL BEACH GENERAL PLAN AND LOCAL COASTAL PLAN. MOTION CARRIED UNANIMOUSLY.

MOTION BY MCLEAN, SECOND BY BRAGG TO ADOPT RESOLUTION NO. 2008-6566 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, RECEIVING THE DRAFT REPORT TO COUNCIL AND THE PROPOSED THIRD AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT PERTAINING TO THE ORIGINAL PROJECT AREA; AND CONSENTING TO THE JOINT PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

7.4 FIVE YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009; AND AMENDMENTS THERETO. (0330-35)

CITY MANAGER BROWN introduced the item and thanked Public Works Director Levien, Public Works staff and Finance Director McGrane for their efforts on the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item and noted the following project additions were not included in the staff report:

j. Palm Ave. street end plaza – $50,000 RDA tax increment non-housing.
k. Underground storm drain: Florence to Florida
l. Start assembling a projects list for another redevelopment bond

Council discussion ensued regarding potential cuts to the General Fund due to the State of California's fiscal emergency situation; staff to provide a fiscal analysis at the CIP Workshop.

MAYOR JANNEY recommended adoption of staff's recommendations and addition of the Veterans Park signs back on the list.

KEVIN HILL spoke in support of a crosswalk on Imperial Beach Blvd. connecting City Hall to Veterans Park.

RON MOODY expressed concern about one of the PowerPoint slides stating Skate Park vs. a soccer field.

MAYOR JANNEY clarified that it was not a competition between one versus the other.

FILEMÓN JARRA, tennis coach at Mar Vista High School, spoke in support of tennis courts; and proposed a partnership between the school district and City.

MAYOR JANNEY suggested that he and Councilmember McLean work with the school districts on bringing a tennis facility to the community.

MARY CRIST requested that the senior facilities be made available to seniors by keeping it open more hours per day.

COUNCILMEMBER MCLEAN recommended the addition of restrooms, showers, and a place to change on South Seacoast Drive to the unfunded list.

COUNCILMEMBER BRAGG recommended the following: update the General Plan; set aside funds to acquire property, especially along Palm Avenue; put more money in the façade improvement program; place permanent brackets for banners at Triangle Park; improve the fountain at Triangle Park; paint a checkerboard pattern on tabletops at Pier Plaza and Dunes Park, install drinking fountains at Reama Park and Teeple Park; rebuild the emblem sign on Palm Ave.; and form a historical society, using the existing facility for a museum.

COUNCILMEMBER WINTER was cautious about placing additional items on the unfunded list at this time given that the current list of unfunded projects is quite long; she is also concerned with the State's financial situation.

MAYOR PRO TEM MCCOY expressed concern about potential financial impacts by the State.

CITY MANAGER BROWN stated staff would proceed with the CIP as delineated in the staff report, there will be future discussions on the Skate Park and Eco-Bikeway; and suggestions from the public and Council will also be presented to Council either at a workshop or upcoming City Council meeting.

REPORTS OF MAYOR AND COUNCILMEMBERS

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:29 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk

Item No. 2.1

DRAFT

MINUTES

IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY

JANUARY 16, 2008

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

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

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:03 p.m.

ROLL CALL

Councilmembers present:	McLean, Bragg, Winter
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	McCoy
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

CLOSED SESSION

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS.
Pursuant to Government Code Section 54956.8:

Property: 741 Palm Ave., Imperial Beach, CA 91932, APN 626-250-04
Agency Negotiator: City Manager
Negotiating Parties: Sam & Sandra Dimenstein Trust
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 761-779 Palm Ave., Imperial Beach, CA 91932, APN 626-250-05
Agency Negotiator: City Manager
Negotiating Parties: Sam & Sandra Dimenstein Trust
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 743-849 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06
Agency Negotiator: City Manager
Negotiating Parties: Sam & Sandra Dimenstein Trust
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:04 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff and had nothing to report.

REGULAR MEETING CALL TO ORDER BY MAYOR

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m

ROLL CALL BY CITY CLERK

Councilmembers present:	McLean, Bragg, Winter
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	McCoy
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY recommended Item No. 7.3 be taken off the agenda and moved to a future meeting, and recommended Item No. 7.2 be taken after Item No. 7.6.

MOTION BY MCCOY, SECOND BY WINTER, TO TAKE ITEM NO. 7.3 – PROJECT OVERVIEW, BUDGET AMENDMENT AND PROFESSIONAL SERVICES AGREEMENT AMENDMENT FOR ECO-BIKEWAY AND PALM AVENUE TRAFFIC CALMING PROJECT (S05-104) WITH KOA CORPORATION OFF THE AGENDA TO BE BROUGHT BACK AT A FUTURE MEETING AND TO TAKE ITEM NO. 7.2 – RESOLUTION NO. 2008-6568 – APPROVING A REVISED AND RESTATED AGREEMENT FOR BASIC AND ADVANCED LIFE SUPPORT SERVICE WITH LAIDLAW MEDICAL TRANSPORTATION INC., DBA AMERICAN MEDICAL RESPONSE, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AFTER ITEM NO. 7.6. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

In accordance with AB 1234, COUNCILMEMBER WINTER announced that she attended the League of California Cities – San Diego County Division Luncheon Meeting.

COUCILMEMBER MCLEAN thanked staff for their efforts on the winter newsletter.

MAYOR PRO TEM MCCOY expressed concern and spoke on issues associated with global warming.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

MAXX STALHEIM, of Dogs At Play, gave a PowerPoint presentation; he spoke about potential off-leash areas for pets; a desire to create a public/private partnership, to build, maintain and monitor off-leash areas in the City; and raise money towards the cause (additional speaking time donated by ALEXANDRA COMPTON, MICHAEL DALLY, PATRICIA DEL VECCHIO, LAIRENZ DEMARA, JENNIFER DICE, KEVIN HILL, ANDREA MARTIN, SHARON NOBLE, DIANE RATIGAN, RUBY RONQUILLO, KELLY TRACY, NATHAN TROTTER, CATHY VEATCH, and SUSAN YAMAGATA).

STEVE FUTTERMAN continued with the PowerPoint presentation; spoke of the benefits of leash-free areas, he reviewed site recommendations, spoke about engaging discussions with the public and the City, and funding sources.

MR. STALHEIM announced that Dogs At Play will soon be incorporated as a 501(c)3; the organization is interested in monitoring leash-free areas, raising funds to maintain the areas, and providing ongoing educational opportunities for dog owners/guardians.

CITY MANAGER BROWN clarified that the Navy property, referred to in the PowerPoint presentation, was not donated to the City of Imperial Beach. The Navy is in fact working on a lease arrangement with the City.

MAYOR JANNEY asked the community to be respectful of the Navy property and noted that Capt. Gaiani and City Manager Brown are working together on a formal agreement.

RITA LANE expressed concern about the selection of the Caps Field/T-ball Field/Little League Field by Dogs At Play and opposed the fields being taken away from the kids; she also expressed concern about dogs near children playing; she was concerned about lack of clean-up by the dog owners.

ALAN WINKELMAN expressed concern about the business license renewal process (additional speaking time donated by JOHN PERNO).

MAYOR JANNEY referred the matter to staff.

PRESENTATION/REPORT (1.1 - 1.3)

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

MAYOR JANNEY, along with Ron Oliver of EDCO, presented the Recycle All-Star Award Certificate, $100.00 check and used oil-recycling premiums to Tupu Sagapolutele.

1.2 PRESENTATION OF PROCLAMATION TO SHERIFF'S DEPUTY DEL ROSARIO. (0410-30)

MAYOR JANNEY, along with PUBLIC SAFETY DIRECTOR SOTELO and SHERIFF'S CAPTAIN MILLER, presented a proclamation to Sheriff's Deputy Franco Del Rosario for several years of service in the Imperial Beach community.

1.3 PRESENTATION BY NAVY CAPTAIN ANTHONY GAIANI – FLIGHT PATTERN FROM REAM FIELD. (0620-80)

CITY MANAGER BROWN introduced the item.

CAPTAIN ANTHONY GAIANI gave a PowerPoint presentation on the flight patterns over the City of Imperial Beach.

CONSENT CALENDAR (2.1 - 2.4)

MOTION BY MCCOY, SECOND BY BRAGG, TO ACCEPT CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.
Approved the minutes of the Regular City Council Meetings of November 7 and December 5, 2007, and the Regular City Council Workshop of November 14, 2007.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)
Ratified the following registers: Accounts Payable Numbers 65380 through 65570 with the subtotal amount of $662,678.46; and Payroll Register Numbers 39114 through 39155 for the pay period ending 11/22/07, Payroll Register Numbers 39156 through 39202 for the pay period ending 12/06/07, and Payroll Register Numbers 39203 through 39242 for the pay period ending 12/20/07 with the subtotal amount of $439,243.02; for a total amount of $1,101,921.48.

2.3 LOCAL APPOINTMENTS LIST. (0460-45)
Ratified 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.

2.4 RESOLUTION NO. 2008-6569 RATIFYING THE 2008-2009 PORT OF SAN DIEGO FINANCIAL ASSISTANCE PROGRAM APPLICATION FOR FUNDING ASSISTANCE FOR 2008 CONCERT EVENT. (1040-10)
Adopted resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR

None.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1 - 6.2)

6.1 IB3D BY THE SEA: HARMON NELSON III (OWNER)/JANINE ROCELLE, WHITAKER INC. (APPLICANT/ARCHITECT); REGULAR COASTAL DEVELOPMENT PERMIT (CP 070034), DESIGN REVIEW CASE (DRC 070035), SITE PLAN REVIEW (SPR 070036), TENTATIVE PARCEL MAP (TPM 070089), AND VARIANCE (VAR 070037) TO CONSTRUCT THREE NEW ATTACHED CONDOMINIUM UNITS LOCATED AT 1008 OCEAN LANE, IN THE R-1500/MU-2 (HIGH DENSITY RESIDENTIAL/ SEACOAST MIXED USE OVERLAY) ZONE. MF 924. (0600-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and noted that this is an advisory discussion only and no action would be taken.

ASSOCIATE PLANNER FOLTZ gave a PowerPoint presentation on the item.

Discussion ensued regarding the outdoor fireplace on the rooftop meeting all safety codes; clarification of the height for Unit Three; location of the turbines; and the stairwell and elevator enclosures may extend above the height limit.

RANDY PUTLAND spoke in support of the project; expressed concern about the height of the west side wall.

JANINE ROCELLE, applicant, responded to questions regarding the materials proposed for the project; samples of materials were shown to Council.

HARMON NELSON, owner, spoke about the project and noted that it would be built in a green way, being respectful to the environment.

MAYOR JANNEY closed the public hearing.

6.2 APPROVAL OF THE 2006-2007 ANNUAL REPORT FOR THE JURISDICTIONAL URBAN RUNOFF MANAGEMENT PLAN (JURMP). (0770-65)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER KEIR gave a report on the item.

Discussion ensured regarding disposal of used cooking oil; importance of the low flow diversion structures; the program being an unfunded mandate and that all the cities in San Diego County will be filing an administrative action to go before the State Mandates Commission to get the State to pay for the program.

MAYOR JANNEY closed the public hearing.

MOTION BY WINTER, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2008-6567, JURMP ANNUAL REPORT INCLUDING CORRECTIONS, ADDITIONS OR DELETIONS AS DIRECTED. MOTION CARRIED UNANIMOUSLY.

REPORTS (7.1 - 7.6)

7.1 APPROVING THE AWARD OF GRANTS UNDER THE COMMUNITY GRANTS PROGRAM FY 2007-2008. (0330-15)

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER RITTER gave a report on the item and thanked EDCO for their donation.

City Council discussion ensued regarding increasing the IB Seniors Club grant amount by $50 and lowering Kitty Rescue's grant amount by $50.

MOTION BY MCCOY, SECOND BY MCLEAN, TO APPROVE THE AWARD OF GRANTS UNDER THE COMMUNITY GRANTS PROGRAM FY 2007-2008 AS FOLLOWS:

ORGANIZATION	GRANT AMOUNT
I.B. BEAUTIFUL, INC. (PLANT REPLACEMENT/MAINTENANCE)	$400
OPTIMIST CLUB OF I.B. (SAND SCULPTING FOR KIDS)	$400
OCEAN BLUE FOUNDATION (PET WASTE RECYCLING BAGS)	$400
WILDCOAST (FISHING DERBY TO TEACH WATER QUALITY AWARENESS)	$350
FRIENDS OF THE IB LIBRARY (PURCHASE BOOKS FOR LIBRARY)	$400
SOUTH COUNTY RENAISSANCE PROJECT (THEATRE PRODUCTION)	$350
IB SENIORS CLUB (BUS TRIP TO PRESIDIO PARK FOR SENIORS)	$400
CHAMBER OF COMMERCE (TASTE OF I.B. BY LOCAL BUSINESSES)	$350
YMCA CAMP SURF (SCHOLARSHIPS TO YOUTHS FOR DAY CAMP)	$400
KITTY RESCUE OF SAN DIEGO INC. (FELINE POPULATION CONTROL)	$350
AMERICAN YOUTH SOCCER ORGANIZATION, SB (DISCOUNT ON SOCCER)	$400
SOUTH BAY COMMUNITY SERVICES (FREE TAX PREP SRVCS/LOW INCOME)	$400
KIWANIS CLUB (ELEMENTARY STUDENT OF THE MONTH AWARD)	$400
TOTAL:	$5000

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY called a recess at 8:22 p.m. and reconvened the meeting to Open Session at 8:26 p.m.

7.3 PROJECT OVERVIEW, BUDGET AMENDMENT AND PROFESSIONAL SERVICES AGREEMENT AMENDMENT FOR ECO-BIKEWAY AND PALM AVENUE TRAFFIC CALMING PROJECT (S05-104) WITH KOA CORPORATION. (0680-20)

Item moved to a future meeting by prior City Council action.

7.4 PROVIDE STAFF DIRECTION ON SITING AND FUNDING A SKATE PARK. (0920-40)

CITY MANAGER BROWN introduced the item.

Correspondence from Ivan Medellin was submitted as Last Minute Agenda Information.

ASSISTANT CITY MANAGER RITTER gave a PowerPoint presentation on the item.

CANTIN RUSSELL, of Site Design Group, Inc., gave a PowerPoint presentation on the item.

Due to the large number of speaker slips submitted, MAYOR JANNEY requested spokespeople to come forward to speak.

The following spoke in support of the item: MARK CLAUNCH, EMILY YOUNG, KAREN BARNEY, MICHAEL CAREY, TRAVIS BRAZIL, SHANE CROMWELL, MICHEL DEDINA (also submitted a letter from Josephine Dedina), DWAYNE FERNANDEZ, SERGE DEDINA, and GREG HUGHES.

Additional speaker slips in support of the item were submitted by: CHRIS AGUIRRE, ANDREE ARANA, NIKOLAS ARANA, VERONICA ARCHER, JOHN ASHLEY, CAM B., CARLOS BANNER, BAILEY BIESTERFELD, BRITTONY BIESTERFELD, JUSTINE BIESTERFELD, KAREN BISHOP, PAUL C. BISHOP, PAUL J. BISHOP, THOMAS BISHOP, CHRISTIAN CARTIER, CHARLIE CLAUNCH, ROCKY CLAUNCH, CESAR CORONA, NASTASSIA CUNIFF, DANIEL D., CHRIS DE LAURIER, ISRAEL DEDINA, ROBERT DOMINGUEZ, ADRIENNE FERNANDEZ, FE FERNANDEZ, MR. & MRS. FERNANDEZ, TYLER FONGSALY, STEVER FUTTERMAN, FRANK, KELLY GEHRING, LANDON GEHRING, RUBEN GONZALEZ, NORMALINDA HAM, DUNCAN HASTINGS, ISABELLE HASTINGS, LARA HASTINGS, ZACHARY HASTINGS, DANIEL HOLIAN, SHANNON HUGHES, DAREN JOHNSON, JOCH JOHNSON, WAYNE KAIRIS, PAUL KELLY, ERIC KING, JOHN & ALICE LANDRY, RAFAEL LARIES, ATONIO LOPES, BEILYN LOPEZ, DAVE LOPEZ, LOUKAS LOPEZ, TAMAYO LOPEZ, EVAN LOUSTROM, SETH LOUSTROM, FLETCHER MAGNUSON, CAROL MALICK, ADAM MARQUEZ, AMANDA MATA, ZEKE MAZUR, LISA MCGRATH, NICO MEDELLIN, MARQUISSE MENDIOLA, GABRIEL MOORE, MICHAEL MOORE, DIANA MUSICK, CHRISTIAN NGUYEN, ALEX OCHOA, JUAN ORTIZ, RICARDO OSWALT, DAVID PARRA, EVAN PEABODY, CARLOS POLANCO, JR., TOM PROCOPIO, RANDY PUTLAND, ADRIANA RODRIGUEZ, RUBY RONQUILLO, STEVE SMITHSON, BAILEY STABENOW, KATE STABENOW, ROBERT & SARA STABENOW, MAXX STALHEIM, DAVID THOMAS, JAVIER TORRES, BRANDON TRAN, ANOUK VASHE, DIEGO VARGAS, GARRY WEGENER, TYLER WERNER, DANIEL ZBAIZ, CHRISTIAN, VINCENT, and WYATT.

The following spoke in support of a dedicated soccer field, opposed the taking away of CIP funds designated for a soccer field; however, supported a skate park: JOHN BORJA, ANTHONY MILLICAN, and IVAN MEDELLIN.

Additional speaker slips in support of a dedicated soccer field, opposed the taking away of CIP funds designated for a soccer field, however supported a skate park were submitted by: RITA LANE and MICHAEL LINGO.

City Council discussion ensued regarding support for the site recommended by staff, opposition to taking funding away from another established program, possible funding sources such as donations, grants, the Tony Hawk Foundation, and approaching the County of San Diego for additional funding; the importance of wearing helmets, possibly building a skate park in phases; and appealing to the community to assist with funding.

SERGE DEDINA stated that he and EMILY YOUNG are willing to work with the City on obtaining funding.

MOTION BY MCLEAN, SECOND BY WINTER, TO SELECT SITE B – THE EASTERN HALF OF THE OUTDOOR BASKETBALL COURT AT SPORTS PARK AND ASK STAFF TO RETURN WITH SUGGESTED FUNDING SOURCES THAT WILL BRING THE FUNDING LEVEL TO APPROXIMATELY $200,000 TO CONSTRUCT A SKATE PARK (FOR EXAMPLE, THE CITY COULD APPLY FOR ADDITIONAL FUNDING FROM THE COUNTY, APPLY FOR GRANTS, OR RE-DESIGNATE FUNDS FROM AN EXISTING CIP PROJECT).

Discussion ensued regarding the designated site, acceptance of offers from the community volunteers to assist with fundraising, and the money spent on the consultants will be taken from general fund and raise it back to the $65,000.

VOTES WERE NOW CAST ON AMENDED MOTION BY MCLEAN, SECOND BY WINTER, TO SELECT SITE B – THE EASTERN HALF OF THE OUTDOOR BASKETBALL COURT IN SPORTS PARK AND ASK STAFF TO RETURN WITH SUGGESTED FUNDING SOURCES THAT WILL BRING THE FUNDING LEVEL TO APPROXIMATELY $200,000 TO CONSTRUCT A SKATE PARK (SUCH AS APPLY FOR ADDITIONAL FUNDING FROM THE COUNTY, APPLY FOR GRANTS, AND ANY ADDITIONAL FUNDING THAT CAN BE FOUND, AND ACCEPT OFFERS FROM COMMUNITY VOLUNTEERS TO ASSIST WITH FUNDRAISING). MOTION CARRIED UNANIMOUSLY.

7.5 OTHER CIP IDEAS. (0330-35)

CITY MANAGER BROWN introduced the item.

Discussion ensued regarding holding a CIP Workshop to discuss City Council priorities, staff returning with a list of unfunded projects, and a list of projects for another redevelopment bond.

KEVIN HILL supported the item (was not available to speak).

7.2 RESOLUTION NO. 2008-6568 – APPROVING A REVISED AND RESTATED AGREEMENT FOR BASIC AND ADVANCED LIFE SUPPORT SERVICE WITH LAIDLAW MEDICAL TRANSPORTATION INC., DBA AMERICAN MEDICAL RESPONSE, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT. (0220-70)

CITY MANAGER BROWN introduced the item and announced that a rate comparison was submitted as Last Minute Agenda Information.

PUBLIC SAFETY DIRECTOR SOTELO gave a report on the item.

CHRIS CARLSON, of AMR, gave a PowerPoint presentation on the item.

Discussion ensured regarding the effective date of the agreement; AMR agreed to amend Item No. 3 of the agreement to read as follows: "As of January 16, 2008, the Primary Rate Component may be increased at AMR's discretion by an amount not to exceed 7% per year. No City approval shall be required for such a rate increase."

MOTION BY WINTER, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6568 – APPROVING A REVISED AND RESTATED AGREEMENT FOR BASIC AND ADVANCED LIFE SUPPORT SERVICE WITH LAIDLAW MEDICAL TRANSPORT INC., DBA AMERICAN MEDICAL RESPONSE, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, INCLUDING THE REVISION TO ITEM NO. 3 OF THE AGREEMENT AS STATED ABOVE. MOTION CARRIED UNANIMOUSLY.

7.6 ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS. (0410-50)

MAYOR JANNEY stated his recommendations were submitted as Last Minute Agenda Information as follows:

1. Title changes for Mayor Pro Tem to Councilmember and vice versa;
2. Councilmember Bragg as the first alternate for the Metropolitan Transit Systems Board;
3. Mayor Janney as the first alternate for Chamber of Commerce Liaison;
4. Councilmember Bragg as the fist alternate to the South County Economic Development Council; and
5. Mayor Janney and Councilmember Winter to serve on the newly created Water Quality Matters Ad Hoc Committee.

MOTION BY WINTER, SECOND BY BRAGG, TO APPROVE COUNCIL ASSIGNMENTS AS PRESENTED BY MAYOR JANNEY. MOTION CARRIED UNANIMOUSLY.

REPORTS OF MAYOR AND COUNCILMEMBERS

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 10:48 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk

Item No. 2.1

DRAFT

MINUTES

IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY

FEBRUARY 6, 2008

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

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

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

ROLL CALL

Councilmembers present:	Bragg, Winter
Councilmembers absent:	McLean
Mayor present:	Janney
Mayor Pro Tem present:	McCoy
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS.
Pursuant to Government Code Section 54956.8:
Property: 741 Palm Ave., Imperial Beach, CA 91932, APN 626-250-04
Agency Negotiator: City Manager
Negotiating Parties: Sam & Sandra Dimenstein Trust
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 761-779 Palm Ave., Imperial Beach, CA 91932, APN 626-250-05
Agency Negotiator: City Manager
Negotiating Parties: Sam & Sandra Dimenstein Trust
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 743-849 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06
Agency Negotiator: City Manager
Negotiating Parties: Sam & Sandra Dimenstein Trust
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	**COUNCILMEMBERS:**	**WINTER, BRAGG, MCCOY, JANNEY**
NOES:	**COUNCILMEMBERS:**	**NONE**
ABSENT:	**COUNCILMEMBERS:**	**MCLEAN**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:03 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff and took no action.

REGULAR MEETING CALL TO ORDER BY MAYOR

MAYOR JANNEY called the Regular Meeting to order at 6:04 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Bragg, Winter
Councilmembers absent:	McLean
Mayor present:	Janney
Mayor Pro Tem present:	McCoy
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

CITY MANAGER BROWN recommended Item No. 7.3 be taken off the agenda.

MAYOR JANNEY announced staff's recommendation is to take Item No. 7.3 off the agenda as they have new information and are not ready to move forward at this time; the speaker that submitted a speaker slip on Item No. 7.3 would be allowed to speak under public comments.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

MAYOR PRO TEM MCCOY reported she and Mayor Janney attended the SANDAG retreat in Borrego Springs where they discussed the needs of the San Diego County region.

MAYOR JANNEY also reported on the SANDAG retreat and spoke of an informative presentation made by Ron Sims of King County, Washington regarding climate changes and quality of life.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

TERESA IRISH spoke in opposition to development at Palm Ave. and 9th Street.

MAYOR JANNEY explained that Item No. 7.3, which was removed from the agenda, is for approval to enter into an Exclusive Negotiation Agreement with a developer for the properties at 9th Street and Palm Ave.; he noted that the City has not settled on a project and it is not the same project that was proposed last year.

TRAVIS BRAZIL, Chairman of the Business 4 Business Program, spoke on behalf of Christine LaPausky of D'Ames Fitness; he stated he compared the cost of IB's business license fees to that of the City of Coronado's and he expressed concern that IB's fees were higher; he requested staff take another look at the fees.

CHRIS GOFF expressed concern about recent crime events that took place on Emory Street between Imperial Beach Blvd. and Fern Ave.

MAYOR PRO TEM MCCOY reported that there was also a business north of the area that was recently burglarized and requested an update on the recent burglaries.

MIKE MURTAUGH also expressed concern about the crime that took place on Emory Street between Imperial Beach Blvd. and Fern Ave.; he questioned if there is something that he and his neighbors could do to help prevent the crime from happening in the future.

MAYOR JANNEY referred concerns to City staff for follow-up.

PRESENTATION/REPORT (1.1 - 1.4)

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

MAYOR JANNEY, along with RON OLIVER of EDCO, presented the Recycle All-Star Award Certificate, $100.00 check and used oil-recycling premiums to Mike Reynolds.

1.2 PRESENTATION OF COURSE COMPLETION CERTIFICATES TO COMMUNITY EMERGENCY RESPONSE TEAM (CERT) ACADEMIES #7 AND #8 AND PRESENTATION OF PROCLAMATION TO CERT MEMBER MIKE WILLIAMS. (0210-11)

CAPTAIN FRENCH presented Course Completion Certificates to CERT Academies #7 and #8 to those graduates in attendance: Amy Desbien, Amanda Fraser, Martha Gaus, Tracey Lynch, Russell McKay, Victoria Mulligan, and John Perno. The following graduates were presented their certificates in absentia: Randy Agte, Patrice Mucerino, Julana Senette, Mary Coates, and Greg Majors.

MAYOR JANNEY presented a proclamation to CERT Member Mike Williams in recognition of his voluntary service and serving as president of the CERT team.

1.3 REPORT ON PORT DISTRICT ACTIVITIES FROM PORT COMMISSIONER BIXLER. (0150-70)

PORT CHAIR BIXLER gave a report of Port district activities and proudly announced a possible partnership between the Port of San Diego and SDG&E to light up the pier during the holiday season.

1.4 PRESENTATION BY YELENA FELDMAN, MANAGER OF COMMUNITY AND GOVERNMENT AFFAIRS FOR SAN DIEGO WORKFORCE PARTNERSHIP. (0150-10)

YELENA FELDMAN, of San Diego Workforce Partnership, gave a presentation on the services provided by the San Diego Workforce Partnership.

CONSENT CALENDAR (2.1 - 2.5)

MOTION BY MCCOY, SECOND BY BRAGG, TO ACCEPT CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED BY THE FOLLWING VOTE:

AYES:	**COUNCILMEMBERS:**	**WINTER, BRAGG, MCCOY, JANNEY**
NOES:	**COUNCILMEMBERS:**	**NONE**
ABSENT:	**COUNCILMEMBERS:**	**MCLEAN**

2.1 MINUTES.
Approved the minutes of the Regular City Council Meeting of October 17, 2007.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)
Ratified the following registers: Accounts Payable Numbers 65571 through 65755 with the subtotal amount of $461,628.91; and Payroll Register Numbers 39243 through 39286 for the pay period ending 01/03/08, Payroll Register Numbers 39287 through 39325 for the pay period ending 01/17/08 with the subtotal amount of $266,967.88; for a total amount of $728,596.79.

2.3 ECONOMIC STIMULUS PACKAGE. (0460-20)
Approved letter to be sent to Senators Feinstein and Boxer.

2.4 RESOLUTION NO. 2008-6576 – APPROVING THE JOB DESCRIPTION FOR HUMAN RESOURCES TECHNICIAN AND INCREASING THE BUDGETED HOURS FOR THIS POSITION FROM 35 TO 40 HOURS PER WEEK AND AMENDING THE FY 07-09 BUDGET AND SALARY AND COMPENSATION PLAN ACCORDINGLY. (0510-20 & 0520-75)
Adopted resolution.

2.5 RESOLUTION NO. 2008-6572 – AUTHORIZING THE PUBLIC SAFETY DIRECTOR/FIRE CHIEF TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE SAN DIEGO COUNTY OFFICE OF EMERGENCY SERVICES FOR USE OF A MASS NOTIFICATION SYSTEM. (0210-10)
Adopted resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR

None.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 AN INTRODUCTION OF ORDINANCE NO. 2008-1062, AMENDMENT TO CHAPTER 8.30 OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROL; ORDINANCE NO. 2008-1063, AMENDMENT TO CHAPTER 8.32, PERTAINING TO THE STANDARD URBAN STORMWATER MITIGATION PLAN; AND ORDINANCE NO. 2008-1064, AMENDMENT TO CHAPTER 15.54, PERTAINING TO GRADING PERMITS AND PLANS. (0770-75)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH reported on the ordinances.

MAYOR JANNEY called for the introduction of Ordinance No. 2008-1062.

CITY CLERK HALD read the title of Ordinance No. 2008-1062 – an Ordinance amending Chapter 8.30 of the City of Imperial Beach Municipal Code: "Urban Runoff Management and Discharge Control."

MOTION BY WINTER, SECOND BY MCCOY, TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 2008-1062 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE.

AYES:	**COUNCILMEMBERS:**	**WINTER, BRAGG, MCCOY, JANNEY**
NOES:	**COUNCILMEMBERS:**	**NONE**
ABSENT:	**COUNCILMEMBERS:**	**MCLEAN**

MAYOR JANNEY called for the introduction of Ordinance No. 2008-1063.

CITY CLERK HALD read the title of Ordinance No. 2008-1063 – an Ordinance amending Chapter 8.32 of the Imperial Beach Municipal Code: "Standard Urban Stormwater Mitigation Plan (SUSMP)."

MOTION BY MCCOY, SECOND BY BRAGG, TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 2008-1063 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE.

AYES:	**COUNCILMEMBERS:**	**WINTER, BRAGG, MCCOY, JANNEY**
NOES:	**COUNCILMEMBERS:**	**NONE**
ABSENT:	**COUNCILMEMBERS:**	**MCLEAN**

MAYOR JANNEY called for the introduction of Ordinance No. 2008-1064.

CITY CLERK HALD read the title of Ordinance No. 2008-1064 – an Ordinance amending Chapter 15.54 of the Imperial Beach Municipal Code: "Grading Permits and Plans."

MOTION BY BRAGG, SECOND BY WINTER, TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 2008-1064 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE.

AYES:	**COUNCILMEMBERS:**	**WINTER, BRAGG, MCCOY, JANNEY**
NOES:	**COUNCILMEMBERS:**	**NONE**
ABSENT:	**COUNCILMEMBERS:**	**MCLEAN**

CITY ATTORNEY LOUGH thanked Public Works Director Levien and Environmental Program Manager Keir for their assistance on the item.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1)

6.1 ADMINISTRATIVE COASTAL PERMIT (ACP 060427) AND TENTATIVE MAP (TM 060428) FOR THE PROPOSED CONDOMINIUM CONVERSION OF THIRTY-SEVEN (37) UNITS LOCATED AT 1037 AND 1047 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 878. (0600-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and recommended the item be continued to February 20 due to recommendations made by the California Coastal Commission.

MOTION BY MCCOY, SECOND BY WINTER, TO CONTINUE THE PUBLIC HEARING TO FEBRUARY 20, 2008.

MAYOR JANNEY announced a speaker slip was submitted and would allow comments at this time.

MARK BRECHT questioned if condominiumization is the best and highest use for one of the last remaining large parcels of land by the beach; he expressed concern that the community may lose control of a site that could be a major commercial development, such as a hotel or multiuse development, due to 37 individual ownerships.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY MCCOY, SECOND BY WINTER, TO CONTINUE THE PUBLIC HEARING TO FEBRUARY 20, 2008. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	**COUNCILMEMBERS:**	**WINTER, BRAGG, MCCOY, JANNEY**
NOES:	**COUNCILMEMBERS:**	**NONE**
ABSENT:	**COUNCILMEMBERS:**	**MCLEAN**

REPORTS (7.1 - 7.5)

7.1 RESOLUTION NO. 2008-6570 – AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR SAND LOBBYIST. (0220-70)

CITY MANAGER BROWN introduced the item.

No discussion.

MOTION BY BRAGG, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2008-6570 – AUTHORIZING THE CITY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MARLOWE & COMPANY FOR LOBBYING SERVICES TO OBTAIN FEDERAL SAND RENOURISHMENT FUNDING. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	**COUNCILMEMBERS:**	**WINTER, BRAGG, MCCOY, JANNEY**
NOES:	**COUNCILMEMBERS:**	**NONE**
ABSENT:	**COUNCILMEMBERS:**	**MCLEAN**

7.2 PROJECT OVERVIEW, BUDGET AMENDMENT AND PROFESSIONAL SERVICES AGREEMENT AMENDMENT FOR ECO-BIKEWAY AND PALM AVENUE TRAFFIC CALMING PROJECT (S05-104) WITH KOA CORPORATION. (0680-20 & 0750-90)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

Discussion ensued regarding the two models used for analysis for the roadway segment conditions and CEQA requirements.

MOTION BY WINTER, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. R-08-137 – APPROVING A BUDGET AMENDMENT TO THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009 ADOPTED BY RESOLUTION NO. 2005-6089 AND AS AMENDED DECEMBER 7, 2005 – RESOLUTION NO. 2005-6253; CIP PROJECT S05-104 "ECO-BIKEWAY, 7TH & SEACOAST" AND APPROVING A PROFESSIONAL SERVICES AGREEMENT AMENDMENT FOR "ECO-BIKEWAY AND PALM AVENUE TRAFFIC CALMING PROJECT" (S05-104) WITH KOA CORPORATION. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	**COUNCILMEMBERS:**	**WINTER, MCCOY, JANNEY**
NOES:	**COUNCILMEMBERS:**	**BRAGG**
ABSENT:	**COUNCILMEMBERS:**	**MCLEAN**

7.3 PROPOSED REDEVELOPMENT OF THE MIRACLE SHOPPING CENTER LOCATED ON THE SOUTH SIDE OF STATE ROUTE 75/PALM AVENUE AND BETWEEN 9TH AND DELAWARE STREETS. (0640-20)

CITY MANAGER BROWN recommended the item be removed from the agenda.

By order of the Chair, Item No. 7.3 was removed from the agenda, to be brought back on a future agenda.

7.4 RESOLUTION NO. 2008-6575 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – RENOVATIONS TO TEEPLE PARK (P06-101), REAMA PARK (P05-601), & SPORTS PARK RECREATION CENTER (P08-701). (0920-30, -40 & -50)

CITY MANAGER BROWN introduced the item and noted that a revised staff report and resolution were submitted as Last Minute Agenda Information.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item; he reported that staff will go back to HUD for authorization of other elements within the three parks to be funded through CDBG.

CITY ATTORNEY LOUGH spoke about a bid protest received from CDM Construction; he recommended rejection of all bids except for the wining bid and to deny the bid protest.

MOTION BY MCCOY, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2008-6575 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – RENOVATIONS TO TEEPLE PARK (P06-101), REAMA PARK (P05-601), & SPORTS PARK RECREATION CENTER (P08-701). MOTION CARRIED BY THE FOLLOWING VOTE.

AYES:	**COUNCILMEMBERS:**	**WINTER, BRAGG, MCCOY, JANNEY**
NOES:	**COUNCILMEMBERS:**	**NONE**
ABSENT:	**COUNCILMEMBERS:**	**MCLEAN**

7.5 RESOLUTION NO. 2008-6574 – ADOPTION OF "AMENDMENT APPROVED FEBRUARY 6, 2008, FIVE-YEAR CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009." (0330-35)

CITY MANAGER BROWN introduced the item and announced a CIP Workshop would be held in March.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6574 – ADOPTION OF "AMENDMENT APPROVED FEBRUARY 6, 2008, FIVE-YEAR CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2004/2005 THROUGH FISCAL YEAR 2008/2009." MOTION CARRIED BY THE FOLLOWING VOTE.

AYES:	**COUNCILMEMBERS:**	**WINTER, BRAGG, MCCOY, JANNEY**
NOES:	**COUNCILMEMBERS:**	**NONE**
ABSENT:	**COUNCILMEMBERS:**	**MCLEAN**

MAYOR JANNEY announced a public speaker slip was submitted by John Haupt and would allow him to speak at this time.

PUBLIC COMMENT

JOHN HAUPT questioned what recourse future condo owners of the Seacoast Inn would have if the owners were to be dissatisfied with their investment; he also questioned how much TOT is actually generated in Imperial Beach.

MAYOR JANNEY recommended that he contact staff for more information.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER WINTER reported that in regard to the Point Loma Treatment Facility, Mayor Sanders did not have an enthusiastic reaction to the Plan B Option; she spoke about a recent press release by Becnet/University of Arizona regarding 12 water and wastewater projects in the Mexican state of Baja.

COUNCILMEMBER BRAGG reported on the January 24 meeting of the Heartland Communications Facility Authority JPA Board meting.

COUNCILMEMBER WINTER spoke about the Plan B Option, a twin-track approach to submit a waiver as well as support negotiations with the EPA regarding secondary treatment; the City of San Diego is on a single track approach for a waiver only.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:24 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk

Item No. 2.1

DRAFT

MINUTES

IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY

JANUARY 29, 2008

Community Room
(behind Council Chambers at City Hall)
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

WORKSHOP – 9:00 A.M.

WORKSHOP CALL TO ORDER BY MAYOR
MAYOR JANNEY called the Workshop meeting to order at 9:04 a.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Winter, Bragg, McLean
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	McCoy
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

COMMUNICATIONS FROM CITY STAFF
MAYOR PRO TEM MCCOY requested that Councilmembers give reports on outside agencies on a regular basis.

MAYOR JANNEY suggested reports for outside agencies be given at the second Council meeting of the month, at the beginning of the meeting under Reports.

PUBLIC COMMENT
None.

REPORTS
City Council, along with senior management staff, conducted a discussion on long-term fiscal sustainability of the City, Palm Avenue parking, and a review of goals.

REPORTS OF MAYOR AND COUNCILMEMBERS
None.

ADJOURNMENT
MAYOR JANNEY adjourned the meeting at 10:54 a.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk

Return to Agenda

AGENDA ITEM NO. 2.2

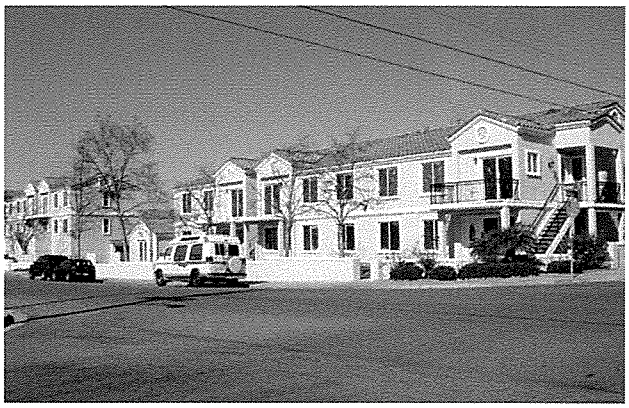
STAFF REPORT
CITY OF IMPERIAL BEACH

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

MEETING DATE: **FEBRUARY 20, 2008**
ORIGINATING DEPT.: **COMMUNITY DEVELOPMENT DEPARTMENT**
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER

SUBJECT: **CONSENT AGENDA: ADMINISTRATIVE COASTAL PERMIT (ACP 060474) AND FINAL MAP (TM 060475) FOR A THIRTY-SIX (36) UNIT CONDOMINIUM CONVERSION LOCATED AT 740-798 FLORIDA STREET AND 1100-1114 DONAX AVENUE, IN THE R-1500/MU-1 (HIGH DENSITY RESIDENTIAL WITH A MIXED-USE OVERLAY) ZONE. MF 902.**

PROJECT DESCRIPTION/BACKGROUND:



The tentative map (TM) for this project consisting of thirty-six units located at 740-798 Florida Street and 1100-1114 Donax Avenue (APN 626-301-35-00) was approved by the City Council on June 6, 2007.

PROJECT EVALUATION/DISCUSSION:

The Final Map is in the plan check process by the City Engineer. The Final Map will substantially conform to the approved Tentative Map and, pursuant to Map Act Section 66474.1, must be approved by the legislative body when all Tentative Map conditions have been met. The applicant is in the process of complying with the conditions of the Tentative Map as stipulated in Resolution 2007-6491. A Final Map may be approved if there is a lien contract or a bond for the value of the required improvements that is recorded with the map and/or if there is a recorded agreement prohibiting the sale of any units until the improvements are completed. The applicant has executed such agreements with the City.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This project may be statutorily exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15268 project (Ministerial Projects).

FISCAL IMPACT:

The applicant has deposited $11,500.00 in Project Account Number 060474 to fund the processing of this application. The applicant has also provided a secured agreement for the required improvements stipulated in the Tentative Map resolution.

DEPARTMENT RECOMMENDATION:

Approve the Final Map for recordation along with the recordation of any required documents as security for the required improvements.

CITY MANAGER'S RECOMMENDATION:

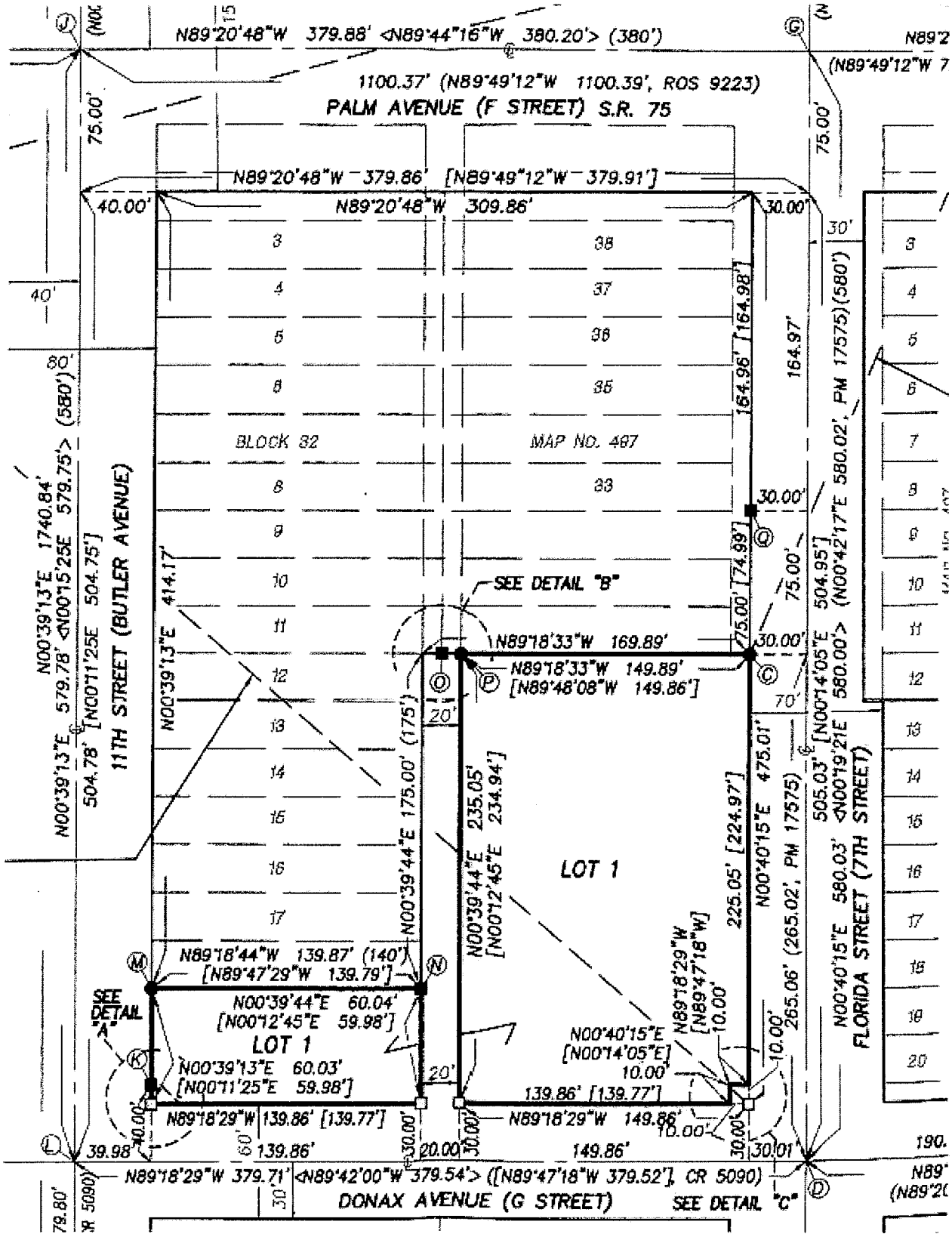
Approve Department recommendation.

Gary Brown

Attachments:
1. Final Map

c: file MF 902
Rancho Coronado, LLC, 860 Turquoise St., Ste. 337, San Diego, CA 92109
Richard Black, BDS Engineering, 6859 Federal Blvd., Lemon Grove, CA 91945-1315

Return to Agenda


N89°20'48"W 379.88' <N89°44'16"W 380.20'> (380')
1100.37' (N89°49'12"W 1100.39', ROS 9223)
PALM AVENUE (F STREET) S.R. 75
N89°20'48"W 379.86' [N89°49'12"W 379.91']
N89°20'48"W 309.86'
BLOCK 82
MAP NO. 487
SEE DETAIL "B"
N89°18'33"W 169.89'
N89°18'33"W 149.89'
[N89°48'08"W 149.86']
LOT 1
N89°18'44"W 139.87' (140')
[N89°47'29"W 139.79']
SEE DETAIL "A"
N00°39'44"E 60.04'
[N00°12'45"E 59.98']
LOT 1
N00°39'13"E 60.03'
[N00°11'25"E 59.98']
N89°18'29"W 139.86' [139.77']
N89°18'29"W 149.86'
N89°18'29"W 379.71' <N89°42'00"W 379.54'> ([N89°47'18"W 379.52'], CR 5090)
DONAX AVENUE (G STREET)
SEE DETAIL "C"
11TH STREET (BUTLER AVENUE)
FLORIDA STREET (7TH STREET)
N00°39'13"E 1740.84'
N00°39'13"E 579.78' <N00°15'25"E 579.75'>
N00°39'13"E 504.78' [N00°11'25"E 504.75']
N00°39'13"E 414.17'
N00°39'44"E 175.00' (175')
N00°39'44"E 235.05' [N00°12'45"E 234.94']
N00°40'15"E 475.01'
225.05' [224.97']
N00°40'15"E 580.03' <N00°19'21"E 505.03'> [N00°14'05"E 580.00'>
N00°40'15"E 265.06' (265.02', PM 17575)
N00°42'17"E 580.02', PM 17575) (580')
N00°42'17"E 504.95' (N00°14'05"E 580.00'>
164.97'
164.96' [164.98']
75.00' [74.99']
N89°18'29"W [N89°47'18"W] 10.00'
N00°40'15"E [N00°14'05"E] 10.00'
139.86' [139.77']
149.86'
39.98'
139.86'
20.00'
30.01'
79.80'

AGENDA ITEM NO. 2.3

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**FEBRUARY 20, 2008**
ORIGINATING DEPT.:	**COMMUNITY DEVELOPMENT GREG WADE, DIRECTOR ELIZABETH CUMMING, ASSISTANT PROJECT MANAGER**
SUBJECT:	**ADOPT RESOLUTION NO. 2008-6579 AUTHORIZING THE MAYOR ON BEHALF OF THE CITY TO ENTER INTO THE COOPERATION AGREEEMENT BETWEEEN THE COUNTY OF SAN DIEGO AND CITY OF IMPERIAL BEACH FOR A COMMUNITY DEVELOPMENT PROGRAM AND SIGN OTHER ANCILLARY DOCUMENTS NECESSARY TO IMPLEMENT THE AGREEMENT.**

BACKGROUND:

The County of San Diego has provided funds to the City of Imperial Beach through the use of Title I of the Housing and Community Development Act of 1974, as amended. Housing and Community Development funds have assisted in the City of Imperial Beach's work to improve and develop its quality of life and prevent or eliminate detrimental urban conditions.

DICUSSION:

The City wishes to continue its cooperative relationship with the County and receive Title I funds through the County. It is necessary to enter into a "Cooperation Agreement between the County of San Diego and the City of Imperial Beach for a Community Development Program" in order for the City to become part of the County's Amended Funding Plan and thereby become a part of the County's comprehensive efforts to improve the metropolitan San Diego Area. Additionally, it is necessary for the City to enter into the Agreement in order to receive Community Development Block Grant funds from Fiscal Year 2009-2011 appropriations and any program income generated from the expenditure of such funds.

FISCAL IMPACT:

Positive if receive funding.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Not a project as defined by CEQA.

DEPARTMENT RECOMMENDATION:

Approve Resolution No. 2008-6579 authorizing the Mayor on behalf of the City to enter into the Cooperation Agreement between the County of San Diego and City of Imperial Beach for a Community Development Program and sign other ancillary documents necessary to implement the Agreement.

CITY MANAGER'S RECOMMENDATION:

Approve department recommendation.

Gary Brown, City Manager

Attachments:

1. Resolution No. 2008-6579
2. County of San Diego Letter dated January 28, 2008
3. Cooperation Agreement between the County of San Diego and City of Imperial Beach for a Community Development Program
4. Ancillary Documents (3)

RESOLUTION NO. 2008-6579

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ENTER INTO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND CITY OF IMPERIAL BEACH FOR A COMMUNITY DEVELOPMENT PROGRAM AND SIGN OTHER ANCILLARY DOCUMENTS NECESSARY TO IMPLEMENT THE AGREEMENT.

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

WHEREAS, the County of San Diego, hereinafter called the "County", has provided funds to the City of Imperial Beach, hereinafter called the "City", through the use of Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, Housing and Community Development funds have assisted in the City of Imperial Beach's work to improve and develop its quality of life and prevent or eliminate detrimental urban conditions; and

WHEREAS, the City wishes to continue its cooperative relationship with the County and receive Title I funds through the County; and

WHEREAS, it is necessary to enter into a "Cooperation Agreement between the County of San Diego and the City of Imperial Beach for a Community Development Program," hereinafter called the "Agreement," in order for the City to become part of the County's Amended Funding Plan and thereby become a part of the County's comprehensive efforts to improve the metropolitan San Diego Area; and

WHEREAS, it is necessary for the City to enter into the Agreement in order to receive Community Development Block Grant funds from Fiscal Year 2009-2011 appropriations and any program income generated from the expenditure of such funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that the Mayor, on behalf of the City, is authorized to enter into the Agreement and sign other ancillary documents necessary to implement the Agreement.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of February 2008, by the following roll call vote:

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

_____
JAMES C. JANNEY, MAYOR

ATTEST:

_____
JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2008-6579 – A Resolution of the City Council of the City of Imperial Beach, California AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ENTER INTO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND CITY OF IMPERIAL BEACH FOR A COMMUNITY DEVELOPMENT PROGRAM AND SIGN OTHER ANCILLARY DOCUMENTS NECESSARY TO IMPLEMENT THE AGREEMENT.

_____ _____
CITY CLERK DATE

ATTACHMENT 2

County of San Diego

CATHERINE TROUT
LICHTERMAN
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
3989 RUFFIN ROAD, SAN DIEGO, CALIFORNIA 92123-1815

Tel.: (858) 694-4801
Fax. (858) 694-4871
TDD: (858) 694-4884
Toll-free: 1 (877) 478-5478

January 28, 2008

Jim Janney, Mayor
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, CA 91932-2702

Dear Mayor Janney:

In 2005, San Diego County and Urban County participating cities executed Cooperative Agreements for a three-year period covering fiscal years 2006 through 2008, in order to participate in the Community Development Block Grant (CDBG) Program. That Agreement expires at the end of the next CDBG Program Year on June 30, 2009.

In November 2007, we advised your staff of your city's opportunity to continue participating with the San Diego Urban County in the upcoming fiscal years 2009-2011 Community Development Block Grant (CDBG) Programs. Our notification explained that in the event your city chose to continue participation, a new Cooperation Agreement would need to be executed by the City, returned to the County for approval by the Board of Supervisors, and subsequently submitted to HUD. Your staff indicated that your city wishes to continue participation in fiscal years 2009-2011.

San Diego Urban County is a federally designated area that includes the unincorporated area of San Diego County and all non-entitlement cities within the County which choose to participate in the CDBG Program. In accordance with the attached U.S. Department of Housing and Urban Development (HUD) CPD Notice CPD-07-03, issued on April 17, 2007, we are officially notifying the participating cities of the opportunity to participate in the San Diego Urban County CDBG Programs and Annual Funding Plans for fiscal years 2009-2011. The HUD Notice describes the administrative steps required by HUD for the CDBG Urban County qualification process. Please note, even though this is last year's notice, we do not anticipate any significant changes in the 2008 HUD notice. When we receive this year's CPD notice, we will contact you with any noteworthy updates.

In further accordance with the requirements of Notice CPD-07-03, be advised that if a city elects to remain with the Urban County and executes a Cooperation Agreement, the Cooperation Agreement must remain in effect until all CDBG funds and any CDBG and/or HOME Investment Partnerships (HOME) Program revenue received from funded CDBG and/or HOME activities are expended and funded facilities are completed. Also, participating cities cannot withdraw from the Cooperation Agreement while it remains in effect.

If the city elects to remain in the Urban County, the city would be ineligible to apply under the separate small cities or State CDBG Programs. The city would also automatically participate in the HOME Program, if the Urban County receives HOME funding, but could only participate in the HOME Program as part of the Urban County.

Participating cities may also elect not to participate in the Urban County CDBG Program and funding. If a city elects not to participate in the Urban County, the city must advise the County and HUD in writing by May 23, 2008, that it elects to be excluded. Such election to be excluded will be effective for the entire three-year period for which the Urban County qualifies, unless the city specifically elects to be included in a subsequent year for the remainder of the Urban County's three-year qualification (Cooperation Agreement) period. In that case, the city must provide such notice of election to be included in writing.

If your City elects not to participate in the 2009-2011 Urban County Cooperation Agreement, your Chief Executive Officer must notify both HUD and the County of the decision in writing before May 23, 2008. Such notification to HUD should be addressed to:

Chin Woo Choi, Program Manager
U.S. Department of Housing and Urban Development
Los Angeles Field Office
AT&T Building
611 W. Sixth Street, Ste. 800
Los Angeles, California 90017

Notification to the County should be addressed to:

Catherine Trout Lichterman, Director
Department of Housing and Community Development
County of San Diego
3989 Ruffin Road
San Diego, CA 92123

Please find a final version of the fiscal year 2009-2011 Cooperation Agreement attached along with the HUD-required Certification forms for the CDBG Program. The Cooperation Agreement, the Certification forms and the effecting City Council resolution must be executed by the City and returned to this office no later than **March 21, 2008**, in order to allow execution of the agreement by the Board of Supervisors and submittal to HUD before the June 30, 2008, deadline. In the event an executed Cooperative Agreement is not submitted by the required deadline, that city may not participate in and will not receive Urban County funds during the 2009 program year. Any extension of the HUD June 30, 2008 deadline must be authorized by HUD in writing. There is no guarantee that a request for an extension will be approved.

Four copies of the Cooperative Agreement, a single copy of the HUD Certification forms and a single copy of the implementing City Council resolution, all with original signatures, must be submitted to this office. Please note that the Cooperative Agreement and Certification forms require execution by the Mayor and City Attorney. The Certification forms include a number of signatures throughout several pages.

Please call Hugo Mora, Housing Program Analyst, at (858) 694-4877 or me at (858) 694-8750 if you need any additional information. Thank you for your attention to this.

Sincerely,

CATHERINE TROUT LICHTERMAN, Director
Department of Housing and Community Development

cc: Gary Brown, City Manager
Greg Wade, Director of Community Development

Enclosures

ATTACHMENT 3

A COOPERATION AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND CITY OF Imperial Beach FOR A COMMUNITY DEVELOPMENT PROGRAM

THIS AGREEMENT is made and entered into this ____ day of_____ , 2008 , by and between the County of San Diego, a political subdivision of the State of California, hereinafter called "County", and City of Imperial Beach_____, a municipal corporation of the State of California, located in the County of San Diego, hereinafter called "City".

W I T N E S S E T H:

Recital A. In 1974, the U. S. Congress enacted and the President signed a law entitled, The Housing and Community Development Act of 1974, as amended, herein called the "Act". The Act is omnibus legislation relating to Federal involvement in a wide range of housing and community development activities and contains eight separate titles.

Recital B. Title I of the Act is entitled, Community Development, and consolidates several existing categorical programs for housing and community development into new programs for such housing and development under block financial grants. The primary objectives of Title I are the improvement and development of metropolitan cities and urban counties or communities by providing financial assistance annually for area-wide plans and programs of housing assistance, public services and public works.

Recital C. In 1990, the U. S. Congress enacted and the President signed a law entitled, The National Affordable Housing Act, herein called the "Housing Act". The Housing Act is legislation relating to Federal involvement in affordable housing activities.

Recital D. The Housing Act requires an Urban County (as defined in the Housing Act) to certify that it is following a Consolidated Plan (as defined in the Housing Act) in order to receive Community Development Block Grant and HOME Investment Partnerships funds.

Recital E. The County of San Diego has heretofore requested of the Department of Housing and Urban Development that it be qualified as an Urban County and thereby become eligible for financial entitlement to receive Community Development Block Grant and HOME Investment Partnerships funds. Pursuant thereto, the County has been informed preliminarily, subject to final determination, that it will qualify as an Urban County and be eligible for funds.

Recital F. The Housing and Community Development Block Grant Regulations issued pursuant to the Act (the "Regulations") provide that qualified urban counties must submit an Annual Funding Plan (as defined in the Housing Act) to the Department of Housing and Urban Development for funds and that cities and smaller communities within the metropolitan area not qualifying as metropolitan cities may join the County in said Annual Funding Plan and thereby become a part of a more comprehensive County effort.

Recital G. As the applicant, the County must take the full responsibility and assume all obligations of an applicant under the statute. This includes the analysis of needs, the setting of objectives, the development of community development and housing affordability strategies and plans, the community development program, and the assurances or certifications.

NOW THEREFORE, in consideration of the mutual promises, recitals and other provisions hereof, the parties agree as follows:

1. All capitalized terms not defined herein shall have the meanings given to them under the Act.

2. The parties agree that this Agreement covers the Community Development Block Grant Entitlement Program and the HOME Investment Partnerships Program.

3. The parties agree to cooperate to undertake or assist in undertaking, community renewal and lower income housing assistance activities.

4. The City agrees that it shall be included in the Annual Funding Plan the County shall develop and submit to the Department of Housing and Urban Development for Title I Housing and Community Development Block Grant and HOME Investment Partnerships Program funds under the Act and the Housing Act.

5. The City agrees that it may not apply for grants under the Small Cities or State Community Development Grant programs from appropriations for fiscal years during the period in which it is participating in the Urban County Community Development Block Grant Program under this Agreement, and may not participate in a HOME consortium

except through the Urban County, regardless of whether the Urban County receives a HOME formula allocation.

6. The City shall prepare or work with the County in the preparation of a detailed project or projects or other activities to be conducted or performed within the City the plan of which shall be included in the aforesaid Annual Funding Plan.

7. The County agrees to include the City in its Annual Funding Plan under the Act and to work with the City in the preparation of the detailed project or projects or other activities to be conducted or performed within the City pursuant to the Annual Funding Plan.

8. The County is hereby authorized to carry out activities which will be funded from annual Community Development Block Grant funds from Fiscal Year 2009-2011 appropriations and from any program income generated from the expenditure of such funds. The City and the County recognize that the County shall be the governmental entity required to execute any grant agreement received pursuant to its Annual Funding Plan and that it shall thereby become legally liable and responsible thereunder for the proper performance of the plan and program. The City agrees that it shall fully cooperate with the County in all things required and appropriate to comply with the provisions of any Grant Agreement received by the County pursuant to the Act and its Regulations.

9. Pursuant to 24 CFR 570.501(b), the City agrees and does hereby commit itself to undertake, conduct or perform or assist the County in undertaking, conducting or performing the essential community development and housing assistance activities identified in the plan and program contemplated hereunder pursuant to the Act. The City is

subject to the same requirements applicable to subrecipients, including the requirement of entering into a written agreement with the County as described in 24 CFR 570.503.

10. All funds received by the County in accordance with its Annual Funding Plan shall be identified and allocated to the specific projects or activities set out in the Annual Funding Plan and such allocated amounts shall be expended exclusively for such projects or activities; provided, however, that a different distribution may be made when necessary to comply with Title I of the Housing and Community Development Act of 1974, as amended.

11. The City shall notify the County of any income generated by the expenditure of Community Development Block Grant funds received by the City. Such program income may be paid to the County, or the City may retain the program income subject to the provisions of this Agreement, the Act and its Regulations. Any program income retained must only be used for eligible activities in accordance with all Community Development Block Grant requirements as then apply.

12. The County shall monitor the use of any program income, requiring appropriate record-keeping and reporting by the City as may be needed for this purpose, and shall report the use of such program income to HUD. In the event of close-out or change of status of the City, all program income on hand or received by the City subsequent to the close-out or change of status shall be paid to the County.

13. The City shall notify the County of any modification or change in the use of real property acquired or improved in whole or in part using Community Development Block Grant funds that is within the control of the City, from that use planned at the time

of acquisition or improvement including disposition. Such notification shall be made within thirty (30) days of such change of use.

14. The City shall reimburse the County in an amount equal to the current fair market value, less any portion thereof attributable to expenditures of non-Community Development Block Grant funds, of property acquired or improved with Community Development Block Grant funds that is sold or transferred for a use which does not qualify under the Regulations. The City shall fully inform the County of such program income within thirty (30) days of the sale or change of use of property acquired or improved with Community Development Block Grant funds.

15. In the event of close-out or change of status of the City or termination of this Agreement between the County and the City, such program income resulting from the disposition or transfer of property acquired or improved with Community Development Block Grant funds shall be paid to the County by the City.

16. The Urban County and the cooperating city has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within their jurisdictions against any individuals engaged in non-violent civil rights demonstrations; and a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.

17. The period of performance of this agreement shall be for the Thirty-Fifth, Thirty-Sixth, and Thirty-Seventh Community Development Block Grant Program Years under the 2009-2011 Annual Funding Plans which will commence on the date of HUD approval of the County's 2009/2010 Annual Funding Plan and shall run for 36 consecutive

months thereafter except when modified under the provisions of the Regulations. This agreement will remain in effect until the Community Development Block Grant, HOME Investment Partnerships and other incomes received with respect to the three-year qualification period, and any successive qualification periods under agreements that provide for automatic renewals, are expended and funded activities completed. The County and participating cities may not terminate or withdraw from the agreement while the agreement remains in effect.

18. It is anticipated that the 2009/2010 Annual Funding Plan will be approved prior to July 1, 2009. All subsequent periods of performance hereunder shall be agreed to by written notification of this Agreement, fully executed by the parties.

19. The Parties agree that a fully executed amendment or amendments to this Agreement shall be entered into as required or necessary to implement a detailed and formulated plan and program as contemplated hereunder or for the purpose of complying with any grant agreement received or the regulations issued pursuant to the Act.

20. The Mayor and City Attorney are hereby authorized to execute and submit to the County of San Diego the HUD Certification Forms with respect to the community development activities carried out within the boundaries of this City. It is further understood that the County will rely upon the Certifications executed by the Mayor and City Attorney for purposes of executing Certification Forms for submission to HUD.

21. All records of the City respecting these Annual Funding Plans and any project undertaken pursuant thereto shall be open and available for inspection by auditors assigned by HUD and/or the County on reasonable notice during the normal business hours of the City.

22. The Parties agree to take all actions necessary to comply with the Urban County's certification required by section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 109 of Title I of the Housing and Community Development Act of 1974, as amended and other applicable laws.

23. The Parties agree that no Urban County funding will be expended for activities in or in support of any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certification.

24. If Community Development Block Grant funds are not awarded to the County by the U.S. Department of Housing and Community Development, the County's obligation to distribute those funds to the Urban County members will be terminated.

25. The Parties agree that if City fails to expend funds on a proposal in a timely manner for an eligible project or activity identified in the Annual Funding Plan pursuant to Paragraphs 6 and 7, the County may recapture and reallocate such unexpended funds at its sole discretion. The recaptured funds shall be made available for reprogramming to other eligible to activities proposed by other Urban County members or any other eligible applicant for Community Development Block Grant funds.

IN WITNESS WHEREOF, the parties have authorized this Cooperation Agreement and direct its execution by their respective chief executive officers this ___ day of_____, 2008. The terms and provisions of this Agreement are fully authorized under State and local law and the Agreement provides full legal authority for the County to undertake or assist in

undertaking essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing.

COUNTY OF SAN DIEGO

BY _____

Director,
Housing and Community Development

CITY OF __Imperial Beach_____

BY_____

Mayor

ATTEST:

BY_____

City Clerk

Approved as to form :

_____

City Attorney

COUNTY COUNSEL acknowledges that the terms and provisions of the agreement are fully authorized under State and local law and the agreement provides full legal authority for the County of San Diego to undertake, or assist in undertaking, essential community renewal and lower income housing assistance activities.

BY_____

Senior Deputy

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about –

   (a) The dangers of drug abuse in the workplace;
   (b) The grantee's policy of maintaining a drug-free workplace;
   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
   (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will –

   (a) Abide by the terms of the statement; and
   (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which It is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

_____ _____
Signature/Authorized Official Date

_____
Title

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. **Overall Benefit.** The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2009, 2010, 2011, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

   The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

_____ _____
Signature/Authorized Official Date

_____
Title

OPTIONAL CERTIFICATION
CDBG

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

_____ _____
Signature/Authorized Official Date

_____
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)
County of San Diego

Department of Housing and Community Development

3989 Ruffin Road

San Diego, CA 92123

Check X if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

   "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

   "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

   "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

   "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

RETURN TO AGENDA *AGENDA ITEM NO. 2.4*

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE CHAIR AND REDEVELOPMENT AGENCY DIRECTORS**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**FEBRUARY 20, 2008**
ORIGINATING DEPT.:	**COMMUNITY DEVELOPMENT DEPARTMENT** **GREG WADE, DIRECTOR** **GERARD SELBY, REDEVELOPMENT COORDINATOR**
SUBJECT:	**ADOPTION OF RESOLUTION NO. R-08-140 APPROVING A REQUEST FROM IMPERIAL BEACH PROFESSIONAL BUILDING FOR FAÇADE IMPROVEMENT PROGRAM MATCHING FUNDS AT 1340 IMPERIAL BEACH BOULEVARD.**

BACKGROUND

On July 18, 2001, the City Council and Redevelopment Agency (the "Agency") adopted the Redevelopment Plan for the Palm/Commercial Redevelopment Project. In 2003 Tax Allocation Bonds (the "Bond") were issued yielding approximately $22 million.

On March 2, 2005, the Redevelopment Agency and City Council adopted the Five Year Implementation Plan that included all projects and programs to be undertaken by the Redevelopment Agency over the next five years. At this time the Façade Improvement Program was formally included in the Five Year Implementation Plan.

Façade Improvement Grants are available up to $10,000 per building and/or business. Matching grants are available for all improvements above $10,000 with a limit of $20,000. Requests for matching grants exceeding $20,000 require City Council approval. All matching grants are based on a formula whereby property and/or business owner receives a rebate of $0.50 for each $1 spent.

DISCUSSION

The owners of the Imperial Beach Professional Building located at 1340 Imperial, Beach Boulevard, submitted a Façade Improvement application on June 5, 2006. The project was reviewed and accepted by the City of Imperial Beach Design Review Board on October 10th, 2006. The Imperial Beach Professional Building scope of work included signage, landscaping, lighting and a stone façade on lower half of the south and east facing sides of the building. The signage, and east-facing wall are complete. The additional improvements include installation of a stone surface on the south facing facade, landscaping and lighting.

To date, the Façade Improvement Program has paid $9,346.76 for improvements at the Imperial Beach Professional Building. Additional funds are needed to complete the approved

façade improvements in the amount of approximately $9,453.68. The applicant is requesting additional funding from the Façade Improvement Program to complete the project. The additional contribution requested from the Façade Improvement Program amounts to a total of $4,726.84.

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA.

FISCAL IMPACT

RDA Bond proceeds in the amount of $250,000 were previously allocated to the Façade Improvement Program. To date $95,000 of these funds has been expended.

DEPARTMENT RECOMMENDATION

Staff recommends that the Redevelopment Agency approve the request for additional funds in the amount of $4,726.84 to complete the façade improvements at the IB Professional Building, 1340 Imperial Beach Blvd, and adopt Resolution No. R-08-140 authorizing the expenditure of these funds.

CITY MANAGER'S RECOMMENDATION

Approve Department recommendation.

Gary Brown

Gary Brown, City Manager

Attachments:

1. Redevelopment Agency Resolution No. R-08-140

RETURN TO AGENDA

REDEVELOPMENT RESOLUTION NO. R-08-140

THE IMPERIAL BEACH REDEVELOPMENT AGENCY AUTHORIZES THE EXECUTIVE DIRECTOR OR DESIGNEETO ENTER INTO AN AGREEMENT NOT TO EXCEED TEN THOUSAND DOLLARS ($10,000) WITH THE IMPERIAL BEACH PROFESSIONAL CENTER FOR ADDITIONAL FAÇADE IMPROVEMENTS.

The Redevelopment Agency of the City of Imperial Beach ("Agency") do hereby resolve as follows:

WHEREAS, the Imperial Beach Redevelopment Agency (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project Area [the "Project"]; and

WHEREAS, the Project provides for the development of procedural and financial mechanisms by which the Agency can assist, complement and coordinate public and private development, redevelopment, revitalization and enhancement of the community; and

WHEREAS, the Project calls for the development of a program for making grants for the rehabilitation of properties in the Project; and

WHEREAS, the Façade Improvement Program is authorized as an alteration, improvement, modernization and rehabilitation implementation measure under the Agency's Five Year Implementation Plan intended to improve existing structures within the boundaries of the Agency's Redevelopment Project Areas; and

WHEREAS, the Façade Improvement Program is authorized by California Health & Safety Code Section 33021(a) to assist in the alteration, improvement, modernization, reconstruction and rehabilitation of existing structures in the Agency's Project Areas; and

WHEREAS, the Façade Improvement Program is consistent with the requirements of California Health & Safety Code Section 33022 in that the Program allows the continuance of existing structures in the Agency's Project Areas in a manner that will improve the appearance of the structures and, thereby, improve the quality of the immediate areas resulting in the elimination of blighting conditions;

WHEREAS, the Façade Improvement Program has been previously approved and authorized to make grants for façade improvements; and

WHEREAS, in order to carry out and implement the Façade Improvement Program, the Agency proposes to enter into agreement not to exceed FOUR THOUSAND SEVEN HUNDRED TWENTY SIX DOLLARS AND EIGHTY FOUR CENTS ($4,726.84) with the Imperial Beach Professional Center for additional façade improvements.

