



# A G E N D A

## IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY



NOVEMBER 17, 2010

Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932

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

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

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

### **CLOSED SESSION CALL TO ORDER BY MAYOR**

### **ROLL CALL BY CITY CLERK**

### **CLOSED SESSION**

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8:

Property: 800 Seacoast Drive, Imperial Beach, CA 91932, APN 625-262-01-00

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Imperial Coast LTD Partnership

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

#### **RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)**

### **REGULAR MEETING CALL TO ORDER BY MAYOR**

### **ROLL CALL BY CITY CLERK**

### **PLEDGE OF ALLEGIANCE**

### **AGENDA CHANGES**

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

### **COMMUNICATIONS FROM CITY STAFF**

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

### **PRESENTATIONS (1.1)**

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

\*No Staff Report.

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

**CONSENT CALENDAR (2.1 - 2.3)** - All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.

**2.1 MINUTES.**

City Manager's Recommendation: Approve the minutes of the Regular City Council Meeting of October 20, 2010, and the Regular and Special City Council Meeting of November 3, 2010.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

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

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

City Manager's Recommendation: Adopt resolution.

**ORDINANCES – INTRODUCTION/FIRST READING (3.1 - 3.3)**

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

City Manager's Recommendation:

1. Receive report;
2. Mayor to call for the first reading of the title of Ordinance No. 2010-1112 "UPDATING CHAPTER 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT";
3. City Clerk to read title of Ordinance No. 2010-1112; and
4. Motion to dispense first reading of Ordinance No. 2010-1112 and set the matter for adoption at the next regularly scheduled City Council meeting, and authorize the publication in a newspaper of general circulation.

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

City Manager's Recommendation:

1. Receive report;
2. Mayor to call for introduction of Ordinance No. 2010-1113, "AMENDING TITLES 8 AND 15 OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING CHAPTERS 8.50, 15.06, 15.16, 15.28, AND 15.32, ADDING CHAPTERS 15.02, 15.04, 15.38, AND 15.40 AND REPEALING CHAPTERS 8.88, 15.18, AND 15.36, ALL BY ADOPTING THE CALIFORNIA BUILDING STANDARDS CODE, 2010 EDITION, WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND ADOPTING THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION";
3. Adopt the local amendments as recommended by City staff and discussed herein;
4. City Clerk to read title of Ordinance No. 2010-1113; and
5. Motion to dispense first reading of Ordinance No. 2010-1113 and set the matter for adoption at the next regularly scheduled City Council meeting, and authorize the publication in a newspaper of general circulation.

**(Continued on Next Page)**

**ORDINANCES – INTRODUCTION/FIRST READING (Continued)**

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

City Manager's Recommendation:

1. Receive report;
2. Mayor to call for introduction of Ordinance No. 2010-1114, "AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS";
3. Adopt the local amendments as recommended by City staff and discussed herein;
4. City Clerk to read title of Ordinance No. 2010-1114; and
5. Motion to dispense first reading of Ordinance No. 2010-1114 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)**

None.

**PUBLIC HEARINGS (5)**

None.

**REPORTS (6.1 - 6.7)**

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

City Manager's Recommendation:

1. Receive report;
2. Consider staff recommendations;
3. Provide comment on operation of the project; and
4. Adopt Resolution No. 2010-6965, approving modifications to the previous conditions of approval for Regular Coastal Permit (CP 100014), Conditional Use Permit (CUP 100015), and Site Plan Review (SPR 100016).

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

City Manager's Recommendation: Receive the update report on the Seacoast Inn project and provide comment and input as necessary.

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

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolutions.

**(Continued on Next Page)**

## **REPORTS (Continued)**

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

City Manager's Recommendation:

1. Receive report;
2. Discuss the elements of the project listed in the Staff Report and provide additional direction to staff if necessary; and
3. Adopt resolution.

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

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolution.

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

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolution.

**6.7 DESIGN REVIEW BOARD – TWO (2) TERMS EXPIRING DECEMBER 31, 2010. (0120-30)**

City Manager's Recommendation:

1. If so desired, the Mayor can recommend reappointment of members Thomas Schaaf and Daniel Lopez to the Design Review Board in accordance with Chapter 2.18.010.C of the I.B.M.C. The new term of office shall begin January 1, 2011 and expire December 31, 2014; and
2. City Council approve Mayor's appointments to the Design Review Board.

## **ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANYs)**

### **ADJOURNMENT**

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

FOR YOUR CONVENIENCE, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT

[www.cityofib.com](http://www.cityofib.com).

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Lisa Wolfson, CMC  
Deputy City Clerk

**DRAFT**

**MINUTES**

**IMPERIAL BEACH CITY COUNCIL  
REDEVELOPMENT AGENCY  
PLANNING COMMISSION  
PUBLIC FINANCING AUTHORITY**

**OCTOBER 20, 2010**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

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

**CALL TO ORDER**

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

**ROLL CALL**

Councilmembers present: Bragg, McCoy, Rose  
Councilmembers absent: None  
Mayor present: Janney  
Mayor Pro Tem present: King

Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**CLOSED SESSION**

**MOTION BY MCCOY, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8:

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

**MOTION CARRIED UNANIMOUSLY.**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:05 p.m. Reporting out of Closed Session, CITY ATTORNEY LYON announced Council met earlier in Closed Session, direction was given, and had no reportable action.

**REGULAR MEETING CALL TO ORDER**

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

**ROLL CALL**

Councilmembers present: Bragg, McCoy, Rose  
Councilmembers absent: None  
Mayor present: Janney  
Mayor Pro Tem present: King

Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

**MOTION BY KING, SECOND BY BRAGG, TO TAKE ITEM NO. 6.3 – AUTHORIZATION TO ISSUE TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$24 MILLION AFTER PRESENTATIONS. MOTION CARRIED UNANIMOUSLY.**

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

COUNCILMEMBER MCCOY provided a copy of the Metro JPA budget summary for distribution to City Council.

MAYOR PRO TEM KING reported on his attendance at the Miss IB Pageant where he was a judge; he spoke about the Dempsey Holder Surf Contest; he announced the Fleet Reserve received a donation of an Urban Tree from artist Kathy Ann James, naming veterans from the Korean, Vietnam and Iraq Wars; and he reported on his attendance at the Chamber of Commerce Meeting and announced the upcoming events Taste of IB will be in the spring, Christmas Tree Lighting will be on December 4; and the Holiday Mixer will be on December 10.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

ATHENA MALCOLM suggested the renaming of numbered streets to beach-related names; and she she suggested involvement of the residents as a way to bring the community together.

JOHN PERNO complained about a letter he received from the City stating he needed to apply for a rental business license.

ED KRAVITZ expressed concern about a code enforcement case involving balloons and he expressed disappointment that his requests to have access to video to streaming have not been agendized.

MAYOR JANNEY responded earlier this year City Council considered the broadcasting of City Council meetings on cable and by streaming video and took action to broadcast meetings on cable.

MAYOR PRO TEM KING added City Council reviewed the matter, considered the costs and made an informed decision to have City Council meetings broadcasted on cable television and noted that all the City Council meetings are open and public.

**PRESENTATIONS (1.1)**

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

Ms. Rangel was not in attendance to receive the Recycle All-Star Award Certificate.

**CONSENT CALENDAR (2.1 - 2.4)**

**MOTION BY MCCOY, SECOND BY KING, TO APPROVE 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 September 22 and October 6, 2010.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 71811 through 71918 with the subtotal amount of \$732,978.70 and Payroll Checks 43196 through 43240 for the pay period ending 09/23/10 with the subtotal amount of \$152,576.26, for a total amount of \$885,554.96.

**2.3 CONFLICT OF INTEREST CODE UPDATE – FILING OF BIENNIAL NOTICE. (0420-30)**

Affirmed that the 2010 Local Agency Biennial Notice was filed with the City Council on October 1, 2010.

**2.4 RESOLUTION NO. 2010-6956 – RATIFYING THE LETTER OF TERMINATION SIGNED BY THE CITY MANAGER REGARDING THE CITY HALL WIRELESS COMMUNICATIONS FACILITY. (0800-50)**

Adopted resolution.

**REPORTS (6.3)**

**6.3 AUTHORIZATION TO ISSUE TAX ALLOCATION BONDS IN AN AMOUNT NOT TO EXCEED \$24 MILLION. (0340-10)**

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE announced Dennis McGuire, of Piper Jaffray, and Dave Fama, of Jones Hall, were in attendance; he gave a PowerPoint presentation on the bond issue process.

JOHN CARR questioned the security for the bonds (page 9 of the Official Statement); and suggested the new City Council address this item rather than the current City Council.

DENNIS MCGUIRE responded the base year value was established in the original area in 1996 and in the amended area in 2001, so although there has been assessed value decline over the last two years, it is still much greater than the assessed value when the project areas were established.

In response to City Manager Brown's question if the wording should be changed, DAVE FAMA responded the wording is correct.

TIM O'NEAL asked the item be tabled for now and wait for the new City Council to consider it.

ROBERT TAYLOR questioned the amount of the annual payment and for how many years; he expressed concern about taking money from the schools and also asked for the item to be tabled.

FINANCE DIRECTOR MCGRANE stated the issue will go to 2040 and the debt service will be about \$1.2 million a year; he further stated redevelopment eliminates blighted areas creating added value by increasing assessed property values.

City Council discussion ensued; there was a request for a similar process as was done with the first bond issue to create a priority project list and expenditure plan; City Council spoke about the benefits of redevelopment, such as providing the tools to cure blight, invest in public improvements, rehabilitate housing, and the ability to collect incremental tax revenues; with bonds, money is leveraged to complete needed projects, rather than waiting 20 years for available funds; with the RDA the City has the resources and mechanisms to improve itself and without it, it would decline.

MIKE FLANAGAN expressed concern about the term of the bond; he questioned the rush to develop the Seacoast Inn and the 9<sup>th</sup> Street & Palm Avenue projects, and spoke in support of leasing the properties.

MAYOR JANNEY clarified no money has been committed to the Seacoast Inn and noted a final project has not been approved at 9<sup>th</sup> Street & Palm Avenue; he stated bonding facilitates projects throughout the City, including maintenance of parks and streets; he also stated all redevelopment agencies must encumber debt per state law; redevelopment funds bring quality improvements and mitigates blight; he recognized staff for getting an A rating, which is today's market is an accomplishment.

**MOTION BY JANNEY, SECOND BY ROSE, TO APPROVE RESOLUTION NO. 2010-6955 – AUTHORIZING THE BORROWING OF FUNDS BY THE REDEVELOPMENT AGENCY FROM THE PUBLIC FINANCING AUTHORITY. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY JANNEY, SECOND BY KING, TO APPROVE RESOLUTION NO. R-10-233– AUTHORIZING AND DIRECTING THE EXECUTION OF A LOAN AGREEMENT RELATING TO THE ISSUING OF BONDS BY THE REDEVELOPMENT AGENCY. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY JANNEY, SECOND BY BRAGG, TO APPROVE RESOLUTION NO. FA-10-03 – AUTHORIZING ISSUANCE OF TAX ALLOCATION REVENUE BONDS BY THE PUBLIC FINANCING AUTHORITY. MOTION CARRIED UNANIMOUSLY.**

**ORDINANCES – INTRODUCTION/FIRST READING (3.1)**

**3.1 ORDINANCE NO. 2010-1108 – AMENDING TITLE 12 – “STREETS, SIDEWALKS, AND PUBLIC PLACES” TO ADD CHAPTER 12.76 – “NEWS RACKS AFFECTING PUBLIC SAFETY” TO THE IMPERIAL BEACH MUNICIPAL CODE. (0720-95)**

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1108.

CITY CLERK HALD read the title of Ordinance No. 2010-1108, “An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING TITLE 12 – “STREETS, SIDEWALKS, AND PUBLIC PLACES” TO ADD CHAPTER 12.76 – “NEWS RACKS AFFECTING PUBLIC SAFETY” TO THE IMPERIAL BEACH MUNICIPAL CODE.”

**MOTION BY MCCOY, SECOND BY BRAGG, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION OF ORDINANCE NO. 2010-1108 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.**

**ORDINANCES – SECOND READING & ADOPTION (4)**

None.

**PUBLIC HEARINGS (5.1)**

**5.1 RESOLUTION NO. 2010-6953 – REQUESTING ALLOCATION OF THE FISCAL YEAR 2011-2012 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE AGREEMENT WITH THE COUNTY OF SAN DIEGO. (0650-33)**

COUNCILMEMBER ROSE recused herself from discussion of the item due to the location of her home to one of the projects and left Council Chambers at 7:06 p.m.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN announced a revised staff report and resolution were submitted as Last Minute Agenda Information and he reported on the item.

TIM O'NEAL spoke in support of the crosswalk and questioned if a committee could be created to address music equipment upgrades at the Sports Park.

MAYOR JANNEY closed the public hearing.

**MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2010-6953 – REQUESTING ALLOCATION OF THE FISCAL YEAR 2011-2012 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE AGREEMENTS WITH THE COUNTY OF SAN DIEGO. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

COUNCILMEMBER ROSE returned to Council Chambers at 7:10 p.m.

**REPORTS (6.1 - 6.2)**

**6.1 REPORT ON THE COMMUNITY WORKSHOPS HELD TO PRESENT THE COMMERCIAL ZONING REVIEW RECOMMENDATIONS TO THE PUBLIC. (0610-95)**

A letter from Ira Glasky, General Counsel for Lissoy Family Trust, was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

MICHAEL CAREY, representing IB Concerned Citizens, appreciated the efforts of City Council and staff for their hard work; and he spoke in support of ten-foot setbacks.

MAYDA WINTER commended City Council and staff for their efforts in consideration of the public and their comments on the proposed changes; she commented specifically on the issue of setbacks for commercial development abutting residential properties; she requested Council's consideration of a buffer between residential neighborhoods and commercial development to all

residentially zoned properties regardless of geographic location or type of impact commercial development creates.

**CONSENSUS OF CITY COUNCIL TO ESTABLISH A FIVE-FOOT SETBACK WITHIN THE C/MU-2 ZONE THAT ABUTS THE R-2000 ZONE AND A TEN-FOOT SETBACK WITHIN THE C/MU-2 ZONE ABUTTING THE R-1-6000 ZONE.**

**MOTION BY JANNEY, SECOND BY BRAGG, TO SUPPORT ALL THE COMMERCIAL ZONING REVIEW RECOMMENDATIONS AS PROPOSED AND AS SPECIFICALLY DISCUSSED WITH THE EXCEPTION OF SETBACKS AND THE LAND USE TABLE. MOTION CARRIED UNANIMOUSLY.**

COUNCILMEMBER MCCOY recused herself from discussion of the item due to the location of her residence and left Council Chambers at 8:06 p.m.

**MOTION BY JANNEY, SECOND BY ROSE, TO PROCEED WITH THE RECOMMENDED SETBACK REQUIREMENTS AS DISCUSSED AND AMENDED TONIGHT FOR THE C/MU-2 ZONE. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

COUNCILMEMBER MCCOY returned to Council Chambers at 8:07 p.m.

COUNCILMEMBER BRAGG announced she had a potential conflict of interest due to the location of her employment and left Council Chambers at 8:07 p.m.

**MOTION BY JANNEY, SECOND BY KING, TO SUPPORT STAFF'S RECOMMENDATION ON THE LAND USE TABLE AS PROPOSED IN THE COMMERCIAL ZONING REVIEW.**

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

COUNCILMEMBER BRAGG returned to Council Chambers at 8:08 p.m.

**MOTION BY ROSE, SECOND BY BRAGG, TO SUPPORT STAFF'S RECOMMENDATION TO MAINTAIN THE EXISTING SETBACK AND HEIGHT REQUIREMENTS OF THE MU-2 OVERLAY ZONE IN THE PROPOSED RESIDENTIAL OVERLAY ZONE OF THE C/MU-2 ZONE. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY JANNEY, SECOND BY ROSE, TO HAVE STAFF PREPARE A FINAL DOCUMENT THAT INCORPORATES ALL RECOMMENDED CHANGES. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY JANNEY, SECOND BY MCCOY, TO AUTHORIZE STAFF TO NEGOTIATE A CONSULTANT CONTRACT WITH AECOM IN AN AMOUNT BETWEEN \$200,000 AND \$275,000 TO PREPARE AND PROCESS THE REQUIRED ZONING/ORDINANCE AMENDMENTS AND GENERAL PLAN/LOCAL COASTAL PROGRAM AMENDMENTS, AND TO PREPARE AND PROCESS THE REQUIRED ENVIRONMENTAL REVIEW DOCUMENT. MOTION CARRIED UNANIMOUSLY.**

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

COUNCILMEMBER BRAGG recused herself from discussion on the item due to the location of her employment and left Council Chambers 8:16 p.m.

CITY MANAGER BROWN introduced the item.

ALLISON ROLFE, Project Manager for Pacifica, announced Zane Rodriguez was hired as the new Construction Project Manager; she reported on the phased plan schedule to get to construction; demolition will be completed next week; construction will occur once the financing is locked down; Wells Fargo needs the DDA and ground lease agreement before the loan is moved up to management; the owner needs a commitment of financing from Wells Fargo or the City before he will front the money for construction; construction will not begin until the financing is further along than it is now; she responded to Council's questions regarding the submittal of the final plans; and she will talk to her Finance Director about the delay with Wells Fargo.

MAYOR JANNEY spoke of the need to focus on and proceed with the DDA.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 8:40 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, CMC  
City Clerk



**DRAFT**

**MINUTES**

**IMPERIAL BEACH CITY COUNCIL  
REDEVELOPMENT AGENCY  
PLANNING COMMISSION  
PUBLIC FINANCING AUTHORITY**

**NOVEMBER 3, 2010**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

**CLOSED SESSION MEETING – 5:00 P.M.  
REGULAR & SPECIAL MEETINGS – 6:00 P.M.**

**CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

**ROLL CALL**

Councilmembers present:	Bragg, McCoy, Rose (arrived at 5:15 p.m.)
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King
Staff present:	City Manager Brown; Deputy City Attorney Canlas; City Clerk Hald

**CLOSED SESSION**

**MOTION BY MCCOY, SECOND BY KING, TO ADJOURN TO CLOSED SESSION UNDER:**

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

**MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: BRAGG, MCCOY, KING, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: ROSE**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, DEPUTY CITY ATTORNEY CANLAS announced Councilmember Bragg did not participate in Closed Session, City Council provided direction, and had no reportable action.

**REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular & Special Meetings to order at 6:01 p.m.

**ROLL CALL**

Councilmembers present: Bragg, McCoy, Rose  
Councilmembers absent: None  
Mayor present: Janney  
Mayor Pro Tem present: King

Staff present: City Manager Brown; Deputy City Attorney Canlas;  
City Clerk Hald

**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

CITY MANAGER BROWN announced Item No. 6.3 is a Special Meeting item.

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

COUNCILMEMBER BRAGG congratulated Mayor Janney on his re-election; she reported on her attendance at the Heartland Communications Facility Authority meeting and noted the employees are picking up 2% of their retirement costs and the Authority will see a 2% reduction in costs; and she was a judge for the Library's Halloween contest.

COUNCILMEMBER MCCOY announced the recently scheduled Metro JPA meeting was cancelled and she congratulated Mayor-elect Janney and Councilmember-elect Bragg on their elections into office.

COUNCILMEMBER ROSE announced the Skate Park grand opening is scheduled for November 18 from 3:00 to 5:00 p.m.

MAYOR PRO TEM KING suggested the City look into a community garden for an empty lot on Palm Ave.; he expressed concern about an owner of a single family residence who is undergoing financial hardship and who received a citation for code violations, and he suggested that the City Council look at how this type of situation should be handled on a future agenda; and he announced his recent attendance at the South County Economic Development Council meeting where they requested the Port look at improving the Pond 20 area.

COUNCILMEMBER MCCOY asked the City Manager to contact the City of Del Mar regarding their quest to obtain the racetrack, and possibly have a representative address the IB City Council on the issue.

MAYOR JANNEY announced he participated as a judge for a Halloween contest for pets.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

JOHN LIMMER witnessed three Saint Bernards attack a Jack Russell Terrier; he expressed concern about the safety of other dogs and submitted a letter for the record.

JOHN HAUPT requested further information on the status of the Seacoast Inn; and he questioned the status of his permit for placing a roof over Woody's restaurant.

ED KRAVITZ spoke in regard to the recent election and commented the press (San Diego Union-Tribune and IB Eagle & Times) were biased; he expressed concern about removal of campaign signs from private property and noted there are ongoing investigations on the matter; and said absentee ballots need to be challenged.

**PRESENTATIONS (1.1)**

**1.1 PRESENTATION OF CERTIFICATES OF ACCOMPLISHMENT TO FIRE PREVENTION WEEK POSTER CONTEST WINNERS. (0410-30)**

MAYOR JANNEY, along with IB LIBRARY BRANCH MANAGER ENGEL and PUBLIC SAFETY DIRECTOR CLARK presented the certificates of accomplishment to the following Fire Prevention Week poster contest winners:

Frida Montoya  
Jared Montoya  
Ashley Montoya

**CONSENT CALENDAR (2.1 - 2.3)**

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

**2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 71919 through 72004 with the subtotal amount of \$669,229.73 and Payroll Checks 43241 through 43283 for the pay period ending 10/07/10 with the subtotal amount of \$151,110.20, for a total amount of \$820,339.93.

**2.2 RESOLUTION NO. 2010-6958 – AMENDING ARTICLE XIII OF THE CITY OF IMPERIAL BEACH PERSONNEL RULES. (0500-95)**

Adopted resolution.

**2.3 RESOLUTION NO. 2010-6963 – RATIFYING THE “TIDELAND USE AND OCCUPANCY PERMIT” FOR THE INSTALLATION OF THE EL CAMINO REAL BELL MARKER AT DUNES PARK. (0150-70 & 0160-40)**

Adopted resolution.

**ORDINANCES – INTRODUCTION/FIRST READING (3)**

None.

**ORDINANCES – SECOND READING & ADOPTION (4.1)**

**4.1 ORDINANCE NO. 2010-1108 – AMENDING TITLE 12 – “STREETS, SIDEWALKS, AND PUBLIC PLACES” TO ADD CHAPTER 12.76 – “NEWS RACKS AFFECTING PUBLIC SAFETY” TO THE IMPERIAL BEACH MUNICIPAL CODE. (0720-95)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1108.

CITY CLERK HALD read the title of Ordinance No. 2010-1108, “An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING TITLE 12 – “STREETS, SIDEWALKS, AND PUBLIC PLACES” TO ADD CHAPTER 12.76 – “NEWS RACKS AFFECTING PUBLIC SAFETY” TO THE IMPERIAL BEACH MUNICIPAL CODE.”

**MOTION BY ROSE, SECOND BY MCCOY, TO DISPENSE WITH THE SECOND READING AND ADOPT ORDINANCE NO. 2010-1108 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARINGS (5.1)**

**5.1 RESOLUTION NO. 2010-6962 – APPROVING THE FISCAL YEAR 2009/2010 IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT REPORT AND LEVYING THE FISCAL YEAR 2010/2011 ANNUAL ASSESSMENT FOR THE DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989. (0465-20)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN reported on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

**MOTION BY BRAGG, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6962 – APPROVING THE FISCAL YEAR 2009/2010 IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT REPORT AND LEVYING THE FISCAL YEAR 2010/2011 ANNUAL ASSESSMENT FOR THE DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989. MOTION CARRIED UNANIMOUSLY.**

MAYOR PRO TEM KING requested bike racks be included in the category for parking facilities.

**REPORTS (6.1 - 6.3)**

**6.1 RESOLUTION NO. 2010-6960 – AUTHORIZING CHANGE ORDER NO. 1 TO SEALING & PREPARING WET WELLS & MANHOLES W05-401 CONTRACT WITH NEWEST CONSTRUCTION COMPANY AND AUTHORIZING A BUDGET AMENDMENT OF \$20,000 TO THE SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CIP PROJECT. (0830-35)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN responded to questions of Council regarding details on the repairs of the manholes and associated costs.

**MOTION BY ROSE, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6960 – AUTHORIZING CHANGE ORDER NO. 1 TO SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CONTRACT WITH NEWEST CONSTRUCTION COMPANY AND AUTHORIZING A BUDGET AMENDMENT OF \$20,000 TO THE SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CIP PROJECT. MOTION CARRIED UNANIMOUSLY.**

**6.2 RESOLUTION NO. 2010-6959 – DESIGNATING STATE PROPOSITION 1B LOCAL STREETS AND ROADS (LSR) 2008/2009 (TRANSPORTATION BOND) FUNDS TO PARTIALLY FINANCE STREET IMPROVEMENTS RDA PHASE 3-B CIP PROJECT (S04-108). (0720-25)**

A revised staff report and resolution were submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

COUNCILMEMBER BRAGG requested the preparation of a press release to inform and educate the community on how and what projects funds are being spent on.

**MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT REVISED RESOLUTION NO. 2010-6959 – DESIGNATING STATE PROPOSITION 1B LOCAL STREETS AND ROADS (LSR) 2008-09 (TRANSPORTATION BOND) FUNDS TO PARTIALLY FINANCE STREET IMPROVEMENTS RDA PHASE 4/5 CIP PROJECT (S11-105). MOTION CARRIED UNANIMOUSLY.**

**6.3 RESOLUTION NO. 2010-6964 AND RESOLUTION NO. R-10-234 – CHANGING THE FUNDING SOURCE FOR THE 13<sup>TH</sup> STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) FROM CDBG-R TO REDEVELOPMENT AGENCY FUNDS, AUTHORIZING THE APPROPRIATIONS OF MONIES, AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH & SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13<sup>TH</sup> STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201). (0650-33 & 0720-10)**

CITY MANAGER BROWN reported the County informed the City the CDBG-R funding was withdrawn and all work on the project would have to stop; the City would need to reapply for funding showing exactly the work that can be completed with the CDBG-R funding; the contractor will begin work on November 11 since it is a holiday and, therefore, no children would be present; he recommended approval of the resolutions to use RDA money should CDBG-R funds not be available.