NOW, THEREFORE, BE IT RESOLVED by the Imperial Beach Redevelopment Agency as follows:

1. That the Façade Improvement Program is authorized by California Health & Safety Code Section 33021(a) to assist in the alteration, improvement, modernization, reconstruction and rehabilitation of existing structures in the Agency's Project Areas; and
2. That the Façade Improvement Program is consistent with the requirements of California Health & Safety Code Section 33022 in that the Program allows the continuance of existing structures in the Agency's Project Areas in a manner that will

improve the appearance of the structures and, thereby, improve the quality of the immediate areas resulting in the elimination of blighting conditions; and

3. That the Agency finds and determines that the establishment of a Façade Improvement Program for the Project area is of benefit to the Project, City Council and the Redevelopment Agency of the City of Imperial Beach finds and determines that no other reasonable means for financing the proposed improvements for which the Agency proposes to pay are available to the community, and that the Agency finds and determines that proposed improvements will assist in eliminating more blighting conditions inside the Project area; and

4. That the Agency authorizes the Executive Director or his designee to execute an agreement not to exceed $4,726.84 with the Imperial Beach Professional Center to install additional façade improvements; and

PASSED, APPROVED, AND ADOPTED by the Imperial Beach Redevelopment Agency of at its meeting held on the 20th day of February 2008 following roll call vote:

AYES: COUNCILMEMBERS: NONE
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

James C. Janney
JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald
JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Redevelopment Resolution No. R-08-140 – A Resolution of the Imperial Beach Redevelopment Agency of the City of Imperial Beach, California AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO AN AGREEMENT NOT TO EXCEED $10,000 WITH THE IMPERIAL BEACH PROFESSIONAL CENTER FOR ADDITIONAL FAÇADE IMPROVEMENTS.

CITY CLERK

DATE

AGENDA ITEM NO. 2.5

STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY R. BROWN, CITY MANAGER

MEETING DATE: FEBRUARY 20, 2008

ORIGINATING DEPT.: FINANCE DEPARTMENT

SUBJECT: UPGRADE TO MICROSOFT OFFICE 2007 AND REPLACE TEN COMPUTERS

BACKGROUND:

On February 6, 2008, the City Council reapproved the capital budget for technology projects. Project T05-101 allocates funding to upgrade the City's office software. This report requests City Council's approval to purchase an upgrade of our Microsoft Office software and the replacement of ten computers.

DISCUSSION:

Microsoft Office contains Excel, Word, Outlook, and Power Point. We currently have a mixed environment containing various versions of Microsoft Office. Additionally, a majority of the licenses are under a basic license agreement which does not permit updates or upgrades to the basic Office product. With all the new features and advancements that come with Microsoft Office 2007, we are recommending upgrading everyone to the latest version.

Ninety licenses are needed to be purchased from our software vendor CDWG in order to bring every user up to Microsoft Office 2007. This new version will provide compatibility for all city users to share files, increase reliability, and utilize advance tools. The upgrade will also decrease the number of IT service calls needed to address compatibility issues. This upgrade will also put us in compliance with Microsoft standards.

In addition to the software, staff is recommending replacing ten computers due to age and compatibility problems. There are currently ten Pentium 3 computers that have limited capability and are recommended to be replaced.

FISCAL IMPACT:

The cost to become compliance with Microsoft Office Professional license and to replace the ten oldest computers is $41,553. Funds are available in CIP under Network Software Upgrades (T05-101).

Our software vendor CDWG is part of the purchase of supplies, services and equipment under the State's CMAS program. CMAS contracts have been competitively bid.

DEPARTMENT RECOMMENDATION: It is respectfully requested that the City of Imperial Beach City Council approve Resolution 2008-6581 approving the purchase of the requisite software licensing and computers from CDWG.

CITY MANAGER'S RECOMMENDATION: Approve Department recommendation.

Gary Brown

Gary R. Brown, City Manager

Attachments: Resolution 2008-6581

ATTACHMENT 1

RESOLUTION NO. 2008-6581

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE PURCHASE OF MICROSOFT OFFICE 2007 UPGRADE AND THE REPLACEMENT OF COMPUTERS

WHEREAS, the current and latest Microsoft Product is Office 2007, and

WHEREAS, the purchase of 90 Microsoft Office licenses and replacement of hardware PCs will bring the City into compliance and greater compatibility, and

WHEREAS, the city Council approved funding for capital improvement for Network Software Upgrades in the amount of $41, 553.29, and

WHEREAS, staff has received an appropriate CMAS bid for these license upgrades and hardware PC replacement,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Imperial Beach, authorizes the purchase of the Microsoft Office 2007 Licenses and Hardware PCs replacement from CDWG (CMAS) to upgrade the City's MS Office and PCs infrastructure.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of February 2008, by the following roll call vote:

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

_____
James C. Janney, MAYOR

ATTEST:

_____
JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2008-6581 – A Resolution of the City Council of the City of Imperial Beach, California authorizing the purchase approving the purchase of the requisite software licensing and the replacement of ten computers.

_____ _____
CITY CLERK DATE

AGENDA ITEM NO. 2.6

STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY R. BROWN, CITY MANAGER

MEETING DATE: FEBRUARY 20, 2008

ORIGINATING DEPT.: FINANCE DEPARTMENT

SUBJECT: PURCHASE OF THE CISCO SWITCHES HARDWARE FROM AT&T

BACKGROUND:

On February 6, 2008, the City Council reapproved the Capital Improvement Budget. Included in the Capital Budget is the Network Security Systems project (T05-601). This project allocates funding for security improvements to the City's information network. This report recommends the replacement of a key component of the network system to improve the system's security and speed.

DISCUSSION:

Network switches are the back bone that connects PCs with the servers. Network switches control the access and the flow of requests into the City's computer servers. The existing switches utilize an old technology that is no longer supported and have security and speed limitations. New switches will improve access speed for users of HTE, email, network, etc. Staff recommends implementing a Cisco switching system that will be compatible with existing Cisco equipment. Quotes were solicited from appropriate vendors for this upgrade with the lowest responsible bid being from AT&T.

FISCAL IMPACT:

The cost will be $25,205.75 for the new hardware. This cost also covers installation, configuration and the first year of maintenance. Funds are available in the Network Security Systems (T05-601) capital project. In Fiscal Year 2008-09, the annual cost for maintenance on a Cisco solution will be $ 1,023. This maintenance cost includes, technical support, upgrades, hardware replacement and software configuration. The cost to maintain Cisco switches is lower than the previous maintenance agreement on our current system.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City of Imperial Beach City Council approve Resolution 2008-6582 authorizing the purchase of the Cisco Security System hardware and software from AT&T to upgrade the City's Security infrastructure.

CITY MANAGER'S RECOMMENDATION: Approve Department recommendation.

Gary R. Brown, City Manager

Attachments: Resolution 2008-6582

ATTACHMENT 1

RESOLUTION NO. 2008-6582

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE PURCHASE OF THE CISCO NETWORK SYSTEM FROM AT & T TO UPGRADE THE CITY'S NETWORK INFRASTRUCTURE

WHEREAS, the City has been experiencing intermittent network slowness and bottlenecks, and

WHEREAS, the current network switches are out of warranty and obsolete, and

WHEREAS, the City desires a more reliable and secure network, and

WHEREAS, the purchase of a Cisco Switch environment will replace the current system and will provide the necessary security and latest technology, and

WHEREAS, the City Council approved funding for capital improvement project for Network Security Systems T05-601, and

WHEREAS, staff has received an appropriate bid for these specialized services from AT&T.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Imperial Beach, authorizes the purchase of the Cisco Network Switches from AT & T to upgrade the City's Network infrastructure in the amount of **$25,205.75**.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of February 2008, by the following roll call vote:

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

_____

JAMES C. JANNEY, MAYOR

AGENDA ITEM NO. 2.7

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**February 20, 2008**
ORIGINATING DEPT.:	**PUBLIC SAFETY**
SUBJECT:	**A RESOLUTION OF THE CITY COUNCIL OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2007-2008 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT ALSO KNOWN AS THE COPS GRANT**

BACKGROUND:

The City of Imperial Beach has been receiving grant funds for the purposes of supplemental law enforcement activities for the past several years. This grant, known as the Supplemental Law Enforcement State Funding (SLESF), is often referred to as the COPS Grant. This grant's purpose is specifically targeted at adding additional law enforcement personnel within the jurisdictions that receive the funding. Since April 18, 2001, the City Council has authorized the expenditure of these grant funds for the purpose of partially funding the City's motorcycle traffic safety unit. Prior to the Council's action on April 18, 2001, the City had not had the services of a motorcycle traffic safety unit for many years. The City experiences many significant traffic related incidents. Motorcycle units are highly effective traffic safety resources that can be a very useful tool in attempting to curtail the traffic safety issues identified in the report.

DISCUSSION:

Staff has been notified that the City will receive $100,000 SLESF funding for FY 2007/2008. Staff recommends that the entire $100,000 be used to partially fund the cost of the motorcycle unit for FY 2007/2008. The annual cost for the motorcycle unit is approximately $237,000.

FISCAL IMPACT:

This $100,000 grant would increase special revenue expenditures by $100,000 for FY 2007/2008.

DEPARTMENT RECOMMENDATION:

Adopt Resolution No. 2008-6584 approving the proposed expenditure plan of SLESF (COPS) grant funds for FY 2007-08.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown, City Manager

Attachments:

1. Resolution No. 2008-6584

ATTACHMENT 1

RESOLUTION NO. 2008-6584

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING YEAR "ONE" OF FISCAL YEAR 2007/2009 BUDGET BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2009 FOR $100,000 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT

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

WHEREAS, there is a need to reconcile the budget adopted by City Council at the beginning of the fiscal year to the amended budget at the end of the year, and;

WHEREAS, the City received notice of grant award for $100,000 from the Supplemental Law Enforcement State Funding (SLESF) Grant, with zero City matching funds required.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the following expenditure budget amendment in the amount of **$100,000**:

Budget Account #		Description of BA	Adjustment Amount
Revenue	**- 212-0000-336-40-02**	**SLESF Grant**	**+$100,000**
Expenditure	**- 212-3036-421-20-06**	**SLESF Grant**	**+$100,000**

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th of February 2008, by the following roll call vote:

AYES: COUNCILMEMBERS: MCCOY, WINTER, MCLEAN, JANNEY, ROSE
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

JIM JANNEY

JIM JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2008-6584 A Resolution of the City Council of the City of Imperial Beach, California AMENDING YEAR "ONE" OF FISCAL YEAR 2005/2007 BUDGET BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2009 FOR $100,000 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT.

CITY CLERK

DATE

AGENDA ITEM NO. 2.8

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	HONORABLE MAYOR AND CITY COUNCIL
FROM:	GARY BROWN, CITY MANAGER
MEETING DATE:	FEBRUARY 20, 2008
ORIGINATING DEPT.:	JACQUELINE M. HALD, CITY CLERK
SUBJECT:	RESOLUTION NO. 2008-6586 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA RATIFYING AN AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT FOR THE 2007 ANNUAL CONCERT EVENT

BACKGROUND:

Through the Port of San Diego's Financial Assistance Program, the Port of San Diego gives back to the community and supports the many activities and organizations that make San Diego Bay vibrant and thriving. The goal of the Financial Assistance Program is to provide funding to organizations that promote recreation, commerce, navigation and fisheries along the tidelands of San Diego Bay, especially the five member cities.

DISCUSSION:

On January 17, 2007, the City Council approved Resolution No. 2007-6443, authorizing the City Manager to execute the 2007-2008 Port of San Diego Financial Assistance Program Application, for funding assistance for the 2007 Annual Concert event. On May 8, 2007 the San Diego Unified Port District Board approved funding for financial assistance to all member cities in the amount of $30,000.

The 2007 Annual Concert event was held on September 29, 2007. The evening's entertainment included performances by Society Beat, a 16-piece orchestra, and Liquid Blue, voted America's Best Dance Band. A spectacular laser light show also accompanied the bands.

In order to receive funding for the 2007 Annual Concert event, it is necessary to execute and submit the attached agreement between the San Diego Unified Port District and the City of Imperial Beach.

FISCAL ANALYSIS:

The costs for the 2007 Annual Concert event were approximately $32,500 and will be offset by the $30,000 grant from the Port of San Diego and $2,500 sponsorship received from EDCO.

DEPARTMENT RECOMMENDATION:

Adopt Resolution No. 2008-6586 ratifying the Agreement between the City of Imperial Beach and the San Diego Unified Port District for financial assistance for the 2007 Annual Concert event.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown, City Manager

Attachment:

1. Resolution No. 2008-6586
2. Agreement with the SD Unified Port District

ATTACHMENT 1

RESOLUTION NO. 2008-6586

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA RATIFYING AN AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT FOR THE 2007 ANNUAL CONCERT EVENT

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

WHEREAS, the City Council approved submission of a financial assistance program application to the San Diego Unified Port District on January 17, 2007 for the 2007 Annual Concert event; and

WHEREAS, on May 8, 2007, the San Diego Unified Port District Board approved financial assistance in the amount of $30,000 for all member cities; and

WHEREAS, the 2007 Annual Concert event was held on September 29, 2007; and

WHEREAS, it is necessary to execute and submit an agreement between the San Diego Unified Port District and the City of Imperial Beach in order to receive funding; and

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

1. The agreement with the San Diego Unified Port District for financial assistance in the amount of $30,000 for the 2007 Annual Concert is hereby ratified.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of February 2008, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2008-6586 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA RATIFYING AN AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT FOR 2007 ANNUAL CONCERT EVENT.

CITY CLERK

DATE

AGREEMENT BETWEEN SAN DIEGO UNIFIED PORT DISTRICT and CITY OF IMPERIAL BEACH for ANNUAL CONCERT EVENT

The parties to this Agreement are the SAN DIEGO UNIFIED PORT DISTRICT (District), a public corporation and the CITY OF IMPERIAL BEACH, (Service Provider) a municipal corporation located in Imperial Beach, CA. Both parties agree to the following:

1. **SCOPE OF SERVICES:** Service Provider shall furnish all technical and professional labor, and materials to satisfactorily comply with Attachment A, Scope of Services. Scope of Services is determined by District from services proposed in the Service Provider's 2007-2008 Financial Assistance Application. The Service Provider shall keep the Executive Director of the District or his designated representative informed of the progress of said services at all times.

2. **TERM OF AGREEMENT:** This Agreement shall commence on July 1, 2007 and shall terminate on June 30, 2008, subject to earlier termination as provided below.

3. **COMPENSATION:** For performance of services rendered pursuant to this Agreement and as further described in Attachment B, Compensation and Invoicing; District shall compensate Service Provider based on the following, subject to the limitation of the maximum expenditure provided herein:

   3.1 **Maximum Expenditure.** The maximum expenditure under this Agreement shall not exceed Thirty Thousand dollars ($30,000.00). Said expenditure shall include without limitation all sums, charges, reimbursements, costs

and expenses provided for herein. Service Provider shall not be required to perform further services after compensation has been expended. In the event that the Service Provider anticipates the need for services in excess of the maximum Agreement amount, the District shall be notified in writing immediately. District must approve an amendment to this Agreement before additional fees and costs are incurred. In order to provide adequate notice and time for amendment of this Agreement, Service Provider shall advise the District in writing when expenses incurred reach Thirty Thousand dollars ($30,000.00).

3.2 **Payment Procedure.** For work performed on an hourly basis, Service Provider agrees to assign the person with the lowest hourly rate who is fully competent to provide the services required. If Service Provider finds it necessary to have work, which would usually be performed by personnel with a lower rate, performed by personnel paid at the higher hourly rate, Service Provider shall nevertheless, bill at the lower rate.

3.3 **Progress Documentation.** Service Provider shall provide District progress reports in a format and on a schedule as District directs. Progress reports shall include a description of work completed, cumulative dollar costs incurred, anticipated work for the next reporting period, percentage of work complete, and the expected completion date for remaining work. The report shall identify problem areas and important issues that may affect project cost and/or schedule. The report shall present actual percent completion versus planned percent completion.

4. **RECORDS:** In accordance with generally accepted accounting principles, Service Provider shall maintain full and complete records of the cost of services performed under this Agreement. Such records shall be open to inspection of District at all reasonable times in the City of Imperial Beach and such records shall be kept for at least three (3) years after the termination of this Agreement,

or until all disputes, appeals, litigation or claims arising from this Agreement have been resolved, whichever is later.

Service Provider understands and agrees that District, at all times under this Agreement, has the right to review project documents and work in progress and to audit financial records, whether or not final, which Service Provider or anyone else associated with the work has prepared or which relate to the work which Service Provider is performing for District pursuant to this Agreement regardless of whether such records have previously been provided to District. Service Provider shall provide District at Service Provider's expense a copy of all such records within five (5) working days of a written request by District. District's right shall also include inspection at reasonable times of the Service Provider's office or facilities, which are engaged in the performance of services pursuant to this Agreement. Service Provider shall, at no cost to District furnish reasonable facilities and assistance for such review and audit. Service Provider's failure to provide the records within the time requested shall preclude Service Provider from receiving any compensation due under this Agreement until such documents are provided.

5. **SERVICE PROVIDER'S SUB-CONTRACTORS:** It may be necessary for Service Provider to sub-contract for the performance of certain technical services or other services for Service Provider to perform and complete the required services; provided, however, all Service Provider's sub-contractors shall be subject to prior written approval by District. The Service Provider shall remain responsible to District for any and all services and obligations required under this Agreement, whether performed by Service Provider or Service Provider's sub-contractors. Service Provider shall compensate each Service Provider's sub-contractors in the time periods required by law. Any Service Provider's sub-contractors employed by Service Provider shall be independent Service Providers and not agents of District. Service Provider shall insure that Service

Provider's sub-contractors satisfy all substantive requirements for the work set forth by this Agreement, including insurance and indemnification.

Service Provider shall also include a clause in its Agreements with Service Provider's sub-contractors which reserves the right, during the performance of this Agreement and for a period of three (3) years following termination of this Agreement, for a District representative to audit any cost, compensation or settlement resulting from any items set forth in this Agreement. This clause shall also require Service Provider's sub-contractors to retain all necessary records for a period of three (3) years after completion of services to be performed under this Agreement or until all disputes, appeals, litigation or claims arising from this Agreement have been resolved, whichever is later.

6. **COMPLIANCE:** In performance of this Agreement, Service Provider and Service Provider's sub-contractors shall comply with the California Fair Employment and Housing Act, the American with Disabilities Act, and all other applicable federal, state, and local laws prohibiting discrimination, including without limitation, laws prohibiting discrimination because of age, ancestry, color, creed, denial of family and medical care leave, disability, marital status, medical condition, national origin, race, religion, sex, or sexual orientation. Service Provider shall comply with the prevailing wage provisions of the Labor Code, and the Political Reform Act provisions of the Government Code, as applicable. Service Provider shall comply with all federal and state laws and district statues, ordinances and regulations applicable to the performance of the services under this Agreement as now exist or may be added or amended.

7. **INDEPENDENT ANALYSIS:** Service Provider shall provide the services required by this Agreement and arrive at conclusions with respect to the rendition of information, advice or recommendations, independent of the control and direction of District, other than normal contract monitoring provided, however, Service

Provider shall possess no authority with respect to any District decision beyond rendition of such information, advice, or recommendations.

8. **ASSIGNMENT:** This is a personal services Agreement between the parties and Service Provider shall not assign or transfer voluntarily or involuntarily any of its rights, duties, or obligations under this Agreement without the express written consent of Executive Director (President/CEO) of District in each instance.

9. **INDEMNIFICATION:**

9.1 Indemnification for Non-Professional Services: To the fullest extent provided by law with respect to all liability except liability for Professional Services, covered under Section 9.2, the Service Provider agrees to defend, indemnify, protect and hold harmless District, its agents, officers and employees, from and against any claim, demand, action, proceeding, suit or liability for damages, costs (including reasonable attorneys' fees) or expenses for damages to property or the loss of use thereof or injuries or death to any person (including Service Provider's employees), caused by, arising out of or related to the performance of, Service Provider as provided in the Scope of Services, or failure to act by Service Provider, its officers, agents, and employees. The Service Provider's duty to defend, indemnify, protect, and hold harmless shall not include any claims or liabilities arising from the active negligence, sole negligence or willful misconduct of District, its agents, officers, or employees.

The Service Provider further agrees that the indemnification, including the duty to defend District, requires the Service Provider to pay reasonable attorneys' fees and costs District incurs that are associated with enforcing the indemnification provision, and defending any claims, demands, or liabilities arising from the services of the Service Provider performed pursuant to this Agreement.

District may, at its own election, conduct its defense, or participate in the defense of any claim demand related in any way to the Agreement. If District chooses at its own election to conduct its own defense, participate in its own defense or obtain independent legal counsel in defense of any claim, demand or liability related to Service Provider's Scope of Services, the Service Provider agrees to pay the reasonable value of attorneys' fees and all of District's costs associated with its defense.

9.2 Indemnification for Professional Services: To the fullest extent provided by law, the Service Provider agrees to defend, indemnify, protect and hold harmless District, its agents, officers and employees from and against any and all claims, demands, liability for any damages, costs (including reasonable attorneys' fees and costs), or expenses, arising from the actions or omissions of the Service Provider as provided in the Scope of Services. The Service Provider's duty to defend, indemnify, protect, and hold harmless shall not include any claims or liabilities arising from the active negligence, sole negligence or willful misconduct of District, its agents, officers, or employees.

The Service Provider further agrees that the indemnification, including the duty to defend District, requires the Service Provider to pay reasonable attorneys' fees and costs District incurs that are associated with enforcing the indemnification provision, and defending any claims, demands, or liabilities arising from the services of the Service Provider performed pursuant to this Agreement.

District may, at its own election, conduct its defense, or participate in the defense of any claim or demand related in any way to the Agreement. If District chooses at its own election to conduct its own defense, participate in its own defense or obtain independent legal counsel in defense of any claim, demand or liability related to the Scope of Services, the Service

Provider agrees to pay the reasonable value of attorneys' fees and all of District's costs associated with its defense.

10. **INSURANCE REQUIREMENTS**: Service Provider and each Sub Contractor Provider shall at all times during the term of this Agreement maintain, at its expense, the following minimum levels and types of insurance:

10.1 Commercial General Liability: (including, without limitation, Contractual Liability, Personal and Advertising Injury, and Products/ Completed Operations) coverage's, with coverage at least as broad as Insurance Services Office Commercial General Liability Coverage (occurrence Form CG 0001 with limits no less than two million dollars ($2,000,000) per occurrence for bodily injury, personal injury and property damage.

1. The deductible or self-insured retention on this Commercial General Liability policy shall not exceed $5,000 unless District has approved of a higher deductible or self-insured retention in writing

2. The Commercial General Liability policy shall be endorsed to include the District; its agents, officers, and employees as additional insured in the form as required by the District, an exemplar endorsement attached.

3. The coverage provided to the District, as an additional insured, shall be primary.

10.2 Commercial Automobile Liability: (Owned, Scheduled, Non-Owned, or Hired Automobiles written at least as broad as Insurance

Services Office Form Number CA 0001 with limits of no less than two million dollars ($2,000,000) per accident for bodily injury and property damage.

10.3 Worker's Compensation: Worker's Compensation in statutory required limits and Employer's Liability in an amount of not less than one million dollars ($1,000,000) per accident for bodily injury or disease. This policy shall be endorsed to include a waiver of subrogation endorsement.

Service Provider shall furnish District with certificates of insurance coverage for all the policies described above upon execution of this Agreement and upon renewal of any of these policies. A Certificate of Insurance in the form acceptable to the District, an exemplar Certificate of Insurance is attached as Exhibit A and made a part hereof, evidencing the existence of the necessary insurance policies and endorsements required shall be kept on file with the District. Except in the event of cancellation for non-payment of premium, in which case notice shall be 10 days, all such certificates shall indicate that the insurer must notify District in writing at least 30 days in advance of any change in, or cancellation of, coverage. Service Provider shall also provide notice to District prior to cancellation of, or any change in, the stated coverage's of insurance.

Furnishing insurance specified herein by the District will in no way relieve or limit any responsibility or obligation imposed by the Agreement or otherwise on Service Provider or Service Provider's sub-contractors or any tier of Service Provider's sub-contractors. District shall reserve the right to obtain complete copies of any of the insurance policies required herein.

11. **ACCURACY OF SERVICES:** Service Provider shall be responsible for the technical accuracy of its services and documents resulting therefrom and District shall not be responsible for discovering deficiencies therein. Service Provider shall correct such deficiencies with additional compensation. Furthermore, Service Provider expressly agrees to reimburse District for any costs incurred as a result of such deficiencies. Service Provider shall make decisions and carry out its responsibilities hereunder in a timely manner and shall bear all costs incident thereto so as not to delay the District, the project, or any other person related to the project, including the Service Provider or its agents, employees, or subcontractors.

12. **INDEPENDENT CONTRACTOR:** Service Provider and any agent or employee of Service Provider shall act in an independent capacity and not as officers or employees of District. The District assumes no liability for the Service Provider's actions and performance, nor assumes responsibility for taxes, bonds, payments or other commitments, implied or explicit by or for the Service Provider. Service Provider shall not have authority to act as an agent on behalf of the District unless specifically authorized to do so in writing. Service Provider acknowledges that it is aware that because it is an independent contractor, District is making no deductions from its fee and is not contributing to any fund on its behalf. Service Provider disclaims the right to any fee or benefits except as expressly provided for in this Agreement.

13. **ADVICE OF COUNSEL:** The parties agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this Agreement, and that the decision of whether or not to seek the advice of counsel with respect to this Agreement is a decision which is the sole responsibility of each of the parties hereto. This Agreement shall not be construed in favor of or against either party by reason of the extent to which each party participated in the drafting of the Agreement. The laws of the State of

California shall govern the formation, interpretation and performance of this agreement.

14. **INDEPENDENT REVIEW:** Each party hereto declares and represents that in entering into this Agreement it has relied and is relying solely upon its own judgment, belief and knowledge of the nature, extent, effect and consequence relating thereto. Each party further declares and represents that this Agreement is being made without reliance upon any statement or representation not contained herein of any other party, or any representative, agent or attorney of any other party.

15. **INTEGRATION AND MODIFICATION:** This Agreement contains the entire Agreement between the parties and supersedes all prior negotiations, discussion, obligations and rights of the parties in respect of each other regarding the subject matter of this Agreement. There is no other written or oral understanding between the parties. No modifications, amendment or alteration of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

16. **TERMINATION:** In addition to any other rights and remedies allowed by law, the Executive Director (President/CEO) of District may terminate this Agreement at any time with or without cause by giving thirty (30) days written notice to Service Provider of such termination and specifying the effective date thereof. In that event, Service Provider shall at the option of District deliver all finished or unfinished documents and other materials to the Don L. Nay Port Administration Building (located at 3165 Pacific Highway, San Diego, California 92101). Termination of this Agreement by Executive Director (President/CEO) as provided in this paragraph shall release District from any further fee or claim hereunder by Service Provider other than the fee earned for services which were performed prior to termination but not yet paid. Said fee shall be calculated and based on the schedule as provided in this Agreement.

18. **DISPUTE RESOLUTION:** If a dispute arises out of or relates to this Agreement, or the alleged breach thereof, and is not settled by direct negotiation or such other procedures as may be agreed, and if such dispute is not otherwise time barred, the parties agree to first try in good faith to settle the dispute amicably by mediation administered at San Diego, California, by the American Arbitration Association, or by such other provider as the parties may mutually select, prior to initiating any litigation or arbitration. Notice of any such dispute must be filed in writing with the other party within a reasonable time after the dispute has arisen. Any resultant Agreements shall be documented and may be used as the basis for an amendment or directive as appropriate.

If mediation is unsuccessful in settling all disputes that are not otherwise time barred, and if both parties agree, any still unresolved disputes may be resolved by arbitration administered at San Diego, California, by the American Arbitration Association, or by such other provider as the parties may mutually select, provided, however, that the Arbitration Award shall be non-binding and advisory only. Any resultant Agreements shall be documented and may be used as the basis for an amendment or directive as appropriate. On demand of the arbitrator or any party to this Agreement, sub-contractor and all parties bound by this arbitration provision agree to join in and become parties to the arbitration proceeding.

The foregoing mediation and arbitration procedures notwithstanding, all claim filing requirements of the Agreement documents, the California Government Code, and otherwise, shall remain in full force and effect regardless of whether or not such dispute avoidance and resolution procedures have been implemented, and the time periods within which claims are to be filed or presented to the District Clerk as required by said Agreement, Government Code, and otherwise, shall not be waived, extended or tolled thereby. If a claim is not timely filed or presented, such claim shall be time barred and the above dispute avoidance and

resolution procedures, whether or not implemented or then pending, shall likewise be time barred as to such claims.

19. **PAYMENT BY DISTRICT:** Payment by the District pursuant to this Agreement does not represent that the District has made a detailed examination, audit, or arithmetic verification of the documentation submitted for payment by the Service Provider, made an exhaustive inspection to check the quality or quantity of the services performed by the Service Provider, made an examination to ascertain how or for what purpose the Service Provider has used money previously paid on account by the District, or constitute a waiver of claims against the Service Provider by the District. The District may in its sole discretion withhold payments or seek reimbursement from the Service Provider for expenses, miscellaneous charges, or other liabilities or increased costs incurred or anticipated by the District which are the fault of or as result of work performed or negligent conduct by or on behalf of the Service Provider. Upon five (5) day written notice to the Service Provider, the District shall have the right to estimate the amount of expenses, miscellaneous charges, or other liabilities or increased costs and to cause the Service Provider to pay the same; and the amount due the Service Provider under this Agreement or the whole or so much of the money due or to become due to the Service Provider under this Agreement as may be considered reasonably necessary by the District shall be retained by the District until such expenses, miscellaneous charges, or other liabilities or increased costs shall have been corrected or otherwise disposed of by the Service Provider at no expense to the District. If such expenses, miscellaneous charges, or other liabilities or increased costs are not corrected or otherwise disposed of at no expense to the District prior to completion date of the Agreement, the District is authorized to pay for such expenses, miscellaneous charges, or other liabilities or increased costs from the amounts retained as outlined above or to seek reimbursement of same from the Service Provider. It is the express intent of the parties to this Agreement to protect the District from loss because of conduct by or on behalf of the Service Provider.

20. CAPTIONS: The captions by which the paragraphs of this Agreement are identified are for convenience only and shall have no effect upon its interpretation.

21. EXECUTIVE DIRECTOR'S SIGNATURE: It is an express condition of this Agreement that said Agreement shall not be complete nor effective until signed by either the Executive Director (President/CEO) or Authorized Designee on behalf of the District and by Authorized Representative of the Service Provider.

21.1 Submit all correspondence, including invoices, regarding this Agreement, including Insurance Certificates and Endorsements to:

Sofia Bayardo, Executive Assistant
Communications & Community Services
San Diego Unified Port District
P.O. Box 120488
San Diego, CA 92112-0488
Tel: 619-686-6551
Fax: 619-686-6373
Email: sbayardo@portofsandiego.org

21.2 The Service Provider's Authorized Representative assigned below has the authority to authorize changes to the scope, terms and conditions of this Agreement:

Gary Brown, City Manager
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach, CA 91932
Tel: 619-423-8616
Fax: 619-628-2347
Email: jhald@cityofib.org

21.3 Written notification to the other party shall be provided, in advance, of changes in the name or address of the designated Authorized Representative.

CITY OF IMPERIAL BEACH

Gary Brown
City Manager

2/5/08
Date

SAN DIEGO UNIFIED PORT DISTRICT

PORT ATTORNEY

Date

Irene McCormack, Director
Communications & Community Services

Date

ATTACHMENT A
SCOPE OF SERVICES

San Diego Unified Port District

Service Provider - through its program or event – will promote District and/or commerce, navigation, recreation, fisheries and tenant businesses on the District tidelands. This will be accomplished in the following manner:

- Conduct the Annual Concert Event on September 29, 2007 in Imperial Beach, CA.
- Recognize District as a sponsor of the Annual Concert Event through:
    - Verbal mention as part of periodic announcements thanking sponsors during the event
    - Display of District logo at Annual Concert Event
    - Mention of District on all promotional materials including banners, flyers, posters, news releases and website advertising for Annual Concert Event
    - Distribution of District promotional material
    - Display of District logo advertisement in souvenir program
    - Display of District name on Annual Concert Event banner.
    - Display of District logo on City of Imperial Beach website(s).

ATTACHMENT B
COMPENSATION & INVOICING
San Diego Unified Port District

I. COMPENSATION:

For the satisfactory performance and completion of the services under this Agreement, District shall pay Service Provider compensation as set forth hereunder.

II. INVOICING:

A. Service Provider shall be compensated and reimbursed by District on the basis of invoices submitted for services performed. Service Provider shall include the following information on each invoice submitted for payment by District:
   a. Agreement No 0708-13
   b. The following certification phrase, with printed name, title and signature of Service Provider's project manager or designated representative:

      "I certify under penalty of perjury that the above statement is just and correct according to the terms of Document No. _____ and that payment has not been received."

   c. Date of invoice
   d. A unique invoice number

B. Each invoice shall also include:
   a. A statement that the services provider's event or program was conducted on the agreed upon date(s).
   b. A description of the event or program.
   c. Documentation of the service provider's fulfillment of Scope of Services (Attachment A) including printouts or copies of advertisements, websites, programs and other applicable promotional materials.

   District shall, at its discretion, return to Service Provider, without payment, any invoice, which has been submitted without the above information and certification phrase.

B. Invoices shall be mailed to the attention of: Sofia Bayardo, Communications & Community Services, P.O. Box 120488, San Diego Unified Port District, San Diego, CA 92112-0488.

C. Should District contest any portion of an invoice, that portion shall be held for resolution, but the uncontested balance shall be processed for

payment. District may, at any time, conduct an audit of any and all records kept by Service Provider for the Services. Any overpayment discovered in such an audit may be charged against the Service Provider's future invoices and any retention funds.

D. Service Provider shall submit all invoices within thirty (30) days of completion of work represented by the request and within sixty (60) days of incurring costs to be reimbursed under the Agreement. Payment will be made to Service Provider within thirty (30) days after receipt by District of a proper invoice.

E. Service Provider shall indicate on last invoice submitted for payment: FINAL INVOICE.

EXHIBIT A
CERTIFICATE OF INSURANCE
San Diego Unified Port District
ONLY THIS CERTIFICATE OF INSURANCE WILL BE ACCEPTED

By signing this form, the authorized agent or broker ***certifies*** the following:

(1) The Policy or Policies described below have been issued by the noted Insurer(s) [Insurance Company(ies)] to the Insured and is (are) in force at this time.

(2) As required in the Insured's Agreement(s) with the District, the policies include, or have been endorsed to include, the coverage's or conditions of coverage noted on page 2 of this certificate.

(3) Signed copies of ***all*** endorsements issued to effect require coverage's or conditions of coverage are attached to this certificate.

Return this form to: San Diego Unified Port District
Attn: Linda Wikstrom, Audit, Risk Management & Safety
P. O. Box 120488, San Diego, CA 92112-0488
FAX: 866-875-1993

Name and Address of Insured (Contractor or Vendor)	SDUPD Agreement Number_____ **This certificate applies to all operations of named insureds property in connection with all Agreements between the District and Insured.**

CO LTR	TYPE OF INSURANCE	POLICY	DATES	LIMITS
	Commercial General Liability ☐ Occurrence Form ☐ Claims-made Form Retro Date _____ ☐ Liquor Liability Deductible/SIR: $_____		**Commencement Date:** **Expiration Date:**	**Each Occurrence:** $_____ **General Aggregate:** $_____
	Commercial Automobile Liability ☐ All Autos ☐ Owned Autos ☐ Non-Owned & Hired Autos		**Commencement Date:** **Expiration Date:**	**Each Occurrence:** $
	Workers Compensation – Statutory Employer's Liability		**Commencement Date:** **Expiration Date:**	E.L. Each Accident $ E.L. Disease Each Employee $ E.L. Disease Policy Limit $
	Professional Liability ☐ Claims Made Retro-Active Date _____		**Commencement Date:** **Expiration Date:**	Each Claim $
	Excess/Umbrella Liability		**Commencement Date:** **Expiration Date:**	Each Occurrence: $_____ General Aggregate:$_____

CO LTR	COMPANIES AFFORDING COVERAGE	BEST'S RATING
A		
B		
C		
D		

A. M. Best Financial Ratings of Insurance Companies Affording Coverage Must be A- VII or Better unless Approved in Writing by the District.

Name and Address of Authorized Agent(s) or Broker(s)	E-Mail Address: Phone: Fax Number: Signature of Authorized Agent(s) or Broker(s) Date:

SAN DIEGO UNIFIED PORT DISTRICT
REQUIRED INSURANCE ENDORSEMENT

ENDORSEMENT NO.	EFFECTIVE DATE	POLICY NO.

NAMED INSURED:

GENERAL DESCRIPTION OF AGREEMENT(S) AND/OR ACTIVITY(IES):
All written Agreements, contracts and leases with the San Diego Unified Port District and/or any and all activities or work performed on district premises

All written Agreements, contracts, and leases with the San Diego Unified Port District and/or any and all activities or work performed on District owned premises.

Notwithstanding any inconsistent statement in the policy to which this endorsement is attached or in any endorsement now or hereafter attached thereto, it is agreed as follows:

1. The San Diego Unified Port District, its officers, agents, and employees are additional insureds in relation to those operations, uses, occupations, acts, and activities described generally above, including activities of the named insured, its officers, agents, employees or invitees, or activities performed on behalf of the named insured.
2. Insurance under the policy(ies) listed on this endorsement is primary and no other insurance or self-insured retention carried by the San Diego Unified Port District will be called upon to contribute to a loss covered by insurance for the named insured.
3. The policy(ies) listed on this endorsement will apply separately to each insured against whom claim is made or suit is brought except with respect to the limits of the insurer's liability.
4. As respects the policy(ies) listed on this endorsement, with the exception of cancellation due to nonpayment of premium, thirty (30) days written notice by certified mail, return receipt requested, will be given to the San Diego Unified Port District prior to the effective date of cancellation, change in coverage, reduction of limits or non-renewal. In the event of cancellation due to nonpayment of premium, ten (10) days written notice shall be given.

Except as stated above, and not in conflict with this endorsement, nothing contained herein shall be held to waive, alter or extend any of the limits, Agreements or exclusions of the policy(ies) to which this endorsement applies.

_____
(NAME OF INSURANCE COMPANY)

_____
(SIGNATURE OF INSURANCE COMPANY AUTHORIZED REPRESENTATIVE)

MAIL THIS ENDORSEMENT AND NOTICES OF CANCELLATION, LIMIT REDUCTIONS, AND CHANGES IN COVERAGE TO:

San Diego Unified Port District
Audit, Risk Management & Safety
P.O. Box 120488
San Diego, CA 92112-0488

AGENDA ITEM NO. 3.1

STAFF REPORT
CITY OF IMPERIAL BEACH

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

MEETING DATE: FEBRUARY 20, 2008
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR
DAVID GARCIAS, CODE COMPLIANCE OFFICER

SUBJECT: INTRODUCTION AND FIRST READING: PROPOSED ORDINANCE 2008-1065 TO AMEND THE PROVISIONS OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE, ADDING SECTION 10.36.085 TO CHAPTER 10.36 TO THE IMPERIAL BEACH MUNICIPAL CODE, RELATED TO PARKING, STANDING, AND STOPPING VIOLATIONS OF THE MUNICIPAL CODE.

BACKGROUND / DISCUSSION:

The Code Compliance Division and the San Diego Sheriff's Department provide enforcement in an effort to help improve, preserve, and maintain clean and well-kept residential neighborhoods and commercial areas. To assist the City's code enforcement and parking enforcement efforts, staff is proposing an ordinance prohibiting the parking of vehicles on public sidewalks and parkways making it a violation of the Imperial Beach Municipal Code. This addition would clarify the current problem of vehicles parking in the undeveloped parkways and on the sidewalks within the City.

Currently, the City Code prohibits vehicles from parking on unpaved areas on private property, prohibits more than three vehicles in a front yard setback, and, within the public right of way prohibits any vehicle from parking, standing, or stopping unless both right wheels are within eighteen inches of the right-hand curb or edge of the street. However, the City Code does not specifically prohibit vehicles from parking on either the sidewalks or in the parkways.

The Imperial Beach Municipal Code defines a parkway in section 10.04.060 as that portion of a street other than a roadway or a sidewalk.

The California Vehicle Code section 555 defines a sidewalk as that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

Vehicles parking on the undeveloped parkways or on the sidewalks create a "Visual Blight" which conflicts with the efforts of cleaning up and revitalizing our neighborhoods and can cause safety concerns when creating visual obstructions. Many neighborhoods have large undeveloped parkways located either between the sidewalks and the property lines, between the sidewalks and the streets, or between the curb and the property line.

The proposed ordinance would clarify and delineate a specific code section prohibiting these occurrences, similar to other cities, and allow for parking citations to be issued for these violations when deemed appropriate by the designated enforcement officers.

The parking citation fine would be $50.00. Once issued, the citation process would be turned over to the Finance Department for collection purposes similar to other parking violations the City processes.

CONCLUSION:

This ordinance assists the City's code enforcement and parking enforcement efforts to improve, preserve, and maintain clean, safe, and well-kept residential neighborhoods and commercial areas.

FISCAL ANALYSIS:

The ordinance may produce an undetermined increase in revenue to the City.

DEPARTMENT RECOMMENDATION:

Staff Recommends that the Mayor and City Council:

1. Receive the report;
2. Mayor calls for introduction of Ordinance No. 2008-1065, adding section 10.36.085 to chapter 10.36 of the Imperial Beach Municipal Code relating to parking, standing, and stopping violations of the municipal code;
3. City Clerk reads title of Ordinance No. 2008-1065; and
4. Motion to dispense first reading of Ordinance No. 2008-1065 and set the matter for adoption at the next regularly scheduled City Council meeting, and authorize the publication in a newspaper of general circulation.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown, City Manager

Attachment:

1. Draft Ordinance 2008-1065.

ORDINANCE NO. 2008-1065

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING SECTION 10.36.085 TO CHAPTER 10.36 TO THE IMPERIAL BEACH MUNICIPAL CODE, RELATED TO PARKING, STANDING, AND STOPPING

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

SECTION 1. Chapter 10.36 of Title 10 of the Imperial Beach Municipal Code is hereby amended to add section 10.36.085 as follows:

10.36.085. Stopping, standing, or parking in parkways and sidewalks prohibited.

No person shall stop, stand or park a vehicle within any parkway or sidewalk.

SECTION 2. The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

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

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 20th day of February 2008; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 5th day of March 2008, by the following vote:

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

_____
JAMES C. JANNEY, MAYOR

ATTEST:

_____
JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

_____

JAMES P. LOUGH
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2008-1065 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING SECTION 10.36.085 TO CHAPTER 10.36 TO THE IMPERIAL BEACH MUNICIPAL CODE, RELATED TO PARKING, STANDING, AND STOPPING.

_____ _____

CITY CLERK DATE

We look forward to working with the Port on this exciting project.

Sincerely,

Ben Hueso, Council Member
Council District 8
City of San Diego

James C. Janney, Mayor
City of Imperial Beach

cc: Mayor of San Diego Jerry Sanders
County of San Diego Supervisor Greg Cox
City Council of San Diego
City Council of Imperial Beach
San Diego Port Commissioners
City Manager of Imperial Beach
South County Economic Development Council

AGENDA ITEM NO. 4.1

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	HONORABLE MAYOR AND CITY COUNCIL
FROM:	GARY BROWN, CITY MANAGER
MEETING DATE:	FEBRUARY 20, 2008
ORIGINATING DEPT.:	PUBLIC WORKS DEPARTMENT
SUBJECT:	SECOND READING AND ADOPTION OF ORDINANCE NOS. 2008-1062, AMENDMENT TO CHAPTER 8.30 OF THE CITY OF IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROL; ORDINANCE NO. 2008-1063, AMENDMENT TO CHAPTER 8.32, PERTAINING TO THE STANDARD URBAN STORMWATER MITIGATION PLAN; AND, ORDINANCE NO. 2008-1064, AMENDMENT TO CHAPTER 15.54, PERTAINING TO GRADING PERMITS AND PLANS

BACKGROUND/DISCUSSION:

On January 24, 2007, the San Diego Regional Water Quality Control Board (Regional Board) adopted a new municipal stormwater permit, Order No. R9-2007-0001 (municipal permit), that applies to all cities within the boundaries of San Diego County. The City is required to update its municipal codes and other plans and policies to meet the new municipal permit requirements. This municipal permit is required under the Federal Clean Water Act and includes certain state mandates that have been imposed as mandatory permit conditions.

Attached to this report are three ordinances. The first ordinance is an amendment to Chapter 8.30 of Title 8 of the Imperial Beach Municipal Code. This ordinance amendment adopts changes to the chapter that establishes the City's urban runoff management and discharge control regulations. This redrafted chapter adds provisions that meet the requirements of the stormwater municipal permit within the timelines required for implementation.

The second ordinance the Council must approve is an amendment to Chapter 8.32 of Title 8, the Standard Urban Stormwater Mitigation Plan (SUSMP), which is the City's stormwater mitigation plan that governs methods of controlling stormwater pollution. The SUSMP contains the specific types of best management practices that the City will impose on development.

The third ordinance deals with an update of Chapter 15.54 of Title 15 of the Municipal Code. This chapter on Excavation and Grading controls the manner and method of grading properties and excavation within the City. The attached ordinance updates this ordinance to include new erosion control measures required by the Regional Board.

Overall, the amendments update and strengthen the City's regulations regarding stormwater pollution controls. The two main areas of impact in the three attached ordinances deal with two new concepts (Hydromodification and Low Impact Development (LID)). Hydromodification is a state mandate that requires all local jurisdictions to regulate erosion control and other land-shaping impacts from stormwater runoff.

Low Impact Development is a new concept for the City. It deals with using various techniques to channel stormwater runoff and the pollution it contains away from the stormwater conveyance system and into landscaping and other on-site features to limit the amount of pollution escaping from individual parcels.

City Council conducted a first reading of the ordinances at the meeting of February 6, 2008.

ENVIRONMENTAL DETERMINATION:
This is project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the CEQA guidelines.

FISCAL IMPACT:
The costs for the increased services have been budgeted by the City in its current budget. Adjustments may be required as these new conditions are implemented.

DEPARTMENT RECOMMENDATION:
Staff recommends the Mayor and City Council:

1. Receive this report; and
2. Motion to dispense second reading and adopt Ordinance No. 2008-1062, "An Ordinance Amending Chapter 8.30 "City of Imperial Beach Storm Water Management and Discharge Control"; Ordinance No. 2008-1063, "An Ordinance Amending Chapter 8.32 "Standard Urban Stormwater Mitigation Plan (SUSMP)"; and, Ordinance No. 2008-1064, "An Ordinance Amending Chapter 15.54 "Grading Permits and Plans" of the Imperial Beach Municipal Code by titles only.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

Gary Brown, City Manager

Attachments:

1. An Ordinance No. 2008-1062 Amending Chapter 8.30 "City of Imperial Beach Storm Water Management and Discharge Control" of the Imperial Beach Municipal Code."
2. An Ordinance No. 2008-1063 Amending Chapter 8.32 "Standard Urban Stormwater Mitigation Plan (SUSMP)" of the Imperial Beach Municipal Code
3. An Ordinance No. 2008-1064 Amending Chapter 15.54 "Grading Permits and Plans" of the Imperial Beach Municipal Code

ORDINANCE NO. 2008-1062

AN ORDINANCE AMENDING CHAPTER 8.30 "URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROL" OF THE IMPERIAL BEACH MUNICIPAL CODE

WHEREAS, the City of Imperial Beach, pursuant to the Water Quality Permit issued on January 24, 2007, is required to adopt certain implementation steps as mandated by the Regional Water Quality Control Board (San Diego Region); and

WHEREAS, one of the implementation steps requires the adoption of an Urban Runoff Management and Discharge Control plan; and

WHEREAS, pursuant to the mandates established under the Water Quality Permit, the City is required to establish programs that: prevent prohibited non-stormwater discharges to the stormwater conveyance system; establish minimum requirements for stormwater management, including source control requirements; establish requirements for development project site design that reduce urban runoff pollution and erosion due to runoff; establish requirements for the management of urban runoff flows from development projects that prevent erosion and protect water-dependent habitats; establish standards for the use of off-site facilities for urban runoff management to supplement on-site practices; and establish noticing procedures and standards; and

WHEREAS, the adoption of this Ordinance shall implement the resolutions and policies necessary to achieve the mandates specified in the permit; and

WHEREAS, the purpose of this ordinance is to protect the valuable water resources of the City of Imperial Beach and its surrounding environs from pollutants.

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

Section 1: Chapter 8.30 of the Imperial Beach is amended to read as shown in Attachment "A."

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PASSED AND ADOPTED by the City Council of the City of Imperial Beach at the Regular City Council Meeting held this 6th day of February, 2008 by the following vote:

AYES:
NAYS:
ABSENT:

_____
Jim Janney, Mayor

ATTEST:

_____
Jacqueline Hald, City Clerk

APPROVED AS TO FORM:

_____
James P. Lough, City Attorney

Chapter 8.30. URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROL

8.30.010. Title
8.30.020. Purposes and Intent
8.30.030 Definitions
8.30.040. General Provisions
8.30.050. Discharge Prohibitions
8.30.060. Discharges Exempted from Discharge Prohibitons
8.30.070. Best Management Practice Requirements and General Requirements of all Dischargers
8.30.080. Additional Minimum Best Management Practice Requirements for Residential Activities and Facilities
8.30.090. Additional Minimum Best Management Practice Requirements for Commercial Activities and Facilities
8.30.100. Additional Minimum Best Management Practice Requirements for Industrial Activities and Facilities
8.30.110. Additional Minimum Best Management Practice Requirements for Agricultural Operations
8.30.120. Additional Best Management Practice Requirements for Municipal Activities and Facilities
8.30.130. City Urban Runoff Standards Manuals
8.30.140. Additional Requirements for Land Disturbance Activities
8.30.150. Additional Planning, Design and Post-Construction Requirements for all Land Development and Redevelopment Projects
8.30.160. Maintenance of BMPs
8.30.170. Inspection/Sampling
8.30.180. Enforcement
8.30.190. Other Acts and Omissions that are Violations
8.30.200. Penalties

Chapter 8.30. URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROL.

8.30.010. Title.

This chapter shall be known as the “City of Imperial Beach Urban Runoff Management, and Discharge Control Ordinance.” (Ord. 2002-978 § 1 (part), 2002)

8.30.020. Purposes and intent.

The purposes of the ordinance codified in this chapter are to protect the health, safety and general welfare of City of Imperial Beach residents; to protect water resources and to improve water quality; to cause the use of management practices by the City and its citizens that will reduce the adverse effects of polluted runoff discharges into waters of the state; to secure benefits from the use of stormwater as a resource; and to ensure the City is compliant with applicable state and federal law. This chapter seeks to promote these purposes by:

A. Preventing prohibited non-stormwater discharges to the stormwater conveyance system;

B. Establishing minimum requirements for stormwater management, including source control requirements, to prevent and reduce pollution;

C. Establishing requirements for development project site design, to reduce urban runoff pollution and erosion due to urban runoff;

D. Establishing requirements for the management of urban runoff flows from development projects, both to prevent erosion and to protect and enhance existing water-dependent habitats;

E. Establishing standards for the use of off-site facilities for urban runoff management to supplement on-site practices at new development sites; and

F. Establishing notice procedures and standards for adjusting stormwater and non-stormwater management requirements where necessary. (Ord. 2002-978 § 1 (part), 2002)

8.30.030. Definitions.

The following definitions shall be applicable when the following words or phrases are used hereafter in this chapter (including use in the City Urban Runoff Standards Manuals), whether or not these words or phrases are capitalized:

“Accelerated erosion” means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away. Erosion includes the movement or loss of soil by the action of water, wind, or chemical action.

“Attached residential development” means any development that provides ten or more residential units that share an interior/exterior wall. This category includes, but is not limited to: dormitories, condominiums and apartments.

“Authorized enforcement staff” means any City employee assigned to duties involving permits and other City approvals, inspections, and enforcement related to this chapter.

“Authorized enforcement official” means the City Manager or her/his designee.

“Automotive repair shop” means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

“Best management practices” means schedules of activities, pollution treatment practices or devices, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or the stormwater conveyance system. Best management practices also include but are not limited to treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. Best management practices may include any type of pollution prevention and pollution control measure, approved by the city and consistent with San Diego Regional Water Quality Control Board Order No. R9-2007-0001, that can help to achieve compliance with this chapter.

“BMPs” means best management practices.

“Channel” means a natural or improved watercourse with a definite bed and banks that conducts continuously or intermittently flowing water.

“City” means the City of Imperial Beach.

“City urban runoff standards manuals” means the manuals described in Section 8.30.040(G) of this chapter.

“Commercial development” means any development on private land that is not exclusively heavy industrial or residential uses. The category includes, but is not limited to: mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses, hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, automotive dealerships, commercial airfields, and other light industrial complexes.

“Commercial development greater than one hundred thousand square feet” means any commercial development with a project footprint of at least one hundred thousand

square feet.

“Commercial discharger” means a discharger who operates a regulated commercial facility.

“Constructed wetland” means a vegetated area that has been deliberately modified to provide or enhance habitat, to provide water quality benefits, or to moderate water flow rates or velocities, that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

“County” means the County of San Diego.

“Detached residential development” means any development that provides ten or more freestanding residential units. This category includes, but is not limited to: detached homes, such as single-family homes and detached condominium.

“Detention” means the temporary storage of storm runoff in a manner that controls peak discharge rates and provides some gravity settling of pollutants.

“Detention facility” means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

“Developer” means a person who seeks or receives permits for or who undertakes land development activities.

“Development project proponent” means developer.

“Directly connected impervious area (DCIA)” means the area covered by a building, impermeable pavement, and/or other impervious surfaces, which drains directly into the storm drain without first flowing across permeable vegetated land area (e.g., lawns).

“Discharge” when used as a verb, means to allow pollutants to directly or indirectly enter stormwater, or to allow stormwater or non-stormwater to directly or indirectly enter the stormwater conveyance system or receiving waters, from an activity or operations that one owns or operates. When used as a noun, “discharge” means the pollutants, stormwater and/or non-stormwater that are discharged.

“Discharger” means any person or entity engaged in activities or operations or owning facilities, which will or may result in pollutants entering stormwater, the stormwater conveyance system, or receiving waters; and the owners of real property on which such activities, operations or facilities are located; provided, however, that a local government or public authority is not a discharger as to activities conducted by others

in public rights-of-way.

“Discharges directly to” means that stormwater or non-stormwater enters receiving waters from a facility or activity, without mixing with any stormwater or non-stormwater from another facility or activity prior to entering such receiving waters.

“Discretionary projects” means development and redevelopment projects that are subject to personal judgment or the freedom to choose among possible courses of action.

“Drainage easement” means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

“Environmentally sensitive areas” means areas that include, but are not limited to, all Clean Water Act 303(d) impaired water bodies (“303(d) water bodies”); areas designated as an “Area of Special Biological Significance” (ASBS) by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); water bodies designated as having a RARE beneficial use by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments), or areas designated as preserves. The limits of Areas of Special Biological Significance are those defined in the Water Quality Control Plan for the San Diego Basin (1994 and amendments).

"Erosion control plan" means a plan prepared under the direction of and signed by a Civil Engineer competent in the preparation of such plans and knowledgeable about current erosion control methods. The plan shall provide for protection of exposed soils, prevention of discharge of sediment, and desiltation of runoff at frequent intervals along flowage areas, at entrances to storm drains, at entrances to streets and driveways, and at the exit of the area being graded.

"Erosion control system" means any combinations of desilting facilities, retarding basins, flow decelerates, and/or erosion protection (including effective planning and the maintenance thereof) to protect the project site, adjacent private property, watercourses, public facilities, graded improvements, existing natural facilities, archaeological artifacts, and relieve waters of suspended sediments or debris prior to discharge from the site.

“ESA” means environmentally sensitive area.

“Hillside” means lands that have a natural gradient of twenty-five percent (four feet of horizontal distance for every one foot of vertical distance) or greater and a minimum elevation differential of fifty feet, or a natural gradient of two hundred percent (one foot of horizontal distance for every two feet of vertical distance) or greater and a minimum elevation differential of ten feet.

“Hillside development greater that five thousand square feet” means any development that would create more than five thousand square feet of impervious surfaces in hillsides with known erosive soil conditions.

“Household hazardous waste” means a household hazardous material that no longer has a use and is discarded or intended to be discarded. The term includes but is not limited to paint and paint-related materials; yard and garden products; household cleaners; used oil, motor vehicle fluids, batteries and oil filters; household batteries, and hazardous materials categorized by the United States Environmental Protection Agency (EPA) as Category 1, 2, 3 or 4.

“Hydrologic soil group” means the classification system for soil erodability set out in “Soil Survey--San Diego Area, California” (December 1973), issued by the U.S. Department of Agriculture Soil Conservation Service and U.S. Forest Service. (In this system soils are categorized into four runoff potential groups. The groups range from “A” soils, which have high permeability and little runoff production, to ‘D” soils, which have low permeability rates and produce much more runoff.)

“Hydromodification” means the change in the natural hydrologic processes and runoff characteristics (i.e., interception, infiltration, overland flow, interflow and groundwater flow) cased by urbanization or other land use changes that result in increased stream flows and changes in sediment transport. In addition, alteration of stream and river channels, installation of dams and water impoundments, and excessive stream bank and shoreline erosion are also considered hydromodification, due to their disruption of natural watershed hydrologic processes.

“Illegal connection” means a pipe, facility, or other device connected to the stormwater conveyance system or receiving waters, which has not been reviewed and authorized by the City; or a permitted/authorized pipe, facility, or other device, which conveys illegal discharges.

“Illegal discharge” means any discharge into stormwater, the stormwater conveyance system, or receiving waters that is prohibited by this chapter. This includes but is not limited to discharges of non-stormwater that are not exempt discharges listed in Section 8.30.060, any discharge from an illegal connection, and any discharge that contains additional pollutants due to the absence of a required BMP or the failure of a BMP. Discharges that require a City permit or an RWQCB permit that has not been issued or has not been acknowledged by the discharger to be applicable are illegal discharges. Discharges regulated under an applicable RWQCB or City permit or SWPPP are illegal discharges for purposes of this chapter unless compliance with all applicable permit and SWPPP conditions is maintained.

“Impaired water body” means a water body that is listed by the SWRCB as impaired by a particular pollutant or pollutants, pursuant to Section 303(d) of the Federal Clean Water Act. “303(d) listed water body” has the same meaning.

“Impervious cover” or “impervious surface” means constructed or modified surfaces that cannot effectively infiltrate rainfall. The term includes but is not limited to building rooftops, pavement, sidewalks, and driveways.

“Impervious surface area” means the ground area covered or sheltered by an impervious surface, measured in plan view (i.e., as if from directly above). For example, the “impervious surface area” for a pitched roof is equal to the ground area it shelters, rather than the surface area of the roof itself.

“Industrial activity” means manufacturing, processing, or raw materials storage at a commercial, industrial or municipal facility. The term includes, but is not limited to, industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials; manufactured products, waste material, or by-product creation or storage; material handling; refuse storage or disposal; the application or disposal of process wastewaters; storage and maintenance of material handling equipment; treatment, storage or disposal of residuals; outdoor shipping and receiving; activities in manufacturing buildings; storage of raw materials and intermediate and finished products; and areas where significant industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.

“Industrial discharger” means a discharger who operates a regulated industrial facility.

“Industrial stormwater permit” means the state general industrial stormwater permit.

“Infiltration” means the process of percolating stormwater or non-stormwater into the subsoil.

“Infiltration BMPs or infiltration facility” means any structural treatment BMP designed primarily to percolate water into the subsurface, such as an infiltration trench or infiltration basin. An infiltration facility may include filtering prior to or during infiltration. BMPs that infiltrate some water but which are designed primarily to retain water or to treat water, such as retention basins, constructed wetlands, or filtering swales are not infiltration facilities.

“Jurisdictional wetland” means an area that is naturally inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. This includes but is not limited to areas previously designated by the City as wetlands. Constructed wetlands are not jurisdictional wetlands.

“Land development activity” means any activity or proposed activity that requires any of the permits or approvals listed in Section 8.30.040(F) of this chapter.

“Land disturbance activity” means any activity that moves soils or substantially alters the pre-existing vegetated or man-made cover of any land. This includes, but is not limited to, grading, digging, cutting, scraping, stockpiling or excavating of soil; placement of fill materials; paving, pavement removal, exterior construction; substantial removal of vegetation where soils are disturbed including but not limited to removal by clearing or grubbing; or any activity which bares soil or rock or involves streambed alterations or the diversion or piping of any watercourse. Land disturbance activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or the original purpose of the facility, nor does it include emergency construction activities (i.e., land disturbances) required to protect public health and safety.

“Land owner” means the holder of legal title to the land, and other persons or entities that exercise control over a land development project pursuant to rights granted in a purchase agreement, joint venture agreement, development agreement, or long term lease.

“Low impact development” or “LID” means a storm water management and land use development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions.

“Maintenance [of a BMP]” means periodic action taken to maintain the as-designed performance of a BMP, and includes but is not limited to repairs to the BMP as necessary, and replacement of the BMP by an equally effective or more effective BMP at the end of its useful life.

“Manual” means the city’s best management practices described in Appendix C of the city’s jurisdictional urban runoff management program, adopted by resolution and hereinafter referred to as “Manual.”

“Maximum extent practicable (MEP)” means the technology-based standard established by Congress in the Clean Water Act 402(p)(3)(B)(iii) that municipal dischargers of urban runoff must meet. MEP generally emphasizes pollution prevention and source control BMPs primarily (as the first line of defense) in combination with treatment methods serving as a backup (additional lines of defense).

“Ministerial project” means new development and redevelopment projects undertaken in a manner prescribed by law or order, without the exercise of personal judgment.

“Motor vehicle” means any automobile, car, truck, bus, motor home or other self-propelled vehicle used or suited to use for on-road transportation: and any similar vehicle modified for off-road use.

“Municipal facility” means a facility owned or operated by the City that is used for a

governmental purpose. Facilities on municipally owned land that are leased or rented to others to generate municipal revenues are not municipal facilities. The commercial or industrial lessees of such facilities may, however, be subject to this chapter as commercial dischargers or industrial dischargers.

“Natural drainage” means a natural swale or topographic depression, which gathers and/or conveys runoff to a permanent or intermittent watercourse or water body.

“New development” means land disturbing activities; structural development, including construction or installation of a building or structure, the creation of impervious surfaces; and land subdivision.

“NPDES permit” means a National Pollutant Discharge Elimination System permit issued by the U.S. Environmental Protection Agency, the SWRCB, or the RWQCB.

“NPDES Permit No. CAS 0108758” means RWQCB Order No. R9-2007-0001, NPDES Permit No. CAS 0108758, “Waste Discharge Requirements for Discharges of Urban Runoff From the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District.”, as amended.

“Off-Site BMP” means an urban runoff management measure located outside the subject property boundary of a facility or outside the boundary described in the permit application for a land development activity.

“On-Site BMP” means an urban runoff management measure located within the subject property boundary or a facility, or inside the boundary described in the permit application for a land development activity.

“Parking lot” means land area or facility for the temporary parking or storage of motor vehicles used personally, or for business or commerce.
“Performance standard” means a requirement under this chapter that specifies a result that must be achieved (e.g., “minimize impervious surface area” or “do not impair receiving water quality”) without specifying the means that must be used to achieve that result. This chapter applies performance standards only to certain land development and redevelopment projects that require discretionary City permits; those permits will typically include enforceable project-specific requirements intended to achieve the result required by the performance standard.

“Pollutant” means any agent introduced to stormwater or non-stormwater through human activity that may cause or contribute to the degradation of water quality such that public health, the environment, or beneficial uses of waters may be affected. The term may include but is not limited to dredged soil, rock, sand, or silt (excluding sediment, silt, or substances in quantities which would enter stormwater from a natural undeveloped watershed); solid waste, sewage, garbage, or medical waste; wrecked or discarded equipment; radioactive materials; industrial waste; fecal coliform, fecal

streptococcus, and enterococcus bacteria and other pathogens that pose a threat to human health; volatile organic carbon, surfactants, oil and grease, petroleum hydrocarbons, total organic carbon, lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, and biocides; and any contaminant which can significantly degrade the quality of receiving waters by altering pH, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients, or temperature.

“Priority development project category” means (1) home subdivisions of one hundred housing units or more, (2) home subdivisions of ten to ninety-nine housing units, (3) commercial developments greater than one hundred thousand square feet, (4) automotive repair shops, (5) restaurants, (6) hillside developments greater than five thousand square feet, (7) environmentally sensitive areas, (8) parking lots five thousand square feet or more or with fifteen or more parking spaces, and (9) streets, roads and highways. A housing unit can consist of single-family homes, multi-family homes, condominiums, and/or apartments.

“Projects discharging to receiving waters within environmentally sensitive areas” means all development and significant redevelopment that would create two thousand five hundred square feet of impervious surfaces or increase the area of imperviousness of a project site to ten percent or more of its naturally occurring condition, and either discharge urban runoff to a receiving water within an environmentally sensitive area (where any portion of the project footprint is located within two hundred feet of the environmentally sensitive area), or discharge to a receiving water within an environmentally sensitive area without mixing with flows from adjacent lands (where the project footprint is located more than two hundred feet from the environmentally sensitive area).

“Project footprint” means the limits of all grading and ground disturbance, including landscaping associated with a project.

“Rainy season” means from October 1 through April 30.

“Receiving waters” means surface bodies of water, which directly or indirectly receive discharges from urban runoff conveyance systems, including naturally occurring wetlands, streams (perennial, intermittent, and ephemeral (exhibiting bed, bank, and ordinary high water mark)), creeks, rivers, reservoirs, lakes, lagoons, estuaries, harbors, bays and the Pacific Ocean. **The City’s use of the term Receiving Waters is to be consistent with the Federal definition utilized by the United States Army Corps of Engineers and the United States Environmental Protection Agency. Constructed wetlands are not considered wetlands under this definition, unless the wetlands were constructed as mitigation for habitat loss. Other constructed BMPs are not considered receiving waters under this definition, unless the BMP was originally constructed in receiving waters.

“BMPs” constructed in “receiving waters” may be used to satisfy SUSMP requirements

if but only if the use is approved by the Regional Water Quality Control Board (San Diego Region) or its designee."

"Redevelopment" means any construction, alteration or improvement at an already developed site that will increase the total impervious surface area of that site, or that involves activities that could expose contaminants to rainfall. Redevelopment can include but is not limited to the expansion of building footprints, the addition or replacement of a structure, exterior construction and remodeling, replacement of existing impervious surfaces that is not part of a routine maintenance activity, and other activities that create additional impervious surfaces.

"Regulated commercial facility" means all non-residential facilities engaged in business or commerce, whether for profit or not-for-profit, or publicly or privately owned, except for regulated industrial facilities and municipal facilities; plus residences used for commercial repair, maintenance, cleaning, manufacturing, food preparation or painting activity if that activity has the potential to result in the discharge of non-stormwater or the discharge of pollutants to stormwater.

"Regulated industrial facility" means any facility subject to the state general industrial stormwater permit; any other facility primarily engaged in manufacturing, processing, storage or handling of raw materials, processed bulk materials, or refuse; and any other facility with a total outdoor uncovered area of more than two acres that is used for an industrial activity. Municipal facilities are not regulated industrial facilities, unless they are subject to the state general industrial stormwater permit.

"Residential development" means any development on private land that provides living accommodations for one or more persons. This category includes, but is not limited to: single-family homes, multi-family homes, condominiums, and apartments.

"Residential discharger" means, for an occupied residence, the occupants; and for a vacant residence, the owner and the manager of the residence.

"Restaurant" means, for the purposes of this chapter, a stand-alone facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

"RWQCB" means the California Regional Water Quality Control Board for the San Diego Region.

"Sediment" means 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 organisms' survival rates, smother bottom dwelling organisms, and suppress aquatic vegetation growth.

“Significant redevelopment” means development that would create, add, or replace at least 5,000 square feet of impervious surfaces on an already developed site that falls under a priority development project category. Where redevelopment results in an increase of less than fifty percent (50%) of the impervious surfaces of a previously existing development, and the existing development was not subject to SUSMP requirements, the numeric sizing criteria identified in sections 8.32.310 through 8.32.350 of the Imperial Beach Municipal Code, applies only to the addition, and not to the entire development. When redevelopment results in an increase of more than fifty percent (50%) of the impervious surfaces of a previously existing development, the numeric sizing criteria applies to the entire development. Significant redevelopment includes, but is not limited to: the expansion of a building footprint; addition to or replacement of a structure; replacement of an impervious surface that is not part of a routine maintenance activity; and land disturbing activities related with structural or impervious surfaces. Replacement of impervious surfaces includes any activity that is not part of a routine maintenance activity where impervious material(s) are removed, exposing underlying soil during construction. Significant redevelopment does not include trenching and resurfacing associated with utility work; resurfacing and reconfiguring surface parking lots; new sidewalk construction, pedestrian ramps, or bike lanes on existing roads; and replacement of damaged pavement.

“Site design BMP” means any project design feature that reduces the creation or severity of potential pollutant sources or reduces the alteration of the project site’s natural flow regime. Redevelopment projects that are undertaken to remove pollutant sources (such as existing surface parking lots and other impervious surfaces) or to reduce the need for new roads and other impervious surfaces (as compared to conventional or low-density new development) by incorporating higher densities and/or mixed land uses into the project design, are also considered site design BMPs.