DEPUTY CITY ATTORNEY CANLAS recommended the following changes to Resolution No. 2010-6964:

- Delete the following statement on page 1
  1. CDBG-R funds are withdrawn for expenditure for the Project and
- Revise the following statement on page 2
  4. The appropriation of \$60,000.00 of Redevelopment monies from the RDA Unspecified Reserve Fund is authorized for the Project at the discretion of the City Manager as an alternative should the CDBG-R funds not be available.

And the following change to Resolution No. R-10-234:

- Revise the following statement on page 3
  2. The appropriation of \$60,000.00 of Redevelopment monies from the RDA Unspecified Reserve Fund is authorized for the Project at the discretion of the City Manager as an alternative should the CDBG-R funds not be available.

**MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6964 – CHANGING THE FUNDING SOURCE FOR THE 13<sup>TH</sup> STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) FROM CDBG-R TO REDEVELOPMENT AGENCY FUND, AUTHORIZING THE APPROPRIATIONS OF MONIES, AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13<sup>TH</sup> STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) AS AMENDED BY THE DEPUTY CITY ATTORNEY.**

Discussion ensued about the CDBG-R funding process and project timeline; it was noted there is an urgency to proceed with the project as the contractor has agreed to work in November when Central Elementary school is not in session (November 11 and Thanksgiving holiday); and concern was raised regarding the delays in applying for funding and processing projects for CDBG-R funding.

**VOTES WERE NOW CAST ON ORIGINAL MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6964 – CHANGING THE FUNDING SOURCE FOR THE 13<sup>TH</sup> STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) FROM CDBG-R TO REDEVELOPMENT AGENCY FUND, AUTHORIZING THE APPROPRIATIONS OF MONIES, AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13<sup>TH</sup> STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) AS AMENDED BY THE DEPUTY CITY ATTORNEY. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-10-234 – AUTHORIZING THE APPROPRIATIONS OF MONIES AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13<sup>TH</sup> STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) AS AMENDED BY THE DEPUTY CITY ATTORNEY. MOTION CARRIED UNANIMOUSLY.**

CITY MANAGER BROWN announced County Supervisor Cox was able to secure another year's funding for water quality testing and he will try to find a steadier source of funds.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 6:47 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, CMC  
City Clerk



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

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

**MEETING DATE:** November 17, 2010

**ORIGINATING DEPT.:** Michael McGrane  
Finance Director

**SUBJECT:** RATIFICATION OF WARRANT REGISTER

**BACKGROUND:**

None

**DISCUSSION:**

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

Vendor	Check	Amount	Description
Inner Visions	72080	\$100,000.00	Settlement check-Termination of lease

**ENVIRONMENTAL IMPACT**

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

**WARRANT #**                      **DATE**                      **AMOUNT**

**Accounts Payable**

72005	10/26/10	\$ 5,310.00
72006	10/27/10	700.00
72007-72055	10/29/10	90,686.30
72056-72097	11/04/10	340,440.94
<b>Sub-Total</b>		<b>\$ 437,137.24</b>

**Payroll Checks:**

43284-43325	P.P.E. 10/21/10 \$	146,978.00
	\$	<b><u>146,978.00</u></b>
	<b>TOTAL</b>	<b><u>\$ 584,115.24</u></b>

**FISCAL IMPACT:**

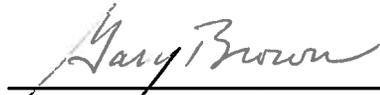
**Warrants are issued from budgeted funds.**

**DEPARTMENT RECOMMENDATION:**

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

**CITY MANAGER'S RECOMMENDATION:**

**Approve Department recommendation**



\_\_\_\_\_  
Gary Brown, City Manager

**Attachments:**

1. Warrant Registers

PREPARED 11/08/2010, 12:02:01  
 PROGRAM: GM350L  
 CITY OF IMPERIAL BEACH

A/P CHECKS BY PERIOD AND YEAR  
 FROM 10/26/2010 TO 11/04/2010

PAGE 1

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
10/26/2010	72005	DKC ASSOCIATES, INC.	2187			5,310.00	
101-1110-412.20-06	10/21/2010	10/08/2010-10/21/2010	208	110088	04/2011	1,770.36	
405-1260-413.20-06	10/21/2010	10/08/2010-10/21/2010	208	110088	04/2011	1,769.82	
502-1922-419.20-06	10/21/2010	10/08/2010-10/21/2010	208	110088	04/2011	1,769.82	
10/27/2010	72006	COAST TO COAST ENTERPRISES	1			700.00	
601-5060-436.21-04	09/12/2010	PALM AVE JOCKEY PUMP CONT	09-12-2010		03/2011	700.00	
10/29/2010	72007	AFLAC	120			844.28	
101-0000-209.01-13	10/14/2010	PR AP PPE 10/07/2010	20101014		04/2011	422.14	
101-0000-209.01-13	10/28/2010	PR AP PPE 10/21/2010	20101028		04/2011	422.14	
10/29/2010	72008	COLONIAL LIFE & ACCIDENT	941			266.88	
101-0000-209.01-13	10/14/2010	PR AP PPE 10/07/2010	20101014		04/2011	133.44	
101-0000-209.01-13	10/28/2010	PR AP PPE 10/21/2010	20101028		04/2011	133.44	
10/29/2010	72009	ADT SECURITY SERVICES, INC.	103			80.04	
101-6010-451.21-04	10/09/2010	NOVEMBER 2010	33976189	110071	04/2011	80.04	
10/29/2010	72010	AGRICULTURAL PEST CONTROL	123			190.00	
101-6020-452.21-04	02/23/2010	FEBRUARY 2010	212142	110058	01/2011	95.00	
101-6020-452.21-04	03/23/2010	MARCH 2010	214110	110058	01/2011	95.00	
10/29/2010	72011	AMERICAN EXPRESS	1895			341.88	
101-1130-412.30-02	10/12/2010	INTEREST CHARGES	10-12-2010	110339	04/2011	5.93	
101-6010-451.30-02	09/28/2010	CAFE ROOM RE-STOCK	208962109	110339	03/2011	335.95	
10/29/2010	72012	AT&T	291			26.43	
101-5020-432.27-04	10/01/2010	030 480 7925 001 SEP 2010	10-27-2010		04/2011	6.76	
101-3020-422.27-04	10/01/2010	030 480 7925 001 SEP 2010	10-27-2010		04/2011	8.99	
101-3030-423.27-04	10/01/2010	030 480 7925 001 SEP 2010	10-27-2010		04/2011	10.68	
10/29/2010	72013	BEFITTING SERVICE	4			1,125.00	
101-0000-221.01-05	10/21/2010	BOND REFUND 813 EMORY ST	TEP 10-31		04/2011	1,125.00	
10/29/2010	72014	CALIFORNIA ALUMINUM & VINYL WI	1915			1,451.76	
248-1920-519.20-06	10/07/2010	CLEAN&GREEN-386 DAISY AVE	10072010-3	110477	04/2011	1,451.76	
10/29/2010	72015	CDW GOVERNMENT INC	725			219.60	
503-1923-419.30-22	10/04/2010	WD SCORPIO BLUE SATA	VDD6354	110435	04/2011	56.47	
503-1923-419.30-22	10/04/2010	HAWKING USB/TRENDNET	VDF1231	110449	04/2011	163.13	
10/29/2010	72016	CHICAGO TITLE INSUR CO	779			1,000.00	
245-1240-413.20-06	10/06/2010	238 CITRUS AVENUE	371012153 P14	110466	04/2011	500.00	
245-1240-413.20-06	10/06/2010	582 12TH STREET	371012152 P14	110467	04/2011	500.00	
10/29/2010	72017	COUNTY OF SAN DIEGO	1055			2,696.00	
101-3010-421.21-04	10/25/2010	SEPTEMBER 2010 PARKING	09/10		04/2011	2,696.00	
10/29/2010	72018	COX COMMUNICATIONS	1073			125.27	
101-6010-451.29-04	10/09/2010	3110015531401 10/13-11/12	11-02-2010	110130	04/2011	125.27	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
10/29/2010	72019	EAGLE NEWSPAPER	1204	133.00	
101-1110-412.28-07	09/23/2010	COMMUNITY GRANTS AD	589984	110041 03/2011	133.00
10/29/2010	72020	EDAW, INC	1804	7,620.14	
405-1260-513.20-06	10/18/2010	08/28-10/08/10 IB MIXED	1457042	080317 04/2011	7,620.14
10/29/2010	72021	FEDERAL EXPRESS CORP.	911	68.17	
405-1260-513.20-06	10/08/2010	09/30/10 OFFICE OF GRANTS	7-251-51437	110307 04/2011	32.37
101-5020-432.28-09	10/22/2010	10/12/10-BUSINESS & LEGAL	7-267-62201	110307 04/2011	35.80
10/29/2010	72022	GIFFORDS HAULING	2161	250.00	
408-1920-519.20-06	10/04/2010	MAY-OCT 2010 CODE PICKUPS	10-04-2010	110478 04/2011	250.00
10/29/2010	72023	GO-STAFF, INC.	2031	2,055.00	
101-1210-413.21-01	10/12/2010	DURAN,A W/E 10/10/10	76308	110078 04/2011	465.00
101-1210-413.21-01	10/19/2010	DURAN,A W/E 10/17/2010	76519	110078 04/2011	600.00
101-1110-412.21-01	10/05/2010	MENDOZA,L W/E 10/03/2010	76101	110324 04/2011	990.00
10/29/2010	72024	GRAINGER	1051	496.39	
101-1910-419.30-02	09/29/2010	BALLASTS - PADLOCKS	9358866771	110038 03/2011	275.69
101-1910-419.28-01	10/13/2010	BALLAST/LAMP	9370558919	110038 04/2011	220.70
10/29/2010	72025	HDL COREN & CONE	88	975.00	
101-1210-413.20-06	10/20/2010	OCT-DEC 2010 SALES TAX	0017151-IN	110237 04/2011	975.00
10/29/2010	72026	HELIOPOWER INC.	2056	1,000.00	
248-1920-519.20-06	10/06/2010	CLEAN&GREEN-961 9TH DEPOS	83449	110481 04/2011	1,000.00
10/29/2010	72027	HORIZON HEALTH EAP	90	415.83	
101-1130-412.20-06	10/06/2010	OCTOBER 2010	33618	110075 04/2011	415.83
10/29/2010	72028	I B FIREFIGHTERS ASSOCIATION	214	216.50	
101-0000-209.01-08	10/28/2010	PR AP PPE 10/21/2010	20101028	04/2011	216.50
10/29/2010	72029	IAAP SAN DIEGO CHAPTER	2208	35.00	
101-1110-412.28-04	10/26/2010	POSADA, MICHELLE	11-03-2010	110225 04/2011	35.00
10/29/2010	72030	ICMA RETIREMENT TRUST 457	242	5,248.23	
101-0000-209.01-10	10/28/2010	PR AP PPE 10/21/2010	20101028	04/2011	5,248.23
10/29/2010	72031	INTERSTATE BATTERY OF SAN DIEG	388	299.87	
501-1921-419.28-16	10/11/2010	#143 MTP-27	680029729	110026 04/2011	93.43
501-1921-419.28-16	10/18/2010	#109 REPLACEMENT BATTERIE	649006180	110026 04/2011	206.44
10/29/2010	72032	JESSOP & SON LANDSCAPING	479	3,052.83	
101-6010-451.21-04	10/25/2010	OCTOBER 2010	388338	110199 04/2011	3,052.83
10/29/2010	72033	JETER SYSTEMS	483	91.50	
101-1210-413.30-01	10/05/2010	LETTER LABELS FOR FILING	1953305	F11051 04/2011	91.50

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
10/29/2010	72034	JOHN DEERE LANDSCAPES	1986				137.73
101-6020-452.30-02	10/01/2010	BROOKS #3 COMPLETE	56048243	110051	04/2011		74.36
101-6020-452.30-02	10/07/2010	GLUE/PRIMER/SOIL	56109957	110051	04/2011		63.37
10/29/2010	72035	JUNE ENGEL	2213				59.15
405-1260-413.28-11	09/27/2010	REIMBURSE PRINTING COST-	1133		03/2011		27.18
405-1260-413.28-11	10/20/2010	REIMBURSE COPY FEES	006256		04/2011		31.97
10/29/2010	72036	KANE, BALLMER & BERKMAN	1828				11,353.25
405-1260-413.20-06	10/01/2010	RDA-PALM AVE/COMM REDEV P	15725	F11050	04/2011		120.00
101-0000-221.01-02	10/01/2010	SEP 2010 SEACOAST INN OPA	15726		04/2011		3,459.00
408-1920-519.20-06	10/01/2010	SEPT 2010-9TH/PALM -OPA	15724	110474	04/2011		1,540.00
405-1260-413.20-06	10/29/2010	AUG 2010 9TH/PALM OPA	15603		04/2011		350.00
405-1260-413.20-06	10/29/2010	AUG 2010 PALM REDEV PLAN	15604		04/2011		634.25
101-0000-221.01-02	10/29/2010	AUG 2010 SEACOAST INN OPA	15605		04/2011		5,250.00
10/29/2010	72037	KENNETH S MIRACLE	2260				710.01
405-1260-413.20-06	10/01/2010	CLEAN & GREEN ADS	6015	110479	04/2011		396.88
405-1260-413.20-06	10/01/2010	IB ADVERTISEMENT	6016	110480	04/2011		313.13
10/29/2010	72038	KENNEY ROOFING	2087				3,730.00
248-1920-519.20-06	10/07/2010	CLEAN&GREEN-386 DAISY AVE	10-07-2010	110482	04/2011		3,730.00
10/29/2010	72039	MOBILE HOME ACCEPTANCE CORPORA	1533				299.06
408-5020-432.25-01	10/24/2010	11/07/10-12/06/10	155103	110067	04/2011		299.06
10/29/2010	72040	NASLAND ENGINEERING	1656				4,024.25
408-5010-531.20-06	09/30/2010	SEPT 10-IB ST IMPRVMTS	89805	071139	03/2011		2,961.75
405-1260-513.20-06	09/30/2010	SEPT 2010 DATE ST END	89807	090544	03/2011		1,062.50
10/29/2010	72041	OLLIE ANGEL SKATE SHOP	1				1,022.47
408-1920-519.20-06	10/20/2010	REESTABLISHMENT-PALM AVE	10-20-2010		04/2011		1,022.47
10/29/2010	72042	PACIFIC SAFETY COUNCIL	1275				9.79
101-5020-432.28-04	10/18/2010	SAFETY VIDEO RENTAL	67581	110436	04/2011		9.79
10/29/2010	72043	PARTNERSHIP WITH INDUSTRY	1302				2,478.20
101-6040-454.21-04	10/01/2010	P/E 09/30/2010	GS03115	110020	04/2011		1,261.60
101-6040-454.21-04	10/18/2010	P/E 10/15/2010	GS03150	110020	04/2011		1,216.60
10/29/2010	72044	PITNEY BOWES INC	271				234.76
101-1920-419.28-09	10/07/2010	INK & SEALANT FOR POSTAGE	5501427368	F11052	04/2011		234.76
10/29/2010	72045	PRO LINE PAINT COMPANY	52				93.30
101-1910-419.30-02	10/06/2010	RUST CONVRSN CTG	4600-0	110037	04/2011		93.30
10/29/2010	72046	RECLAIMED AGGREGATES, INC.	2137				250.00
101-5010-431.29-04	09/30/2010	RECYCLE TRUCKS	11241	110084	03/2011		250.00
10/29/2010	72047	RELIABLE TIRES COMPANY	136				78.00
101-5040-434.21-04	10/20/2010	PICK-UP USED TIRES	75812	F11054	04/2011		78.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
10/29/2010	72048	ROBERT BACKER & ASSOCIATES	1620				10,300.00
405-1260-413.20-06	09/27/2010	226 PALM APPRAISER	09-27-2010	110460	03/2011	3,700.00	
101-0000-221.01-02	10/26/2010	SEACOAST INN/APPRaiser	10-19-2010		04/2011	6,600.00	
10/29/2010	72049	SEIU LOCAL 221	1821				1,307.43
101-0000-209.01-08	10/28/2010	PR AP PPE 10/21/2010	20101028		04/2011	1,307.43	
10/29/2010	72050	SHARP REES-STEALY MEDICAL	CNTR 390				163.00
101-6040-454.21-04	08/14/2010	BUENROSTRO,BRIAN	227	110340	02/2011	39.00	
101-6040-454.21-04	08/14/2010	MORA, JUAN	227	110340	02/2011	124.00	
10/29/2010	72051	SKS INC.	412				6,770.43
501-1921-419.28-15	10/14/2010	100G DIESEL/1045G REG FUEL	1236150-IN	110104	04/2011	3,410.05	
501-1921-419.28-15	10/21/2010	1157.4 GALLONS REG FUEL	1236311-IN	110104	04/2011	3,360.38	
10/29/2010	72052	MARK SUACCI	2270				9,236.00
248-1920-519.20-06	09/17/2010	CLEAN&GREEN-1186 GEORGIA	106	110483	03/2011	9,236.00	
10/29/2010	72053	TRAFFIC CONTROL SERVICE INC.	684				608.61
101-5010-431.21-23	10/12/2010	FLAGSTAND & BRACKETS	997002	110039	04/2011	608.61	
10/29/2010	72054	U.S. BANK	1873				20.00
101-1010-411.28-04	09/15/2010	KING/PRKNG AT LEAGUE CONF	255336	110397	03/2011	10.00	
101-1010-411.28-04	09/16/2010	KING/PRKNG AT LEAGUE CONF	09-16-2010	110397	03/2011	10.00	
10/29/2010	72055	WEST COAST APPLIANCE SERVICES,	2045				7,476.26
248-1920-519.20-06	10/06/2010	CLEAN&GREEN-1213 13TH ST	20778	110475	04/2011	2,950.88	
248-1920-519.20-06	10/11/2010	CLEAN&GREEN-133 CITRUS AV	20627	110476	04/2011	4,525.38	
11/04/2010	72056	A.M. ORTEGA CONSTRUCTION, INC.	2275				912.00
201-5015-531.20-06	10/27/2010	STREET LIGHT TRENCH INSTA	0048254-IN	110441	04/2011	912.00	
11/04/2010	72057	AIRGAS WEST	129				162.99
501-1921-419.30-02	10/11/2010	FIRST AID SUPPLIES	103564126	110021	04/2011	162.99	
11/04/2010	72058	ALTERNATIVE ENERGY TECHNOLOGIE	1971				6,181.59
248-1920-519.20-06	10/22/2010	CLEAN&GREEN-1035 HOLLY AV	7023333CI	110549	04/2011	6,181.59	
11/04/2010	72059	SOUTHCOAST HEATING & A/C	1554				325.00
101-1910-419.21-04	04/21/2010	QUARTERLY MAINTENANCE	C43091	110062	01/2011	325.00	
11/04/2010	72060	ARROWHEAD MOUNTAIN SPRING WATE	1340				122.08
101-1010-411.30-02	10/22/2010	SEPTEMBER 2010	00J0025324922	110198	04/2011	122.08	
11/04/2010	72061	AT&T	2052				3,298.37
503-1923-419.27-04	10/20/2010	3372571583448	1713952		04/2011	355.89	
503-1923-419.27-04	10/20/2010	3393431504727	1712338		04/2011	177.96	
503-1923-419.27-04	10/20/2010	3393439371447	1715043		04/2011	177.96	
101-1110-412.27-04	10/15/2010	6194230314983	1701211		04/2011	115.12	

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
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101-5040-434.27-04	10/15/2010		6194231675716	1701213	04/2011	15.80
601-5060-436.27-04	10/15/2010		6194232231359	1701214	04/2011	15.32
101-1210-413.27-04	10/17/2010		6194235034	1704984	04/2011	16.10
101-3020-422.27-04	10/17/2010		6194237246664	1704198	04/2011	72.23
101-3020-422.27-04	10/15/2010		6194238222636	1701215	04/2011	22.58
101-3020-422.27-04	10/15/2010		6194238225966	1701216	04/2011	195.94
101-1920-419.27-04	10/15/2010		6194238300966	1701217	04/2011	270.52
101-5020-432.27-04	10/15/2010		6194238311966	1701218	04/2011	359.39
101-3030-423.27-04	10/15/2010		6194238322966	1701219	04/2011	192.76
101-1130-412.27-04	10/15/2010		6194238617297	1701220	04/2011	72.08
503-1923-419.27-04	10/11/2010		6194243481712	1685212	04/2011	53.30
101-6030-453.27-04	10/11/2010		6194247077654	1685213	04/2011	79.55
101-3020-422.27-04	10/17/2010		6194247359125	1704199	04/2011	75.30
101-6010-451.27-04	10/22/2010		6195750336814	1716347	04/2011	16.10
101-3020-422.27-04	10/22/2010		6195750361567	1716348	04/2011	16.13
601-5060-436.27-04	10/17/2010		6195751351887	1704744	04/2011	14.33
101-1010-411.27-04	10/17/2010		6196281352138	1704200	04/2011	62.00
101-1230-413.27-04	10/17/2010		6196281356950	1704201	04/2011	202.22
101-3040-424.27-04	10/17/2010		6196281357370	1704202	04/2011	80.26
101-3070-427.27-04	10/17/2010		6196281359503	1704203	04/2011	46.42
101-1210-413.27-04	10/17/2010		6196281361675	1704204	04/2011	232.40
101-6010-451.27-04	10/17/2010		6196281385578	1704205	04/2011	57.57
101-3035-423.27-04	10/17/2010		6196281419922	1704206	04/2011	2.59
101-3010-421.27-04	10/13/2010		6196281485966	1694619	04/2011	41.46
101-1920-419.27-04	10/17/2010		6196282018442	1704207	04/2011	24.20
601-5060-436.27-04	10/15/2010		C602221236777	1701210	04/2011	219.09
11/04/2010	72062	AT&T MOBILITY	1866			856.61
101-1230-413.27-05	10/23/2010		287016633295 SEP/OCT 10	X10232010	04/2011	122.18
101-3050-425.27-05	10/23/2010		287019473995 SEP/OCT 10	X10232010	04/2011	135.89
503-1923-419.27-05	10/23/2010		287015635717 SEP/OCT 10	X10232010	04/2011	237.43
101-3020-422.27-05	10/23/2010		287015635717 SEP/OCT 10	X10232010	04/2011	177.88
101-5020-432.27-05	10/23/2010		287015635717 SEP/OCT 10	X10232010	04/2011	85.99
101-3040-424.27-05	10/23/2010		287015635717 SEP/OCT 10	X10232010	04/2011	97.24
11/04/2010	72063	AT&T TELECONFERENCE SERVICES	1827			79.17
101-1110-412.28-04	10/01/2010		CONFERENCE CALL RE: SEACO	10-01-2010	F11058 04/2011	79.17
11/04/2010	72064	AZTEC LANDSCAPING INC	310			2,528.79
101-5010-431.21-04	10/18/2010		REMOVE&INSTALL PLANTS-PAL	11398L-IN	110087 04/2011	2,528.79
11/04/2010	72065	BUCCOLA ENGINEERING, INC.	2281			10,880.00
405-1260-513.20-06	09/27/2010		LAYOUT/DRAIN/GRADE STAKES	10182	110473 03/2011	9,890.00
405-1260-513.20-06	09/27/2010		REVISE SLOP -GRADING PLAN	10183	110473 03/2011	990.00
11/04/2010	72066	CAPITAL ONE	1			502.82
101-0000-209.01-03	09/23/2010		CARTIER, J-EMP COMP LOAN	01030Z	04/2011	502.82
11/04/2010	72067	COUNTY RECORDER	1818			50.00
101-0000-221.01-02	10/25/2010		508 11TH STREET	MF 1047	04/2011	50.00

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11/04/2010	72068	CULLIGAN WATER CO. OF SAN DIEG	1112				18.75
101-1210-413.30-02	10/17/2010	NOVEMBER 2010	06829144	110009	04/2011		18.75
11/04/2010	72069	D.A.R. CONTRACTORS	1122				347.00
101-3050-425.20-06	10/03/2010	SEPTEMBER 2010	000099	110205	04/2011		347.00
11/04/2010	72070	EDCO DISPOSAL CORPORATION	1205				141.05
408-1920-519.20-06	10/31/2010	OCTOBER 2010	10-31-2010	110215	04/2011		141.05
11/04/2010	72071	EL TAPATIO INC	1407				89.72
101-1020-411.28-04	10/25/2010	MEALS -AB 1234 TRAINING	6019	F11056	04/2011		89.72
11/04/2010	72072	FASTENAL	909				51.19
101-6040-454.30-02	10/07/2010	SCREWS	CACHU23018	110025	04/2011		9.18
501-1921-419.30-02	10/21/2010	SS BOLTS	CACHU23132	110025	04/2011		29.97
501-1921-419.30-02	10/27/2010	SS BOLTS-FLEET	CACHU23133	110025	04/2011		12.04
11/04/2010	72073	FORDYCE CONSTRUCTION, INC.	2262				146,162.03
101-6010-551.20-06	10/21/2010	IB SKATEPARK	1	110325	04/2011		146,162.03
11/04/2010	72074	FORDYCE CONSTRUCTION, INC.	2265				16,240.23
405-1260-513.20-06	10/21/2010	IB SKATEPARK RETENTION	1 RETENTION	110326	04/2011		16,240.23
11/04/2010	72075	GCR TIRE CENTERS	1702				954.75
501-1921-419.28-16	09/15/2010	#152 TIRES	23847	110105	03/2011		570.68
501-1921-419.28-16	09/15/2010	#147 TIRES	24095	110105	03/2011		384.07
11/04/2010	72076	GO-STAFF, INC.	2031				4,602.84
101-1210-413.21-01	10/26/2010	DURAN, L W/E 10/24/10	76726	110078	04/2011		240.00
101-1110-412.21-01	10/12/2010	MENDOZA, L W/E 10/10/10	76309	110324	04/2011		992.52
101-1110-412.21-01	10/19/2010	MENDOZA, LAURA	76520	110324	04/2011		1,102.80
101-3020-422.21-01	10/05/2010	ROCHER, J W/E 10/03/10	76099	110149	04/2011		315.00
101-3020-422.21-01	10/12/2010	ROCHER, J W/E 10/10/10	76307	110149	04/2011		240.00
101-3020-422.21-01	10/19/2010	ROCHER, J W/E 10/17/10	76518	110149	04/2011		465.00
101-3020-422.21-01	10/26/2010	ROCHER, J W/E 10/24/10	76725	110149	04/2011		255.00
101-1110-412.21-01	10/26/2010	MEDNOZA, L W/E 10/24/10	76727	110324	04/2011		992.52
11/04/2010	72077	HOSE-CONNECT & TOOLS	1				80.08
501-1921-419.28-16	10/26/2010	#145 HOSE ASSY.	1532		04/2011		80.08
11/04/2010	72078	IB BUSINESS IMPROVEMENT DISTRI	487				5,265.00
101-0000-203.22-00	10/28/2010	JUL-OCT 2010 BID FEES	10-27-2010		04/2011		5,265.00
11/04/2010	72079	IGNACIO PARRA	2287				90.00
101-3030-423.25-03	10/13/2010	SUNGLASSES REIMBURSEMENT	868684		04/2011		90.00
11/04/2010	72080	INNER VISIONS, JAMES E SIDES A	1				100,000.00
408-1920-519.20-06	10/25/2010	SETTLEMENT CHECK-TERMINAT	10-28-2010		04/2011		100,000.00
11/04/2010	72081	INSTITUTE FOR LOCAL GOVERNMENT	2288				45.00
101-1010-411.28-04	09/22/2010	INSTITUTE FOR LOCAL GOV 2	1026	F11059	03/2011		45.00

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11/04/2010	72082	J. SIMMS AGENCY	1883				1,250.00
101-1920-419.20-06	10/28/2010	NOVEMBER 2010	2752	110069	04/2011		1,250.00
11/04/2010	72083	KENNEY ROOFING	2087				5,775.00
248-1920-519.20-06	10/31/2010	CLEAN&GREEN-739 IRIS AVE	10-31-2010	110431	04/2011		5,775.00
11/04/2010	72084	KIWANIS CLUB OF IMPERIAL BEACH	639				325.00
101-1010-411.28-07	10/20/2010	2011 CALENDAR SPONSOR	10-20-2010	110545	04/2011		325.00
11/04/2010	72085	LANCE, SOLL & LUNGHARD LLP	716				4,500.00
101-1210-413.20-06	09/30/2010	TOT AUDIT/TSWORK&RPT PRP	12305	110214	03/2011		4,500.00
11/04/2010	72086	POINT LOMA LAW	1				5,000.00
408-1920-519.20-06	09/01/2010	IB RDA V SIDES, ET AL	191		04/2011		5,000.00
11/04/2010	72087	PRO DJ ENTERTAINMENT	2285				500.00
101-1130-412.29-02	10/19/2010	DJ ENTERTAINMENT 11/19/10	IB2010	110547	04/2011		500.00
11/04/2010	72088	PROJECT DESIGN CONSULTANT	65				2,000.00
101-1920-532.20-06	04/01/2010	CORRECT ACCT NUMBER	77593	010984	10/2010		900.00-
408-1920-519.20-06	04/01/2010	CORRECT ACCT NUMBER	77593	010984	10/2010		900.00
408-1920-519.20-06	10/12/2010	RELINQUISHMENT MAP 8TH/9T	78814	110542	04/2011		2,000.00
11/04/2010	72089	PRUDENTIAL OVERALL SUPPLY	72				529.06
101-5020-432.25-03	10/06/2010	10/06/10 PW UNIFORMS	30132005	110048	04/2011		199.04
101-5020-432.25-03	10/13/2010	10/13/10 PW UNIFORMS	30133604	110048	04/2011		101.77
101-5020-432.25-03	10/20/2010	10/20/10 PW UNIFORMS	30135184	110048	04/2011		122.65
101-5020-432.25-03	10/27/2010	10/27/10 PW UNIFORMS	30136772	110048	04/2011		105.60
11/04/2010	72090	RANCHO AUTO & TRUCK PARTS	1685				889.75
501-1921-419.28-16	10/07/2010	OIL FILTERS	7693-48349	110034	04/2011		28.50
501-1921-419.28-16	10/07/2010	HI-POP OIL FILTER	7693-48362	110034	04/2011		70.69
501-1921-419.28-16	10/11/2010	TRANS FILTER	7693-48796	110034	04/2011		27.04
501-1921-419.28-15	10/15/2010	MOTOR OIL	7693-49448	110034	04/2011		77.91
501-1921-419.28-16	10/18/2010	#619 REMAN STARTER	7693-49786	110034	04/2011		124.90
501-1921-419.28-16	10/18/2010	CORE RETURN-STARTER	7693-49793	110034	04/2011		46.76-
501-1921-419.28-16	10/19/2010	#612 F PUMP/HNGR W/SNDR	7693-49880	110034	04/2011		136.91
501-1921-419.28-16	10/19/2010	#600 FUEL PUMP	7693-49927	110034	04/2011		136.86
501-1921-419.28-16	10/19/2010	#612 PIGTAIL	7693-49936	110034	04/2011		5.85
501-1921-419.28-16	10/19/2010	#600 FILLER HOSE	7693-49945	110034	04/2011		135.94
501-1921-419.28-16	10/20/2010	OIL/AIR FILTERS	7693-50059	110034	04/2011		79.27
501-1921-419.28-16	10/21/2010	#149 BELT	7693-50225	110034	04/2011		17.14
501-1921-419.28-16	10/21/2010	RADIATOR HOSE	7693-50239	110034	04/2011		55.88
501-1921-419.28-16	10/25/2010	RETURN RADIATOR HOSE	7693-50648	110034	04/2011		14.83-
501-1921-419.28-16	10/27/2010	ANTIFREEZE/FILTERS/BLADES	7693-50956	110034	04/2011		78.38
501-1921-419.28-16	10/27/2010	RETURN RADIATOR HOSE	7693-50963	110034	04/2011		23.93-
11/04/2010	72091	ROBERT BACKER & ASSOCIATES	1620				8,700.00
245-1240-413.20-06	10/12/2010	238-248 CITRUS AVE	10-12-2010	110543	04/2011		5,850.00

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
245-1240-413.20-06	10/19/2010	APPRAISER-582 12TH ST	10-19-2010	110544	04/2011	2,850.00	
11/04/2010	72092	SHARP REES-STEALY MEDICAL CNTR	390			77.00	
601-5060-436.21-04	10/09/2010	BENNETT, ERIC	229	110340	04/2011	38.00	
601-5060-436.21-04	10/09/2010	BENNETT, ERIC	229	110340	04/2011	39.00	
11/04/2010	72093	SOUTHERN CALIFORNIA SOIL & TES	2251			4,156.00	
405-1260-513.20-06	09/30/2010	SKATE PARK ELEMENT-	355401	110133	03/2011	950.00	
405-1260-513.20-06	08/31/2010	SKATE PARK-OBSERVATION/TS	355122	110133	02/2011	3,206.00	
11/04/2010	72094	STANFORD SIGN & AWNING	1532			2,598.43	
408-1920-519.20-06	10/20/2010	9TH/PALM FACADE	10274	110540	04/2011	2,598.43	
11/04/2010	72095	WAXIE SANITARY SUPPLY	802			368.75	
101-6040-454.30-02	10/18/2010	SPLASH BLUE ROLLMASTER	72246494	110031	04/2011	102.23	
101-6040-454.30-02	10/20/2010	JANITORIAL SUPPLIES	72251478	110031	04/2011	266.52	
11/04/2010	72096	WESTERN MICROGRAPHICS & IMAGIN	1384			195.00	
101-1230-413.30-01	10/21/2010	TONER CARTRIDGE/MICROFICE	20280	F11055	04/2011	195.00	
11/04/2010	72097	SBC DATA COMM	329			3,589.89	
503-1923-419.50-04	10/26/2010	CISCO SWITCH	319-008887	110470	04/2011	3,589.89	
503-1923-419.50-04	11/04/2010	CISCO SWITCH	319-008887		05/2011	3,589.89-	
DATE RANGE TOTAL *						437,137.24 *	



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** NOVEMBER 17, 2010

**ORIGINATING DEPT.:** PUBLIC WORKS

**SUBJECT:** RESOLUTION NO. 2010-6967 AMENDING FY 09-11 SALARY AND COMPENSATION PLAN TO ADD THE POSITION DESCRIPTION AND SALARY RANGE FOR GIS ADMINISTRATOR

**BACKGROUND:** In January, 2000 City staff submitted a grant proposal to the State of California, Office of Traffic Safety (OTS) to wit: "to create an automated collision and traffic record data base that will analyze and implement measures to reduce the number of collisions throughout the City. The tool for this analysis will be a relational database that will perform analysis, generate reports, and be linked to GIS for additional analysis and mapping capabilities. The system will provide the City's engineers and safety officials accessible and accurate information to make traffic safety decisions." In September 2000, the City received a letter for the Office of Traffic Safety (OTS) tentatively approving a funding request for the proposal titled "Roadway Safety and Traffic Records Program" in the amount of \$48,000. The grant was subsequently awarded and in January 2001, Katz, Okitsu and Associates was awarded a contract via Resolution # 2001-5377 for the implementation and management of the OTS Grant.

Over the years, since implementation of the OTS Grant, the GIS system has evolved from only tracking traffic accidents to a fully mature GIS system. From the initial implementation contract with Katz, Okitsu and Associates in 2001, the administration of the GIS system has grown from a contract for part-time maintenance support to a contract with full time support. GIS is now used by all departments within the City and is an essential management tool for each of them. The current contract for GIS administration is with Michael Piasecki for \$86,000 per year.

**DISCUSSION:** Since the GIS administration has become a full time integral part of City management and administration team, it is a function that should be part of the permanent City staff. Additionally, the cost of incorporating the GIS Administrator into the City staff is comparable to the cost for contracting those services. Therefore staff recommends City Council approve the addition to the City's Classification and Salary Compensation Plan the position of a full-time GIS Administrator in the Appointive Mid-Management / Professional classification. The position is at a salary band of \$4,646 to \$6,388 per month.

**ENVIRONMENTAL DETERMINATION:**  
None

**FISCAL IMPACT:**

The current cost of the GIS Administrator contract is \$86,400.

The estimated cost for the full time GIS Administrator position as an employee is \$80,504.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Consider the addition of the GIS Administrator position to the City's Classification and Salary Compensation Plan.
3. Adopt Resolution No. 2010-6967

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



\_\_\_\_\_  
Gary Brown, City Manager

Attachments:

1. Resolution No. 2010-6967

## RESOLUTION NO. 2010-6967

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING FY 09-11 SALARY AND COMPENSTATION PLAN TO ADD THE POSITION DESCRIPTION AND SALARY RANGE FOR GIS ADMINISTRATOR**

**WHEREAS**, the provisions of Ordinance No. 41 of the City of Imperial Beach provides that the compensation and position descriptions of the employees of the City of Imperial Beach may be amended by the City Council from time to time by resolution; and

**WHEREAS**, in January, 2000 City staff submitted a grant proposal to the State of California, Office of Traffic Safety "to create an automated collision and traffic record data base that will analyze and implement measures to reduce the number of collisions throughout the City; and

**WHEREAS**, the tool for this analysis was through a relational database that will perform analysis, generate reports, and be linked to GIS for additional analysis and mapping capabilities; and

**WHEREAS**, in September 2000, the City received a letter for the Office of Traffic Safety (OTS) tentatively approving – subsequently was fully approved - a funding request for the proposal titled "Roadway Safety and Traffic Records Program" in the amount of \$48,000; and

**WHEREAS**, over the years, since implementation of the OTS Grant, the GIS system has evolved from only tracking traffic accidents to a fully mature GIS system; and

**WHEREAS**, GIS is now used by all departments within the City and is an essential management tool for each of them; and

**WHEREAS**, since the GIS administration has become a full time integral part of City management and administration team, it is a function that should be part of the permanent City staff; and

**WHEREAS**, the cost of incorporating the GIS Administrator into the City staff is comparable to the cost for contracting those services; and

**WHEREAS**, the City Manager is recommending revisions to the City's Classification and Salary Schedule for a GIS Administrator as necessary for the efficient and effective operation of the City; and

**WHEREAS**, staff recommends City Council approve the addition to the City's Classification and Salary Compensation Plan the position of a full-time GIS Administrator in the Appointive Mid-Management / Professional classification.

**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. This legislative body amends the FY 09-11 Salary and Compensation Plan creating the position description for GIS Administrator and establishes the salary range at \$4,646 to \$6,388 per month.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 17 day of November 2010, by the following vote:

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

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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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**JACQUELINE M. HALD, CMC**  
**CITY CLERK**



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** NOVEMBER 17, 2010  
**ORIGINATING DEPT.:** PUBLIC WORKS *HAB*  
**SUBJECT:** ADOPTION OF ORDINANCE NO. 2010-1112 UPDATING CHAPTERS 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT

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**BACKGROUND:**

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

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

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

**DISCUSSION:**

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

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

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

**ENVIRONMENTAL DETERMINATION:**

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

**FISCAL IMPACT:**

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

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

**DEPARTMENT RECOMMENDATION:**

Staff Recommends the Mayor and City Council:

1. Receive this report;
2. Mayor calls for the first reading of the title of Ordinance No. 2010-1112, "UPDATING CHAPTER 8.32, AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT";
3. City Clerk to read Ordinance No. 2010-1112; and
4. Motion to dispense first reading of Ordinance No. 2010-1112 and set the matter for adoption at the next regularly scheduled City Council meeting, and authorize the publication in a newspaper of general circulation.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager

**Attachments:**

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

**ORDINANCE NO. 2010-1112****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, UPDATING CHAPTER 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT**

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

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

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

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

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

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

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

amended to read as shown in Attachment "A".

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

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 17<sup>th</sup> day of November 2010; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 1<sup>st</sup> day of December 2010, by the following vote:

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

\_\_\_\_\_  
**JAMES C. JANNEY, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JACQUELINE M. HALD, CMC**  
**CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**JENNIFER LYON**  
**CITY ATTORNEY**

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

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DATE

# ATTACHMENT “A”

## Chapter 8.32. STANDARD URBAN STORM WATER MITIGATION PLAN

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

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

## **Chapter 8.32. STANDARD URBAN STORM WATER MITIGATION PLAN**

### **8.32.010. Title**

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

### **8.32.020. Statutory Authority**

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

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

### **8.32.030. Purpose.**

- A. The primary objectives of this chapter are to:
1. Ensure that discharges from municipal urban runoff conveyance systems do not cause or contribute to a violation of water quality standards;
  2. Identify potential storm water quality impacts from development and redevelopment projects and develop options to avoid, reduce, or minimize the potential for storm water quality impacts where practical;
  3. Provide guidance on effective design criteria for LID, storm water treatment control devices, and hydromodification management

4. Reduce the discharge of pollutants from urban runoff conveyance systems to the Maximum Extent Practicable (MEP statutory standard);
5. Fulfill the state requirement that the City adopt a “Standard Urban Stormwater Management Plan” (SUSMP) for imposing specific additional regulatory requirements on “Priority Development Projects”.

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

**8.32.040. Applicability of Chapter.**

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

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

**Table 1 Priority Development Projects**

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

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

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

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

**8.32.050. Applicability of Chapter 8.30.**

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

**8.32.060. Limited Exclusion (Utility Projects).**

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

**8.32.070. Limitations.**

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

### **8.32.080. Provisions for SUSMP Requirements.**

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

### **8.32.090. Implementation.**

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

([www.projectcleanwater.org](http://www.projectcleanwater.org))

### **8.32.100. Hydromodification Applicability.**

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

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

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

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

#### **8.32.110. Identifying Pollutants and Conditions of Concern.**

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

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

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

#### **8.32.120. General Categories of Water Pollution.**

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

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

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

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

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

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

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

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

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

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

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

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

### 8.32.130. Identifying Pollutants From The Project Area.

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

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

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

Priority Project Categories	Sediment	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Hillside Development >5,000 ft2	X	X			X	X	X		X
Parking Lots	P(1)	P(1)	X		X	P(1)	X		P(1)
Retail Gasoline Outlets			X	X	X	X	X		
Streets, Highways & Freeways	X	P(1)	X	X(4)	X	P(5)	X	X	P(1)
X = anticipated P = potential (1) A potential pollutant if landscaping exists on-site. (2) A potential pollutant if the project includes uncovered parking areas. (3) A potential pollutant if land use involves food or animal waste products. (4) Including petroleum hydrocarbons. (5) Including solvents.									

### 8.32.140. Identifying Pollutants And Conditions Of Concern.

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

1. Current loadings or historical deposits of the pollutant are impairing the beneficial uses of a receiving water;
2. Elevated levels of the pollutant are found in water or sediments of a receiving water and/or have the potential to be toxic to or bioaccumulate in organisms therein; and
3. Inputs of the pollutant are at a level high enough to be considered potentially toxic.
4. Discharge directly to an “Area of Biological Significance” as identified by the State Water Resource Control Board’s California Ocean Plan.

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

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

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

2. Identify any receiving waters, into which the developed area would discharge to, listed on the most recent list of Clean Water Act Section 303(d) impaired water bodies. List any and all pollutants for which the receiving waters are impaired.
3. Identify any receiving waters, into which the developed area would discharge to, with established TMDLs. List any pollutants for which receiving waters have established TMDLs.
4. Compare the list of pollutants for which the receiving waters are impaired and for which have established TMDLs with the pollutants anticipated to be generated by the project (as identified in Table 2). Any pollutants identified by Table 2, which are also causing impairment of receiving waters, shall be considered primary pollutants of concern.
5. For projects where no primary pollutants of concern exist, those pollutants identified through the use of Table 2 shall be considered secondary pollutants of concern.

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

1. Evaluate the project's conditions of concern in a drainage study report prepared by a registered civil engineer in the State of California, with experience in fluvial geomorphology and water resources management. The report shall consider the project area's location (from the larger watershed perspective), topography, soil and vegetation conditions, percent impervious area, natural and infrastructure drainage features, wet season groundwater depth, and any other relevant hydrologic and environmental factors to be protected specific to the project area's watershed;
2. As part of the drainage study, a qualified, licensed professional shall provide a report on proposed infiltration techniques (trenches, basins, dry wells, permeable pavements with underground reservoir for infiltration) regarding any potential adverse geotechnical concerns. Geotechnical conditions (such as slope stability, expansive soils, compressible soils, seepage, groundwater depth, and loss of foundation or pavement subgrade) should be addressed, and mitigation measures provided;
3. As part of the drainage study, the civil engineer shall conduct a field reconnaissance to observe and report on downstream conditions, including undercutting erosion, slope stability, vegetative stress (due to flooding, erosion,

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

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

#### **8.32.150. Hydromodification Requirements.**

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

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

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

#### **8.32.160. Hydromodification BMPs.**

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

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

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

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

#### **8.32.170. Sizing Hydromodification BMPs.**

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

#### **8.32.180. Progression of Storm Water BMPs.**

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

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

- A. LID Site Design BMPs
- B. Source Control BMPs
- C. Treatment Control BMPs

#### **8.32.190. Requirements to Implement Storm Water BMPs.**

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

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

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

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

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

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

#### **8.32.200. Selection of Storm Water Treatment Facilities**

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

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

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

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

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

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

that tend to be dissolved following treatment									
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## Notes on Treatment Control BMP Categories

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

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

([www.projectcleanwater.org](http://www.projectcleanwater.org))

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

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

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

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

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

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

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

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

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

#### **8.32.210. Storm Water BMPS for Projects not Generating Pollutants.**

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

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

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

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

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

#### **8.32.230. Alternative Storm Water BMPs.**

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

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

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

1. Reducing imperviousness, conserving natural resources and areas, maintaining and using natural drainage courses in the storm water conveyance system, and minimizing clearing and grading.
2. Providing runoff storage measures dispersed uniformly throughout a site’s landscape with the use of a variety of detention, retention, and runoff practices.
3. Implementing on-lot hydrologically functional landscape design and management practices.

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

1. The Following LID site design BMPs shall be implemented at all Priority Development Projects as required below:
  - (a) For Priority Development Projects with landscaped or other pervious areas, drain a portion of impervious areas (rooftops, parking lots, sidewalks, walkways, patios and similar areas of impervious surface) into pervious areas prior to discharge to the MS4. The amount of runoff from impervious areas shall correspond with the total capacity of the project's pervious areas to infiltrate or treat runoff, taking into consideration the pervious area's soil conditions, slope, and other pertinent factors.
  - (b) For Priority Development Projects with landscaped or other pervious areas, properly design and construct pervious areas to effectively receive and infiltrate or treat runoff from impervious areas, taking into consideration the pervious areas' soil; conditions, slope, and other pertinent factors.
  - (c) For Priority Development Projects with low traffic areas and appropriate soil conditions, construct a portion of walkways, trails, overflow parking lots, alleys, or other low-traffic areas with permeable surfaces, such as previous concrete, porous asphalt, unit pavers, and granular materials.
2. The following LID BMPs listed below shall be implemented at all Priority Development Projects where applicable and feasible.
  - a. Conserve natural areas, including existing trees, other vegetation, and soils.
  - b. Construct streets, sidewalks, or parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised.
  - c. Minimize the impervious footprint of the project.
  - d. Minimize soil compaction.
  - e. Minimize disturbances to natural drainages (e.g., natural swales, topographic depressions and similar land features).

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

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

### **8.32.250. Maintaining Pre-Development Rainfall Runoff Characteristics.**

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

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

1. Minimize Impervious Footprint. This can be achieved in various ways, including, but not limited to increasing building density (number of stories above or below ground) and developing land use regulations seeking to limit impervious surfaces. Decreasing the project's footprint can substantially reduce the project's impacts to water quality and hydrologic conditions.
2. Conserve Natural Areas Where Feasible. This can be achieved by concentrating or clustering development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural, undisturbed condition. The following list provides a guideline for determining the least sensitive portions of the site, in order of increasing sensitivity. Jurisdictions should also refer to their Multiple Species Conservation Plans or other biological regulations, as appropriate
  - a. Areas devoid of vegetation, including previously graded areas and agricultural fields.
  - b. Areas of non-native vegetation, disturbed habitats and eucalyptus woodlands.
  - c. Areas of chamise or mixed chaparral, and non-native grasslands.
  - d. Areas containing coastal scrub communities.
  - e. All other upland communities.
  - f. Occupied habitat of sensitive species and all wetlands.

- g. All areas necessary to maintain the viability of wildlife corridors.
  - h. Within each of the previous categories, areas containing hillsides should be considered more sensitive than the same category without hillsides.
3. Construct walkways, trails, patios, overflow parking lots and alleys and other low-traffic areas with permeable surfaces, such as pervious concrete, porous asphalt, unit pavers, and granular materials.
  4. Construct streets, sidewalks and parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised. Maximize canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native or drought tolerant trees and large shrubs.
  5. Maximize canopy interception and water conservation by preserving existing native trees and shrubs and planting additional native or drought tolerant trees and large shrubs.
  6. Minimize the use of impervious surfaces, such as decorative concrete, in the landscape design.
  7. Use natural drainage systems to the maximum extent practicable.
  8. Other site design options that are comparable, and equally effective.

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

1. Where landscaping is proposed, drain rooftops into adjacent landscaping prior to discharging to the storm drain.
2. Where landscaping is proposed, drain impervious sidewalks, walkways, trails, and patios into adjacent landscaping.
3. Other design characteristics that are comparable and equally effective.

#### **8.32.260. Protection of Slopes and Channels.**

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

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

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

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

- A. Provide stenciling or labeling of all storm drain inlets and catch basins within the project area with prohibitive language (such as: “NO DUMPING -- I LIVE IN <<name receiving water>>”) and/or graphical icons to discourage illegal dumping.
- B. Post signs and prohibitive language and/or graphical icons, which prohibit illegal dumping at public access points along channels and creeks within the project area.
- C. Maintain legibility of stencils and signs throughout the life of the project.
- D. Provide storm water pollution prevention information to new site owners, lessees, or operators.
- E. Include the following in lease agreements: “Tenant shall not allow anyone to discharge anything to storm drains or to store or deposit materials so as to create a potential discharge to storm drains.”

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

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

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

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

**8.32.290. Designing Trash Storage Areas to Reduce Pollution Introduction.**

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

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

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

**8.32.300. Using Efficient Irrigation Systems and Landscape Design.**

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

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

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

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

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

**8.32.310. Incorporate Requirements Applicable to Individual Priority Project Categories.**

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

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

1. Rural swale system: street sheet flows to vegetated swale or gravel shoulder, curbs at street corners, culverts under driveways and street crossings;
2. Urban curb/swale system: street slopes to curb, periodic swale inlets drain to vegetated swale/biofilter;
3. Dual drainage system: First flush captured in street catch basins and discharged to adjacent vegetated swale or gravel shoulder, high flows connect directly to storm water conveyance system; or
4. Other methods that are comparable and equally effective within the project.

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

1. Design driveways with shared access, flared (single lane at street) or wheel strips (paving only under tires); or, drain into landscaping prior to discharging to the storm water conveyance system;
2. Uncovered temporary or guest parking on private residential lots may be: paved with a permeable surface; or, designed to drain into landscaping prior to discharging to the storm water conveyance system; or
3. Other features which are comparable and equally effective.

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

1. Cover loading dock areas, or design drainage to preclude urban run-on and runoff;
2. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited; or
3. Other features which are comparable and equally effective.