“Source control BMP (both structural and non-structural)” means land use or site planning practices, or structures that aim to prevent urban runoff pollution by reducing the potential for contamination at the source of pollution. Source control BMPs minimize the contact between pollutants and urban runoff. Examples include roof structures over trash or material storage areas, and berms around fuel dispensing areas.

“Standard urban storm water mitigation plan,” or “SUSMP” means a plan designed to reduce pollutants and runoff flows from new development and significant redevelopment.

“State general industrial stormwater permit” means NPDES Permit No. CAS000002, waste discharge requirements for discharges of stormwater associated with industrial activities excluding construction activities, and any amendments thereto.

“Stop work order” means an order issued which requires that specifically identified activity or all activity on a site be halted.

“Stormwater” means surface runoff and drainage associated with storm events.

“Stormwater best management practice BMP” means any schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, structural treatment BMPs, and other management practices to prevent or reduce to the maximum extent practicable the discharge of pollutants directly or indirectly to receiving waters. Stormwater BMPs also include treatment requirements, operating procedures and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. This SUSMP groups stormwater BMPs into the following categories: site design, source control, and treatment control (pollutant removal) BMPs.

“Stormwater conveyance system” means private and public drainage facilities other than sanitary sewers within the City by which urban runoff may be conveyed to receiving waters, and includes but is not limited to roads, streets, constructed channels, aqueducts, storm drains, pipes, street gutters, inlets to storm drains or pipes, or catch basins.

“Storm water management” means the use of structural or non-structural BMPs that are designed to reduce urban run-off pollutant loads, discharge volumes, and/or peak discharge flow rates or velocities. When applied to the city or another municipality, storm water management also includes planning and programmatic measures.

“Storm water management plan” means a plan, submitted on a city form or in a city-specific format in connection with an application for a city permit or other city approval, identifying the measures that will be used for storm water and non-storm water management during the permitted activity.

“Stormwater pollution prevention plan” or “SWPPP” means a document (other than an urban runoff management plan), which meets the requirements for a SWPPP set out in the state general construction stormwater permit or state general industrial stormwater permit. A SWPPP submitted to the City must describe the BMPs to be implemented and other steps to be taken by the discharger to meet the requirements of this chapter.

“Storm water retrofit” means a storm water management BMP designed for an existing development site or activity that previously had either no storm water management BMPs in place or that relied on BMPs inadequate to meet the storm water management requirements of the site or activity.

“Streets, roads, alleys, highways, and freeways,” for the purposes of this chapter, means any project that is not part of a routine maintenance activity, and would create a new paved surface that is five thousand square feet or greater used for the transportation of automobiles, trucks, motorcycles and other vehicles. For the purposes of SUSMP requirements, Streets, Roads, Alleys, Highways and Freeways do not include trenching and resurfacing associated with utility work; applying asphalt

overlay to existing pavement; new sidewalk, pedestrian ramps, or bike lane construction on existing roads; and replacement of damaged pavement.

“Structural BMP” means a BMP that relies on either a physical condition (other than an entirely natural and undisturbed condition), or on a constructed or installed device to reduce or prevent pollutants in urban runoff discharges and authorized non-stormwater discharges. Constructed or enhanced BMPs that depend on natural materials and processes (e.g., constructed drainage swales or buffers, or constructed wetlands), and that require periodic maintenance to function as designed, are structural BMPs.

“Structural post-construction BMP” means a structural BMP (other than a temporary construction-related BMP) put in place in connection with a land development or redevelopment project to prevent or reduce contamination in stormwater or receiving waters, or to prevent or reduce erosion downstream from the project.

“Structural treatment BMPs.” [Reserved]

“SWRCB” means the state water resources control board.

“Treatment control (structural) BMP” means any engineered system designed and constructed to remove pollutants from urban runoff. Pollutant removal is achieved by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

“Tributary to an impaired water body” means a facility or activity is tributary to an impaired water body if urban runoff from that facility or activity enters (1) the stormwater conveyance system at a place and in a manner that will carry pollutants for which that water body is impaired in that discharge to the impaired water; (2) a flowing stream that will carry pollutants for which that water body is impaired in that discharge to the impaired water; or (3) an ephemeral stream that reaches the impaired water during storm events and that will carry pollutants for which that water body is impaired from the facility or activity to the impaired water body during such storm events.

“Urban runoff” means all flows in a stormwater conveyance system in the City other than point source discharges in violation of a site-specific NPDES permit. Urban runoff includes but is not limited to stormwater, exempt non-stormwater discharges, and illicit discharges.

“Urban runoff management” means the use of structural or non-structural BMPs that are designed to reduce urban runoff pollutant loads, discharge volumes, and/or peak discharge flow rates or velocities. When applied to the City or another municipality, urban runoff management also includes planning and programmatic measures.

“Urban runoff management plan” means a plan, submitted on a City form or in a City-specific format in connection with an application for a City permit or other City approval, identifying the measures that will be used for stormwater and non-stormwater management during the permitted activity.

“Urban runoff retrofit” means an urban runoff management BMP designed for an existing development site or activity that previously had either no urban runoff management BMPs in place or that relied on BMPs inadequate to meet the urban runoff management requirements of the site or activity.

“Water main” means a potable or recycled water delivery line greater than or equal to four inches in diameter.

“Watercourse” means a permanent or intermittent stream or other body of water, either natural or improved, which gathers or carries surface water.

“Water quality standards” are defined as the beneficial uses (e.g., swimming, fishing, municipal drinking water supply, etc.) of water and the water quality objectives adopted by the State or the United States Environmental Protection Agency to protect those uses.

“Waters of the United States” means water subject to the regulatory jurisdiction of the United States under the Federal Clean Water Act and applicable case law. (In general, this includes “navigable” waters, waters tributary to “navigable” waters, and adjacent wetlands).

“Waters of the United States” means water subject to the regulatory jurisdiction of the United States under the Federal Clean Water Act and applicable case law. In general, this includes “navigable” waters, waters tributary to “navigable” waters, and adjacent wetlands. (Ord. 2003-1009 § 1, 2003; Ord. 2003-996 §§ 1, 2, 2003: Ord. 2002-978 § 1 (part), 2002)

8.30.040. General provisions.

A. Responsibility for Administration. Its authorized enforcement officials shall administer this chapter for the City of Imperial Beach.

B. Effective Date. This chapter shall take effect on March 24, 2008..

C. Construction and Application. Interpretation of the meanings of parts of this chapter shall assure consistency with the purpose and intent of this chapter. This includes but is not limited to consistency with the requirements of NPDES Permit No. CAS108758. This chapter is not intended to interfere with, abrogate or annul any other chapter, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this

chapter imposes restrictions different from those imposed by any other chapter, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence. Storm water and non-storm water discharges regulated under a valid facility-specific NPDES permit or facility-specific RWQCB Waste Discharge Requirements Permit are not subject to this chapter, but shall instead be regulated exclusively by the RWQCB.

D. Recycled Water. This chapter is not intended to prohibit or prevent the use of recycled water, or the discharge of recycled water after use. This chapter is intended to require the use of BMPs for such uses and discharges as necessary to protect human health and the environment.

E. Severability and Validity. If any section of this chapter is declared invalid by a court of law, the remaining sections shall remain valid.

F. City Permits and Approvals.

1. An application for any of the following discretionary permits or approvals shall be accompanied by plans demonstrating how the requirements of this chapter will be met, and the permit or approval shall not be approved unless the decision maker determines that the application complies with the requirements of this chapter:

    a. Demolition permit;
    b. Lot line adjustment;
    c. Final subdivision map approval or modification;
    d. Final parcel map approval or modification;
    e. Grading plan (including modification or renewal);
    f. Improvement plan (including modification);
    g. Conditional use permit (including modification or minor deviation);
    h. Design review approval (including modification, minor deviation, or extension);
    i. Site plan (including amendment);
    j. Tentative map (including resolution amendment or time extension);
    k. Tentative parcel map;
    l. Variance;
    m. Coastal development permit;
    n. Encroachment permit--Discretionary.

2. An application for any of the following ministerial permits or approvals shall be accompanied by plans demonstrating how the specifically applicable requirements, if any, set out in corresponding sections of the city urban runoff standards manuals will be met, and the permit or approval shall not be approved unless the decision maker determines that the application complies with those requirements.

    a. Building permit;
    b. Encroachment permit--Ministerial;
    c. On-site wastewater system permit;
    d. Underground tank permit;
    e. Well permit.

G. City urban runoff standards manuals. The city adopts urban runoff standards manuals to standardize the process and requirements of compliance methods. The urban runoff standards manuals include, but may not be limited to, the adopted city of Imperial Beach Standard Urban Stormwater Mitigation Plan (SUSMP) and City of Imperial Beach Jurisdictional Urban Runoff Management Plan (JURMP). Authorized enforcement officials may provide additional flexibility using the guidance documents authorized in Section 8.30.040(H) below.

H. Guidance Documents. Any authorized enforcement official may prepare, circulate for public comment, disseminate and maintain guidance documents addressing the use of pollution prevention practices and BMPs for specific activities or facilities, illicit connections, and illegal disposal.
These guidance documents may set out additional compliance alternatives that, in specified circumstances, can provide the same environmental protection that is afforded by the BMPs required by this chapter or specified in the city urban runoff standards manuals.

These guidance documents may also identify practices that have been determined by the authorized enforcement official to be additional BMPs that may be implemented for land disturbance activities and land development activities to prevent or control pollution to the maximum extent practicable (MEP). These additional BMPs shall become mandatory for affected dischargers only after being adopted into the code, unless an order is issued pursuant to Section 8.30.040(I) below.

Authorized enforcement officials and authorized enforcement staff may also take these guidance documents into account when determining whether any practices used by a discharger, or proposed in a grading plan, a stormwater pollution prevention plan (SWPPP), an enforcement settlement offer, or any other submittal to the city, are BMPs that will prevent or control pollution to the MEP. These case-specific discretionary decisions may involve circumstances that were not anticipated when general guidance documents were prepared. Therefore, these guidance documents do not confer rights on dischargers in these circumstances and do not constrain the discretion of authorized

enforcement officials or authorized enforcement staff. Where appropriate, and provided the same protection is provided to the environment, authorized enforcement officials and authorized enforcement staff may depart from these guidance documents when making case-specific decisions authorized by this chapter.

I. Significant Sources of Pollutants. Authorized enforcement officials shall identify discharges and categories of facilities and activities that are a significant source of contaminants to waters of the United States, despite compliance with this chapter. If any such contamination problem identified by the authorized enforcement official involves more than five identified sources having similar characteristics, the authorized enforcement official shall propose appropriate amendments to this chapter to better control the contamination at issue. If the contamination problem identified by the authorized enforcement official is limited to fewer than five identified sources, the appropriate dischargers shall be ordered by the authorized enforcement official or by authorized enforcement staff to install, implement and maintain additional BMPs to prevent or reduce contamination in stormwater and non-stormwater to the MEP. Any such order shall specify a reasonable date by which those BMPs must be put in place. A failure to install, implement, or maintain additional BMPs as required by any such order is a violation of this chapter.

J. Determining Whether a Discharge is “Tributary to” an Impaired Water Body. The city identifies areas within which facilities and sources will be presumed to be tributary to an impaired water body. The presumption that a discharge is tributary to an impaired water body can be overcome for a particular discharge based on specific facts and analysis presented by a discharger. In making a site-specific determination as to whether a discharge is tributary to an impaired water body, consideration may be given to the amount of water and pollutant discharged; to whether the pollutant for which the water body is impaired is a suspended or dissolved pollutant; to whether the pollutant is volatile or degradable; and to whether the pollutant is substantially removed during transport by any natural or man-made features (sinks, infiltration areas, ponds or impoundments, vegetated swales or wetlands, media filtration devices, etc.) located between the site and the impaired water body. Any such analysis must consider common mechanisms for pollutant mobilization, remobilization, and transport over time. Any such analysis and determination shall be disclosed for public review and comment to the extent required by CEQA or by city procedures for permit issuance.

K. Collection and Use of Stormwater. An authorized enforcement official may modify any requirement imposed by this chapter to allow the on-site collection and use of stormwater, or the collection of stormwater for delivery to and use at city-designated sites, provided the modified requirements are enforceable and provide equivalent environmental protection. (Ord. 2002-978 § 1 (part), 2002)

8.30.050. Discharge prohibitions.

A. Illegal Discharges. The discharge of pollutants directly or indirectly into the stormwater conveyance system or receiving waters in non-stormwater is prohibited,

except as exempted in Section 8.30.060 of this chapter. The discharge of pollutants directly or indirectly into the stormwater conveyance system or receiving waters in stormwater is prohibited, unless the applicable requirements of this chapter have been met.

B. Illegal Connection. The establishment of illegal connections is prohibited. The use of illegal connections is prohibited, even if the connection was established pursuant to a valid city permit and was legal at the time it was constructed.

C. Litter, Dumps, and Stockpiles. Throwing, depositing, leaving, abandoning, maintaining or keeping materials or wastes on public or private lands in a manner and place where they may result in an illegal discharge is prohibited unless written authorization is provided by the city.

D. Emergency Flares. The non-emergency use of flares is prohibited unless written authorization is provided by the city. (Ord. 2002-978 § 1 (part), 2002)

8.30.060. Discharges exempted from discharge prohibitions.

A. Separately Permitted Discharges. Storm water discharges regulated under a valid facility-specific NPDES permit or facility–specific RWQCB Waste Discharge Requirements Permit, or under a general NPDES permit (including the State General Industrial Storm Water Permit or State General Construction Storm Water Permit), are exempt from discharge prohibitions established by this chapter, provided compliance with all relevant permit conditions is maintained to the satisfaction of the RWQCB. Except as provided in section 8.30.060, these discharges are not otherwise exempted from this chapter.

B. Categorically Allowed Discharges Subject to Section 8.30.070. The following categories of non-storm water discharges are exempt from discharge prohibitions established by this chapter, but dischargers must install, implement and maintain the applicable BMPs set out in section 8.30.070 of this chapter, and any applicable BMPs specified in the Manual:

1. discharges from potable water sources other than water main breaks;
2. diverted stream flows (provided required permits are obtained);
3. flows from riparian habitats and wetlands;
4. foundation drains (not including active groundwater dewatering systems);
5. individual residential washing of vehicles;
6. irrigation water including recycled water used for irrigation;
7. landscape irrigation;
8. lawn watering;
9. rising ground water;

10. swimming pool discharges (if dechlorinated to less than one PPM chlorine);
11. uncontaminated ground water infiltration to storm drains;
12. uncontaminated pumped ground water;
13. water from crawl space pumps; and
14. water from footing drains (not including active groundwater dewatering systems).

C. Categorically Allowed Discharges Not Subject to Section 8.30.050. The following categories of non-storm water discharges are exempt from discharge prohibitions established by this chapter and are not subject to section 8.30.050.

1. air conditioning condensation;
2. flows from emergency fire fighting activities;
3. springs; and
4. water line flushing.

BMPS

D. Exemptions to Protect Public Health and Safety. Discharges determined by any authorized enforcement official or by authorized enforcement staff to be necessary to protect public health and safety are exempt from discharge prohibitions established by this chapter, provided any conditions on such discharges imposed by the authorized enforcement official authorized enforcement staff are satisfied. In emergency circumstances, the determination of an authorized enforcement official or authorized enforcement staff that a discharge is necessary may initially be oral but must be promptly confirmed in writing by an authorized enforcement official or by authorized enforcement staff. In non-emergency situations, a prior written determination is required to exempt a discharge.

E. On-site wastewater systems. Discharges to the subsurface from permitted properly functioning on-site wastewater systems are not prohibited by this chapter.

F. Exemptions Not Absolute. Any discharge category described in Section 8.30.060(B) above that is a significant source of pollutant to waters of the United States shall be prohibited from entering the stormwater conveyance system, or shall be subjected to a requirement to implement additional BMPs to reduce pollutants in that discharge to the MEP. Such prohibitions shall be effective on a schedule specified by an authorized enforcement official in a written notice to the discharger. That schedule may take into account the nature and severity of any effects caused by the discharge; and the time required to design, engineer, fund, procure, construct and make appropriate BMPs operational. (Ord. 2002-978 § 1 (part), 2002)

8.30.070. Best management practice requirements and general requirements of all dischargers.

A. Applicable Requirements. All dischargers in the city must comply with the generally applicable prohibitions and requirements in Sections 8.30.010 through 8.30.070 of this chapter, and must also comply with any other parts of this chapter that are applicable to the type of facility or activity owned or operated by that discharger.

B. Minimum Best Management Practices for All Dischargers. All dischargers in the city must install, implement and maintain at least the following minimum BMPs:

1. Eroded soils. Prior to the rainy season, dischargers must remove or secure any significant accumulations of eroded soils from slopes previously disturbed by clearing or grading, if those eroded soils could otherwise enter the stormwater conveyance system or receiving waters during the rainy season.

2. Pollution Prevention. Dischargers employing ten or more persons on a full-time basis shall implement those stormwater pollution prevention practices that are generally recognized in that discharger's industry or business as being effective and economically advantageous.

3. Prevention of Illegal Discharges. Illicit connections must be eliminated (even if the connection was established pursuant to a valid permit and was legal at the time it was constructed), and illegal discharge practices eliminated.

4. Slopes. Completed slopes that are more than five feet in height, more than two hundred fifty square feet in total area, and steeper than three to one (run-to-rise) that have been disturbed at any time by clearing, grading, or landscaping, shall be protected from erosion prior to the first rainy season following completion of the slope, and continuously thereafter.

5. Storage of Materials and Wastes. All materials and wastes with the potential to pollute urban runoff shall be stored in a manner that either prevents contact with rainfall and stormwater, or contains contaminated runoff for treatment and disposal.

6. Use of Materials. All materials with the potential to pollute urban runoff (including but not limited to cleaning and maintenance products used outdoors, fertilizers, pesticides and herbicides, etc.) shall be used in accordance with label directions. No such product may be disposed of or rinsed into receiving waters or the stormwater conveyance system.

C. Inspection, Maintenance, Repair and Upgrading of BMPs. The discharger before and following predicted rain events must inspect BMPs at manned facilities. The discharger must inspect BMPs at unmanned facilities at least once during the rainy season and at least once between each rainy season. These BMPs must be maintained so that they continue to function as designed. BMPs that fail must be

repaired as soon as it is safe to do so. If the failure of a BMP indicates that the BMPs in use are inappropriate or inadequate to the circumstances, the BMPs must be modified or upgraded to prevent any further failure in the same or similar circumstances.

D. Stormwater Pollution Prevention Plan. An authorized enforcement official may require a commercial, industrial or land disturbance activities discharger to prepare and submit a SWPPP for approval by that official if (1) the discharger does not come into compliance with this chapter after one or more warnings or other enforcement action, because BMPs are inadequate or are not being adequately maintained; or (2) the facility or activity at issue is a significant source of contaminants to receiving waters despite compliance with this chapter. Any discharger required to submit and to obtain approval of a SWPPP shall install, implement and maintain the BMPs specified in the approved SWPPP.

The SWPPP shall identify the BMPs that will be used by the discharger to prevent or control pollution of stormwater to the MEP. If the facility is an industrial facility, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general industrial stormwater permit. If the activity at issue is a construction or land disturbance activity, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general construction stormwater permit. If a facility required to submit a SWPPP to the city discharges non-stormwater to groundwater, the facility shall obtain an RWQCB permit as required by the state Water Code, and shall describe the requirements of that permit in the SWPPP.

Whenever submission of a SWPPP is required pursuant to this chapter, an authorized enforcement official or authorized enforcement staff may take existing city guidance documents into account when determining whether the practices proposed in the SWPPP are BMPs that will prevent or control pollution to the required level of MEP.

E. Notification of Spills, Releases and Illegal Discharges. Spills, releases, and illegal discharges of pollutants to receiving waters or to the stormwater conveyance system shall be reported by the discharger as required by all applicable state and federal laws. In addition, any such spills, releases and illegal discharges with the potential to endanger health, safety or the environment shall be reported to the city within twenty-four hours after discovery of the spill, release or discharge. If safe to do so, necessary actions shall be taken to contain and minimize the spill, release or illegal discharge.

F. Sampling, Testing, Monitoring, and Reporting. Commercial, industrial or land disturbance activities dischargers shall perform the sampling, testing, monitoring and reporting required by this chapter. In addition, an authorized enforcement official or authorized enforcement staff may order a discharger to conduct testing or monitoring and to report the results to the city if (1) the authorized enforcement official determines that testing or monitoring is needed to determine whether BMPs are effectively preventing or reducing pollution in stormwater to the MEP, or to determine whether the

facility is a significant source of contaminants to receiving waters; or (2) the authorized enforcement official or authorized enforcement staff determines that testing or monitoring is needed to assess the impacts of an illegal discharge on health, safety or the environment; or (3) an illegal discharge has not been eliminated after written notice by an authorized enforcement official or authorized enforcement staff; or (4) repeated violations have been documented by written notices from authorized enforcement officials or authorized enforcement staff; or (5) the RWQCB requires the city to provide any information related to the discharger's activities.

Testing and monitoring ordered pursuant to this subsection may include the following:

1. Visual monitoring of dry weather flows, wet weather erosion, and/or BMPs; Visual monitoring of premises for spills or discharges;
2. Laboratory analyses of stormwater or non-stormwater discharges for pollutants
3. Background or baseline monitoring or analysis; and
4. Monitoring of receiving waters or sediments that may be affected by pollutant discharges by the discharger (or by a group of dischargers including the discharger).

The authorized enforcement official or authorized enforcement staff may direct the manner in which the results of required testing and monitoring are reported, and may determine when required sampling, testing or monitoring may be discontinued.

G. Mitigation. All illegal discharges must be mitigated within a reasonable period of time to correct or compensate for all damage to the environment caused by the illegal discharge. The authorized enforcement official or authorized enforcement staff, who issued notice to the discharger that a discharge was illegal, or authorized enforcement staff designated by that official, shall determine whether mitigation measures proposed or completed by the discharger meet this standards of this chapter, applicable permit conditions on other applicable laws. The authorized enforcement official shall require the discharger to submit a mitigation plan and schedule by a specified date prior to taking action, and to submit a summary of completed mitigation by a specified date. Notwithstanding the granting of any period of time to the discharger to correct the damage, the discharger shall remain liable for some or all of any fines or penalties imposed pursuant to this chapter, or by the RWQCB.
(Ord. 2002-978 § 1 (part), 2002)

8.30.080. Additional minimum best management practice requirements for residential activities and facilities.

A. Applicable Requirements. The requirements in this section apply to all residential dischargers within a high priority residential area as determined by the city. All residential dischargers within a high priority residential area or conducting high priority activities must install, implement and maintain the BMPs identified in Section

8.30.070(B) for all dischargers, and at least the additional minimum BMPs specified below for the category of activities conducted by that discharger.

B. Motor Vehicle or Boat Repair and Maintenance.

1. Motor vehicle and boat repair and maintenance activity shall be performed under a permanent roof or other permanent cover, if such space is available. Maintenance and repair activities that are conducted without cover or without BMPs to prevent pollutant discharges are prohibited during times of precipitation

2. Any release of fluids during repair or maintenance shall be promptly contained and cleaned up. Any absorbent materials used must be disposed of properly.

3. Automotive and boat materials and wastes must be stored indoors, or under cover, or in secure and watertight containers.

C. Motor Vehicle Washing.

1. Vehicles shall be washed over porous surfaces such as lawns and gravel areas where feasible.

2. Remaining detergent solutions prepared for use in vehicle washing, but not used up in that process, may not be disposed by emptying buckets or other containers directly or indirectly to the stormwater conveyance system or receiving waters. Disposal to the sanitary sewer (e.g., through a sink, toilet or floor drain) or to a porous surface is required.

3. The use of “hose off” or single use engine degreasing chemicals is prohibited, unless captured and disposed of properly.

4. Motor vehicle washing other than individual residential motor vehicle washing is prohibited, unless all wash and rinse water is diverted to or contained and disposed to a porous area or the sanitary sewer.

D. Motor Vehicle Parking.

1. Residents shall remove excessive accumulations of oil and grease deposited by vehicles they own from parking areas, using dry cleaning methods (e.g., absorbents, scraping, vacuuming, or sweeping).

2. Residents shall move vehicles from streets when notified to do so to allow street cleaning.

E. Home and Garden Care Activities and Product Use.

1. Irrigation systems should be adjusted to avoid excessive runoff.

2. Spills of gardening chemicals, fertilizers or soils to non-porous surfaces must be cleaned up, and properly disposed.

3. Lawn and garden care products must be stored in closed labeled containers; or in covered areas; or off the ground under protective tarps.

4. Household hazardous waste may not be disposed directly or indirectly to the trash or to the street, gutter or storm drain.

5. Greenwaste, leaves, grass clippings, or shrub clippings may not be deposited in sidewalks, driveways, or storm drain conveyance systems. These materials must be recycled with the authorized waste hauler or composted.

6. All driveways, sidewalks, gutters and alleys adjacent to a parcel must be kept free of sediment by sweeping. Washing with water is prohibited.

F. Home Care and Maintenance.

1. Painting equipment may not be cleaned out in or over streets, sidewalks or gutters.

2. Action shall be taken to minimize and contain all spills of hazardous materials, if it is safe to do so.

3. Household hazardous materials must be stored indoors or under cover, and in closed and labeled containers.

4. Household wash waters (carpet cleaning, mop water, washing machine effluent, other gray water, paint wash-up water, etc.) may not be disposed of to the street, gutter or storm drain or to receiving waters. Disposal to the sanitary sewer (e.g., through a sink, toilet or floor drain) or to a porous surface is required.

G. Manure and Pet Waste Management.

1. Manure deposited by confined livestock, horses or other large animals on uncovered areas, from which runoff could enter receiving waters or the stormwater conveyance systems, must be cleaned up at least twice weekly and either be composted, or be stored prior to disposal in a manner that prevents contact with runoff to receiving waters or the stormwater conveyance system.

2. Areas used for composting such manure must be located, configured or managed to prevent runoff to receiving waters or the stormwater conveyance system.

3. Pet waste shall not be disposed to the stormwater conveyance system or receiving waters.

H. Private Sewer Laterals and On-site Wastewater Systems.

1. Private sewer laterals shall be cleaned, maintained and when necessary replaced to prevent seepage and spills. On-site wastewater systems shall be pumped, maintained and when necessary modified or replaced to prevent spills.

2. Spills from private sewer laterals and on-site wastewater systems shall be contained and cleaned up in a manner that minimizes any release of pollutants to the stormwater conveyance system or receiving waters.

3. Any release from a private sewer lateral that enters the stormwater conveyance system or receiving waters shall be immediately reported to the city.

4. Failed on-site wastewater systems shall be repaired or replaced, after issuance of all required permits and approvals. (Ord. 2002-978 § 1 (part), 2002)

8.30.090. Additional Minimum Best Management Practice Requirements For Commercial Activities And Facilities.

A. Priorities and Requirements. Regulated commercial facilities are classified in this section as high priority or all other, and additional requirements are imposed on those facilities by this section based on those classifications. All commercial dischargers must install, implement and maintain at least the additional minimum BMPs, if any, specified in this section or in the city urban runoff standards manuals for the priority classification and category of activity or facility owned or operated by that discharger. All regulated commercial facilities shall review their facilities, activities, operations and procedures at least annually to detect and eliminate illicit connections and illegal discharges. Corrective training shall be provided as needed (and documented in training records) whenever an illegal disposal practice is discovered.

B. High Priority Commercial Facilities Identified. As required by NPDES Permit No. CAS 0108758, facilities in the city having one or more of the following characteristics are high priority commercial facilities:

1. The facility is a regulated commercial facility primarily engaged in one of the following commercial activities:

   a. Airplane mechanical repair, maintenance, fueling, or cleaning;

   b. Motor vehicle (or other vehicle) parking lots and storage facilities

   c. Motor vehicle and other vehicle body repair or painting;

   d. Motor vehicle mechanical repair, maintenance, fueling, or cleaning;

   e. Boat mechanical repair, maintenance, fueling, or cleaning;

   f. Botanical or zoological gardens and exhibits;

   g. Cement mixing or cutting;

   h. Cemeteries;

   . Eating or drinking establishments;

   j. Equipment repair, maintenance, fueling, or cleaning;

   k. Golf courses, parks and other recreational areas/facilities;

   l. Landscaping;

   m. Marinas;

   n. Masonry installation;

   o. Mobile motor vehicle or other vehicle washing;

   p. Mobile carpet, drape or furniture cleaning;

   q. Nurseries and greenhouses;

   r. Painting and coating;

   s. Pest control services;

   t. Pool and fountain cleaning;

   u. Port-a-potty servicing;

   v. Retail or wholesale fueling;

   w. Other commercial sites/sources that the city determines may contribute a significant pollutant load to the storm drain conveyance system.

   x. Any commercial site or source tributary to a Clean Water Act Section 303(d) impaired water body, where the site or source generates pollutants for which the water body is impaired.

   y. Any commercial site or source within or directly adjacent to or discharging to a coastal lagoon or other receiving water within an environmentally sensitive area as defined herein.

2. The facility is a regulated commercial facility that has outdoor industrial areas totaling two acres or more or an outdoor parking lot for one hundred

or more vehicles; and stormwater or runoff from the facility may adversely affect impaired waters or waters within an ESA.

3. The facility is a regulated commercial facility and has been notified in writing by an authorized enforcement official or authorized enforcement staff that it is a high priority commercial facility. Such designations shall take effect ninety days after mailing or service of this notice. These designations shall be made where the facility discharges a pollutant load in stormwater or runoff that causes or contributes to the violation of water quality standards.

C. Additional Minimum Best Management Practices for All Regulated Commercial Facilities. All regulated commercial facilities shall install, implement and maintain the BMPs specified in the city urban runoff standards manuals in the following areas:

Employee training;

1. Stormwater pollution prevention plans;

2. Storm drain stenciling, tileage and signing;

3. Annual review of facilities and activities;

4. Pollution prevention;

5. Materials and waste management;

6. Vehicles and equipment;

7. Outdoor areas.

D. Additional Minimum Best Management Practices for Specific Activities at High Priority Commercial Facilities. High priority commercial facilities shall install, implement, and maintain the BMPs specified in the city urban runoff standards manuals for specific areas at the facility, if any, where any of the following activities are conducted:

1. Vehicle and equipment operations;

2. Materials and waste management (including tanks);

3. Outdoor areas.

E. Additional Minimum Best Management Practices for Specific Types of Regulated Commercial Facilities. Regulated commercial facilities, including but not limited to the types of facilities and activities listed below, shall install, implement and maintain the BMPs specified in the city urban runoff standards manuals for each such

type of facility or activity.

1. Vehicle and equipment repair and maintenance;
2. Outdoor storage of vehicles and equipment;
3. Retail and wholesale fueling;
4. Vehicle body repair and painting;
5. Painting and coating;
6. Eating and drinking establishments;
7. Marinas;
8. Botanical and zoological gardens and exhibits;
9. Golf courses, parks, and other recreational facilities;
10. Parking lots and storage facilities;
11. Cement mixing and cutting;
12. Mobile carpet, drape, and furniture cleaning;
13. Masonry storage or installation;
14. Pool and fountain cleaning;
15. Portable sanitary toilet servicing;
16. Mobile vehicle washing;
17. Pest control;
18. Landscaping;
19. Other commercial sites/sources that the city determines may contribute a significant pollutant load to the storm drain conveyance system.
20. Any commercial site or source tributary to a Clean Water Act Section 303(d) impaired water body, where the site or source generates pollutants for which the water body is impaired.
21. Any commercial site or source within or directly adjacent to or discharging to a coastal lagoon or other receiving water within an environmentally sensitive area as defined herein. (Ord. 2002-978 § 1 (part), 2002)

8.30.100. Additional Minimum Best Management Practice Requirements For Industrial Activities And Facilities.

A. Priorities and Requirements. Regulated industrial facilities are classified in this section as high, medium and low priority, and additional requirements are imposed on those facilities by this section based on those classifications. All industrial dischargers must install, implement and maintain at least the additional minimum BMPs, if any, specified in this section or in the city urban runoff standards manuals for the priority classification and category of activity or facility owned or operated by that discharger.

All regulated industrial facilities shall review their facilities, activities, operations and procedures at least annually to detect and eliminate illicit connections and illegal discharges. Corrective training shall be provided as needed (and documented in training records) whenever an illegal disposal practice is discovered.

B. Regulated Industrial Facilities. Industrial facilities that have one or more of the characteristics listed below are regulated industrial facilities:

1. Industrial Facilities, as defined at 40 CFR 1222.26(b)(14), including those subject to the General Industrial Permit or other individual NPDES permit.

2. Operating and closed landfill.

3. Facilities subject to SARA Title III.

4. Hazardous waste treatment, disposal, storage and recovery facilities.

5. The facility is regulated industrial facility and storm water or runoff from the facility is tributary to an impaired water body, and the facility generates a pollutant for which that water body is impaired.

6. The facility is a regulated industrial facility and is located within or adjacent to (i.e., within 200 ft. of), or discharges directly to, a coastal lagoon or a receiving water body within an ESA.

7. The facility was notified in writing by an authorized enforcement official that it has been designated a regulated industrial facility. Such designations shall take effect 90 days after mailing or service of notice. These designations shall be made where the facility discharges a pollutant load in storm water or runoff that causes or contributes to the violation of water quality standards.

C. Additional Minimum BMPs and Other Additional Requirements for Industrial Facilities Subject to the General Industrial Permit.

1. Notice of Intent. Industrial dischargers required to comply with the State Industrial General Storm Water Permit shall maintain on site and make available for inspection on request by the City the state-issued Waste Discharge Identification Number (WDID) for the facility, and a copy of the Notice of Intent (NOI) filed with the SWRCB pursuant to that permit. The discharger shall submit the WDID and a copy of that NOI to the City by mail if directed to do so by an authorized enforcement official.

2. Storm Water Pollution Prevention Plan. Dischargers required to prepare a SWPPP under the State General Industrial Storm Water Permit must prepare the plan, implement the plan and maintain it at the site readily

available for review. If an industrial facility is not required to prepare a state SWPPP, the facility shall prepare a SWPPP, submit that SWPPP for City approval or modification and approval, implement the SWPPP, and maintain it on site. Failure to comply with an applicable state-required or City-required SWPPP is a violation of this Chapter.

3. Pollution Prevention Practices. Industrial facilities shall consider and, where determined to be appropriate by the facility, shall implement the following measures to prevent the pollution of storm water and runoff:

   a. The use of smaller quantities of toxic materials or substitution of less toxic materials;
   b. Changes to production processes to reduce waste;
   c. Decreases in waste water flows;
   d. Recycling of wastes as part of the production process;
   e. Segregation of wastes; and
   f. Treatment of wastes on site to decrease volume and/or toxicity.

4. Non-Structural BMPs. Industrial facilities shall incorporate into the SWPPP, and install, implement and maintain, the following non-structural BMPs. The implementation of these practices shall be consistent with specifications, if any, contained in the Manual.

   a. BMPs for material handling and storage of significant materials;
   b. BMPs for non-hazardous waste handling and recycling;
   c. Employee training programs;
   d. Good housekeeping practices;
   e. Preventive maintenance practices;
   f. Self inspection and quality assurance practices; and
   g. Spill response planning.

5. BMPs for Specific Activities. Industrial facilities shall incorporate into the SWPPP, and install, implement and maintain, BMPs as specified in the Manual for any commercial activities conducted at the facility(as identified in section 8.30.090, and for areas at the facility where industrial activities are conducted. Industrial activities include but are not limited to the following:

   a. Raw or processed materials bulk storage;
   b. Mixing, where there is the potential for release of a pollutant;
   c. Cutting, trimming or grinding in connection with a production process;
   d. Casting, forging, or forming;
   e. Hazardous materials storage (including tanks);

f. Construction, painting and coating;
g. Pesticide or other chemical products formulation or packaging;
h. Process water pre-treatment;
i. Solid waste storage;
j. Waste water treatment;
k. Welding;
l. Blasting;
m. Chemical treatment; and
n. Power washing.

6. Additional Structural BMPs. Industrial facilities shall incorporate into the SWPPP, and install, implement and maintain one or more of the additional structural BMPs listed below where practicable, if use of such BMPs would significantly reduce pollution in run-off from the facility. The discharger shall determine in the first instance which of these BMPs to implement. However, an authorized enforcement official can order that additional BMPs be used at a particular facility.

   a. Overhead coverage of outdoor work areas or chemical storage;

   b. Retention ponds, basins, or surface impoundments that confine storm water to the site;

   c. Berms and concrete swales or channels that divert run-on and runoff away from contact with pollutant sources;

   d. Secondary containment structures; and

   e. Treatment controls, e.g., infiltration devices and oil/water separators, to reduce pollutants in storm water or authorized non-storm water discharges.

D. Monitoring at Industrial Facilities Subject to the General Industrial Permit. Dischargers owning or operating industrial facilities subject to the General Industrial Permit are required to conduct monitoring under the State Industrial General Storm Water Permit and shall make records of such monitoring available for inspection, and submit a copy of such records to the City if directed to do so by an authorized enforcement official. State exceptions from monitoring requirements are also applicable to this requirement, and group monitoring approved by the State is also acceptable to the City. The City may direct that any required records be submitted in a specified electronic format.

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8.30.110. Additional Minimum Best Management Practice Requirements For Agricultural Operations.

A. Nursery and Greenhouse Operations. Pursuant to NPDES Permit No. CAS0108758 (Order No. R9-2007-0001), nursery and greenhouse operations are classified as commercial operations for purposes of this chapter, and are subject to all requirements for regulated commercial facilities set out in this chapter.

B. Agricultural Grading and Clearing. The BMP requirements imposed by Section 8.30.140 of this chapter for land disturbance activities apply to agricultural grading and clearing, whether or not a city-issued grading and clearing permit is required for that activity. Tilling or cultivating land exclusively for the purpose of growing plants or animals is not considered to be grading or clearing, provided all disturbed material remains on the same site, the tilling or cultivating will not block or divert any natural drainage way, and the land to be tilled or cultivated has been in agricultural production for at least one of the preceding five years.

C. Land Development Associated with Agricultural Operations. The requirements imposed by Section 8.30.150 of this chapter for land development activities apply to such activities when they are associated with agricultural operations.

D. Manure Management.

1. Where practicable, all runoff from areas where livestock, horses or other large animals are confined must be collected and managed in a manner that avoids a discharge to the stormwater conveyance system or receiving waters. Where this is not practicable, manure must be cleaned up at least twice weekly; and must either be composted, or stored prior to disposal.
2. Areas used for storing or composting manure must be located, configured or managed to prevent runoff to receiving waters or the stormwater conveyance system.

3. Animal wastes shall not be disposed to the stormwater conveyance system or receiving waters.

E. Other Agricultural Operations. Other agricultural operations are subject to the discharge prohibitions and other requirements set out in Sections 8.30.010 through 8.30.070 of this chapter. Agricultural operations located within or adjacent to (i.e., within 200 ft. of), or which discharge directly to an impaired water body or a coastal lagoon or a receiving water body within an ESA, are also subject to the requirements set out in section 8.30.070.
(Ord. 2002-978 § 1 (part), 2002)

8.30.120. Additional Best Management Practice Requirements For Municipal Activities And Facilities.

Municipal Facilities. Municipal facilities must meet the requirements set out in Sections 8.30.010 through 8.30.070, and where applicable, Sections 8.30.140 and

8.30.150 of this chapter. In addition, these facilities and activities must install, implement and maintain at least the additional minimum BMPs, if any, specified in Section 8.30.090 or in the city urban runoff standards manuals, for municipal areas and activities at the municipal facility. (Ord. 2002-978 § 1 (part), 2002)

8.30.130. City urban runoff standards manuals

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A City Urban Runoff Standards Manuals. All dischargers who are required by this chapter to install, implement and maintain BMPs shall ensure that their selection of BMPs is consistent with the applicable specifications, if any, contained in the city urban runoff standards manual, for the category and priority of activity or facility owned or operated by that discharger. All BMPs installed, implemented or maintained to meet the requirements of this chapter must conform to the applicable specifications, if any, set out in the city urban runoff standards manuals.

B. Existing Facilities. The city urban runoff standards manuals sets out minimum BMPs and other objective specifications for specific types and categories of existing facilities and activities. Where minimum BMPs and objective specification are specified, they are mandatory. Where no minimum BMPs have been specified in the city urban runoff standards manuals for a type and category of facility or activity, only the requirements set out in this chapter are applicable. Deviations from the minimum BMPs set out in the manuals are allowed in the following circumstances: (1) the city determines pursuant to Section 8.30.040(I) of this chapter to issue an order to require alternative BMPs, and provides the required written notice; or (2) a city guidance document prepared pursuant to Section 8.30.040(H) sets out additional compliance alternatives that may be used in lieu of the BMPs specified in the manuals, and the discharger secures a permit enforceable by the city that requires the use of specific equally effective alternative BMPs.

C. Ministerial Land Development Projects. Requirements applicable to development projects requiring only the kinds of ministerial permits listed in Section 8.30.040(F)(2) of this chapter are set out in separately identified sections of the manuals. Other requirements in the manuals are not applicable to these projects during the development process. However, some additional requirements will apply to completed projects when they become subject to this chapter as residential, commercial or industrial facilities.

D. Discretionary Land Development and Redevelopment Projects. The manuals set out minimum BMPs, other objective specifications, and performance standards for land development projects requiring one or more of the discretionary permits listed in Section 8.30.040(F)(1) of this chapter. The minimum BMPs and other objective specifications in the manuals are applicable to both ministerial and discretionary land development projects. The performance standards in the manuals are applicable to projects that require a discretionary city permit or approval, and shall be implemented through specific permit conditions. Development project proponents must determine whether their project design and associated BMPs will meet these performance

standards for their facility or activity, and must redesign their project and/or install, implement and maintain additional BMPs where needed to meet applicable performance standards.

E. Conflicting or More Detailed Requirements. In case of any conflict between any applicable minimum BMPs specified in this chapter, and any applicable requirements described in more detail for a particular type of facility or activity in the Manual, the requirement in the Manual shall prevail. (Ord. 2002-978 § 1 (part), 2002)

8.30.140. Additional Requirements For Land Disturbance Activities.

A. Permit Issuance. No land owner or development project proponent shall receive any city grading, clearing, building or other land development permit required for land disturbance activity without first meeting the requirements of this chapter with respect to the portion of the development project and the land disturbance activity to which the permit at issue would apply.

B. Owners and Operators Both Responsible and Liable. Persons or entities performing land disturbance activities (including but not limited to construction activities) in the city, and the owners of land on which land disturbance activities are performed, are dischargers for purposes of this chapter; provided however that a local government or public authority is not a discharger as to activities conducted by others in public rights-of-way.

C. Urban Runoff Management Plan. All applications to the city for a permit or approval associated with a land disturbance activity must be accompanied by a urban runoff management plan, on a form or in a format specified by the city. The urban runoff management plan shall specify the manner in which the discharger/applicant will implement the BMPs required by this chapter for the activity at issue, including but not limited to the applicable BMPs required by subsection (D) below.

D. Additional Minimum BMPs for Land Disturbance Activities. Whether a city permit or approval is required or not, and whether a urban runoff management plan is required to be submitted or not, all dischargers engaged in land disturbance activities shall implement BMPs as detailed in the city urban runoff standards manuals in the following additional areas if applicable to the project:

1. Erosion control on slopes;
2. Erosion control on flat areas; or BMPs to desilt runoff from flat areas;
3. Runoff velocity reduction;
4. Sediment control;
5. Off-site sediment tracking control;
6. Materials management;
7. Waste management;

8. Vehicle and equipment management;
9. Water conservation;
10. Structure construction and painting;
11. Paving operations;
12. Dewatering operations;
13. Planned construction operations;
14. Downstream erosion control;
15. Prevention of non-stormwater discharges;
16. Protection of groundwater; and
17. Well development.

E. Control to the Maximum Extent Practicable. All dischargers engaged in land disturbance activities must install, implement and maintain those additional BMPs, if any, which are needed to prevent or reduce pollutant discharges in stormwater from land disturbance to the MEP.

F. Notice of Intent. Dischargers required to comply with the state construction general stormwater permit shall maintain on site and make available for inspection on request by the city any state-issued waste discharge identification number (WDID) for the site, and a copy of the notice of intent (NOI) filed with the SWRCB pursuant to that permit.

G. Stormwater Pollution Prevention Plan. Dischargers required to prepare a SWPPP under the state general construction stormwater permit must prepare the plan, implement the plan and maintain it at the site, readily available for review. Failure to comply with an applicable state-required SWPPP is a violation of this chapter.

H. Facility Monitoring. Dischargers required to conduct monitoring under the state construction general stormwater permit must conduct such monitoring in conformance with requirements specified by the state, retain records of such monitoring on site, and make such records available for inspection by an authorized enforcement official or authorized enforcement staff.

I. Advance Treatment. Dischargers shall implement advanced treatment for sediment at construction sites that are determined by the City to be an exceptional threat to water quality. In evaluating the threat to water quality, the following factors shall be considered:

1. Soil erosion potential or soil type;
2. The site's slopes;
3. Project size and type;

4. Sensitivity of receiving water bodies;
5. Proximity to receiving water bodies;
6. Non-storm water discharges;
7. ;BMPs
8. Ineffectiveness of other BMPs; and
9. Any other relevant factors.

8.30.150. Additional Planning, Design And Post-Construction Requirements For All Land Development And Redevelopment Projects.

A. Application to Development and Redevelopment Projects. No landowner or development project proponent in the city shall receive any city permit or approval listed in Section 8.30.040(F) of this chapter for land development activity or significant redevelopment activity unless the project meets or will meet the requirements of this chapter. The application of post-construction BMP requirements imposed by this section and/or by the urban runoff standards manuals as a condition of a permit or other approval shall not require retroactive application of the post-construction BMP requirements to a project that has been completed or substantially completed pursuant to a previously issued valid city permit or approval.

B. Owners and Developers Responsible and Liable. Developers, development project proponents, and land owners for land on which development activities are performed, are dischargers for purposes of this chapter; provided however that a local government or public authority is not a discharger as to activities conducted by others in public rights-of-way.

C. Post-construction Best Management Practices Required. Land development and redevelopment projects with the potential to add pollutants to stormwater or to affect the flow rate or velocity of stormwater runoff after construction is completed, shall be designed to include and shall implement post-construction BMPs to ensure that pollutants and runoff from the development will be reduced to the MEP and will not cause or contribute to an exceedance of receiving water quality objectives.

D. Natural BMPs. Natural BMPs, such as constructed wetlands, grassed swales, biofilters, wet ponds, and vegetated filter strips, shall be utilized whenever practicable for post-construction BMPs that are proposed by a discharger.

E. Post-Construction Urban Runoff Management Plan. All applications to the city for a permit or approval associated with a land development or redevelopment activity must be accompanied by a post-construction urban runoff management plan on a form or in a format specified by the city. The plan shall specify the manner in which the discharger/applicant will implement the post-construction BMPs required by this chapter. The plan must address those aspects of the project that, at the time a complete application is submitted, are subject to further environmental review pursuant

to Section 15162 of the California Environmental Quality Act. Post-construction BMPs for other aspects of the project need not be addressed in this plan.

F. Urban Runoff Management Plan Review Deposit. Urban runoff management plan review, including SWPPPs, fees may be set, from time to time, by resolution of the city council.

G. Additional Minimum Post-Construction BMPs for Land Development Activities. Whether a city permit or approval is required or not, and whether a post-construction urban runoff management plan is required to be submitted or not, all dischargers engaged in land development or significant redevelopment activities in the city shall implement post-construction BMPs in the following areas if applicable to the project:

1. BMPs for permanent control of erosion from slopes. These BMPs can include structures to convey runoff safely from the tops of slopes, vegetation or alternative stabilization of all disturbed slopes, the use of natural drainage systems to the MEP, flow and velocity controls upstream of sites; and stabilization or permanent channel crossings, unless the crossing is not publicly accessible and is not frequently used.

2. BMPs to control flows, velocity and erosion. These BMPs can include but are not limited to the use of energy dissipaters, such as riprap, at the outlets of storm drains, culverts, conduits, or lined channels that enter unlined channels to minimize erosion; installation of retention or equalization basins, or other measures. Flow control and downstream erosion protection measures shall prevent any significant increase in downstream erosion as a result of the new development, but shall not prevent flows needed to sustain downstream riparian habitats or wetlands.

3. Pollution prevention and source control BMPs, to minimize the release of pollutants into stormwater.

4. Site design BMPs, such as impervious surface minimization; and appropriate use of buffer areas to protect natural water bodies.

5. Site planning BMPs, such as siting and clustering of development to conserve natural areas to the extent practicable.

6. The installation of storm drain tiles or concrete stamping, and appropriate signage to discourage illegal discharges.

7. BMPs for trash storage and disposal and materials storage areas.

8. Structural BMPs to treat and/or to infiltrate stormwater where a development project would otherwise cause or contribute to a violation of water quality standards in receiving waters. Off-site structural BMPs may be used for

treatment and infiltration necessary to meet water quality standards only if the conveyance of runoff to those facilities prior to treatment will not cause or contribute to an exceedance of water quality standards, or deprive wetlands or riparian habitats of needed flows. Off-site facilities shall not substitute for the use of any on-site source control BMPs required by the city urban runoff standards manuals.

9. When an infiltration BMPs is used, related BMPs set out in the city urban runoff standards manuals (including but not limited to siting constraints), to protect present uses of groundwater, and future uses of that groundwater as currently designated in the applicable RWQCB basin plan. (Discharges to infiltration BMPs may also require an RWQCB permit, and additional state requirements may also be applicable to these discharges.)

10. Other applicable BMPs required by the city urban runoff standards manuals.

H. Control to the Maximum Extent Practicable. All discharges engaged in land development and significant redevelopment activities shall install, implement and maintain post-construction BMPs as needed to prevent or reduce pollutant discharges in stormwater from land disturbance to the MEP. (Ord. 2002-978 § 1 (part), 2002)

8.30.160. Maintenance of BMPs.

A. Existing Development. Residential, commercial, industrial, agricultural and municipal dischargers shall maintain the BMPs they rely upon to achieve and maintain compliance with this chapter.

B. New Development. The owners and occupants of lands on which structural post-construction BMPs have been installed to meet the requirements of this chapter shall ensure the maintenance of those BMPs, and shall themselves maintain those BMPs if other persons or entities who are also obliged to maintain those BMPs (by contract or covenant, or pursuant to this chapter) fail to do so.

C. Maintenance Obligations Assumed by Contract or Other Agreement. Primary responsibility to maintain a BMP may be transferred through a contract or other agreement. If that contract provides that it will be submitted to the city pursuant to this chapter as part of a development permit application, and if that contract is so submitted, the person or entity accepting a maintenance obligation in such a contact or agreement will also be legally obliged to maintain that BMP pursuant to this chapter.

D. Obligation to Maintain BMPs Not Avoided by Contracts or Other Agreements. For purposes of city enforcement, no contract or other agreement imposing an obligation to maintain a BMP can relieve a person or entity of any obligation to maintain a BMP imposed by this chapter.

E. Disclosure of Maintenance Obligations. Any developer who transfers ownership

of land on which a BMP is located or will be located, or who otherwise transfers ownership of a BMP or responsibility for the maintenance of a BMP to another person or entity, shall provide clear written notice of the maintenance obligations associated with that BMP to the new or additional responsible party prior to that transfer.

F. Maintenance Plans for Land Development Projects. The proponents of any land development project or significant redevelopment project that requires a discretionary city permit, shall provide to the city for review and approval prior to issuance of such permit, a plan for maintenance of all post-construction structural BMPs associated with the project. The plan shall specify the persons or entities responsible for maintenance activity, the persons or entities responsible for funding, schedules and procedures for inspection and maintenance of the BMPs, worker training requirements, and any other activities necessary to ensure BMP maintenance. The plan shall provide for servicing of all post-construction structural BMPs at least annually, and for the retention of inspection and maintenance records for at least three years.

G. Access Easement/Agreement. The proponents of any land development project or significant redevelopment project that requires a discretionary city permit, shall provide to the city for review and approval prior to issuance of such permit an executed, permanent, easement onto the land on which post-construction structural BMPs will be located (and across other lands as necessary for access), to allow inspection and/or maintenance of those BMPs.

H. Assurance of Maintenance for Land Development Projects. The proponents of any land development or significant redevelopment project that requires a discretionary city permit, shall provide to the city prior to issuance of such permit, proof of a mechanism acceptable to the city which will ensure ongoing long-term maintenance of all structural post-construction BMPs associated with the proposed project. The proponents shall be responsible for maintenance of BMPs unless and until an alternative mechanism for ensuring maintenance is accepted by the city and becomes effective.

8.30.170. Inspection/Sampling.

A. Regulatory Inspections. Authorized enforcement officials and authorized enforcement staff may inspect facilities, activities and residences subject to this chapter at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If entry for a regulatory inspection is refused by the facility owner or operator, or by the occupant of a residence, an inspection warrant shall be obtained prior to inspection.

B. Access Easements. When any new structural BMP is installed on private property as part of a project that requires a city permit, in order to comply with this chapter, the property owner shall grant to the city an easement to enter the property at reasonable times and in a reasonable manner to ensure that the BMP is working properly. This includes the right to enter the property without prior notice once per year

for routine inspections, to enter as needed for additional inspections when the city has a reasonable basis to believe that the BMP is not working properly, to enter for any needed follow-up inspections, and to enter when necessary for abatement of a nuisance or correction of a violation of this chapter.

C. Scope of Inspections. Inspections may include all actions necessary to determine whether any illegal discharges or illegal connections exist, whether the BMPs installed and implemented are adequate to comply with this chapter, whether those BMPs are being properly maintained, and whether the facility or activity complies with the other requirements of this chapter. This may include but may not be limited to sampling, metering, visual inspections, and records review. Where samples are collected the owner or operator may request and receive split samples. Records, reports, analyses, or other information required under this chapter may be inspected and copied, and photographs taken to document a condition and/or a violation of this chapter. (Ord. 2002-978 § 1 (part), 2002)

8.30.180. Enforcement.

Authorized enforcement officials and authorized enforcement staff may enforce this chapter and abate public nuisances as follows:

A. Administrative Authorities

1. Administrative Penalties. Administrative penalties may be imposed in accordance with the provisions for administrative penalties set forth in this chapter. Administrative penalties may include the recovery of fines assessed against the City of Imperial Beach by the RWQCB. Any later-enacted administrative penalty provision in the Imperial Beach Municipal Code shall also be applicable to this chapter, unless otherwise provided therein.

2. Cease and Desist Orders. Written and/or verbal orders may be issued to stop illegal discharges and/or remove illegal connections.

3. Notice and Order to Clean, Test, or Abate. Written and/or verbal orders may be issued to perform any act required by this chapter or chapter 8.32 where conditions warrant.

4. Public Nuisance Abatement. Violations of this chapter are deemed a threat to public health, safety, and welfare; and are identified as a public nuisance. If actions ordered pursuant to this chapter or chapter 8.32 are not performed, the authorized enforcement official may abate any public nuisance. City costs for pollution detection and abatement, if not paid in full

by the discharger in addition to any other penalties, may be made a lien against the property in accordance with this procedure.

5. Stop Work Orders. Whenever any work is being done contrary to the provisions of this chapter, or other laws implemented through enforcement of this chapter or chapter 8.32, an authorized enforcement official may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall immediately stop such work until authorized by the authorized enforcement official to proceed with the work.

6. Permit Suspension or Revocation. Violations of this chapter may be grounds for permit and/or other city license suspension or revocation in accordance with applicable sections of the Imperial Beach Municipal Code.

B. Judicial Authorities.

1. Civil penalties and remedies. The Imperial Beach city attorney or designee is hereby authorized to file civil actions in superior court to enforce this chapter, seeking civil penalties and/or other remedies as provided in this section and in Section 8.30.200 of this chapter. There is no requirement that administrative enforcement procedures be pursued before such actions are filed.

2. Injunctive Relief. Any violation of this chapter may be enforced by a judicial action for injunctive relief.

3. Arrest or Issue Citations. The assistance of a peace officer may be enlisted to arrest violators as provided in California Penal Code and/or a citation and notice to appear as prescribed in Imperial Beach Municipal Code Chapter 1.12 and Part 2 of the California Penal Code, including Section 853.6 (or as amended) may be issued. There is no requirement that administrative enforcement authorities be used before such actions are filed. The immunities prescribed in Section 836.5 of the Penal Code are applicable to authorized enforcement officials and authorized enforcement staff acting in the course and scope of their employment pursuant to this chapter. (Ord. 2002-978 § 1 (part), 2002)

8.30.190. Other Acts And Omissions That Are Violations.

In addition to the violations identified in Sections 8.30.010 through 8.30.170 of this chapter, the following acts and omissions are violations of this chapter, whether committed by a discharger or by another person or entity:

A. Causing, Permitting, Aiding, or Abetting Non-compliance. Causing, permitting, aiding, or abetting non-compliance with any part of this chapter constitutes a violation of this chapter.

B. Concealment, Misrepresentation and False Statements. Any falsification or misrepresentation made to the city concerning compliance with this chapter, including any misrepresentation in a voluntary disclosure, any submission of a report that omits required material facts without disclosing such omission, and any withholding of information required to be submitted by or pursuant to this chapter in order to delay city enforcement action, is a violation of this chapter. Concealing a violation of this chapter is a violation of this chapter.

C. Failure to Promptly Correct Non-compliance. Violations of this chapter must be corrected with the time period specified by an authorized enforcement official or authorized enforcement staff. Each day (or part thereof) in excess of that period during which action necessary to correct a violation is not initiated and diligently pursued is a separate violation of this chapter.

D. City Permits and SWPPPs. Any failure to conform to an applicable stormwater pollution prevention plan (SWPPP) prepared pursuant to this chapter; any failure to comply with stormwater-related provisions of a city-issued grading permit or grading plan prepared to secure such a permit; and any failure to comply with stormwater-related provisions in any other city permit or approval, is also a violation of this chapter. For purposes of this chapter a permit provision or condition of approval is "stormwater-related" if compliance with the provision or condition would have the effect of preventing or reducing contamination of stormwater or of moderating runoff flow rates or velocities, whether or not the provision or condition was initially imposed to promote those outcomes. (Ord. 2002-978 § 1 (part), 2002)

8.30.200. Penalties.

E. Administrative Penalties. Administrative penalties may be imposed pursuant to Chapter 1.22 of the Imperial Beach Municipal Code. Any later-enacted administrative penalty provision in the Imperial Beach Municipal Code shall also be applicable to this chapter, unless otherwise provided therein.

F. Misdemeanor Penalties. Non-compliance with any part of this chapter, other than Section 8.30.080 (Residential Activities), constitutes a misdemeanor and may be enforced and punished as prescribed in the Penal Code and Government Code of the state of California.

G. Penalties For Infractions. Authorized enforcement officials and authorized enforcement staff may charge any violation of this chapter as an infraction at their discretion. Infractions may be abated as a nuisance or enforced and punished as prescribed in the Penal Code and Government Code of the state of California.

H. For Civil Actions. In addition to other penalties and remedies permitted in this chapter, a violation of this chapter may result in civil actions. Except where a maximum monetary amount is specified, the following may also be awarded without monetary limitations in any civil action:

1. Injunctive relief;

2. Costs to investigate, inspect, monitor, survey, or litigate;

3. Costs to place or remove soils or erosion control materials, costs to correct any violation, and costs to restore environmental damage or to end any other adverse effects of a violation;

4. Compensatory damages for losses to the city or any other plaintiff caused by violations; and/or restitution to third parties for losses caused by violations; and

5. Civil Penalties.

As part of a civil action filed by the city to enforce provisions of this chapter, a court may assess a maximum civil penalty of two thousand five hundred dollars per violation for unfair business practices that violate this chapter for each day during which any violation of any provision of this chapter is committed, continued, permitted or maintained by such person(s).

As part of a civil action filed by the city to enforce provisions of this chapter, a court may assess a maximum civil penalty of one thousand dollars per violation for violations of this chapter for each day during which any violation of any provision of this chapter is committed, continued, permitted or maintained by such person(s).

In determining the amount of any civil liability to be imposed pursuant to this chapter, the superior court shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether any discharge caused the violation is susceptible to cleanup or abatement, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation, and such other matters as justice may require.

I. Penalties and Remedies Not Exclusive. Penalties and remedies under this article may be cumulative and in addition to other administrative, civil or criminal remedies. (Ord. 2002-978 § 1 (part), 2002)

ORDINANCE NO. 2008-1063

AN ORDINANCE AMENDING CHAPTER 8.32 "STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP)" OF THE IMPERIAL BEACH MUNICIPAL CODE

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); and

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. 2002-5563, as amended. (Ord. 2003-996 § 3 (part), 2003)

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); and

WHEREAS, the adoption of this Ordinance shall implement policies that address post-construction urban runoff from new development and redevelopment applications that fall under priority project categories to ensure that development does not increase pollutant loads from a project site and that considers urban runoff flow rates and velocities, to the maximum extent practicable.

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 is amended to read as shown in Attachment "A."

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PASSED AND ADOPTED by the City Council of the City of Imperial Beach at the Regular City Council Meeting held this 6th day of February, 2008 by the following vote:

AYES:
NAYS:
ABSENT:

_____
Jim Janney, Mayor

ATTEST:

_____
Jacqueline Hald, City Clerk

APPROVED AS TO FORM:

_____
James P. Lough, City Attorney

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
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8.32.100. Site Design Storm Water Treatment Credits
8.32.110. Identifying Pollutants and Conditions of Concern
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8.32.130. Identifying Pollutants from the Project Area
8.32.140. Identifying Pollutants of Concern
8.32.150. Identifying Conditions of Concern
8.32.160. Progression of Storm Water BMPs
8.32.170. Requirements to Implement Storm Water BMPs
8.32.180. Selection of Storm Water BMPs
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8.32.200. Storm Water BMPs for Projects Generating Primary and Secondary Pollutants
8.32.210. Alternative Storm Water BMPs
8.32.220. Low Impact Development (LID) and Site Design BMPs
8.32.230. Maintaining Pre-Development Rainfall Runoff Characteristics
8.32.240. Protection of Slopes and Channels
8.32.250. Providing Storm Drain System Stenciling and Signage
8.32.260. Designing Outdoor Material Storage Areas to Reduce Pollution Introduction
8.32.270. Designing Trash Storage Areas to Reduce Pollution Introduction
8.32.280. Using Efficient Irrigation Systems and Landscape Design
8.32.290. Treatment Control BMP Objectives
8.32.300 Design to Treatment Control BMP Standards
8.32.310. Structural Treatment Control Volume-Based BMPs
8.32.320. Structural Treatment Control Flow-Based BMPs
8.32.330. Treatment Control BMPs, Limited Exclusions
8.32.340. Locating Treatment Control BMPs Near Pollutant Sources
8.32.350. Treatment Control – Restrictions on Use of Infiltration BMPs
8.32.360. Maintenance Mechanism to be in Place before Acceptance
8.32.370. Maintenance Mechanisms
8.32.380. Verification Mechanisms
8.32.390. Maintenance Requirements
8.32.400. Waiver of Structural Treatment BMP Requirements

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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.” (Ord. 2003-996 § 3 (part), 2003)

8.32.020. Statutory Authority
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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 (URMP), which has been adopted by the City of Imperial Beach pursuant to Resolution No. 2002-5563, as amended. (Ord. 2003-996 § 3 (part), 2003)

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. Effectively prohibit non-storm water discharges in urban runoff; and

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

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. (Ord. 2003-996 § 3 (part), 2003)

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. To allow flexibility in meeting the design standards set forth in this division, structural treatment control BMPs may be located on- or off-site, used singly or in combination, or shared by multiple developments, provided certain conditions are met. All new development and significant redevelopment projects that fall into one of the following “priority project” categories are subject the requirements of this division, subject to the lawful prior approval provisions of the municipal permit. In the instance where a project feature, such as a parking lot, falls into a priority project category, the entire project footprint is subject to the requirements of this division. These categories are:

A. Residential development of ten (10) units or more;

B. Commercial development greater than one (1) acre;

C. Heavy industry industrial development greater than one (1) acre;

D. Automotive repair shops;

E. Restaurants;

F. Hillside development greater than 5,000 square feet;

G. Projects located within or directly adjacent to or directly discharging to receiving waters within environmentally sensitive areas that create 2,500 square feet or more of impervious surface or increase the area of imperviousness to ten percent (10%) or more of its naturally occurring conditions;

H. Projects having more than 2,500 square feet of impervious surface that discharge to receiving waters within or adjacent to environmentally sensitive areas;

I. Parking lots with 5,000 square feet or more of impervious surface, or with more than fifteen (15) parking spaces and potentially exposed to urban runoff;

J. Streets, roads, highways, and freeways, which would create a new paved surface that is 5,000 square feet or more of impervious surface; and

K. Retail gasoline outlets of 5,000 square feet or more in size, or having a projected average daily traffic (“ADT”) count of at least 100 vehicles per day regardless of size.

(Ord. 2003-996 § 3 (part), 2003)

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. (Ord. 2003-996 § 3 (part), 2003)

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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. (Ord. 2003-996 § 3 (part), 2003)

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. (Ord. 2003-996 § 3 (part), 2003)

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. (Ord. 2003-996 § 3 (part), 2003)

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. 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 division, and shall be correctly designed so as to remove pollutants to the maximum extent practicable. A flow chart summarizing the storm water BMP selection procedure is provided in Figure 1.

(Ord. 2003-996 § 3 (part), 2003)

8.32.090

Figure 1. Storm Water BMP Selection Procedure Flow Chart

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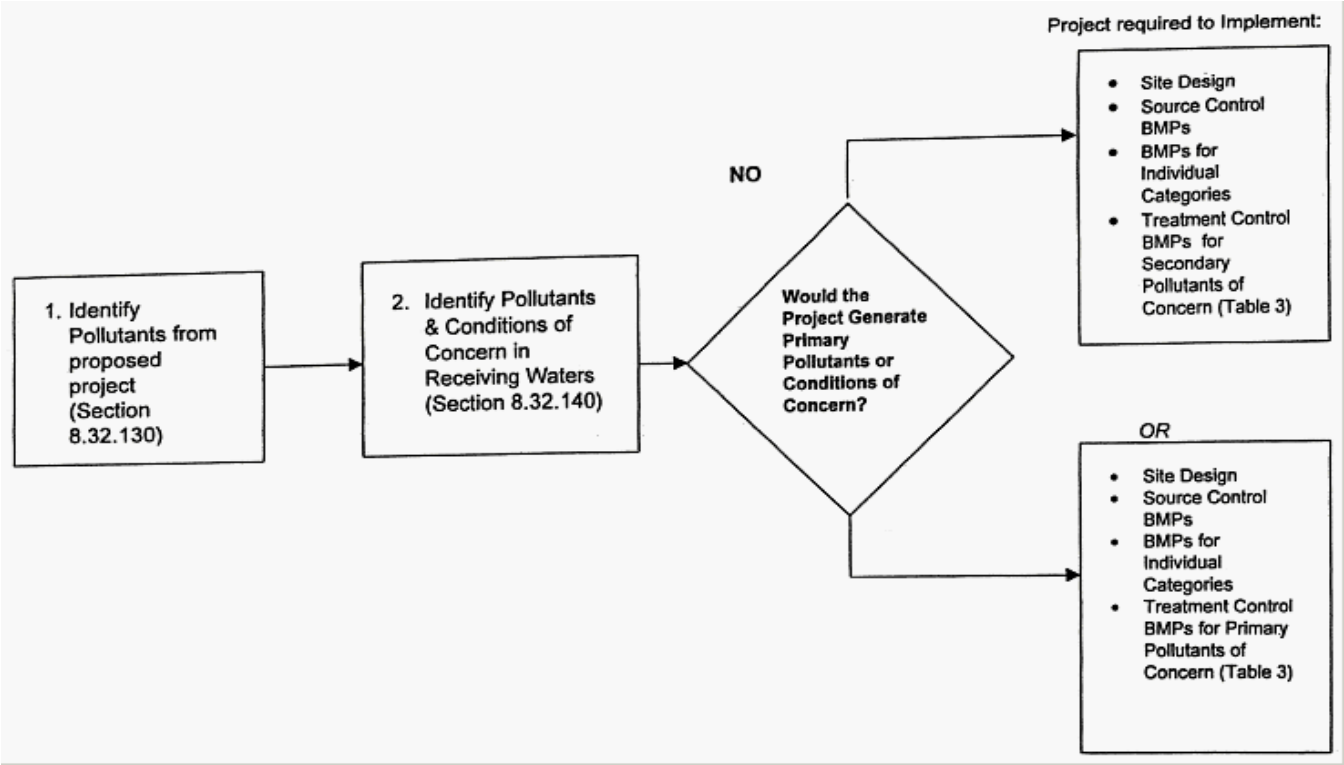

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8.32.100. Site Design Storm Water Treatment Credits.

Project proponents may develop and submit for public review and comment and city council approval a regional model site design storm water treatment credits program that allows reductions in the volume or flow of storm water that must be captured or treated on a project in return for the inclusion of specified project design features in the project. The model site design storm water treatment credits program shall be deemed to be a part of this division following city council approval. Any such model program shall specify the conditions under which project proponents can be credited for the use of site design features and low impact development techniques that can reduce the volume of storm water runoff, preserve natural areas, and minimize the pollutant loads generated and potentially discharged from the site. Any site design storm water treatment credits program implemented shall be consistent and compliant with this division and approved by the city council.

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 1). Site design and source control BMPs are required based on pollutants commonly associated with the proposed project type (see Table 2, “Standard Storm Water BMP Selection Matrix”). Treatment Control BMPs are also required for the project’s expected pollutants of concern (see Table 3).

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. (Ord. 2003-996 § 3 (part), 2003)

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

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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. (Ord. 2003-996 § 3 (part), 2003)

8.32.130. Identifying Pollutants From The Project Area.

Using Table 1, 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 1. Anticipated and Potential Pollutants Generated by Land Use Type.

	General Pollutant Categories								
Priority Project Categories	**Sediments**	**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 >100,000 ft2	P(1)	P(1)		P(2)	X	P(5)	X	P(3)	P(5)
Automotive Repair Shops			X	X(4)(5)	X		X		
Restaurants					X	X	X	X	
Hillside Development	X	X			X	X	X		X

	General Pollutant Categories								
Priority Project Categories	**Sediments**	**Nutrients**	**Heavy Metals**	**Organic Compounds**	**Trash & Debris**	**Oxygen Demanding Substances**	**Oil & Grease**	**Bacteria & Viruses**	**Pesticides**
>5,000 ft2									
Parking Lots > 5,000 ft or equal to 15 parking spaces	P(1)	P(1)	X		X	P(1)	X		P(1)
Streets, Alleys, Highways & Freeways >5,000 ft	X	P(1)	X	X(4)	X	P(5)	X		

	General Pollutant Categories								
Priority Project Categories	**Sediments**	**Nutrients**	**Heavy Metals**	**Organic Compounds**	**Trash & Debris**	**Oxygen Demanding Substances**	**Oil & Grease**	**Bacteria & Viruses**	**Pesticides**
Adjacent to Environmentally Sensitive Area within 200 ft	P	P	P	P	X	P	P	P	P
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.									