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

1. Repair/maintenance bays shall be indoors; or, designed to preclude urban run-on and runoff; and
2. Design a repair/maintenance bay drainage system to capture all wash water, leaks and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is

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

3. Other features which are comparable and equally effective.

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

1. Self-contained; or covered with a roof or overhang;
2. Equipped with a clarifier or other pretreatment facility;
3. Properly connected to a sanitary sewer; or
4. Other features which are comparable and equally effective.

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

1. Cover or enclose areas that would be the most significant source of pollutants; slope the area toward a dead-end sump; or, discharge to the sanitary sewer system following appropriate treatment in accordance with conditions established by the applicable sewer agency;
2. Grade or berm areas to prevent run-on from surrounding areas;
3. Installation of storm drains in areas where equipment repair is prohibited; or
4. Other features which are comparable or equally effective.

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

1. Be self-contained; or covered with a roof or overhang;
2. Be equipped with a clarifier, grease trap or other pretreatment facility, as appropriate;
3. Properly connected to a sanitary sewer; or
4. Other features which are comparable or equally effective.

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

1. Where landscaping is proposed in parking areas, incorporate landscape areas into the drainage design;
2. Overflow parking (parking stalls provided in excess of the City's minimum parking requirements) may be constructed with permeable paving;
3. Other design concepts which are comparable and equally effective;
4. Indoor parking garages must be properly connected to the sanitary sewer.

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

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

1. Overhanging roof structure or canopy. The cover's minimum dimensions must be equal to or greater than the area within the grade break. The cover must not drain onto the fuel dispensing area and the downspouts must be routed to prevent drainage across the fueling area. The fueling area shall drain to the project's treatment control BMP(s) prior to discharging to the storm water conveyance system.
2. Paved with Portland cement concrete (or equivalent smooth impervious surface). The use of asphalt concrete shall be prohibited.
3. Have an appropriate slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of urban runoff.
4. At a minimum, the concrete fuel dispensing area must extend six and one-half feet (two meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus one foot (three-tenths meter), whichever is less.

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

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

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

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

### **8.32.320. Storm Water Treatment Objectives.**

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

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

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

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

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

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

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

#### **8.32.340. Treatment Control Volume Based BMPs.**

Volume-based BMPs shall be designed to mitigate (infiltrate, filter, or treat) by the volume of runoff produced from a 24-hour 85<sup>th</sup> percentile storm event, as determined from isopluvial maps contained in the County of San Diego Hydrology Manual. See County of San Diego's Isopluvial map at

<http://www.sdcountry.ca.gov/dpw/engineer/flood.htm>

#### **8.32.350. Treatment Control Flow Based BMPs.**

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

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

#### **8.32.360. Treatment Control BMPs, Limited Exclusions.**

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

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

#### **8.32.370. Locating Treatment Control BMPs Near Pollutant Sources.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **8.32.390. Maintenance Mechanism to be in Place before Acceptance.**

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

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

#### **8.32.400. Maintenance Mechanisms.**

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

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

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

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

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

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

#### **8.32.410. Verification Mechanisms.**

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

#### **8.32.420. Maintenance Requirements.**

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

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

#### **8.32.430. Waiver of Structural Treatment BMP Requirements.**

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

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

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

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

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

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

# ATTACHMENT “A”

## Chapter 8.32. STANDARD URBAN STORM WATER MITIGATION PLAN

- 8.32.010. Title
- 8.32.020. Statutory Authority
- 8.32.030. Purpose
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- 8.32.060. Limited Exclusion (Utility Projects)
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- 8.32.1100. Identifying Pollutants and Conditions of Concern
- 8.32.1240. General Categories of Water Pollution
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- 8.32.1540. ~~Identifying Conditions of Concern~~ Hydromodification Requirements
- 8.32.160. Hydromodification BMPs
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- 8.32.12070. Selection of Storm Water Treatment Facilities
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- 8.32.2440. Low Impact Development (LID) and Site Design BMPs
- 8.32.2520. Maintaining Pre-Development Rainfall Runoff Characteristics
- 8.32.2630. Protection of Slopes and Channels
- 8.32.2740. Providing Storm Drain System Stenciling, Signage, and Information.
- 8.32.2850. Designing Outdoor Material Storage Areas to Reduce Pollution Introduction
- 8.32.2960. Designing Trash Storage Areas to Reduce Pollution Introduction
- 8.32.30270. Using Efficient Irrigation Systems and Landscape Design
- 8.32.31280. Incorporate Requirements Applicable to Individual Priority Project Categories
- 8.32.32290. Storm Water Treatment Objectives
- 8.32.3300. Design to Treatment Control and LID Site Design BMPs Standards
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- 8.32.3740. Locating Treatment Control BMPs Near Pollutant Sources
- 8.32.3850. Treatment Control – Restrictions on Use of Infiltration BMPs
- 8.32.3960. Maintenance Mechanism to be in Place before Acceptance

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- 8.32.400370. Maintenance Mechanisms
- 8.32.41380. Verification Mechanisms
- 8.32.42390. Maintenance Requirements
- 8.32.4390. Waiver of Structural Treatment BMP Requirements

## **Chapter 8.32. STANDARD URBAN STORM WATER MITIGATION PLAN**

### **8.32.010. Title**

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

### **8.32.020. Statutory Authority**

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

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

### **8.32.030. Purpose.**

- A. The primary objectives of this chapter are to:
1. Ensure that discharges from municipal urban runoff conveyance systems do not cause or contribute to a violation of water quality standards;
  2. Identify potential storm water quality impacts from development and redevelopment projects and develop options to avoid, reduce, or minimize the potential for storm water quality impacts where practical;
  3. Provide guidance on effective design criteria for LID, storm water treatment control devices, and hydromodification management

4. Reduce the discharge of pollutants from urban runoff conveyance systems to the Maximum Extent Practicable (MEP statutory standard);
5. Fulfill the state requirement that the City adopt a “Standard Urban Stormwater Management Plan” (SUSMP) for imposing specific additional regulatory requirements on “Priority Development Projects”.

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

**8.32.040. Applicability of Chapter.**

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

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

**Table 1 Priority Development Projects**

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

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

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

C. Redevelopment projects that create~~ing~~ or replac~~ing~~e more than 5,000 square feet of impervious area are subject to the treatment control numeric sizing criteria (Sections 8.32.3440 – 8.32.3520) on the entire site, if the project results in an increase of, or replacement of, 50% or more of the previously existing impervious surface, and the existing development was not previously subject to SUSMP requirements. If less than 50% of the previously developed area is to be affected, then only that portion must be included in the treatment measure design.

**8.32.050. Applicability of Chapter 8.30.**

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

**8.32.060. Limited Exclusion (Utility Projects).**

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

**8.32.070. Limitations.**

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

**8.32.080. Provisions for SUSMP Requirements.**

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

**8.32.090. Implementation.**

All priority projects shall implement one or a combination of storm water BMPs, including, (1) LID and site design BMPs, (2) source control BMPs and, (3) structural treatment BMPs after the pollutants and conditions of concern have been identified. Priority projects may also be required to implement hydromodification mitigation measures so that post-project runoff flow rates and durations do not exceed pre-project flow rates and durations where such increases would result in an increased potential for erosion or significant impacts to beneficial uses. Storm water BMPs shall be considered and implemented where expressly required by this division and if not so required where determined applicable and feasible by the Director of Public Works. The storm water BMPs shall adhere to the requirements of this Chapter, and shall be correctly designed so as to remove pollutants to the maximum extent practicable. ~~Priority projects must also be and~~ designed so that runoff rates and durations are controlled to maintain or reduce downstream erosion conditions and protect stream habitat. Design criteria and procedures for hydromodification management are identified in Section 8.32.1540 ~~through Section 8.32.170~~ and further outlined in the San Diego County ~~Interim Appendix B, Final~~ Hydromodification Plan. ([www.projectcleanwater.org](http://www.projectcleanwater.org))

**8.32.100. Hydromodification Applicability.**

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

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

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

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

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**8.32.1100. Identifying Pollutants and Conditions of Concern.**

A. Priority project proponents shall use this guidance to identify pollutants and conditions of concern, for which they need to mitigate or protect against (see Table 2 “Anticipated and Potential Pollutants Generated by Land Use Type” and Table 3 “Grouping of Potential Pollutants of Concern by Fate During Treatment”). Site design LID, source control BMPs, and treatment control BMPs are required and vary in relative effectiveness of treatment based on pollutants commonly associated with the proposed project type (see Table 4, “Groups of Pollutants and relative Effectiveness of Treatment Facilities”). Additional guidance on LID site design BMPs, source control BMPs, and treatment control BMPs are presented in Section 8.32.1850 through Section 8.32.3850 and in the Countywide Model SUSMP. ([www.projectcleanwater.org](http://www.projectcleanwater.org))

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

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

**8.32.1240. General Categories of Water Pollution.**

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

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

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

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

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

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

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

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

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

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

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

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

**8.32.1320. Identifying Pollutants From The Project Area.**

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

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

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

Priority Project Categories	Sediment	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Hillside Development >5,000 ft2	X	X			X	X	X		X
Parking Lots	P(1)	P(1)	X		X	P(1)	X		P(1)
Retail Gasoline Outlets			X	X	X	X	X		
Streets, Highways & Freeways	X	P(1)	X	X(4)	X	P(5)	X	X	P(1)
X = anticipated P = potential (1) A potential pollutant if landscaping exists on-site. (2) A potential pollutant if the project includes uncovered parking areas. (3) A potential pollutant if land use involves food or animal waste products. (4) Including petroleum hydrocarbons. (5) Including solvents.									

**8.32.1430. Identifying Pollutants And Conditions Of Concern.**

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

1. Current loadings or historical deposits of the pollutant are impairing the beneficial uses of a receiving water;
2. Elevated levels of the pollutant are found in water or sediments of a receiving water and/or have the potential to be toxic to or bioaccumulate in organisms therein; and
3. Inputs of the pollutant are at a level high enough to be considered potentially toxic.
4. Discharge directly to an "Area of Biological Significance" as identified by the State Water Resource Control Board's California Ocean Plan.

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

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

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

2. Identify any receiving waters, into which the developed area would discharge to, listed on the most recent list of Clean Water Act Section 303(d) impaired water bodies. List any and all pollutants for which the receiving waters are impaired.
3. Identify any receiving waters, into which the developed area would discharge to, with established TMDLs. List any pollutants for which receiving waters have established TMDLs.
4. Compare the list of pollutants for which the receiving waters are impaired and for which have established TMDLs with the pollutants anticipated to be generated by the project (as identified in Table 2). Any pollutants identified by Table 2, which are also causing impairment of receiving waters, shall be considered primary pollutants of concern.

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

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

1. Evaluate the project's conditions of concern in a drainage study report prepared by a registered civil engineer in the State of California, with experience in fluvial geomorphology and water resources management. The report shall consider the project area's location (from the larger watershed perspective), topography, soil and vegetation conditions, percent impervious area, natural and infrastructure drainage features, wet season groundwater depth, and any other relevant hydrologic and environmental factors to be protected specific to the project area's watershed;
2. As part of the drainage study, a qualified, licensed professional shall provide a report on proposed infiltration techniques (trenches, basins, dry wells, permeable pavements with underground reservoir for infiltration) regarding any potential adverse geotechnical concerns. Geotechnical conditions (such as slope stability, expansive soils, compressible soils, seepage, groundwater depth, and loss of foundation or pavement subgrade) should be addressed, and mitigation measures provided;
3. As part of the drainage study, the civil engineer shall conduct a field reconnaissance to observe and report on downstream conditions, including undercutting erosion, slope stability, vegetative stress (due to flooding, erosion,

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

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

#### **8.32.1540. Identifying Conditions of Concern-Hydromodification Requirements.**

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

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 (tranches, 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

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~~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<sup>2</sup>. The drainage study shall report the project's conditions of concern based on the hydrologic and downstream conditions discussed above. Where downstream conditions of concern have been identified, the drainage study shall establish that pre-project hydrologic conditions affecting downstream conditions of concern would be maintained by the proposed project, satisfactory to the Director of Public Works, by incorporating the site design, source control, and treatment control requirements identified in this division.~~

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

- ~~1. PDP post project runoff flow rates and durations shall not exceed pre-project runoff flow rates and durations (interim hydromodification criteria) where the increased discharge flow rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in flow rates and durations.~~
- ~~2. PDPs disturbing fifty (50) acres or more shall implement hydrologic controls to manage post-project runoff flow rates and durations as required by the interim hydromodification criteria.~~

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

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

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### **8.32.160. Hydromodification BMPs.**

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

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

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

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

### **8.32.170. Sizing Hydromodification BMPs.**

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

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

### 8.32.1850. Progression of Storm Water BMPs.

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

- A. LID Site Design BMPs
- B. Source Control BMPs
- C. Treatment Control BMPs

### 8.32.1690. Requirements to Implement Storm Water BMPs.

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

A. Priority development projects must implement LID site design BMPs to minimize directly connected impervious areas and promote infiltration. Minimum LID site design BMPs are identified in [Section 8.32.2440](#).

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

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

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7. Meet the requirements listed in [Section 8.32.2440](#) – [8.32.3300](#).

8. Meet the requirements identified in the Countywide Model SUSMP (Appendix

A– Storm Water Pollutant Sources/Source Control Checklist.

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

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

**8.32.20170. Selection of Storm Water Treatment Facilities**

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

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

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

Table 4 identifies groups of pollutants and relative effectiveness of various types of treatment facilities. Priority projects that are anticipated to generate a primary pollutant of concern shall meet all applicable requirements of establishing storm water BMPs in Sections 8.32.2420 to 8.32.3850, inclusive, and shall select a single or combination of storm water treatment facilities from Table 4 which maximizes pollutant removal for the particular primary pollutant(s) of concern.

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

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

**Notes on Treatment Control BMP Categories**

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

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

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

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

is based on the 85<sup>th</sup> percentile 24-hour storm depth. Some wetland designs have proven effective in removing nutrients, but performance varies. For design considerations and details, see the [California Stormwater Best Management Practices Handbooks](#).

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

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

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

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

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

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

#### **8.32.21480. 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 8.32.2420 to 8.32.3850, inclusive, and shall select a single or combination of storm water BMPs from Table 4

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

**8.32.220199. Storm Water BMPs for Projects Generating Primary and Secondary Pollutants.**

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

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

**8.32.2300. Alternative Storm Water BMPs.**

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

**8.32.240240. Low Impact Development (LID) and site Design BMPs .**

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

1. Reducing imperviousness, conserving natural resources and areas, maintaining and using natural drainage courses in the storm water conveyance system, and minimizing clearing and grading.
2. Providing runoff storage measures dispersed uniformly throughout a site's landscape with the use of a variety of detention, retention, and runoff practices.
3. Implementing on-lot hydrologically functional landscape design and management practices.

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

1. The Following LID site design BMPs shall be implemented at all Priority Development Projects as required below:
  - (a) For Priority Development Projects with landscaped or other pervious areas, drain a portion of impervious areas (rooftops, parking lots, sidewalks, walkways, patios and similar areas of impervious surface) into pervious areas prior to discharge to the MS4. The amount of runoff from impervious areas shall correspond with the total capacity of the project's pervious areas to infiltrate or treat runoff, taking into consideration the pervious area's soil conditions, slope, and other pertinent factors.
  - (b) For Priority Development Projects with landscaped or other pervious areas, properly design and construct pervious areas to effectively receive and infiltrate or treat runoff from impervious areas, taking into consideration the pervious areas' soil; conditions, slope, and other pertinent factors.
  - (c) For Priority Development Projects with low traffic areas and appropriate soil conditions, construct a portion of walkways, trails, overflow parking lots, alleys, or other low-traffic areas with permeable surfaces, such as pervious concrete, porous asphalt, unit pavers, and granular materials.
2. The following LID BMPs listed below shall be implemented at all Priority Development Projects where applicable and feasible.
  - a. Conserve natural areas, including existing trees, other vegetation, and soils.
  - b. Construct streets, sidewalks, or parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians ~~is~~are not compromised.

- c. Minimize the impervious footprint of the project.
- d. Minimize soil compaction.
- e. Minimize disturbances to natural drainages (e.g., natural swales, topographic depressions and similar land features).

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

**8.32.2520. Maintaining Pre-Development Rainfall Runoff Characteristics.**

A. Post-project runoff flow rates and durations shall not exceed pre-project runoff flow rates and durations where the increased discharge flow rates and durations will result in increased potential for erosion or other significant adverse impacts to beneficial uses, attributable to changes in flow rates and durations. Projects should control runoff discharge volumes and durations to the maximum extent practicable using the LID site design, source control, and treatment control requirements, identified in Sections ~~8.32.2420~~ to ~~8.32.3850~~, 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

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- a. Areas devoid of vegetation, including previously graded areas and agricultural fields.
  - b. Areas of non-native vegetation, disturbed habitats and eucalyptus woodlands.
  - c. Areas of chamise or mixed chaparral, and non-native grasslands.
  - d. Areas containing coastal scrub communities.
  - e. All other upland communities.
  - f. Occupied habitat of sensitive species and all wetlands.
  - g. All areas necessary to maintain the viability of wildlife corridors.
  - h. Within each of the previous categories, areas containing hillsides should be considered more sensitive than the same category without hillsides.
3. Construct walkways, trails, patios, overflow parking lots and alleys and other low-traffic areas with permeable surfaces, such as pervious concrete, porous asphalt, unit pavers, and granular materials.
  4. Construct streets, sidewalks and parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised. Maximize canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native or drought tolerant trees and large shrubs.
  5. Maximize canopy interception and water conservation by preserving existing native trees and shrubs and planting additional native or drought tolerant trees and large shrubs.
  6. Minimize the use of impervious surfaces, such as decorative concrete, in the landscape design.
  7. Use natural drainage systems to the maximum extent practicable.
  8. Other site design options that are comparable, and equally effective.
- C. Design Concept 2: Minimize Directly Connected Impervious Areas (DCIAs). Priority projects shall consider, and incorporate and implement the following design characteristics, where determined applicable and feasible by the Director of Public Works.

1. Where landscaping is proposed, drain rooftops into adjacent landscaping prior to discharging to the storm drain.
2. Where landscaping is proposed, drain impervious sidewalks, walkways, trails, and patios into adjacent landscaping.
3. Other design characteristics that are comparable and equally effective.

### **8.32.2630. Protection of Slopes and Channels.**

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

- ~~A. Minimize disturbances to natural drainages.~~
- ~~B. Convey runoff safely from the tops of slopes.~~
- ~~C. Vegetate slopes with native or drought tolerant vegetation.~~
- ~~D. Control and treat flows in landscaping and/or other controls prior to reaching existing natural drainage systems.~~
- ~~E. Stabilize permanent channel crossings.~~
- ~~F. Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion. Energy dissipaters shall be installed in such a way as to minimize impacts to receiving waters.~~

### **8.32.2740. Providing Storm Drain System Stenciling, Signage, and Information.**

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

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

- B. Post signs and prohibitive language and/or graphical icons, which prohibit illegal dumping at public access points along channels and creeks within the project area.
- C. Maintain legibility of stencils and signs throughout the life of the project.
- D. Provide storm water pollution prevention information to new site owners, lessees, or operators.
- E. Include the following in lease agreements: "Tenant shall not allow anyone to discharge anything to storm drains or to store or deposit materials so as to create a potential discharge to storm drains."

**8.32.2850. Designing outdoor material storage areas to reduce pollution introduction.**

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

- A. Hazardous materials with the potential to contaminate urban runoff shall either be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- B. The storage area shall be paved and sufficiently impervious to contain leaks and spills.
- C. The storage area shall have a roof or awning to minimize direct precipitation within the secondary containment area.

**8.32.2960. Designing Trash Storage Areas to Reduce Pollution Introduction.**

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

- A. Paved with an impervious surface, designed not to allow run-on from adjoining areas, screened or walled to prevent off-site transport of trash; and
- B. Provide trash containers with attached lids that exclude rain, or provide a roof or awning over storage areas to minimize direct precipitation intrusion.

**8.32.30270. Using Efficient Irrigation Systems and Landscape Design.**

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

- A. Employing rain shutoff devices to prevent irrigation after precipitation.
- B. Designing irrigation systems to each landscape area's specific water requirements.
- C. Using flow reducers or shutoff valves triggered by a pressure drop to control water loss in the event of broken sprinkler heads or lines.
- D. Employing other comparable, equally effective, methods to reduce irrigation water runoff.

**8.32.31280. Incorporate Requirements Applicable to Individual Priority Project Categories.**

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

- A. Private Roads. The design of private roadway drainage shall use at least one of the following:
  - 1. Rural swale system: street sheet flows to vegetated swale or gravel shoulder, curbs at street corners, culverts under driveways and street crossings;
  - 2. Urban curb/swale system: street slopes to curb, periodic swale inlets drain to vegetated swale/biofilter;
  - 3. Dual drainage system: First flush captured in street catch basins and discharged to adjacent vegetated swale or gravel shoulder, high flows connect directly to storm water conveyance system; or
  - 4. Other methods that are comparable and equally effective within the project.

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

1. Design driveways with shared access, flared (single lane at street) or wheel strips (paving only under tires); or, drain into landscaping prior to discharging to the storm water conveyance system;
2. Uncovered temporary or guest parking on private residential lots may be: paved with a permeable surface; or, designed to drain into landscaping prior to discharging to the storm water conveyance system; or
3. Other features which are comparable and equally effective.

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

1. Cover loading dock areas, or design drainage to preclude urban run-on and runoff;
2. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited; or
3. Other features which are comparable and equally effective.

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

1. Repair/maintenance bays shall be indoors; or, designed to preclude urban run-on and runoff; and
2. Design a repair/maintenance bay drainage system to capture all wash water, leaks and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. If required by local jurisdiction, obtain an industrial waste discharge permit, or
3. Other features which are comparable and equally effective.

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

1. Self-contained; or covered with a roof or overhang;
2. Equipped with a clarifier or other pretreatment facility;
3. Properly connected to a sanitary sewer; or
4. Other features which are comparable and equally effective.

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

1. Cover or enclose areas that would be the most significant source of pollutants; slope the area toward a dead-end sump; or, discharge to the sanitary sewer system following appropriate treatment in accordance with conditions established by the applicable sewer agency;
2. Grade or berm areas to prevent run-on from surrounding areas;
3. Installation of storm drains in areas where equipment repair is prohibited; or
4. Other features which are comparable or equally effective.

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

1. Be self-contained; or covered with a roof or overhang;
2. Be equipped with a clarifier, grease trap or other pretreatment facility, as appropriate;
3. Properly connected to a sanitary sewer; or
4. Other features which are comparable or equally effective.

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

1. Where landscaping is proposed in parking areas, incorporate landscape areas into the drainage design;
2. Overflow parking (parking stalls provided in excess of the City's minimum parking requirements) may be constructed with permeable paving;
3. Other design concepts which are comparable and equally effective;
4. Indoor parking garages must be properly connected to the sanitary sewer.

I. Roadways. Priority roadway projects shall select treatment control BMPs following the treatment control selection procedure identified in Sections 8.32.3~~390~~ to 8.32.3~~850~~, inclusive, regarding the establishment of Storm Water BMPs.

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

1. Overhanging roof structure or canopy. The cover's minimum dimensions must be equal to or greater than the area within the grade break. The cover must not drain onto the fuel dispensing area and the downspouts must be routed to prevent drainage across the fueling area. The fueling area shall drain to the project's treatment control BMP(s) prior to discharging to the storm water conveyance system.
2. Paved with Portland cement concrete (or equivalent smooth impervious surface). The use of asphalt concrete shall be prohibited.
3. Have an appropriate slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of urban runoff.
4. At a minimum, the concrete fuel dispensing area must extend six and one-half feet (two meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus one foot (three-tenths meter), whichever is less.

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

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

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

**8.32.3~~290~~. Storm Water Treatment Objectives.**

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

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

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

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

#### **8.32.3300. Design to Treatment Control and LID Site Design BMPs Standards.**

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

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

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

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

**8.32.3440. Treatment Control Volume Based BMPs.**

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

**8.32.3520. Treatment Control Flow Based BMPs.**

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

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

**8.32.3630. Treatment Control BMPs, Limited Exclusions.**

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

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

**8.32.3740. 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)

**8.32.3850. Treatment Control--Restrictions on Use of Infiltration BMPs.**

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

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

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

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

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

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

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

**8.32.3960. Maintenance Mechanism to be in Place before Acceptance.**

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

**8.32.40370. Maintenance Mechanisms.**

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

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

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

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

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

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

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

**8.32.41380. Verification Mechanisms.**

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

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

**8.32.42390. Maintenance Requirements.**

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

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

**8.32.4390. Waiver of Structural Treatment BMP Requirements.**

A. The requirement of implementing structural treatment BMPs may be waived under Section 8.32.3390 ("Design to Treatment Control and LID Site Design BMP Standards") if infeasibility can be established. A waiver of infeasibility shall be granted only when all available structural treatment BMPs have been considered and rejected as infeasible.

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

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

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

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

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

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

# **Item No. 3.1**

**Attachment 2  
Countywide Model SUSMP**

**Available in the City Clerk's  
Office for Review**

**You may also view the  
document on our website:  
[www.cityofib.com](http://www.cityofib.com)**



# GUIDANCE FOR MEETING SUSMP COMPLIANCE FOR PRIORITY DEVELOPMENT PROJECTS

City of Imperial Beach  
825 Imperial Beach Blvd.