(Ord. 2003-996 § 3 (part), 2003)

8.32.140. Identifying Pollutants 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.

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.

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. Compare the list of pollutants for which the receiving waters are impaired with the pollutants anticipated to be generated by the project (as identified in Table 1). Any pollutants identified by Table 1, which are also causing impairment of receiving waters, shall be considered primary pollutants of concern.

For projects where no primary pollutants of concern exist, those pollutants identified through the use of Table 1 shall be considered secondary pollutants of concern. (Ord. 2003-996 § 3 (part), 2003)

8.32.150. Identifying Conditions of Concern.

A. 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, may require that the following steps be followed for priority projects that, in their judgment, may impact the hydrologic regime:

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.

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

[1]. Design storms can be found at http://www.wrcc.dri.edu/pcpnfreq.html. Applicants may calculate the storm events using local rain data. In addition, isopluvial maps contained in the County of San Diego Hydrology Manual may be used to extrapolate rainfall data to areas where insufficient data exists. If isopluvial maps are used interpolations shall be linear.

1.

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.

Table 1. Anticipated and Potential Pollutants Generated by Land Use Type.

	General Pollutant Categories								
Priority Project Categories	Sediments	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 >100,000 ft^2	P(1)	P(1)		P(2)	X	P(5)	X	P(3)	P(5)
Heavy industry /industrial development	X		X	X	X	X	X		
Automotive Repair Shops			X	X(4)(5)	X		X		
Restaurants					X	X	X	X	
Hillside Development >5,000 ft^2	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 &	X	P(1)	X	X(4)	X	P(5)	X		

	General Pollutant Categories								
Priority Project Categories	Sediments	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
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.									

(Ord. 2003-996 § 3 (part), 2003)

8.32.160. Progression of Storm Water BMPs.

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:

1. Site Design BMPs

2. Source Control BMPs

3. Treatment Control BMPs

(Ord. 2003-996 § 3 (part), 2003)

8.32.170. Requirements to Implement Storm Water BMPs.

At a minimum, priority projects must implement source control BMPs, and must implement treatment control BMPs unless a waiver is granted based on the infeasibility of all treatment control BMPs. BMPs must also achieve certain performance standards set out in the SDRWQB municipal permit section F.2. (b) (i to xiv). Selection of BMPs from the menus included in this chapter, using the rules set out in this chapter, must fulfill these requirements. In addition, runoff treated by site design or source control BMPs, such as rooftop runoff treated in landscaping, may be useful in reducing the quantity of runoff required to be treated in Sections 8.32.300 to 8.32.360, inclusive, “Treatment Control BMPs.” (Ord. 2003-996 § 3 (part), 2003)8.32.180. Selection of

1.

Storm Water BMPs.

Using the Treatment Control BMP Selection Matrix, each priority project shall select a structural treatment BMP by comparing the list of pollutants for which the downstream receiving waters are impaired (if any), with the pollutants anticipated to be generated by the project (as identified in Table 1). Any pollutants identified by Table 1, which are also causing Clean Water Act Section 303(d) impairment of the receiving waters of the project, shall be considered primary pollutants of concern. Priority projects that are anticipated to generate a primary pollutant of concern shall meet all applicable requirements of establishing storm water BMPs in Sections 8.32.220 to 8.32.360, inclusive, and shall select a single or combination of storm water BMPs from Table 3 which maximizes pollutant removal for the particular primary pollutant(s) of concern.

Alternatively, a project proponent may elect to implement a combination of LID BMPs that either disperse and infiltrate, or direct to bioretention facilities, the flows from all impervious areas on-site. These BMPs are presumed to provide maximum extent practicable treatment for all pollutants of concern; therefore no further documentation of the treatment BMP selection process is required.
(Ord. 2003-1009 § 3, 2003: Ord. 2003-996 § 3 (part), 2003)

8.32.190. 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 8.32.220 to 8.32.360, inclusive, and shall select a single or combination of storm water BMPs from Table 3 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. (Ord. 2003-1009 § 4, 2003: Ord. 2003-996 § 3 (part), 2003)

8.32.200. 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 1), 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.
Treatment control BMPs with a high or medium pollutant removal efficiency for the project’s most significant pollutant of concern shall be selected. 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 implementation of treatment control BMPs with a high or medium removal efficiency ranking are infeasible. Treatment control BMPs shall not be constructed within a receiving water.

(Ord. 2003-996 § 3 (part), 2003)

8.32.210. Alternative Storm Water BMPs.

Alternative storm water BMPs not identified in Table 3 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 3. Appendix B to Resolution 2002 - 5717, provides a list of reference documents that may be useful in determining alternate storm water BPMs. Appendix C to Resolution 2002 - 5717 is a City of San Diego pilot study that may also provide useful BMP practices applicable to new development and significant redevelopment projects.

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Table 2. Site Design and Source Control Storm Water BMP Selection Matrix.

Priority	**Site**	**Source**											
Project	**Design**	**Control**	**Requirements Applicable to Individual Priority**										
Category	**BMPs(1)**	**BMPs(2)**	**Project Categories(3)**										
			a. Private Roads	**b. Residential Driveways & Guest**	**c. Dock Areas**	**d. Maintenance Bays**	**e. Vehicle Wash Areas**	**f. Outdoor Processing Areas**	**g. Equipment Wash Areas**	**h. Parking Areas**	**i. Roadways**	**j. Fueling Areas**	**k. Hillside Landscaping**
Detached Residential Development	R	R	R	R									R
Attached Residential Development	R	R	R										
Commercial Development >100,000 ft2	R	R			R	R	R	R					
Automotive Repair Shop	R	R			R	R	R		R			R	
Restaurants	R	R			R				R				
Hillside Development >5,000 ft2	R	R	R										R
Parking Lots	R	R								R(4)			
Streets, Alleys, Highways & Freeways	R	R									R		
Adjacent to Environmentally Sensitive Area within 200 ft	R	R	P	P	P	P	P	P	P	P	P	P	P
R = Required; select BMPs as required from the applicable steps in Sections 8.32.220 to 8.32.290, or equivalent as identified in Resolution No. 2002-5717, Appendix “A”.													
P = Potential impact dependent on the type of project.													
(1) Refer to Sections 8.32.220 to 8.32.290.													
(2) Refer to Sections 8.32.300 to 8.32.360.													
(3) Priority project categories must apply specific storm water BMP requirements, where applicable. Projects are subject to the requirements of all priority project categories that apply.													
(4) Applies if the paved area totals >5,000 square feet or with >15 parking spaces and is potentially exposed to urban runoff.													

Table 3. Treatment Control BMP Selection Matrix.

Pollutant of Concern	**Treatment Control BMP Categories**						
	Biofilters	**Detention Basins**	**Infiltration Basins(1)**	**Wet Ponds or Wetlands**	**Drainage Inserts**	**Filtration**	**Hydrodynamic Separator Systems(2)**
Sediment	M	H	H	H	L	H	M
Nutrients	L	M	M	M	L	M	L
Heavy Metals	M	M	M	H	L	H	L
Organic Compounds	U	U	U	U	L	M	L
Trash & Debris	L	H	U	U	M	H	M
Oxygen Demanding Substances	L	M	M	M	L	M	L
Bacteria	U	U	H	U	L	M	L
Oil & Grease	M	M	U	U	L	H	L
Pesticides	U	U	U	U	L	U	L
(1) Including trenches and porous pavement.							
(2) Also known as hydrodynamic devices and baffle boxes.							
L: Low removal efficiency							
M: Medium removal efficiency							
H: High removal efficiency							
U: Unknown removal efficiency							
P: Potential							
Note: For additional or alternative BMP information refer to section 8.32.210.							

Notes on Treatment Control BMP Categories

All rankings are relative. Ranking of all facilities assumes proper sizing, design, and periodic maintenance. Following are general descriptions of each category.

Bioretention Facilities (infiltration planters, flow-through planters, bioretention areas,

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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 and Wetlands (extended detention basins, “wet” basins, decorative or recreational lakes or water features also used for storm water treatment, constructed wetlands). Facilities are designed to capture a minimum water quality volume of 80% of total runoff and detain for a minimum of 48 hours. Some wetland designs have proven effective in removing nutrients, but performance varies.

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 a minimum of 80% of runoff into the ground. 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 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, typically proprietary). Biofilters with specially designed media to rapidly filter runoff while removing some pollutants. Filterra® (proprietary version) recommends surface loading rates of up to 100 inches/hour.
High-rate Media Filters (typically proprietary). Vaults with replaceable cartridge filters filled with inorganic media.

Drainage Inserts have low effectiveness in removing pollutants that tend to associate with fine particles and have medium 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.

Notes on Pollutants of Concern:

In Table 3, Pollutants of Concern are grouped as gross pollutants, pollutants that tend to associate with fine particles, and pollutants that remain dissolved.

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	

(Ord. 2003-996 § 3 (part), 2003)

8.32.220. Low Impact Development (LID) and site Design BMP .

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. 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

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the County of San Diego's LID Handbook, and its publications, *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*.
(Ord. 2003-996 § 3 (part), 2003)

8.32.230. Maintaining Pre-Development Rainfall Runoff Characteristics.

A. Priority projects shall control post-development peak storm water runoff discharge rates and velocities to maintain or reduce pre-development downstream pollution. In addition, projects should control runoff discharge volumes and durations to the maximum extent practicable using the site design, source control, and treatment control requirements, identified in Sections 8.32.220 to 8.32.360, 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.

. (Ord. 2003-1009 §§ 5--6, 2003; Ord. 2003-996 § 3 (part), 2003)

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8.32.240. Protection of Slopes and Channels.

Project plans shall include storm water BMPs to decrease the potential for erosion of slopes and/or channels, 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.

8.32.250. Providing Storm Drain System Stenciling and Signage.

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. (Ord. 2003-996 § 3 (part), 2003)

8.32.260. 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. (Ord. 2003-996 § 3 (part), 2003)

8.32.270. 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. (Ord. 2003-996 § 3 (part), 2003)

8.32.280. 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.

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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. (Ord. 2003-996 § 3 (part), 2003)

8.32.290. Incorporate Requirements Applicable to Individual Priority Project Categories.

Where identified in Table 2, 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

1.

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; or

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

I. Roadways. Priority roadway projects shall select treatment control BMPs following the treatment control selection procedure identified in Sections 8.32.300 to 8.32.360, 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. 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. (Ord. 2003-996 § 3 (part), 2003)

8.32.290. Treatment Control BMPs Objectives.

A. Minimizing a development's detrimental effects on water quality can be most effectively achieved through the use of a combination of site design, source and treatment control storm water BMPs. Where projects have been designed to minimize, to the maximum extent practicable, the introduction of anticipated pollutants of concern that may result in significant impacts to the receiving waters through the implementation of site design and source control storm water BMPs, the development would still have the potential for pollutants of concern to enter the storm water conveyance system. Therefore, priority projects shall be designed to remove pollutants of concern from the storm water conveyance system to the maximum extent practicable through the incorporation and implementation of treatment control BMPs.

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, as identified by the procedure of this chapter, in site runoff to the maximum extent practicable. 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. (Ord. 2003-996 § 3 (part), 2003)

8.32.300. Design to Treatment Control BMPs Standards.

All priority projects shall design, construct and implement structural treatment control BMPs that meet the design standards of this section, unless specifically exempted by the limited exclusions. 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. (Ord. 2003-996 § 3 (part), 2003)

8.32.310. Structural Treatment Control Volume Based BMPs.

Volume-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) either:

- 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

1.

Manual. See County of San Diego's Isoplovial map at http://www.sdcounty.ca.gov/dpw/engineer/flood.htm; or

- Volume of runoff produced by the 85th percentile twenty-four hour runoff event, determined as the maximized capture urban runoff volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

- The volume of annual runoff based on unit basin storage volume, to achieve ninety percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook -- Industrial/Commercial, (1993), or

- The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentiletwenty-four-hour runoff event. Where the option is used, storm events shall be identified by their separation from one another by at least six hours of no rain. (Ord. 2003-996 § 3 (part), 2003)

8.32.320. Structural 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:

- 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

- 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; or

- The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two, for each hour of a storm event. (Ord. 2003-996 § 3 (part), 2003)

8.32.330. 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. (Ord. 2003-996 § 3 (part), 2003)

8.32.340. 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)

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

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,

1.

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

1. 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.) . (Ord. 2003-1009 § 7, 2003: Ord. 2003-996 § 3 (part), 2003)

8.32.360. 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. (Ord. 2003-996

§ 3 (part), 2003)

8.32.370. 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. (Ord. 2003-996 § 3 (part), 2003)

8.32.380. Verification Mechanisms.

1.

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. (Ord. 2003-996 § 3 (part), 2003)

8.32.390. 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. (Ord. 2003-996 § 3 (part), 2003)

8.32.400. Waiver of Structural Treatment BMP Requirements.

The requirement of implementing structural treatment BMPs may be waived under Section 8.32.310 ("Design to Treatment Control 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.

The City shall notify the Regional Water Quality Control Board (San Diego Region) within five days of each waiver issued. The notice shall include the names of the officer(s) who issued the waiver and the names and addresses of the applicant who received the waiver. (Ord. 2003-1009 § 8, 2003; Ord. 2003-996 § 3 (part), 2003)

ORDINANCE NO. 2008-1064

AN ORDINANCE AMENDING CHAPTER 15.54 "GRADING PERMITS AND PLANS" OF THE IMPERIAL BEACH MUNICIPAL CODE

WHEREAS, the City of Imperial Beach, pursuant to the Water Quality Permit issued on January 24, 2007, is required to adopt certain implementation steps as mandated by the Regional Water Quality Control Board (San Diego Region); and

WHEREAS, one of the implementation steps requires the adoption of an Urban Runoff Management and Discharge Control plan; and

WHEREAS, pursuant to the mandates established under the Water Quality Permit, the City is required to establish programs that: prevent prohibited non-stormwater discharges to the stormwater conveyance system; establish minimum requirements for stormwater management, including requirements for development project site design that reduce urban runoff pollution and erosion due to runoff; establish requirements for the management of urban runoff flows from development projects that prevent erosion and protect water-dependent habitats; and establish noticing procedures and standards; and

WHEREAS, the adoption of this Ordinance shall implement the resolutions and policies necessary to achieve the mandates specified in the permit; and

WHEREAS, the purpose of this ordinance is to protect the valuable water resources of the City of Imperial Beach and its surrounding environs from pollutants by placing new requirements on grading practices.

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

Section 1: Chapter 15.54 of the Imperial Beach Municipal Code is amended to read as shown in Attachment "A."

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PASSED AND ADOPTED by the City Council of the City of Imperial Beach at the Regular City Council Meeting held this 6th day of February, 2008 by the following vote:

AYES:
NAYS:
ABSENT:

_____
Jim Janney, Mayor

ATTEST:

_____
Jacqueline Hald, City Clerk

APPROVED AS TO FORM:

_____
James P. Lough, City Attorney

Chapter 15.54. GRADING PERMITS AND PLAN

15.54.010. Purpose of Grading Requirements
15.54.020. Grading Permit
15.54.030. Exemptions
15.54.040. Issuance of Grading Permit
15.54.050. Grading Permit Requirements – Reduction of Pollutants
15.54.060. Grading Permit Time Requirements
15.54.070. Amendments to Grading Permits for Construction Changes
15.54.080. Inspection of Grading
15.54.090. Lot Grading; Responsibility of Permittee; Protection of Adjacent Property
15.54.100. Lot Grading; Safety Precautions
15.54.110. Minimum BMPs for Land Disturbance Activities
15.54.120. Erosion Prevention
15.54.130. Erosion Control Requirements
15.54.140. Erosion Control Required
15.54.150. BMP Maintenance
15.54.160. Establishment of Permanent Vegetation
15.54.170. Preservation of Natural Hydrologic Features, Riparian Buffers and Corridors
15.54.180. Irrigation System Requirements
15.54.190. Waiver of Planting and Irrigation Requirements
15.54.200. General Construction Permit Requirements
15.54.210. Penalties

Chapter 15.54. GRADING PERMITS AND PLANS

15.54.010. Purpose of Grading Requirements.

The purpose of these grading requirements is to address slope stability, protection of property, erosion control, and water quality and to protect the public health, safety, and welfare of persons, property, and the environment. A grading permit shall be approved if the proposed work is consistent with the Imperial Beach Municipal Code, applicable development standards, any development permits for that project, the terms of the California Regional Water Quality Control Board, San Diego, Order No. R9-2007-0001, dated January 24, 2007, any subsequent amendments relating to the reduction of pollutant discharges, and any other requirements imposed by the City Manager for the purpose of ensuring that pollutant discharges are reduced to the maximum extent practicable and water quality objectives are not violated. All soil disturbance activities shall include BMPs to prevent soil erosion or other pollutant discharges from the project area in accordance with Imperial Beach Municipal Code Chapters 8.30, 8.32 and 15.54, as applicable, whether or not a permit or other approval is required. (Ord. 2002-985 § 1 (part), 2002)

15.54.020. Grading Permit.

No grading, including clearing of vegetative matter, shall be done until all necessary environmental clearances are secured and reviewed by the City for the work listed in this section. The following work shall require a grading permit:

A. Any grading within open space easements or City-owned open space;
B. Any grading required for the restoration of unauthorized grading;
C. Any grading within the one hundred-year flood plain;
D. Any grading as a condition of approval of a discretionary permit, including subdivision maps, parcel maps, conditional use permits or other discretionary approvals;
E. Any grading that includes the following:

1. <u>Excavation or fill that results in a slope with a gradient of twenty-five percent or greater (four horizontal feet to one vertical foot) and for which the depth or height at any point is more than three feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope;</u>
2. <u>Excavation or fill for which the depth or height at any point from the lowest grade to the highest grade at any time during the proposed grading is more than 18 inches measured vertically;</u>
3. Grading that creates manufactured slopes at a gradient exceeding that specified below:
    a. All constructed slopes shall be designed for proper stability considering both geological and soil properties.

b. Cut and fill slopes less than ten feet in height shall not exceed a gradient of sixty-six percent (one and one-half horizontal feet to one vertical foot).

c. Cut and fill slopes greater than ten feet in height shall not exceed a gradient of fifty percent (two horizontal feet to one vertical foot).

d. Where extraordinary conditions exist to the extent that compliance with the standards of this section would be infeasible, the City Engineer may authorize slopes steeper than those specified in Section 15.54.020(E) and (3)(a) and (b). A determination that such steeper slopes are warranted shall be based upon the required geotechnical report that clearly demonstrates that the steeper slope will be stable and not endanger the public health, safety, and welfare. Such slopes shall be revegetated in accordance with a plan prepared by a landscape architect authorized to prepare landscape plans by the State Business and Profession Code; or

4. Grading for which the graded area is more than one acre. (Ord. 2002-985 § 1 (part), 2002)

15.54.030. Exemptions.

A grading permit shall not be required for the work listed below:

A. Earthwork construction regulated by the Federal, State, County or City Governments, or by a local agency as defined by Government Code Sections 53090 through 53095 (special districts); pipeline or conduit excavation and backfill conducted by local agencies or public utilities; or earthwork construction performed by railway companies. The exemption, however, shall apply only when the earthwork construction takes place on the property, dedicated rights-of-way or easements of the above agencies or utilities;

B. Excavation and backfill for installation of underground utilities by public utilities or companies operating under the authority of a franchise or public property encroachment permits;

C. Exploratory excavations under the direction of soil engineers, archeologists, paleontologists or engineering geologists;

D. The deposit of material in any disposal area operated or licensed by the City where the operation and conduct thereof does not block or divert any natural drainage way, affect the lateral support of or unduly increase the stresses in or pressures upon any adjacent or contiguous property;

E. Drilling of wells; or

F. A fill less than 18 inches in depth and placed on a natural terrain with a slope flatter than five horizontal to one vertical, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.

G. All projects that are not otherwise enumerated in Section 15.54.020, above.

15.54.040. Issuance of a Grading Permit.

A. An approved grading permit shall be issued after the prescribed fees have been paid, the required insurance has been guaranteed, and, if required, the prescribed bond has been posted.

B. The applicant shall not begin any work, construction, or use on the property that must be authorized by a grading permit until the required permit has been issued.

C. A grading permit shall not be issued for a development that requires a development permit until the development permit has been issued.

D. An application for a grading permit and any other approval in this chapter, unless otherwise stated, may be approved or denied by a staff person designated by the City Manager. A public hearing will not be held. If a grading permit is issued for a project that requires other discretionary approvals, the grading permit shall not be deemed approved until final approval of other development permits in which grading conditions must also be approved.

E. An approved grading permit shall include a grading and drainage plan approved by a civil engineer registered with the State of California. The City Manager or his designee may exempt a project upon a determination that approval by a civil engineer is not required.

F. Any person may appeal the approval, denial or any condition of approval contained in a grading permit within ten days of the decision. The appeal shall be taken to the Planning Commission or City Council depending upon the existence of other discretionary approvals required for the project. The Community Development Director shall determine the appropriate body to hear the appeal. Appeals from the decision of the Community Development Director or Planning Commission shall be subject to appeal to the City Council which must be filed within ten days of the decision. (Ord. 2002-985 § 1 (part), 2002)

15.54.050. Grading Permit Requirements--Reduction of Pollutants.

Each applicant shall be required to implement measures to ensure that pollutants from the site will be reduced to the maximum extent practicable, as defined in Section 8.30.030, and will not cause or contribute to an exceedance of water quality objectives. Grading permits shall include the following conditions, or equivalent requirements:

A. A plan to manage stormwater and non-stormwater discharges from the site at all times including the use of Best Management Practices (BMPs), as defined in Section 8.30.030, that are applicable to the season in which the work is to take place;

B. To the extent feasible, to minimize grading during the wet season, October 1--April 30, and coincide grading with seasonal dry weather periods. If grading does occur during the wet season, the applicant shall implement additional BMPs, as defined in Section 8.30.030, for any rain events, which may occur, as necessary for compliance with this chapter;

C. The permit shall include erosion prevention measures intended to be the primary method of keeping sediment on site during the grading process and related

construction;

D. In addition to erosion prevention measures, applicants shall use sediment controls to keep sediment on site during construction when necessary;

E. Applicants shall be required to minimize areas that are cleared and graded to only those portions of the site that are necessary for construction.

F. Applicants shall, to the extent practicable, minimize exposure time of disturbed soil areas;

G. Applicants shall temporarily stabilize and reseed disturbed areas as rapidly as feasible;

H. Applicants shall permanently revegetate or landscape as early as feasible;

I. The grading permit shall include a requirement to stabilize all slopes subject to land disturbance activities;

J. Applicants subject to California's Statewide General NPDES Permit for Stormwater Discharges associated with construction activities, must provide proof of coverage under the statewide permit.

K. If warranted by the scope of the project, the permit may require the posting of a bond or other financial assurance to assure completion of the work. (Ord. 2002-985 § 1 (part), 2002)

15.54.060. Grading Permit Time Requirements.

A. A grading permit shall become void if, at any time after the work has begun, the grading or other work authorized by the grading permit is suspended or abandoned for an unreasonable period of time as determined by the City Manager, but in no event for a continuous period of sixty days or more;

B. A grading permit shall expire and become void one hundred eighty days after the date of permit issuance, unless an exception is granted in one of the following ways:

1. At the time of permit issuance, the City Manager may approve an expiration date exceeding one hundred eighty days if the permittee can demonstrate that the complexity or size of the project makes completion of the project within one hundred eighty days unreasonable. The expiration date for the grading permit shall be specified on the permit. No more than twenty-four months of total extensions may be authorized; or

2. A grading permit issued as part of a subdivision improvement agreement, under Section 18.16.210, shall expire in accordance with the terms of that agreement.

C. A grading permit holder may submit an application for an extension of time to the City up to sixty days before the expiration of the grading permit. The City Manager may extend the grading permit for a period not exceeding one hundred eighty days if the City Manager determines that circumstances beyond the control of the permittee prevented

completion of the work. If an application for an extension has been submitted before the expiration date of the grading permit and in accordance with this section, the existing permit shall automatically be extended until the City Manager has made a decision on the application for extension. A new application shall be required for all requests for extensions submitted after the grading permit has expired. (Ord. 2002-985 § 1 (part), 2002)

15.54.070. Amendments to Grading Permits for Construction Changes.

A. Any proposed construction change to a grading permit must be approved before commencement of the construction change.

B. A proposed construction change to a grading permit that was approved in conjunction with another permit or map may be approved if the proposed change is in substantial conformance with the other approved permit or map. If the proposed change is not in substantial conformance with the other approved permit or map, the other permit or map must be amended before consideration of the construction change. (Ord. 2002-985 § 1 (part), 2002)

15.54.080. Inspection of Grading.

The permittee shall notify the Community Development Department when the grading operation is ready for final inspection. Interim inspections shall be scheduled at the discretion of the Community Development Director or his designee. Final approval shall not be given until all work, including installation of all drainage facilities and their protection devices, and all erosion-control measures have been completed in accordance with the final approved grading plan. (Ord. 2002-985 § 1 (part), 2002)

15.54.090 Lot Grading; Responsibility of Permittee; Protection of Adjacent Property.

A. For all public watercourses, the applicant shall grant or cause to be granted to the City, at the City Engineer's discretion, a drainage easement (riparian buffers and corridors) in accordance with the requirements of the City Engineer prior to the issuance of a grading permit, or prior to the approval of a grading plan.

B. For all private watercourses, including brow ditches, where the continuous functioning of the drainage way is essential to the protection and use of multiple properties, a covenant, a maintenance agreement and/or deed restriction shall be recorded by the applicant, placing the responsibility for the maintenance of the drainage way(s) on the owners of record of each respective lot affected. Permanent off-site drainage or flowage easements, as required by the City Engineer, shall be acquired by the applicant. Such easements shall be subject to approval by the City Engineer and recorded prior to approval of the grading plan, or issuance of a grading permit.

C. No man-made dams, ponds, diversions, flow decelerators or excessive vegetation shall be placed, allowed to be placed, or allowed to grow within the property

subject to an approved grading plan, or a grading permit, without suitable provisions, as approved by the City Engineer, for maintenance. Erosion or siltation as a result of these features shall be the sole responsibility of the property owner.

D. The permittee has the right to the proper discharge of natural drainage, within the provisions of this division, into natural drainage courses. The quantity of peak runoff shall be limited to the quantity of peak runoff of predevelopment conditions. This includes the right to discharge, within natural basins, runoff due to decrease of permeability of the property from grading operations, landscaping, and the construction of improvements and to discharge a reasonable silt load in this runoff comparable to the historic, predevelopment condition.

15.54.100 Lot Grading; Safety Precautions.

A. If, at any stage of work for which an approved grading plan, or a grading permit, is required, the city engineer determines that authorized grading is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course, the city engineer may specify and require reasonable safety precautions to avoid the danger. The permittee may be responsible for removing excess soil and debris deposited upon adjacent and downstream public or private property resulting from his/her grading operations. Soil and debris shall be removed and damage to adjacent and downstream property repaired as directed by the city engineer. Erosion and siltation control shall require temporary or permanent siltation basins, energy dissipaters, or other measures as field conditions warrant, whether or not such measures are a part of approved plans. Cost associated with any work outlined in this section shall be incurred by the permittee.

B. No off-site work will be required when, in the opinion of the city engineer, the permittee has properly implemented and maintained erosion control measures and the deposition of soil and debris or erosion on adjacent properties is the direct or indirect result of actions of the downstream property owner.

15.54.110 Minimum BMPs for Land Disturbance Activities.

All dischargers engaged in Land Disturbance Activities shall implement BMPs as detailed in the City's current Jurisdictional Urban Runoff Management Program (JURMP) as applicable to the project.

15.54.120 Erosion Prevention.

A. PROJECT PROPONENTS SHALL IMPLEMENT THE FOLLOWING MINIMUM EROSION PREVENTION METHODS TO MINIMIZE THE EROSION POTENTIAL:

1. **CONSIDERATION SHALL BE MADE OF THE TIME OF YEAR THAT GRADING AND CONSTRUCTION ACTIVITIES WILL BE TAKING PLACE, RECOGNIZING THAT THE IDEAL GRADING PERIOD IS THE NON-RAINY SEASON, ESPECIALLY IN AREAS AT HIGH RISK FOR EROSION;**
2. **THE LENGTH OF TIME THAT SOILS ARE LEFT EXPOSED TO ELEMENTS OF WIND AND WATER SHALL BE MINIMIZED;**
3. **THE TOTAL AREA OF EXPOSED SOIL SHALL BE REDUCED DURING THE RAINY SEASON;**
4. **CRITICAL AREAS, SUCH AS DRAINAGE CHANNELS, STREAMS, AND NATURAL WATERCOURSES SHALL BE PROTECTED;**
5. **EXPOSED AREAS SHALL BE STABILIZED AS QUICKLY AS FEASIBLE;**
6. **SUFFICIENT WASTE DISPOSAL FACILITIES SHALL BE PROVIDED FOR ALL PROPOSED ACTIVITIES;**
7. **SUFFICIENT STORAGE FACILITIES SHALL BE PROVIDED FOR ALL MATERIALS AND EQUIPMENT; AND**
8. **ASSURANCES SHALL BE MADE THAT MATERIALS USED FOR EROSION AND SEDIMENT CONTROL ARE ON SITE AT ALL TIMES DURING THE RAINY SEASON.**

B. During the dry season (May 1 through September 30), the following minimum requirements must be followed:

1. All exposed disturbed areas must have erosion prevention controls properly installed including building pads, unfinished roads and slopes. Slopes greater than 33.3% or 1:3 (vertical vs. horizontal) may use properly designed and installed de-silting basins that have been properly designed and installed according to current industry standards at all discharge points in lieu of this requirement;

2. Adequate perimeter protection BMPs must be installed and maintained;

3. Adequate sediment control BMPs must be installed and maintained;

4. Adequate BMPs designed to control off-site sediment tracking must be installed and maintained;

5. At a minimum, 125% of the materials needed to install standby BMPs necessary to completely protect exposed portions of the site from erosion and prevent sediment discharges must be stored on the site;

6. An approved “weather triggered” response plan is mandated for implementation in the event that a predicted storm event has a 50% chance of rain. The proponent must have the capacity to deploy the standby BMPs within 48 hours of the predicted storm event;

7. All slopes must be equipped with erosion prevention BMPs as soon as slopes are completed for any portion of the site;

8. All active slopes must be stabilized during rain events; and

9. Cleared or graded areas left exposed at any given time are limited to the amount of acreage that the discharger can adequately protect prior to a predicted storm event or 17 acres, whichever is smaller, unless the disturbance of a larger area is approved in writing by the city engineer. In the event that a discharger requests approval to disturb an area greater than 17 acres, the discharger shall first submit to the City Engineer written documentation describing how it ensure that it reduces discharges of pollutants to the Maximum Extent Practicable and prevents discharges of pollutants that would cause or contribute to violations of water quality standards despite the larger disturbed area.

C. IN ADDITION TO THE DRY SEASON MINIMUM REQUIREMENTS SET FORTH IN PARAGRAPH B, ABOVE, THE FOLLOWING MINIMUM REQUIREMENTS MUST BE FOLLOWED DURING THE WET SEASON:

1. **PERIMETER PROTECTION AND SEDIMENT CONTROL BMPS MUST BE UPGRADED IF NECESSARY TO PROVIDE SUFFICIENT PROTECTION FOR STORMS;**

2. **ADEQUATE EROSION PREVENTION BMPS MUST BE INSTALLED AND ESTABLISHED FOR ALL COMPLETED SLOPES PRIOR TO OCTOBER 1ST AND MAINTAINED THROUGHOUT THE WET SEASON; IF A BMP FAILS, IT MUST BE REPAIRED, IMPROVED, OR REPLACED WITH AN ACCEPTABLE ALTERNATE AS SOON AS IT IS SAFE TO DO SO;**

3. **THE AMOUNT OF EXPOSED SOIL ALLOWED AT ONE TIME SHALL NOT EXCEED 17 ACRES UNLESS THE CITY ENGINEER APPROVES THE DISTURBANCE OF A LARGER AREA IN WRITING. IN THE EVENT THAT A DISCHARGER REQUESTS APPROVAL TO DISTURB AN AREA GREATER THAN 17 ACRES, THE DISCHARGER SHALL FIRST SUBMIT TO THE CITY ENGINEER WRITTEN DOCUMENTATION DESCRIBING HOW IT ENSURE THAT IT REDUCES DISCHARGES OF POLLUTANTS TO THE MAXIMUM EXTENT PRACTICABLE AND PREVENTS DISCHARGES OF POLLUTANTS THAT WOULD CAUSE OR CONTRIBUTE TO VIOLATIONS OF WATER QUALITY STANDARDS DESPITE THE LARGER DISTURBED AREA; AND**

4. An incomplete disturbed area that is not being actively graded must be fully protected from erosion if left for 10 days or more.

15.54.130 Erosion Control Plan Requirements.

As applicable, all applications for permits related to construction activities, regardless of the date of submittal and including but not limited to projects that require an approved grading plan or permit, shall include an erosion control plan designed to limit erosion of all disturbed portions of the property and to eliminate the transport of soil onto adjacent properties or into streets, storm drains, or drainage ways.

15.54.140 Erosion Control Required.

a. Plans for an erosion control system shall be prepared and submitted for the review and approval of the city engineer as a part of any application for a construction permit. The erosion control system shall comply with the requirements of the latest National Pollutant Discharge Elimination System permit, Imperial Beach Municipal Code chapters 8.30, 8.32 and this chapter to satisfy the requirements for erosion control and eliminate the discharge of sediment and pollutants. The erosion control plan shall include, but not be limited to, the following information:

1. Name, address, and a twenty-four-hour phone number of the owner or responsible party, and the person or contractor responsible for installing and maintaining the erosion control system and performing emergency erosion control work;

2. The name, address and signature of the civil engineer or person who prepared the plan;

3. All desilting basins, debris basins, silt traps, and other desilting, velocity retarding and protection facilities necessary to adequately protect the site and downstream properties from erosion and its effects, preserve natural hydrologic features, and preserve riparian buffers and corridors;

4. The streets, easements, drains, and other improvements;

5. The location and placement of gravel bags, diverters, check dams, slope planting, drains, and other erosion controlling devices and measures;

6. Access routes to all such erosion control facilities and how access shall be maintained during inclement weather.

7. Erosion control system standards shall be as follows:

a. The faces of cut-and-fill slopes and the project site shall be prepared and maintained to control against erosion. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval of the city engineer.

b. Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, cribbing, riprap, or other devices or methods as approved by the city engineer, shall be employed to control erosion, prevent discharge of sediment, and provide safety.

c. Temporary desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety percent of maximum density. A gravel bag or plastic spillway must be installed for overflow, as designed by the engineer of work, to avoid failure of the earthen dam. A soils engineering report prepared by the soils engineer, including the type of field-testing performed, location and results of testing shall be submitted to the city engineer for approval upon completion of the desilting basins.

d. Desilting facilities shall be provided at drainage outlets from the graded site, and shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow reasonable settlement of suspended particles.

e. Desilting basins shall be constructed around the perimeter of projects, whenever feasible, and shall provide improved maintenance access from paved roads during wet weather. Grading cost estimates must include maintenance and ultimate removal costs for temporary desilting basins.

f. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading.

g. All removable protective devices shown shall be in place at the end of each working day when there is a fifty percent chance of rain within a forty-eight hour period. If the developer does not provide the required installation or maintenance of erosion control structures within two hours of notification at the twenty-four hour number on the plans, the city engineer may order city crews to do the work or may issue contracts for such work and charge the cost of this work along with reasonable overhead charges to the cash deposits or other instruments implemented for this work without further notification to the owner. No additional work on the project except erosion control work may be performed until the full amount drawn from the deposit is restored by the developer.

h. At any time of year, an inactive site shall be fully protected from erosion and discharges of sediment. Flat areas with less than five percent grade shall be fully covered unless sediment control is provided through desiltation basins at all project discharge points. A site is considered

inactive if construction activities have ceased for a period of ten or more consecutive days.

C. No grading work shall be allowed between October 1st and the following April 30th on any site when the city engineer determines that erosion, mudflow or sediment of silt discharge may adversely affect downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements unless an approved erosion control system has been implemented on the site. If the city determines that it is necessary for the city to cause erosion control measures to be installed or cleanup to be done, the developer shall pay all of the city's direct and indirect costs including extra inspection, supervision, and reasonable overhead charges.

15.54.150 BMP Maintenance.

All BMPs for erosion prevention and sediment control shall be functional at all time. Prior to the rainy season and after each major storm, all source control and structural treatment BMPs shall be inspected to assure the functionality. BMP maintenance shall be conducted throughout the life of the project.

15.54.160 Establishment of Permanent Vegetation.

A. THE FACE OF ALL CUT AND FILL SLOPES, IN EXCESS OF THREE (3) FEET IN VERTICAL HEIGHT, BUT ONLY FINAL SLOPES OF ANY BORROW PIT, SHALL BE PLANTED AND MAINTAINED WITH A GROUND COVER OR OTHER PLANTING TO PROTECT THE SLOPES AGAINST EROSION AND INSTABILITY. PLANTING SHALL COMMENCE AS SOON AS SLOPES ARE COMPLETED ON ANY PORTION OF THE SITE AND SHALL BE ESTABLISHED UPON ALL SLOPES PRIOR TO THE FINAL APPROVAL OF THE GRADING. IN ORDER TO MINIMIZE THE PERIOD DURING WHICH A CUT OR FILLED SURFACE REMAINS EXPOSED, SUCH PLANTING SHALL PROVIDE FOR RAPID SHORT-TERM COVERAGE OF THE SLOPE AS WELL AS LONG-TERM PERMANENT COVERAGE. PLANTING MATERIALS AND PROCEDURES SHALL CONFORM TO REGULATIONS ADOPTED BY THE CITY ENGINEER. OTHER PLANT MATERIALS AS SPECIFIED BY A LANDSCAPE ARCHITECT MAY BE APPROVED BY THE CITY

ENGINEER. THE PERMITTEE SHALL MAINTAIN SUCH PLANTING UNTIL IT IS WELL ESTABLISHED AS DETERMINED BY THE CITY ENGINEER.

B. MINIMUM REQUIREMENTS. IN ADDITION TO PLANTING WITH GROUND COVER, SLOPES IN EXCESS OF FIFTEEN (15) FEET IN VERTICAL HEIGHT SHALL BE PLANTED WITH SHRUBS IN 2-1/4 INCH POTS OR TREES HAVING A ONE (1) GALLON MINIMUM SIZE AT TEN (10) FEET ON CENTER IN BOTH DIRECTIONS ON THE SLOPE. THE PLANT AND PLANTING PATTERN, BUT NOT THE QUANTITY, MAY BE VARIED UPON THE RECOMMENDATION OF LANDSCAPE ARCHITECT AND APPROVAL BY THE CITY ENGINEER.

C. Where cut slopes are not subject to erosion due to their rocky character or where the slopes are protected with pneumatically applied concrete mortar or otherwise treated to protect against erosion and instability to the satisfaction of the city engineer, the requirement of this section may be waived by the city engineer.

15.54.170 Preservation of Natural Hydrologic Features, Riparian Buffers and Corridors.

All natural hydrologic features and riparian buffer zones and corridors must be preserved to eliminate or minimize runoff from construction sites. Polluted runoff generated in construction sites should be treated to maximum extent practicable prior to discharge into the said features.

15.54.180 Irrigation System Requirements.

A. Except for agricultural grading plans, all slopes to be constructed, but only final slopes of any borrow pit, shall be provided with an irrigation system which shall be used by the permittee to promote the growth of plants to protect the slopes against erosion. The permittee shall be responsible for installation and maintenance of the irrigation system until the city engineer determines that the system has been properly installed and meets the minimum requirements of this section. When the city engineer finds that a slope less than fifteen (15) feet in height is located in an

area as to make hand watering possible, conveniently located hose bibs may be accepted in lieu of the required irrigation system when a hose no longer than fifty (50) feet would be required.

B. Plans for the irrigation system shall be in accordance with City of San Diego Standard Specifications for Sprinkler Irrigation Systems and shall be approved by the city engineer prior to installation. The irrigation system shall be located relative to existing and proposed property lines to insure that the irrigation system and the slopes sprinkled thereby will both be within the same property boundaries. The irrigation system shall be supplied or be readily converted so as to be supplied through the metered water service line serving each individual property. The irrigation system shall provide uniform coverage for the slope area at a rate of not less than 0.03 inches per hour, nor greater than 0.30 inches per hour. A functional test of the irrigation systems shall be performed to the satisfaction of the city engineer prior to final approval of the grading. A check valve and balance cock shall be installed in the system where drainage from sprinkler heads will create an erosion problem. (5) Adequate back flow protection devices shall be installed in each irrigation system. Such devices shall be protected against physical damage during construction operations.

15.54.190 Waiver of Planting and Irrigation Requirements.

The city engineer may modify or waive the requirements for planting and/or irrigation systems if he/she finds that said requirements would be unreasonable or unnecessary for any of the following reasons: (a) the area is subject to periodic inundation, or (b) water is unavailable to the area such that irrigation would be impractical or impossible, or (c) the area is naturally devoid of vegetation.

15.54.200 General Construction Permit Requirements.

A. Dischargers required to comply with the state construction general storm water permit shall maintain on site and make available for inspection on request by the city any state-issued waste discharge identification number ("WDID") for the site, and a copy of the notice of intent ("NOI") filed with the State Water Resources Control Board pursuant to that permit.

B. Dischargers required to prepare a SWPPP under the state general construction storm water permit must prepare the SWPP, implement the SWPP and maintain it at the site,

readily available for review. Failure to comply with an applicable state-required SWPPP is a violation of this chapter.

C. Dischargers required to conduct monitoring under the state construction general storm water permit must conduct such monitoring in conformance with requirements specified by the state, retain records of such monitoring on site, and make such records available for inspection by an authorized enforcement official or authorized enforcement staff.

15.54.210 Penalties.

A. Administrative Penalties. Administrative penalties may be imposed pursuant to the Imperial Beach Municipal Code. Any later-enacted administrative penalty provision in the Code shall also be applicable to violations of this chapter, unless otherwise provided therein.

B. Misdemeanor Penalties. Non-compliance with any part of this chapter may be charged as a misdemeanor and may be enforced and punished as prescribed in the Penal Code and Government Code of the State of California, and the Imperial Beach Municipal Code.

C. Penalties for Infractions. Any violation of this chapter may be charged as an infraction at the discretion of the prosecutor. Infractions may be abated as a nuisance or enforced and punished as prescribed in this Code, Penal Code and Government Code of the State of California.

D. For Civil Actions. In addition to other penalties and remedies permitted in this chapter, a violation of this chapter may result in the filing of a civil action by the City. Except where a maximum monetary amount is specified, the following may also be awarded without monetary limitations in any civil action:

- Injunctive relief;
- Costs to investigate, inspect, monitor, survey, or litigate;
- Costs to place or remove soils or erosion control materials, costs to correct any violation, and costs to restore environmental damage or to end any other adverse effects of a violation;
- Compensatory damages for losses to the City or any other plaintiff caused by violations; and/or restitution to third parties for losses caused by violations;
- Civil Penalties;
- Reasonable attorney fees; and
- Fines assessed against the City by the RWQCB.

As part of a civil action filed by the City to enforce provisions of this chapter, a court may assess a maximum civil penalty in accordance with the general penalty clause as set forth in sections 1.12.010 or 1.12.020 of this code, or any other penalty adopted by the

city, but in any case to be assessed per violation of this chapter for each day during which any violation of any provision of this chapter is committed, continued, permitted or maintained by such person(s).

In determining the amount of any civil liability to be imposed pursuant to this chapter, the court shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether any discharge caused the violation is susceptible to cleanup or abatement, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation, and such other matters as justice may require.

Return to Agenda

AGENDA ITEM NO. 6.1

STAFF REPORT
CITY OF IMPERIAL BEACH

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

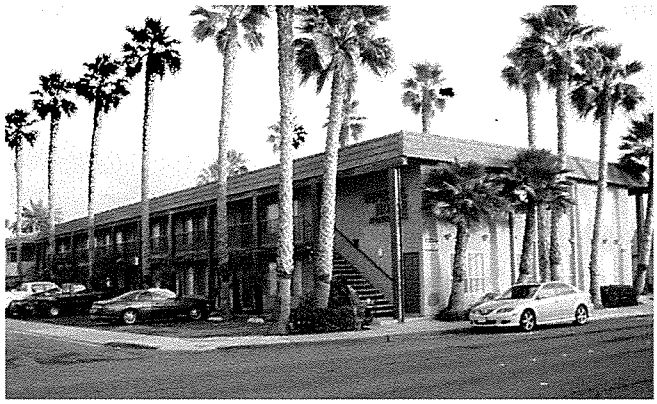
MEETING DATE: **FEBRUARY 20, 2008**
ORIGINATING DEPT.: **COMMUNITY DEVELOPMENT DEPARTMENT**
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR GW
JIM NAKAGAWA, AICP, CITY PLANNER
TF **TYLER FOLTZ, ASSOCIATE PLANNER**

SUBJECT: **PUBLIC HEARING: ROBERT MILLER: REGULAR COASTAL PERMIT (CP 060427) AND TENTATIVE MAP (TM 060428) FOR THE PROPOSED CONDOMINIUM CONVERSION OF THIRTY-SEVEN (37) UNITS LOCATED AT 1037 AND 1047 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 878.**

PROJECT DESCRIPTION/BACKGROUND:

This is an application for a Regular Coastal Permit (CP 060427) and Tentative Map (TM 060428), originally submitted on July 19, 2006, that proposes a 37-unit condominium conversion of two existing apartment buildings located at 1037 and 1047 Seacoast Drive (APN 625-391-23-00; 625-392-24-00), totaling approximately 19,060 square-feet. The property is designated C-2 (Seacoast Commercial) on the Zoning Map. The buildings were constructed in 1971.

PROJECT EVALUATION/DISCUSSION:



The applicant has submitted documentation required by the City's condominium conversion regulations (Chapter 18.84). The building is in fair overall condition and the structural elements of the building have performed adequately.

1037 Seacoast Drive currently has 9 residential units and 9 unenclosed parking

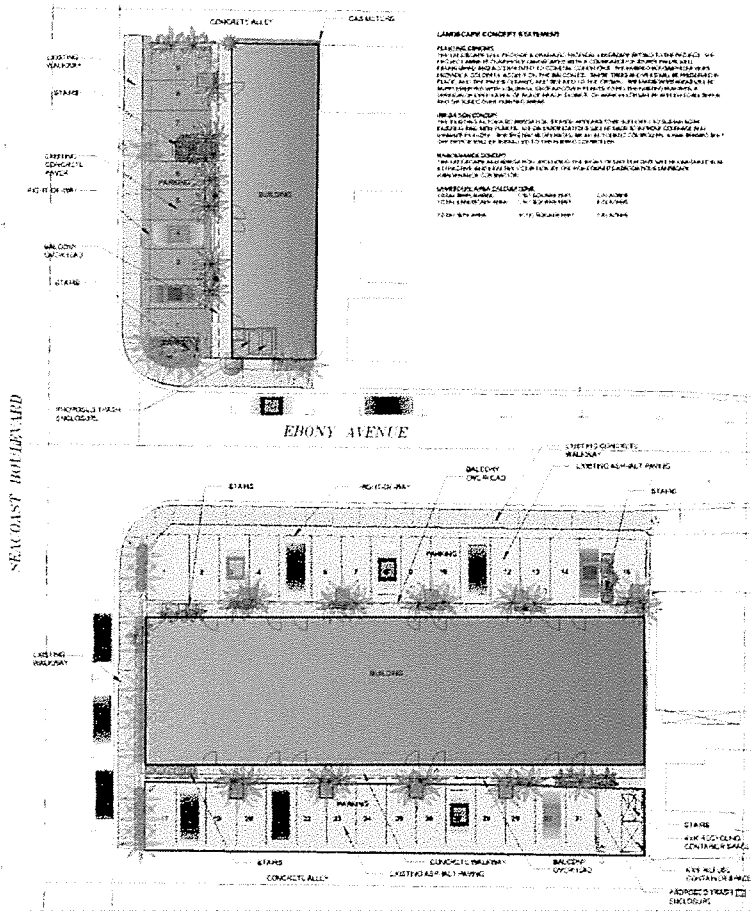
spaces that access off of Seacoast Drive. 1047 Seacoast Drive has 28 residential units and 31 unenclosed parking spaces that access off of Ebony Avenue.

The existing trash and recycling enclosure at 1047 Seacoast Drive will be demolished and rebuilt according to current sizing standards. The building at 1037 Seacoast Drive does not have a trash or recycling enclosure. After considering multiple options, staff proposes that the applicant add a trash and recycling enclosure within the existing building so that residents at 1037 Seacoast Drive do not need to walk across Ebony Avenue and around the building at 1047 Seacoast Drive to be able to properly dispose of trash or recyclables. The applicant has provided a design that would alter an office space into a trash and recycling enclosure that would access off of Ebony Avenue; however the enclosure only would be able to contain two 1.5 cubic yard bins (instead of the typical 3 cubic yard bins). While a functional design for the enclosure at 1037 Seacoast Drive has been prepared, the applicant is requesting that this requirement be waived. The applicant does not want to construct the enclosure because it would require the removal of two mature palm trees and an off-site parking space along Ebony Avenue.

Surrounding structures consist of single family and multiple-family residential buildings.

General Plan/Local Coastal Plan/Zoning Consistency: The structure is nonconforming with respect to current zoning. Conversions are not required to conform to current general plan/zoning designations since the City does not have specific condominium conversion policies in the general plan.

Storm Water/Landscaping: The City requires new development to conform to state water quality/urban runoff requirements (SDRWQCB Order 2001-01). Plans for new development need to show drainage patterns to demonstrate how storm water will be directed to landscaped areas (bioswales) or to filters before it is discharged into the city's storm sewers or to the beach. The applicant has provided a storm water management plan showing that the project will be in compliance with state water quality/urban runoff requirements.



Property Improvements: Based on the Property Condition Report, prepared by LandAmerica, dated July 18, 2006, the building is in fair overall condition. The applicant proposes to improve and upgrade the existing building, as per the recommendations included in the aforementioned document.

Improvements will include the following: install 5/8" drywall between units; paint exterior of both buildings; replace sinks and fixtures; replace windows for 1047 Seacoast Drive; asphalt paving overlay at 1047 Seacoast Drive; replace electrical ranges; replace refrigerators; provide dishwashers; replace sheet vinyl flooring; replace electrical wall heaters; underground electrical conduit; replace all water heaters; replace all lighting fixtures and switches with designer fixtures in accordance with Title 24; replace all cabinets in bathrooms and kitchens with new wood finished cabinets; install new countertops in bathrooms and kitchens; replace all tub and shower valves; refinish all existing tub and shower enclosures; replace all medicine cabinets; tile all bathroom floors, entryways & kitchens; install new carpet in bedrooms, dining and family rooms; install all new electric appliances; install washer and dryer in units; install all new plumbing fixtures; add new monuments; refinish iron details to street facing buildings; refinish balcony railings; improve landscaping; enclose trash area; install new designer lights.

COASTAL PERMIT FINDINGS:

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

Map Act Section 66427.2 provides that, unless the general plan contains specific condominium conversion objectives and policies, condominium conversions do not need to comply with the general plan. The City of Imperial Beach does not have such applicable general plan policies and this finding, therefore, is not required.

ENVIRONMENTAL STATUS: The project is Categorically Exempt as a Class 1K project pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301(k) (Division of existing multiple-family residences into common interest ownership).

COASTAL JURISDICTION: This project is located in the coastal zone as defined by the California Coastal Act of 1976. The City Council public hearing will serve as the required coastal permit hearing and the City Council will consider the findings under the California Coastal Act. Pursuant to the City of Imperial Beach Zoning Ordinance Section 19.87.050, review of the proposal will consider whether the proposed development satisfies the required findings prior to the approval and issuance of a Coastal Development Permit. The project is located in the Appeal Jurisdiction of the California Coastal Commission as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map and, as such, is appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

FISCAL IMPACT:

The applicant has deposited $4,500.00 in Project Account Number 060427 to fund the processing of this application. Additional funds will be needed to further process the project.

DEPARTMENT RECOMMENDATION:

1. Consider public testimony at the advertised public hearing.

2. Consider adoption of Resolution No. 2008-6577, approving a Regular Coastal Permit (CP 060427) and Tentative Map (TM 060428) which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown, City Manager
Attachments:

1. Resolution 2008-6577
2. Plans
3. Applicant Letter Requesting to Not Construct Trash/Recycle Enclosure at 1037 Seacoast Dr.

c: file MF 878
Robert Miller, 1167 5th Street, Imperial Beach, CA 91932
Tina Kessler, 9707 Waples Street, San Diego, CA 92121
Frank Sotelo, Public Safety
Hank Levien, Public Works Director
Ed Wilczak, Building Official
Jacque Hald, City Clerk
Diana Lilly, California Coastal Commission

RESOLUTION NO. 2008-6577

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING REGULAR COASTAL PERMIT (CP 060427) AND TENTATIVE MAP (TM 060428) FOR THE PROPOSED CONDOMINIUM CONVERSION OF THIRTY-SEVEN (37) UNITS LOCATED AT 1037 AND 1047 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 878.

WHEREAS, on February 20, 2008, the City Council of the City of Imperial Beach held a duly advertised and noticed public hearing to consider the merits of approving or denying an application for Regular Coastal Permit (CP 060427) and Tentative Map (TM 060428) originally filed on July 19, 2006 for the proposed conversion to condominium ownership of thirty-seven (37) residential units located at 1037 and 1047 Seacoast Drive (APN 625-391-23-00; 625-392-24-00) in the C-2 (Seacoast Commercial) Zone and legally described as follows:

Parcel 1:
Lots 13, 14, and 15 in Block 17 of Imperial Beach, in the City of Imperial Beach, County of San Diego, State of California, according to the Map thereof No. 1139, filed in the office of the County Recorder of San Diego County, June 16, 1908

Parcel 2
Lot 1 in Block 18 of Imperial Beach, in the City of Imperial Beach, County of San Diego County, State of California, according to Map thereof No. 1139, filed in the office of the County Recorder of San Diego County, June 16, 1908.

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), it was determined that the project is categorically exempt from the requirements of the CEQA as a Class 1k project pursuant to CEQA Guidelines Section 15301(k); and

WHEREAS, documentation has been submitted by the applicant that demonstrate compliance with the notification requirements of Map Act Section 66452.9; and

WHEREAS, the following tentative map findings are provided pursuant to Map Act Section 66474:

<u>TENTATIVE MAP FINDINGS</u>:

1. **The proposed tentative tract map is consistent with the General Plan/Local Coastal Plan.**

   Map Act Section 66427.2 provides that, unless the general plan contains specific condominium conversion objectives and policies, condominium conversions do not need to comply with the general plan. The City of Imperial Beach does not have such applicable general plan policies and this finding, therefore, is not required. The City must either approve or deny a conversion within 120 days after the application has been deemed complete.

2. **The design or improvement of the proposed major subdivision is consistent with the General Plan/Local Coastal Plan.**

   Map Act Section 66427.2 provides that, unless the general plan contains specific condominium conversion objectives and policies, condominium conversions do not need to comply with the general plan. The City of Imperial Beach does not have such applicable general plan policies and this finding, therefore, is not required. The City must either approve or deny a conversion within 120 days after the application has been deemed complete.

3. **The site is physically suitable for the type of development.**

   The subject site consists of two rectangular, relatively level, square foot parcels totaling approximately 19,060 square-feet. The thirty-seven (37) residential units already exist and the site has been suitable for this development. The tentative map will establish condominium ownership for thirty-seven (37) units.

4. **The design of the major subdivision will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife, or their habitat.**

   The project does not involve any new construction and the existing development is in a developed urban area. Therefore, the proposed tentative map will not affect fish or wildlife habitat.

5. **The design of the major subdivision will not cause serious public health problems.**

   The existing development is already served by private water and municipal sewer service and the conversion would not result in public health problems.

6. **The design of the major subdivision will not conflict with any easement of record.**

   A Title Report submitted by the applicant, dated April 26, 2006, indicates that there are no easements on the site that would conflict with the subdivision.

7. **All requirements of the California Environmental Quality Act (CEQA) have been fulfilled.**

   The project is exempt from the requirements of the CEQA under CEQA Guidelines Section 15301k (Class 1k – division of existing multiple-family or single-family residences into common interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt).

COASTAL PERMIT FINDINGS

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

   Map Act Section 66427.2 provides that, unless the general plan contains specific condominium conversion objectives and policies, condominium conversions do not need to comply with the general plan. The City of Imperial Beach does not have such applicable general plan policies and this finding, therefore, is not required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that Regular Coastal Permit (CP 060427) and Tentative Map (TM 060428) originally filed on July 19, 2006 for the proposed conversion to condominium ownership of thirty-seven (37) residential units located at 1037 and 1047 Seacoast Drive (APN 625-391-23-00; 625-392-24-00) in the C-2 (Seacoast Commercial) Zone are hereby approved subject to the following:

CONDITIONS OF APPROVAL:

A. PLANNING:

1. The site shall be developed in accordance with tentative map, dated September 27, 2006, on file in the Community Development Department and the conditions herein. Final landscaping, drainage, and façade improvement plans are subject to approval by the Community Development Department.
2. All drainage must be in compliance with approved storm water management plan dated August 9, 2007.
3. Approval of the Tentative Map (TM 060428) is valid for three years from the date of final action and would expire **February 20, 2011**. The conditions of approval must be satisfied and the Final Map recorded on or before February 20, 2011, unless the City grants an extension of time.
4. Approval of the Coastal Permit (CP 060427) is VALID for three years from the date of the Notice of Final Action and the Regular Coastal Permit to expire **February 20, 2011**.
5. Applicant shall pay any outstanding negative balances in the project accounts (060427) prior to approval and recordation of the Final Map.
6. Approval of this request shall not waive compliance with any portion of the Uniform Building Code and Municipal Code in effect at the time building permits were issued for the original development.
7. Applicant shall provide the required documentation pursuant to Subdivision Map Act Section 66427.1.
8. The applicant or applicant's representative shall read, understand and accept the conditions listed herein and shall within 30 days return a signed statement accepting said conditions.
9. Applicant shall sign and return the Final Map Notification Agreement.
10. Applicant shall provide an updated Title Report dated within 60 days of the Final Map submittal.
11. Applicant shall comply with the requirements of the Condominium Conversion Ordinance 2005-1023.
12. Construct or reconstruct trash or refuse enclosure and a recycling enclosure to comply with IBMC 19.74.090 at both 1037 and 1047 Seacoast Drive. The enclosure for 1037 Seacoast Drive should conform to the trash enclosure renderings, dated October 18, 2007; internal enclosure drawings should conform to conceptual

landscape plan, dated July 30, 2007, which provides for two 1.5 cubic yard containers. Increased trash/recycling pick up should be provided to accommodate for the smaller bins. Final plans are subject to approval at Building permit plan check.

13. Applicant shall provide all improvements and repairs discussed in the Physical Elements Report, dated July 18, 2006 prior to approval of Final Map, which include repair and/or replacement of the following: install 5/8" drywall between units; paint exterior of both buildings; replace sinks and fixtures; replace windows for 1047 Seacoast Drive; asphalt paving overlay at 1047 Seacoast Drive; replace electrical ranges; replace refrigerators; provide dishwashers; replace sheet vinyl flooring; replace electrical wall heaters; underground electrical conduit; replace all water heaters; replace all lighting fixtures and switches with designer fixtures in accordance with Title 24; replace all cabinets in bathrooms and kitchens with new wood finished cabinets; install new countertops in bathrooms and kitchens; replace all tub and shower valves; refinish all existing tub and shower enclosures; replace all medicine cabinets; tile all bathroom floors, entryways & kitchens; install new carpet in bedrooms, dining and family rooms; install all new electric appliances; install washer and dryer in units; install all new plumbing fixtures; add new monuments; refinish iron details to street facing buildings; refinish balcony railings; improve landscaping; enclose trash area; install new designer lights.

14. All improvements are subject to Building Official approval prior to final map recordation.

15. Owner may elect to enter an agreement for a lien contract and covenant not to convey units with the City of Imperial Beach in lieu of performing improvements prior to Final Map approval. Within this agreement, the owner shall be required to complete or satisfy all conditions set forth in this resolution prior to conveyance of units or release of lien. The lien contract and covenant not to convey agreement also shall state that the City shall perform the construction of the driveway approach for the property fronting Seacoast Drive, north of Ebony Avenue to be consistent with ADA requirements (per conditions 19 through 22 of this resolution) as part of its CIP project, and that the owner shall reimburse the City for the cost of construction prior to conveyance of units or release of lien, as an alternative to the owner performing the construction itself.

B. CITY ENGINEER:

16. The Final Map shall be in substantial compliance with the approved tentative map dated September 27, 2006.

C. PUBLIC WORKS:

17. Ensure that the hot water tank P.T. discharge pipe is piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.

18. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water

discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01. Note: All roof drains currently are piped to impervious surfaces and ultimately lead to the street.

19. Reconstruct driveway approach on Seacoast Drive for units at 1037 Seacoast Drive in accordance with Regional Standard Drawing G-14A. Sidewalk cuts must coincide with the existing sidewalk 5-foot sections. A sidewalk section cannot be cut into smaller sections. Likewise the Curb & Gutter cut for the driveway, must not leave an existing curb and gutter section less than 9 feet in length. **Note: The construction of an ADA compliant driveway approach will require an easement agreement dedicating the necessary footage for the construction of the ADA compliant driveway to all be in the right-of-way – approximately 1.5 feet.**

20. Reconstruct the driveway approach on Ebony Avenue for units at 1047 Seacoast Drive in accordance with Regional Standard Drawing G-14A. Sidewalk cuts must coincide with the existing sidewalk 5-foot sections. A sidewalk section cannot be cut into smaller sections. Likewise the Curb & Gutter cut for the driveway, must not leave an existing curb and gutter section less than 9 feet in length. **Note: The construction of an ADA compliant driveway approach will require an easement agreement dedicating the necessary footage for the construction of the ADA compliant driveway to all be in the right-of-way – approximately 1.5-feet.**

21. Replace the ADA access ramps at the southeast and northeast intersection of Ebony Avenue and Seacoast Drive per Regional Standard Drawings G-27. **Note: The construction of an ADA compliant driveway approach will require an easement agreement dedicating the necessary footage for the construction of the ADA compliant driveway to all be in the right-of-way.**

22. Replace the ADA access ramps at the alley intersections to the north of 1037 Seacoast Drive with a Type D (Regional Standard Drawing G-31) and to the south of 1047 Seacoast Drive with a "driveway style approach. **Note: The construction of an ADA compliant driveway approach will require an easement agreement dedicating the necessary footage for the construction of the ADA compliant driveway to all be in the right-of-way.**

23. Replace the separated – "1 ½ inch" - sidewalk section(s) on Seacoast Drive at the 1037 Seacoast Drive building near the Seacoast Drive and Ebony Avenue intersection per Regional Standard Drawing G-7.

24. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5-feet. Where the distance from "Area to be removed", to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.

25. Construct or reconstruct trash or refuse enclosure and a recycling enclosure to comply with IBMC 19.74.090. Minimum trash enclosure is 6' x 9' and minimum recycling enclosure is 4' x 8' with 6-foot masonry walls and locking gate. The enclosure for 1037 Seacoast Drive should conform to the trash enclosure

renderings, dated October 18, 2007; internal enclosure drawings should conform to conceptual landscape plan, dated July 30, 2007, which provides for two 1.5 cubic yard containers. Final plans are subject to approval at Building permit plan check.

26. Applicant shall underground all utilities for both buildings in accordance with IBMC13.08.030 – Subdivisions – Undergrounding Required (All privately owned public utility distribution systems and service facilities with the boundaries of any subdivision shall henceforth be placed underground.) and 13.08.040 Subdivision – Responsibility of subdivider to underground – Exempted facilities.

    A. The subdivider shall be responsible for the requirements of this chapter an shall make the necessary arrangements with each of the public utility companies for the installation of underground facilities and the relocation of existing facilities. The subdivider shall provide the city with letters signed by said public utilities indicating that such arrangements have been made with the public utilities companies stipulating that the undergrounding of utilities facilities will be accomplished concurrent wit the filing of the final map of any subdivision as required by this code and the state Subdivision Map Act and subject to the approval of the City...."

27. Require applicant to provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and / or Conditional Use Permit. The Agreement must include language that restricts future impervious surface area on the parcel to be no greater that that approved in the Final Map.

28. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or Caltrans Traffic Control Manual.

29. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt. Asphalt shall be AR4000 ½ mix (hot).

30. In accordance with IBMC 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.

31. Install survey monuments on northeast and southwest property lines in or adjacent to the sidewalk of 1047 Seacoast Drive unit. Record same with county office of records.

32. Property owner must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant BMP practices shall include but are not limited to:

    - Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.

- All recyclable construction waste must be properly recycled and not disposed in the landfill.
- Water used on site must be prevented from entering the storm drain conveyance system (i.e., streets, gutters, alley, storm drain ditches, storm drain pipes).
- All wastewater resulting from cleaning construction tools and equipment, must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
- Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with Visqueen (or equivalent product) to prevent sediment removal into the storm drain system.

33. Any disposal/transportation of solid waste/construction waste in roll off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.

C. BUILDING:

34. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach

Appeal Process under the California Code of Civil Procedure (CCP): The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

PROTEST PROVISION: The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 20th day of February 2008, by the following roll call vote:

AYES: COUNCILMEMBERS: WINTER, MCLEAN, BRAGG, MCCOY, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

James C. Janney
JAMES C. JANNEY, MAYOR

ATTEST:

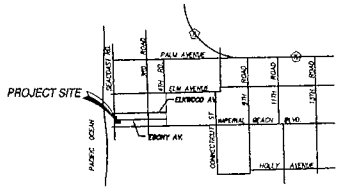
Jacqueline Hald
JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2008-6573 – A Resolution of the City Council of the City of Imperial Beach, California, APPROVING REGULAR COASTAL PERMIT (CP 060427) AND TENTATIVE MAP (TM 060428) FOR THE PROPOSED CONDOMINIUM CONVERSION OF THIRTY-SEVEN (37) UNITS LOCATED AT 1037 AND 1047 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 878.

_____ _____

CITY CLERK DATE

TENTATIVE MAP / SITE PLAN
1037-1047 SEACOAST DRIVE
CONDOMINIUM CONVERSION
City of Imperial Beach, California



VICINITY MAP
N.T.S.

LEGEND

PROJECT BOUNDARY	
EXISTING TOPO	
EASEMENT NUMBER	△
PAD ELEVATION	PE17.6
FINISH FLOOR ELEV	FF18.1
SEWER	
WATER	
STORM DRAIN	
FIRE HYDRANT	
STREET LIGHT	
DRAINAGE FLOW ARROW	←

*UNLESS SHOWN OTHERWISE

PROJECT SUMMARY

	SQ. FT.	AC.	% OF SITE
LANDSCAPE AREA	1,181	0.03	6%
BUILDING COVERAGE AREA	10,784	0.25	57%
HARDSCAPE AREA	7,115	0.16	37%
TOTAL SITE AREA	19,040	0.44	100%

BUILDING SUMMARY

BUILDING 1
1037 SEACOAST DRIVE

# of BDRMS	# of UNITS	LIVING SQ. FT.	TOTAL LIVING SQ. FT.
2	1	875	875
STUDIO	8	430	3,440
TOTAL	9		4,315

BUILDING 2
1047 SEACOAST DRIVE

# of BDRMS	# of UNITS	LIVING SQ. FT.	TOTAL LIVING SQ. FT.
2	0	875	0
STUDIO	28	430	12,040
TOTAL	28		12,040

1037 & 1047 SEACOAST DRIVE

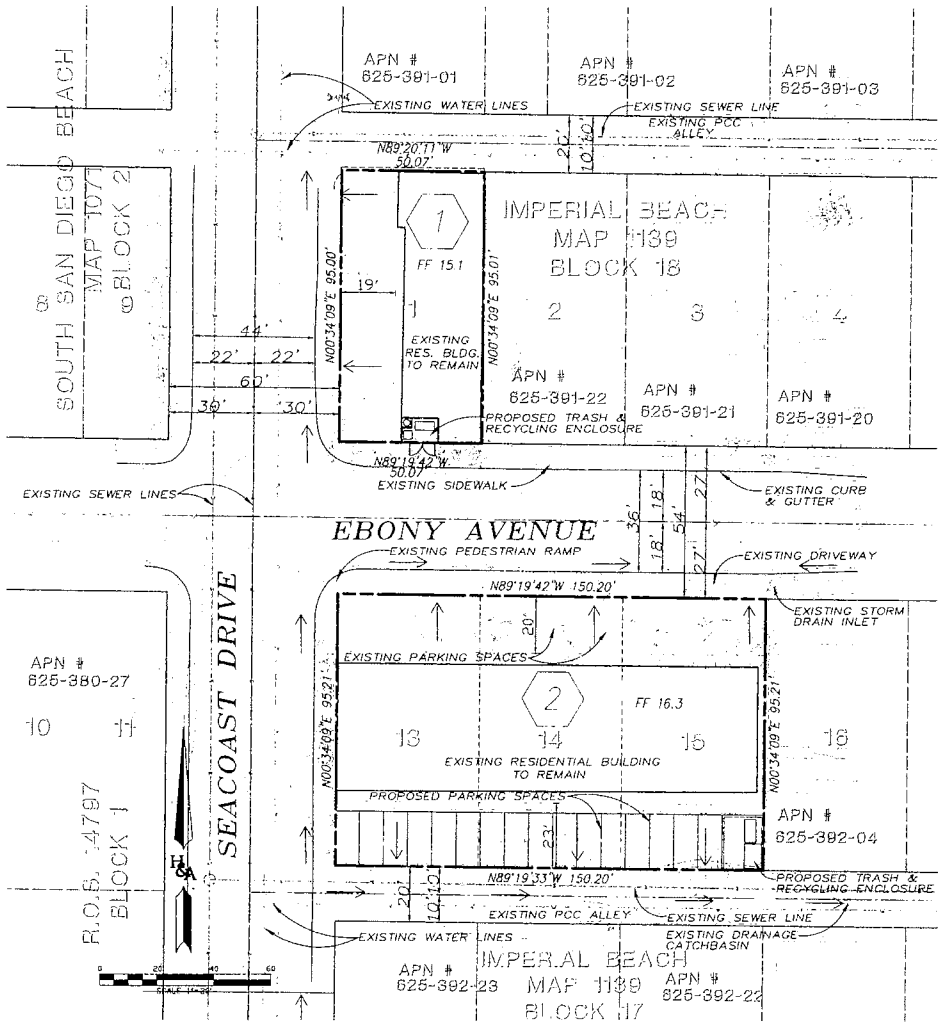
# of BDRMS	# of UNITS	LIVING SQ. FT.	TOTAL LIVING SQ. FT.
2	1	875	875
STUDIO	36	430	15,480
TOTAL	37		16,355

CONDOMINIUM NOTE

THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA CONTAINING 37 RESIDENTIAL AIR SPACE CONDOMINIUM UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT.