## Getting Started

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

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

## SUGGESTED STEPS FOR SUSMP PREPARATION

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

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

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

## Step 1: Assemble Needed Information

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

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

## Step 2: Identify Constraints and Opportunities



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

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

## Step 3: Prepare and Document Storm Water Treatment Facilities

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

BIORETENTION FACILITIES (LID)	INFILTRATION FACILITIES OR PRACTICES	HIGHER-RATE MEDIA FILTERS
SETTLING BASINS (DRY PONDS)	MEDIA FILTERS	TRASH RACKS AND HYDRODYNAMIC DEVICES
WET PONDS AND CONSTRUCTED	HIGHER-RATE BIOFILTERS	VEGETATED SWALES

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

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

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

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

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

In addition to a site map, project submittals will need to include:

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

**Compliance**  
**Design criteria in the Countywide Model SUSMP ensure the required volume of flow from all developed portions of the project, including landscaped areas, is infiltrated, filtered, or treated.**  
*Provision D.1.d.(6)(a)*

## Step 4: Specify Source Control BMPs

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

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

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

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

## Step 5: Storm Water Facility Long-Term Maintenance

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

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

## Step 6: Finalize Project Submittal

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

## References and Resources

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

## Frequently Asked Questions

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

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

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

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

What is hydromodification management (HMP)?

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

How do I meet the HMP requirements?

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

Who can I contact with specific question regarding my project?

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





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** NOVEMBER 17, 2010

**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR *aw*  
RAFAEL ADAME, BUILDING OFFICIAL *RA*

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

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**BACKGROUND:**

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

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

## **DISCUSSION:**

### **General**

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

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

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

### **New Chapters to Title 15**

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

*Green Building Code.* A new chapter will also be added to accommodate the new mandatory California Green Building Code which will apply to all new commercial buildings and new residential buildings of three stories or less. The new Green Building Code is intended to enhance the design and construction of new buildings through the use of building concepts and methods of construction that will reduce negative impacts and/or provide positive environmental impacts and to encourage sustainable construction practices in the following categories: Planning and Design, Energy Efficiency, Water Efficiency and Conservation, Material Conservation and Resource Efficiency and Environmental Quality. In short, the Green Building Code is being established to reduce construction waste, make buildings more efficient through the use of construction materials and energy efficient design, and reduce environmental impacts both during and after construction. These new mandatory regulations will require additional staff time for plan review and inspection services required in verifying compliance with the new Green Building Code. Although, other California Cities are charging for these services, staff is proposing a six month review of the time expended for Green Building to determine an

appropriate charge. A fee proposal would then be presented to Council along with the time study data.

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

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

New Building Codes and Local Amendments

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

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

1. **A minimum of two number four reinforcement bars shall be required at the top and bottom of concrete foundations to address the poor performance of unreinforced or under-reinforced footings during a seismic event.** This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of such structures observed during the 1994 Northridge earthquake. This amendment will help to minimize failures during seismic events and would be consistent

with standards now being applied as policy by Imperial Beach Building Division This would continue an ongoing practice and would not be a significant impact to the Development Community.

2. **Gypsum drywall or concrete plaster shall not be used in shear walls resisting seismic forces.** Testing of these types of materials under cyclic loading (repeated introduction of forces) during an earthquake has shown them to fail. The poor performance of these types of shear walls was investigated by SEAOSC and the Los Angeles City Joint Task Force that investigated the poor performance of buildings in the 1994 Northridge earthquake. This is the basis for this recommended amendment. Considering that shear walls sheathed with gypsum wall board and cement plaster are less ductile than wood shear walls, it is recommended that they not be used for this application. This change would again address known failures of these materials during seismic events and would be consistent with standards now being applied as policy by Imperial Beach Building Division. This would continue an ongoing practice and would not be a significant impact to the Development Community.
3. **Staple fasteners shall not be allowed in diaphragms and shear walls used to resist seismic forces, unless they are tested for cyclic loading.** In September of 2007, cyclic testing was conducted by a private firm to determine if wood structural panels fastened with staples would exhibit the same behavior as wood structural panels fastened with common nails. The testing revealed that wood structural panels fastened with staples appeared to be much lower in strength and stiffness than did wood structural panels fastened with common nails. Therefore, it was recommended that the use of staples for structural shear wall panels not be used in high seismic categories unless their use can be substantiated by cyclic testing. This change would address known failures of staples during seismic events and would be consistent with standards now being applied as policy by Imperial Beach Building Division. This would continue an ongoing practice and would not be a significant impact to the Development Community.

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

#### **ENVIRONMENTAL DETERMINATION:**

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

#### **FISCAL IMPACT:**

The cost of implementation and enforcement associated with the new regulations are generally passed on to the building permit applicants through plan check and permit fees. As noted

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

**DEPARTMENT RECOMMENDATION:**

Staff Recommends that the Mayor and City Council:

1. Receive this report;
2. Mayor calls for introduction of Ordinance No. 2010-1113, adopting the 2010 California Building Standards including the California Building Code, the California Residential Code, the California Green Building Code, the California Mechanical Code, the California Plumbing Code and the California Electrical Code and the 1997 Uniform Code for Abatement of Dangerous Building Code;
3. Adopt the local amendments as recommended by City staff and discussed herein;
3. City Clerk reads title of Ordinance No. 2010-1113; and
4. Motion to dispense first reading of Ordinance No. 2010-1113 and set the matter for adoption at the next regularly scheduled City Council meeting, and authorize the publication in a newspaper of general circulation.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.

  
\_\_\_\_\_  
Gary Brown, City Manager

Attachments:

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



ORDINANCE NO 2010-1113

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 1**

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 14**

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

**SECTION 15**

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

**SECTION 16**

The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast pursuant to the provisions of Government Code section 36933. Upon passage, the City Clerk shall transmit a copy of this Ordinance to the California Building Standards Commission pursuant to Health and Safety Code section 17958.7.

**SECTION 17**

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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JAMES C. JANNEY, MAYOR

ATTEST

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Jacqueline M. Hald, CMC  
City Clerk

APPROVED AS TO FORM:

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JENNIFER M. LYON  
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2010-XXXX – An Ordinance of the City Council of the City of Imperial Beach, California AMENDING TITLES 8 AND 15 OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING CHAPTERS 8.50, 15.06, 15.16, 15.28, AND 15.32, ADDING CHAPTERS 15.02, 15.04, AND 15.38 AND REPEALING CHAPTERS 8.88, 15.18, AND 15.36, ALL BY ADOPTING THE CALIFORNIA BUILDING STANDARDS CODE, 2010 EDITION, WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND ADOPTING THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION.

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CITY CLERK

DATE



## ATTACHMENT A

### Chapter 8.50. SUBSTANDARD BUILDINGS AND PROPERTY

#### 8.50.010. Short title.

The ordinance codified in this chapter shall be known as the “substandard buildings ordinance” of the city.

#### 8.50.020. Definitions generally.

For the purpose of this chapter, except as otherwise provided herein, certain words, phrases and terms, and their derivatives, shall be construed as specified in this chapter. Words, phrases and terms used in this chapter, but not specifically defined herein, shall have the meanings stated in the currently adopted regulatory codes of the city, including the Building Code, the Residential Code, the Uniform Housing Code, the Plumbing Code, the Mechanical Code, the Electrical Code, and the Fire Code. Where not defined in this chapter or in the foregoing codes, such words, phrases and terms shall have the meanings stated in Webster’s New International Dictionary of the English Language, Unabridged, Third Edition.

#### 8.50.030. Defined.

For the purpose of this chapter, the definition of a dangerous building will be as stated in section 302 of the adopted Uniform Code for Abatement of Dangerous Buildings in chapter 15.40 of title 15.

#### 8.50.040. Sanitation—Substandard buildings

For the purpose of this chapter, any building, structure or portion thereof, including any dwelling unit, guest room or suite of rooms, which has any or all of the conditions or defects hereinafter described to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof, shall be deemed and is declared to be a substandard building:

- A. Inadequate Sanitation. Inadequate sanitation includes, but is not limited to the following:
1. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit,
  2. Lack of or improper kitchen sink,
  3. Lack of hot and cold running water to plumbing fixtures in a dwelling unit,
  4. Lack of or improper operation of necessary ventilating equipment,
  5. Lack of reasonable amounts of natural light and ventilation,
  6. Room and space dimensions less than required by this code,

7. Lack of necessary electrical lighting,
  8. Infestation of insects, vermin or rodents,
  9. Lack of connection to required sewage disposal system;
- B. Structural Hazards. Structural hazards includes but is not limited to the following:
1. Whenever the building, structure or any portion thereof, is likely to partially or completely collapse because of:
    - a. Dilapidation, deterioration or decay,
    - b. Faulty construction,
    - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building,
    - d. The deterioration, decay or inadequacy of its foundation, or
    - e. Any other cause,
  2. Whenever any building, structure or portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction,
  3. Whenever there is a structural hazard contained in a building or structure. Structural hazards shall include but not be limited to the following:
    - a. Deteriorated or inadequate foundations,
    - b. Defective or deteriorated flooring or floor supports,
    - c. Flooring or floor supports of insufficient size to carry imposed loads with safety,
    - d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration,
    - e. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety,
    - f. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration,
    - g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety,

h. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration,

i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety,

4. Whenever the building, structure or portion thereof has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to:

a. Become an attractive nuisance to children,

b. Become a harbor for trespassers, or

c. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts,

5. Whenever any building, structure or portion thereof has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this code;

C. Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;

D. Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures;

E. Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good and safe condition;

F. Inadequate Exits. All buildings, structure or portions thereof, not provided with adequate exit facilities as required by this chapter, except those buildings, structures or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupancy load, alteration or addition or any change in occupancy;

When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed;

G. Inadequate Fire Protection or Firefighting Equipment. All buildings, structures or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and

improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy;

H. Improper Occupancy. All buildings, structures or portions thereof occupied for any purpose other than that for which they were approved, including all buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies;

I. Abandoned or Partial Buildings. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months, so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

#### **8.50.050. Additional substandard conditions designated.**

For the purpose of this chapter, any building, structure or portion thereof which has any one or more of the following conditions constitutes substandard property:

- A. Substandard buildings;
- B. Unpainted buildings or buildings with dry rot, warping and/or termite infestation;
- C. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;
- D. Inoperable or abandoned motor vehicles, trailers, campers, boats and other mobile equipment stored for unreasonable periods on the premises;
- E. Attractive nuisances dangerous to children in the form of unattended, abandoned or broken equipment and neglected machinery;
- F. Clotheslines in front yard areas;
- G. Lack of adequate garbage and rubbish storage and removal facilities;
- H. Trash and garbage containers stored in front of side yards and visible from public streets, except when placed in areas of collection at times permitted in compliance with this code;
- I. Fences (including retaining walls) which are not constructed of new or suitable used material, do not conform with the methods of construction pursuant to the requirements of the Uniform Building Code as adopted by reference and modified by Chapter 15.04 of this code, or are not maintained in a state of good repair. Any dilapidated, dangerous or unsightly fence or retaining wall shall be repaired or removed. Temporary materials shall not be permitted as a fencing material;

J. The parking or storage of four or more motorized or nonmotorized vehicles, motorcycles, trailers, campers, boats and other mobile equipment in the front yard area of property located in a residential zone (as defined in Section 19.04.650 of this code);

K. The parking or storage of any type of motorized or nonmotorized vehicle, motorcycle, or recreational vehicle off a paved driveway, on a lawn or on unpaved areas, on property located in a residential zone (as defined in Section 19.04.650 of this code);

L. Storage of machinery or parts thereof, or material or equipment associated with building, painting, plumbing and electrical contracting and services and similar activities, including implements or tools (other than what is stored and carried in a motor vehicle) having a power rating of greater than one horsepower, on property located in a residential zone (as defined in Section 19.04.650 of this code). "Equipment" includes any motor vehicle with a gross vehicle weight greater than ten-thousand pounds;

M. Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance;

N. Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property values of such adjacent properties;

O. All premises on which any abandoned underground storage tanks, cesspools, wells, pits, shafts or other dangerous excavations may exist;

P. All premises on which there are any "weeds," as described in Government Code Section 39561.5, rubbish or refuse found upon parkways, sidewalks, or private property within the city.

**8.50.060. Enforcement of chapter.**

The building official and the public safety director are authorized to enforce the provisions of this chapter. The city manager may delegate authority for the enforcement of the provisions on "dangerous conditions."

**8.50.070. Inspections.**

The building official, the city manager and the public safety director are authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

**8.50.080. Public nuisances to be abated.**

All buildings, structures, properties or portions thereof which are determined by the building official or the public safety director to be substandard are declared to be public nuisances, and may be abated by repair, rehabilitation, demolition, removal or clearing in accordance with the procedure specified in this chapter.

**8.50.090. Commencement of proceedings to compel repairs or demolition.**

A. Whenever the building official or the public safety director has inspected or caused to be inspected any building, structure, property or portion thereof, and has found and determined it to be substandard, the building official or the public safety director shall commence proceedings to cause repair, rehabilitation, demolition or abatement of the violations of this chapter.

**8.50.100. Notice and appeal—Housing violations—Notification of Franchise Tax Board.**

A. The city manager and the city attorney are authorized to determine whether any rental housing within the city is in violation of state or local law. Following such determination, the property owner shall be notified by the building official and/or the city attorney that failure to correct substandard conditions on the property within six months will result in notification of the Franchise Tax Board.

B. If the conditions are not brought into compliance within six months, the building official may be directed to prepare and mail by certified mail, postage prepaid, return receipt requested, a notice of noncompliance to the affected property owner. Such notice shall reflect that substandard housing conditions have not been cured within the time prescribed by law and shall advise the property owner of a right to appeal.

1. The affected property owner may appeal the city manager or city attorney's determination by filing a written request with the city clerk within ten days of the date of the notice of noncompliance. The filing of such appeal shall stay notification of the State Franchise Tax Board until the council has acted on the appeal.

2. If no appeal is filed within ten days, the building official shall forward a copy of the notice of noncompliance to the State Franchise Tax Board. The council may also be requested by staff to approve any actions already taken with respect to such notification, including forwarding such notice to the Franchise Tax Board.

C. The city council shall review evidence submitted on appeal, and affirm, modify or reverse the determination with respect to the existence of state law or Municipal Code violations on the property.

1. If the council determines that a violation exists on the property, the building official shall be directed to forward a copy of the notice of noncompliance to the State Franchise Tax Board.

D. Upon appeal, the city council shall make written findings on the evidence and a copy of such findings shall be mailed by certified mail, postage prepaid, return receipt requested, to the affected property owner. Action by the city council on the appeal shall be final and conclusive.

**8.50.110. Compliance with chapter—Penalty for violation.**

No person, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person violating the provisions of this chapter is guilty of a misdemeanor for each day such violation continues. All violations of this chapter shall be subject to civil penalties in accordance with Chapter 1.12 of this code.



## ATTACHMENT B

### Chapter 15.02. Administrative Code

15.02.010. Adoption of Division II of Chapter 1 of Part 2 and Division II of Chapter 1 of Part 2.5 of Title 24 of the California Code of Regulations.

Except as provided in this Chapter, Division II of Chapter 1 of Part 2 and Division II of Chapter 1 of Part 2.5 of Title 24 of the California Code of Regulations are adopted, incorporated by reference and consolidated herein as the Administrative Code of the City of Imperial Beach.

15.02.020. Division II of Chapter 1 of Part 2 and Division II of Chapter 1 of Part 2.5 are consolidated and amended to read as follows:

### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the City of Imperial Beach's Administrative Regulations for Building and Housing Codes including the 2010 California Building Code, 2010 California Residential Code, 2010 California Green Building Code, 2010 California Electrical Code, 2010 California Plumbing Code, and 2010 California Mechanical Code, and shall be cited as such and will be referred to hereinafter as "this code."

**101.2 Purpose.** The purpose of this chapter is to provide for the administration and enforcement of the California Building Standard Code and other adopted codes of the City of Imperial Beach relating to building construction, property maintenance, housing standards, dangerous buildings, fire regulations and other codes as adopted by this jurisdiction within Title 15 of the Imperial Beach Municipal Code.

**101.3 Scope.** The provisions of this chapter shall serve as the administrative, organizational and enforcement rules and regulations for Title 15 of the Imperial Beach Municipal Code and shall apply to the construction, alteration, movement, enlargement, replacement, repair equipment, use and occupancy, location, removal and demolition of every building, structure or facilities serving such structures or any appurtenances connected or attached to such building or structures. These provisions will apply to codes contained within section 101.1 of this code.

**Exemption for Pending Applications.** The provisions of this chapter shall not apply to any building or structure for which a completed application was accepted by the building division for a construction or demolition permit prior to January 1, 2011. Such buildings or structures shall be erected, constructed, enlarged, altered or repaired in accordance with the provisions in effect at the date of said application.

**Exception:** Live/work units complying with the requirements of Section 419 of the California Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the International Building Code when constructed under the California Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the California Building Code.

**101.3 Intent.** The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation, disabled access and safety to life and

property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

**101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

**101.4.1 Gas.** The provisions of the 2010 California Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.2 Mechanical.** The provisions of the 2010 California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

**101.4.3 Plumbing.** The provisions of the 2010 California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

**101.4.4 Electrical.** The provisions of the 2010 California Electrical Code shall apply to the installation, alteration, repair and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances.

**101.4.5 Fire prevention.** The provisions of the 2010 California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.4.6 Energy.** The provisions of the 2010 California Energy Code, Title 24, Part 6 shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.7 Historical Buildings.** The provisions of the 2010 California Historical Building Code shall apply to all matters governing the design, construction, repairs of designated Historical Buildings.

**101.4.8 Green Building.** The provisions of the 2010 California Green Building Code

**101.4.9 Property maintenance.** The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**101.5 One copy** of the California Building Standards Code and each code mentioned in section 101.1 of the Imperial Beach Municipal Code is on file in the Office of the City Building Official, City of Imperial Beach, for the use and examination of the public, and each and every provision, section, table, diagram, illustration, figure, phrase and paragraph thereof, including all appendices, thereto, except as expressly deleted, added to, excepted, modified or amended by this chapter.

## **101.6 Definitions.**

All defined terms as used in this code will be as defined in Chapter 11A, section 1107A.6-F and Chapter 11B, section 1102B of the 2010 California Building Code

## **SECTION 102 APPLICABILITY**

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**102.1.1 Additional requirements.** *[OSHPD 1, 2, 3, &4,] See Chapter 1, Division I, Section 1.1.7.*

**102.1.2 When conflicting provisions** or requirements occur between this code and chapters elsewhere in Title 15 of the Imperial Beach Municipal Code or other codes or laws, this code shall govern.

**102.1.3 When conflicts occur** between specific provisions of this code and administrative provisions elsewhere in Title 15 of the Imperial Beach Municipal Code, which is applicable within this jurisdiction, the provisions of this chapter shall prevail.

**102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**102.3 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

**102.4.1 Code References.** All reference to International Codes or other similar codes in referenced standards shall be replaced by equivalent provisions in the California Building Standard Codes.

**102.4.2 Reference in Standards.** All references listed in reference standards shall be replaced by referenced standards listed in Chapter 35 of the California Building Code, where applicable, and shall include all amendments to the reference standards in this code.

**102.5 Appendices.** Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

**102.6 Partial invalidity.** In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**102.7 Existing structures.** The legal occupancy of any structure existing legally on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in the California Building Standards Code, the International Property Maintenance Code or the California Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**102.7.1 Additions, alterations or repairs.** Additions, alterations or repairs to any structure or facilities shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure or facilities to become unsafe or adversely affect the performance of the building.

**102.7.2 Additions or alterations shall** not be made to existing building, facilities or building service equipment in violation of the provisions of Title 15 of the Imperial Beach Municipal Code nor shall such additions or alterations cause the existing building or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the Building Code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life. A building plus new additions shall not exceed the height, number of stories and area specified by the California Building Code for new buildings.

**102.7.3 Existing Installations.** Building service equipment lawfully in existence at the time of the adoption of Title 8 of the Imperial Beach Municipal Code may have such use, maintenance or repair continued if such use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

**102.7.4 Existing Occupancy.** Buildings in existence on December 31, 2010, may have an existing use or occupancy continued if such use or occupancy was erected prior to July 27, 1956 or one for which a legal building permit has been issued prior to the adoption of this code, and provided continued use is not dangerous to life, health and safety.

**102.7.4 Maintenance.** Building, structures, facilities and its building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the Imperial Beach Municipal Code when installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this section, the Building Official may cause a structure to be re-inspected.

## **SECTION 103**

### **DEPARTMENT OF BUILDING SAFETY**

**103.1 Creation of enforcement agency.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official.

**103.2 Appointment.** Whenever the term or title "Administrative Authority," "Responsible Official," "Building Official," "Chief Inspector," "Code Enforcement Officer," or other similar designation is used herein or in Title 15 of the Imperial Beach Municipal Code, it shall be construed to mean the Building Official designated by the chief appointing authority of this jurisdiction.

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

## **SECTION 104**

### **DUTIES AND POWERS OF BUILDING OFFICIAL**

**104.1 General.** The building official is hereby authorized and directed to enforce the provisions of this code. For such purposes, the Building Official and his appointed deputies under this section shall have powers of a law enforcement officer. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.2 Applications and permits.** The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.3 Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with this code.

**104.4 Inspections.** The building official is authorized to make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible individual of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.5 Identification.** The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**104.7 Department records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

**104.8 Liability.** The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the

jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the Code Enforcement Agency or its parent jurisdiction be held as assuming such liability by reason of the inspections authorized by this code or permits or certificates issued under this chapter.

**104.9 Approved materials and equipment.** Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

**104.9.1 Used materials and equipment.** Used materials, equipment and devices shall not be reused unless approved by the building official.

**104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements or structural. The details of action granting modifications shall be recorded and entered in the files of the Building Division.

**104.10.1 Areas prone to flooding.** The building official shall not grant modifications to any provision related to areas prone to flooding unless authorized by Chapter 15.50 of the Flood Damage Prevention Ordinance in Title 15 of the Imperial Beach Municipal Code.

**104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code with regards to suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. Compliance with the specific performance-based provisions of the International Codes in lieu of specific requirements of this code shall also be permitted as an alternate.

**104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

**104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

## **SECTION 105 PERMITS**

**105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building structure, or facilities or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**105.1.1 Annual permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application there for to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

**105.1.2 Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

**105.2 Work exempt from permit.** Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**Building:**

1. One-story detached accessory buildings to one- and two-family dwellings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>) and a five (5') foot set back from property lines and other structures is maintained.
2. Fences not over 6 feet (1829 mm) high. Masonry block fences not over 3 feet above grade.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A Liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than thirty (30") inches (762 mm) above grade and not over any basement or story below and are not part of an accessible route.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment accessory to detached one and two family dwellings.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. No fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
11. Residential decks not exceeding 200 square feet (18.58 m<sup>2</sup>) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

12. Roof repairs. Replacement, repair or overlay of less than 101 square feet of an existing roof within any twelve (12) month period.

**Electrical:**

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the California Electrical Code.
2. Repair or replacement of current-carrying parts of any switch, conductor or control device
3. Listed cord-and-plug connected temporary decorative lighting.
4. Reinstallation of attachment plug receptacles, but not the outlets thereof.
5. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
6. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
7. Taping joints.
8. Removal of non-functioning electrical wiring.
9. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
10. Low-energy power, control and signal circuits of Class II and Class III as defined in the California Electrical Code.
11. Installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.
12. Temporary testing systems. Installation of any temporary system required for the testing or servicing of electrical equipment.
13. Repairs and Maintenance. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
14. Radio and television transmitting stations. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.
15. Temporary testing systems. Installation of any temporary system required for the testing or servicing of electrical equipment.
16. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

**Plumbing:**

1. Portable heating, cooking or clothes drying appliances.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
4. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
5. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
6. The replacement of the following existing fixtures or equipment: p-traps, garbage disposals, water faucets, bibs, sinks, lavatories, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, fixture or removal of wall finish membranes.

#### **Mechanical:**

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

**105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements, not shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**105.2.3 Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application thereof in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by *construction documents* and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the *building official*.

**105.3.1 Action on application.** The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as possible.

**105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas.** For applications for reconstruction, rehabilitation, *addition* or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the *building official* shall examine or cause to be examined the *construction documents* and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damaged condition. If the *building official* finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall require all existing portions of the entire building or structure to meet the requirements of Section R322 and all requirements of Chapter 15.50 of Title 15 of the Imperial Beach Municipal Code.

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned or expired 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. An application shall not be extended if this chapter or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

**105.4 Validity of permit.** The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the

jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

**105.5 Expiration.** Every permit issued by the Building Official under the provisions of Title 15 shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

**105.5.1 Expired permits.** Before work can be recommenced, a new permit shall be first obtained to do so, and a fee equal to the established hourly rate for City staff to complete all work shall be paid, provided no changes have been made or will be made in the original plans and specifications for such work. Permits shall not be extended more than once, except that, the Building Official may approve a maximum of one additional extension of 180 days when the applicant demonstrates that special unusual circumstances exist. All expired permits not acted on after receipt of 30 day notification from the building official will become a violation of this code if not acted upon during the 30 day period and will become subject to a code lien on the property to insure new property owners are advised of pending violations on the property.

**105.6 Suspension or revocation.** The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

**105.7 Placement of permit.** The building permit or copy thereof shall be kept on the site of the work until the completion of the project at a visible location from the public way.

**105.8 Responsibility.** It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

**105.9 Preliminary inspection.** Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structure, and sites for which an application has been filed.

## **SECTION 106 CONSTRUCTION DOCUMENTS**

**106.1 Submittal documents.** Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to required additional construction documents to be prepared by a registered design professional.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

**106.2 Construction documents.** *Construction documents* shall be in accordance with Sections 106.2.1 through 106.2.10.

**106.2.1 Information on construction documents.** Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. Where required by the building official, all braced wall lines, shall be identified on the construction documents and all pertinent information including, but not limited to, bracing methods, location and length of braced wall panels, foundation requirements of braced wall panels at top and bottom shall be provided.

**106.2.2 Manufacturer's installation instructions.** Manufacturer's installation instructions, as required by this code, shall be provided during plan check.

**106.2.3 Information for construction in flood hazard areas.** For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), construction documents shall show compliance with Chapter 15.50 of Title 15 of the Imperial Beach Municipal Code.

and include:

1. Delineation of flood hazard area, floodway boundaries and flood zones and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
4. If the design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

**106.2.4 Design flood elevation elevations.** Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1. and with Chapter 15.50 of Title 15 of the Imperial Beach Municipal Code.

**106.2.5 Site Plan** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new constructions and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is

authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**106.2.6 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the references installation standards in Chapter 9.

**106.2.7 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**106.2.8 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

**106.2.9 Fire penetrations** Plans for buildings of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire-resistive integrity will be maintained when a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

**106.2.10 Disabled Access** Disabled accessibility plans for commercial applications will be required identifying all disabled access feature requirements for project and site facilities.

**106.3 Examination of documents.** The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

**106.3.1 Approval of construction documents.** When the building official issues a permit, the construction documents shall be approved in writing or by a stamp which states "REVIEWED FOR CODE COMPLIANCE." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative.

**106.3.2 Previous approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned or expired.

**106.3.3 Phased approval.** The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

#### **106.3.4 Design Professional in responsible charge.**

**106.3.4.1 General.** When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**106.3.4.2 Deferred submittals.** For the purpose of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

**106.4 Amended construction documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

**106.5 Retention of plans.** One set of approved plans, specifications and computations shall be retained by the building official for the life of the building or as required by state law. One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

## **SECTION 107 TEMPORARY STRUCTURES AND USES**

**107.1 General.** The building official is authorized is issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days.

The building official is authorized to grant extensions for demonstrated cause. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated above or compliance with this code under a new permit must be issued.

**107.2 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

**107.3 Temporary power.** The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

**107.4 Termination of approval.** The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

## **SECTION 108 FEES**

**108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

**108.2 Schedule of permit fees.** On buildings, structures or facilities, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as adopted in the schedule of fees established by City Council.

## **SECTION 109 INSPECTIONS**

**109.1 General.** Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdictions shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**109.1.1 Survey** A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.

**109.1.2 Duty to inspect.** All inspections specified herein shall be at the discretion of the Building Official and nothing in the California Building Code or in this code shall be construed as requiring the City to conduct such inspection, nor shall any actual inspection made imply a duty to conduct any other inspection. Furthermore, neither the California Building Code, nor this code shall be construed to hold the City or any officer, employee or representative of the City, responsible for any damage to persons or property by reason of making inadequate or negligent inspection or by reason of any failure to make an inspection or re-inspection.

**109.1.2 Inspection record card.** Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. Residential permit Inspection cards issued for work must be posted in a conspicuous location, visible from the public way, private drive or main access to the area of construction. At location where a structure does not yet exist or the site is vacant, the inspection record card shall be maintained and made readily available by the permit holder until final approval has been granted by the Building Official.

**109.2 Types of inspections.** For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. The enforcing agency upon notification of the permit holder or their agent shall within a reasonable time make the inspections set forth in Sections 109.2.1 through 109.2.11

**Note:** Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the enforcing agency.

**109.2.1 Foundation inspection.** Inspection of the foundation and footings shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation or footing inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations. Materials for the foundation shall be on the job site except where concrete is ready-mixed in accordance with ASTM C94. Under this circumstance concrete is not required to be

**109.2.2 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduits, piping or other ancillary building trade products or equipment are installed, but before any concrete is placed or floor sheathing is installed, including the subfloor.

**109.2.3 Floodplain inspections.** For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322 and CBC section 1612.5.

**109.2.4 Plumbing, mechanical, gas and electrical systems inspection.** Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

**Exception:** Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105.1 prior to inspection shall be permitted.

**109.2.5 Frame and masonry inspection.** Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, fire stopping, draft stopping and bracing are in place and after chimneys and vents to be concealed are completed and the rough electrical, plumbing, heating wires, pipes and ducts are approved. Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved. All hardware, anchors, connectors, straps etc. must not be concealed and inspected prior to a frame inspection.

**109.2.6 Lath and gypsum board inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

**109.2.7 Fire and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

**109.2.8 Energy efficiency inspections.** Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R*- and *U*-values, fenestration *U*-value, duct system *R*-value, and HVAC and water-heating equipment efficiency.

**109.2.9 Other inspections.** In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official.

**109.2.10 Special Inspections.** For special inspections, see California Building Code, section 1704.

**109.2.11 Final inspection.** Final inspection shall be made after the permitted work is complete and prior to occupancy.

**109.3 Inspection agencies.** The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**109.4 Inspections requests.** It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

**109.5 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

**109.5.1 Re-inspections.** A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fee the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. The fee will be equal to the established hourly rate for the time needed to complete the inspection.

## **SECTION 110 CERTIFICATE OF OCCUPANCY**

**110 .1 Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy thereof as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other

ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

**Exceptions:**

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2
2. Accessory buildings or structures.

**110.2 Change in use.** Changes in the character or use of an existing structure shall not be made except as specified in Sections 3406 and 3407 of the California Building Code.

**110.3 Certificate issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of constructions as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided and whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

Note: one- and two-family *dwelling*s or townhouses do not require item 8 and 9 above.

**110.4 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

**110.5 Revocation.** The building official is authorized to, in writing suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**110.5.1 Occupancy Violations.** When a building or structure or building service equipment therein regulated by Title 15 of the Imperial Beach Municipal Code is being used contrary to the provisions of such codes, the Building Official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.

## **SECTION 111 SERVICE UTILITIES**

**111.1 Connection of service utilities.** No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

**111.2 Temporary connection.** The building official shall have the authority to authorize and approve the temporary connection of the building or system to the utility, source of energy, fuel or power.

**111.3 Authority to disconnect service utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connections has been made without the approval required by Section 111.1 or 111.2. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

**111.3.1 Connection after order to disconnect.** No person shall make or suffer the connection from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

**111.3.1 Authority to condemn building service equipment.** When the Building Official ascertains that building service equipment regulated in code has become hazardous to life, health or property, or has become unsanitary, the Building Official shall order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

## **SECTION 112 BOARD OF APPEALS**

**112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals hereafter known also as the Local Appeals Board. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. Appeals to the Local Appeals Board shall be processed in accordance with the provisions and procedures contained in Chapter 5, Chapter 6, and Chapter 7 of the 1997 edition of the "Abatement of Dangerous Building Code" as adopted by reference in Chapter 15.40 of Title 15 of the Imperial Beach Municipal Code.

**112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to interpret the administrative provisions of this code, nor shall the Board be empowered to waive requirements of this code.

**112.3 Qualifications.** The “Local Appeals Board”, consisting of members qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the City.

**112.3 Appeals.** Any person, firm or corporation may register an appeal with the Local Appeals Board for review of any decision of the Building Official about this code, provided that the appeal is made in writing within thirty (30) days of receipt of notice and is accompanied with the administrative fee specified in the City’s fee schedule for an appeal. All appeals where notices declaring structures or equipment “Dangerous” must be submitted within ten (10) days of receipt of notice.

**112.3.1 Conditions.** Any person shall be permitted to appeal a decision of the Building Official or Fire Chief to the Local Appeals Board when it is claimed that any one or more of the following conditions exists.

- i. The true intent of this Title as described in those codes has been incorrectly interpreted;
- ii. A provision in this code do not apply;
- iii. A decision is arbitrary as it applies to alternatives, new materials or interpretations of this Title.

**112.4 Request for Appeals Action Ratification.** For the purposes of this chapter, “Request for Ratification” shall mean actions required under Section 1.9.1.5 of the California Building Code. A written request by the Building Official that the Board approve a proposed solution based upon a finding of “unreasonable hardship” as that term is used in Title 24 of the California Code of Regulations.

**112.4.1 Request.** The Board must have approved a Request for Ratification, prior to the approval of plans or issuance of a permit, which requires a finding of unreasonable hardship from an appeal to the Building Official.

**112.4.2 Agenda.** The Building Official shall place any appeal consisting of a request for ratification to determine an unreasonable hardship on the Board’s Agenda in compliance with provisions contained in this section.

**112.5 Decisions.** The Board shall not render any decision allowing a proposed design solution unless, after the hearing, it finds on the basis of substantial evidence that:

- i. The proposed design is satisfactory and complies with the intent of this chapter;
- ii. The proposed design meets the requirements of Title 24;
- iii. Board decisions overruling the Building Official’s decisions shall require four (4) votes. Board decisions ratifying the Building Official’s requests for ratification shall require three (3) votes; and
- iv. Should the Board render a decision contrary to that of the Building Official, then the decision of the Board shall be deemed the decision of the Building Official.

**112.5.1 Decisions Findings and Order.**

- i. The decision of the Board shall be final and conclusive.
- ii. The findings and order of the Board shall include the following notice:
- iii. Notice to Parties. The time within which judicial review must be sought to review this decision is governed by the provisions of California Code of Civil Procedure Section 1094.6.

**112.5 Administration.** The building official shall take immediate action in accordance with the decision of the board.

## **SECTION 113 VIOLATIONS**

**113.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**113.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolitions or occupancy of a building, structure or facilities in violation of the provisions of this code, or in violation of a detail statement or a plan approved there under, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**113.3 Prosecution of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute and appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to required the removal or termination of the unlawful occupancy of the building, structure or facilities in violation of the provisions of this code or of the order or direction made pursuant thereto.

**113.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters ore repairs a building, structure or facilities in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Title 1, Chapter 1.22 of the Imperial Beach Municipal Code and other remedies prescribed by law.

## **SECTION 114 STOP WORK ORDER**

**114.1 Notice to owner.** Upon notice from the building official that work on any building or structure is being performed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

**114.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

**114.3 Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## **SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT**

**115.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve

illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**115.2 Record.** The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**115.3 Notice.** If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

**115.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**115.5 Restoration.** The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

**115.6 Abatement.** Unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapter 8.50 of Title 8 of the Imperial Beach Municipal Code or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.

## **SECTION 116 FLOOR AND ROOF DESIGN LOADS**

116.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

116.1.1 Snow Load Posting. [OSHPD 1, 2, 3 & 4, DSA-SS & DSA-SS/CC] Snow loads used in design shall be posted as for live loads.

116.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

116.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.



## ATTACHMENT C

### Chapter 15.04. Residential Code

15.04.010. Adoption of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations).

Except as provided in this Chapter and Chapter 15.02, the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Residential Code of the City of Imperial Beach.

15.04.020. Amendments and Additions of Provisions of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations).

**(1) California Residential Code Appendix H, Patio Covers, is adopted.**

**(2) Chapter 4 (FOUNDATIONS) of the California Residential Code: Amendments.**

Section R403.1.3 of Chapter 4 of the California Residential Code is hereby amended to read as follows:

**R403.1.3 Seismic reinforcing.** Concrete footings located in Seismic Design categories  $D_0$ ,  $D_1$  and  $D_2$ , as established in Table R301.2(1), shall have minimum reinforcement. Top and Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the top of stem wall and 3 inches (76 mm) from the bottom of the footing.

In Seismic Design categories  $D_0$ ,  $D_1$  and  $D_2$ , where construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at no more than 4 feet (1219mm) on center. The vertical bar shall extend to 3 inches (76mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357mm) into the stem wall.

In Seismic Design categories  $D_0$ ,  $D_1$  and  $D_2$ , where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at no more than 4 feet (1219mm) on center. The vertical bar shall extend to 3 inches (76mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design categories  $D_0$ ,  $D_1$  and  $D_2$ , masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one-and two family dwellings located in Seismic Design Category A, B or C which are three stories or less in height and constructed with stud bearing walls, plain concrete footings without longitudinal reinforcement supporting walls and isolated plain concrete footings supporting columns or pedestals are permitted.

**(3) Chapter 6 (WALL CONSTRUCTION) of the 2010 California Residential Code: Amendments.**

Table R602.3(1) of Chapter 6 of the California Residential Code is hereby amended to read as follows:

**TABLE R602.3(1)—continued  
FASTENER SCHEDULE FOR STRUCTURAL MEMBERS**

ITEM	DESCRIPTION OF BUILDING MATERIALS	DESCRIPTION OF FASTENER <sup>b, c, e</sup>	SPACING OF FASTENERS	
			Edges (inches) <sup>i</sup>	Intermediate supports <sup>g, e</sup> (inches)
<b>Wood structural panels, subfloor, roof and interior wall sheathing to framing and particleboard wall sheathing to framing</b>				
30	$\frac{3}{8}$ " - $\frac{1}{2}$ "	6d common (2" × 0.113") nail (subfloor wall) <sup>j</sup> 8d common (2½" × 0.131") nail (roof)	6	12 <sup>g</sup>
31	$\frac{5}{16}$ " - $\frac{1}{2}$ "	6d common (2" × 0.113") nail (subfloor, wall) 8d common (2½" × 0.131") nail (roof) <sup>f</sup>	6	12 <sup>g</sup>
32	$\frac{19}{32}$ " - 1"	8d common nail (2½" × 0.131")	6	12 <sup>g</sup>
33	$1\frac{1}{8}$ " - $1\frac{1}{4}$ "	10d common (3" × 0.148") nail or 8d (2½" × 0.131") deformed nail	6	12
<b>Other wall sheathing<sup>h</sup></b>				
34	$\frac{1}{2}$ " structural cellulosic fiberboard sheathing	$\frac{1}{2}$ " galvanized roofing nail, $\frac{7}{16}$ " crown or 1" crown staple 16 ga., $1\frac{1}{4}$ " long	3	6
35	$\frac{25}{32}$ " structural cellulosic fiberboard sheathing	$1\frac{3}{4}$ " galvanized roofing nail, $\frac{7}{16}$ " crown or 1" crown staple 16 ga., $1\frac{1}{2}$ " long	3	6
36	$\frac{1}{2}$ " gypsum sheathing <sup>d</sup>	$1\frac{1}{2}$ " galvanized roofing nail; staple galvanized, $1\frac{1}{2}$ " long; $1\frac{1}{4}$ screws, Type W or S	7	7
37	$\frac{5}{8}$ " gypsum sheathing <sup>d</sup>	$1\frac{3}{4}$ " galvanized roofing nail; staple galvanized, $1\frac{5}{8}$ " long; $1\frac{5}{8}$ " screws, Type W or S	7	7
<b>Wood structural panels, combination subfloor underlayment to framing</b>				
38	$\frac{3}{4}$ " and less	6d deformed (2" × 0.120") nail or 8d common (2½" × 0.131") nail	6	12
39	$\frac{7}{8}$ " - 1"	8d common (2½" × 0.131") nail or 8d deformed (2½" × 0.120") nail	6	12
40	$1\frac{1}{8}$ " - $1\frac{1}{4}$ "	10d common (3" × 0.148") nail or 8d deformed (2½" × 0.120") nail	6	12

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 mile per hour = 0.447 m/s; 1 ksi = 6.895 MPa.

- All nails are smooth-common, box or deformed shanks except where otherwise stated. Nails used for framing and sheathing connections shall have minimum average bending yield strengths as shown: 80 ksi for shank diameter of 0.192 inch (20d common nail), 90 ksi for shank diameters larger than 0.142 inch but not larger than 0.177 inch, and 100 ksi for shank diameters of 0.142 inch or less.
- Staples are 16 gage wire and have a minimum  $\frac{7}{16}$ -inch on diameter crown width.
- Nails shall be spaced at not more than 6 inches on center at all supports where spans are 48 inches or greater.
- Four-foot-by-8-foot or 4-foot-by-9-foot panels shall be applied vertically.
- Spacing of fasteners not included in this table shall be based on Table R602.3(2).
- For regions having basic wind speed of 110 mph or greater, 8d deformed (2½" × 0.120) nails shall be used for attaching plywood and wood structural panel roof sheathing to framing within minimum 48-inch distance from gable end walls, if mean roof height is more than 25 feet, up to 35 feet maximum.
- For regions having basic wind speed of 100 mph or less, nails for attaching wood structural panel roof sheathing to gable end wall framing shall be spaced 6 inches on center. When basic wind speed is greater than 100 mph, nails for attaching panel roof sheathing to intermediate supports shall be spaced 6 inches on center for minimum 48-inch distance from ridges, eaves and gable end walls; and 4 inches on center to gable end wall framing.
- Gypsum sheathing shall conform to ASTM C 1396 and shall be installed in accordance with GA 253. Fiberboard sheathing shall conform to ASTM C 208.
- Spacing of fasteners on floor sheathing panel edges applies to panel edges supported by framing members and required blocking and at all floor perimeters only. Spacing of fasteners on roof sheathing panel edges applies to panel edges supported by framing members and required blocking. Blocking of roof or floor sheathing panel edges perpendicular to the framing members need not be provided except as required by other provisions of this code. Floor perimeter shall be supported by framing members or solid blocking.

Wood structural panel diaphragms or shear walls fastened with staples shall not be used to resist seismic forces in structures assigned to Seismic design category D, E or F.

**Exception:** Staples may be used for wood structural panel diaphragms when the allowable shear values are substantiated by cyclic testing and approved by the building official.

Table R602.3(2) of Chapter 6 of the California Residential Code is hereby amended to read as follows:

**TABLE R602.3(2)  
ALTERNATE ATTACHMENTS**

NOMINAL MATERIAL THICKNESS (inches)	DESCRIPTION <sup>a, b</sup> OF FASTENER AND LENGTH (inches)	SPACING <sup>c</sup> OF FASTENERS	
		Edges (inches)	Intermediate supports (inches)
<b>Wood structural panels subfloor, roof and wall sheathing to framing and particleboard wall sheathing to framing<sup>f</sup></b>			
up to 1/2	Staple 15 ga. 1 3/4	4	8
	0.097 - 0.099 Nail 2 1/4	3	6
	Staple 16 ga. 1 3/4	3	6
19/32 and 5/8	0.113 Nail 2	3	6
	Staple 15 and 16 ga. 2	4	8
	0.097 - 0.099 Nail 2 1/4	4	8
23/32 and 3/4	Staple 14 ga. 2	4	8
	Staple 15 ga. 1 3/4	3	6
	0.097 - 0.099 Nail 2 1/4	4	8
	Staple 16 ga. 2	4	8
1	Staple 14 ga. 2 1/4	4	8
	0.113 Nail 2 1/4	3	6
	Staple 15 ga. 2 1/4	4	8
	0.097 - 0.099 Nail 2 1/2	4	8
NOMINAL MATERIAL THICKNESS (inches)	DESCRIPTION <sup>a, b</sup> OF FASTENER AND LENGTH (inches)	SPACING <sup>c</sup> OF FASTENERS	
		Edges (inches)	Body of panel <sup>d</sup> (inches)
<b>Floor underlayment; plywood-hardboard-particleboard<sup>f</sup></b>			
<b>Plywood</b>			
1/4 and 5/16	1 1/4 ring or screw shank nail—minimum 12 1/2 ga. (0.099") shank diameter	3	6
	Staple 18 ga., 7/8, 3/16 crown width	2	5
11/32, 3/8, 15/32, and 1/2	1 1/4 ring or screw shank nail—minimum 12 1/2 ga. (0.099") shank diameter	6	8 <sup>e</sup>
19/32, 5/8, 23/32 and 3/4	1 1/2 ring or screw shank nail—minimum 12 1/2 ga. (0.099") shank diameter	6	8
	Staple 16 ga. 1 1/2	6	8
<b>Hardboard<sup>f</sup></b>			
0.200	1 1/2 long ring-grooved underlayment nail	6	6
	4d cement-coated sinker nail	6	6
	Staple 18 ga., 7/8 long (plastic coated)	3	6
<b>Particleboard</b>			
1/4	4d ring-grooved underlayment nail	3	6
	Staple 18 ga., 7/8 long, 3/16 crown	3	6
3/8	6d ring-grooved underlayment nail	6	10
	Staple 16 ga., 1 1/8 long, 3/8 crown	3	6
1/2, 5/8	6d ring-grooved underlayment nail	6	10
	Staple 16 ga., 1 5/8 long, 3/8 crown	3	6

For SI: 1 inch = 25.4 mm.

a. Nail is a general description and may be T-head, modified round head or round head.

b. Staples shall have a minimum crown width of 7/16-inch on diameter except as noted.

c. Nails or staples shall be spaced at not more than 6 inches on center at all supports where spans are 48 inches or greater. Nails or staples shall be spaced at not more than 12 inches on center at intermediate supports for floors.

d. Fasteners shall be placed in a grid pattern throughout the body of the panel.

e. For 5-ply panels, intermediate nails shall be spaced not more than 12 inches on center each way.

f. Hardboard underlayment shall conform to ANSI/AHA A135.4.

Wood structural panel diaphragms or shear walls fastened with staples shall not be used to resist seismic forces in structures assigned to Seismic design category D, E or F.

**Exception:** Staples may be used for wood structural panel diaphragms when the allowable shear values are substantiated by cyclic testing and approved by the building official.

Table R602.10.1.2(2) of Chapter 6 of the California Residential Code is hereby amended to read as follows:

**TABLE R602.10.1.2(2)<sup>a, b, c</sup>—continued**  
**BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY**  
**(AS A FUNCTION OF BRACED WALL LINE LENGTH)**

SOIL CLASS D <sup>a</sup> WALL HEIGHT = 10 FT 10 PSF FLOOR DEAD LOAD 15 PSF ROOF/CEILING DEAD LOAD BRACED WALL LINE SPACING ≤ 25 FT			MINIMUM TOTAL LENGTH (feet) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE			
Seismic Design Category (SDC)	Story Location	Braced Wall Line Length	Method LIB	METHODS DWB, SFB, GB, PBS, PCP, HPS	Method WSP	Continuous Sheathing
SDC D <sub>0</sub> or D <sub>1</sub>		10	NP	3.0	2.0	1.7
		20	NP	6.0	4.0	3.4
		30	NP	9.0	6.0	5.1
		40	NP	12.0	8.0	6.8
		50	NP	15.0	10.0	8.5
		10	NP	6.0	4.5	3.8
		20	NP	12.0	9.0	7.7
		30	NP	18.0	13.5	11.5
		40	NP	24.0	18.0	15.3
		50	NP	30.0	22.5	19.1
		10	NP	8.5	6.0	5.1
		20	NP	17.0	12.0	10.2
		30	NP	25.5	18.0	15.3
		40	NP	34.0	24.0	20.4
		50	NP	42.5	30.0	25.5
SDC D <sub>2</sub>		10	NP	4.0	2.5	2.1
		20	NP	8.0	5.0	4.3
		30	NP	12.0	7.5	6.4
		40	NP	16.0	10.0	8.5
		50	NP	20.0	12.5	10.6
		10	NP	7.5	5.5	4.7
		20	NP	15.0	11.0	9.4
		30	NP	22.5	16.5	14.0
		40	NP	30.0	22.0	18.7
		50	NP	37.5	27.5	23.4
		10	NP	NP	NP	NP
		20	NP	NP	NP	NP
		30	NP	NP	NP	NP
		40	NP	NP	NP	NP
		50	NP	NP	NP	NP

For SI: 1 foot = 304.8 mm, 1 pound per square foot = 47.89 Pa.

a. Wall bracing lengths are based on a soil site class "D." Interpolation of bracing length between the  $S_{ds}$  values associated with the seismic design categories shall be permitted when a site-specific  $S_{ds}$  value is determined in accordance with Section 1613.5 of the *California Building Code*.

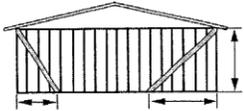
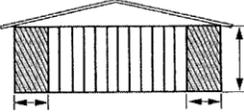
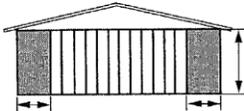
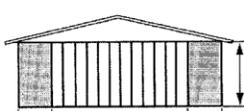
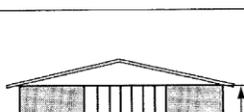
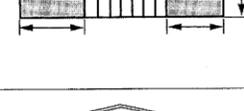
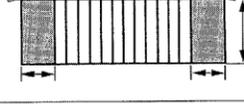
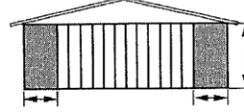
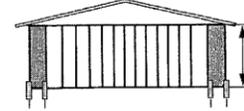
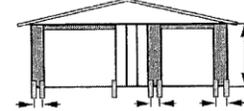
b. Foundation cripple wall panels shall be braced in accordance with Section R602.10.9.

c. Methods of bracing shall be as described in Sections R602.10.2, R602.10.4 and R602.10.5.

Methods GB & PCP shall not be used to resist seismic forces in structures assigned to Seismic design category D, E or F.

Table R602.10.2 of Chapter 6 of the California Residential Code is hereby amended to read as follows:

**TABLE R602.10.2  
INTERMITTENT BRACING METHODS**

METHOD	MATERIAL	MINIMUM THICKNESS	FIGURE	CONNECTION CRITERIA
LIB	Let-in-bracing	1 × 4 wood or approved metal straps at 45° to 60° angles for maximum 16" stud spacing		Wood: 2-8d nails per stud including top and bottom plate metal: per manufacturer
DWB	Diagonal wood boards	3/4" (1" nominal) for maximum 24" stud spacing		2-8d (2 1/2" × 0.113") nails or 2 staples, 1 3/4" per stud
WSP	Wood structural panel (see Section R604)	3/8"		For exterior sheathing see Table R602.3(3) For interior sheathing see Table R602.3(1)
SFB	Structural fiberboard sheathing	1/2" or 25/32" for maximum 16" stud spacing		1 1/2" galvanized roofing nails or 8d common (2 1/2" × 0.131) nails at 3" spacing (panel edges) at 6" spacing (intermediate supports)
GB	Gypsum board	1/2"		Nails or screws at 7" spacing at panel edges including top and bottom plates; for all braced wall panel locations for exterior sheathing nail or screw size, see Table R602.3(1); for interior gypsum board nail or screw size, see Table R702.3.5
PBS	Particleboard sheathing (see Section R605)	3/8" or 1/2" for maximum 16" stud spacing		1 1/2" galvanized roofing nails or 8d common (2 1/2" × 0.131) nails at 3" spacing (panel edges) at 6" spacing (intermediate supports)
PCP	Portland cement plaster	See Section R703.6 For maximum 16" stud spacing		1 1/2", 11 gage, 7/16" head nails at 6" spacing or 7/8", 16 gage staples at 6" spacing
HPS	Hardboard panel siding	7/16" For maximum 16" stud spacing		0.092" dia., 0.225" head nails with length to accommodate 1 1/2" penetration into studs at 4" spacing (panel edges), at 8" spacing (intermediate supports)
ABW	Alternate braced wall	See Section R602.10.3.2		See Section R602.10.3.2
PFH	Intermittent portal frame	See Section R602.10.3.3		See Section R602.10.3.3
PFG	Intermittent portal frame at garage	See Section R602.10.3.4		See Section R602.10.3.4

Methods GB & PCP shall not be used to resist seismic forces in structures assigned to Seismic design category D, E or F.