PUBLIC UTILITIES

SEWER	CITY OF IMPERIAL BEACH
WATER	CALIFORNIA AMERICAN WATER COMPANY
STORM DRAIN	CITY OF IMPERIAL BEACH
TELEPHONE	AT&T
GAS AND ELECTRIC	SDG&E
CABLE T.V.	COX CABLE
POLICE & FIRE	SAN DIEGO SHERIFF'S – IMPERIAL BEACH DIVISION
SCHOOL FACILITIES	SOUTHBAY UNION SCHOOL DISTRICT (PRIMARY SCHOOLS) SWEETWATER UNION HIGH SCHOOL DISTRICT



GENERAL NOTES

1. GROSS SITE AREA: APPROX. 0.44 ACRES (19,060 SF)
2. TOTAL NUMBER OF LOTS:
   EXISTING: 4 PROPOSED: 2
3. TOTAL NUMBER OF UNITS: 37
4. EXISTING ZONING IS: C-2 (SEACOAST COMMERCIAL ZONE)
5. ASSESSOR'S PARCEL NUMBERS: 625-391-23 & 625-392-24
6. SOURCE OF TOPOGRAPHY: R.J. LUND, FLOWN ON MAY 30, 2006.
7. PEDESTRIAN RAMPS INSTALLED IN ACCORDANCE WITH CITY OF IMPERIAL BEACH AND ADA CRITERIA.
8. THERE ARE 41 EXISTING PARKING SPACES ON THE SITE (ASSUMED TO BE LEGALLY ESTABLISHED NON-CONFORMING CONDITION)
9. FLOOR AREA RATIO: 87% (16,355 SF FLOOR AREA/18,730 SF GROSS SITE AREA)
10. DRAINAGE SHALL BE DIRECTED TOWARDS LANDSCAPING TO THE MAXIMUM EXTENT PRACTICABLE.

PUBLIC SAFETY NOTES

1. APPROVED NUMBERS OR ADDRESSES SHALL BE PROVIDED FOR ALL NEW AND EXISTING BUILDINGS IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY AND FROM ANY ALLEY THAT FRONTS THE PROPERTY. LETTERING SHALL BE A MINIMUM OF FOUR INCHES HIGH, WITH A MINIMUM 3/4 INCH STROKE, ON A CONTRASTING BACKGROUND.
2. ALL ELECTRIC, GAS, AND WATER METERS SHALL BE CLEARLY MARKED TO INDICATE THE UNIT OR PORTION OF THE BUILDING THEY SERVE.
3. KNOX KEY BOX SHALL BE INSTALLED 5 TO 6 1/2 FEET ABOVE THE WALKING SURFACE AND AS CLOSE TO THE MAIN ENTRY DOOR AS POSSIBLE. IN MULTI-TENANT BUILDINGS, THE BOX SHOULD BE LOCATED NEAR THE CENTER POINT OF THE BUILDING.
4. PROVIDE KEY TO FIRE DEPARTMENT FOR EMERGENCY ACCESS, TO BE PLACED IN KNOX-BOX (RAPID ENTRY SYSTEM)
5. PROVIDE KNOX KEY SWITCH TO OVERRIDE ANY PARKING GARAGE/PARKING AREA SECURITY GATES
6. ON EACH FLOOR PROVIDE ONE (1) 2A-10BC MINIMUM RATED FIRE EXTINGUISHER PER 6,000 SQUARE FEET. TRAVELED DISTANCE (DEFINED AS ACTUAL WALKING DISTANCE) NOT TO EXCEED 75 FEET. FIRE EXTINGUISHERS SHOULD BE INSTALLED IN PLAIN VIEW, IN AN ACCESSIBLE SPOT, NEAR ROOM EXITS THAT PROVIDE AN ESCAPE ROUTE. INSTALL EXTINGUISHERS SO THAT THE TOP IS NO MORE THAN FIVE FEET ABOVE THE FLOOR
7. INSTALLATION AND MAINTENANCE OF FIRE ALARM SYSTEMS SHALL BE IN ACCORDANCE WITH CFC 1005
8. FIRE ALARM ANNUNCIATOR PANEL SHALL BE CLEARLY MARKED "FIRE ALARM PANEL". THE LETTERS SHALL NOT BE LESS THAN 1 INCH HIGH ON A CONTRASTING BACKGROUND.
9. DOORS LEADING INTO ELECTRICAL CONTROL PANEL ROOMS SHALL BE CLEARLY MARKED "ELECTRICAL ROOM". THE LETTERS SHALL BE NOT LESS THAN 1 INCH HIGH ON CONTRASTING BACKGROUND.

LEGAL DESCRIPTION

PARCEL 1.

LOTS 13, 14, AND 15 IN BLOCK 17 OF IMPERIAL BEACH, IN THE CITY OF IMPERIAL BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1139, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 16, 1908.

PARCEL 2.

LOT 1 IN BLOCK 18 OF IMPERIAL BEACH, IN THE CITY OF IMPERIAL BEACH, COUNTY OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1139, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 16, 1908.

OWNER

ROBERT E. MILLER,
TRUSTEE OF THE ROBERT E. MILLER AND
BETTY A. MILLER TRUST OF 1981
AS RESTATED IN ITS ENTIRETY ON DECEMBER 16, 1987

REPRESENTATIVE

APPLICANT

SEA COAST REGIONAL, LLC
A CALIFORNIA LIMITED LIABILITY COMPANY
1010 TURQUOISE STREET
SUITE 200
SAN DIEGO, CA 92109
(858) 274-2300

REPRESENTATIVE

LICENSED LAND SURVEYOR DAVID W. AMBLER L.S. 7322 EXP. 12-31-07 STATE OF CALIFORNIA

DAVID W. AMBLER, L.S. 7322
MY LICENSE EXPIRES 12/31/07
DATED: 6-19-2007

PREPARED BY:
HUNSAKER & ASSOCIATES SAN DIEGO, INC
PLANNING 9707 Waples Street
ENGINEERING San Diego, Ca 92121
SURVEYING PH:858/578-9500 FX:858/578-5434

NO.	REVISIONS	DATE	BY
1	SUBMITTAL	07/11/06	H&A
2	RESUBMITTAL	09/26/06	H&A
3	RESUBMITTAL	06/19/07	H&A
4			
5			
6			
7			
8			

TENTATIVE MAP / SITE PLAN
1037-1047 SEACOAST DRIVE
CONDOMINIUM CONVERSION
City of Imperial Beach, California

SHEET 1 OF 1

W.O. NO. 2545-01

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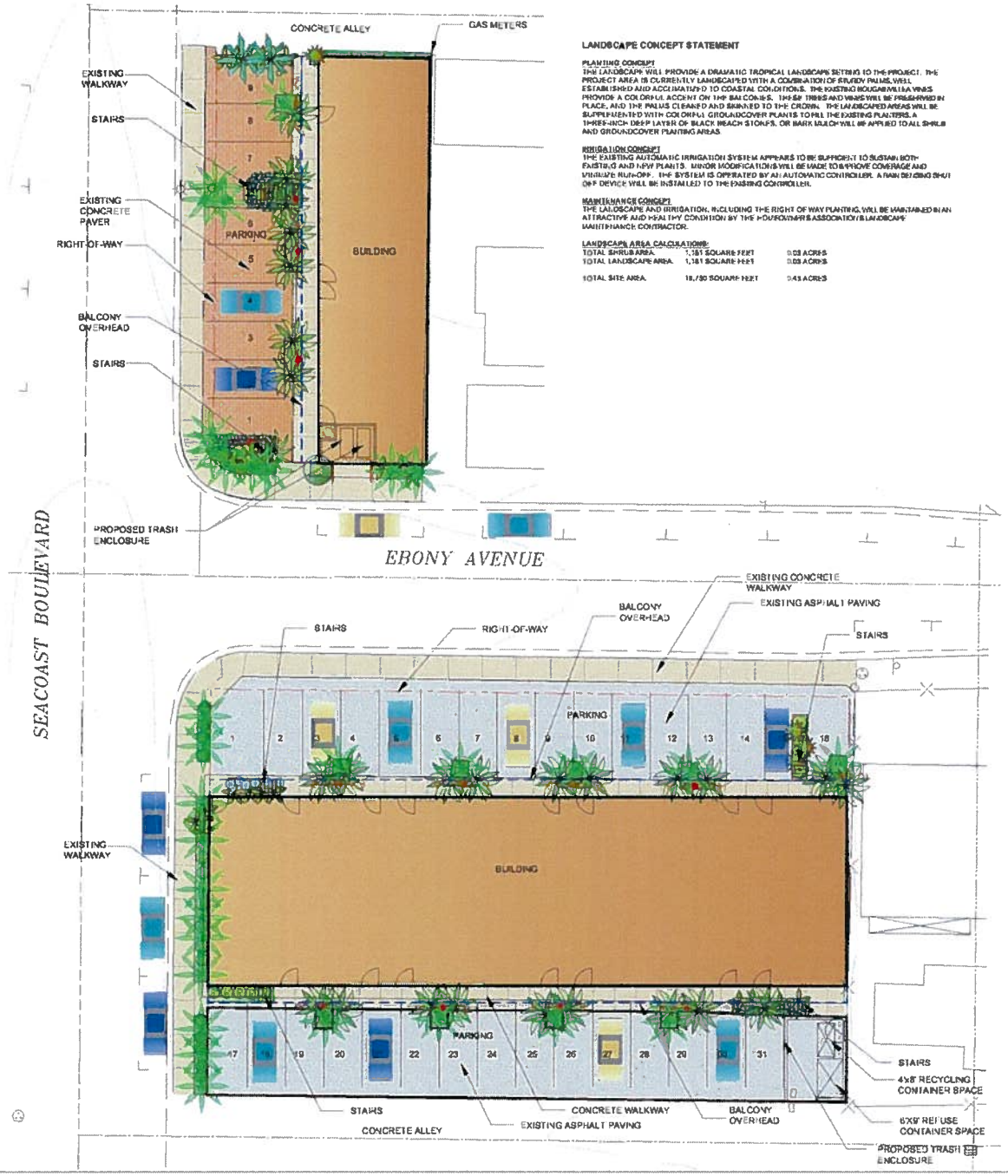

LANDSCAPE CONCEPT STATEMENT

PLANTING CONCEPT
THE LANDSCAPE WILL PROVIDE A DRAMATIC TROPICAL LANDSCAPE SETTING TO THE PROJECT. THE PROJECT AREA IS CURRENTLY LANDSCAPED WITH A COMBINATION OF STURDY PALMS, WELL ESTABLISHED AND ACCLIMATIZED TO COASTAL CONDITIONS. THE EXISTING BOUGAINVILLEA VINES PROVIDE A COLORFUL ACCENT ON THE BALCONIES. THESE TREES AND VINES WILL BE PRESERVED IN PLACE, AND THE PALMS CLEANED AND SKINNED TO THE CROWN. THE LANDSCAPED AREAS WILL BE SUPPLEMENTED WITH CONCRETE GROUNDCOVER PLANTS TO FILL THE EXISTING PLANTERS. A THREE-INCH DEEP LAYER OF BLACK BEACH STONES, OR BARK MULCH WILL BE APPLIED TO ALL SHRUB AND GROUNDCOVER PLANTING AREAS.

IRRIGATION CONCEPT
THE EXISTING AUTOMATIC IRRIGATION SYSTEM APPEARS TO BE SUFFICIENT TO SUSTAIN BOTH EXISTING AND NEW PLANTS. MINOR MODIFICATIONS WILL BE MADE TO IMPROVE COVERAGE AND MINIMIZE RUN-OFF. THE SYSTEM IS OPERATED BY AN AUTOMATIC CONTROLLER. A RAIN SENSING SHUT OFF DEVICE WILL BE INSTALLED TO THE EXISTING CONTROLLER.

MAINTENANCE CONCEPT
THE LANDSCAPE AND IRRIGATION, INCLUDING THE RIGHT OF WAY PLANTING, WILL BE MAINTAINED IN AN ATTRACTIVE AND HEALTHY CONDITION BY THE HOMEOWNER'S ASSOCIATION'S LANDSCAPE MAINTENANCE CONTRACTOR.

LANDSCAPE AREA CALCULATIONS:

TOTAL SHRUB AREA	1,181 SQUARE FEET	0.03 ACRES
TOTAL LANDSCAPE AREA	1,181 SQUARE FEET	0.03 ACRES
TOTAL SITE AREA	18,750 SQUARE FEET	0.43 ACRES

CONCEPTUAL PLANT LIST
PROPOSED PLANT MATERIALS

PROPOSED TREES

SCHEFFLERA PUECKLER	SCHEFFLERA

PROPOSED SHRUBS

CODIAEUM VARIEGATUM MARIE QUEEN	MIRROR PLANT
NANDINA DOMESTICA	HEAVENLY BAMBOO
STRELITZIA REGINAE	BIRD OF PARADISE

PROPOSED ACCENT SHRUBS

AGAPANTHUS AFRICANUS	LILY OF THE NILE
CANNA PRETORIA & TROPICANA	CANNA
DIETES BICOLOR	FORTNIGHT LILY
LIRIOPE GIGANTEA	GIANT LILY TURF

PROPOSED GROUNDCOVERS

CHLOROPHYTUM COMOSUM	SPIDER PLAN
LYSIMACHIA NUMMULARIA	MONEYWORT
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE

CONCEPTUAL PLANT LIST
EXISTING PLANT MATERIALS

EXISTING TREES

CHAMAEROPS HUMILIS	MEDITERRANEAN FAN PALM
PHOENIX ROEBELENII	PYGMY DATE PALM
WASHINGTONIA ROBUSTA	MEXICAN FAN PALM

EXISTING SHRUBS

ASPARAGUS MEYERI	MYER'S ASPARAGUS
CARISSA MACROCARPA	NATAL PLUM
CODIAEUM REPENS MARIE QUEEN	MIRROR PLANT
CORDYLINE AUSTRALIS BRONZE	BRONZE DRACAENA
LIRIOPE MUSCARI	BLUE LILY TURF
NANDINA DOMESTICA	HEAVENLY BAMBOO
PHORMIUM TENAX GOLD BANDED	NEW ZEALAND FLAX
PITTOSPORUM TOBIRA	YOCA ORANGE
PITTOSPORUM TOBIRA WANDA'S	TOBIRA
RHAPHIOLEPIS INDICA	INDIAN HAWTHORN
STRELITZIA NICOLAI	GIANT BIRD OF PARADISE
STRELITZIA REGINAE	BIRD OF PARADISE
TULBAGHIA VIOLACEA	SOCIETY GARLIC

EXISTING VINES

BOUGAINVILLEA SPP	BOUGAINVILLEA
FICUS PUMILA	CREEPING FIG

SCALE IN FEET

July 30, 2007

Estrada Land Planning
Urban Design Landscape Architecture Computer Imaging
619.236.0141
753 Broadway Circle, Suite 300
San Diego, California 92101-6161
619.236.0578 Fax
ELP @ estradaLandPlan.com

LANDSCAPE CONCEPT PLAN

1037 - 1047 SEACOAST BOULEVARD
CONDOMINIUM CONVERSION

PREMIER COASTAL DEVELOPMENT

ATTACHMENT 3

September 10, 2007

Mr. Tyler Foltz
City Planner, Community Development Department
City of Imperial Beach
825 Imperial Beach Blvd
Imperial Beach, CA 91932

Subject: 1037-47 Seacoast Drive – Trash Enclosure

Dear Tyler,

Thank you for taking the time to meet with Mr. Robert Miller and myself last week regarding 1037-47 Seacoast Drive. We wish to state our opposition of the location of the proposed trash enclosure. Originally, the City requested that the owner provide alternative locations for the proposed trash enclosure. Unfortunately, each location proposed by the owner was not supported by City staff.

Per City Staff's recommendation for approval the applicant designed the enclosure to be constructed inside the 1037 Seacoast building. As you are aware, the new enclosure design requires the removal of two mature Palm trees along the Seacoast Drive corridor and will eliminate one on-street parking space in the visitor serving area.

Once again, thank you for taking the time to meet with us. Should you have any questions or comments, please do not hesitate to contact me at (619) 948-9288.

Sincerely,

CHRIS DUGGAN
President/Principal
CTS Strategies

Imperial Beach Redevelopment Agency

AGENDA ITEM NO. 6.2

STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY

TO:	**HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**
FROM:	**GARY BROWN, EXECUTIVE DIRECTOR**
MEETING DATE:	**FEBRUARY 20, 2008**
ORIGINATING DEPT.:	**COMMUNITY DEVELOPMENT DEPARTMENT GREG WADE, DIRECTOR GERARD E. SELBY, REDEVELOPMENT COORDINATOR**
SUBJECT:	**PROPOSED THIRD AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT**

BACKGROUND

Pursuant to Health and Safety Code section 33333.2(a)(4), the Imperial Beach Redevelopment Agency ("Agency") proposes to extend the time limit for the Agency to commence eminent domain action on non-residential properties within the Palm Avenue/Commercial Redevelopment Project Area by twelve (12) years, beginning from the date of adoption of the ordinance by the Imperial Beach City Council ("City Council") approving the proposed Third Amendment to the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project ("Proposed Amendment").

On February 7, 1996, by adoption of Ordinance No. 96-901, the City Council approved a final Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project ("the Original Project Area").

On July 18, 2001, by adoption of Ordinance No. 2001-970, the City Council added new territory to the Original Project Area ("the Amendment Area") and adopted Plan Amendment No. 1, pertaining only to the Amendment Area ("First Amendment").

On December 20, 2006, by adoption of Ordinance No. 2006-1050, the City Council adopted a text amendment to the Redevelopment Plan, clarifying that the amendment to

the Redevelopment Plan under Ordinance No. 2001-970 added the Amendment Area to the Original Project Area and was not intended to add a new project area by its own terms ("Second Amendment").

In accordance with Section 308 of the Redevelopment Plan for the Original Project Area ("Section 308"), the Agency has authority to acquire real property, as follows:

> The Agency may, but is not required to, purchase, lease, obtain option upon or otherwise acquire any interest in real property by gift, devise, exchange, purchase, lease, by the use of eminent domain, or any other means authorized by law. The Agency shall not have the power to acquire by eminent domain real property on which any persons reside. As used in this Section, the "property on which any persons reside" shall mean that one or more persons reside on the property with the express consent of the property owner.
>
> The Agency shall not have the power to acquire by eminent domain real property outside the Original Project Area.
>
> No eminent domain proceeding to acquire property within the Original Project Area shall be commenced after twelve (12) years following adoption of the ordinance adopting the Original Redevelopment Plan. Such time limitation may be extended only by amendment of the Original Redevelopment Plan.

The Agency's ability to commence eminent domain actions within the Original Project Area thus expired twelve (12) years from adoption of Ordinance No. 96-901 on February 7, 2008.

Health and Safety Code section 33333.2(a)(4) allows the extension of eminent domain powers by an amendment to the Redevelopment Plan for the Original Project Area after the Agency finds, based on substantial evidence, both of the following:

(A) That significant blight remains within the project area.

(B) That this blight cannot be eliminated without the use of eminent domain.

The Draft Report to Council prepared by Keyser Marston Associates presents substantial evidence that significant blight remains within the Original Project Area and that this blight cannot be eliminated without the Agency's use of eminent domain. The adoption of the Proposed Amendment to extend the time for commencement of eminent domain powers by twelve (12) years would allow the Agency to implement its existing redevelopment goals to eliminate blight within the Original Project Area, as stated in the Redevelopment Plan and in the 5 Year Implementation Plan adopted by the City Council sitting as the Agency Board on March 2, 2005.

State law (Health and Safety Code sections 33346 and 33347) requires that before the Proposed Amendment is submitted to the City Council for consideration, the Proposed Amendment must be submitted to the Planning Commission for its report and recommendation concerning the Proposed Amendment and its conformity with the Imperial Beach General Plan and Local Coastal Plan. The City Council, sitting as the

Imperial Beach Planning Commission, reviewed and considered the Proposed Amendment on January 20, 2008 and found it to be in conformity with the Imperial Beach General Plan and Local Coastal Plan. The City Council adopted the Agency staff report as the report and recommendation of the Planning Commission at the January 20th meeting and recommended approval of the Proposed Amendment. At a concurrent meeting of the Agency and City on January 20th, the City Council consented to a joint public hearing for the Proposed Amendment on February 20, 2008 and authorized Agency staff to publish and mail the notices required for the joint public hearing in accordance with law.

At the end of January, staff discovered that staff inadvertently omitted mailing notices of the February 20 public hearing to some residents, businesses, and tenants within the Amendment Area. Staff consulted with the Redevelopment Agency Special Legal Counsel on the proper course of action. The Special Legal Counsel recommended that Staff mail new notices only to the owners/residents/businesses inadvertently omitted from the first mailings, advising them that the hearing will be opened on the first noticed hearing date but continued to a second hearing date to give them an opportunity to present testimony/objections. The second set of notices was mailed on January 31, 2008. Staff is requesting that the second public hearing be held on March 5, 2008. Conducting the public hearing on February 20 and March 5 will give all owners, residents, and businesses within the Project Area at least thirty (30) days notice of the joint public hearing. The second set of notices specify that written and oral testimony will be allowed at both hearing dates.

The Redevelopment Agency staff held a Community Meeting on the Proposed Third Amendment to the Palm Avenue Commercial Redevelopment Pertaining to the original Project Area on Thursday, February 7, 2008.

Susan Cola, Special Agency Counsel spoke to the legal issues of eminent domain and Denise Bickerstaff of Keyser Marston Associates, the Agency's Redevelopment Plan Amendment Consultant clarified the purpose of eminent domain in context of eliminating and preventing physical and economic blight.

Approximately 50 residents attended the meeting, several voiced concerns about whether the proposed extension of eminent domain powers will apply to residential property and the traffic congestion caused by increased development (particularly condo projects) within the Original Project Area.

Staff has received requests for information in the following manner: a letter from a property owner; a telephone message from the South Bay Union Elementary School District; and numerous telephone calls from residents and property and business owners. The Agency also received a letter of comments from the San Diego County of Education about the proposed Third Amendment to Palm Avenue/Commercial Redevelopment Project Area. The letters and staff's responses to requests for information are attached as Attachment 6.

DISCUSSION

The purpose of the City Council's ("Agency") action tonight is as follows:

- Receive a presentation from Redevelopment Staff, Susan Cola of Kane Ballmer and Berkman, and Denise Bickerstaff from Keyser Marston;
- Open the public hearing and take public testimony on the proposed Third Amendment and the Report to Council to the City Council of the City of Imperial Beach; and
- Continue the public hearing until March 5, 2008.

ENVIRONMENTAL IMPACT

The Environmental Impact Report certified by Resolution No. 96-4569 for the Original Project Area ("Original Project Area EIR") was adopted on January 17, 1996. The Environmental Impact Report certified by Resolution No. 01-36 for the Amendment Area ("Amendment Area EIR") was adopted on July 18, 2001.

Public Resources Code section 21166 ("Section 21166") provides that when an EIR has been certified for a project, no subsequent or supplemental EIR shall be required by the lead agency or by any responsible agency, unless one or more of the following events ("21166 Events") occurs:

(a) Substantial changes are proposed in the project, which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The Agency has conducted a secondary study to determine whether a subsequent or supplemental EIR is required pursuant to Section 21166 ("21166 Study"). The results of the 21166 Study indicate that the Proposed Amendment will not trigger any of the 21166 Events because the Proposed Amendment does not contemplate and will not result in any new programs or activities, or substantial changes to the Original Project Area.

PUBLIC NOTICE

California Redevelopment Law guided the notification of the public. Staff coordinated the mailing of a notice to residents and tenants, property and business owners, the placement of a public notice in the Eagle and Times, and posting the agenda, with this agenda item being posted at least 72 hours prior to the meeting.

DEPARTMENT RECOMMENDATIONS

Staff recommends that the City Council:

1. Take public testimony; and
2. Continue the public hearing until March 5, 2008.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown, Executive Director

ATTACHMENTS

1. Draft Proposed Amendment
2. Draft Report to Council
3. Five Year Implementation Plan
4. Report and recommendation of the Planning Commission
5. 21166 Study
6. Received Letters and Staff Response

DRAFT November 8, 2007

ATTACHMENT 1

THE THIRD AMENDMENT TO THE REDEVELOPMENT PLAN

FOR THE

PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT

PERTAINING TO

THE ORIGINAL PROJECT AREA

Prepared by the

Redevelopment Agency

of the

City of Imperial Beach, California

Officially adopted on _____, by the City Council of the City of Imperial Beach, California on passage of Ordinance No. _____.

I. INTRODUCTION

On February 7, 1996, by adoption of Ordinance No. 96-901, the Imperial Beach City Council (the "City Council") approved a final Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project ("the Redevelopment Plan"). On July 18, 2001, by adoption of Ordinance No. 2001-970, the City Council added the Amendment Area to the Palm Avenue/Commercial Redevelopment Project (the "Original Project Area") and adopted Plan Amendment No. 1, pertaining only to the Amendment Area ("First Amendment"). On December 20, 2006, by adoption of Ordinance No. 2006-1050, the City Council adopted a text amendment to the Redevelopment Plan, clarifying that the amendment to the Redevelopment Plan under Ordinance No. 2001-970 added the Amendment Area to the Original Project Area and was not intended to add a new project area by its own terms ("Second Amendment"). This Third Amendment to the Redevelopment Plan ("Third Amendment") will extend the time limit to commence acquisition of certain real property within the Original Project Area by use of eminent domain, for twelve (12) years from the adoption of the Third Amendment, by amending Section 308 of the Redevelopment Plan pertaining to the Original Project Area.

II. AMENDMENT TO SECTION 308

Section 308 of the Redevelopment Plan pertaining to the Original Project Area shall be amended by deleting the first three paragraphs of text and replacing the deleted text with the following text:

> The Agency may, but is not required to, purchase, lease, obtain option upon or otherwise acquire any interest in real property by gift, devise, exchange, purchase, lease, by the use of eminent domain, or any other means authorized by law. The Agency shall not have the power to acquire, by use of eminent domain, real property on which any persons lawfully reside, including property which is residentially zoned or which contains a legal non-conforming residential use.
>
> The Agency shall not have the power to acquire by eminent domain real property outside the boundaries of the Original Project Area.
>
> No eminent domain proceeding to acquire property within the Original Project Area shall be commenced after twelve (12) years following the adoption of this Third Amendment. Such time limitation may be extended only by amendment of the Redevelopment Plan pertaining to the Original Project Area.

III. NO OTHER CHANGES ADOPTED

All other provisions of the Redevelopment Plan pertaining to the Original Project Area shall remain in full force and effect.

ATTACHMENT 2

REPORT TO CITY COUNCIL FOR THE PROPOSED ADOPTION OF THE THIRD AMENDMENT TO THE EXISTING REDEVELOPMENT PLAN

Prepared for:

THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH

JANUARY 2008

REPORT TO CITY COUNCIL
FOR THE
PROPOSED ADOPTION OF THE THIRD AMENDMENT
TO THE
EXISTING REDEVELOPMENT PLAN

Prepared for:

THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH

JANUARY 2008

Prepared by:

Keyser Marston Associates, Inc.

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I. INTRODUCTION

A. PURPOSE

This Report to the City Council ("Report") for the proposed adoption of the third amendment ("Third Amendment" or "Amendment") to the existing Redevelopment Plan ("Original Redevelopment Plan" or "Plan") for the Palm Avenue/Commercial Redevelopment Project ("Original Project Area" or "Project Area") has been prepared for the Redevelopment Agency of the Imperial Beach ("Agency") in accordance with Community Redevelopment Law ("CRL") Section 33352. As discussed in the following section, the purpose of the proposed Amendment is to re-establish the Agency's authority to use eminent domain within the Original Project Area for an additional 12 years, except that eminent domain may not be used to acquire real property that is lawfully occupied as residence.

The Report is one of the legally required documents leading to the consideration of the proposed Amendment. The purpose of the Report is to provide the information, documentation, and evidence required by CRL Section 33352 to accompany the proposed Amendment when these documents are submitted by the Agency to the City Council of the City of Imperial Beach ("City Council") for review. Such information, documentation, and evidence is provided to assist the City Council in its consideration of the proposed Amendment and in making the various findings associated with the adoption of the proposed Amendment.

The Report is divided into sections that generally correspond to the subdivisions contained in CRL, Section 33352 (subject to CRL Section 33457.1) which specify the required contents of the Report pertaining to the proposed Amendment as described below:

Organization of the Report to the City Council

CRL Section		Report Section
33352 (a)	The reasons for the selection of the Project Area, a description of the specific projects proposed by the Agency, a description of how these projects will improve or alleviate the conditions described in subdivision (b). *[The reasons for the selection of the Project Area were defined at the time of Plan adoption. This Amendment includes the reasons for re-establishing eminent domain authority within the Original Project Area for 12 additional years (excluding residential uses).]*	Section II
33352 (b)	A description of the physical and economic conditions specified in Section 33031 that exist in the area that cause the Project Area to be blighted. The description shall include a list of the conditions described in Section 33031 that exist within the Project Area and a map showing where in the project the conditions exist. *[This Report identifies existing significant remaining blighting conditions within the Original Project Area.]*	Section III

CRL Section		Report Section
33352 (c)	An Implementation Plan that describes the specific goals and objectives of the Agency, specific projects then proposed by the Agency, including a program of actions and expenditures proposed to be made within the first five years of the plan, and a description of how these projects will improve or alleviate the conditions described in Section 33031. *[Included is the existing Five-Year Implementation Plan (2005-2009) which is not proposed for amendment as a result of the adoption of the Third Amendment.]*	Section IV
33352 (d)	An explanation of why the elimination of blight and the redevelopment of the Project Area cannot reasonably be expected to be accomplished by private enterprise acting alone or by the legislative body's use of financing alternatives other than tax increment financing. *[As described in the Report, continued tax increment financing, within the existing Redevelopment Plan limitations, is needed to pay existing and future debt service and fund current and future projects and programs to eliminate remaining blight. The proposed Amendment will not affect project financing or the collection of tax increment.]*	Section III
33352 (e)	The proposed method of financing the redevelopment of the Project Area in sufficient detail so that the legislative body may determine the economic feasibility of the plan. *[As described in this Report, the Amendment will not affect the financing of the Agency's redevelopment program.]*	Not Applicable
33352 (f)	A method or plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the Project Area. *[The previously adopted Plan or Method of Relocation is updated within the Report.]*	Section V
33352 (g)	Analysis of the Preliminary Plan. *[Not applicable. Only required when adopting a new project area or adding territory.]*	Not Applicable
33352 (h)	The report and recommendations of the Planning Commission. *[Included within this Report.]*	Section VI
33352 (i)	The summary referred to in Section 33387 (Project Area Committee [PAC] and consultations with residents, businesses and community organizations). *[There is no PAC with the Project Area; and because the Agency will not have the authority to acquire property on which persons reside, a PAC was not required. Owners, residents and occupants within the Project Area will be notified of the joint public hearing on the Amendment.]*	Not Applicable

CRL Section		Report Section
33352 (j)	The report required by Section 65402 of the Government Code *[Included in this Report is the Planning Commission's report on the conformity of the Amendment with the General Plan of the City.]*	Section VI
33352 (k)	The report required by Section 21151 of the Public Resources Code. *[Included in the Report is the 21166 Study /Environmental Checklist adhering to the requirements of Section 21151 of the Public Resources Code.]*	Section VIII
33352 (l)	The report of the County Fiscal Officer per Section 33328 of the CRL (base year report). *[Not applicable. Only required when adopting a new project area or adding territory.]*	Not Applicable
33352 (m)	Neighborhood Impact Report. *[Included within this Report.]*	Section IX
33352 (n)	An analysis by the Agency of the report submitted by the County as required by Section 33328 (base year report), which shall include a summary of the consultation of the Agency, with each of the affected taxing entities. *[A base year report is only required when adopting a new project area or adding territory. A summary of consultations with affected taxing entities are included.]*	Not Applicable

II. REASONS FOR SELECTION OF THE PROJECT AREA AND PREPARATION OF THE PROPOSED THIRD AMENDMENT

A. PROJECT BACKGROUND

The Original Redevelopment Plan was adopted by the City Council on February 7, 1996, by Ordinance No. 96-901. The Original Project Area encompasses approximately 250 acres primarily of commercial properties along Palm Avenue (Highway 75) and 13th Street within the City limits. The Original Project Area also includes residential uses primarily along 7th Street, Boulevard Avenue, Calla Avenue and Donax Avenue. The boundaries of the Original Project Area are shown on Map 1.

The Redevelopment Plan for the Original Project Area has been amended twice. The first amendment ("First Amendment") adopted on July 18, 2001, by Ordinance No. 2001-970, added 1,125 acres to the Palm Avenue/Commercial Redevelopment Project ("Added Territory") composed of primarily residential properties within the balance of the City. A separate Redevelopment Plan was adopted to govern the redevelopment of the Added Territory. A second amendment ("Second Amendment") to the Palm Avenue/ Commercial Redevelopment Project was adopted on December 20, 2006, by Ordinance No. 2006-1050. The purpose of the Second Amendment was to clarify that the intent of the Agency and City Council was to have a single merged Project Area and a combined bonded indebtedness limit of $120 million. The Second Amendment also extended the duration and debt repayment/receipt of tax increment limits of the Redevelopment Plan for the Original Project Area and Added Territory by one year as provided by Senate Bill (SB) 1045 related to Educational Revenue Augmentation Fund (ERAF) payment.

The proposed Third Amendment would only extend eminent domain over properties in the Original Project Area except for those in residential uses. The Third Amendment would not in any manner amend the Redevelopment Plan for the Added Territory.

B. HISTORY AND REASONS FOR ADOPTION OF THE ORIGINAL PROJECT AREA

The following summary of existing conditions noted at the time of adoption of the Original Project Area summarized from the Report on the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project prepared by Katz Hollis in December 1995.

At the time of Plan adoption, development along Palm Avenue was characterized as a mixture of low-end retail uses including liquor stores, gas stations, fast food restaurants, auto repair shops, convenience stores, adult oriented uses, thrift shops and other uses housed in primarily deteriorated, obsolete and underutilized single-story strip commercial buildings as well as stand-alone structures. These conditions combined with small parcels, (the average size was 25,000

Map 1: Project Area Boundaries

square feet) and insufficient parking lacked the requirements to meet contemporary business needs.

City residents cited the deteriorated and obsolete character of the commercial areas as the primary reasons that an overwhelming majority traveled outside of the City to buy goods and services. Evidence of the decline of retail activity was noted in the departure of Safeway and Big Bear grocery stores leaving only one non-chain market to serve the majority of the City's population. In 1995, retail sales leakage was estimated at $27 million per year. At the time of Plan adoption, the City had recently initiated negotiations with large chain grocery stores in an attempt to bring this greatly needed commercial use to the City. Negotiations were unsuccessful because the City could not offer a site large enough to accommodate the needs of grocery stores. Another indicator of impaired investments in the Project Area was low lease rates, which were identified between 15% and 20% below similar properties in competitive areas of adjacent communities. Business failures and a high vacancy rate were also identified as indicators of economic decline.

In addition, Project Area residents were impacted by crime and overcrowding. The crime rate in the Project Area was 65% higher than the crime rate for the County. Finally, according to the U.S. Census, the number of overcrowded households within the Project Area increased by 47% and the number of severely overcrowded units increased by 123% from 1980 to 1990.

C. REASONS FOR THE PREPARATION OF THE PROPOSED THIRD AMENDMENT

The Third Amendment would extend eminent domain over properties in the Original Project Area except for those in residential use. The following is excerpt from the Redevelopment Plan for the Original Project Area as it relates to eminent domain authority:

> "The Agency may, but is not required to, purchase, lease, obtain option upon or otherwise acquire any interest in real property by gift, devise, exchange, purchase, lease, by the use of eminent domain, or any other means authorized by law. The Agency shall not have the power to acquire by eminent domain real property on which any persons reside. As used in this Section, the "property on which any persons reside" shall mean that one or more person resides on the property with the express consent of the property owner".
>
> Furthermore, "No eminent domain proceedings to acquire property within the Project Area shall be commenced after twelve (12) years following the effective date of the ordinance approving and adopting this Plan."

The proposed Third Amendment would amend the Original Redevelopment Plan as follows:

C. [Section 307] Property Acquisition

1. [Section 308] Acquisition of Real Property

"The Agency may, but is not required to, purchase, lease, obtain option upon or otherwise acquire any interest in real property by gift, devise, exchange, purchase, lease, by the use of eminent domain, or any other means authorized by law. The Agency shall not have the power to acquire, by use of eminent domain, real property on which any persons lawfully reside, including property which is residentially-zoned or which contains a legal non-conforming residential use.

The Agency shall not have the power to acquire by eminent domain real property outside the boundaries of the Original Project Area.

No eminent domain proceeding to acquire property within the Original Project Area shall be commenced after twelve (12) years following the adoption of this Third Amendment. Such time limitation may be extended only by amendment of the Redevelopment Plan pertaining to the Original Project Area".

As described above at the time of adoption of the Original Redevelopment Plan, a major factor inhibiting redevelopment of the Project Area, and in particular Palm Avenue, was the existence of parcels of irregular shape and inadequate size in multiple ownership (adjacent parcels owned by separate entities). Based on current Assessor data, 91% of the parcels today are in separate ownership.[1] Furthermore, as described later in Part III of this Report, 77% of the parcels along Palm Avenue/Highway 75 are less than 25,000 square feet, which was identified as the minimum developable size for contemporary retail development. The proposed Third Amendment is necessary to provide the Agency with the authority to assist the private sector in assembling parcels to create parcels of adequate size and shape for contemporary businesses that will be of benefit to the Project Area and community.

D. AGENCY GOALS AND OBJECTIVES

As stated in the Redevelopment Plan, the Agency's goals and objectives of the redevelopment program in the Project Area are as follows:

[1] Adjoining parcels under the same ownership were counted as a single parcel.

1. The revitalization of the Palm Avenue and 13th Street business corridor through the rehabilitation of existing structures, the redevelopment of opportunity sites and through business retention and attraction programs.

2. Improve the City's bay front as a recreational area to serve both passive and active recreational uses, visitors and as an asset for healthy tourist industry.

3. The 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, the Redevelopment Plan and local codes and ordinances.

4. The achievement of an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.

5. The provision for increased revenues to the City, including sales, business license, and other fees, taxes and revenues to the City.

6. The provision for tax increment to provide funds as 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.

7. The encouragement of neighborhood serving commercial uses such as markets, movie theaters, family recreation and general goods stores.

8. The creation and development of local job opportunities and the preservation of the area's existing employment base.

9. The 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.

10. The encouragement of investment by the private sector in the redevelopment of the Project Area by assisting in the alleviation of impediments to such redevelopment.

11. The elimination of blight through abatement of code compliance, reconstruction and assembly of parcels into more developable sites for more compatible uses.

12. The expansion and upgrading of housing opportunities in the community to eliminate blight and improve housing stock and standards for the present population.

13. The encouragement of participation of Project Area businesses, property owners, and community organizations in the redevelopment of the Project Area.

14. To attract State, Federal and other grants, loans and funds.

15. To improve the public view through the purchase and rehabilitation of private facades and signage.

16. To develop or construct various public facilities, including fire, police, transportation, library, recreational or academic facilities as may be beneficial to the public welfare or enjoyment.

E. AGENCY ACCOMPLISHMENTS

In the 11 years since adoption of the Redevelopment Plan for Original Project Area, the Agency has completed the rehabilitation of the Imperial Beach Promenade Shopping Center (location of Wally's grocery store), and has funded code compliance and neighborhood revitalization activities. In 2003, tax allocation bonds were issued totaling $22.7 million. This bond issue represents the first significant receipt of tax increment since Plan adoption that can be used towards funding projects and programs to eliminate blight and work towards achieving the goals and objectives of the Redevelopment Plan. In 2004, the Agency held a Focus Discussion based on the results of a series of Community's Workshops to establish priorities for the allocation of the bond proceeds. A priority for the community was the revitalization of Palm Avenue. Following a series of community meetings in 2006, a public improvements plan was adopted for Palm Avenue (Old Palm Avenue Revitalization Project) which included proposals to widen the sidewalks to 15 feet, retain palm trees, remove street medians, and to create a three-way stop at 2nd Street. Consideration and aesthetic elements included crosswalks, sidewalks, streetlights and landscaping. Three-dimensional artwork would be installed in the sidewalks depicting the history of the surfboard.

The near-term goals for the Project Area as identified in the Implementation Plan include:

- Pursue public/private partnerships to improve large commercial properties;
- Replace inadequate public infrastructure; and
- Improve and enhance the community's supply of affordable, quality housing.

Ongoing activities include:

- Redevelopment of 9th and Palm Avenue commercial property;

- Implementation of a Façade Improvement Program;
- Pursue Implementation of the Old Palm Avenue Revitalization Project; and
- Rehabilitate low-income housing units.

F. CONTINUED NEED FOR REDEVELOPMENT ASSISTANCE AND INCLUSION OF NON-BLIGHTED PROPERTIES

Based on building permits issued in the Project Area since Redevelopment Plan adoption 11 years ago, only 6% of the parcels have been redeveloped or have been substantially rehabilitated (rehabilitation value estimated at 25% of the property value after improvements). Although these and other properties are not blighted, their continued inclusion in the Project Area is necessary to attract uses and additional development to continue the revitalization effort. Furthermore, these non-blighted properties will continue to benefit from public improvements such as streetscape projects and other planned Agency activities to enhance the Project Area.

As described above, the Agency has revitalization and design strategies to attract businesses and increase patronage along Palm Avenue. However, to date there has not been any notable development. As identified above, the Agency has attempted to facilitate the development of a catalyst project at 9th and Palm but has been unsuccessful in attracting a developer. In 2005, the Agency issued a Request for Proposals (RFP) and ultimately entered into an Exclusive Negotiation Agreement (ENA) with the DR Horton (development team of Lennar and Holton). Proposed was a three story mixed-use development including 223 residential units and 74,896 square feet of retail on the ground floor. However, when the housing market declined DR Holton withdrew. The Agency re-issued an RFP in 2007, and received two responses: one for a mixed-use project and one for a purely commercial project. The feasibility of the proposals are currently being analyzed. Both have large financing gaps and would require Agency assistance.

The 9th and Palm project is an example of the need for Agency assistance to revitalize the Project Area. This site is seen as one of the largest, if not the largest site in the Project Area that can accommodate a gateway project that will act as a catalyst for redevelopment of other sites in the Project Area, particularly along Palm Avenue. However, despite on-going discussions between the property owners and the City, the property owners have been unable to redevelop the property on their own. Development of other retail sites will likely be more difficult due to the large number of small parcels and diversity of ownership. Property owners may be reluctant to sell without the Agency having eminent domain authority and the ability to condemn property. The need to acquire parcels through eminent domain may be necessary to facilitate development along Palm Avenue and, as noted earlier, is the reason for the proposed Third Amendment.

III. SIGNIFICANT REMAINING PHYSICAL AND ECONOMIC BLIGHTING CONDITIONS IN THE PROJECT AREA

A. AMENDMENT PROCEDURES AND REQUIRED FINDINGS

1. Amendment Procedures

Section 33457.1 of the CRL provides that "[t]o the extent warranted by a proposed amendment to a redevelopment plan, (1) the ordinance adopting an amendment to the redevelopment plan shall contain the findings required by Section 33367..." Therefore, because the Agency is not adding territory or adopting a new project area, the Agency will follow applicable provisions, to the extent warranted, of CRL Sections 33320.1, *et seq.* and 33450, *et seq.*, pursuant to Section 33457.1. Specifically, the Agency will not have to adopt a Survey Area or amend the Preliminary Plan or declare a base year, which are required actions for the adoption of a new project area or the addition of territory.

As required by CRL Section 33333.4 (a)(3), every redevelopment plan that provides eminent domain authority must include a time limit not to exceed 12 years. As noted in the Introduction to this Report, the Redevelopment Plan for the Original Project Area has such a time limit which will expire on February 7, 2008. As provided by law, this limit may be extended by 12 years by amendment of the Redevelopment Plan after the Agency finds, based on substantial evidence, both of the following:

- That significant blight remains within the Project Area; and
- That this blight cannot be eliminated without the use of eminent domain.

As described in the preceding Section F, only 6% of the properties in the Project Area have been substantially improved or redevelopment since Plan adoption. As described below, 21% of the properties are impacted by physical blighting conditions and the Project Area overall is impacted by the physical and economic blighting conditions described herein. There has been little significant reinvestment in the Project Area, as evidenced by the low levels of building permit activity. Most of the investment in properties in the Project Area has been in residential rehabilitation and construction. While these activities may create new housing units, they do not directly alleviate the physical blighting conditions affecting commercial properties in the Project Area. In addition to inadequate build and lot sizes, inadequate parking, and inadequate building configurations, retail and apartment properties are affected by depreciated or stagnant property values, and the Project Area continues to lack necessary commercial facilities yet has a relatively high number of adult-oriented businesses. Crime and residential

overcrowding continue to be a threat to the public safety and welfare. These blighting conditions are described in more detail in the subsequent pages in this report. A significant condition of blight is the existence of subdivided lots that are in multiple ownership and whose physical development has been impaired by their irregular shapes and inadequate sizes given present market conditions. These conditions impact 80% of the commercial properties along Palm Avenue. Due to the prevalence of these conditions, the market demand for larger parcels and the lack of investment, it is anticipated that the use of eminent domain authority may be necessary to eliminate this blighting condition.

2. Existing Land Uses

Table 1 shows the overall breakdown of the existing land uses within the Project Area by acreage, number of parcels and the number of buildings, although the approximately half (51%) of the Project Area land area is developed with residential uses and commercial uses. Those particular commercial uses that are located on Palm Avenue, totaling 13% of the Project Area, define the character of the Project Area. A large portion (31%) of the Project Area is devoted to public right-of-way including Palm Avenue, which is State Highway 75 with six lanes and median. The balance of the Project Area totaling 5% of the area is developed with public/quasi public, industrial uses and approximately five acres of vacant land. It should be noted that although only 4.3 acres are developed with industrial uses, this represents all of the industrial area within the City. Map 2 shows the distribution of land uses within the Project Area.

3. Urbanization Status of the Project Area

As defined in CRL, Section 33320.1, to qualify as a redevelopment project, an area must be both blighted and predominantly urbanized. At the time the Redevelopment Plan was adopted in 1996, the Project Area was determined to be predominantly urbanized. Since the proposed Amendment does not include adding territory to the Project Area, no further analysis of urbanization or findings must be made.

4. Definition of Remaining Blight

The following is the definition of blight as currently presented in Section 33031 of the CRL.

Physical Blighting Conditions

1. Buildings in which it is unsafe or unhealthy for persons to live or work. These conditions may be caused by serious building code violations, serious dilapidation and deterioration caused by long-term neglect, construction that is

Table 1: Existing Land Uses

TABLE 1
EXISTING LAND USES
PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT

	No. Acres	% of Total	No. Parcels	% of Total	No. of Buildings	% of Total
Residential - Single Family	64.8	25%	239	33%	243	39%
Residential - Multi Family	73.6	29%	310	43%	257	41%
Residential - Mobile Home	12.0	5%	3	0%	0	0%
Commercial - Retail	36.5	14%	98	14%	86	14%
Commercial - Office	1.9	1%	4	1%	18	3%
Industrial	4.3	2%	9	1%	7	1%
Public/Quasi-Public [1]	2.6	1%	6	1%	12	2%
Public Right-Of-Way	47.4	19%	-	0%	0	0%
Vacant	5.1	2%	30	4%	2	0%
Unknown	6.8	3%	23	3%	0	0%
TOTAL	**255** [2]	**100%**	**722** [3]	**100%**	**630** [4]	**100%**

[1] Includes 4 churches, one convalescent home and one mortuary (vacant).

[2] Based on Metroscan Assessor Data.

[3] Based on Metroscan Assessor Data.

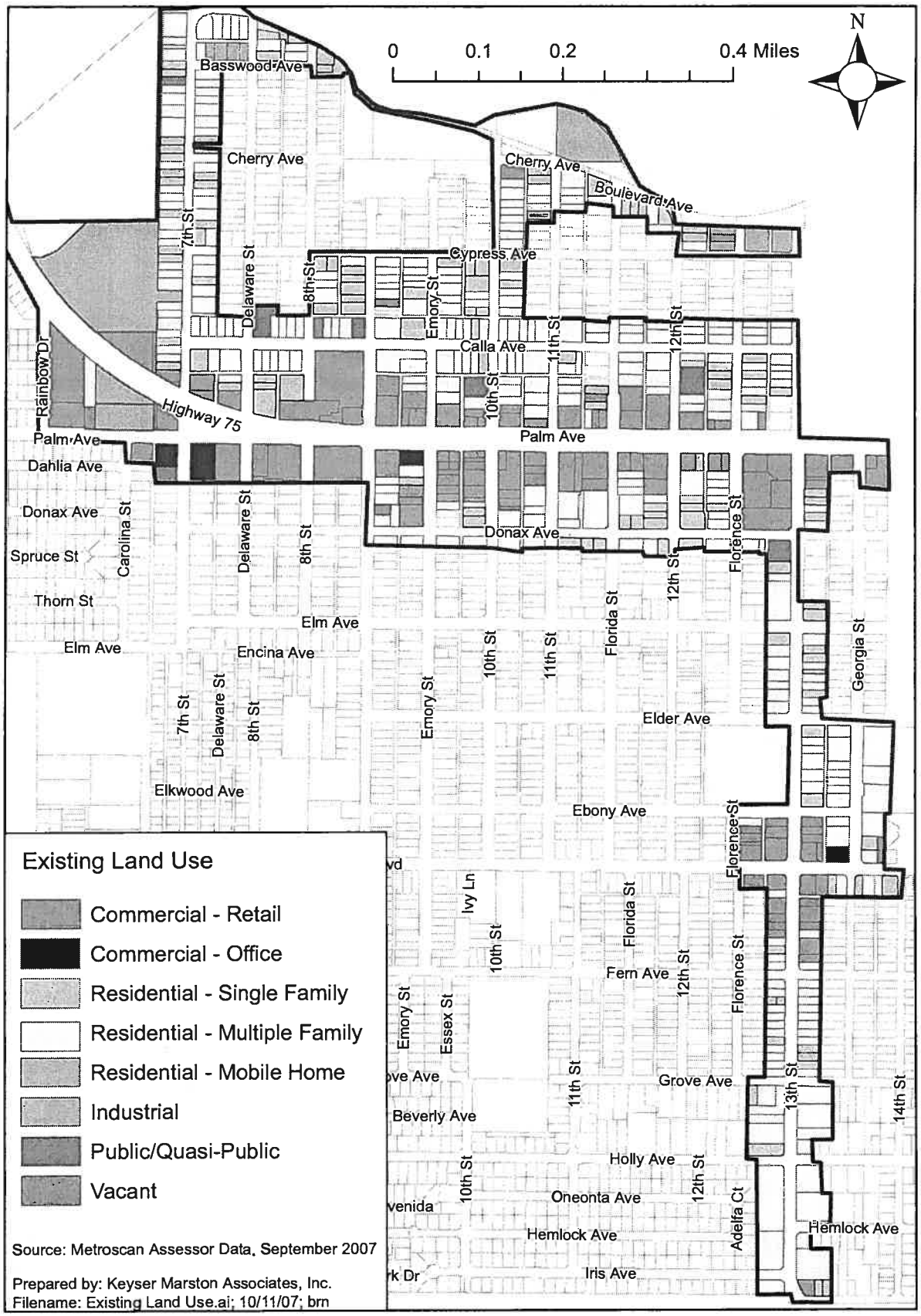
[4] Based on number of buildings reported in Report to City Council on the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project, prepared by Katz Hollis, December 1995.

Source: Metroscan, FY 06/07

Prepared by: Keyser Marston Associates, Inc.
Filename: Landuse Table; TABLE; 10/26/2007; cb, bm

Map 2: Existing Land Uses

MAP 2
Existing Land Uses
Palm Avenue/Commercial Redevelopment Project



vulnerable to serious seismic or geologic hazards, and faulty or inadequate water or sewer utilities.

2. Conditions that prevent or substantially hinder the viable use or capacity of buildings or lots. These conditions may be caused by buildings of substandard design, defective or obsolete design or construction, given the present general plan, zoning or other development standards.

3 Adjacent or nearby incompatible land uses that prevent the development of those parcels or other portions of the Project Area.

4. The existence of subdivided lots that are in multiple ownership and whose physical development has been impaired by their irregular shapes and inadequate sizes, given present general plan and zoning standards and present market conditions.

Economic Blighting Conditions

1. Depreciated or stagnant property values.

2. Impaired property values, due in significant part, to hazardous wastes on property where the agency authority may be eligible to use its authority as specified in Article 12.5 (commencing with Section 33459).

3. Abnormally high business vacancies, abnormally low lease rates, or an abnormally high number of abandoned buildings.

4. A serious lack of necessary commercial facilities that are normally found in neighborhoods, including grocery stores, drug stores, and banks and other lending institutions.

5. Serious residential overcrowding that has resulted in significant public health and safety problems.

6. An excess of bars, liquor stores, or adult-oriented businesses that has resulted in significant public health, safety or welfare problems.

7. A high crime rate that constitutes a serious threat to the public safety and welfare.

The blight criteria at the time the Redevelopment Plan was adopted in 1996 consisted of the following:

Physical Blighting Characteristics

1. Buildings in which it is unsafe or unhealthy for persons to live or work. Serious building code violations, dilapidation and deterioration, defective design or physical construction, faulty or inadequate utilities, or similar factors can cause these conditions.

2. Factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots. This condition can be caused by substandard design, inadequate building size given present standards and market conditions, lack of parking, or other similar factors.

3. Adjacent or nearby uses that are incompatible with each other and which prevent the economic development of those parcels or other portions of the Project Area.

4. The existence of subdivided lots of irregular form and shape and inadequate size for proper usefulness and development that are in multiple ownership.

Economic Blighting Characteristics

1. Depreciated or stagnant property values or impaired investments, including but not necessarily limited to, those properties containing hazardous wastes that require the use of agency authority.

2. Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots within an area developed for urban use and served by utilities.

3. A lack of necessary commercial facilities that are normally found in neighborhoods, including grocery stores, drug stores, and banks and other lending institutions.

4. Residential overcrowding or an excess of bars, liquor stores, or businesses that cater exclusively to adults that has led to problems of public safety and welfare.

5. A high crime rate that constitutes a serious threat to the public safety and welfare.

The common practice is to demonstrate significant remaining blight based upon both definitions of blight currently effective and those that were at the time of adoption of a

redevelopment plan. Therefore, in addition to the current blight standards described above, this Report addresses those blighting conditions that were identified in the 1996 Report to the City Council prepared for the adoption of the Redevelopment Plan that still remain applicable to the adoption of the proposed Amendment.

B. PHYSICAL CONDITIONS THAT CAUSE BLIGHT

1. Buildings in which it is unsafe or unhealthy for persons to live or work. These conditions may be caused by serious building code violations, serious dilapidation and deterioration caused by long-term neglect, construction that is vulnerable to serious seismic or geologic hazards, and faulty or inadequate water or sewer utilities.

A survey was conducted in July 1995 to assess the status of building conditions in the Project Area. Although the most visible blight associated with commercial properties in the Project Area was obsolescence that contributed to the deteriorated physical appearance of the structures, the results of the survey indicated that of the 630 buildings in the Project Area, 558 (89%) were in need of some form of maintenance. Of these buildings, 20% were in need of moderate to extensive rehabilitation.[2]

The rating categories used in the field survey to assess building conditions were generally defined as follows: buildings rated as excellent or good condition ("A") were in need of little or no maintenance; building rated as deferred maintenance ("B") needed superficial improvements such as minor structural repairs; buildings rated as moderate rehabilitation ("C") were in need of a substantial amount of improvements such as a new roof, exterior siding, minor foundation repairs, etc.; and buildings rated as extensive rehabilitation ("D") were in very poorly maintained, having significant structural damage and need several major repairs.[3]

A review of building permits issued in the Project Area since adoption demonstrates that there has been relatively little significant investment in the Project Area. In total, 93 permits have been issued for 72 parcels (properties) in the Project Area or 10% of the 722 parcels. In terms of buildings, of the estimated 630 buildings in the Project Area, 55 or 9% have been issued a building permit since Project adoption. Table 2 summarizes building permit activity in the Project Area. Although initially this investment would seem significant, there have been only 17 new buildings or 3% of the total buildings and an additional 19 buildings or 3% were issued permits for major rehabilitation (rehabilitation valued at 25% of the total property value after improvements). Most of the permit activity

[2] Report to City Council on the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project, prepared by Katz Hollis, December 1995, Table 4 "Deterioration and Dilapidation".
[3] Katz Hollis, December 1995, page 18.

has been improvements that were of relatively small value. Even considering the value of improvements at 12% of the value of the property after improvement (half of what is considered a significant rehabilitation), the number of major rehabilitations remains at 3%. In total, 6% of the buildings have had major rehabilitation or were redeveloped since Plan adoption.

Most of the investment has been in residential properties. In total, 28 residential properties have been improved including 15 new buildings and 13 major rehabilitations. Although the Project Area is associated with commercial development along Palm Avenue and 13th Street, there have only been two new commercial buildings and six have been issued permits for major rehabilitation. Table 2 summarizes new construction and major rehabilitation activities for commercial and residential properties in the Project Area, and Map 3 shows the location of the improved properties.

As mentioned above, at the time of Plan adoption, the conditions of all buildings in the Project Area were documented. In comparing the types of permits that have been issued (minor rehabilitation, major rehabilitation and new construction) and the number of buildings improved to the number buildings identified at Plan adoption as deteriorated and dilapidated buildings, the number of improved buildings can be estimated. As shown in Table 3, there were 127 buildings rated as need of moderate to extensive rehabilitation, which would be equivalent to deteriorated and dilapidated buildings that are unsafe or unhealthy for persons to live or work. There have been 36 permits for major rehabilitation or new construction issued since Plan adoption. Assuming that these permits were issued for a portion of the 127 properties rated as in need of moderate to extensive rehabilitation, it can be assumed that 72% of the buildings continue to be in a deteriorated or dilapidated condition and in need of substantial rehabilitation or reconstruction.

2. Conditions that prevent or substantially hinder the viable use or capacity of buildings or lots. These conditions may be caused by buildings of substandard design, defective or obsolete design or construction, given the present general plan, zoning or other development standards.

As noted at the time of adoption, the most obvious characteristic of substandard design on Palm Avenue and 13th Street was obsolescence resulting from a combination of factors including age of structure, lack of maintenance and the ability to meet contemporary market needs. [4]

[4] Katz Hollis, December 1995, page 9.

Table 2: Building Permit Activity – Improved Properties (1996 – 2006)

TABLE 2
BUILDING PERMIT ACTIVITY - IMPROVED PROPERTIES (1996 - 2006)
PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT

Existing Land Use[1]	Total No. Of Permits[2]	% of total Permits	Total No. of Buildings	No. of Buildings Improved[3]	% of total Buildings by Use[4]	No. of Major Rehabs at 25% of Value[5]	% of total Buildings in Project Area[4]	No. of Major Rehabs at 12% of Value[5]	% of total Buildings In Project Area[4]	No. of New Buildings[6]	% of total Buildings in Project Area[4]	No. of Improved Properties[7]	% of Total Properties in Project Area[8]
Single Family Residential	17	18%	244	8	3%	0	0%	4	2%	6	2%	14	6%
Multiple Family Residential	31	33%	258	20	8%	2	1%	9	4%	9	4%	28	9%
Mobile Home/Trailer Park	1	1%	3	1	33%	0	0%	0	0%	0	0%	1	25%
Commercial Retail	38	41%	86	24	28%	5	6%	6	7%	1	1%	25	26%
Commercial Office	4	4%	18	1	6%	0	0%	0	0%	1	6%	2	50%
Light Industrial	1	1%	7	1	14%	0	0%	0	0%	0	0%	1	11%
Public/Institutional[9]	1	1%	12	0	0%	0	0%	0	0%	0	0%	1	17%
TOTAL	93	100%	630	55	9%	7	1%	19	3%	17	3%	72	10%

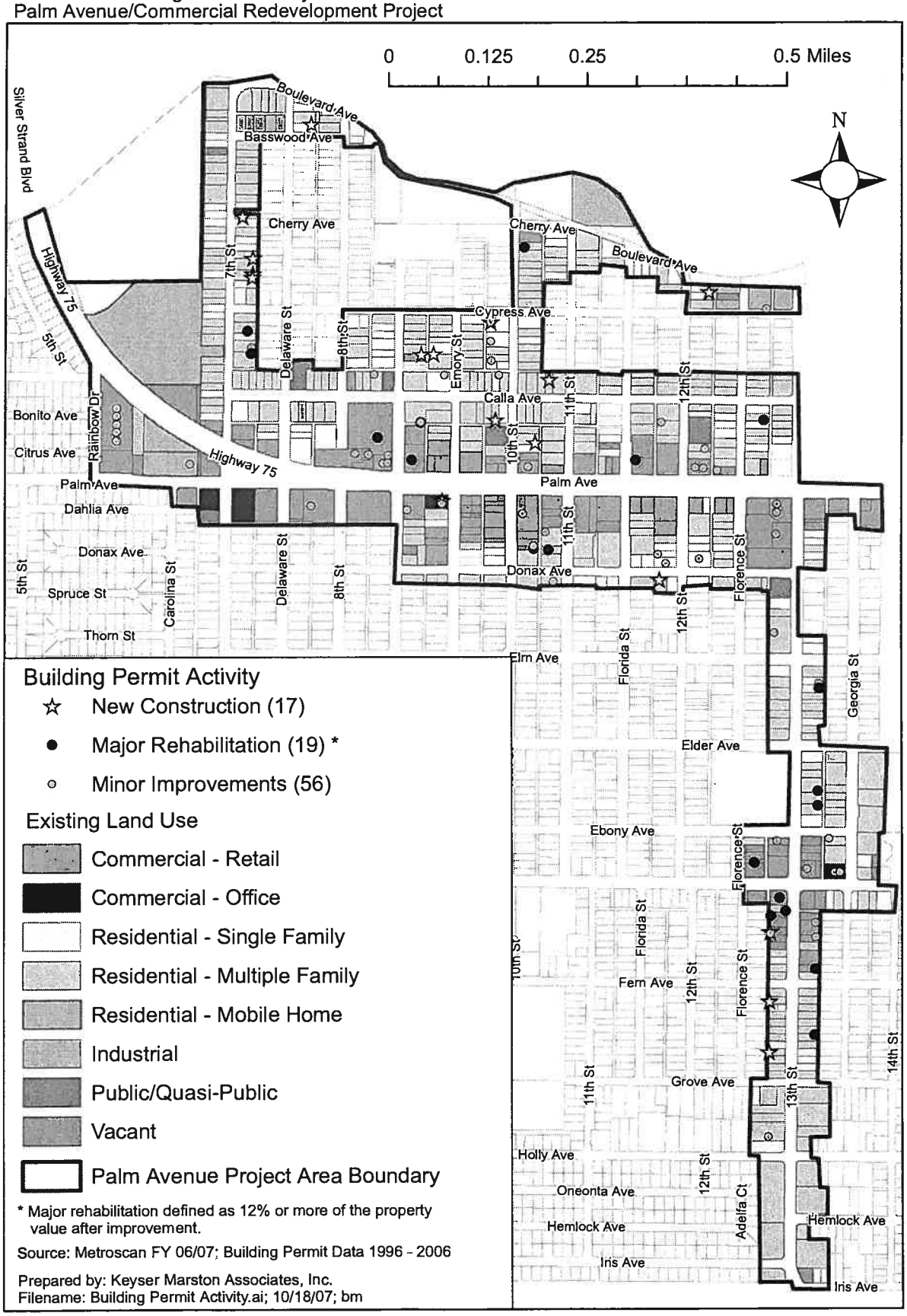
Source: Imperial Beach building permit data from 1996 to 2006

[1] Based on Assessor data existing land use designations.
[2] Total all permits, may include more than one permit issued for a structure.
[3] Includes minor and major rehabilitation permits. Multiple permits issued for one structure are counted once.
[4] Total Building count based upon Katz Hollis 1995 field survey (total of 630 buildings), with the exception of the Mobile Home/Trailer Park Land use, which is based upon 2007 Assessor data.
[5] Major rehabilitation is defined as value of the rehabilitation which constitutes 25% of the value of the property after rehabilitation inclusive of the land. Because there were so few rehabilitations that qualify as a major rehabilitation with the measure of 25% of the value after improvements, for comparison purposes, KMA also identified the number of rehabilitations that meet the measurement of 12% or more of the value of the improved property.
[6] New buildings only. Additions are considered major rehabilitations.
[7] Multiple improved buildings on the same property are not considered in total. All improvements on a property are counted once.
[8] Based on 2007 Assessor data - a total of 722 parcels.
[9] Public/Institutional category consists only of a permit for a soundwall along Palm Ave, which was not included in the building count.

Prepared by: Keyser Marston Associates, Inc.
Filename: Major Rehabilitation and New Construction; 10/26/2007; bm

Map 3: Location of Building Permit Activities

MAP 3
Location of Building Permit Activity
Palm Avenue/Commercial Redevelopment Project



* Major rehabilitation defined as 12% or more of the property value after improvement.

Source: Metroscan FY 06/07; Building Permit Data 1996 - 2006

Prepared by: Keyser Marston Associates, Inc.
Filename: Building Permit Activity.ai; 10/18/07; bm

Table 3: Deterioration and Dilapidation at Project Adoption and Subsequent Improvements

TABLE 3
DETERIORATION AND DILAPIDATION AT PROJECT ADOPTION AND SUBSEQUENT IMPROVEMENTS
PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT

Building Use	Buildings Identified in Need of Deferred Maintenance	% of Total Buildings[1]	Permits Issued for Minor Improvements	% of Total Buildings[1]	Buildings Identified in Need of Major Improvements or Extensive Rehabilitation	% of Total Buildings[1]	Permits issued for New Construction or Major Rehabilitation	% of Total Buildings[1]	Total Permits Issued	% of Total Buildings[1]
Residential - Single Family	149	24%	7	1%	72	11%	10	2%	17	3%
Residential - Multiple Family	195	31%	13	2%	33	5%	18	3%	31	5%
Residential - Other	1	0%	1	0%	0	0%	0	0%	1	0%
Subtotal	345	55%	21	3%	105	17%	28	4%	49	8%
Commercial Office	15	2%	3		16	3%	1	0%	4	1%
Commercial Retail	54	9%	31		0	0%	7	1%	38	6%
Subtotal	69	11%	34	5%	16	3%	8	1%	42	7%
Industrial - Light	6	1%	1	0%	1	0%	0	0%	1	0%
Private Institutional	3	0%	0		3	0%	0	0%	0	0%
Public Institutional[2]	5	1%	0	0%	0	0%	1	0%	1	0%
Mixed Use	2	0%	0	0%	1	0%	0	0%	0	0%
Vacant	1	0%	1	0%	1	0%	0	0%	1	0%
TOTAL	431	68%	57	9%	127	20%	37	6%	94	15%

Source: Building condition survey performed by Katz Hollis, July 1995; and City of Imperial Beach building permit data 1996 - 2006.
Note: Multiple permits issued for a single property were counted as a single permit.

[1] Based on a total of 630 buildings from the Katz Hollis survey.
[2] Includes the new construction permit for the Palm Ave sound wall.

Prepared by: Keyser Marston Associates, Inc.
Filename: Major Rehabilitation and New Construction; 10/26/2007; bm

In February of 2007, Grubb & Ellis Commercial prepared a feasibility study for the City of Imperial Beach and the Sandra Dimenstein Trust (the owner), to assist the City in evaluating the economic feasibility in assisting the owner of the Miracle Center (two block commercial center on the south side of Palm Avenue between Delaware and 9th Streets) in improving the center to make it a more inviting gateway to the City and improving the tenant mix in order to generate greater sales tax revenue. The feasibility study identified contemporary retailer standards including preferred parking ratio, maximum store depth and desired retail frontage. The following analysis compares these same design considerations to all the commercial retail uses in the Project Area to evaluate how the existing uses compare to contemporary standards which hinder the use and capacity of retail uses in the Project Area.

i. Contemporary Parking Requirements

The City requires a minimum of four parking spaces per 1,000 square feet of retail space. Many retailers require a slightly higher ratio of 5 per 1,000 square feet and restaurants require up to as much as 8 per 1,000. Typical building site coverage at most retail centers is 25% to 30%.[5]

Based upon Assessor data for parcel size and building area, the site coverage for commercial retail parcels[6] in the Project Area was determined by dividing the building area by parcel area. As shown on Table 4, of the 98 retail parcels in the Project Area 48 or 49% have more than 30% lot coverage (more than 30% of the parcel is covered with building area). These retail buildings house 107 tenants or 52% of the retail tenants in the Project Area. Map 4 shows the footprints of retail buildings in the Project Area and the associated parcel (property) lines. The map also indicates which retail properties have 30% or less coverage and those retail developments that exceed the contemporary building to parking ratio. These data indicate that almost half of the commercial properties in the Project Area will be unlikely to have enough open areas to accommodate both modern retail space and contemporary retail parking requirements.

ii. Maximum Store Depth and Minimum Storefront Width Requirements

Industry standard store depths are generally between 50 and 60 feet, with 75 feet being the maximum acceptable depth. A contemporary retail center provides approximately 50 feet of storefront.[7]

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[5] Miracle Center Market Study, prepared for the City of Imperial Beach & the Sam & Sandra Dimenstein Trust by Grubb & Ellis, February 2007.
[6] Includes retail and service oriented uses and excludes office buildings.
[7] Miracle Center Market Study February 2007.