**ATTACHMENT B – 1**  
**FINDINGS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 17958.7**

**A. Chapter 4 (FOUNDATIONS) of the 2010 California Residential Code: Findings.**

The amendments to Chapter 4 of the California Residential Code are reasonably necessary because of the following local geological, topographical and climatic conditions:

I. Local Geological Conditions. The City of Imperial Beach is located in San Diego County, which is densely populated and located in area of high seismic activities. Although the City of Imperial Beach has not faults running through it, there are a number of faults in close proximity which are active and able to produce earthquake between 7.5 and 7.8 on the Richter scale. The City of Imperial Beach is also located geographically within an area where sandy soil conditions are commonly found in the region increasing the likelihood of liquefaction during a seismic event causing widespread damage to both public, private buildings and infrastructure. Recent earthquake activity, including the 1989 Loma Prieta and the 1994 Northridge earthquakes have indicated the lack of adequate design and detailing as contributing factors to damages that reduce the protection of building occupants.

a) The proposed modification to require minimum reinforcement to address the problem of poor performance of plain or under-reinforced footings during a seismic event and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with objectives of the California Building Codes.

Amendments. CRC Section R403.1.3 of the 2010 Edition of the California Residential Code is hereby amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement. Top and Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the top of stem wall and 3 inches (76 mm) from the bottom of the footing.

In Seismic Design categories D0, D1 and D2, where construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at no more than 4 feet (1219mm) on center. The vertical bar shall extend to 3 inches (76mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357mm) into the stem wall.

In Seismic Design categories D0, D1 and D2, where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at no more than 4 feet (1219mm) on center. The vertical bar shall extend to 3 inches (76mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design categories D0, D1 and D2, masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one-and two family dwellings located in Seismic Design Category A, B or C which are three stories or less in height and constructed with stud bearing walls, plain concrete footings without longitudinal reinforcement supporting walls and isolated plain concrete footings supporting columns or pedestals are permitted.

## **B. Chapter 6 (WALL CONSTRUCTION) of the 2010 California Residential Code: Findings.**

The amendments to Chapter 6 of the California Residential Code are reasonably necessary because of the following local geological, topographical and climatic conditions:

I. Local Geological Conditions. The City of Imperial Beach is located in San Diego County, which is densely populated and located in area of high seismic activities. Although the City of Imperial Beach has not faults running through it, there are a number of faults in close proximity which are active and able to produce earthquake between 7.5 and 7.8 on the Richter scale. The City of Imperial Beach is also located geographically within an area where sandy soil conditions are commonly found in the region increasing the likelihood of liquefaction during a seismic event causing widespread damage to both public, private buildings and infrastructure. Recent earthquake activity, including the 1989 Loma Prieta and the 1994 Northridge earthquakes have indicated the lack of adequate design and detailing as contributing factors to damages that reduce the protection of building occupants.

a) In September 2007, limited cyclic testing was conducted by a private engineering firm to determine if wood structural panels fastened with staples would exhibit the same behavior as the wood structural panels fastened with common nails. The test result revealed that wood structural panel fastened with staples appeared to be much lower in strength and stiffness than wood structural panels fastened with common nails. It was recommended that the use of staples as fasteners for wood structural panel shear walls or diaphragms not be permitted to resist seismic forces in structures assigned to Seismic Design Category D, E and F unless it can be substantiated by cyclic testing.

b) Due to the high geologic activities in the California and the expected higher level of performance on buildings and structures, this local amendment will not allow shear walls sheathed with lath, plaster, gypsum board or portland cement. The poor performance of such shear walls sheathed with these materials in the 1994 Northridge Earthquake was investigated by the Structural Engineers Association of Southern California (SEAOSC).

## ATTACHMENT D

### Chapter 15.06. Building Code

15.06.010. Adoption of the California Building Code (Part 2 of Title 24 of the California Code of Regulations).

Except as provided in this Chapter and Chapter 15.02, the California Building Code (Part 2 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Building Code of the City of Imperial Beach.

15.06.020. Amendments and Additions of Provisions of the California Building Code (Part 2 of Title 24 of the California Code of Regulations).

**(1) California Building Code Appendix I, Patio Covers, is adopted.**

**(2) Chapter 9 (Fire Protection) of the California Building Code: Amendments.**

Section 903 Automatic Sprinkler Systems of the California Building Code shall be adopted as modified and adopted by City of Imperial Beach of the California Fire Code in the City of Imperial Beach Fire Code, Chapter 15.20 of this Municipal Code.

Section 907.2.11.6 is added to Chapter 9 of the California Building Code to read as follows:

907.2.11.6. Additions, alterations or repairs to Group R occupancies. When the valuation of an addition, alteration, or repair to Group R occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms are added or created in existing Group R occupancies, smoke alarms shall be installed in accordance with Section 907.2.11.

**(3) Chapter 19 (CONCRETE) of the California Building Code: Amendments.**

Section 1908.1.8 of Chapter 19 of the California Building Code is hereby amended to read as follows:

**1908.1.8 ACI 318, Section 22.10.** Delete ACI 318, Section 22.10, and replace with the following:

22.10 – Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

22.10.1 – Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.
- b) Plain concrete footings supporting walls are permitted provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area

of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception:

In detached one- and two-family dwellings three stories or less in height and constructed with stud-bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

#### **(4) Chapter 23 (WOOD) of the California Building Code: Amendments.**

Section 2306.2.1 of Chapter 23 of the California Building Code is hereby amended to read as follows:

**2306.2.1 Wood structural panel diaphragms.** Wood structural panel diaphragms shall be designed and constructed in accordance with AF&PA SDPWS. Wood structural panel diaphragms are permitted to resist horizontal forces using the allowable shear capacities set forth in Table 2306.2.1(1) or 2306.2.1(2). The allowable shear capacities in Table 2306.2.1(1) or 2306.2.1(2) are permitted to be increased 40 percent for wind design. Wood structural panel diaphragms fastened with staples shall not be used to resist seismic forces in structures assigned to Seismic design category D, E or F.

**Exception:** Staples may be used for wood structural panel diaphragms when the allowable shear values are substantiated by cyclic testing and approved by the building official.

Section 2306.7 of Chapter 23 of the California Building Code is hereby amended to read as follows:

**2306.7 Shear walls sheathed with other materials.** Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall be designed and constructed in accordance with AF&PA SDPWS. Shear walls sheathed with these materials are permitted to resist horizontal forces using the allowable shear capacities set forth in Table 2306.7. Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall not be used to resist seismic forces in structures assigned to Seismic Design Category D, E or F.

## ATTACHMENT C – 1

### FINDINGS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 17958.7

**A. Findings.** The amendments to Chapter 9 of the California Building Code are reasonably necessary because of the following local geological, topographical and climatic conditions:

- I. The City of Imperial Beach is geographically located at the most south west portion of San Diego County along the coast of the Pacific Ocean, served by major (2) two east and west arteries (1) one Highway 75 and (1) one Imperial Beach Boulevard, many of the remaining small streets and alleys are arranged in a dense manner to make timely fire department vehicle access and assistance from additionally responding agencies difficult.;
- II. Imperial Beach is characterized by a sub-tropical climate with very dry summers and rain occurring during the winter season. The City of Imperial Beach is subject to daily land and sea breezes. The sea breeze commences 2 to 4 hours after sunrise and is experienced as a westerly wind with an average speed of 10 knots. The City of Imperial Beach is comprised of many existing buildings and structures arranged in a dense manner with limited property line setbacks. This arrangement in conjunction with a predominant westerly wind increases the difficulty for fire suppression personnel to limit exposure of neighboring structures or buildings from fire by direct transmission, radiation, or convection;
- III. The city of Imperial Beach is located geographically within an active seismic zone. The sandy soil conditions commonly found in the region increases the likelihood of liquefaction during a seismic event causing widespread damage to both public and private buildings, structures, utilities, and surface streets making travel for both locally responding agencies and assistance from additionally responding agencies burdensome or impossible, preventing rapid access and orderly evacuation;
- IV. The predominantly flat topography specific to the City of Imperial Beach and its location directly bordering Pacific Ocean in conjunction with its elevation relative to sea level increases the cities susceptibility to damage by tsunami. An event such as a tsunami is likely to cause widespread damage to both public and private buildings, structures, utilities, and surface streets making travel for locally responding agencies and assistance from additionally responding agencies burdensome or impossible, preventing rapid access and orderly evacuation.

**B. Findings.** The amendments to Chapter 19 of the California Building Code are reasonably necessary because of the following local geological, topographical and climatic conditions:

- I. Local Geological Conditions. The City of Imperial Beach is located in San Diego County, which is densely populated and located in area of high seismic activities. Although the City of Imperial Beach has not faults running through it, there are a

number of faults in close proximity which are active and able to produce earthquake between 7.5 and 7.8 on the Richter scale. The City of Imperial Beach is also located geographically within an area where sandy soil conditions are commonly found in the region increasing the likelihood of liquefaction during a seismic event causing widespread damage to both public, private buildings and infrastructure. Recent earthquake activity, including the 1989 Loma Prieta and the 1994 Northridge earthquakes have indicated the lack of adequate design and detailing as contributing factors to damages that reduce the protection of building occupants.

The proposed modification to require minimum reinforcement to address the problem of poor performance of plain or under-reinforced footings during a seismic event and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with objectives of the California Building Codes.

**C. Findings.** The amendments to Chapter 23 of the California Building Code are reasonably necessary because of the following local geological, topographical and climatic conditions:

- I. Local Geological Conditions. The City of Imperial Beach is located in San Diego County, which is densely populated and located in area of high seismic activities. Although the City of Imperial Beach has not faults running through it, there are a number of faults in close proximity which are active and able to produce earthquake between 7.5 and 7.8 on the Richter scale. The City of Imperial Beach is also located geographically within an area where sandy soil conditions are commonly found in the region increasing the likelihood of liquefaction during a seismic event causing widespread damage to both public, private buildings and infrastructure. Recent earthquake activity, including the 1989 Loma Prieta and the 1994 Northridge earthquakes have indicated the lack of adequate design and detailing as contributing factors to damages that reduce the protection of building occupants.
  - a) In September 2007, limited cyclic testing was conducted by a private engineering firm to determine if wood structural panels fastened with staples would exhibit the same behavior as the wood structural panels fastened with common nails. The test result revealed that wood structural panel fastened with staples appeared to be much lower in strength and stiffness than wood structural panels fastened with common nails. It was recommended that the use of staples as fasteners for wood structural panel shear walls or diaphragms not be permitted to resist seismic forces in structures assigned to Seismic Design Category D, E and F unless it can be substantiated by cyclic testing.
  - b) Due to the high geologic activities in the California and the expected higher level of performance on buildings and structures, this local amendment

will not allow shear walls sheathed with lath, plaster, gypsum board or portland cement. The poor performance of such shear walls sheathed with these materials in the 1994 Northridge Earthquake was investigated by the Structural Engineers Association of Southern California (SEAOSC).



## **ATTACHMENT E**

### **Chapter 15.16. Electrical Code**

15.16.010. Adoption of the California Electrical Code (Part 3 of Title 24 of the California Code of Regulations).

The California Electrical Code (Part 3 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Electrical Code of the City of Imperial Beach.



## ATTACHMENT F

### Chapter 15.28. Building Code

15.28.010. Adoption of the California Building Code (Part 2 of Title 24 of the California Code of Regulations).

Except as provided in this Chapter, the California Mechanical Code (Part 4 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Mechanical Code of the City of Imperial Beach.

15.28.020. Amendments of Provisions of the California Mechanical Code (Part 4 of Title 24 of the California Code of Regulations).

**California Mechanical Code Appendix A, Uniform Mechanical Code standard No. 6-2, is adopted.**



## **ATTACHMENT G**

### **Chapter 15.32. Plumbing Code**

15.32.010. Adoption of the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations).

The California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Plumbing Code of the City of Imperial Beach.



## **ATTACHMENT H**

### **Chapter 15.38. Green Building Code**

15.38.010. Adoption of the California Green Building Code (Part 11 of Title 24 of the California Code of Regulations).

The California Green Building Code (Part 11 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Green Building Code of the City of Imperial Beach.



## EXHIBIT - REDLINED

**Chapter 8.50. UNSAFE BUILDINGS, SUBSTANDARD BUILDINGS AND PROPERTY OR DANGEROUS CONDITIONS****8.50.010. Short title.**

The ordinance codified in this chapter shall be known as the “substandard unsafe buildings ordinance” of the city.

**8.50.020. Definitions generally.**

For the purpose of this chapter, except as otherwise provided herein, certain words, phrases and terms, and their derivatives, shall be construed as specified in this chapter. Words, phrases and terms used in this chapter, but not specifically defined herein, shall have the meanings stated in the currently adopted regulatory codes of the city, including the Uniform Building Code, the Residential Code, the Uniform Housing Code, the Uniform Plumbing Code, the Uniform Mechanical Code, the Uniform Swimming Pool Spa and Hot Tub Code, the National Electrical Code, and the Uniform Fire Code. Where not defined in this chapter or in the foregoing codes, such words, phrases and terms shall have the meanings stated in Webster’s New International Dictionary of the English Language, Unabridged, Second-Third Edition.

**8.50.030. Defined.**

For the purpose of this chapter, the definition of a dangerous building will be as stated in section 302 of the adopted Uniform Code for Abatement of Dangerous Buildings in chapter 15.40 of title 15.

~~any building, structure or portion thereof, which has any or all of the conditions or defects hereinafter described, shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:~~

~~— A. — Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;~~

~~— B. — Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;~~

~~— C. — Whenever any building, structure or portion thereof has wracked, warped, buckled or settled causing walls or other structural portions to have materially less resistance to winds or earthquakes than is required in the case of similar new construction;~~

~~— D. — Whenever the building, structure or any portion thereof, because of:~~

~~— 1. — Dilapidation, deterioration or decay;~~

~~— 2. — Faulty construction;~~

~~— 3. — The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;~~

~~4. The deterioration, decay or inadequacy of its foundation, or~~  
~~5. Any other cause, is likely to partially or completely collapse;~~  
~~E. Whenever, for any reason, the building or structure, or portion thereof, is unsafe for the purpose for which it is being used;~~  
~~F. Whenever there is a structural hazard contained in a building or structure. Structural hazards shall include but not be limited to the following:~~  
~~1. Deteriorated or inadequate foundations,~~  
~~2. Defective or deteriorated flooring or floor supports,~~  
~~3. Flooring or floor supports of insufficient size to carry imposed loads with safety,~~  
~~4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration,~~  
~~5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety,~~  
~~6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration,~~  
~~7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety,~~  
~~8. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration,~~  
~~9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;~~  
~~G. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to:~~  
~~1. Become an attractive nuisance to children,~~  
~~2. Become a harbor for trespassers,~~  
~~3. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts;~~  
~~H. Whenever any building, structure or portion thereof has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in any of the adopted regulatory codes of the city, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings;~~  
~~I. Whenever any building, structure or portion thereof which, whether or not erected in accordance with all applicable laws and ordinances, has been substantially reduced in:~~  
~~1. Strength,~~  
~~2. Fire resisting qualities or characteristics, or~~  
~~3. Weather resisting qualities or characteristics;~~  
~~J. Whenever a building, structure or portion thereof, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer or building official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;~~  
~~K. Whenever any building, structure or portion thereof, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, heating apparatus, or other cause, is determined by the fire marshal or building official to be a fire hazard;~~

~~\_\_\_\_\_ L. \_\_\_\_\_ Whenever any building structure or portion thereof is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence;~~

~~\_\_\_\_\_ M. \_\_\_\_\_ Whenever any portion of a building, structure or portion thereof remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public;~~

~~\_\_\_\_\_ N. \_\_\_\_\_ Whenever, for any reason, the building or structure, or portion thereof, is unsafe for the purpose for which it is being used.~~

~~\_\_\_\_\_ For the purpose of this chapter, a “dangerous condition” shall mean the actual or threatened existence of conditions which risk the immediate safety of persons or property within the city as determined by the city council, or by the sole discretion of the city manager. (Ord. 98-931 § 5 (part), 1998)~~

### **8.50.040. Sanitation—Structural hazards:**

~~\_\_\_\_\_ For the purpose of this chapter, any building, structure or portion thereof, including any dwelling unit, guest room or suite of rooms, which has any or all of the conditions or defects hereinafter described to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof, shall be deemed and is declared to be a substandard building:~~

~~\_\_\_\_\_ A. \_\_\_\_\_ Inadequate Sanitation. Inadequate sanitation includes, but is not limited to the following:~~

~~\_\_\_\_\_ 1. \_\_\_\_\_ Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit;~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ Lack of or improper kitchen sink;~~

~~\_\_\_\_\_ 3. \_\_\_\_\_ Lack of hot and cold running water to plumbing fixtures in a dwelling unit;~~

~~\_\_\_\_\_ 4. \_\_\_\_\_ Lack of or improper operation of necessary ventilating equipment;~~

~~\_\_\_\_\_ 5. \_\_\_\_\_ Lack of reasonable amounts of natural light and ventilation;~~

~~\_\_\_\_\_ 6. \_\_\_\_\_ Room and space dimensions less than required by this code;~~

~~\_\_\_\_\_ 7. \_\_\_\_\_ Lack of necessary electrical lighting;~~

~~\_\_\_\_\_ 8. \_\_\_\_\_ Infestation of insects, vermin or rodents;~~

~~\_\_\_\_\_ 9. \_\_\_\_\_ Lack of connection to required sewage disposal system;~~

~~\_\_\_\_\_ B. \_\_\_\_\_ Structural Hazards. Structural hazards includes but is not limited to the following:~~

~~\_\_\_\_\_ 1. \_\_\_\_\_ Whenever the building, structure or any portion thereof, is likely to partially or completely collapse because of:~~

~~\_\_\_\_\_ a. \_\_\_\_\_ Dilapidation, deterioration or decay;~~

~~\_\_\_\_\_ b. \_\_\_\_\_ Faulty construction;~~

~~\_\_\_\_\_ c. \_\_\_\_\_ The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;~~

~~\_\_\_\_\_ d. \_\_\_\_\_ The deterioration, decay or inadequacy of its foundation, or~~

~~\_\_\_\_\_ e. \_\_\_\_\_ Any other cause;~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ Whenever any building, structure or portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;~~

~~\_\_\_\_\_ 3. \_\_\_\_\_ Whenever there is a structural hazard contained in a building or structure.~~

~~\_\_\_\_\_ Structural hazards shall include but not be limited to the following:~~

~~\_\_\_\_\_ a. \_\_\_\_\_ Deteriorated or inadequate foundations;~~

~~\_\_\_\_\_ b. \_\_\_\_\_ Defective or deteriorated flooring or floor supports;~~

~~\_\_\_\_\_ c. \_\_\_\_\_ Flooring or floor supports of insufficient size to carry imposed loads with safety;~~

- ~~———— d. ——— Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;~~
- ~~———— e. ——— Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;~~
- ~~———— f. ——— Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;~~
- ~~———— g. ——— Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;~~
- ~~———— h. ——— Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration;~~
- ~~———— i. ——— Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;~~
- ~~———— 4. ——— Whenever the building, structure or portion thereof has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to:
  - ~~———— a. ——— Become an attractive nuisance to children;~~
  - ~~———— b. ——— Become a harbor for trespassers, or~~
  - ~~———— c. ——— Enable persons to resort thereto for the purpose of committing unlawful or immoral acts;~~~~
- ~~———— 5. ——— Whenever any building, structure or portion thereof has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this code;~~
- ~~———— C. ——— Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;~~
- ~~———— D. ——— Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures;~~
- ~~———— E. ——— Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good and safe condition;~~
- ~~———— F. ——— Inadequate Exits. All buildings, structure or portions thereof, not provided with adequate exit facilities as required by this chapter, except those buildings, structures or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupaney load, alteration or addition or any change in occupaney;~~
  - ~~———— When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed;~~
- ~~———— G. ——— Inadequate Fire Protection or Firefighting Equipment. All buildings, structures or portions thereof which are not provided with the fire resistive construction or fire extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupaney;~~
- ~~———— H. ——— Improper Occupancy. All buildings, structures or portions thereof occupied for any purpose other than that for which they were approved, including all buildings or portions~~

~~thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies;~~

~~——— I. —— Abandoned or Partial Buildings. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months, so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.~~

**8.50.040. Sanitation—Substandard building structural hazards.**

For the purpose of this chapter, any building, structure or portion thereof, including any dwelling unit, guest room or suite of rooms, which has any or all of the conditions or defects hereinafter described to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof, shall be deemed and is declared to be a substandard building:

- A. Inadequate Sanitation. Inadequate sanitation includes, but is not limited to the following:
  - 1. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit,
  - 2. Lack of or improper kitchen sink,
  - 3. Lack of hot and cold running water to plumbing fixtures in a dwelling unit,
  - 4. Lack of or improper operation of necessary ventilating equipment,
  - 5. Lack of reasonable amounts of natural light and ventilation,
  - 6. Room and space dimensions less than required by this code,
  - 7. Lack of necessary electrical lighting,
  - 8. Infestation of insects, vermin or rodents,
  - 9. Lack of connection to required sewage disposal system;
- B. Structural Hazards. Structural hazards includes but is not limited to the following:
  - 1. Whenever the building, structure or any portion thereof, is likely to partially or completely collapse because of:
    - a. Dilapidation, deterioration or decay,
    - b. Faulty construction,
    - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building,

- d. The deterioration, decay or inadequacy of its foundation, or
- e. Any other cause,

2. Whenever any building, structure or portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction,

3. Whenever there is a structural hazard contained in a building or structure. Structural hazards shall include but not be limited to the following:

- a. Deteriorated or inadequate foundations,
- b. Defective or deteriorated flooring or floor supports,
- c. Flooring or floor supports of insufficient size to carry imposed loads with safety,
- d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration,
- e. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety,
- f. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration,
- g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety,
- h. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration,
- i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety,

4. Whenever the building, structure or portion thereof has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to:

- a. Become an attractive nuisance to children,
- b. Become a harbor for trespassers, or
- c. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts,

5. Whenever any building, structure or portion thereof has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this code;

C. Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;

D. Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures;

E. Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good and safe condition;

F. Inadequate Exits. All buildings, structure or portions thereof, not provided with adequate exit facilities as required by this chapter, except those buildings, structures or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupancy load, alteration or addition or any change in occupancy;

When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed;

G. Inadequate Fire Protection or Firefighting Equipment. All buildings, structures or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy;

H. Improper Occupancy. All buildings, structures or portions thereof occupied for any purpose other than that for which they were approved, including all buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies;

I. Abandoned or Partial Buildings. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months, so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

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#### **8.50.050. Additional substandard conditions designated.**

For the purpose of this chapter, any building, structure or portion thereof which has any one or more of the following conditions constitutes substandard property:

- A. Substandard buildings;
- B. Unpainted buildings or buildings with dry rot, warping and/or termite infestation;
- C. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;
- D. Inoperable or abandoned motor vehicles, trailers, campers, boats and other mobile equipment stored for unreasonable periods on the premises;
- E. Attractive nuisances dangerous to children in the form of unattended, abandoned or broken equipment and neglected machinery;
- F. Clotheslines in front yard areas;
- G. Lack of adequate garbage and rubbish storage and removal facilities;
- H. Trash and garbage containers stored in front of side yards and visible from public streets, except when placed in areas of collection at times permitted in compliance with this code;
- I. Fences (including retaining walls) which are not constructed of new or suitable used material, do not conform with the methods of construction pursuant to the requirements of the Uniform Building Code as adopted by reference and modified by Chapter 15.04 of this code, or are not maintained in a state of good repair. Any dilapidated, dangerous or unsightly fence or retaining wall shall be repaired or removed. Temporary materials shall not be permitted as a fencing material;
- J. The parking or storage of four or more motorized or nonmotorized vehicles, motorcycles, trailers, campers, boats and other mobile equipment in the front yard area of property located in a residential zone (as defined in Section 19.04.650 of this code);
- K. The parking or storage of any type of motorized or nonmotorized vehicle, motorcycle, or recreational vehicle off a paved driveway, on a lawn or on unpaved areas, on property located in a residential zone (as defined in Section 19.04.650 of this code);
- L. Storage of machinery or parts thereof, or material or equipment associated with building, painting, plumbing and electrical contracting and services and similar activities, including implements or tools (other than what is stored and carried in a motor vehicle) having a power rating of greater than one horsepower, on property located in a residential zone (as defined

in Section 19.04.650 of this code). “Equipment” includes any motor vehicle with a gross vehicle weight greater than ten-thousand pounds;

M. Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance;

N. Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property values of such adjacent properties;

O. All premises on which any abandoned underground storage tanks, cesspools, wells, pits, shafts or other dangerous excavations may exist;

P. All premises on which there are any “weeds,” as described in Government Code Section 39561.5, rubbish or refuse found upon parkways, sidewalks, or private property within the city.

**~~8.50.060. Additional dangerous conditions designated.~~**

~~Nothing in this chapter is intended to limit the discretion of the city manager in the determination of a “dangerous condition.” The determination by the city manager that a condition poses imminent danger shall be final. (Ord. 98-931 § 5 (part), 1998)~~

**8.50.0670. Enforcement of chapter.**

The building official and the public safety director are authorized to enforce the provisions of this chapter. The city manager may delegate authority for the enforcement of the provisions on “dangerous conditions.”