Table 4: Commercial Retail Parking

TABLE 4
COMMERCIAL RETAIL PARKING
PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT

Retail Parcels			Retail Tenants		
Total Retail Parcels	Number of Retail Parcels with Over 30% Lot Coverage	Percent of Retail Parcles With Over 30% Lot Coverage	Total Retail Tenants [1]	Number of Retail Tenants Located at Parcels with Over 30% Lot Coverage	Percent of Retail Tenants Located at Parcels with Over 30% Lot Coverage
98	48	49%	204	107	52%

Note: 30% is the average parcel coverage to allow sufficient site area to provide parking to contemporary standards.

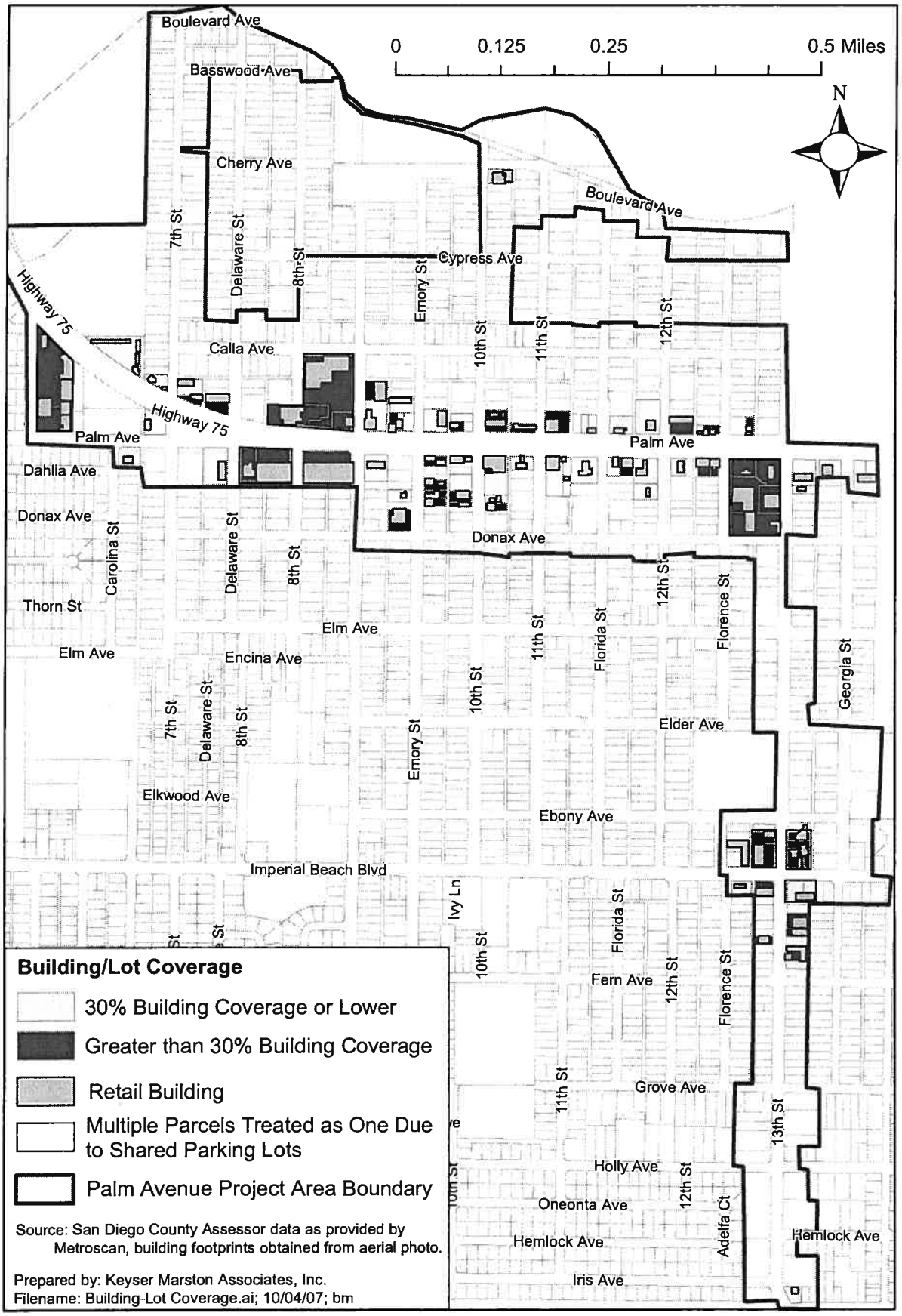
[1] Includes retail and service-oriented uses.

Source: Metroscan assessor parcel size and building area data. For parcels where building data was not available, the building area was estimated from aerial photographs. Retail tenants were identified in a windshield survey performed by KMA on October 1, 2007.

Prepared by: Keyser Marston Associates, Inc.
Filename: Retail Parking; 10/26/2007; bm

Map 4: Existing Retail Parking Comparison to Contemporary Parking Standards

MAP 4
Existing Retail Parking Comparison to Contemporary Parking Standards
Palm Ave/Commercial Redevelopment Project



There are certain retail uses that require larger spaces such as grocery stores and drugstores, but these uses represent only a small portion of the retailers in the Project Area. Based upon aerial photographs, overall building dimensions can be estimated for retail buildings in the Project Area. As shown on Table 5, of the 67 retail buildings with multiple tenants,[8] 32 or 48% have a depth of 50 feet or less, representing the desired building depth for the average retail use. Using the maximum desirable depth of 75 feet, 54 retail buildings or 81% have a depth of 75 feet or less. In total, 12 buildings or 18% exceed the useable maximum building depth of 75 feet.

Based upon a windshield survey conducted in October 2007, Keyser Marston Associates, Inc. (KMA) identified the location of the retail uses in the Project Area by building. Assuming that all retailers in multiple tenant buildings occupy an equal portion of the building, 34 multiple tenant buildings or 52% of all multiple tenant retail buildings have less than 50 feet of storefront width (Table 6). In terms of tenants, 141 tenants or 86% of all retail tenants occupy storefronts with less than a 50-foot width. Map 5 shows the location of retail buildings with average storefront tenant's spaces of less than 50 feet in width.

iii. Age and Obsolescence

Age is often a factor in substandard design and is therefore a factor that prevents or substantially hinders the economically viable use or capacity of buildings or lots. Based on Marshall and Swift Valuation Service,[9] commercial and industrial buildings have a general life of 30 to 55 years, public buildings have a slightly longer practical life of up to 60 years, multiple-family dwellings have a life of 50 to 60 years and single-family residential have the longest life of up to 65 years or longer with major rehabilitation. The practical age of buildings varies by use, quality of construction and maintenance. The above-mentioned guidelines provide a conservative indication for building useful service life. For example, buildings used for automobile service have a general life of 40 to 45 years with storage facilities having a shorter life span of 40 years. Table 7 presents data on the age of buildings by use in the Project Area compared to the remainder of the City based upon construction date information provided by MetroScan.[10]

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[8] Certain freestanding single tenant retails uses were excluded from the analysis due to their unique use requirements including banks, automotive repair, gas stations, car wash, free standing fast food restaurants, the CVS Drugstore and the vacant El Camino Hotel.

[9] The Marshall and Swift Valuation Service provides cost data, depreciation factors, and typical useful service life for determining replacement costs of buildings and other improvements. The data presented is based on years of evaluation experience, thousands of appraisals and continued analysis of the cost and life cycles of buildings.

[10] MetroScan is a service which provides current County Assessor data.

Table 5: Existing Retail Building Depths Compared to Contemporary Standards

TABLE 5
STOREFRONT DEPTH
PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT

	Retail Buildings [1]		Retail Tenants [2]	
Contemporary Retail Tenant Space Depth Standards	**Retail Buildings**	**% of Total Buildings**	**Retail Tenants**	**% of Total Tenants**
Store Depth 50 Feet or Less (preferred)	32	48%	64	39%
Store Depth 50 to 60 Feet (acceptable)	12	18%	24	15%
Store Depth 60 to 75 Feet (max usable depth)	10	15%	38	23%
Store Depth Greater than 75 Feet (exceeds standards)	12	18%	37	23%
TOTAL	66	100%	163	100%

[1] Based on a sample of 66 buildings (67% of total). A total of 32 retail buildings with specialized uses were not included in this analysis including service stations, freestanding fast food restaurants, banks, carwashes, a freestanding drug store, a motel, and a utility building.
[2] Includes retail and services oriented uses.

Source: Assessor parcel size and building data. For parcels where building data was not available, the building area was estimated from aerial photographs. Retail tenants were identified in a windshield survey performed by KMA on October 1, 2007. Retail storefront linear feet is an average estimated from dividing the total building frontage by the number of tenants.

Prepared by: Keyser Marston Associates, Inc.
Filename: Retail Building Depth; 10/26/2007; bm

Map 5: Retail Building Depths

MAP 5
Retail Building Depth
Imperial Beach Redevelopment Project

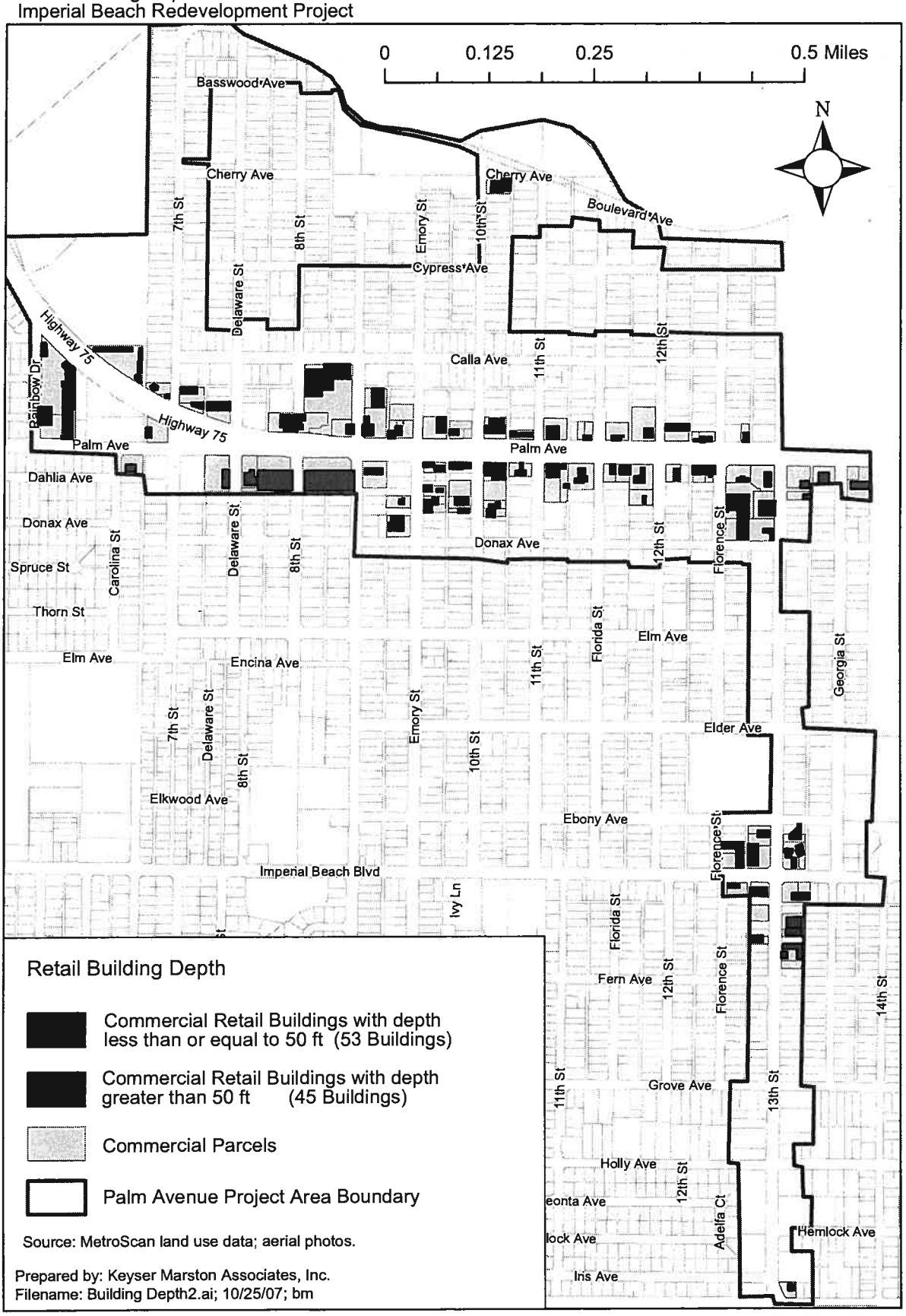


Table 6: Existing Retail Storefront Width Compared to Contemporary Standards

TABLE 6
RETAIL STOREFRONT WIDTH
Palm Avenue/Commercial Redevelopment Project

Retail Buildings [1]			Retail Tenants [2]		
Total Retail Buildings	Retail Buildings With Tenant Storefronts of Less than 50 Feet in Width	% of Buildings With Less than 50 Feet in Storefront Width	No. of Retail Tenants	No. of Retail Tenants Located in Buildings With Less than 50 Foot Storefront Width	% of Retail Tenants With Less Than 50 Foot Storefront Width
66	34	52%	164	141	86%

[1] Based on a sample of 66 buildings (67% of total). A total of 32 retail buildings with specialized uses were not included in this analysis including freestanding service stations, fast food restaurants, banks, freestanding drug stores, car washes, a motel, and a utility building.
[2] Includes retail and services oriented uses.

Source: Assessor parcel size and building data. For parcels where building data was not available, the building area was estimated from aerial photographs. Retail tenants were identified in a windshield survey performed by KMA on October 1, 2007. Retail storefront linear feet is an average estimated from dividing the total building frontage by the number of tenants.

Prepared by: Keyser Marston Associates, Inc.
Filename: Retail Storefronts; 10/26/2007; bm

Map 6: Retail Storefront Width

MAP 6
Retail Storefront Width
Palm Avenue/Commercial Redevelopment Project

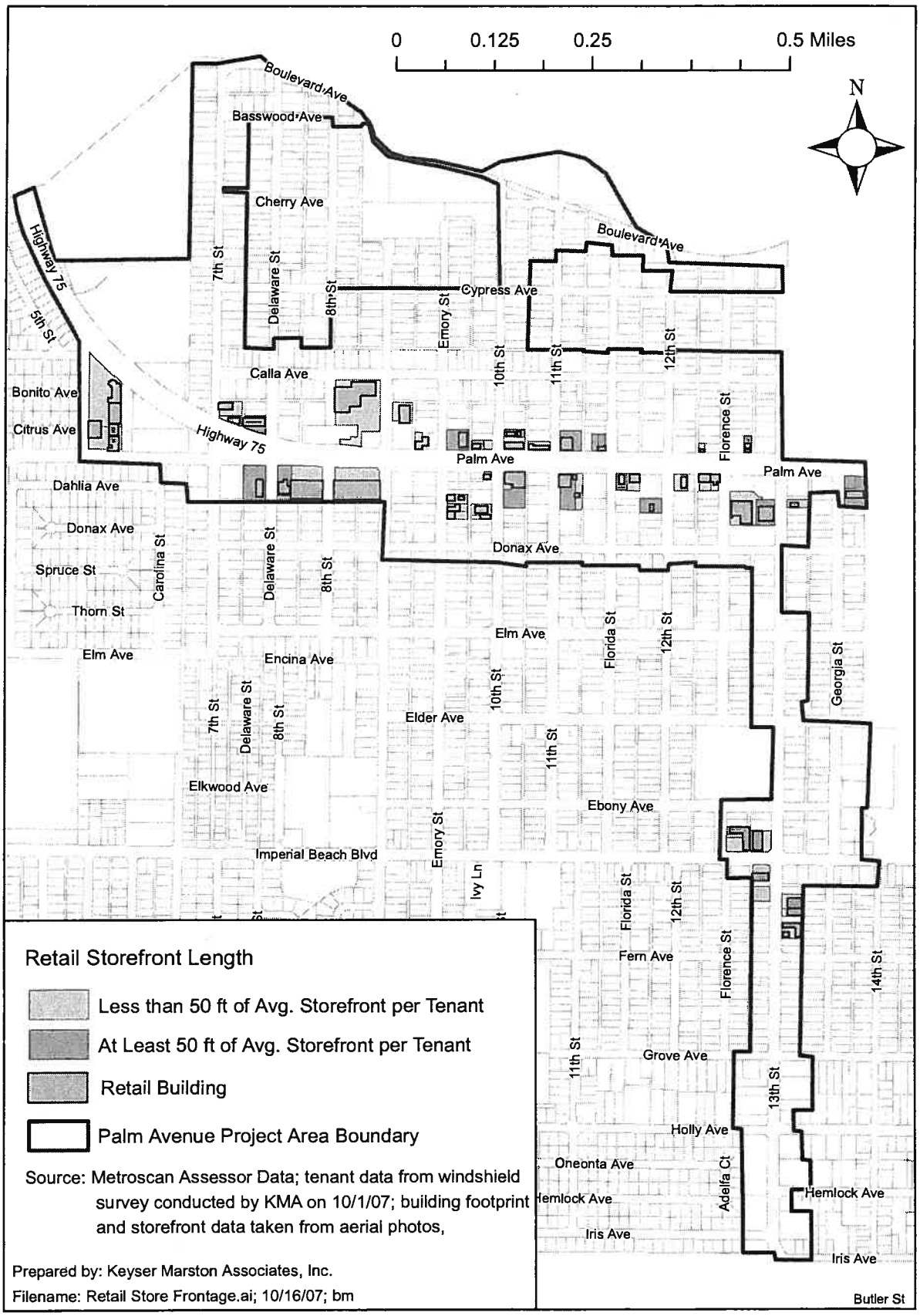


Table 7: Building Age by Use Type

TABLE 7
BUILDING AGE BY USE TYPE / USEFUL SERVICE LIFE BY USE TYPE
PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT

Land Use		Pre 1950's		1950 - 1959		1960 - 1969		1970 - 1979		1980 - 1989		1990 - 1999		2000 - Present	
	Total No. Buildings	No. Bldgs	% of Total	No. Bldgs	% of Total	No. Bldgs	% of Total	No. Bldgs	% of Total	No. Bldgs	% of Total	No. Bldgs	% of Total	No. Bldgs	% of Total
Single Family Residential	238	38	16%	35	15%	23	10%	6	3%	66	28%	56	24%	14	6%
Multi - Family Residential	206	18	9%	43	21%	42	20%	56	27%	34	17%	8	4%	5	2%
Commercial Retail	42	1	2%	5	12%	13	31%	11	26%	5	12%	5	12%	2	5%
Commercial Office	2					1	50%	1	50%						
Industrial	2							1	50%	1	50%				
Public/Quasi - Public	1					1	100%								
Vacant Parcels	3									1	33%			2	67%
TOTAL	494	57	8%	83	11%	80	11%	75	10%	107	15%	69	10%	23	3%

Land Use	Typical Useful Service Life (years)[1]	Total No. Buildings	Number of Buildings That Have Reached Useful Service Life	Percent of Buildings That Have Reached Useful Service Life
Single Family Residential	65	238	10	4%
Multi - Family Residential	50	206	49	24%
Commercial Retail	40	42	18	43%
Commercial Office	45	2	1	50%
Industrial	40	2	0	0%
Public/Quasi - Public	60	1	0	0%
TOTAL	N/A	494	78	16%

Source: Metroscan Assessor Data, August 2007

Note: This analysis is based on a sample of buildings within the project area. Of the 722 total parcels within the Project Area, 219 did not contain building year information. These parcels were not included, leaving a 494 parcel sample (68%).

[1] Based on the average typical service life for average quality Class D buildings according to the Marshall and Swift Valuation Service.

Prepared by: Keyser Marston Associates, Inc.
Filename: Building Age by Landuse; 10/26/2007; bm

The Assessor has building age data for approximately 68% of the properties within the Project Area. As shown on Map 7, building age information is fairly evenly distributed for properties throughout the Project Area. Although this information is not 100% complete, it does provide a substantial sampling of building age which is assumed to be reflective of the overall building age in the Project Area. Based on available data, 31% of the single-family homes and 30% of multiple-family buildings are 48 years or older and have reached the end of their useful life. The effective life of these buildings can be extended with substantial rehabilitation. However, as noted in the building permit data, only 4% of the single-family residential units in the past 10 years have been issued permits for substantial rehabilitation or new construction. There has been a slightly higher percentage of investment in multiple-family units, with 9% having been rehabilitated or newly constructed. As noted above, commercial buildings have a shorter effective life. Based on Assessor data, 70% of the commercial buildings with data available are 20 years or older. Similar to the residential buildings, only 8% of the commercial buildings have redeveloped or have been substantially rehabilitated in the past 10 years. Based on these trends, the rate of reinvestment is not keeping pace with the need to redevelop the aging building stock.

3. Adjacent or nearby incompatible land uses that prevent the development of those parcels or other portions of the Project Area

At the time of Project adoption, the zoning of properties in the Project Area was analyzed to identify the number of properties located in incompatible zones. Of the 2,132 residential units in the Project Area, 111 units (49 single-family and 62 multiple-family units and trailers) were within areas that had commercial zoning designations. These properties were concentrated along Palm Avenue, 13th Street and Florence Street. Residents of these incompatible uses were noted to be the most impacted, as they are subject to traffic, particularly along 13th Street (major thoroughfare to Ream Field Naval Base) and Palm Avenue (the main commercial corridor in the City), noise and, in some cases, fumes caused by commercial businesses.[11]

In addition, there are a number of industrial uses and the City's Public Works Yard located in the predominantly residential area in the northern portion of the Project Area generally referred to as the City's Bayfront Focus Area. As shown in Table 8, based on Assessor data and confirmed by KMA in a windshield survey conducted on October 1, 2007, there is one commercial property and nine industrial properties developed on residential zoned land in the Bayfront Focus Area.

[11] Report to City Council on the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project, prepared by Katz Hollis, December 1995, page 9.

Map 7: Generalized Building Age

MAP 7
Generalized Building Age
Palm Avenue/Commercial Redevelopment Project

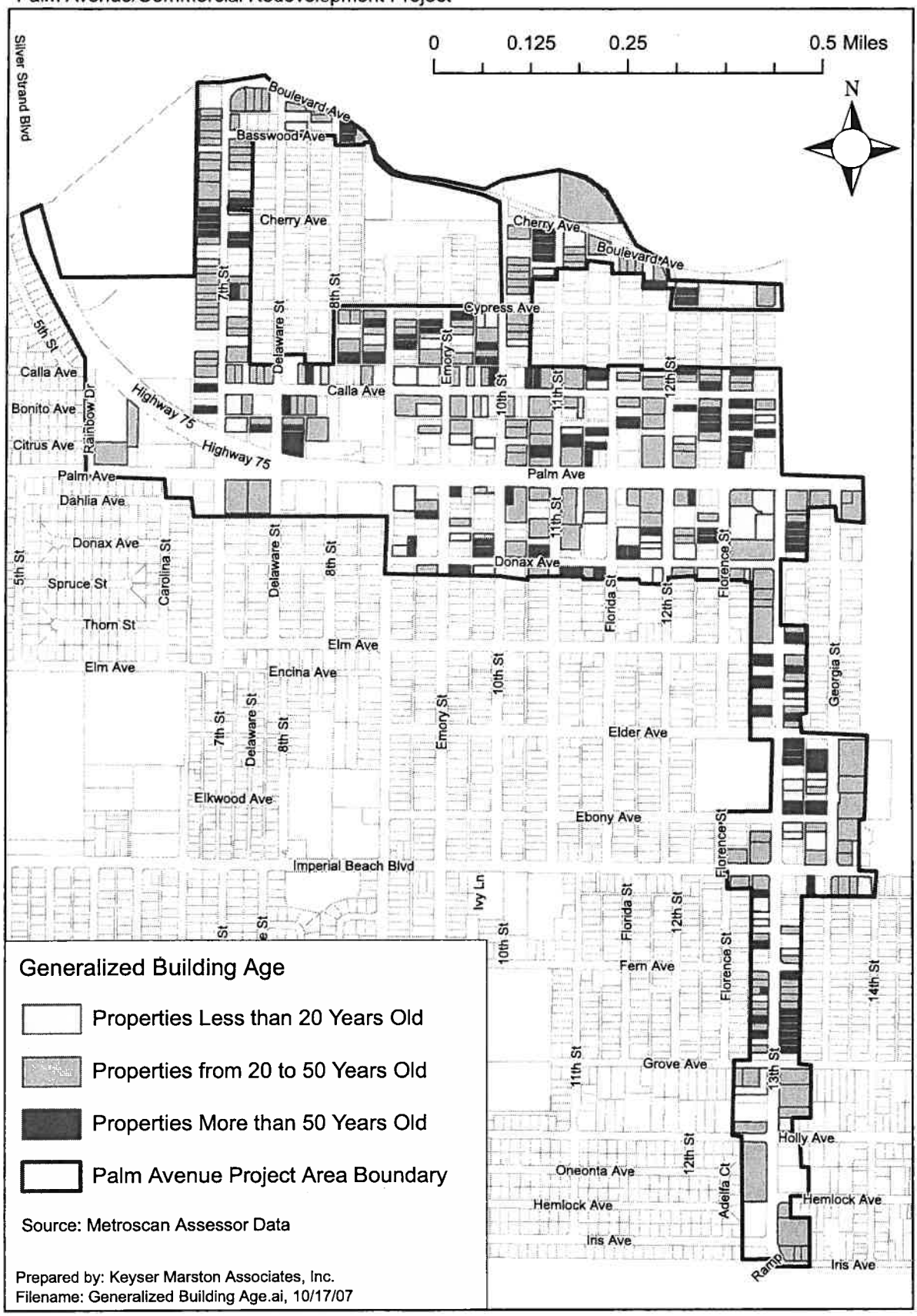


Table 8: Non-Conforming Parcels and Residential Units

TABLE 8
NON-CONFORMING PARCELS AND RESIDENTIAL UNITS
PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT

	Non-Conforming Parcels		
Use in Non-Conforming Zone	Total No. of Parcels	Total No. of Non-Conforming Parcels[1]	% of Non-Conforming Parcels
Commercial Properties in a Residential Zone	102	1	1%
Industrial Properties in a Residential Zone	9	9	11%
Residential Properties in a Commercial Zone	552	73	89%
TOTAL	663	82	100%
Non Conforming parcels as a percent of all parcels			12%

	Non-Conforming Residential Units		
Residential Unit Type	Total No. of Units [2]	Total No. of Non-Conforming Units	% of Non-Conforming Units
Single Family	264	37	10%
Multiple Family	1,679	151	40%
RV Park[2] (Bernardo Shores RV Park, located at 500 Highway 75)	123	123	33%
Trailers[2] (Trailer Park Located at 674 Palm Ave)	65	65	17%
Other	1	0	0%
TOTAL	2,132	376	100%
Non-Conforming residential units as a percent of all residential units			18%

Source: City of Imperial Beach Zoning Code, adopted November 2, 1994; and San Diego County Assessor

[1] Based on windshield survey performed by KMA on October 1, 2007.

[2] Based on Katz Hollis field survey, July 1995, Table 10 Profile of Tenant Occupancy, Report to City Council on the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project, December 1995.

Prepared by: Keyser Marston Associates, Inc
Filename: Non-Conforming Uses; 10/26/2007; bm

These non-conforming uses are all located in the R-3000 medium residential zones which does not allow for commercial development. The non-conforming commercial property consists of a parcel occupied by California American Water Company located at the corner of Cherry Avenue and 10th Street. The industrial parcels in residential zones are located along Basswood, Cherry and Boulevard Avenues along the San Diego Bay. As part of its long-term economic development strategy, the City has targeted this area, known as the Bayfront Focus Area, for potential conversion of the City's Public Works Yard and adjacent industrial parcels into ecotourism-oriented lodging and a low key cultural museum with cooperation of the property owners and the community.

There are 73 residential uses on commercial parcels located in commercial zones representing 88% of all non-conforming uses. The non-conforming residential uses are located in the C-1 General Commercial zone along Palm Avenue and at two C-3 Neighborhood Commercial nodes along 13th Street. Residential uses are not allowed in commercial zones by right but may be allowed in commercial zones if above certain commercial uses with a conditional use permit. None of the non-conforming uses identified in Table 8 or shown on Map 9 are in mixed-use projects (residential over commercial). The largest numbers of non-conforming residential units are located in the 123-unit recreational vehicle park (Bernardo Shores Mobile RV Park) and the 65-unit Imperial Beach Trailer Park on the south side of Palm Avenue, near the intersection of 7th Street and Palm Avenue. However, even excluding the mobile homes and trailers there are still 188 non-conforming residential units or 50% of the non-conforming residential units and 9% of the total estimated residential units in the Project Area.

It would be expected that values for non-conforming properties would be lower than comparable properties in compatible land use zones. As shown on Table 9, this is true for residential properties in the Project Area. Based on Assessor data, the average assessed value of a non-conforming single-family home in the Project Area is $129,202 compared to $240,539 for the balance of the Project Area or 46% less. Similarly, for multiple-family uses, the average assessed value of non-conforming multiple residential buildings in the Project Area is $243,383 compared to $477,927 for the balance of the Project Area or 49% less. On a per square foot basis, the value for non-conforming single-family homes is even lower. The average value per square foot for a single-family home (building and land) in the Project Area averages $8.59 per square foot compared to $24.13 (64% higher) per square foot for conforming single-family homes in the Project Area and $29.57 (71% higher) per square foot for single-family homes outside the Project Area. The gap between the value per square foot for non-conforming multiple-family dwellings in the Project Area ($32.80) compared with conforming multiple-family dwellings in the Project Area ($36.02) is 9%. Although still significant, the difference is far less dramatic than noted for non-conforming single-family home values. In the balance of the City, the value of conforming multiple-family dwellings ($42.26) is

Map 8: Location of Non-Conforming Use

MAP 8
Location of Non-Conforming Uses
Palm Ave/Commercial Redevelopment Project

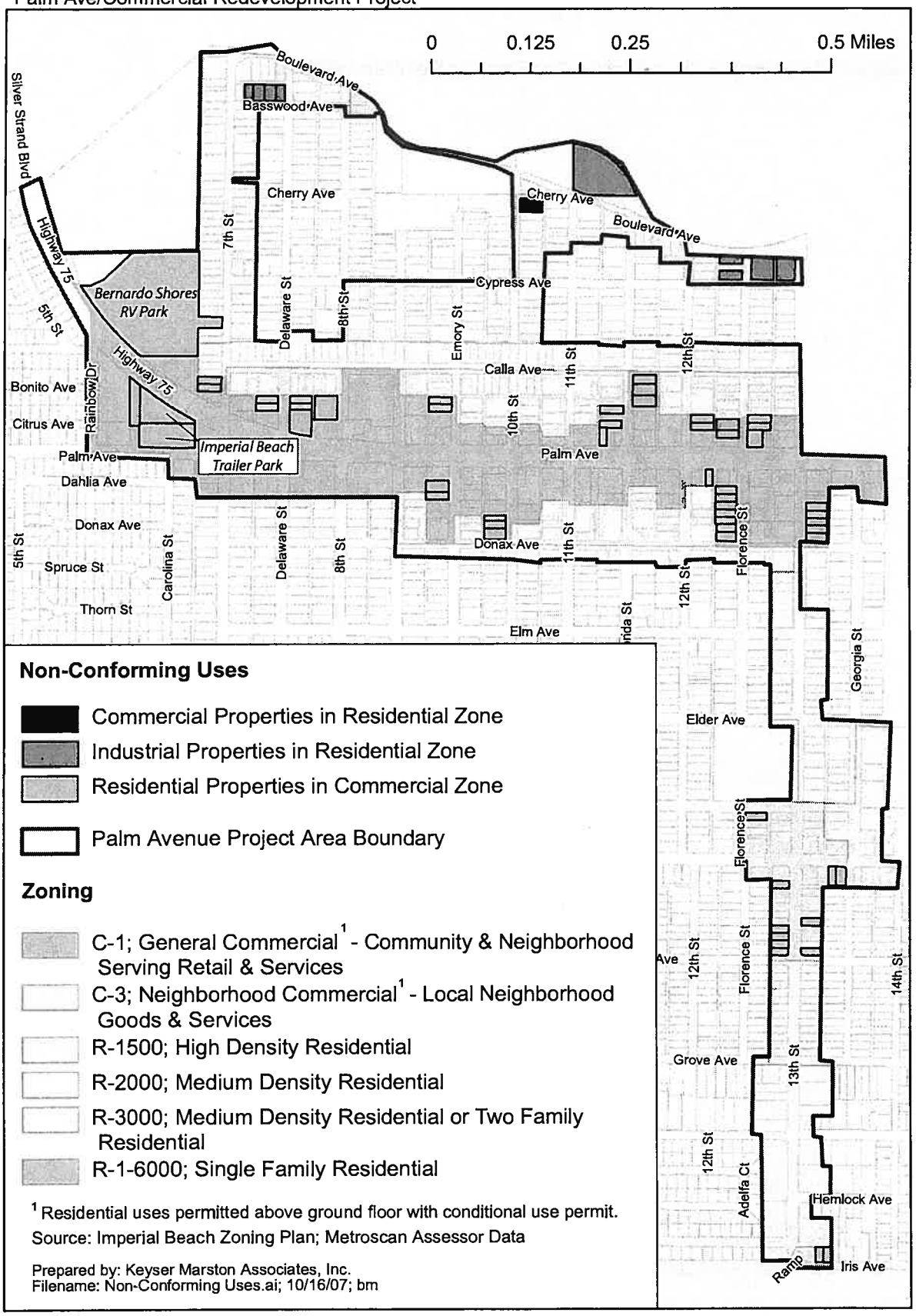


Table 9: Assessed Values of Non-Conforming Residential Uses

TABLE 9
ASSESSED VALUE OF NON-CONFORMING USES
PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT

	Total Assessed Value					Assessed Value Per Square Foot				
	Average Assessed Value of Non-Conforming Uses in Project Area	Average Assessed Value of Conforming Uses In Project Area	% Diff.	Average Assessed Value Citywide (outside PA)	% Diff.	Average Assessed Value of Non-Conforming Uses in Project Area	Average Assessed Value of Conforming Uses In Project Area	% Diff.	Average Assessed Value Citywide (outside PA) [1]	% Diff.
Single Family Residential	$129,202	$240,539	46%	$202,334	36%	$8.59	$24.13	64%	$29.57	71%
Multiple Family Residential	$243,383	$477,927	49%	$342,489	29%	$32.80	$36.02	9%	$42.26	22%

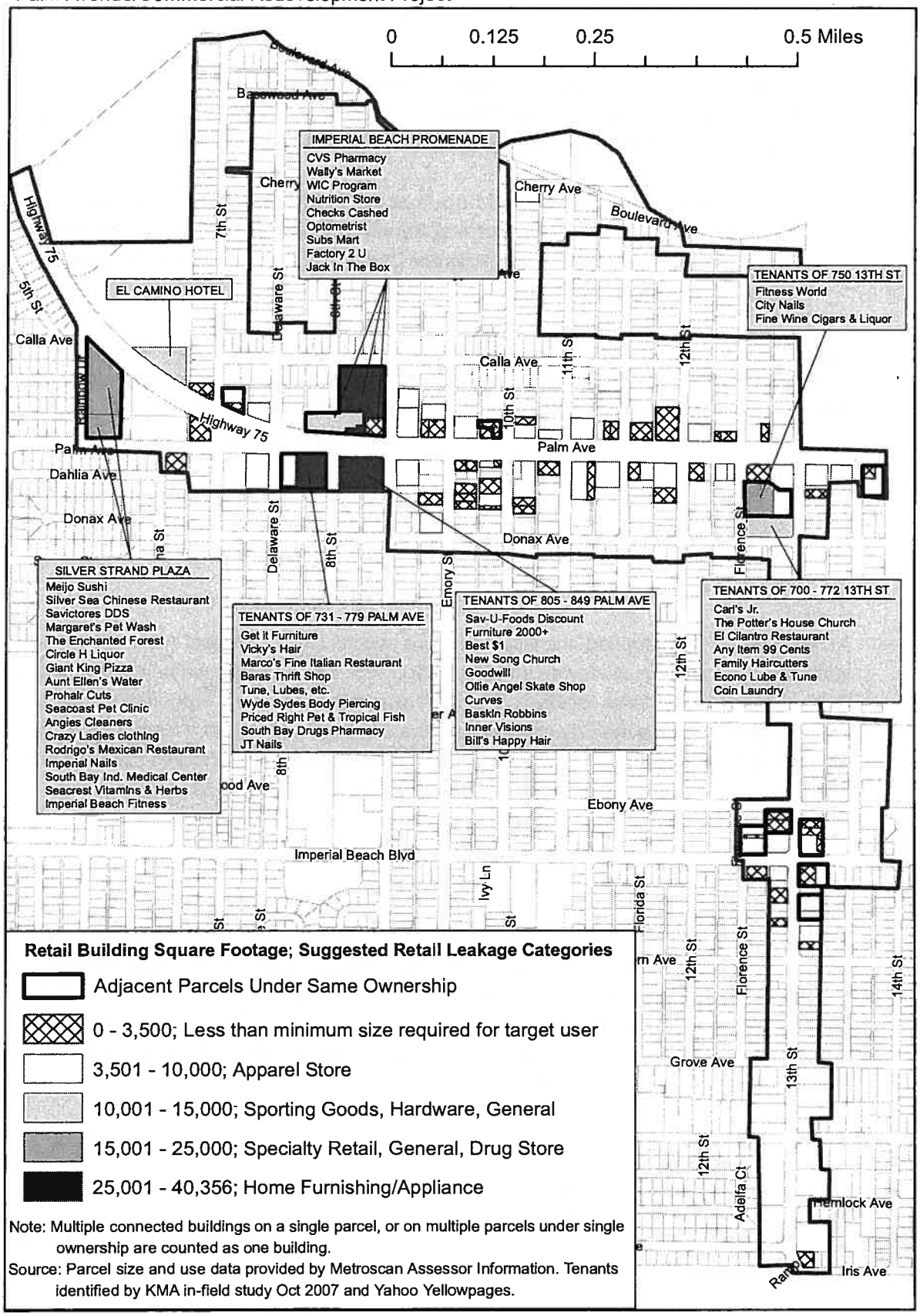
Note: Mobile homes/trailers not included in residential assessed values.
[1] Assessor Data for multiple family residential parcels yielded only 13 parcels outside of the Project Area with lot square footage data necessary to determine assessed value per square foot.

Source: City of Imperial Beach Zoning Code, adopted November 2, 1994; and San Diego County Assessor

Prepared by: Keyser Marston Associates, Inc.
Filename:Non-Conforming Uses; 10/26/2007; bm

Map 9: Retail Building Square Footage Requirements for Categories of Retail Sales Leakage

MAP 9
Retail Building Square Footage Requirements for Categories of Retail Sales Leakage
Palm Avenue/Commercial Redevelopment Project



Note: Multiple connected buildings on a single parcel, or on multiple parcels under single ownership are counted as one building.

Source: Parcel size and use data provided by Metroscan Assessor Information. Tenants identified by KMA in-field study Oct 2007 and Yahoo Yellowpages.

Prepared by: Keysert Marston Associates, Inc

Filename: Retail Building Square Footage2.ai; 10/25/07; bm

significantly greater (22%) than non-conforming multiple-family units within the Project Area.

Due to the fact that there is only one non-conforming commercial property and all industrial properties in the City, located in the Project Area, a similar analysis of values of non-conforming uses to similar uses citywide could not be performed.

4. The Existence of Subdivided Lots that are in Multiple Ownership and Whose Physical Development has been impaired by Their Irregular Shapes and Inadequate Sizes Given Present General Plan and Zoning Standards and Present Market Conditions

Appropriate parcel size and dimension is necessary if land is to be effectively utilized. In order for property to be attractive for redevelopment, parcels must be large enough to build a structure that not only meets building code standards, but that also accommodates current industry standards. Furthermore, fragmented ownership within the Project Area also limits the development potential of the area because most of the small and irregularly shaped parcels are in single ownership. The issue of inadequate parcel size was noted as an impediment to development at the time of Plan adoption.

i. Background

At the time of Plan adoption, the City and more specifically the Project Area had recently lost two grocery stores (Safeway and Big Bear). The City had initiated negotiations with large chain grocery stores to attract new supermarkets to the City. Negotiations were unsuccessful because the City could not offer a site large enough to accommodate the needs of the supermarkets. In this instance, representatives of the stores stated that a minimum site of three to five acres was needed. The average size of parcels along Palm Avenue is approximately 25,000 square feet, or a little more than half an acre.[12]

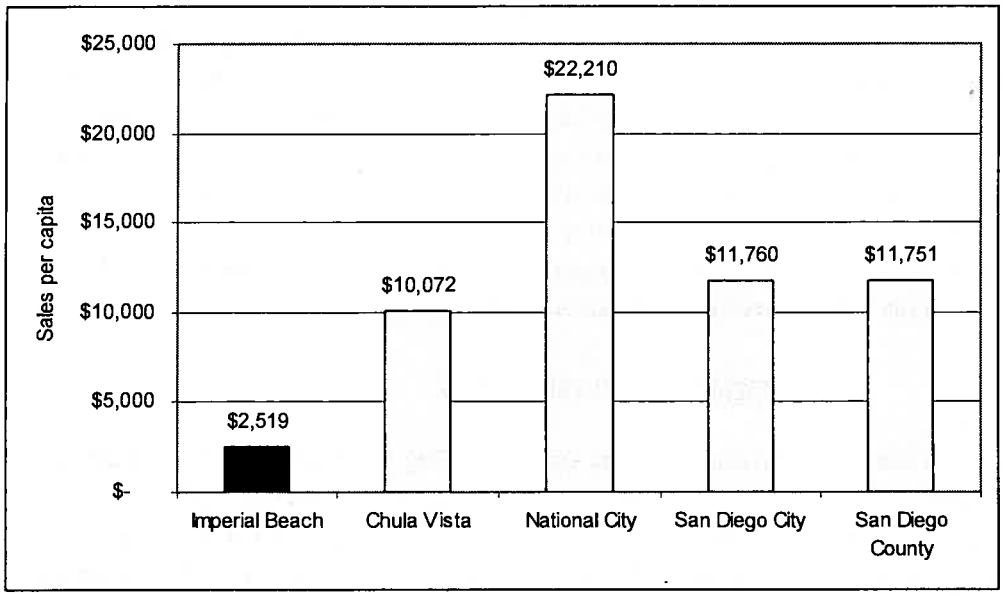
Also, at the time of Plan adoption, it was estimated that the City captured less than 60% of its retail sales market potential. The San Diego Association of Governments (SANDAG) surveyed residents in Imperial Beach in September of 1994 to assess the basic shopping needs of the community. SANDAG found that 52% of those surveyed shopped for apparel outside of the City and 65% shopped for furniture and appliances outside the City. The top two types of businesses most required were a full service grocery store and a department store. A lack of a variety of commercial uses was cited as a factor in retail sales leakage.

[12] Report to City Council on the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project, prepared by Katz Hollis, December 1995, page 4.

ii. Underrepresented Retailers and Minimum Site Requirements

The issue of retail sales leakage and lack of commercial development has not changed since Plan adoption. As described in the City's 2004 Comprehensive Annual Financial Report (CAFR), the City had the lowest retail sales per capita in the County, at $2,545 per capita versus per capita sales of $15,482 in San Diego, $10,194 in Chula Vista, and $14,045 in San Diego County overall. As shown in Chart 1, a review of the most recently-available taxable retail sales statistics shows that the low level of retail sales in the City persists. For the one-year period from the fourth quarter of 2005 through the third quarter of 2006, taxable retail sales data for the City was compared to the same data for adjacent cities and the County on a per-capita basis. While the City has per capita sales of $2,519, the cities of San Diego, Chula Vista and National City enjoyed sales per capita of $11,760, $10,072 and $22,210, respectively. Per capita sales in the County stood at $11,751.

Chart 1: Comparison of Retail Sales Per Capita



Retail sales from 4th quarter 2005 through 3rd quarter 2006. Source: State Board of Equalization. Population as of 2006 from City-Data.com and U.S. Census.

As discussed below, there is sufficient demand for commercial uses, but if these uses could be attracted to the City, the existing building stock and parcel configuration can't accommodate the larger contemporary retailers.

Targeted Retailers

The State Board of Equalization reports retail sales tax generated in a City within seven categories:

- Apparel Stores
- General Merchandise Stores
- Food Stores
- Eating and Drinking Places
- Home Furnishing and Appliances
- Building Materials and Farm Implements
- Other Retail Stores

Retail sales leakage is determined by comparing the retail buying potential of a community by category to actual sales in that category. In categories were buying potential in greater than actual sales, residents are shopping elsewhere for these goods. As shown in Table 10, in four of the seven retail categories, the City of Imperial Beach experiences significant retail sales leakage. Although the community would like a full service supermarket, residents in the City buy locally for their food needs and in fact residents outside of the City buy food supplies in the City as indicated by a surplus spending of 43% within this category. In the category of Eating and Drinking Places sales are 8% above the buying potential, indicating a relative equilibrium between demand and supply. However, in the remaining five categories there is significant retail sales leakage with an overall retail sales leakage of 44%.[13]

Parcel Size Requirements

One of the issues in attracting businesses to the City is the availability of buildings and more particularly sites large enough to accommodate the retailer's building and parking requirements. The following analysis compares the site requirements of regional retailers within the major categories of retail sales leakage to the existing commercial retail parcels within the Project Area. Using Assessor data to identify parcel size and field survey data, retail parcels were identified in the Project Area.

[13] No retail sales figures are reported within the category of Apparel Stores. This is because there are too few stores to report sales and preserve business privacy. However, given the fact that there are so few retailers as to be a privacy issue it can be assumed that leakage occurs in this category given the size of the population in the City. Retail sales from the category of Apparel Stores is included within the category of "Other Retail Stores."

Table 10: City of Imperial Beach Potential Retail Sales

TABLE 10
CITY OF IMPERIAL BEACH POTENTIAL RETAIL SALES
PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT

Share of Income Spent on Retail Goods in Imperial Beach

Population in City of Imperial Beach [1]	26,656
Per Capita Income [1]	18,617
Gross City of Imperial Beach Income [1]	496,254,752

Establishment Type	Imperial Beach Sales [2] ($000s)	Income Share [3]	Imperial Beach Potential Sales [4] ($000s)	Income Share [3]	Surplus/ (Leakage) ($000s)	(%)
Apparel Stores [5]	N/A	N/A	7,099	1.4%	N/A	N/A
General Merchandise Stores [6]	5,802	1.2%	22,466	4.6%	(16,665)	(74%)
Food Stores [7]	30,010	6.1%	20,960	4.3%	9,051	43%
Eating & Drinking Places	18,200	3.7%	16,847	3.4%	1,353	8%
Home Furnishing & Appliances	1,044	0.2%	6,183	1.3%	(5,139)	(83%)
Building Materials & Farm Imp.	251	0.1%	13,789	2.8%	(13,538)	(98%)
Other Retail Stores [8]	13,463	2.7%	22,795	4.7%	(9,332)	(41%)
Retail Stores Total	62,723		111,593		(48,870)	(44%)
Retail Expenditures as Share of Income [3]		14%		22%		

Source: State Board of Equalization, Claritas, US Census Bureau, California Department of Finance

[1] Population and income data taken from Claritas, September 2007.
[2] All sales data adjusted for inflation to October 2007 dollars.
[3] Share of income determined from the gross income of the City of Imperial Beach.
[4] Imperial Beach Potential Sales is based on the income share percentages of San Diego County.
[5] Sales totals for this class of retail businesses are not shown because their publication would result in the disclosure of confidential information. These totals are included with Other Retail Stores.
[6] Assumes that general merchandise stores are 95% taxable.
[7] Assumes that Food Stores are 35% taxable.
[8] Includes apparel stores, auto dealers, auto supply, specialty retailers, and others.

Prepared by: Keyser Marston Associates, Inc.
Filename: Retail Potential; 10/26/2007; bm

In instances where adjoining parcels are under the same ownership, the parcels are considered as a single parcel. Building sizes were estimated from aerial photographs.

Shown on Table 11 are the five categories of retail sales leakage (Apparel Stores included) within the City of Imperial Beach. For purposes of identifying the needs for regional/national retailers within these categories, sample retailers have been identified for each of the retail sales categories including: Apparel Stores (Chico's, the Gap, TJ Maxx); General Merchandise Stores (i.e. Longs, Walgreens, Big Lots); Home Furnishings and Appliances (i.e. Best Buy, Bed Bath & Beyond, Linens N' Things); Building Materials and Farm Implements (i.e. ACE Hardware, Home Depot, Orchard Supply); and Other Retail (Big 5, Michael's, Staples).

With the exception of large apparel stores such as TJ Maxx, smaller specialty apparel stores could be accommodated on the majority of the retail parcels. However, the remaining four categories require parcel sizes ranging from 10,000 to 115,000 square feet. As shown on Map 10, only six parcels or 7% of the 98 retail parcels are large enough to accommodate these uses including the Silver Strand Plaza, Imperial Beach Promenade, 700 Palm Avenue (includes South Bay Drugs and Pharmacy), the former El Camino Hotel, 800 Palm Avenue (includes Goodwill), 750 Palm Avenue (includes Fitness World) and 700 13th Street (includes Econo Lube & Tune). With the exception of the vacant El Camino Hotel and 700 and 800 Palm Avenue, which have been the subject of past and recent Requests for Proposals for development issued by the Agency and marketed as a single site, the other large parcels have been redeveloped and no other parcels are large enough to accommodate the targeted retailers. This means that to accommodate large retailers, site assembly will be required. In other words, the vast majority of the retail parcels within the Project Area are of inadequate size to accommodate contemporary retailers within the categories of demand. It can be assumed that these parcels are also of irregular shape for these same contemporary uses because they do not have adequate dimensions (shape) to provide the necessary parcel area for development.

Table 11: Sales Leakage Categories and Related Building and Parcel Size Requirements

TABLE 11
SALES LEAKAGE CATEGORIES AND RELATED BUILDING AND PARCEL SIZE REQUIREMENTS
PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT

Apparel Store	Preferred Building Size Range (Sq Ft)	No. Buildings in Range or Above Minimum Req. [1]	% of Total [2]	Minimum Parcel Req. (Acres)	No. Parcels > Minimum Req. [3]	% of Total [4]
Chico's	3,500 +	50 [5]	51%	0.1	89	91%
GAP	6,000 - 10,000	18	18%	0.2	63	64%
TJ Maxx	30,000 +	2 [6]	2%	2.07	1	1%
					Average	52%

General Merchandise Store	Preferred Building Size Range (Sq Ft)	No. Buildings in Range	% of Total	Minimum Parcel Req. (Acres)	No. Parcels > Minimum Req.	% of Total
Big Lots	20,000 - 60,000	5 [7]	5%	1.38	3	3%
Longs Drugs	16,000 - 23,000	3 [8]	3%	1.1	4	4%
Walgreens	12,000 - 18,000	3 [9]	3%	1.72	2	2%
					Average	3%

Home Furnishing & Appliances	Preferred Building Size Range (Sq Ft)	No. Buildings in Range	% of Total	Minimum Parcel Req. (Acres)	No. Parcels > Minimum Req.	% of Total
Bed, Bath & Beyond	35,000 - 50,000	2 [6]	2%	2.41	1	1%
Best Buy	30,000 - 45,000	2 [6]	2%	2.07	1	1%
Linens N' Things	25,000 - 37,500	3 [10]	3%	1.72	2	2%
					Average	1%

Building Materials & Farm Imp.	Preferred Building Size Range (Sq Ft)	No. Buildings in Range	% of Total	Minimum Parcel Req. (Acres)	No. Parcels > Minimum Req.	% of Total
ACE Hardware	12,000 - 15,000	2 [11]	2%	0.82	8	8%
Home Depot	95,000 - 115,000	0	0%	6.8	0	0%
Orchard Supply Hardware	55,000 - 61,000	0	0%	4.75	0	0%
					Average	3%

Other Retail	Preferred Building Size Range (Sq Ft)	No. Buildings in Range or above Minimum Req.	% of Total	Minimum Parcel Req. (Acres)	No. Parcels > Minimum Req.	% of Total
Big 5	10,000 - 20,000	4 [12]	5%	0.5	20	20%
Michael's	18,000 - 21,000	1 [13]	3%	1.25	3	3%
Staples	20,000 +	5 [7]	5%	1.38	3	3%
					Average	9%

Source: Nadel Research Architects; Retail Tenant Profiles and Developer Advertising Sheets, ICSC Conference (March 17 - 18); KMA 2007 list of "Major Retailers with Expansion Plans in California."

[1] Building area estimated from aerial photograph.
[2] Based on an aerial count of 98 retail buildings in the Project Area. Assessor data was used to identify retail land uses and an aerial photograph was consulted to count the buildings on the retail designated parcels.
[3] Existing retail parcels identified by Metroscan assessor information, September 2007.
[4] Based on a total of 98 retail parcels in the Project Area.

[5] Includes the 8 largest buildings in the Project Area which consist of the Imperial Beach Promenade, Silver Strand Plaza, El Camino Hotel, and four strip centers located at 700 13th St, 750 13th St, 731 Palm Ave, and 805 Palm Ave.
[6] Includes the 2 largest buildings in the Project Area which consist of the Imperial Beach Promenade and the Strip Center at 805 Palm Ave.
[7] Includes the 5 largest buildings in the Project Area which consist of the Imperial Beach Promenade, Silver Strand Plaza, and the Strip Center at 805 Palm Ave.
[8] Includes 2 buildings within Silver Strand Plaza and one at the Strip Center located at 750 13th St.
[9] Includes the CVS Drug Store at the Imperial Beach Promenade as well as two buildings from the 700 and 750 13th St strip centers.
[10] Includes the 3 largest buildings in the Project Area which consist of the Imperial Beach Promenade and the strip centers at 731 and 805 Palm Ave.
[11] Includes the CVS Drug Store at the Imperial Beach Promenade as well as the strip center located at 700 13th St
[12] Includes the CVS Drug Store at the Imperial Beach Promenade, two buildings from the strip centers located at 700 and 750 13th St, and The El Camino Hotel.
[13] Includes the 731 Palm Ave strip center

Note: Retail Sales Leakage Categories based on Potential Retail Sales Table.
Note: The strip centers at 731 and 805 Palm Ave are actually multiple buildings with separate connected rooves.

Prepared by: Keyser Marston Associates, Inc.
Filename: Retail Potential; 10/26/2007; bm

C. ECONOMIC CONDITIONS THAT CAUSE BLIGHT

1. Depreciated or stagnant property values

a. *Property Sales Prices*

The Report to the City Council prepared for the adoption of the Redevelopment Plan indicated that sales prices for residential properties were at least 26% below sales prices for residential properties in the remainder of the City. Local real estate brokers interviewed indicated that the lower sales prices could be attributed in part to the age of the properties, the existence of illegal units on the properties, the close proximity of apartments to single-family homes, and the deteriorated condition of portions of the housing stock.

In order to assess current property sales prices, data on recent property sales (2004 through September 2007) were analyzed for the apartment and retail properties in the Project Area. Results of these analyses are summarized in the following paragraphs.

Retail Property Sales Prices

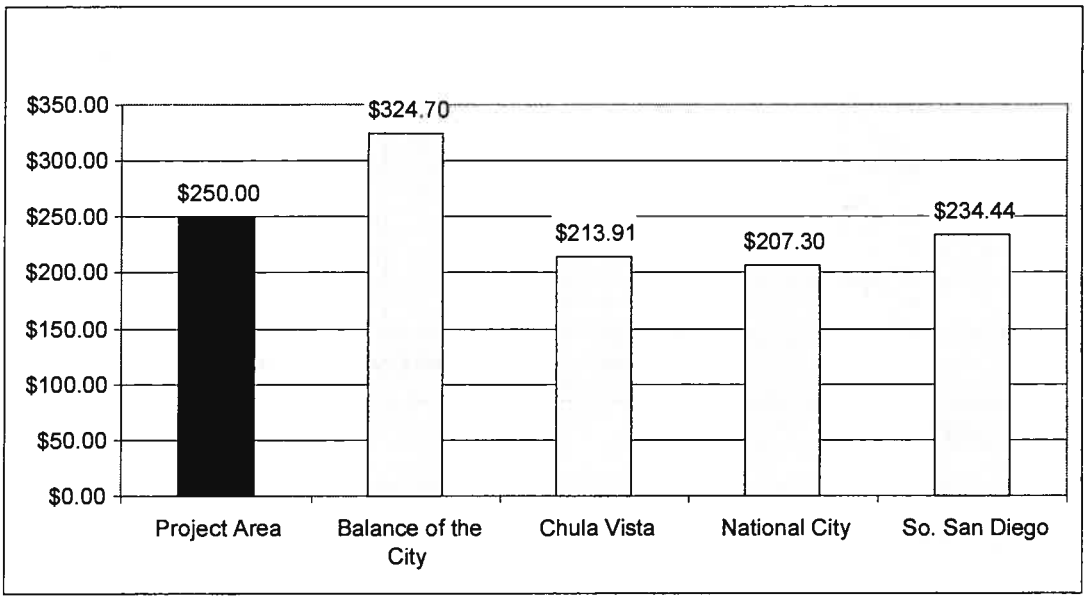
Retail property sales prices within the Project Area were compared to sales prices for retail properties in the balance of the City[14] and nearby competing areas (southern San Diego (east of the City border)), Chula Vista and National City as these areas provide the alternative shopping venues for residents in the City.

The seven retail properties transacted in the Project Area were comprised of five freestanding retail buildings constructed in the 1950s and 1960s, one retail strip center constructed in 1969 and a retail building constructed in 1992. All but one of the buildings were less than 10,000 square feet in building area and all were constructed on properties that were less than one-half acre in area. An initial comparison revealed that the median sales price in the Project Area was higher than the median sales prices for retail properties in the Chula Vista, National City and south San Diego (see Chart 2) though it was lower than the median for the balance of the City. However, the majority of retail properties transacted in Chula Vista and National City were also older, smaller stand alone retail properties. However, these older properties in National City and Chula

[14] Although the majority of commercial uses within the City are located in retail along other portions of Palm Avenue and on Sea Coast Drive adjacent to Ocean frontage.

Vista house local-serving retailers providing convenience goods[15] and services for residents in the immediate neighborhood and are also not suited for contemporary retail uses either.

Chart 2: Retail Property Sales Prices – All Properties



Source: Loopnet, CoStar

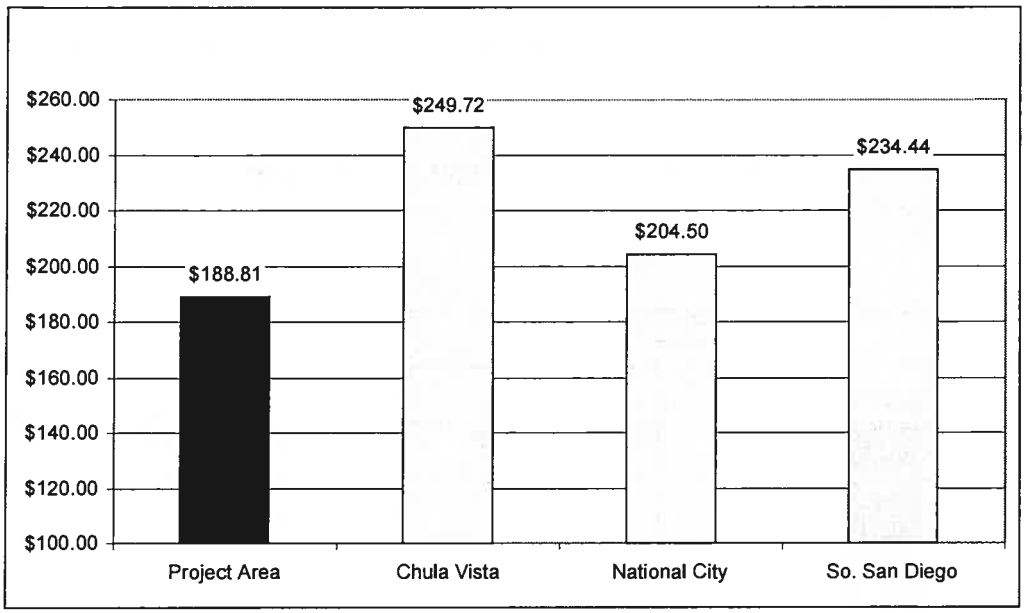
When sales prices are compared to the newer retail centers (those constructed between 1980 and 2007 and generally geared toward broader contemporary community-serving retailers such as supermarkets, general merchandise, household furnishings and other comparison goods[16]), sales prices are below the comparison areas. As shown in Chart 3, the median sales price per square foot in the Project Area was below the median in all of the comparison areas.[17]

[15] Convenience goods are items that buyers want to purchase as conveniently as possible and are generally non-durable goods of low value that are frequently purchased in small quantities (i.e. groceries, sundries and small impulse purchases). Source: Enotes.com, Encyclopedia of Business and Finance. http://business.enotes.com/business-finance-encyclopedia/consumer-industrial-goods/print.

[16] Comparison (shopping) goods are those that are of higher value than convenience goods and generally purchased after the buyer compares the products of more than one store or looks at more than one assortment of goods before purchasing. Source: Enotes.com, op. cit.

[17] The balance of the City was not included in this comparison since all the properties transacted were freestanding buildings under 3,000 square feet in area.

Chart 3: Retail Property Sales: Project Area vs. Newer (1980-2007) Retail Properties



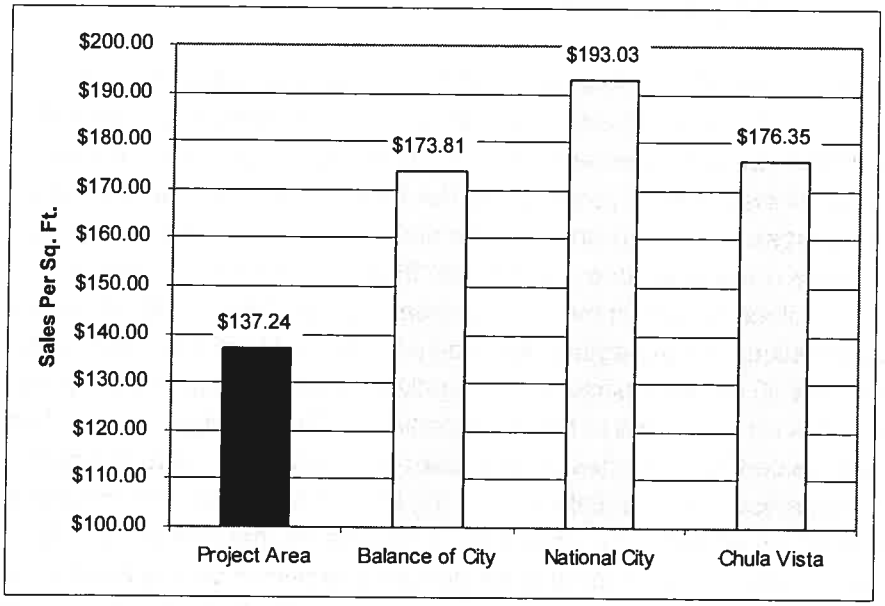
Source: Loopnet

Apartment Property Sales Prices

Apartment property sales prices in the Project Area were compared to prices in the balance of the City and in National City and Chula Vista. The apartments transacted in the Project Area were comprised of properties ranging between roughly 4,200 and 93,000 square feet and included from 4 to 80 units. Most of the properties were no larger than 20,000 square feet in building area and had fewer than 30 units. The comparison properties for National City and Chula Vista were limited to those that had between 3 and 40 units and therefore are comparable.[18] As shown in Chart 4 and Chart 5, on both a per-square-foot basis and on a per-unit basis, sales prices were below the comparison areas. Sales prices in the balance of the City were 27% higher per square foot, while sales prices were 41% and 28% higher in National City and Chula Vista, respectively.

[18] Larger apartment complexes are more frequently under corporate ownership; professionally managed, and provide amenities such as gyms and recreational facilities not typically provided for smaller properties and therefore typically are not comparable to smaller apartment complexes. Thus they were excluded from the analyses.

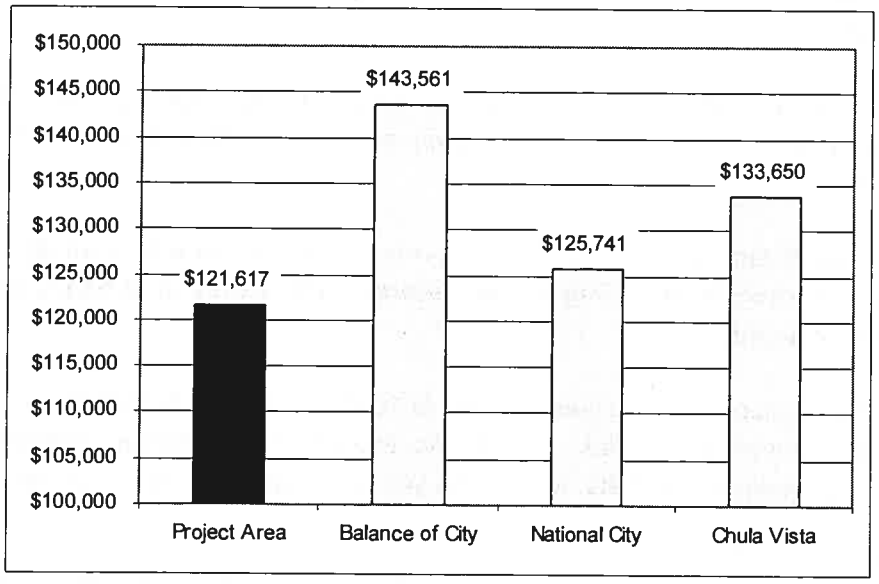
Chart 4: Apartment Sales Comparables – Price Per Square Foot



Source: Loopnet

On a price per unit basis, sales prices were also lowest in the Project Area, though the per-unit sales price was only 3% higher in National City. In the balance of the City, sales prices were 18% higher and 10% higher in Chula Vista.

Chart 5: Apartment Sales Comparables – Price Per Unit



Source: Loopnet

b. Property Assessed Values

As described in Subsection III.B in this Report, the assessed value of the non-conforming properties in the Project Area are significantly lower than those of conforming uses. Eighteen percent of the residential properties are in commercial zones, and all of the industrial properties in the Project Area (representing all of the industrial properties in the City) are in residential zones. One of the commercial properties is in a residential zone. Combined, these non-conforming properties represent 12% of the parcels in the Project Area. The analysis of total assessed value and assessed value on a per-square-foot basis for the residential properties shown on Table 9 on page 36 herein illustrates the negative impact of the presence of non-conforming uses on the values of these properties.[19] The average assessed value of single-family residential properties is 46% lower than assessed value of single-family residential properties in residential zones in the Project Area and 36% lower than assessed value for single-family residential property in the balance of the City. On a per-square-foot basis, non-conforming single-family assessed values are 64% and 71% lower than the assessed value for conforming parcels in the Project Area and the balance of the City, respectively.

For multi-family residential parcels, the assessed value for non-conforming parcels are 49% lower than the assessed value for conforming parcels in the Project area and 29% lower than the assessed value in the balance of the City. On a per-square-foot basis, assessed value for the non-conforming properties are 9% and 22% lower than the assessed value for conforming parcels in the Project Area and the balance of the City, respectively.

These data indicate that the residential non-conforming uses, which represent 11% of the parcels in the Project Area, are depreciated relative to similar properties in the Project Area and the City.

2. A serious lack of necessary commercial facilities that are normally found in neighborhoods, including grocery stores, drug stores, and banks and other lending institutions.

When the Redevelopment Plan was adopted in 1995, the Project Area lacked a number of necessary commercial facilities. At that time, there was only one supermarket (Wally's), 8 convenience markets, four banks and one drug store. A survey conducted

[19] The industrial property in the Project Area comprises all of the industrial property in the City, therefore no comparison could be made. Because there was only one commercial non-conforming property, a comparison to conforming commercial property would not be meaningful.

by SANDAG revealed that the majority of respondents purchased goods and services (clothing, health services, furniture, appliances/electronics) outside of the City. Survey respondents also indicated that they felt discouraged from shopping in the City due to three key reasons: 1) the stores they wanted to shop in were not in the City; 2) the shopping areas were poorly maintained and unattractive; and 3) there was no shopping center in the City.

During a survey of business tenants conducted in October 2007, there was still only one supermarket (Wally's), seven convenience markets, two banks and one credit union, and three drug stores. It was noted that there were also three small discount stores and three check-cashing businesses in the Project Area. These data indicate that while the number of pharmacies has increased, the Project Area still has only one supermarket and offers fewer full-service banks and convenience markets. Although retail sales would indicate that food store shopping needs are being met in the community, this is likely attributed to the necessity of shopping locally at the convenience stores for every day food needs rather than an indication that a single full service grocery store is eager to service the community. As previously described in this Report, there has been little new development of necessary commercial facilities in the Project Area, with building permits issued for two new buildings and permits for major rehabilitation for only four properties. These developments include the construction of a new 2-story medical center, a new/remodeled Union Bank building, and a car wash on Palm Avenue; and two retail strip centers on 13th Street; and a retail strip center on Imperial Beach Boulevard. One of the major impediments to the development of new necessary commercial facilities is the fact that many of the commercial parcels are small in size and under separate ownership. A regional chain grocery store such as a Vons or Albertsons typically requires a site size of 2.5 to 3.5 acres. Besides Wally's, there are only two parcels large enough to accommodate a grocery store. The lack of a development site of sufficient size has made it difficult to attract the types of retail businesses that residents would patronize rather than going to adjacent communities to shop.

3. Serious residential overcrowding that has resulted in significant public health or safety problems

At the time of adoption, based upon 1990 U.S. Census data, it was estimated that within the Census tracts that overlay the Project Area, 17% of households were overcrowded, with almost 8% in severely overcrowded households. A review of 2000 Census data for the 3 Census tracts that overlay the Project Area indicates that overcrowding conditions have actually worsened in the Project Area and vicinity (see Table 12). Overall, the percentage of overcrowding households has increased to 28%. The proportion of severely overcrowded household has increased from roughly 8% in 1990 to 15% in 2000. In addition, the percentage of overcrowded housing units exceeds the Citywide

percentage (at 20%) and the San Diego County percentage (12%). The Project Area percentage of overcrowded households is more than double the Countywide average.

Table 12: Percent of Overcrowded Housing Units

Persons Per Room		Project Area	Imperial Beach	San Diego County
1.00 or Less	(Ideal)	72%	81%	88%
1.01 - 1.50	(Overcrowded)	13%	9%	5%
1.51 or more	(Severely Overcrowded)	15%	11%	7%

Source: U.S. Census Bureau

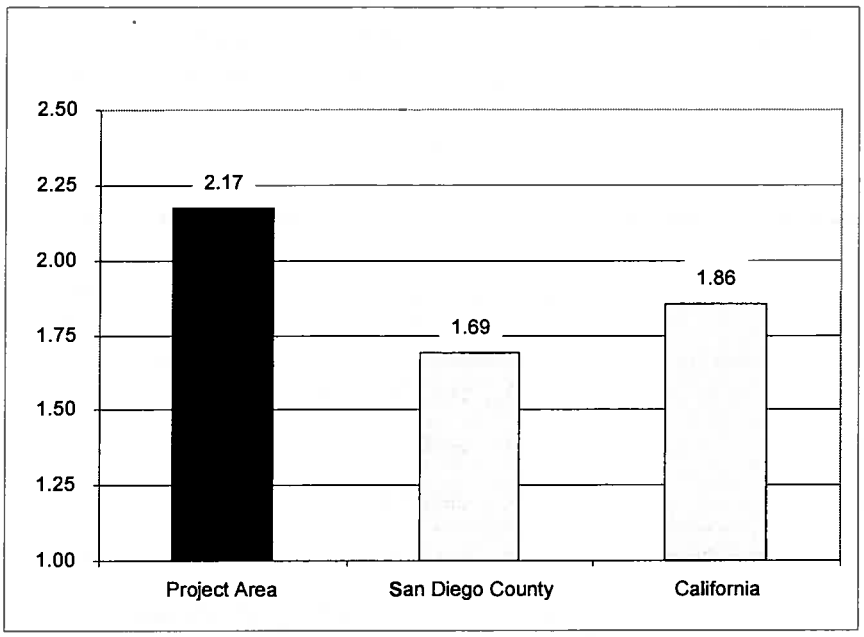
4. An excess of bars, liquor stores, or adult-oriented businesses that has resulted in significant in public health, safety, or welfare problems

At the time of adoption, it was noted that there were 31 liquor outlets within the Project Area (7 bars and 24 other liquor outlets including liquor stores), a gun shop and an adult bookstore and theater. In addition, the alcoholic beverage outlet ratio in the City was nearly three times higher than that of the State as there was one outlet for every 538 residents in the City versus one outlet for every 1,395 residents Statewide. In 1995, all of the 31 liquor outlets and the other adult oriented business were located within the crime reporting district or beat 702, which was ranked by the County Sheriff's Department as the area with the highest incidence of FBI Index crimes in San Diego County. There were multiple instances of crimes at many of these businesses, including incidents or robbery, assault, attempted murder, and sexual assaults.

In a visual survey of the Project Area conducted in October 2007, 30 adult-oriented businesses were identified including 28 liquor outlets, a tobacco store and one adult bookstore. As in 1995, the adult-oriented uses are located along Palm Avenue and 13th Street (see Map 10) and are in beat 702. The number alcohol outlets per 1,000 persons in the Project Area and immediate environs,[20] was compared to the same ratio for the County as a whole. As shown in Chart 6, the Project Area has 2.17 alcohol outlets per 1,000 persons versus only 1.69 outlets per 1,000 persons Countywide, thus the concentration of liquor outlets in the Project Area is 29% higher than the Countywide average and 17% higher than the State average. As will be described in the following subsection of this Report, beat 702 remains one of the high crime areas within San Diego County.

[20] The three census tracts that overlay the Project Area.

Chart 6: Retail Alcohol Licenses Per 1,000 Persons



Number of retail alcoholic beverage licenses as of June 30, 2007. Source: California Department of Alcoholic Beverage Control website, Oct. 24, 2007 at: http://www.abc.ca.gov/datport/SubscrMenu.asp.

In addition to having a relatively high percentage of liquor outlets, the Project Area exceeds the Countywide limits for the number of liquor outlets, indicating that Imperial Beach has a disproportionate share of liquor outlets. The ABC limitations on the number of liquor licenses issued is applied on a Countywide basis to each County in California in accordance with Section 23815 of the Business and Professions Code. The limitations are established based upon the type of license issued. "On-Sale" licenses are issued to licensees that will serve alcohol on their premises. These types of businesses include bars, restaurants, private and social clubs, and similar business operations. "Off-Sale" licenses are issued to licensees that will sell alcohol for consumption off the business premises. Off-Sale licensees include liquor and grocery stores, and similar operations. These types of "retail" licenses are further divided into those that allow the sale of beer and wine only, and "general" licenses that allow the sale of all types of alcoholic beverages.

While individual jurisdictions may have numbers of liquor licenses that exceed the average for the County, a comparison of the number of licenses in an area to the number of licenses allowed in a specific county can indicate whether an area has a relatively high concentration of liquor outlets. As shown on Table 13, while the number of On-Sale General licenses (which generally include restaurants, bars and nightclubs that serve all types of alcoholic beverages) is 30% below the Countywide average, the

number of Off-Sale General licenses (stores that sell all types of alcoholic beverages) is double the Countywide average and combined, the number of Off-Sale Beer and Wine and Off-Sale General licenses exceeds the Countywide average by 50%. These data are further indication of the high concentration of alcoholic beverage outlets in the Project Area.

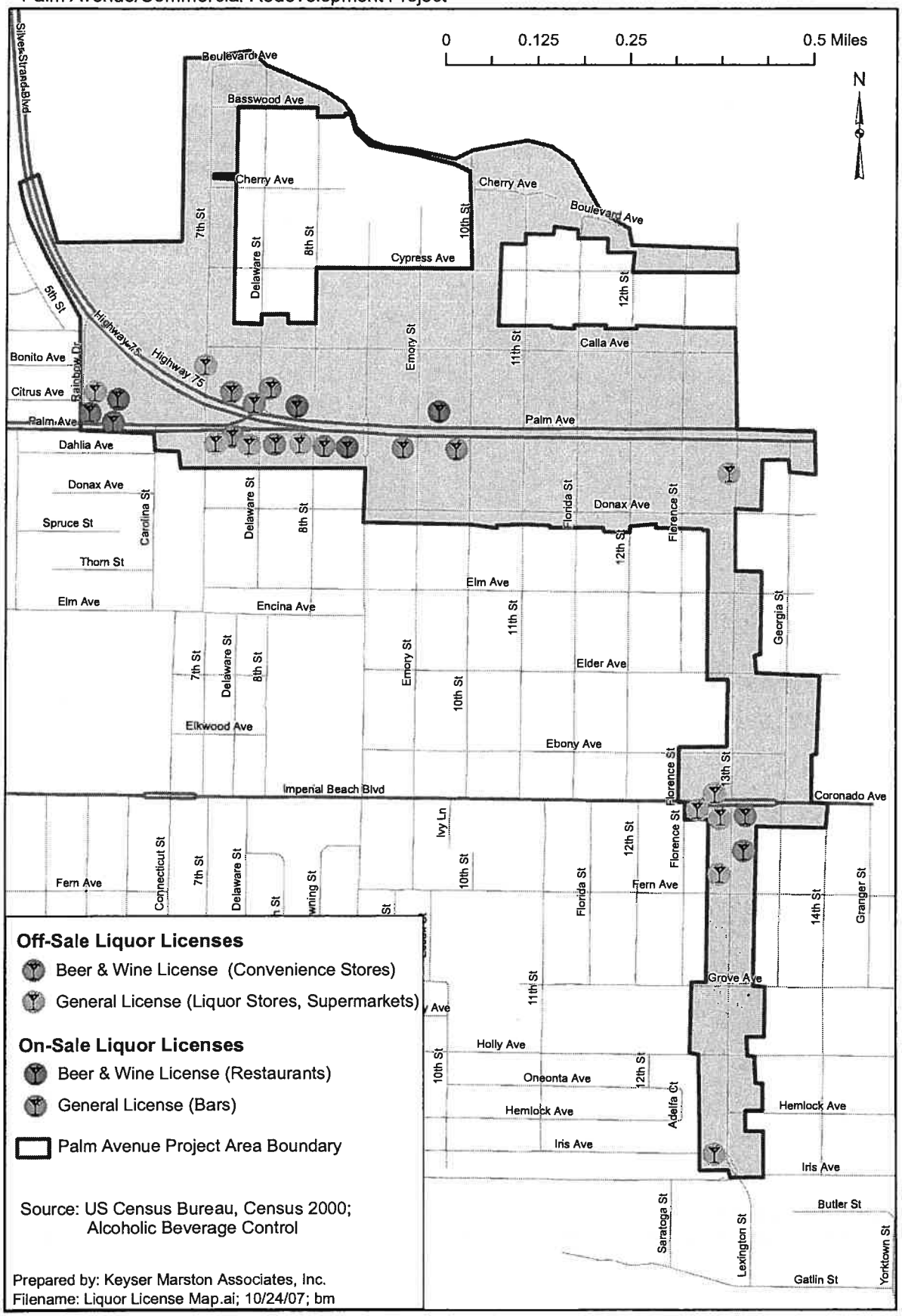
Table 13: Ratio of Alcoholic Beverage Licenses in the Project Area vs. Countywide Limits

License Type	ABC Limit per County (by no. of persons)	Project Area	Percent +/- ABC Limits
On-Sale General	1 per 2,000	0.7	-30%
Off-Sale General	1 per 2,500	2.0	100%
Off-Sale Beer/Wine	1 per 2,500	1.1	10%
Off-Sale Beer/Wine + Off-Sale General	1 per 1,250	1.5	50%

Source: California Department of Alcoholic Beverage Control website at http://www.abc.ca.gov/.

Map 10: Location of Retail Liquor Licenses

MAP 10
Liquor License Distribution
Palm Avenue/Commercial Redevelopment Project



5. A high crime rate that constitutes a serious threat to the public safety and welfare

At the time of adoption of the Redevelopment Plan, the level of crime within the Project Area was considered "excessively high" by the San Diego Sheriff's Department (SDSD). Over 50% of the Project Area was located in beat 702, which had the highest crime rate of any of the top ten beats patrolled by the SDSD. Beat 702 and the other 2 beats that overlay the Project Area were contributors to the fact that the City had the highest "calls for service" level within SDSD jurisdiction and that Imperial Beach had a crime rate 65% higher than the County overall.

A review of 2006 crime statistics for the three beats that overlay the Project Area (beats 702, 705 and 710) and the City revealed that the Project Area continues to have a disproportionate share of crime in Imperial Beach. As shown in Table 14, the Project Area beats account for over 50% of crime in 12 of the 14 crime categories tracked.[21]

Table 14: 2006 Crime Statistics

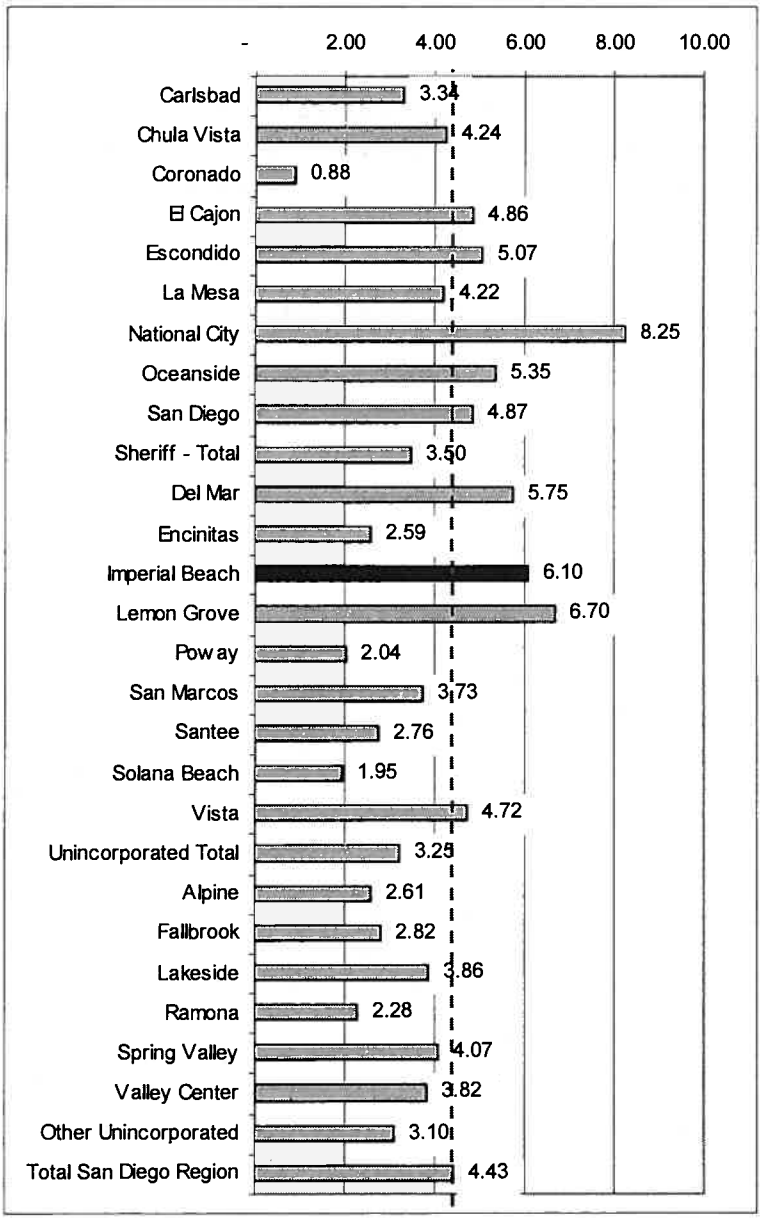
	City	Beat 702	Beat 705	Beat 710	Total Project Area Beats	Project Area as a % of City
Murder	1	-	-	1	1	100%
Rape	17	4	2	1	7	41%
Armed Robbery	11	7	-	3	10	91%
Strong Arm Robbery	23	8	1	3	12	52%
Aggravated Assault	116	18	18	19	55	47%
Total Violent Crime	168	37	21	27	85	51%
Res. Burglary	94	21	13	15	49	52%
Non. Res. Burglary	75	30	5	8	43	57%
Total Burglary	169	51	18	23	92	54%
Theft ≥ $400	119	36	9	20	65	55%
Theft < $400	223	70	22	34	126	57%
Total Thefts	342	106	31	54	191	56%
Motor Vehicle Theft	236	57	25	53	135	57%
Total Property Crime	747	214	74	130	418	56%
Crime Index	915	251	95	157	503	55%

Source: Automated Regional Justice Information System (ARJIS) for the San Diego region, August 3, 2007. http://www.arjis.org/regional.html.

[21] Not including murder. Because there was only one murder in the City in 2006, the percentage share of crime within the City is not meaningful.

In addition, the City of Imperial Beach continues to have relatively high levels of violent crime in comparison to other jurisdictions in San Diego County. As shown in Chart 7, the violent crime index (rate of crimes per 1,000 persons) for Imperial Beach is among the highest, at 6.1, well above the San Diego Region index of 4.43. The Imperial Beach violent crime index is the third highest in the County, ranking only lower than National City and Lemon Grove.

Chart 7: 2006 FBI Violent Crime Indices for the San Diego Region



Source: Burke, Cynthia Ph. D., "Twenty-Five Years of Crime in the San Diego Region: 1982 through 2006" SANDAG: April 2007, Appendix Table 3.

D. SUMMARY OF REMAINING BLIGHTING CONDITIONS

As described in this Section III of this Report, the Project Area continues to be affected by a number of serious blighting conditions. Map 11 illustrates the mapable blighting conditions in the Project Area. In summary, these blighting conditions include the following:

- **Buildings in which is unsafe and unhealthy for persons to live or work.** The Project Area suffers from a low level of investment in the repair and rehabilitation of deteriorated and dilapidated buildings, as evidenced by the limited amount of new construction and major rehabilitation that has occurred. Only 6% of properties have had major rehabilitation or new construction (where the value of the new construction or rehabilitation is 12% or more of the value of the property after construction). This has occurred despite the fact that at the time of Plan adoption, a field survey by Katz Hollis indicated that 20% of the buildings in the Project Area were in need of moderate to extreme rehabilitation.

- **Factors that prevent and substantially hinder the economically viable use or capacity of buildings or lot,** as evidenced by obsolete and substandard design, given current market standards. For retail properties, this is evidenced by the age and obsolescence of the buildings, the lack of adequate space for on-site parking, excessive store depths and inadequate storefront widths that do not meet current market standards. Forty-nine percent of retail properties have inadequate lot space for parking, 18% have excessive store depths or inadequate storefront widths; 43% of the retail buildings have exceeded their normal useful service life; and 16% of all buildings have exceeded the normal useful service life of buildings.

- **Incompatible adjacent uses that have prevented the economic development of those parcels and other portions of the Project Area,** as evidenced by the fact that 12% of parcels in the Project Area have non-conforming uses. The industrial properties in the Project Area are all located in an area that is zoned for residential use. There have been no major permits issued for new construction and rehabilitation for these parcels. Nine percent of the residential parcels in the Project Area (excluding the RV park and trailer park) are non-conforming uses. Only one of these parcels have received permits for new development or major rehabilitation. The residential uses have been negatively impacted by this condition as evidenced by the fact that the assessed value of these residential properties are significantly below (45-46% below) the assessed value of conforming residential uses within the Project Area.

- **Lots of irregular shape and inadequate size for proper usefulness and development that are in multiple ownership,** and that have inhibited the ability of the private sector and the Agency in attracting needed retailers and services to the Project Area. The irregular shape and inadequate size of these lots, along with the age, size

and obsolescence of the buildings, makes it difficult to accommodate retailers and service providers that require adequate on-site parking, and contemporary site and building configurations. As a result, the City, for which the portion of Palm Avenue within the Project Area represents the primary commercial corridor, is experiencing retail sales leakage in several categories including apparel, general merchandise, home furnishings and appliances, building materials, and other retail categories. Since the adoption of the Redevelopment Plan in 1996, the Project Area continues to have only one grocery store; has not been able to attract new retailers in comparison goods categories such as home furnishings, hardware and other comparison goods; and has fewer full-service banks and convenience stores. Residents must therefore be continuing to shop at the small convenience stores for food and outside of the City in neighboring communities for comparison goods.

- **Depreciated property values**, as evidenced by the low median sales prices for, apartments and retail properties. Retail property sales prices are from 8% to 24% below sales prices for contemporary retail properties on a per-square-foot basis. Apartment sales prices are from 21% to 29% lower than sales prices in competing areas (the balance of the City, Chula Vista and National City) on a per-square-foot basis and from 3% to 15% lower on a per-unit basis. These uses account for 68% of the parcels and 94% of the buildings in the Project Area, indicating that the majority of properties in the Project Area have lower values than competing properties in adjacent areas.

- **A lack of necessary commercial facilities that are normally found in neighborhoods**, as evidenced by the fact that the Project Area has only one full service grocery store to serve the Project Area and the City.

- **Serious residential overcrowding** that has gotten worse since the Redevelopment Plan was adopted. The percent of housing units that are overcrowded (more than 1 person per room) has increased from 9% to 13% and the percent of housing units that are severely overcrowded (more than 1.5 persons per room) has increased from 8% to 15%. This has resulted in 28% of the housing units in the Project Area being overcrowded, while 20% and 12% of units are overcrowded in the City as a whole and in San Diego County, respectively.

- **An excess of bars, liquor stores, and adult uses that has resulted in significant public health, safety and welfare problems,** as evidenced by ratios of retail alcohol licenses that exceed the Countywide average allowed by state law. The for off-sale licenses (stores selling alcoholic beverages to be consumed off of the premises), the number of beer and wine licenses combined with the number of general alcohol licenses, exceeds the Countywide ratio of 1 license per 1,250 persons by 50%. The majority of the alcohol outlets in the Project Area are located within the highest crime areas of the City.

- **A high crime rate that constitutes a serious threat to the public health and safety**, as evidenced by the fact that Imperial Beach has the third highest level of violent crime in San Diego County. One of the police reporting beats in the Project Area beat 702 accounted for 22% of violent crime and 29% of property crime in the City. Amongst violent crime, beat 702 accounted for 64% of armed robberies, 32% of strong arm robbery in the City. Amongst property crime, beat 702 accounted for 30% of burglaries, 31% of thefts, and 24% of motor vehicle thefts in the City. Overall, the Project Area accounted for 51% of violent crime and 56% of property crime in the City, while accounting for 18% of the City.[22]

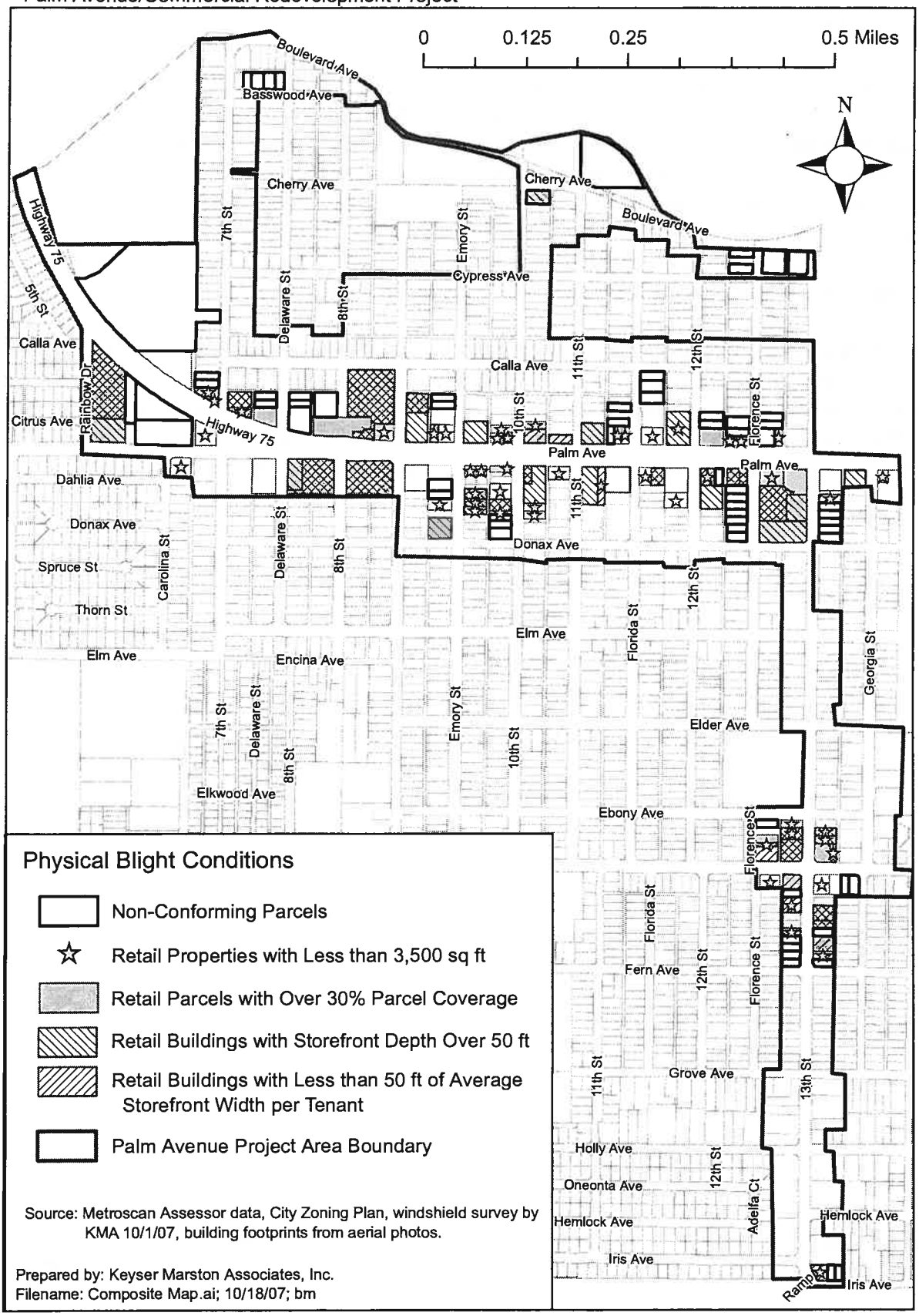
E. INABILITY OF THE PRIVATE SECTOR WITHOUT AGENCY ASSISTANCE TO REHABILITATION THE PROJECT AREA AND NEED FOR THIRD AMENDMENT

The inadequate lot and building sizes, age and obsolesce, and other blighting conditions described herein are a significant deterrent to the private sector, as demonstrated by the fact that the amount of new construction and major rehabilitation of properties in the Project Area has been limited. For example, the Miracle Center Market Study completed in 2007 by Grubb & Ellis for the proposed redevelopment of an existing 67,700 square foot obsolete strip retail center concluded that investment to upgrade the center to meet contemporary retail market standards and attract higher quality tenants would not yield a sufficient return, despite the fact that redevelopment scenario included participation of the existing owner and therefore land acquisition costs were not a factor in the analysis. Redevelopment scenarios where acquisition costs must be factored in would be even less economically feasible. Based upon these conditions, significant blight remains in the Project Area that cannot be eliminated without the use of eminent domain, which would allow the Agency to acquire properties to create developable sites of sufficient size and shape to allow redevelopment.

[22] Total acreage of the urbanized portions of the City is estimated to be 1,369 acres.

Map 11: Composite Blight Map

MAP 11
Composite Blight Map
Palm Avenue/Commercial Redevelopment Project



Source: Metroscan Assessor data, City Zoning Plan, windshield survey by KMA 10/1/07, building footprints from aerial photos.

Prepared by: Keyser Marston Associates, Inc.
Filename: Composite Map.ai; 10/18/07; bm

IV. IMPLEMENTATION PLAN

Per Section 33352(c) of the CRL, the Implementation Plan must be prepared as part of the Report to the City Council and must describe the specific goals and objectives of the Agency, specific projects proposed by the Agency, including a program of actions and expenditures proposed to be made within the first five years of the adoption of the Redevelopment Plan, a description of how these projects will improve or alleviate the blighting conditions in the Project Area, and show how the requirements for low and moderate income housing in the community will be met. On March 2, 2005, the Agency adopted the current Implementation Plan for the Project Area for the five-year period between 2004/05-2008/09.

The sole purpose of the proposed Amendment is to extend the Agency's authority to use eminent domain to acquire properties within the Project Area excluding properties on which persons reside. Therefore, the specific goals, objectives, programs and expenditures contained in the existing Implementation Plan will not change as a result of the proposed Amendment. The current Implementation Plan is incorporated into this Report and included as Appendix A.

V. METHOD OR PLAN FOR RELOCATION

Section 33352(f) of the CRL requires that the Agency's Report to the City Council contain a "Method or Plan" for "the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the Project Area, which...shall include the provision required by Section 33411.1." Additionally, Section 33411 of the CRL requires the Agency prepare a feasible "method or plan" for relocation of non-profit local community institutions to be temporarily or permanently displaced from facilities actually used for institutional purposes in the Project Area.

Section 33411.1 requires the legislative body to insure that "...such method or plan of the Agency...shall provide that no persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary, and otherwise standard dwelling[s]. The Agency shall not displace such person or family until such housing units [sic] are available and ready for occupancy."

The Report to the City Council initially prepared at the time of adoption of the Project Area contained a Method or Plan for Relocation for the Project Area. This Plan or Method of Relocation restates the Agency's Plan or Method of Relocation for the Project Area. However, it is not intended to be a "Relocation Plan" within the meaning of Section 6038 of the "Relocation Assistance and Real Property Acquisition Guidelines" promulgated by the California Department of Housing and Community Development (California Code of Regulations, Division 1 of Title 25, commonly called the "State Guidelines"). As described below, a Section 6038 Relocation Plan is not prepared until the Agency initiates negotiations for the acquisition of real property and prior to proceeding with any phase of a public improvement or facility project or other implementation activity that would result in any displacement other than an insignificant amount of non-residential displacement.

A. AGENCY DISPLACEMENT

As noted in the Report, the Agency anticipates that its projects and programs for the Project Area will provide an incentive for existing owners and the private sector to develop or redevelop underutilized and blighted properties and to achieve the goals and objectives for the redevelopment of the Project Area. To the extent that the Agency, directly or through agreements with owners, developers or others, causes occupants to be displaced, the Agency will be responsible for providing relocation benefits. The Agency is not responsible for any displacement that may occur as a result of private development activities not directly assisted by the Agency under a disposition and development agreement, participation agreement, or other similar agreement.

B. RELOCATION IN THE EVENT OF AGENCY DISPLACEMENT

Displacement of businesses or tenants is a possibility under Agency programs and activities over the remaining life of the Redevelopment Plan. Should such displacement occur, the Agency will provide persons, families, business owners and tenants displaced by Agency activities with monetary and advisory relocation assistance consistent with the California Relocation Assistance Law (State Government Code, Section 7260 *et seq.*), the State Guidelines adopted and promulgated pursuant thereto, and the provisions of the Redevelopment Plan.

The Agency will pay all relocation payments required by State and Federal law. The following portions of this Method or Plan for Relocation outline the general relocation rules and procedures that must be adhered to by the Agency in activities requiring the relocation of persons and businesses. Also identified below are the Agency determinations and assurances that must be made prior to undertaking relocation activities. The Agency's functions in providing relocation assistance and benefits are also summarized.

C. RULES AND REGULATIONS

The Agency has adopted rules and regulations that: (1) implement the requirements of California Relocation Assistance Law (Government Code, Chapter 16 of Division 7 of Title 1, commencing with Section 7260) (the "Act"); (2) are in accordance with the provisions of the State Guidelines; (3) meet the requirements of the CRL and the provisions of the Redevelopment Plan, and (4) are appropriate to the particular activities of the Agency and not inconsistent with the Act or the State Guidelines. These rules and regulations, herein after referred to as the "Agency Rules and Regulations" govern the Agency's implementation of State law and the State Guidelines. The Agency Rules and Regulations are included herein as Appendix B.

D. AGENCY DETERMINATIONS AND ASSURANCES

1. The Agency may not proceed with any phase of a project or other activity that will result in the displacement of any person or business until it makes the following determinations:

    a. Fair and reasonable relocation payments will be provided to eligible persons as required by State and Federal law, the State Guidelines, and Agency Rules and Regulations adopted pursuant thereto.

    b. A relocation assistance advisory program offering the services described in the State Guidelines will be established.

c. Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for in the State Guidelines.

d. Based upon recent survey and analysis of both the housing needs of persons who will be displaced and available replacement housing, and considering competing demands for that housing, comparable replacement dwellings will be available, or provided, if necessary, within a reasonable period of time prior to displacement that are sufficient in number, size and cost for the eligible persons who require them.

e. Adequate provisions have been made to provide orderly, timely and efficient relocation of eligible persons to comparable replacement housing available without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.

f. If required, a Relocation Plan meeting the requirements of state law and the State Guidelines has been prepared.

2. No person shall be displaced until the Agency has fulfilled the obligations imposed by State and Federal law, the California Community Redevelopment Law, the Redevelopment Plan, the State Guidelines and the Agency Rules and Regulations.

3. No persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and an otherwise standard dwelling. The Agency shall not displace such persons or families until such housing units are available and ready for occupancy.

4. If any portion of the Project Area is developed by the Agency with low or moderate income housing units, the Agency shall require, by contract or other appropriate means that such housing be made available for rent or purchase to the persons and families of low and moderate income displaced by Agency activities. Such persons and families shall be given priority in renting or buying such housing; provided, however, that failure to give such priority shall not affect the validity of title to real property.

5. If suitable housing units are not sufficiently available in the community for low and moderate income persons and families to be displaced by the Agency from the Project Area, the City Council shall assure that sufficient land is made available for suitable housing for rental or purchase by low and moderate income persons and families. If suitable housing units are not sufficiently available in the Project Area for use by such persons and families of low and moderate income displaced by Agency activities within the Project Area, the Agency may, to the extent of that deficiency, direct or cause the development, rehabilitation, or construction of housing units within the City in accordance with the Agency Rules and Regulations.

6. Permanent housing facilities shall be made available within three years from the time occupants are displaced by the Agency, and pending the development of such facilities, they will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the City at the time of their displacement.

E. RELOCATION ASSISTANCE ADVISORY PROGRAM AND ASSURANCE OF COMPARABLE REPLACEMENT HOUSING

The Agency shall implement a relocation assistance advisory program, which satisfies the requirements of the state law and Article 2 of the State Guidelines and the Civil Rights Act. Such program shall be administered so as to provide advisory services which offer maximum assistance to minimize the hardship of displacement and to ensure that: (a) all persons and families displaced from their dwellings are relocated into housing meeting the criteria for comparable replacement housing contained in the State Guidelines; and (b) all persons displaced from their places of business are assisted in reestablishing with a minimum of delay and loss of earnings. No eligible person shall be required to move from his/her dwelling unit unless an adequate replacement dwelling unit is available to such person.

The following outlines the general functions of the Agency in providing relocation assistance advisory services. Nothing in this section is intended to permit the Agency to displace persons other than in a manner prescribed by law, the State Guidelines and the adopted Agency rules and regulations prescribing the Agency's relocation responsibilities.

F. ADMINISTRATIVE ORGANIZATION

1. Responsible Entity

The Agency is responsible for providing relocation payments and assistance to site occupants (persons, families, business owners and tenants) displaced by the Agency from the Project Area, and the Agency will meet its relocation responsibilities through the

use of its staff and consultants, supplemented by assistance from local realtors and civic organizations.

2. Functions

The Agency's staff and/or consultants will perform the following functions:

a. Prepare a Relocation Plan as soon as possible following the initiation of negotiations for acquisition of real property by the Agency and prior to proceeding with any phase of a public improvement or facility, project or other implementation activity that will result in any displacement other than an insignificant amount of non-residential displacement. Such Relocation Plan shall conform to the requirements of the Section 6038 of the State Guidelines. The Agency shall interview all eligible persons, business concerns, including non-profit organizations, to obtain information upon which to plan for housing and other accommodations, as well as to provide counseling and assistance needs.

b. Provide such measures, facilities or services as needed in order to:

1) Fully inform eligible persons as to the availability and the eligibility requirements for relocation benefits and assistance, as well as the procedures for obtaining such benefits and assistance, in accordance with the requirements of Section 6046 of the State Guidelines.

2) Determine the extent of the need of each such eligible person for relocation assistance in accordance with the requirements of Section 6048 of the State.

3) Assure eligible persons that within a reasonable period of time prior to displacement there will be available comparable replacement housing meeting the criteria described in Section 6008(c) of the State Guidelines, sufficient in number and kind for and available to such eligible persons.

4) Provide current and continuing information on the availability, prices and rentals of comparable sales and rental housing, and of comparable commercial properties and locations, and as to security deposits, closing costs, typical down payments, interest rates, and terms for residential property in the area.

5) Assist each eligible person to complete applications for payments and benefits.

6) Assist each eligible, displaced person to obtain and move to a comparable replacement dwelling.

7) Assist each eligible person displaced from his/her business in obtaining and becoming established in a suitable replacement location.

8) Provide any services required to insure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, sexual orientation, marital status or other arbitrary circumstances.

9) Supply to such eligible persons information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal or State programs that offer assistance to displaced persons.

10) Provide other advisory assistance to eligible persons in order to minimize their hardships. Such assistance may include counseling and referrals with regard to housing, financing, employment, training, health and welfare, as well as other assistance.

11) Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the Project, which policies shall be in accordance with the provisions of Section 6058 of the State Guidelines.

12) Notify each individual tenant and owner-occupant to be displaced with at least 90 days written advance notice prior to requiring any such person to move from a dwelling or to move a business.

13) Coordinate the Agency's relocation assistance program with the project work necessitating the displacement and with other planned or proposed activities of other public entities in the community or other nearby areas that may affect the implementation of its relocation assistance program.

3. Information Program

The Agency shall establish and maintain an information program that provides for the following:

1) Within 15 days following the initiation of negotiations and not less than 90 days in advance of displacement, except for those situations described in subsection 6042(e) of the State Guidelines, the Agency shall prepare and

distribute informational materials (in the language most easily understood by the recipients) to persons eligible for Agency relocation benefits and assistance.

2) Conducting personal interviews and maintaining personal contacts with occupants of the property to the maximum extent practicable.

3) Utilizing meetings, newsletters and other mechanisms, including local media available to all persons, for keeping occupants of the property informed on a continuing basis.

4) Providing each person written notification as soon as his/her eligibility status has been determined.

5) Explaining to persons interviewed the purpose of relocation needs survey, the nature of relocation payments and assistance to be made available, and encouraging them to visit the relocation office for information and assistance.

4. Relocation Record

The Agency shall prepare and maintain an accurate relocation record for each person to be displaced as required by the State of California.

5. Relocation Resources Survey

The Agency shall conduct a survey of available relocation resources in accordance with Section 6052 of the State Guidelines.

6. Relocation Payments

The Agency shall make relocation payments to or on behalf of eligible displaced persons in accordance with and to the extent required by State and Federal law.

a. Temporary Moves

Temporary moves would be required only if adequate resources for permanent relocation sites are not available. Staff shall make every effort to assist the site occupant in obtaining permanent relocation resources prior to initiation of a temporary move, and then only after it is determined that Agency activities in the Project Area will be seriously impeded if such move is not performed. The

Agency will provide such displaced residents with relocation assistance, services and benefits in accordance with Agency Rules and Regulations.

b. Last Resort Housing

The Agency shall follow state law and the criteria and procedures set forth in Article 4 of the State Guidelines for assuring that if the Agency action results, or will result in displacement, and comparable replacement housing will not be available as needed, the Agency shall use its funds or other authorized funding for the Project to provide such housing.

c. Eviction Policy

Eviction for cause is permissible only as a last resort and must conform to state and local law. If a person is evicted for cause on or after the effective date of a notice of displacement issued, displaced persons retain the right to the relocation payments and other assistance for which they may be eligible.

d. Grievance Procedures

The Agency may adopt grievance procedures to implement the provisions of the state law and Article 5 of the State Guidelines. The purpose of the grievance procedures is to provide Agency requirements for processing appeals from Agency determinations as to the eligibility for, and the amount of a relocation payment, and for processing appeals from persons aggrieved by the Agency's failure to refer them to comparable permanent or adequate temporary replacement housing. Potential displacees will be informed by the Agency of their right to appeal regarding relocation payment claims or other decisions made affecting their relocation.

e. Relocation Appeals Board

Any person who disagrees with a determination regarding eligibility for, or amount of, a relocation payment, may have his/her claim received and reconsidered in accordance with the grievance procedures outlined in the Agency Rules and Regulations.

VI. REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION AND REPORT REQUIRED BY SECTION 65402 OF THE GOVERNMENT CODE

Section 33352(h) of the CRL requires that the Agency's Report to the City Council contain the report and recommendations of the Planning Commission on the proposed Amendment. Section 33352 (j) of the CRL requires that the Agency's Report to the City Council contain the report required by Section 65402 of the Government Code. Section 65402(c) states among other things, that no real property should be acquired by dedication or otherwise for public purposes, no real property shall be disposed of, no street shall be vacated or abandoned and no public building or structure shall be constructed or authorized until such activities have been submitted to and reported upon by the local planning agency as to conformity with the jurisdiction's adopted general plan.

The Agency is expected to authorize transmittal of the Amendment to the Planning Commission on January 9, 2008, at which time the Planning Commission will make its report and recommendation to the Agency. The Agency resolution receiving the Amendment and transmitting the Amendment to the Planning Commission, and the Planning Commission's report regarding the consistency of the proposed Amendment with the General Plan, and recommendation on the proposed Amendment will be added to this Report in a Supplemental Report to the City Council.

VII. COMMUNITY CONSULTATIONS

Section 33352(i) of the CRL requires the Agency's report to the legislative body (City Council) to contain the summary referred to in CRL Section 33387, i.e., a summary of consultations with the Project Area Committee (PAC), if any. CRL Section 33385.3 states that if a PAC does not exist, and the Agency proposes to amend a redevelopment plan, the Agency shall establish a PAC if the proposed amendment would grant the authority to the Agency to acquire by eminent domain property on which persons reside if the project area is one in which a substantial number of low- and moderate-income persons reside.

Since the Agency anticipates extending its ability to utilize eminent domain only for non-residential property in the Original Project Area, a PAC is not required for the Amendment. The Agency will consult with and obtain the advice of property owners, business owners, tenants, community organizations, and other interested parties at a community information meeting and at the joint public hearing of the Agency Board and City Council on the proposed Amendment. The community information meeting is scheduled for February 7, 2008. The joint public hearing is scheduled for February 20, 2008.

Notice for the community information meeting will be included in the notice for the joint public hearing. Per CRL Section 33349, the Agency will send a first class mailing containing the required notice of the joint public hearing of the Agency Board and City Council to the last known assessee (the "property owner") of each parcel of land and to all tenants and business owners within the Project Area. This notice will explain the purpose of the public hearings and contain other pertinent information such as the meeting date, time and location. The notice of the joint public hearing will also be published in a newspaper of record for four (4) consecutive weeks in compliance with the CRL. The days of publication are scheduled for January 17, January 24, January 31, and February 7, 2008. Copies of the notice of the joint public hearing meeting will be included within a supplement to this Report submitted to the City Council prior to the adoption of the proposed Amendment.

VIII. ENVIRONMENTAL REVIEW

Section 33352 (k) of the CRL requires that the Agency's Report to the City Council contain the report required by Section 21151 of the Public Resources Code (environmental review document).

An Environmental Impact Report (EIR) was adopted for the Original Project Area when it was established in 1996. An additional EIR was prepared and adopted for the First Amendment which added territory to the Project Area in 2001. These two EIRs provide a program-level assessment of the potential environmental effects of the redevelopment projects within the City and the amendment to add territory. According to both EIRs, all significant environmental impacts would be reduced to below a level of significance following incorporation of mitigation measures with the exception of impacts associated with air quality.

To assess the potential impact of the proposed Third Amendment, the Agency prepared a study and environmental checklist as required under CEQA which considered the potential impacts of the Amendment on the following:

A. Land Use
B. Population, Housing, and Employment
C. Traffic and Circulation
D. Air Quality
E. Public Services
F. Public Utilities
G. Geology and Seismicity
H. Flooding and Drainage
I. Noise
J. Historical and Cultural Resources
K. Biological Resources

Per CEQA, no subsequent of supplemental EIR need be prepared for a project once a previous EIR has been certified unless the Lead Agency determines that, either: 1) substantive changes are proposed in the project that will require major revisions to the EIRs; 2) substantial changes have or will occur with respect to the circumstances under which the project is undertaken that will require major revisions to the EIRs; or 3) new information of substantial importance that was not known or could not have been known with the exercise of reasonable diligence at the time of the certification of the EIRs shows any one of a number of impacts on either potential impacts of the project, the alternatives considered, or the mitigation measures considered.

The Third Amendment will not affect land uses or alter the proposed activities or projects in the existing Redevelopment Plan. The 21166 Study/Environmental checklist will be reviewed and considered by the Agency after the joint public hearing and prior to the Agency's recommendation regarding the Amendment. Given the nature of the proposed Third Amendment and based upon the findings of the 21166 Study/Environmental Checklist, it is

anticipated that the Agency will adopt findings that no new effects would occur and that no new mitigation measures are required for the Third Amendment and that therefore no new environmental documentation will be required.

The 21166 Study/Environmental Checklist prepared for the proposed Amendment is included within this Report as Appendix B.

IX. NEIGHBORHOOD IMPACT REPORT AS WARRANTED BY THE PROPOSED AMENDMENT

Section 33352(m) of the CRL requires that the Agency's Report to the City Council contain a neighborhood impact report if the redevelopment project contains low or moderate income housing. The purpose of the neighborhood impact report is to describe in detail the impact of the proposed actions upon the residents of the Project Area and surrounding areas in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population and quality of education, property assessments and taxes, and other matters affecting the physical and social quality of the neighborhood. The neighborhood impact report is also to include: (a) the number of dwelling units housing persons and families of low or moderate income expected to be destroyed or removed from the low and moderate income housing market as part of the redevelopment project; (b) the number of persons and families (households) of low or moderate income expected to be displaced by the project; (c) the general location of housing to be rehabilitated, developed, or constructed pursuant to Section 33413 of the CRL; (d) the number of dwelling units housing persons and families of low and moderate income planned for construction or rehabilitation, other than replacement housing; (e) the projected means of financing the proposed dwelling units for housing persons and families of low and moderate income planned for construction or rehabilitation; and (f) a projected timetable for meeting the relocation, rehabilitation and replacement housing objectives.

A neighborhood impact report was prepared and included in the Report on the Redevelopment Plan at the time of adoption in 1996. The neighborhood impact report discussed the potential impacts to residents in the Project Area and surrounding areas based upon information contained in the EIR for the Redevelopment Plan, the Method or Plan for Relocation, and other sources included in the 1995 Report in the following areas:

- Relocation
- Traffic Circulation
- Environmental Quality
- Community Facilities and Services
- School Population and Quality of Education
- Property Assessment and Taxes
- Residential Displacement and Low and Moderate Income Housing

- Other Matters Affecting the Physical and Social Quality of the Environment

The proposed Amendment will not alter the Agency's planned projects and programs to alleviate blighting conditions in the Project Area. The Amendment will not change the current restrictions in the Redevelopment Plan on the use of eminent domain, which is not permitted for properties on which persons reside. Therefore, the Amendment is not expected to cause the relocation of residents through Agency action or have any impacts on residents and the environment that were not considered in the EIR prepared for the original adoption of the Redevelopment Plan. In the event that Agency projects and programs would cause displacement of residents, as described in Section VI of the Report, the Agency will provide any persons, families, business owners and/or tenants displaced by Agency activities with monetary and advisory relocation assistance consistent with the California Relocation Assistance Law (State Government Code, Section 7260 *et seq.*), the State Guidelines adopted and promulgated pursuant thereto, and the provisions of the Redevelopment Plan.

APPENDIX A

IMPLEMENTATION PLAN
FOR 2004/05 – 2008/09

Palm Avenue/Commercial Redevelopment Project

Five-Year Implementation Plan

(2004-05 through 2008-09)

Adopted: March 2, 2005

Imperial Beach Redevelopment Agency
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Imperial Beach, California 91932

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Five-Year Implementation Plan

Palm Avenue/Commercial Redevelopment Project

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Introduction

This document is the Five-Year Implementation Plan ("Plan") for the Palm Avenue/Commercial Redevelopment Project of the Imperial Beach Redevelopment Agency ("Agency"). This Plan presents the Agency's anticipated projects and programs, goals and objectives, as well as estimated revenue for the five-year planning period of 2004-05 through 2008-09. Adopting this Plan does not approve any of the listed projects. Specific project implementation activities are subject to environmental review and discretionary approvals by the Agency. This Plan replaces the Agency's existing Five-Year Implementation Plan that was approved in 2001 when the Palm Avenue/Commercial Redevelopment Project was adopted.

Implementation Plan Objectives

The Palm Avenue/Commercial Redevelopment Plan presents the following objectives for addressing the blighting conditions found in the Palm Avenue/Commercial Corridor Project Area ("Project Area"). These objectives, will guide the Agency's implementation activities detailed in this Plan.

REUSE

To eliminate adverse neighborhood conditions and to prevent the acceleration of such conditions in and about the Amendment Area.

PRESERVE

To effect the comprehensive planning and rehabilitation of Amendment Area in such a manner as to maintain and upgrade residential and non-residential neighborhoods, and to improve the public infrastructure within and serving residential and non-residential areas in accordance with the General Plan.

INVEST

To encourage the optimum utilization of real property, to develop a more efficient and effective circulation system, and to upgrade public improvements in order to maintain the values of residential and non-residential neighborhoods.

LIVE

To eliminate sub-standard housing through the rehabilitation of residential units, and where deterioration makes rehabilitation infeasible, to replace such dwellings on a one-for-one basis as necessary and consistent with other provisions of the Redevelopment Plan.

Anticipated Projects and Programs

The following section describes the non-housing and housing projects and programs proposed for the five-year planning period.

Existing Blight in the Project Area

According to the Agency's documents prepared to justify establishing a redevelopment program, the Project Area contained numerous blighting conditions including the following:

- Buildings and Infrastructure that is Dilapidated, Unsafe and Unhealthy
- Inadequate Public Infrastructure
- Physical Conditions that Hinder Economic Viable Use
- Incompatible Uses
- Irregular Lots under Mixed Ownership

The following is a list of the programs and projects the Agency proposes to implement during the next five years to address these blighting conditions:

Commercial Programs and Projects

Project/Program Description	Estimated Redevelopment Investment	Goals Achieved
Palm Avenue Commercial Redevelopment Pursue a public/private partnership to improve large commercial properties in the Palm Avenue commercial corridor that will stimulate further improvements in the area. This project will eliminate factors that hinder economically viable uses, eliminate incompatible uses and irregular lots under mixed ownership.	$8 million Bond Proceeds & Future Tax Increment Revenue	INVEST PRESERVE REUSE
Commercial Development Opportunities As additional tax increment revenues are realized, the Agency would like to use these proceeds to rehabilitate additional commercial properties through public/private partnerships that may include mixed residential development. This program is expected to eliminate factors that hinder economically viable uses, eliminate incompatible uses and irregular lots under mixed ownership.	Future Tax Increment Revenue	REUSE INVEST

Project/Program Description	Estimated Redevelopment Investment	Goals Achieved
Old Palm Mixed Use Redevelopment Improve the pedestrian oriented atmosphere of the "Old Palm" Avenue by encouraging the construction of mixed use projects and funding streetscape improvements, signage and the other recommendations contained in the "Old Palm Avenue Focus Study" to assist in the area's destination identification. This program may include re-use of the San Diego Unified Port District parking lot at the corner of Seacoast Drive and Old Palm Avenue. This underutilized property is a link between the Seacoast Commercial area and the Old Palm Avenue neighborhood. This program will eliminate factors that hinder economically viable uses and inadequate public infrastructure.	$1.5 million Bond Proceeds & Future Tax Increment Revenue	INVEST REUSE PRESERVE
Improve Appearance of Commercial Uses Develop commercial master plans for Palm Avenue and 13th Street to improve the appearance of existing uses and attract new commercial, residential and mixed-use offerings to the Project Area. Master planning efforts may be pursued concurrently with the development of a façade improvement program and a General Plan update. This project will eliminate factors that hinder economically viable and incompatible uses.	$100,000 Bond Proceeds & Future Tax Increment Revenue	REUSE INVEST
Facade Improvement Program Provide financial assistance to owners/tenants for exterior improvements to commercial buildings, including storefronts, awnings, lighting, signage, code violations and handicapped accessibility. Completion of this project will improve dilapidated buildings, which are unsafe or unhealthy buildings as well as eliminate factors that hinder economically viable uses.	$250,000 Bond Proceeds & Future Tax Increment Revenue	PRESERVE INVEST

Project/Program Description	Estimated Redevelopment Investment	Goals Achieved
Economic Development Program Develop a program with the Imperial Beach business community for retaining existing businesses in the Project Area. Specific programs may include a year round special events program. This project will eliminate factors that hinder economically viable uses.	Future Tax Increment Revenue	INVEST
Implement Ecotourism Study Implement results of the Ecotourism Study to assist businesses that suffer from non-seasonal economic downturns and cause many tourist oriented businesses to curtail operations during the off-season. This project will eliminate factors that hinder economically viable uses.	Future Tax Increment Revenue	INVEST
Sand Replenishment Project Army Corps of Engineers is developing a sand replenishment project to restore the beach areas along the Imperial Beach coast. Completion of this public infrastructure project will restore an area, which is an economic asset to the Project Area, as well as enhance the safety of coastal properties.	$1.0 million Future Tax Increment Revenue	PRESERVE INVEST
Promote Recreational and Resort Uses Develop a Seacoast Commercial Master Plan to attract high quality resort development and recreational opportunities. A master plan will ensure that surrounding residential uses are not unduly burdened by new development and may be pursued concurrently with a general plan update. This project will eliminate factors that hinder economically viable uses and address inadequate public infrastructure.	$50,000 Bond Proceeds	INVEST PRESERVE

Project/Program Description	Estimated Redevelopment Investment	Goals Achieved
Bayfront Revitalization Engage the Bayfront community in a master planning process to identifying redevelopment (re-use) options for the Public Works Yard and other industrial uses in this area. This effort may include a feasibility analysis of the long-term use options for the Pond 20 area. Either project (Bayfront re-use or Pond 20) may be pursued concurrently with a General Plan update. This project will address factors that hinder economically viable uses, inadequate public infrastructure, incompatible uses and irregular lot under mixed ownership.	$100,000 Bond Proceeds	PRESERVE REUSE INVEST

Capital Improvement Program

Project/Program Description	Estimated Redevelopment Investment	Goals Achieved
Capital Infrastructure Projects Preliminary street improvements as listed in Exhibit 1 include; street overlay, curb and gutter replacement, new and rehabilitated sidewalks, along with new and rehabilitate handicapped access ramps where appropriate and others. These projects will improve inadequate public infrastructure as well the healthy and safety infrastructure in the overall Project Area.	$4.1 million Bond Proceeds & Future Tax Increment Revenue	REUSE PRESERVE INVEST
Park and Recreation Improvements Veterans Park rehabilitation, Teaple Park restrooms, Sports Park improvements, Birders Point and State Route 75 bike path improvements. These projects will improve inadequate public park infrastructure and the healthy and safety of park and recreation improvements.	$1.0 million Bond Proceeds & $400,000 Tax Increment Revenue	PRESERVE INVEST

Project/Program Description	Estimated Redevelopment Investment	Goals Achieved
Storm Drain Improvements Fund expansion and upgrades of storm drain system detailed in Exhibit 2. Improvements of the storm drain public infrastructure will improve the healthy and safety of the overall Project Area by reducing flooding and urban runoff into the San Diego Bay and Pacific Ocean.	$600,000 Future Tax Increment Revenue	INVEST REUSE
Alley Assessment Formation and Construction Fund the needed legal, planning and engineering work required to establish alley improvement assessment districts. Attachment 1 is a preliminary map of alley segments targeted for improvement. This project will improve inadequate public infrastructure and the health and safety conditions to surrounding buildings.	$500,000 Bond Proceeds & Future Tax Increment Revenue	REUSE INVEST
Public Facilities & Information Technology Implementing the general redevelopment program will require improvements to the following facilities: Public Works Yard, Marina Vista Center in addition to various technology upgrades such as setting up a comprehensive redevelopment internet site. These projects will eliminate factors such as inadequate and unsafe public infrastructure and buildings.	$1.3 million Future Tax Increment Revenue	PRESERVE INVEST

Housing Projects and Programs

Project/Program Description	Estimated Redevelopment Investment	Goals Achieved
Neighborhood Revitalization This program funds various rehabilitation efforts by the Agency including Code Compliance activities, staffing for neighborhood revitalization committee, graffiti abatement program and materials for the "Paint IB" program. This project will eliminate factors hindering economically viable uses and unsafe and unhealthy buildings.	$750,000 Future Tax Increment Revenue	LIVE REUSE
Rehabilitation Loan Program The program will improve the area's existing housing stock by making loans to owner occupants. These loans will be used to rehabilitate the property of owner occupants to comply with City codes or make improvements to the exterior of their homes. This project will eliminate factors hindering economically viable uses and unsafe and unhealthy buildings.	Future Tax Increment Revenue	LIVE REUSE
Affordable Housing Development The program seeks to purchase deteriorated housing units and finance their improvements, to provide gap financing for projects that will bring continued revitalization to the area and to provide housing opportunities for all, including seniors and low-income residents. Completion of this project will eliminate factors hindering economically viable uses and unsafe and unhealthy buildings.	$4.1 million Bond Proceeds & Future Tax Increment Revenue	LIVE PRESERVE INVEST

Five-Year Budget

The Agency is using redevelopment along with other financing tools and partnerships to facilitate enhancement of the Project Area as a whole. The Agency has approximately $26.7[1] million in cash assets on hand at the beginning of the five-year planning period covered by this Plan. It is estimated that the Agency will receive $16.2 million in total property tax increment revenue during the five-year planning cycle, of which $3.4 million is set-aside for affordable housing activities and $3.2 is required in statutory payments to affected taxing agency's leaving approximately $9.6 million for non-housing activities. Actual revenues and expenditures may differ from these forecasts and are therefore subject to change.

The total costs associated with implementing the projects and programs listed in this Plan are estimated to be $31.4[2] million; this compares to the $33.7[3] million in revenue the Agency has or will receive during the five-year term of this Plan.

Project Area Background

Originally adopted as a 250-acre Project Area addressing commercial properties, the Project Area was amended in 2001 to include 1,125-acres (the remaining residential portions of the City) for a total Project Area of 1,375-acres. Most of the developed portions of the City of Imperial Beach are in the Project Area, excluding Ream Field Naval Base. While functioning as a single Project Area, each constituent area has different time limits to undertake redevelopment activities, incur debt, receive property tax revenue and exercise eminent domain. These limitations are summarized on the following page.

[1] Includes net bond proceeds of approximately $20,420,290 per 2003-2004 Audit.

[2] Includes estimate of debt service payments.

[3] Includes projected investment income of $275,000 and net bond proceeds of approximately $20,420,290 per 2003-2004 Audit, but not remaining cash on hand of$ 6,300,000.

Redevelopment Plan Limits	Date
Final Date to Incur Indebtedness	
Original Area	3/9/2017
Amended Area	8/17/2022
Duration of Redevelopment Plan	
Original Area	3/9/2027
Amended Area	8/17/2032
Final Date to Collect Tax Increment Revenue	
Original Area	3/9/2042
Amended Area	8/17/2047
Eminent Domain	
Original Area	3/9/2008
Amended Area	No-Authority
Financial Limitations	
Bonded Indebtedness Limit	$120,000,000

Note: Includes 1-year time limit extension granted under Senate Bill 1045.

Projects Completed

The Agency has completed several projects as well as established many programs to facilitate redevelopment of the Project Area, since its inception in 1996. Specific projects and programs include the following:

- Completion of the Imperial Beach Promenade Shopping Center;
- Funding Code Compliance and Neighborhood Revitalization Activities;
- Issuance of $22,765,000 of Series 2004 Tax Allocation Bonds; and
- Adopting an Economic Development Plan.

Ten-Year Housing Compliance Plan

This section addresses specific requirements in state law with respect to prior affordable housing activities and the anticipated housing program in the future.

Redevelopment agencies use implementation plans to establish 10-year objectives to achieve compliance with state law regarding their affordable housing programs. These housing objectives generally fall into three categories:

- Housing Production – based on the number of housing units constructed or substantially rehabilitated over a 10-year period, a redevelopment agency is to ensure that a percentage of these units are affordable to very-low, low- and moderate- income households.
- Replacement Housing – redevelopment agencies must ensure that any housing units destroyed or removed as a result of redevelopment project are replaced within four years.
- Targeting Household Types – Identify the amount of housing set-aside funds the redevelopment agency will allocate during the 10-year period on increasing and improving the supply of housing affordable to very low income households and low income households, and housing for residents under the age of 65.

The housing program objectives the Agency will implement during the next ten years are described below.

Housing Production

To estimate the number of housing units that need to be affordable to low- and moderate- households, the Agency estimated the total number units to be constructed or substantially rehabilitated in the Project Area and applied mandates established by the Redevelopment Law.

The chart on the following page summarizes the production goals over various time periods as required by Redevelopment Law. The number of required affordable housing units is based upon statutory thresholds, and the Agency is responsible for ensuring that the appropriate number of affordable units is created during the 10-year planning period.

Actual and Projected Housing Needs by Time Period			
Time Period	Actual/Assumed Housing Units Constructed and Substantially Rehabilitated in the Project Area	Affordable Units Required	
		Total	Very Low
Prior to 2005	91	13.7	5.5
10 Year Forecast	**182**	27.3	10.9
2005 to 2009	**91**	13.7	5.5
2010 to 2014	**91**	13.7	5.5
Redevelopment Plan Duration *(Until 2047)*	637	96	38

As shown in the above table, while the Agency has not produced any affordable housing units it does not have a substantial deficiency in the amount of affordable units required to fill this gap. Over the 35-year duration of the Redevelopment Plan, the Agency anticipates a need for 96 affordable units (including 38 very low-income units) with 41[4] affordable units (including 16 very low-income units) being produced over the next 10 years. Fulfillment of these production goals is shown on the following table.

Fulfillment of Affordable Housing Production Requirements by Time Period								
Time Period	Units Required (see previous table)		Units Produced		**Additional Units Required**		**Net Surplus Units Produced**	
	Total	VL	Total	VL	Total	VL	Total	VL
Prior to 2005	14	5	0	0	**14**	**5**	**0**	**0**
10 Year Forecast	**27**	**11**	**41**	**16**	**0**	**0**	**0**	**0**
Redevelopment Plan Duration *(Until 2047)*	96	38	96	38	**0**	**0**	**0**	**0**

As shown in the above table, the Project Area is not projected to produce a housing surplus. The Agency proposes to meet the majority of its housing production requirement through acquisitions of existing housing units in need of rehabilitation.

Replacement Housing

During the Implementation Plan period, the Agency does not anticipate that any Agency-assisted projects will result in the displacement or removal of

[4] Combination of the previous 5 years along with the projections for the next 10 years.

housing units. Consequently, the Agency does not anticipate that any housing will need to be replaced at this time.

Expenditures by Household Types

Based on preliminary estimates as of November 2004, the Agency anticipates that the low and moderate-income housing fund will have a fund balance of $4,814,923[5]. Over the five-year period ending on June 30, 2009, it is conservatively estimated that the Project Area will generate another $2,691,624 in 20% housing set aside revenue.

At a minimum, the Agency's low- and moderate- income housing set-aside revenue is to be expended in proportion to the community's need for very low- and low- income housing, as well as the proportion of the population under the age of 65.

Based on statistics from the Regional Housing Needs Assessment, used by local government to meet state requirement for affordable housing by category, and 2000 Census statistics, the following minimum thresholds for housing program expenditures would be required over the term of the Implementation Plan.

Household Type	Minimum Percentage of Housing Set Aside Expenditures over Implementation Plan
Very Low Income Households (Based on community's need for housing for households earning less than 54% of County median income)	16%
Low Income Households (Based on community's need for housing for households earning less than 86% of County median income)	10%
Household Under Age 65 (Based on percentage of the City's 2000 Census population under the age of 65)	92%

Notes:
Percentage of very low and low income household expenditures based upon City of Imperial Beach Regional Housing Needs Assessment in which 14 (16%) of the total 87 units in the City's housing are applicable for very low income households and 9 units (10%) are applicable for low income households.

Percentage of expenditures for housing under the age of 65 based on 2000 Census data for the City, wherein 2,029 residents (8%) of the total population of 26,992 are under the age of 65.

[5] Includes approximately $4.1 million in bond proceeds.

- **Housing Set-Aside Expenditures since July 2002.** These proportionality requirements affect expenditures over a ten-year period, although the law permits the compliance initially for a period beginning in January 2003 and ending in December 2012. It is estimated the Agency has expended $8,639 of the $900,000[6] housing set-aside funds received since July 2002. Although there have been no expenditures based on specific low- and moderate-income categories, the Agency expects to be in compliance with all income categories after fully implementing its residential rehabilitation programs and projects.

Housing Expenditures and Proportionality Since July, 2002				
Income Category	**2002-03**	**2003-04**	**2004-05**	**Period to Date**
Very Low Income	$0	$0	$0	$0
Low Income	$0	$0	$0	$0
Moderate Income	$0	$0	$0	$0
Total Expenditures	**$0**	**$0**	**$0**	**$0**

- **Family Units Assisted by Housing Set-Aside Fund Since January 2003.** State law also requires a recap of the number of the projects assisted by the housing set-aside fund over the past Implementation Plan period divided by family projects (open to all age groups) and senior projects (restricted to residents age 65 and older). The Agency has not expended housing set-aside funds on any physical projects.

- **Housing Units Constructed During Prior Implementation Plan Without Housing Set-Aside Funds.** Since January 2000, no other funding source was used by the Agency to construct affordable units featuring long term covenant restricted units (affordable units with covenants of at least 45 years for ownership housing or 55 years for rental housing).

[6] Total through fiscal year 2003-04.

Exhibit 1 - Street Improvements

The following is a preliminary list of street segments designated for public right-of-way improvements. This list is subject to change/modification based on field surveys of changing street conditions and Agency revenues realized.

- Alabama Street from Calla to Palm
- Calla from Rainbow to 547 Calla
- Carolina from Elm to Palm
- Corvina from Palm to Calla
- Dahlia from 5th to Carolina
- Delaware from Grove to I.B. Boulevard
- Downey from 9th to Grove
- Ebony from 2nd to 4th
- Ebony from 11th to 13th
- Elder from 3rd to 4th
- Elm from Florida to 13th
- Emory from Palm to North City limit
- Emory from Grove to Fern
- Encina from 7th to 9th
- Evergreen from 3rd to 4th
- Fern from 13th to 15th
- Florence from I.B. Boulevard to Ebony
- Florence from Grove to I.B. Boulevard
- Florida from Elder to Donax
- Georgia from Elm to Palm
- Georgia from Elm to I.B. Boulevard

- Grove from Connecticut to Delaware
- Grove from Oneonta School to 13th
- Grove from 14th to 15th
- Palm from Beach end to Delaware
- Seacoast from Palm Avenue to I.B. Boulevard
- Silverstrand from Palm to Carnation
- 2nd from I.B. Boulevard to Palm
- 3rd from Elm to Palm
- 5th from Palm to Elm
- 8th from Sav-On to Boulevard
- 10th from Iris to Grove
- 11th from Holly to Grove
- 11th from I.B. Boulevard to Elm
- 11th from Donax to Palm
- 11th from Palm to Cherry
- 12th from Grove to I.B. Boulevard
- 12th from Elm to Palm
- 14th from Fern to I.B. Boulevard
- 15th from Grove to I.B. Boulevard

Exhibit 2 - Storm Drain Improvements

The following is a preliminary list of storm drain segments designated for improvements. This list is subject to change/modification based on field surveys of changing storm drain conditions and Agency revenues realized.

- Channel from Essex Street to Emory Street to 9th Street to I.B. Blvd.
- Channel along property line between 5th Street and Corvina Street (700 and 800 blocks)
- Storm Drain Interceptor near intersection of 8th Street and Calla Avenue
- Underground pipe - Elm Avenue from Florence to 11th Street
- Underground pipe - Alley west side of Bayside Elementary School
- Underground pipe - Seacoast Drive 700 -1000 blocks

Attachment 1 - Alley Improvements

The attachment on the following page is a preliminary map of alley segments designated for public right-of-way improvements. This map is subject to change/modification based on; field surveys of changing alley conditions, Agency revenues realized as well as public approval of alley assessment districts for the cost of physical improvements and on-going maintenance.

ATTACHMENT 4

Imperial Beach Redevelopment Agency

AGENDA ITEM NO. 7.3

STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY

TO:	**CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY** **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL (SITTING AS THE PLANNING COMMISSION)**
FROM:	**GARY BROWN, EXECUTIVE DIRECTOR**
MEETING DATE:	**JANUARY 9, 2008**
ORIGINATING DEPT.:	**COMMUNITY DEVELOPMENT DEPARTMENT** **GREG WADE, DIRECTOR** **GERARD E. SELBY, REDEVELOPMENT COORDINATOR**
SUBJECT:	**GENERAL PLAN AND LOCAL COASTAL PLAN CONSISTENCY REQUIREMENT FOR PROPOSED THIRD AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT AND SETTING A JOINT PUBLIC HEARING**

BACKGROUND

The City of Imperial Beach does not have a Planning Commission. The Imperial Beach City Council assumes the duties of the Imperial Beach Planning Commission for the purposes of making certain legal findings required by law.

Pursuant to Health and Safety Code section 33333.4(g)(2), the Imperial Beach Redevelopment Agency ("Agency") proposes to extend the time limit for the Agency to commence eminent domain action on non-residential properties within the Palm Avenue/Commercial Redevelopment Project Area by twelve (12) years, beginning from the date of adoption of the ordinance by the Imperial Beach City Council ("City Council") approving the proposed Third Amendment to the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project ("Proposed Amendment"). State law (Health and Safety Code sections 33346 and 33347) requires that before the Proposed Amendment is submitted to the City Council for consideration, the Proposed Amendment

must be submitted to the Planning Commission for its report and recommendation concerning the Proposed Amendment and its conformity with the Imperial Beach General Plan and Local Coastal Plan.

On February 7, 1996, by adoption of Ordinance No. 96-901, the City Council approved a final Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project ("the Redevelopment Plan").

On July 18, 2001, by adoption of Ordinance No. 2001-970, the City Council added the Amendment Area to the Palm Avenue/Commercial Redevelopment Project (the "Original Project Area") and adopted Plan Amendment No. 1, pertaining only to the Amendment Area ("First Amendment").

On December 20, 2006, by adoption of Ordinance No. 2006-1050, the City Council adopted a text amendment to the Redevelopment Plan, clarifying that the amendment to the Redevelopment Plan under Ordinance No. 2001-970 added the Amendment Area to the Original Project Area and was not intended to add a new project area by its own terms ("Second Amendment").

In accordance with Section 308 of the Redevelopment Plan for the Original Project Area ("Section 308"), the Agency has authority to acquire real property, as follows:

> The Agency may, but is not required to, purchase, lease, obtain option upon or otherwise acquire any interest in real property by gift, devise, exchange, purchase, lease, by the use of eminent domain, or any other means authorized by law. The Agency shall not have the power to acquire by eminent domain real property on which any persons reside. As used in this Section, the "property on which any persons reside" shall mean that one or more persons reside on the property with the express consent of the property owner.
>
> The Agency shall not have the power to acquire by eminent domain real property outside the [Original Project Area].
>
> No eminent domain proceeding to acquire property within the [Original Project Area] shall be commenced after twelve (12) years following adoption of the ordinance [adopting the Original Redevelopment Plan]. Such time limitation may be extended only by amendment of the [Original Redevelopment Plan].

The Agency's ability to commence eminent domain actions within the Original Project Area thus expires on February 7, 2008.

Health and Safety Code section 33333.4(g)(2) allows the extension of eminent domain powers by an amendment to the Redevelopment Plan for the Original Project Area after the Agency finds, based on substantial evidence, both of the following:

(A) That significant blight remains within the project area.

(B) That this blight cannot be eliminated without the use of eminent domain.

The Draft Report to Council prepared by Keyser Marston Associates presents substantial evidence that significant blight remains within the Original Project Area and that this blight cannot be eliminated without the use of eminent domain. The adoption of the Proposed Amendment to extend the time for commencement of eminent domain powers by twelve (12) years would allow the Agency to implement its existing redevelopment goals to eliminate blight within the Original Project Area, as stated in the Redevelopment Plan and in the 5 Year Implementation Plan adopted by the City Council sitting as the Agency Board on March 2, 2005.

DISCUSSION

The purpose of the Imperial Beach Redevelopment Agency ("Agency") action tonight is to refer the proposed amendment to the City Council sitting as the Planning Commission for report and recommendation; adopt the Draft Report to Council and authorize the transmittal of the proposed Third Amendment and the Report to Council to the City Council of the City of Imperial Beach for consideration upon the recommendation of the City Council/Planning Commission; and consent to the joint public hearing.

The purpose of the City Council/Planning Commission action tonight is to receive the draft report as required by Sections 33346 and 33347 of the California Health and Safety Code and the proposed Third Amendment to the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project pertaining to the original project area, and make a report and recommendation regarding consistency of the proposed Third Amendment with the General Plan and Local Coastal Plan.

The purpose of the City Council action tonight is to receive the Draft Report to Council and the proposed Third Amendment to the Redevelopment Plan for the Palm Avenue/Commercial Redevelopment Project pertaining to the original project area; and consent to the joint public hearing.

GENERAL PLAN AND LOCAL COASTAL PLAN ANALYSIS

General Plan/Community Plan Designations

The City of Imperial Beach General Plan and Zoning Code guide development within Imperial Beach. The General Plan was adopted in 1996. Land use designations per the General Plan include: Single Family Residential, Two-Family Detached, Two-Family Residential, Medium Residential, High-Density Residential, Public Facilities, General Commercial, Seacoast Commercial, Neighborhood Commercial, Open Space, and Urban Reserve.

Zoning Ordinance

The Project Area consists of the following zoning designations: R-1-6000, R-1-3800, R-3000-D, R-3000, R-2000, R-1500, C-1, C-2, C-3, OS, PF, and UR.

Finding of No Additional Impacts

Agency staff conducted a secondary study ("21166 Study") to determine whether a subsequent or supplemental environmental impact report is required for the Proposed

Amendment. The 21166 Study analyzed the environmental factors potentially affected by the Proposed Amendment, including impacts on:

A. Land Use
B. Population, Housing, and Employment
C. Traffic and Circulation
D. Air Quality
E. Public Services
F. Public Utilities
G. Geology and Seismicity
H. Flooding and Drainage
I. Noise
J. Historical and Cultural Resources
K. Biological Resources

The 21166 Study concludes that because the Proposed Amendment does not entail any new redevelopment activities and would allow the Agency to effectively implement activities already contemplated and approved in the Redevelopment Plan for the Original Project Area, the Proposed Amendment is the same project that was analyzed in the EIR for the Original Project Area and the EIR for the Amendment Area. The Redevelopment Plan for the Original Project Area was determined to be consistent with the General Plan and Local Coastal Plan per Resolution No. 95-1150 of the City Planning Commission, which was passed on September 28, 1995. For the same factual reasons as documented in the 21166 Study, and because the Redevelopment Plan requires that all redevelopment activities must conform to the General Plan and the Local Coastal Plan, staff finds that the Redevelopment Plan, as amended by the Proposed Amendment, will not have any new impacts on the General Plan and Local Coastal Plan. Therefore, the Redevelopment Plan, as amended by the Proposed Amendment, is also consistent with the General Plan and Local Coastal Plan, including, but not limited to, the City's Housing element, which substantially complies with the applicable legal requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.

ENVIRONMENTAL REVIEW

The City Council/Planning Commission's finding of consistency with the General Plan and Local Coastal Plan is not a project. Therefore, the City Council/Planning Commission's actions contemplated by this report are not subject to CEQA.

The Agency and Council's formal acceptance of the Report to Council is not a project. Therefore, the Council actions contemplated by this report are not subject to CEQA.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being posted at least 72 hours prior to the meeting.

DEPARTMENT RECOMMENDATIONS

Redevelopment Agency

1. Receive the Proposed Third Amendment and Report to Council.

2. Refer the Proposed Third Amendment and Report to Council to the City Council/Planning Commission for its report and recommendation concerning the Amended Plan and its conformity to the Imperial Beach General Plan and Local Coastal Plan.
3. Upon the report and recommendation of the City Council sitting as the Planning Commission, recommending approval of the Proposed Third Amendment and finding its conformity with the Imperial Beach General Plan and Local Coastal Plan, transmit the Proposed Third Amendment and Report to Council to the City Council for consideration of adoption at the joint public hearing.
4. Consent to the joint public hearing, which shall be held no earlier than thirty (30) days after the required notices are published and mailed in accordance with Health and Safety Code section 33452.

Planning Commission

1. Adopt this report as the Report of the Planning Commission;
2. Adopt the finding that the Proposed Amendment conforms to the General Plan and Local Coastal Plan;
3. Adopt the Proposed Amendment; and
4. Authorize transmittal of this report and recommendations concerning the adoption of the Proposed Amendment to the Agency and City Council.

City Council

1. Receive the Proposed Third Amendment and Report to Council for consideration at the joint public hearing.
2. Consent to the joint public hearing, which shall be held no earlier than thirty (30) days after the required notices are published and mailed in accordance with Health and Safety Code section 33452.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown, Executive Director

ATTACHMENTS

1. Draft Proposed Amendment
2. Draft Report to Council
3. Five Year Implementation Plan
4. Imperial Beach General Plan and Local Coastal Plan
5. Resolution No. R-08-135
6. Resolution No. 2008-6565
7. Resolution No. 2008-6566

21166 STUDY/ENVIRONMENTAL CHECKLIST
REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH

PROJECT: Palm Avenue/Commercial Redevelopment Project (PACRP) – Proposed Amendments

LEAD AGENCY: Redevelopment Agency of the City of Imperial Beach

CONTACT PERSON AND TELEPHONE: Gerard Selby, Redevelopment Coordinator (619) 424-2226

PROJECT LOCATION:

Imperial Beach was incorporated as a General Law City on July 18, 1956. Imperial Beach is a 4.5 square mile city with a population of 28,002. Its coastal setting and Mediterranean climate provide a unique and attractive living environment. Average maximum temperatures are 74^{0}F in summer and 64^{0}F during the winter. Low temperatures range between 45^{0}F in winter and 58^{0}F during the summer. Precipitation averages 9.5 inches per year, most of which is received during the winter. Imperial Beach claims the distinction of being the "Most Southwesterly City" - in the continental United States. The City is located in the Southwest corner of San Diego County, 25 minutes away from Lindbergh International Airport in downtown San Diego and only 5 miles from the Mexican Border.

The Palm Avenue/Commercial Redevelopment Project ("PACRP") is located in the City of Imperial Beach. On February 7, 1996, by adoption of Ordinance No. 96-901, the City Council approved a final Redevelopment Plan for the PACRP ("the Redevelopment Plan"). On July 18, 2001, by adoption of Ordinance No. 2001-970, the City Council added the Amendment Area to the Palm Avenue/Commercial Redevelopment Project (the "Original Project Area") and adopted Plan Amendment No. 1, pertaining only to the Amendment Area ("First Amendment"). On December 20, 2006, by adoption of Ordinance No. 2006-1050, the City Council adopted a text amendment to the Redevelopment Plan, clarifying that the amendment to the Redevelopment Plan under Ordinance No. 2001-970 added the Amendment Area to the Original Project Area and was not intended to add a new project area by its own terms ("Second Amendment"). The PACRP area encompasses all properties in the City with the exception of the Tijuana Estuary and the Naval Auxiliary. The PACRP area also includes approximately 86 acres that are located in the City of San Diego. The PACRP area's estimated 785 net acres is generally bounded by the Pacific Ocean to the west, San Diego Bay to the north, the City boundary to the east, and the Naval Auxiliary to the south (Map 1).

APPLICANT

Redevelopment Agency of the City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach CA 91932

GENERAL PLAN/COMMUNITY PLAN DESIGNATIONS

The City of Imperial Beach General Plan and Zoning Code guide development within Imperial Beach. The General Plan was adopted in 1996. Land uses designations per the General Plan include: Single Family Residential, Two-Family Detached, Two-Family Residential, Medium Residential, High-Density Residential, Public Facilities, General Commercial, Seacoast Commercial, Neighborhood Commercial, Open Space, and Urban Reserve.

ZONING ORDINANCE

The PACRP consists of the following zoning designations: R-1-6000, R-1-3800, R-3000-D, R-3000, R-2000, R-1500, PF, C-1, C-2, C-3, OS, and UR.

PROJECT DESCRIPTION

The PACRP Area consists of approximately 1,377 acres of mostly developed urban land and was adopted by the Imperial Beach City Council ("City Council") in 1996 and subsequently amended in 2001 to include the remaining residential portions of the City of Imperial Beach. The PACRP was adopted to eliminate conditions of blight in the PACRP project area through the construction, revitalization, and/or upgrade of commercial, residential, and public properties and facilities within the City of Imperial Beach. Redevelopment activities supported by the PACRP are authorized through January 2026.

The PACRP Environmental Impact Report was adopted by the Imperial Beach City Council ("City Council") in 1996. The 2001 PACRP amendment in 2001 also approved Palm Avenue/Commercial Redevelopment Project, Amendment No. 1 Environmental Impact Report. The PACRP Environmental Impact Report and the PACRP Amendment No. 1 Environmental Impact Report provide a program-level assessment of the potential environmental effects of forming a redevelopment project within Imperial Beach and amending the PACRP. The PACRP EIR analyzed an estimated approximately 893 acres of residential land uses, approximately 61 acres of commercial, and approximately 111 acres of public facilities. According to the PACRP EIR and the PACRP Amendment No. 1 EIR, all significant environmental impacts would be reduced to below a level of significance following mitigation incorporation (identified in the PACRP EIR and the PACRP Amendment No. 1 EIR), with the exception of those impacts associated with air quality.

The Redevelopment Plan for the Original Project Area of the PACRP currently provides that the Agency may acquire real property within the Original Project Area by any lawful means, including by eminent domain. The Agency's authority to exercise eminent domain will expire on February 7, 2008. The Redevelopment Agency of the City of Imperial Beach has determined that the following amendment is necessary to the PACRP:

A. Extension of the Imperial Beach Redevelopment Agency's time limit to acquire real property within the Original Project Area, excluding residentially zoned property and

property with legal non-conforming residential uses, by twelve (12) years from adoption of the ordinance authorizing the amendment.

If approved, this amendment will allow the Agency to effectively implement the redevelopment activities already contemplated and approved in the Redevelopment Plan for the Original Project Area.

1. SURROUNDING LAND USE(S) AND PROJECT SETTING

The PACRP area is bordered on the north by San Diego Bay and the U.S. Naval Communication Station, on the south by U.S. Navy Outlying Landing Field, on the west by the Pacific Ocean, and on the east by the City of San Diego. The City of San Diego General Plan land use designations north of Palm Avenue include open space and to the south of Palm Avenue exists multiple residential areas at 10 to 14 units per acre, Palm Avenue is General Commercial, south of Palm Avenue and east of the Imperial Beach City limits the residential character reflects the existing residential development on both sides of the City line.

Portions of the City of Coronado that abut Imperial Beach are designated in the Coronado General Plan for military use with a Wildlife Preserve Overlay designation.

OTHER REQUIRED AGENCY APPROVALS

None.

PREVIOUS ENVIRONMENTAL DOCUMENTATION

- PACRP Environmental Impact Report. 1996. Redevelopment Agency of the City of Imperial Beach
- PACRP Amendment No. 1 Environmental Impact Report. 2001. Redevelopment Agency of the City of Imperial Beach

CONSULTATION

A. Redevelopment Agency of the City of Imperial Beach
Gerard E. Selby, Redevelopment Coordinator

B. Documents and Resources:

- Palm Avenue/Commercial Redevelopment Project Environmental Impact Report. 1996. Redevelopment Agency of the City of Imperial Beach
- Palm Avenue/Commercial Redevelopment Project Amendment No. 1 Environmental Impact Report. 2001. Redevelopment Agency of the City of Imperial Beach

- Palm Avenue/Commercial Redevelopment Project Second Five-Year Implementation Plan (2004-2009). 2004. Redevelopment Agency of the City of Imperial Beach
- Draft Report to City Council for the Adoption of the Third Amendment to the Existing Redevelopment Plan, 2007
- Draft Third Amendment to the Existing Redevelopment Plan
- City of Imperial Beach General Plan & Coastal Plan
- CEQA Deskbook: A Step-by-Step Guide on how to comply with the California Environmental Quality Act. 1999. Solano Press Books

SUMMARY OF ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors potentially affected by this project and analyzed in this document include:

A. Land Use
B. Population, Housing, and Employment
C. Traffic and Circulation
D. Air Quality
E. Public Services
F. Public Utilities
G. Geology and Seismicity
H. Flooding and Drainage
I. Noise
J. Historical and Cultural Resources
K. Biological Resources
L. Mandatory Findings of Significance

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF ENVIRONMENTAL EVALUATION

The City of Imperial Beach certified the PACRP Environmental Impact Report in 1996 and the PACRP Amendment No. 1 Environmental Impact Report in 2001. The conclusions drawn regarding the degree of environmental impact in this 21166 Study/Environmental Checklist are based on a comparison of the effects of the proposed project (i.e. amendment of the PACRP) with the results/conclusions outlined in the PACRP Environmental Impact Report in 1996 and the PACRP Amendment No. 1 Environmental Impact Report in 2001.

The proposed PACRP amendment (proposed project) is the same project as that identified and analyzed under the PACRP Environmental Impact Report in 1996 and the PACRP Amendment No. 1 Environmental Impact Report in 2001. Consequently, as outlined in §21090(b) of the CEQA Guidelines, all public/private undertakings pursuant to or in furtherance of a redevelopment plan will be deemed to be a single project.

The 21166 Study/Environmental Checklist has been prepared following the guidance outlined in §15162 and §21166. These sections indicate that no subsequent or supplemental EIR will

be prepared for the project (once a previous EIR has been certified) unless the Lead Agency determines that, on the basis of substantial evidence in light of the whole record, one or more of the following elements are identified:

1. Substantial changes are proposed in the project that will require major revisions of the PACRP Environmental Impact Report in 1996 and the PACRP Amendment No. 1 Environmental Impact Report in 2001 due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revisions of the PACRP Environmental Impact Report in 1996 and the PACRP Amendment No. 1 Environmental Impact Report in 2001 due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of PACRP Environmental Impact Report in 1996 and the PACRP Amendment No. 1 Environmental Impact Report in 2001 was certified as complete, shows any of the following:

    - The project will have one or more significant effects not discussed in the PACRP Environmental Impact Report in 1996 and the PACRP Amendment No. 1 Environmental Impact Report in 2001;
    - Significant effects previously examined will be substantially more severe than shown in the PACRP Environmental Impact Report in 1996 and the PACRP Amendment No. 1 Environmental Impact Report in 2001;
    - Mitigation measures or alternatives found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - Mitigation measures or alternatives which are considerably different that those analyzed in the PACRP Environmental Impact Report in 1996 and the PACRP Amendment No. 1 Environmental Impact Report in 2001 would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Upon completion of this 21166 Study/Environmental Checklist that adheres to the guidance outlined in §15162, should the Lead Agency determine that no new effects could occur or no new mitigation measures would be required, the Lead Agency may approve the activity as being within the scope of the project analyzed in the programmatic EIR (i.e. PACRP Environmental Impact Report in 1996 and the PACRP Amendment No. 1 Environmental Impact Report in 2001), and no new environmental documentation would be required (CEQA Guidelines §15168 (C)(2) and §21166.

As defined in this 21166 Study/Environmental Checklist, a "No Impact" response indicates that the potential environmental impact associated with implementation of the proposed project (i.e. the amended PACRP) would be the same as the impacts identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR. A "Less Than Significant Impact" response indicates that, although environmental impact or changes in the environment would occur with implementation of the proposed project beyond those identified in the PACRP EIR and the PACRP Amendment No. 1EIR, the impact would still be below a level of significance. A response of "Potentially Significant Unless Mitigation Incorporated" indicates that implementation of the proposed project would potentially result in new or more substantial impacts above and beyond that identified in the PACRP EIR and the PACRP Amendment No. 1 EIR. Any necessary new mitigation required would be designed to reduce the potential impact to below a level of significance. A response of "Potentially Significant Impact" indicates that the proposed project would potentially result in impacts considered significant and beyond those already identified in the PACRP EIR in 1996 and the PACRP Amendment No. 1 EIR in 2001.

The following evaluation checklist lists each potential environmental effect and provides information supporting the conclusion drawn as the degree of impact associated with the proposed project.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
I. LAND USE. Would the Project:				
a) Adversely affect the General Plan land use designations or conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over a project?				X
b) Result in a conflict with the environmental goals, objectives, and recommendations of the community in which it is located?				X
c) Result in project bulk, scale, materials, or style that would be incompatible with surrounding development?				X
d) Substantially alter the existing or planned character of the area, such as could occur with the construction of a subdivision in a previously undeveloped area?				X
e) Result in the improper siting of commercial developments adjacent to				X

sensitive uses?				
f) Substantially change the existing landform?				X
g) Result in the siting of noxious activities on the sites immediately adjacent to sensitive uses?				X

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. As outlined in the PACRP EIR and PACRP Amendment No. 1 EIR, implementation of the redevelopment activities in the PACRP area would result in increases in the development of residential, commercial, and public facilities. Prescribed mitigation, as noted in the PACRP EIR and the PACRP Amendment No. 1 EIR, state that development within the PACRP will process all future development plans in the manner stipulated by the City of Imperial Beach General Plan and Local Coastal Plan, and all applicable City regulations or policies. As outlined in the PACRP EIR and the PACRP Amendment No. 1 EIR, redevelopment within the PACRP Project Area represents an increase in the intensity of development and changes to existing uses of land. However, as redevelopment activities must conform to the goals and policies of the Imperial Beach General Plan and Zoning Code (provides land use compatibilities and design guidelines that ensure compatibility with adjacent land uses, infrastructure, and parking), potential impacts to land use would be reduced to below a level of significance. Adoption of the amended PACRP would not result in any additional impacts to land use in the PACRP project area than those already identified and mitigated for in the PACRP EIR and PACRP Amendment No. 1 EIR. Any specific development action proposed that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP EIR and the PACRP Amendment No. 1 EIR would not result in any additional environmental impact(s) to Land Use not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
II. POPULATION, HOUSING, AND EMPLOYMENT. Would the Project:				
a) Bring substantial population growth in an area?				X
b) Result in an increase in jobs?				X
c) Result in an increase in commercial space?				X

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. As outlined in the PACRP EIR and the PACRP Amendment No. 1 EIR, potential impacts to Population, Housing, and Employment resulting from redevelopment activities would be less than significant. Prescribed mitigation, as noted in the PACRP EIR and the PACRP Amendment No. 1 EIR, states that the number of new housing units and the resultant population increase are consistent with the Imperial Beach General Plan and Local Coastal Plan, and the City's and SANDAG's population projections. The PACRP amendment will not result in an increase in employment, as the anticipated amount of commercial development is identical to those contained in the General Plan. The PACRP will process all future development plans in the manner provided for by the City of Imperial Beach General Plan and Local Coastal Plan, and all applicable City regulations or policies. Adoption of the amended PACRP would not result in any additional impacts to Population, Housing and Employment in the PACRP project area than those already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR. Any specific development action proposed that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP Environmental Impact and the PACRP Amendment No. 1 EIRs would not result in any additional environmental impact(s) to Population, Housing, and Employment not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
III. TRAFFIC AND CIRCULATION. Would the Project:				
a) Result in an increase in projected traffic that is substantial in relation to the existing traffic load and capacity of the street system?				X
b) Add substantial amount traffic to a congested freeway segment, interchange, or ramp?				X
c) Substantially alter the present circulation movement, including effects on existing public access to beaches, parks, or other open space areas?				X

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. As outlined in the PACRP EIR and the PACRP Amendment No. 1 EIR, the potential impacts to Traffic and Circulation resulting from redevelopment activities would be less than significant. Prescribed mitigation, as noted in the PACRP EIR and the PACRP Amendment No. 1 EIR, states that the no significant adverse impacts are expected on the local circulation system as a result of Redevelopment Plan implementation, but traffic growth could contribute cumulatively to significant unavoidable adverse impacts on regional congestion levels. These changes are not expected to be significant relative to impacts that have already been stated in the General Plan/Local Coastal/Zoning Code Update – Environmental Impact Report. The General Plan EIR proposes a number of measures to mitigate traffic impacts along the road segments, and at various intersections. The PACRP will process all future development plans as presented in the City of Imperial Beach General Plan and Local Coastal Plan, and all applicable City regulations or policies. Individual traffic and parking impact analyses will be prepared for any specific development action proposed that would have significant environmental effects related to Traffic and Circulation.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP Environmental Impact and the PACRP Amendment No. 1 EIRs would not result in any additional environmental impact(s) to Traffic and Circulation not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
IV. AIR QUALITY. Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in cumulatively considerable net increase of any criteria pollutant for which the project regions is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursor)?				X
d) Expose sensitive receptors to substantial number of people?				X
e) Create objectionable odors affecting a substantial number of people?				X
f) Release substantial quantities of air contaminants beyond the boundaries of the premises upon which the stationary source emitting the contaminants is located?				X

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. Implementation of the PACRP will not result in emissions greater than San Diego County Air Pollution Control District significance thresholds. Implementation of the PACRP will result in unavoidable adverse impacts upon regional air quality, but because it is consistent with the Imperial Beach General Plan, it is by extension consistent with the Air Quality Management Plan, and its impacts on attaining the goals of these plans will be largely beneficial. Any specific development action that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP EIR and the PACRP Amendment No. 1 EIR would not result in any additional environmental impact(s) to Air Quality not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
V. PUBLIC SERVICES. Would the Project:				
a) Have an effect upon or result in a need for new or altered government services in any of the following areas:				
i.) Fire Protection?				X
ii.) Police Protection?				X
iii.) Schools?				X
iv.) Parks and Recreation?				X
v.) Other public facilities?				X

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. The PACRP EIR and PACRP Amendment No. 1 EIR determined that the demand for police services, fire services, schools, and parkland and recreation services would increase. With the implementation of the redevelopment activities in the PACRP area, prescribed mitigation, as noted in the PACRP EIR and PACRP Amendment No. 1 EIR, states that the anticipated structural rehabilitation activities in the older commercial portions of the City could alleviate impacts if the latest features in fire resistive construction and the addition of automatic fire detection and protection systems such as sprinklers are included. Rehabilitation and new construction that include these improvements will help to reduce both the current and future demand on fire protection services. All future development within the PACRP will conform to the City of Imperial Beach General Plan and Local Coastal Plan, and all applicable City regulations or policies. In addition, the Sheriff's Department would review all residential, commercial or mix-use redevelopment projects for Crime Prevention Through Environmental Design (CPTED) strategies. The PACRP EIR and PACRP Amendment No. 1 EIR anticipates that existing non-conforming land uses in the project area will at some point in the future conform to the land uses designated by the General Plan. As projected in the General Plan, future development will result in a modest increase in student population. The South Bay Unified School District and Sweetwater Union High School District each receive annual mandatory tax increment sharing payments. The National Recreation and Park Association ("NRPA") recommends 6 to 10 acres of parkland per thousand of population. All of the City's parkland, including school sites, and the beach, but excluding the estuary and State Park, total approximately 80.07 acres. Based upon the City's current population of 26,992, minimum parkland requirements would total 162 acres. Unfortunately, this is not an attainable figure for Imperial Beach, due to insufficient developable vacant land, and economic constraints within the city. The Parks, Recreation and Access Element of the General Plan and Local Coastal Plan recommends more mini-parks, neighborhood parks, community parks, activity centers, special use, and all-purpose parks. New development in PACRP will contribute parkland and park impact fees, and therefore provide adequate parkland to meet their own demand. PACRP will

also use Tax Increment and bond funds to create and enhance recreational facilities. Thus, PACRP development will not exacerbate existing parkland needs generated by the current population. Based upon San Diego County Library standards, the 5,000 square feet Imperial Beach Branch Library is currently has a space requirement deficit of approximately 4,447 square feet. Population projections are based on the land-use designation of the General Plan, thus no further mitigation other than policies contained in the General Plan are necessary. The Redevelopment Agency is authorized by Redevelopment Law to enter into agreements for library facilities improvements. Adoption of the amended PACRP would not result in any additional impacts to public services in the PACRP project area than those already identified and mitigated for in the PACRP EIR and PACRP Amendment No. 1 EIR. Any specific development action proposed that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP EIR and the PACRP Amendment No. 1 EIR would not result in any additional environmental impact(s) to Public Services not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
VI. PUBLIC UTILITIES. Would the Project:				
a) Result in a need for new systems or require substantial alterations to existing utilities, the construction of which would create physical impacts to the following areas:				
i.) Electricity?				**X**
ii.) Natural Gas?				**X**
iii.) Water?				**X**
iv.) Wastewater?				**X**
v.) Solid Waste?				**X**
vi.) Communications?				**X**

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. The PACRP EIR and PACRP Amendment No. 1 EIR determined that the implementation of the redevelopment activities in the PACRP area would not cause significant impacts relative to electrical supplies provided to existing users. Energy conservation measures that conform to California Code of Regulations Title 24 Requirements will be required for all future developments

The PACRP EIR and PACRP Amendment No. 1 EIR determined that the implementation of the redevelopment activities in the PACRP project area would not cause significant impacts relative to water supplies provided to existing users. Future development will still be required on an individual basis, to ensure an adequate supply of water without adverse effect on other users. New development is required to implement water conservation methods recommended by the California Department of Water Resources. The Redevelopment Agency is authorized to use various funding mechanism to upgrade the existing water system serving the PACRP project area.

The PACRP EIR and PACRP Amendment No. 1 EIR concluded that the implementation of the redevelopment activities in the PACRP area would not cause significant impacts relative to Wastewater. The City is a member of the San Diego Metropolitan Sewerage System. The existing wastewater treatment facilities have sufficient capacities to handle current and future sewage generation. Future developments will be required to implement water conservation measures. The Redevelopment Plan contains provisions for upgrading the sewer system in order to adequately serve proposed development within the PACRP project area. In addition, all new development must provide evidence of the wastewater treatment facility's ability to serve before the issuance of building permits.

The PACRP EIR and PACRP Amendment No. 1 EIR established that the implementation of the redevelopment activities in the PACRP area would not cause significant impacts relative to Solid Waste. With the implementation of the redevelopment activities in the PACRP area, prescribed mitigation, as noted in the PACRP EIR and PACRP Amendment No. 1 EIR, states that the mitigation measures will reduce refuse generation to acceptable levels. The City has instituted the separation of yard clippings from trash and the recycling of metal and glass. Future developments will be required to implement any source reduction or recycling programs developed or adopted by the City. With the implementation of the redevelopment activities in the PACRP area, prescribed mitigation, as noted in the PACRP EIR and PACRP Amendment No. 1 EIR, states that the mitigation measures will reduce refuse generation to acceptable levels. The City has instituted the separation of yard clippings from trash and the recycling of metal and glass. Future developments will be required to implement any source reduction or recycling programs developed or adopted by the City. Adoption of the amended PACRP would not result in any additional impacts to Public Services in the PACRP project area than those already identified and mitigated for in the PACRP EIR and PACRP Amendment No. 1 EIR. Any specific development action proposed that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The PACRP EIR and PACRP Amendment No. 1 EIR ascertained that the implementation of the redevelopment activities in the PACRP area would not cause significant impacts relative to Communications. The various tele-communications providers indicate that they are capable of providing adequate communication facilities to the PACRP project area.

Any specific development action proposed that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP EIR and the PACRP Amendment No. 1 EIR would not result in any additional environmental impact(s) to Public Utilities not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
VII. GEOLOGY AND SEISMICITY. Would the Project:				
a) Result in a substantial increase in wind or water erosion of soils, either on- or off-site?				X
b) Expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?				X

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. Adoption of the amended PACRP would not result in any additional impacts to Public Services in the PACRP project area than those already identified and mitigated for in the PACRP EIR and PACRP Amendment No. 1 EIR. As outlined in the PACRP EIR and PACRP Amendment No. 1 EIR, the PACRP project area is underlain by the Baypoint formation consisting of recent marine mud. The implementation of redevelopment projects in the PACRP project area will require some grading in order to provide building pads, parking facilities, utilities and drainage. Site specific geology and geo-technical investigations to explore and evaluate rock, soil, groundwater, seismic and geological conditions will be prepared pursuant to the Imperial Beach Municipal Code and/or other applicable City policies.

There are three major regional zones of faulting within the San Diego Region: San Jacinto Fault Zone, Elsinore Fault Zone, and Rose Canyon Zone. The closest to the City of Imperial Beach are the Sweetwater and La Nacion Faults; neither of the two faults appears to have been active in recent time. The City of Imperial Beach enforces a number of programs to reduce the effects of seismicity (groundshaking and displacement) as a result of earthquakes. These programs include the requirement that all construction of new buildings and rehabilitation of existing buildings be in conformance with the latest adopted edition of the Uniform Building Code. Site-specific geology and geo-technical investigations to explore and evaluate rock, soil, groundwater, seismic and geological conditions will be prepared pursuant to the Imperial Beach Municipal Code and/or other applicable City policies. Any specific development action proposed that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP EIR and the PACRP Amendment No. 1 EIR would not result in any additional environmental impact(s) to Geology and Seismicity not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
VIII. FLOODING AND DRAINAGE. Would the Project:				
a) Substantially increase impervious surfaces and associated increased runoff?				X
b) Substantially alter the on- and off-site drainage patterns due to changes in runoff flow rates or volumes?				X

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. The implementation of the Redevelopment Plan could result in adverse impacts that might expose individuals and property to flooding, and increase the amount of storm water runoff generated in the PACRP project Area. With build-out of the PACRP project Area, the carrying capacity of existing storm drain facilities will be significantly affected by additional impervious surface improvements. However, the Redevelopment Plan authorizes the agency participation in the construction of needed public improvements, relative to storm drainage facilities, as outlined in the City's Master Plan of Drainage. Compliance with water quality standards within the PACRP is assured through permit conditions provided by development review process of the City of Imperial Beach. Any specific development action proposed that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP EIR and the PACRP Amendment No. 1 EIR would not result in any additional environmental impact(s) to Flooding and Drainage not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
IX. NOISE. Would the Project:				
a) Result or create a significant increase in the existing ambient noise level?				X
b) Expose people to noise levels that exceed the City's adopted noise ordinance?				X
c) Result in land uses which are not compatible with aircraft noise levels?				X

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. The implementation of the Redevelopment Plan would result in increase noise levels along major streets, however, relative to noise-generation, the anticipated increase in vehicular trips within the PACRP project area would result in a less-than significant increase in noise levels along streets within the PACRP project area. Prescribed mitigation, as noted in the PACRP EIR and the PACRP Amendment No. 1 EIR, states that prior to the issuance of building permit within the PACRP, applicants must submit evidence that all applicable exterior and interior noise standards established by the City of Imperial Beach General Plan and Local Coastal Plan will be met. All site preparation and construction activities will be limited to daytime hours. Adoption of the amended PACRP would not result in any additional impacts to Noise in the PACRP project area than those already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR. Any specific development action proposed that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP EIR and the PACRP Amendment No. 1 EIR would not result in any additional environmental impact(s) to Noise not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
X. HISTORICAL AND CULTURAL RESOURCES. Would the Project:				
a) Cause an alteration, including the adverse physical and/or the destruction of historical or cultural resources?				**X**
b) Impact significant paleontological resource?				**X**

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. As outlined in the PACRP EIR and the PACRP Amendment No. 1 EIR, there are relatively few prehistoric sites recorded in the Imperial Beach area. As with much of the urbanized areas of the San Diego region, potential archeological sites have been seriously degraded. Within the PACRP project area, archeological sites have been identified in an area near the northern boundary along the Otay River and near the Oneonta Slough. Also, there appears to have been a U.S. Cavalry post on the present site of Westview Elementary School. If archeological resources are discovered during grading or other excavation operations, all grading activity will cease, and a qualified archeologist will investigate the site. Any development on sites with structures more than 45 years old will be reviewed in regard to the significance of the older structure. Any proposed project on the same site as, or near to, the historically significant structure mentioned above should be reviewed for the manner in which the proposed construction affects the subject historic structure. Adoption of the amended PACRP would not result in any additional impacts to Historical and Cultural Resources in the PACRP project area than those already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR. Any specific development action proposed that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP EIR and the PACRP Amendment No. 1 EIR would not result in any additional environmental impact(s) to Historical and Cultural Resources not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
XI. BIOLOGICAL RESOURCES. Would the Project:				
a) Have a substantial adverse effect either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by the California Department of Fish and Game of U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildfire corridors, or impede the use of native wildlife nursery?				X

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. As outlined in the PACRP EIR and the PACRP Amendment No. 1 EIR, the PACRP project area portions of the PACRP project area contain sensitive biological resources that may be subject to impacts from redevelopment activities. With implementation of site-specific mitigation measures identified through evaluation of proposed individual development projects within the PACRP project area, impacts to biological resources would be reduced to below a level of significance. Adoption of the amended PACRP would not result in any additional impacts to Historical and Cultural Resources in the PACRP project area than those already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR. Any specific development action proposed that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP EIR and the PACRP Amendment No. 1 EIR would not result in any additional environmental impact(s) to Biological Resources not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant With Mitigation	No Impact
XII. MANDATORY FINDINGS OF SIGNIFICANCE. Would the Project:				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion:

The proposed PACRP amendment, if approved, would extend the Agency's authority to non-residential property within the Original Project Area by twelve (12) years to allow the Agency to implement the redevelopment activities approved in the Redevelopment Plan for the Original Project Area of the PACRP. The proposed project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, and cause a fish or wildlife population to drop below self-sustaining levels. The proposed project will not the potential to threaten or to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history beyond that already identified and mitigated of in the PACRP EIR and the PACRP Amendment No. 1 EIR. Any specific development action proposed that could have a significant impact on the environment would be required to undergo separate environmental review as determined by the Redevelopment Agency of the City of Imperial Beach.

The amended PACRP, as proposed, is the same project as that analyzed in the PACRP EIR and the PACRP Amendment No. 1 EIR would not result in any additional environmental impact(s) not already identified and mitigated for in the PACRP EIR and the PACRP Amendment No. 1 EIR.

15. CEQA COMPLIANCE.

The proposed amendment to the Palm Avenue/Commercial Redevelopment Project Plan (proposed project) has been analyzed in this 21166 Study/Environmental Checklist and the following environmental documents are incorporated by reference:

- Palm Avenue/Commercial Redevelopment Project Environmental Impact Report. 1996. Redevelopment Agency of the City of Imperial Beach
- Palm Avenue/Commercial Redevelopment Project Amendment No. 1 Environmental Impact Report. 2001. Redevelopment Agency of the City of Imperial Beach
- Palm Avenue/Commercial Redevelopment Project Second Five-Year Implementation Plan (2004-2009). 2004. Redevelopment Agency of the City of Imperial Beach
- Draft Report to City Council for the Adoption of the Third Amendment to the Existing Redevelopment Plan, 2007
- Draft Third Amendment to the Existing Redevelopment Plan
- City of Imperial Beach General Plan & Coastal Plan

16. SUMMARY OF FINDINGS.

The following findings are derived from the environmental review documented by this 21166 Study/Environmental Checklist:

A. The proposed project meets the spirit and intent of §21090 of the CEQA Guidelines that states that all, "public/private undertakings pursuant to or in furtherance of a redevelopment plan will be deemed to be a single project." The proposed project

(i.e., amendment of the PACRP) analyzed in this 21166 Study/Environmental Checklist is the same project as that analyzed in the PACRP Environmental Impact Report and PACRP Amendment No. 1 Environmental Impact Report certified respectively in 1996 and 2001 by the City of Imperial Beach and would not result in any new significant impacts not already identified and mitigated for under the previous EIRs.

B. As outlined in §15162 and §21166 of the CEQA Guidelines and based on the conclusions reported in this 21166 Study/Environmental Checklist, no subsequent or supplemental environmental impact report is required for the proposed project for the following reasons:

- No substantial changes are proposed in the project which would require major revisions of the PACRP Environmental Impact and PACRP Amendment No. 1 Environmental Impact Reports due to the involvement of new significant environmental effects, nor a substantial increase in the severity of previously identified significant effects;

- No substantial changes would occur with respect to the circumstances under which the project is undertaken that will require major revisions of the PACRP Environmental Impact and PACRP Amendment No. 1 Environmental Impact Reports due to the involvement of new significant environmental effects, nor a substantial increase in the severity of previously identified significant effects;

- No new information of substantial importance is available, which was not known and could not have been with the exercise of reasonable diligence at the time the PACRP Environmental Impact and PACRP Amendment No. 1 Environmental Impact Reports of 1996 and 2001 were certified as complete. The following conclusions are supported by the 21166 Study/Environmental Checklist:

    i. The project will not result in one or more significant effects not previously discussed in the PACRP Environmental Impact and PACRP Amendment No. 1 Environmental Impact Reports of 1996 and 2001;
    ii. No significant effects, previously examined in the PACRP Environmental Impact and PACRP Amendment No. 1 Environmental Impact Reports of 1996 and 2001 will be substantially more severe than previously known;
    iii. No mitigation measures or alternatives, found not to be feasible in the PACRP Environmental Impact and PACRP Amendment No. 1 Environmental Impact Reports of 1996 and 2001, would in fact be feasible and substantially reduce one or more significant effects of the project;
    iv. No mitigation measures or alternatives, which are considerably different than those analyzed in the PACRP Environmental Impact and PACRP Amendment No. 1 Environmental Impact Reports of 1996 and

2001 and would substantially reduce one or more significant effects on the environment.

The Lead Agency has determined that no new effects could occur and no mitigation measures are required; the proposed activity is the same project analyzed in the PACRP EIR and PACRP Amendment No. 1 EIR of 1996 and 2001, and no new environmental documentation is required per CEQA Guideline §15168 (c) (2) and Public Resources Code §21166.

17. ENVIRONMENTAL ADMINISTRATOR DETERMINATION

The 21166 study for this project has been reviewed and the environmental determination is hereby approved:

_____

Gerard E. Selby, Redevelopment Agency of the City Imperial Beach
Redevelopment Coordinator

ATTACHMENT 6

Mr. Jerry Selby
Redevelopment Coordinator
Imperial Beach Redevelopment Agency
825 Imperial Beach Boulevard
Imperial Beach. CA 91932

February 8. 2008

RE: 3rd Amendment Redevelopment Plan

Dear Mr. Selby:

First. I want to thank you for calling me and putting my concerns to rest about the proposed third amendment. Your coworkers have been very helpful with answering my questions. I cant thank you and various department representatives in Imperial Beach for their help and timely responses regarding this issue.

During our phone conversation, I explained to you that my mother has owned two lots on the corner of 8th and Calla for many, many years, and she continues to keep the property well groomed. and certainly it is not blighted. My mother has always paid for improvement as requested by the city and she has sidewalks and even a drlveway. We have the intention to build upscale residential housing on these lots in the future for use by our family and would not want to lose this ability due to eminent domain.

It appears from our discussion as you noted to me that my mother's lots would not be impacted as this 3rd amendment as it does not pertain to residential lots or vacant land and that the agency would not be authorized to acqulre by eminent domain any property on which any person lawfully resides. As you indicated. despite my mom's property being vacant it would not be impacted by eminent domain. as it is considered residential and is used lawfully as vacant land.

I would appreciate it if you would provide me a letter in return to clarify that my mother lots would not be subject to eminent domain if this 3rd amendment were passed. I would appreciate this clarification in writing as my mother worries about her land being taken and she just had major surgery and is very ill to due complications to a blood thinner used in the procedure. Knowing her land would not be taken after owning it for over 80 years would be a blessing to her and provide her some comfort.

If I may suggest, could the 3rd amendment as written, provide clarification in the language that vacant residential lots are exempt from being taken.

I want to thank you in advance for your time. I look forward to meeting you in the future. My mailing address is 68 Payson Avenue, Rockland Ma. 02370 c/o Catherine M. Young. owner of record of 8th and Calla Street.

Sincerely,

Anne

Anne Young Malewicz
for Catherine M. Young

I B
R D A

Imperial Beach
Redevelopment Agency

February 12, 2008

Ms. Catherine Young
c/o Ms. Anne Malewicz
68 Payson Avenue
Rockland, MA 02370

SUBJECT: 3RD AMENDMENT TO THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT AREA

Dear Ms. Young:

I am in receipt of letter from your daughter requesting clarification on the proposed 3rd amendment to the Palm Avenue/Commercial Redevelopment Project Area ("Amendment"). The proposed Amendment is to re-establish the Agency's authority to use eminent domain within the Original Project Area for an additional 12 years, except that eminent domain may not be used to acquire real property "on which any persons lawfully reside, including property which is residentially zoned or which contains a legal non-conforming residential use." As you stated in your letter, your property is a vacant lot and un-occupied by a person lawfully residing.

I understand your confusion and concern over the wording of the use of eminent domain in relation to property upon which someone lawfully resides. While your property is vacant, the property is zoned for residential use and is thus excluded from the proposed extension of the Agency's eminent domain powers. The intent of the Palm Avenue/Commercial Redevelopment Project was (and still is) to protect residential uses from the use of eminent domain.

If you have questions or need additional information, I can be contacted by telephone at (619) 424-2226 or by email at jselby@cityofib.org.

Sincerely,

Gerard Selby
Redevelopment Coordinator

C: Gary Brown, Executive Director/City Manager
Greg Wade, Community Development Direction
James Lough, City Attomey
Susan Cola, Special Agency Legal Counsel

SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 Linda Vista Road, San Diego, CA 92111-7399 (858) 292-3500

Superintendent of Schools
Randolph E. Ward, Ed.D.

RECEIVED
FEB - 5 2008

January 28, 2008

Mr. Jerry Selby
Redevelopment Coordinator
Imperial Beach Redevelopment Agency
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Dear Mr. Selby:

Subject: Palm Avenue / Commercial Redevelopment Project
(aka Imperial Beach/Imperial Beach Amended) (ARMS Fund Numbers 503601 and 503602)

The San Diego County Office of Education (SDCOE) is in receipt of the *Notice of Public Hearing for Proposed Third Amendment to the Palm Avenue/Commercial Redevelopment Plan.* This letter constitutes our response to the notice.

The SDCOE provides a variety of school and educational services to City and County residents. Unlike local school districts, the SDCOE provides its services throughout the County, making it the equivalent of a countywide school district. As a result, the SDCOE is affected by growth and development whenever they occur in the City and County.

Some SDCOE programs provide direct services to students, including children (infants, pre-school, and students in grades K-12) as well as adults. Other SDCOE services are provided through public schools, including all forty-three school districts and all five community college districts in the City and County. These services include staff development for teachers and current and prospective administrators, as well as numerous management support services. The following SDCOE programs may be affected by the Palm Avenue/Commercial Redevelopment Project Plan Amendment:

Juvenile Court & Community Schools
Regional Occupation Program
Hope Infant Handicapped Program
Migrant Education Program
Outdoor Education Program
Teacher Training and Development
Administration Training and Development
SDCOE Administration

We encourage and support cities and counties in the use of the redevelopment process and tax increment revenues for the elimination of blight and to improve the economic viability of areas. However, school districts and the SDCOE will be impacted due to increases in population bringing new students.

Board of Education
Nick Aguilar Susan Hartley Sharon C. Jones Robert J. Watkins John Witt

We look forward to working with the Agency to reduce or fully mitigate impacts to SDCOE and school facilities and services in creative and mutually beneficial ways when possible. If you have any questions regarding this correspondence, please feel free to contact me at 858-292-3833.

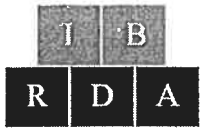
Sincerely,

Joanne Branch
School Facilities Planning Coordinator
Facility Planning Services

JB:DRP:RH

Board of Education
Nick Aguilar Susan Hartley Sharon C. Jones Robert J. Watkins John Witt

COPY



Imperial Beach
Redevelopment Agency

January 22, 2008

Ms. Arlene Mitchell
South Bay Union Elementary School District
610 Elm Avenue
Imperial Beach CA 91932

Dear Ms. Mitchell:

I apologize for the delay in responding to your request. After I received your message, I contacted the City Clerk and Director of Finance to determine if they knew of an agreement between the Imperial Beach Redevelopment Agency and South Bay Union School District. The City Clerk and the Finance Department both searched their records and did not find any written agreement. I suspect there was no written agreement because of legislation passed in 1992.

In 1992, legislation was enacted and is known in redevelopment as AB 1290. AB1290 includes many new provisions to govern redevelopment and established a specific schedule of payments to be made to taxing entities.

Since the Palm Avenue/Commercial Redevelopment Project was established in 1996, AB 1290 governs the determination of the amount of pass through payments. Since the law established a specific schedule of payments no written agreement exist.

If you have any questions or need additional information, please contact me by telephone at 619-424-2226 or my email at jersey1@cox.net.

Sincerely,

Gerard E. Selby
Redevelopment Coordinator

c: Susan Cola, Special Legal Counsel

AGENDA ITEM NO. 7.1

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**FEBRUARY 20, 2008**
ORIGINATING DEPT.:	**PUBLIC WORKS**
SUBJECT:	**RESOLUTION AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – SOUTH SEACOAST DRIVE OVERLAY PROJECT [CIP# S08-101]; RTIP – MINOR STREET IMPROVEMENTS FY 07 AND FY 08**

BACKGROUND:
The adopted and approved Regional Transportation Improvement Program (RTIP) projects for FY 2006/07 and FY 2007/08 includes a project for "Street Maintenance & Improvements – Pavement resurfacing and/or rehabilitation - Minor Projects." Project description is "Various locations – minor repairs such as but not limited to street repairs, striping, and sign repairs. (IB08)." The funds allocated were $161,000 for FY 2006/07 and $181,000 for FY 2007/08. Total funds available for the two fiscal years funding is $342,000.

One of the RTIP rules to qualify for "Minor Project" category is that the project cost cannot exceed $300,000.

Since the adoption of the Five-Year Capital Improvement Program Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009 (5-year CIP), South Seacoast Drive road surface has deteriorated and is in need of repair as soon as possible. When the 5-year CIP was submitted and adopted South Seacoast Drive was not included as a specific project. The adopted 5-year CIP budget included Street Improvements RDA Phase 4 and Street Improvements RDA Phase 5 as unfunded projects for "... various locations as identified by Public Works." Since the adoption of the 5-year CIP, South Seacoast Drive road surface has deteriorated more rapidly than expected. It is recommended that South Seacoast Drive road surface repair not wait for the funding of Street Improvements RDA Phase 4 or Phase 5.

At the request of staff, BDS Engineering performed a preliminary overlay construction cost estimate. BDS Engineering estimated the South Seacoast Drive reconstruction/overlay project at $184,000 plus engineering and administration.

Council established by Resolution No. 2007-6546, a new Capital Improvement Program Project – South Seacoast Drive Overlay CIP S08-101 on July 18, 2007.

DISCUSSION:
BDS Engineering completed the contract documents and the City advertised for bids on January 17, 2008.

Bids were opened on February 7, 2008, the apparent lowest responsive bidder is Palomar Grading & Paving, Inc. with a bid of $230,337.19

The following is a list of the proposal received:

- Frank & Son Paivng, Inc. $254,650
- Portillo Concrete $269,690
- TC Construction $275,076
- Sim J. Harris Inc. $282,255
- Ramona Paving $282,455
- SRM Contracting & Paving $283,200
- JD Paving, Inc. $285,143.80
- Angus Asphalt, Inc. $287.704
- Kirk Paving, Inc. $312,553.98
- Southland Paving, Inc. $312,948
- Hazard Construction $309,064
- Daley Corp. $331,860

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

FISCAL IMPACT:
Expenditure of $230,337.19 from the approved CIP budget of $300,000 using RTIP funds account number 202-5016-531-2006.

DEPARTMENT RECOMMENDATION:
1. Receive this report.
2. Authorize execution of a contract with the lowest responsive bidder.
3. Adopt the attached resolution authorizing the City Manager to execute a Construction Contract and purchase order with Palomar Grading & Paving for the South Seacoast Drive Overlay Project [CIP# S08-101] in the amount of $230,337.19.

CITY MANAGER'S RECOMMENDATION:
Approve Department recommendation.

Gary Brown, City Manager

Attachments:
1. Resolution 2008-6578
2. CIP Budget Sheet: Streets Page 23 of 35

RESOLUTION NO. 2008-6578

RESOLUTION AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – SOUTH SEACOAST DRIVE OVERLAY PROJECT [CIP# S08-101]; RTIP – MINOR STREET IMPROVEMENTS FY 07 AND FY 08

WHEREAS, the City of Imperial Beach advertised and requested proposals for the Construction of certain public works of improvements, to wit, South Seacoast Drive Overlay [CIP# S08-101] on January 17, 2008; and

WHEREAS, the final date for submitting proposals was February 7, 2008, at 2:00 p.m., 13 sealed bids were opened at an advertised public meeting; and

WHEREAS, the lowest responsive bidder was Palomar Grading & Paving for $230,337.19; and

WHEREAS, the adopted budget for CIP S08-101 is $300,000 for the South Seacoast Overlay Project; and

WHEREAS, CIP Budget sheet "Streets page 23 of 35 dated February 6, 2008" is revised by moving the project to the Funded and Pended category. This is an update to the CIP Budget for the South Seacoast Drive Overlay dated February 20, 2008.

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

1. The above recitals are true and correct.
2. The legislative body hereby rejects all proposals for bids except that identified as the lowest responsible bid. The bid of the lowest, responsible, qualified bidder will be on file with the transcript of these proceedings and open for public inspection in the City Clerk Department on file as Contract No. 2259.
3. The Contractor shall not commence construction or order equipment until he/she has received a Notice to Proceed.
4. The works of improvements shall be constructed in the manner and form and in compliance with the requirements as set forth in the specifications for the project.
5. The City Manager is authorized to sign a purchase order for "Palomar Grading & Paving" for project as bid and awarded.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of February 2008, by the following roll call vote:

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

James C. Janney
JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald
JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2008-6578 – A Resolution of the City Council of the City of Imperial Beach, California, Awarding A Contract For Certain Public Works Project – South Seacoast Drive Overlay Project [CIP# S08-101]; RTIP – Minor Street Improvements FY 07 And FY 08

CITY CLERK

DATE

South Seacoast Drive Overlay

Streets Project

ACTIVE

Project Number: **S08-101**

PROJECT DESCRIPTION

The work includes new overlay of Seacoast Drive from Imperial Beach Boulevard to Boca Rico and replace seven (7) of the deteriorated street light poles

FUNDED & COMPLETED	***FUNDED & PENDING***	**UNFUNDED**
	New overlay	
	Replace 7 street light poles	

EXPENDED as of June 30, 2007	$ -	Project Delivery (30%)	$ 102,600	**ESTIMATE**	$ -
		Construction (70%)	$ 239,400		
		UNEXPENDED	**$ 342,000**		

FUNDING SOURCES (Adopted 12/7/05)	Y1 04/05 Budget	Y2 05/06 Budget	Y3 06/07 Budget	Y4 07/08 Budget	Y5 08/09 Budget	Total Budget	Total Expenditures	Balance
THIS PROJECT IS UNFUNDED	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL FUNDING	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
FUNDING SOURCES (Adopted Subsequent to 12/7/05)								
Prop A [202-5016-531-xxxx] (Reso 2007-6546)	$ -	$ -	$ 161,000	$ 181,000	$ -	$ 342,000	$ -	$ 342,000
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
ADJUSTED TOTAL FUNDING	$ -	$ -	$ 161,000	$ 181,000	$ -	$ 342,000	$ -	$ 342,000

Balances Current as of 6/30/07

NOTES

Resolution 2007-6546 appropriated Prop A funds for this project ($342K)

Resolution 2008-6578 activates the project and funds the existing line items.

ATTACHMENT 2

AGENDA ITEM NO. 7.2

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**FEBRUARY 20, 2008**
ORIGINATING DEPT.:	**PUBLIC WORKS**
SUBJECT:	**APPROVAL OF STATE PROPOSITION 1B, REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM (RTCIP) PROJECT PLAN**

BACKGROUND:

The TransNet Extension Ordinance and Expenditure Plan approved by the voters of San Diego County in 2004 included a section – Section 9 – stating:

> "Starting on July 1, 2008, each local agency in the San Diego region shall contribute $2,000 in exactions from the private sector, for each newly constructed residential housing unit in that jurisdiction to the RTCIP [Regional Transportation Congestion Improvement Program]. These exactions shall ensure the future development contributes it proportional share of the funding needed to pay for the Regional Arterial System and related regional transportation facility improvements, as defined in San Diego Association of Governments' (SANDAG's) most recent, adopted Regional Transportation Plan. New residential housing units constructed for extremely low, very-low, low, and moderate income households, as defined in California Health and Safety Code Sections 50105,50106, 50079.5 and 50093, will be exempted from the $2,000 per unit contribution requirement. The amount of contribution shall be increased annually, in an amount not to exceed the percentage increase set forth in the Engineering Construction Cost Index published by the Engineering News Record or similar cost of construction index. Each local agency shall establish an impact fee or other-revenue Funding Program by which it collects and funds its contribution to the RTCIP. Each local agency shall be responsible for establishing a procedure for providing its monetary contribution to the RTCIP. The RTCIP revenue will be used to construct improvements on the Regional Arterial System such as new or widened arterials, traffic signal coordination and other traffic improvements, freeway interchange and related freeway improvements, railroad grade separations, and improvements required for regional express bus and rail transit. This action is predicated on the desire to establish a uniform mitigation program that will mitigate the regional transportation impacts of new development on the Arterial System. While the RTCIP cannot and should not fund all necessary regional transportation network components and improvements, the RTCIP will establish a new revenue source that ensures future development will contribute its pro rata share towards addressing the impacts of new growth on regional transportation infrastructure."

In the City of Imperial Beach the only Regional Arterial is State Route 75 (SR 75). The City may choose to contribute to any regional arterial within the County of San Diego; however, SR 75 is the most local and arguably the most logical arterial to allocate the collected funds.

In section 11 of the TransNet Extension Ordinance and Expenditure Plan an Independent Taxpayer Oversight Committee is to be established with the following charge:

> "An Independent Taxpayer Oversight Committee (ITOC) shall be established to provide an enhanced level of accountability for expenditure made under the Expenditure Plan. The ITOC will help ensure that all voter mandates are carried out as required and will develop recommendations for improvements to the financial integrity and performance of the program...."

Before April 1, 2008, the cities and County of San Diego must have submitted the RTCIP plan to the ITOC for consideration and approval.

DISCUSSION:

Staff has prepared a project plan that would allocate the collected funds towards a project on SR 75 between 7th Street an 9th Street including the intersections at 7th Street and 9th Street. Attachment 2 is the prepared plan for Council's consideration. The plan proposes to design and construct vehicle, bicycle and public transit circulation and pedestrian access improvements in that segment of SR 75.

The projected funds collected amount to approximately $20,000 per year. This is based on an average of 10 new residential housing units constructed per year and a fee collection of $2,000 per residential housing unit.

Staff has forwarded a copy of attachment 2 to CALTRANS for comment and concurrence. Once both City Council and CALTRANS agree on a project and project scope of work, the plan will be submitted to ITOC in compliance with Section 11 as written above.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

This project plan provides for the allocation of the funds collected from the $2,000 assessment for each newly constructed residential housing unit in the City of Imperial Beach towards an improvement project in CALTRANS right-of-way in the segment of SR 75 between 7th Street and 9th Street including the intersections of 7th Street and 9th Street. The estimated annual assessment collected is $20,000.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Discuss the project description.
3. Modify or accept the project plan and direct staff to include the project (if or as modified) as an approved City of Imperial Beach Capital Improvement Program project and that it be included in the current "Amendments Approved February 6, 2008, Five-Year Capital Improvement Program Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009."
4. Adopt attached resolution.

CITY MANAGER'S RECOMMENDATION:
Approve Department recommendation.

Gary Brown, City Manager

Attachments:

1. Resolution No. 2008-6580
2. Exhibit A to Resolution No. 2008-6580; City of Imperial Beach, Regional Transportation Congestion Improvement Program Project Plan

RESOLUTION NO. 2008-6580

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE CITY OF IMPERIAL BEACH, STATE PROPOSITION 1B, REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM (RTCIP), PROJECT PLAN

WHEREAS, the TransNet Extension Ordinance and Expenditure Plan was approved by the voters of San Diego County in 2004; and

WHEREAS, starting on July 1, 2008, each local agency in the San Diego region is required to contribute $2,000 in exactions from the private sector, for each newly constructed residential housing unit in that jurisdiction to the RTCIP [Regional Transportation Congestion Improvement Program]; and

WHEREAS, these exactions shall ensure the future development contributes its proportional share of the funding needed to pay for the Regional Arterial System and related regional transportation facility improvements, as defined in San Diego Association of Governments' (SANDAG's) most recent, adopted Regional Transportation Plan; and

WHEREAS, in the City of Imperial Beach the only Regional Arterial is State Route 75 (SR 75; and

WHEREAS, the City may choose to contribute to any regional arterial within the County of San Diego; however, SR 75 is the most local and arguably the most logical arterial to allocate the collected funds; and

WHEREAS, before April 1, 2008, the cities and County of San Diego must have submitted the RTCIP plan to the ITOC (Independent Taxpayer Oversight Committee) for consideration and approval; and

WHEREAS, a project plan has been prepared that would allocate the collected funds towards a project on SR 75 between 7th Street an 9th Street including the intersections at 7th Street and 9th Street; and

WHEREAS, the plan proposes to design and construct vehicle, bicycle and public transit circulation and pedestrian access improvements in that segment of SR 75; and

WHEREAS, the project plan is provided as Exhibit A to this resolution.

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

1. The above recitals are true and correct.
2. The Project Plan as found in Exhibit A is approved and is incorporated as a City of Imperial Beach Capital Improvement Program (CIP) project and that it is included in the current "Amendments Approved February 6, 2008, Five-Year Capital Improvement Program Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009."

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of February 2008, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2008-6580 – A Resolution of the City Council of the City of Imperial Beach, California, Approving the City Of Imperial Beach, State Proposition 1B, Regional Transportation Congestion Improvement Program (RTCIP), Project Plan

CITY CLERK

DATE

CITY OF IMPERIAL BEACH

REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM (RTCIP)
PROJECT PLAN

PROJECT DESCRIPTION – Design and construct vehicle, bicycle and public transit circulation and pedestrian access improvements along and across State Route 75 between 7th Street and 9th Street, including 7th Street and 9th Street intersections.

PROJECT FUNDING –

- Development Impact Fee - $2,000 assessment for each newly constructed residential housing unit in the City of Imperial Beach. New residential housing units constructed for extremely low, very-low, low, and moderate income households, as defined in California Health and Safety Code Sections 50105, 50106, 50079.5 and 50093 will be exempt from the $2,000 per unit assessment. Estimated annual revenue from the Development Impact Fee is $20,000 - (based on an average of 10 new units per year).
- State or Federal matching funds – dependent upon SANDAG allocation
- Imperial Beach Redevelopment Agency funds – dependent upon Redevelopment Agency priorities

PROJECT ESTIMATED COST - $1,000,000 (in 2008 dollars)

ESTIMATED CONSTRUCTION START DATE – 2018 to 2023; could start sooner if other funds such as redevelopment funding is allocated earlier and the impact fee is used to reimburse the funding source.

AGENDA ITEM NO. 7.3

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**FEBRUARY 20, 2008**
ORIGINATING DEPT.:	**CITY MANAGER'S DEPARTMENT**
SUBJECT:	**REVIEW OF ENVIRONMENTAL IMPACT OF OPPORTUNISTIC BEACH FILL PROGRAM**

BACKGROUND:
In January staff, consultants, and SANDAG staff briefed the Tidelands Advisory Committee on the opportunistic sand replenishment program to be done though SANDAG. TAC asked to review the environmental analysis and comment on it at their next meeting currently scheduled for March 10th. A draft mitigated negative declaration (MND) was issued and scheduled for public review beginning on February 11, 2008 through March 12, 2008. (See display ad)

City staff may submit comments but only if further review of the draft MND indicates the need for comments. Written comments must be received by March 12.

The SANDAG will prepare responses to comments, and assuming no substantial revisions, the draft MND plus other supporting documents will be considered for adoption by City Councils of each of the Cities involved in the program. This may be around May 2008.

We note that DRB currently addresses topics referred to it by Council or staff consistent with City code, but TAC's purview is not similarly codified. The City Attorney is drafting new code language that would circumscribe TAC's purview to topics referred to it by Council or the City Manager.

In the absence of City code guidance we ask Council if:

1. It wishes to ask TAC for its advice on the draft MND?
2. It wishes the City Attorney to submit draft changes to the City code as described above.

DEPARTMENT RECOMMENDATION:
Please provide direction on the following questions:

1. Does Council wish the City Attorney to continue his work to proscribe TAC's purview to questions referred to it by City Council or City Manager? (We recommend that this work proceed.)
2. Does Council wish to ask TAC for its advice on the draft MND on the Opportunistic Beach Fill Program?

It would take a special TAC meeting to get advice to Council for its March 5th meeting in order to submit comments by March 12th. Given the relatively small nature of the project and a draft Mitigated Negative Declaration, seeking TAC's advice may not be worth the effort.

CITY MANAGER'S RECOMMENDATION:
Approve Department recommendation.

Gary Brown, City Manager

Attachments:
1. Public Notice of Intent to Adopt a Mitigated Negative Declaration for the Opportunistic Beach Fill Program (published in IB Eagle 2/7/08)

PUBLIC NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE OPPORTUNISTIC BEACH FILL PROGRAM

NOTICE IS HEREBY GIVEN, pursuant to Section 15072 of Title 14, Chapter 3 of the California Code of Regulations (CEQA Guidelines), that the cities of Coronado, Encinitas, Imperial Beach, and Solana Beach, as co-lead agencies, have prepared a Draft Mitigated Negative Declaration (MND) and intends to adopt a final MND for the Opportunistic Beach Fill Program in accordance with the California Environmental Quality Act (CEQA).

PROJECT DESCRIPTION AND LOCATION: The proposed project involves beach replenishment at specific beach receiver sites in the cities of Coronado, Encinitas, Imperial Beach, and Solana Beach. In Imperial Beach, the receiver site for sand replenishment will be along the beach south of Imperial Beach Boulevard.

For each location, the known offshore resources and the results of prior beach nourishment projects were used to define the maximum quantity of sand, the placement location, and appropriate sand grain composition, thereby avoiding impacts to offshore environmental resources.

COASTAL ZONE: The project is located in the California Coastal Zone as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map and any subsequent specific sand replenishment activities will require the approval of a coastal development permit from the City of Imperial Beach, the Unified Port District of San Diego, or the California Coastal Commission.

PUBLIC REVIEW: The draft MND, initial study, and other supporting materials are available on the SANDAG Web site at www.sandag.org/shoreline or by calling Shelby Tucker at (619) 699-1916. The draft MND will also be available for public review and comment from **February 11, 2008 to March 12, 2008** at the Imperial Beach **City Clerk's** office at 825 Imperial Beach Boulevard, at the Imperial Beach **Community Development Department** at 825 Imperial Beach Boulevard, and at the Imperial Beach **Public Library** at 810 Imperial Beach Boulevard. The document will also be posted on the City's website at www.cityofib.com under Notices. If you challenge the City's action on this environmental document in court, you may be limited to raising only those issues that you or someone else raised in written correspondence delivered to SANDAG.

CONTACT PERSON: Written comments regarding the adequacy of the Draft MND must be received by March 12, 2008 and should be addressed or emailed to Shelby Tucker, SANDAG, 401B Street, Suite 800, San Diego, CA 92101, stu@sandag.org.

FINAL MND: After the close of public comment period, all written comments will be reviewed and responses will be prepared. Assuming no substantial revisions are made that would require recirculation of the document, the draft MND together with the comments and responses and a Mitigation Monitoring and Reporting Program (CEQA Guidelines Section 15097) will be presented to the Imperial Beach City Council at a regular or special City Council meeting to be considered for adoption as the Final Mitigated Negative Declaration for the Opportunistic Beach Fill Program. Pursuant to CEQA Guidelines Section 15094, a Notice of Determination (NOD) will be filed with the County Clerk after the Final MND is approved.

PUBLISHED IN THE IMPERIAL BEACH EAGLE & TIMES FEBRUARY 7, 2008. IB2179

AGENDA ITEM NO. 7,4

STAFF REPORT
CITY OF IMPERIAL BEACH

TO:	**HONORABLE MAYOR AND CITY COUNCIL**
FROM:	**GARY BROWN, CITY MANAGER**
MEETING DATE:	**FEBRUARY 20, 2008**
ORIGINATING DEPT.:	**PUBLIC SAFETY**
SUBJECT:	**A JOINT RESOLUTION OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA APPROVING A BUDGET AMENDMENT FOR COMPLETION OF FIRE STATION REMODEL AND PURCHASE OF FURNITURE AND OTHER ITEMS.**

BACKGROUND:

The Five-Year Capital Improvement Program Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009 included CIP Project F05-204 "Fire Department Station Remodel." The CIP project renovated and remodeled the fire station living quarters on the second floor. This required the demolition of the sleeping quarters and shower/restroom areas. These new facilities include separate sleeping rooms for each on-duty personnel, separate shower stalls, and separate toilet and sink areas. The project also included a customer service counter remodel.

This project was paid with general funds and RDA Tax Increment Non-housing funds. As the project nears completion additional items are needed to create a livable space for the firefighters.

DISCUSSION:

We are requesting a total of $25,000 for the completion of the Fire Department remodel. The new living quarters will need beds, lockers, workstations, and furniture for common areas.

- The current beds have many years of wear and tear, are not covered by warranty, and are due for replacement. Staff has researched purchase options that are both economical and comfortable for every day use. Staff is searching for mattresses that will be covered by a minimum of a five year warranty. The cost of head boards, frames, mattresses, box springs, and bed covers is estimated at $7,000

- The fire emergency notification system is outdated and was damaged during construction. The new system will accommodate the new compartmentalized living quarters with additional speakers. The cost for this system is approximately $5,500. Staff will seek the lowest quote.

- The former living quarters contained lockers/cabinets that were built by the firefighters more than 25 years ago. Firefighters utilize these to store uniforms, items for bedding, and personal items. Staff has explored the options of building completely new lockers or resurfacing the existing furniture. Staff gathered informal quotes for new cabinets and the cost for materials and labor is approximately $30,000. In researching the more cost effective option of resurfacing the cabinets, the Sheriff's Department offered the services of the George Bailey Detention Facility Work Release Program. Utilizing these services will result in a savings of 90% of the cost we would incur in building new cabinets. The City's cost will be the transportation of the lockers to the Work Release Program facility and the materials needed for the project, such as wood finish and sand paper. The cost of resurfacing the existing cabinets is estimated at $2,500.

- The individual living quarters will also include computer workstations for each firefighter. The industrial desks and chairs will be purchased at the lowest possible price. Common areas, such as the training classroom, need window coverings, bookcases, whiteboards, tables, and chairs for an estimated total of $ 9,000.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The Fire Station Remodel project has a current budget of $170,000 with $167,000 funded RDA Tax Increment, Non-housing and $3,000 from the City's General Fund. If approved the budget would be increased to $195,000. Funds are available from RDA Tax Increment, Non-housing dollars.

DEPARTMENT RECOMMENDATION:

Adopt City Council Resolution No. 2008-6585 and Redevelopment Agency Resolution No. R-08-141 Approving a budget amendment for completion of fire station remodel and purchase of furniture and other items.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown, City Manager

Attachments:

1. Resolution No. 2008- 6585
2. Resolution No. R-08-141

ATTACHMENT 1

RESOLUTION NO. 2008-6585

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A BUDGET AMENDMENT FOR COMPLETION OF FIRE STATION REMODEL AND PURCHASE OF FURNITURE AND OTHER ITEMS.

WHEREAS, the fire department was renovated and remodeled under the CIP Project F05-204; and

WHEREAS, as this project comes to completion there are additional items that need to be purchased to create a livable space for the firefighters; and

WHEREAS, the Agency finds and determines that the establishment of a Fire Station for the Project area is of benefit to the Project, City Council and the Redevelopment Agency of the City of Imperial Beach finds and determines that no other reasonable means for financing the proposed improvements for which the City/Agency proposes to pay are available to the community, and that the Agency finds and determines that proposed improvements will assist in eliminating more blighting conditions inside the Palm Avenue/Commercial Project area.

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

1. The above recitals are true and correct.
2. Amend the adopted "Five Year Capital Improvement Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009;
   Increase the Fire Department Remodel Project by $ 25,000 in account number 405-1260-513-20-06

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 20th day of February 2008, by the following roll call vote:

AYES: COUNCILMEMBERS: MCCOY, WINTER, MCLEAN, JANNEY, ROSE
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

JIM JANNEY
JIM JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald
JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2008-6585 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A BUDGET AMENDMENT FOR COMPLETION OF FIRE STATION REMODEL AND PURCHASE OF FURNITURE AND OTHER ITEMS.

CITY CLERK

DATE

ATTACHMENT 2

RESOLUTION NO. R-08-141

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A BUDGET AMENDMENT FOR COMPLETION OF FIRE STATION REMODEL AND PURCHASE OF FURNITURE AND OTHER ITEMS.

WHEREAS, the fire department was renovated and remodeled under the CIP Project F05-204; and

WHEREAS, as this project comes to completion there are additional items that need to be purchased to create a livable space for the firefighters; and

WHEREAS, the Agency finds and determines that the establishment of a Fire Station for the Project area is of benefit to the Project, City Council and the Redevelopment Agency of the City of Imperial Beach finds and determines that no other reasonable means for financing the proposed improvements for which the City/Agency proposes to pay are available to the community, and that the Agency finds and determines that proposed improvements will assist in eliminating more blighting conditions inside the Palm Avenue/Commercial Project area.

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

1. The above recitals are true and correct.
2. Amend the adopted "Five Year Capital Improvement Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009;
   Increase the Fire Department Remodel Project by $ 25,000 in account number 405-1260-513-20-06

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 20th day of February 2008, by the following roll call vote:

AYES: COUNCILMEMBERS: MCCOY, WINTER, MCLEAN, JANNEY, ROSE
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

JIM JANNEY
JIM JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald
JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. R-08-141 A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A BUDGET AMENDMENT FOR COMPLETION OF FIRE STATION REMODEL AND PURCHASE OF FURNITURE AND OTHER ITEMS.

CITY CLERK

DATE