**8.50.0870. Inspections.**

The building official, the city manager and the public safety director are authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

**8.50.0890. Public nuisances to be abated.**

All buildings, structures, properties or portions thereof which are determined by the building official or the public safety director to be ~~unsafe or~~ substandard are declared to be public nuisances, and may be abated by repair, rehabilitation, demolition, removal or clearing in accordance with the procedure specified in this chapter.

**~~8.50.100. Dangerous conditions to be eliminated.~~**

~~All conditions which are determined by the city manager to risk the immediate safety of persons or property within the city are declared to be dangerous conditions, and may be eliminated in accordance with the procedure specified in this chapter or other applicable sections of the Imperial Beach Municipal Code or applicable laws.~~

**~~8.50.110. Standards to be followed in ordering repairs or demolition.~~**

~~—The following standards shall be followed by the building official and the public safety director in ordering the clearing, repair, vacation or demolition of any building, structure or property, or by the city manager in ordering the elimination of a dangerous condition:~~

~~—A.— If the building, structure or property is in such condition as to make it immediately dangerous to the life, limb, property or safety of its occupants or the public, it shall be ordered to be vacated and a “Notice to Vacate” shall be issued.~~

~~—B.— If the building, structure or property is in substandard or unsafe condition, but the condition is not immediately dangerous, then the building, structure or property shall be ordered to be cleared or repaired and a “Notice to Clear or Repair” shall be issued.~~

~~—C.— An order to demolish and remove in a notice to vacate shall not indicate an alternative permission to repair; however, an order to repair may be satisfied by demolition and removal.~~

~~—D.— If the condition poses imminent danger to the safety of persons or property within the city, it shall be immediately remedied at the discretion of the city manager and a “Notice of Response to Dangerous Condition(s),” shall be issued.~~

~~—E.— If the condition does not pose an imminent danger, but in the discretion of the city manager requires expeditious action, the condition shall be ordered eliminated and a “Notice and Order to Eliminate Dangerous Condition(s)” shall be issued.~~

**8.50.12090. Commencement of proceedings to compel repairs or demolition.**

A. Whenever the building official or the public safety director has inspected or caused to be inspected any building, structure, property or portion thereof, and has found and determined it to be ~~unsafe or~~ substandard, the building official or the public safety director shall commence proceedings to cause repair, rehabilitation, demolition and/or abatement of the violations of this chapter. ~~; removal or clearing as follows:~~

~~—1.— The building official, upon making an inspection, findings and determination, shall obtain the written report of the public safety director before proceeding;~~

~~—2.— The public safety director, upon making an inspection, findings and determination, shall issue a report which lists violations of this code and declares any recommendations to the building official.~~

~~—B.— Whenever the city manager, in his/her sole discretion, has determined an existing condition to be a dangerous condition requiring the application of this chapter, proceedings to eliminate the dangerous condition shall be commenced as follows:~~

~~1. In the case of a dangerous condition which requires immediate action, the city manager shall take such action or designate another to take such action as the city manager believes to be necessary, and send a letter to the building official advising the building official of the action taken and the circumstances surrounding such actions.~~

~~2. In the case of a dangerous condition which does not require immediate action, but must, in the city manager's opinion, be eliminated quickly, the city manager shall send to the building official a letter describing the dangerous condition and declaring what action the city manager has determined necessary for the property owner to take.~~

**~~8.50.130. Building official to determine ownership and request hearing date.~~**

~~After the inspection of any building, structure, property or portion thereof and a determination that it is unsafe or substandard, or upon a determination of a dangerous condition, the building official shall:~~

~~A. Obtain the names and addresses of all persons having a recorded interest in the property, through a current title search;~~

~~B. Request the city clerk to set a date, at least five calendar days from the date of such request, for a hearing by the city council to determine whether the declaration of substandard or unsafe building, structure or property is warranted;~~

~~C. Request the city clerk to set a date, not less than twenty four hours from the date of such request, for a hearing by the city council to determine whether the declaration of dangerous condition is warranted.~~

**~~8.50.140. Hearing procedures.~~**

~~Notice must be given and a hearing must be held after a property is determined to be substandard or unsafe or a condition is determined to be hazardous. The provisions of Chapter 1.16 apply.~~

**8.50.1800. Notice and appeal—Housing violations—Notification of Franchise Tax Board.**

A. The city manager and the city attorney are authorized to determine whether any rental housing within the city is in violation of state or local law. Following such determination, the property owner shall be notified by the building official and/or the city attorney that failure to correct substandard conditions on the property within six months will result in notification of the Franchise Tax Board.

B. If the conditions are not brought into compliance within six months, the building official may be directed to prepare and mail by certified mail, postage prepaid, return receipt requested, a notice of noncompliance to the affected property owner. Such notice shall reflect that substandard housing conditions have not been cured within the time prescribed by law and shall advise the property owner of a right to appeal.

1. The affected property owner may appeal the city manager or city attorney's determination by filing a written request with the city clerk within ten days of the date of the

notice of noncompliance. The filing of such appeal shall stay notification of the State Franchise Tax Board until the council has acted on the appeal.

2. If no appeal is filed within ten days, the building official shall forward a copy of the notice of noncompliance to the State Franchise Tax Board. The council may also be requested by staff to approve any actions already taken with respect to such notification, including forwarding such notice to the Franchise Tax Board.

C. The city council shall review evidence submitted on appeal, and affirm, modify or reverse the determination with respect to the existence of state law or Municipal Code violations on the property.

1. If the council determines that a violation exists on the property, the building official shall be directed to forward a copy of the notice of noncompliance to the State Franchise Tax Board.

D. Upon appeal, the city council shall make written findings on the evidence and a copy of such findings shall be mailed by certified mail, postage prepaid, return receipt requested, to the affected property owner. Action by the city council on the appeal shall be final and conclusive.

**8.50.32110. Compliance with chapter—Penalty for violation.**

No person, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person violating the provisions of this chapter is guilty of a misdemeanor for each day such violation continues. All violations of this chapter shall be subject to civil penalties in accordance with Chapter 1.12 of this code.



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** NOVEMBER 17, 2010

**ORIGINATING DEPT.:** PUBLIC SAFETY *GB*

**SUBJECT:** INTRODUCTION AND FIRST READING: ORDINANCE ADOPTING CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS

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**BACKGROUND:**

On June 1, 2010, the State of California published the 2010 California Fire Code which is based on the 2009 International Fire Code. The International Fire Code is developed by a committee made up of building officials, fire service personnel, building industry officials, and other interested parties from all over the United States. The State of California amended the 2009 International Fire Code to include requirements that reflect the fire safety needs of the State. The effective date of the 2010 California Fire Code is January 1, 2011. A major code change summary can be made available upon request.

In 2002 the City Council adopted the 1997 Uniform Fire Code with local amendments by Ordinance Number (Ord. 2002-995 § 1 (part), 2002). Though there was a State code adoption cycle in 2001 and in 2007, the City did not formally adopt the 2001 or the 2007 California Fire Codes. The 2001 California Fire Code and then the 2007 California Fire Codes were enforced in the City of Imperial Beach based on state legislation which mandated its use within the City. Under normal conditions the Fire Code cycle occurs every three years. The three-year cycle is based on when the State of California completes the revision and reprinting of a newer code. However, in 2007 the State undertook a base code document change from the Uniform Fire Code to the International Fire Code and the adoption cycle was extended from the 2001 adoption to the 2007 adoption process, and now we are again on a three-year cycle. Under state law, local jurisdictions adopt the latest edition of the California Fire Code with local amendments; or adopt a local fire code by a specific date established by the State Building Standards Commission. If a local jurisdiction fails to adopt the State Code with

amendments or a local fire code, then the State-adopted Fire Code is in effect in the local jurisdiction.

**DISCUSSION:**

Earlier this year, a working group of San Diego County fire marshals, including area building officials, developed the base document of the proposed local Ordinance. This group met regularly over the past 6 months to develop this document with the desire to provide more uniform local code amendments across the County of San Diego. This working group brought years of fire service experience to the regular meetings and provided opportunities to review code amendments that have helped other local communities to be fire safe. The Imperial Beach Fire Department staff has added additional amendments to this document that are specific to the City of Imperial Beach. Staff believes the amendments in the proposed ordinance reflect the fire safety needs of the City.

There is one major change to the local amendments. The change is regarding the fire sprinkler requirements of the city; these requirements shall now meet the minimum requirements of the region and California Fire Code. The minimum requirements are regarding both new buildings and major remodeling projects.

An automatic sprinkler system shall be required in new structures. An automatic sprinkler system shall also be required in remodels, reconstructions or additions if the scope of work includes the removal of 50% or more of the existing interior membrane, or when the remodel, reconstruction or addition to the building will exceed a fire flow of 1,500 gallons per minute as calculated.

Adoption of the California Fire Code with local amendments is very important for the City of Imperial Beach. The Fire Code sets the minimum fire and life safety standards for new construction and existing buildings within the City. With specific findings required under California law, the City Council may make amendments to significantly improve fire and life safety within our community.

Staff recommends proceeding with the adoption of the 2010 California Fire Code and the 2009 International Fire Code with local amendments, Ordinance No. 2010-1114.

It is the professional opinion of the County Fire Marshals working group and City Staff that the amendments to the fire code ordinance reflect the needs of the City. Staff recommends the adoption of Ordinance No. 2010-1114.

**FISCAL IMPACT:**

Fiscal impact of these amendments will include a cost recoverable increased time for existing staff to enforce the requirements of this code. The benefit will be an increase in life safety and a decrease in fire loss.

**DEPARTMENT RECOMMENDATION:**

Staff Recommends that the Mayor and City Council:

1. Receive this report;
2. Mayor calls for introduction of Ordinance No. 2010-1114, adopting the 2010 California Fire Code and the 2009 International Fire Code with local amendments;
3. City Clerk reads title of Ordinance No. 2010-1114; and
4. Motion to dispense first reading of Ordinance No. 2010-1114 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.



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Gary Brown, City Manager

Attachments:

1. Ordinance No. 2010-1114
2. Findings in accordance with Health and Safety Code section 17958



ORDINANCE NO 2010-1114

AN ORDINANCE OF THE CITY OF IMPERIAL BEACH AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS

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

WHEREAS, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2010 California Fire Code, hereinafter referred to collectively as the Fire Code; and,

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

WHEREAS, code amendments adopted by the State of California shall take precedence over the 2010 California Fire Code language. The 2010 California Fire Code language shall be used for those code sections not adopted by the State; and

WHEREAS, local amendments adopted by the City of Imperial Beach shall take precedence over both 2010 California Fire Code and 2009 International Fire Code; and

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

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

WHEREAS, the City Council of the City of Imperial Beach does herewith find that the city has certain climatic, geologic, and topographical features that can have a deleterious effect on emergency services such as fire protection and emergency medical services; and,

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

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

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

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

### **SECTION 1**

Ordinance Number 2002-995 of the City of Imperial Beach is hereby repealed.

**SECTION 2:** Section 15.20.010 of Chapter 15.20 of the Imperial Beach Municipal Code is amended in its entirety to read as follows:

#### **15.20.010. Adoption.**

That a certain document, three (3) copies of which are on file in the Imperial Beach Fire Department Fire Prevention Bureau, being marked and designated as the 2010 California Fire Code, including Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Imperial Beach, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, equipment use, and maintenance of buildings and structures, including that providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the Imperial Beach Fire Department Fire Prevention Bureau are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.20.020.

**SECTION 3:** Section 15.20.020 of Chapter 15.20 of the Imperial Beach Municipal Code is amended in its entirety to read as follows:

#### **15.20.020. Amendments.**

That the following sections are hereby amended:

**Chapter 1 Administration** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 101.5 City of Imperial Beach Validity**

The City of Imperial Beach hereby declares that should any section, paragraph, sentence or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City of Imperial Beach that it would have passed all other portions of this ordinance independently of the elimination here from of any such portion as may be declared invalid.

**Chapter 1 - Section 102.13 Repeal of Conflicting Ordinances, Resolutions or motions** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 102.13 REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS OR MOTIONS** All former ordinances, resolutions or motions, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance or of the Code or standards hereby adopted are hereby repealed.

**(R) Chapter 1 Administration - Section 109.3. Violation penalties** - Any person who shall violate any of the provisions of this code or standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement or specification or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the attorney for the City of Imperial Beach or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$1000.00 or by imprisonment in County Jail not exceeding six (6) months, or both. The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Chapter 1 Administration - Section 111.4 Failure to Comply** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 111.4 Failure to comply** – Any person, who shall continue any work having been served with a stop work order, except such work as that the person is

directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than the amounts as established for administrative citations pursuant to Chapter 1.22 of the City of Imperial Beach Municipal Code.

**Chapter 2 Definitions - Section 202** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) MID-RISE BUILDING** A building four stories or more in height, 75 feet or more in height and not defined as a high-rise building by section 202 of the California Building Code. Measurements shall be made from the midpoint of the highest portion of the roof or floor above the topmost space that may be occupied to the lowest fire department connection.

**Chapter 3 General Precautions Against Fire - Section 319** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

Section 319 is added to the California Fire Code to read:

**SECTION 319  
MID-RISE BUILDINGS**

**Sec 319.1 General** All newly constructed mid-rise buildings or any mid-rise building which undergoes a complete renovation that requires the complete vacancy of the building to complete the renovation shall comply with this section.

**Exceptions:**

1. Buildings used exclusively as an open parking garage.
2. Buildings where all floors above the fourth floor level are used exclusively as an open parking garage.
3. Buildings such as a power plant, lookout tower, steeple, grain house, and other similar structures.

**Sec. 319.1.1 Automatic fire sprinkler systems and standpipes.** Mid-rise buildings shall have an automatic fire sprinkler system designed and installed in conformance with the latest edition of NFPA 13 and in accordance with the following:

1. A shut-off valve and a water flow alarm shall be provided for each floor. Each shut-off valve and water flow alarm shall be electronically supervised.
2. Mid-rise buildings shall be provided with a class I standpipe system that is interconnected with the automatic fire sprinkler system. The system shall

consist of 2½-inch hose valves located in each stair enclosure on every floor level. Two hose outlets shall be located on the roof outside of each stair enclosure which penetrates the roof. The standpipe system shall be designed, installed and tested in accordance with the edition of NFPA 14 as recognized in Chapter 47 Referenced Standards.

3. Fire department standpipe connections and valves serving the floor shall be within the vestibule and located in a manner so as not to obstruct ingress and egress when hose lines are connected and charged.

**Chapter 5 Fire Service Features - Section 503** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A)Sec. 503.3.1 Fire lane designation** Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code section 22500.1.

**(A)Sec. 503.4.1 Roadway design features.** Roadway design features (speed bumps, speed humps, speed control dips, etc.) which may interfere with emergency apparatus responses shall not be installed on fire access roadways, unless they meet design criteria approved by the Fire Code Official.

**Chapter 5 Fire Service Features - Section 505** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 505.1 ADDRESS NUMBERS.** Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a 1/2 " stroke for residential buildings, 8" high with a ½" stroke for commercial, multi-residential and industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Code Official, such as rear access doors, building corners, and entrances to commercial centers.

**Chapter 9 Fire Sprinklers systems** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) 903.2 Where required.** Approved automatic fire sprinkler systems in all new construction including all occupancy groups including the locations described in sections 903.2.1 through 903.2.18, and may be required in additions and remodels of existing structures as described in sections **903.2.1 through 903.2.13.1.**

**Exception:**

(A) (1) Group U occupancies not greater than 500 square feet, when building lies more than 20 feet from an adjacent structure or property line.

(A) (2) Accessory buildings/barns not greater than 1000 square feet, and not otherwise considered enclosed buildings/structures, which are of non-combustible construction or as determined by the Fire Code Official to not present a significant fire hazard.

(A) (3) Agricultural buildings constructed of wood or metal frames over which fabric or similar material is stretched which are specifically used as green houses are exempt from fire sprinkler requirements unless physically connected to other structures.

**(A) 903.2. 13.1 Additions.** An automatic fire sprinkler system shall be installed in accordance section 903.3 and shall be required to be installed throughout existing buildings and structures when the addition is more than 50% of the existing building or structure or when the altered building will exceed a fire flow of 1,500 gallons per minute as calculated per section 507.3.

**(A) 903.2. 13.2 Remodels or reconstructions.** An automatic sprinkler system installed in accordance section 903.3 shall be required if the scope of work includes the remodel or reconstruction of the structure involving the removal of 50% or more of the existing interior membrane, or when the remodeled or reconstructed building will exceed a fire flow of 1,500 gallons per minute as calculated per section 507.3.

**Chapter 9 907.2.11.5 Additions, alterations or repairs to Group R occupancies** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) 907.2.11.5 Additions, alterations or repairs to Group R occupancies.** When the valuation of an addition, alteration, or repair to Group R occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms are added or created in existing Group R occupancies, smoke alarms shall be installed in accordance with Section 907.2.11.

**SECTION 4:** Sections 15.20.030, 15.20.040, 15.20.050, and 15.20.060 of Chapter 15.20 of the Imperial Beach Municipal Code are deleted in their entirety.

**SECTION 5**

That Ordinance Number 2002-995 of the City of Imperial Beach, which Adopts the Uniform Fire Code, 2000 Edition, with Certain Amendments, and National Fire

Protection Association Standards and all other ordinances or parts of ordinances in conflict herewith is hereby repealed.

**SECTION 6**

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

**SECTION 7**

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 5 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 8**

The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast pursuant to the provisions of Government Code section 36933. Upon passage, the City Clerk shall transmit a copy of this Ordinance to the California Building Standards Commission pursuant to Health and Safety Code section 17958.7.

**SECTION 9**

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

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, held the 20<sup>TH</sup> day of October 2010 by the following roll call vote::

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

JAMES C. JANNEY, MAYOR

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ATTEST

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Jacqueline M. Hald, CMC  
City Clerk

APPROVED AS TO FORM:

JENNIFER M. LYON  
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2010-XXXX – An Ordinance of the City Council of the City of Imperial Beach, California AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS.

CITY CLERK

DATE

ATTACHMENT "A"FINDINGS

FOR REVISION OF THE CITY OF IMPERIAL BEACH  
AMENDMENTS TO THE 2010 CALIFORNIA FIRE CODE OF THE CALIFORNIA CODE OF  
REGULATIONS TITLE 24, PART 9

As required by Health and Safety Code section 17958 the City of Imperial Beach does herewith make express findings that amendments to the California Building Standards Code are necessary for the protection of the public health, safety, and welfare due to certain climatic, topographic, or geological features existing in the County of San Diego.

The following matrix lists the City of Imperial Beach amendments and the corresponding express findings. Minor editorial changes or typographical corrections to the Fire Code are not shown in these findings. The full text of the proposed City of Imperial Beach amendments are shown in City of Imperial Beach Fire Code.

<b>MATRIX OF FINDINGS</b>		
<b>2010 California Fire Code Amendments</b>		
<b>Chapters or Sections</b>	<b>PAGE NUMBER</b>	<b>FINDING NUMBER(S)</b>
<b>Chapter 2</b> Definitions	4	ALL
<b>Chapter 3</b> General Precautions Against fire		
Section 319.1.1 General Precautions Against fire	5	ALL
<b>Chapter 5</b> Fire Service Features		
Section 503.3.1 Marking of Fire Apparatus Access Roads	5	ALL
Section 503.4.1 Roadway Design Features	5	1, 3, 4
Section 505.1 Street Numbers	6	1, 3, 4
<b>Chapters &amp; Sections</b>	<b>PAGE NUMBER</b>	<b>FINDING NUMBER(S)</b>
<b>Chapter 9</b> Fire Protection Systems		
Section 903.2 Where Required	6	ALL
Section 903.2.13.1 Additions	6	ALL
Section 903.2.13.2 Remodels and Additions	7	ALL
Section 907.2.11.5 Power Sources (Group R Occupancies)	7	ALL

<b>Appendix Chapter 1 Administration</b>		
Section 101.5 Validity	2	ALL
Section 111.4 Failure to Comply	4	ALL
Section 102.10 Repeal Conflicting Ordinance	3	ALL
Section 104.12.1 Cost Recovery	3	ALL
Section 104.12.2 Reimbursement	3	ALL
Section 105.3.9 Expense Recovery	3	ALL

## **Findings for the Fire Code**

In accordance with California Health and Safety Code section 17958 the City of Imperial Beach does herewith make express findings that amendment of the California Code of Regulations, Title 24 Part 9 the California Fire Code is necessary for the protection of the public health, safety, and welfare due to climatic, topographic, and geographical features found within the limits of and applicable to the City of Imperial Beach.

### ***Finding 1***

The City of Imperial Beach is geographically located at the most south west portion of San Diego County along the coast of the Pacific Ocean, served by two (2) major east and west arteries, one (1) highway (Highway 75), and one (1) boulevard (Imperial Beach Boulevard), many of the remaining small streets and alleys are arranged in a dense manner to make timely fire department vehicle access and assistance from additionally responding agencies difficult.

### ***Finding 2***

Imperial Beach is characterized by a sub-tropical climate with very dry summers and rain occurring during the winter season. The City of Imperial Beach is subject to daily land and sea breezes. The sea breeze commences 2 to 4 hours after sunrise and is experienced as a westerly wind with an average speed of 10 knots.

The City of Imperial Beach is comprised of many existing buildings and structures arranged in a dense manner with limited property line setbacks. This arrangement in conjunction with a predominant westerly wind increases the difficulty for fire suppression personnel to limit exposure of neighboring structures or buildings from fire by direct transmission, radiation, or convection.

***Finding 3***

The City of Imperial Beach is located geographically within an active seismic zone. The sandy soil conditions commonly found in the region increases the likelihood of liquefaction during a seismic event causing widespread damage to both public and private buildings, structures, utilities, and surface streets making travel for both locally responding agencies and assistance from additionally responding agencies burdensome or impossible, preventing rapid access and orderly evacuation.

***Finding 4***

The predominantly flat topography specific to the City of Imperial Beach and its location directly bordering Pacific Ocean in conjunction with its elevation relative to sea level increases the City's susceptibility to damage by tsunami. An event such as a tsunami is likely to cause widespread damage to both public and private buildings, structures, utilities, and surface streets making travel for locally responding agencies and assistance from additionally responding agencies burdensome or impossible, preventing rapid access and orderly evacuation.





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GARY BROWN, CITY MANAGER**

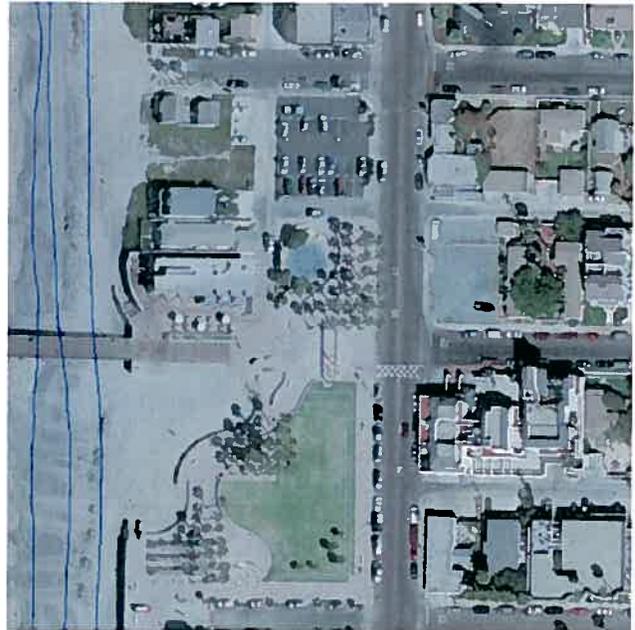
**MEETING DATE: NOVEMBER 17, 2010**

**ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR  
JIM NAKAGAWA, AICP, CITY PLANNER  
TYLER FOLTZ, ASSOCIATE PLANNER TF**

**SUBJECT: REPORT: UPDATE FOR REGULAR COASTAL PERMIT (CP 100014), CONDITIONAL USE PERMIT (CUP 100015), SITE PLAN REVIEW (SPR 100016) - CERTIFIED FARMER'S MARKET ("IMPERIAL BEACH FARMER'S MARKET") LOCATED AT PIER PLAZA IN THE PF (PUBLIC FACILITIES) ZONE. MF 1036.**

**PROJECT BACKGROUND/DISCUSSION:**

A Farmer's Market, located at Pier Plaza in the PF (Public Facilities) Zone (APN 625-340-20-00 & 625-330-23-00), was approved by City Council on April 7, 2010 (Resolution 2010-6876; MF 1036 – Regular Coastal Permit 100014/Conditional Use Permit 100015/Site Plan Review 100016). One of the conditions of approval for the project was to have City Council review the conditional use permit after six months of operation. As of November 2010, the market has been in operation under the original approval provided in Resolution 2010-6876 for approximately seven months.



The Farmer's Market at Pier Plaza is certified by the San Diego County Agricultural Commission and County of San Diego Department of Environmental Health. The Market was approved to take place every Friday from 1 PM – 7:30 PM in the summer (April – September) and 1 PM – 6 PM in the winter (October – March) (with two hours needed to set up and take down). The market was approved to consist of no more than thirty-seven (37) vendor spaces, unless more were subsequently approved by the Community Development Department. The vendors were approved to include the following: approximately nine (9) Farmer vendors; nine (9) pre-

packaged/food vendors; six (6) arts/crafts vendors; two (2) non-profit vendors; 6 misc. commercial vendors. In order to be maintained as a legitimate "Farmer's Market," a condition imposed by the City was that no less than 22% of the vendors would be farmers (ex. no less than eight (8) farmer vendors must be present for a market with thirty-seven (37) total vendors), and no more than two (2) non-profit vendors shall be provided at each market event. As of the October 22, 2010 Farmer's Market, there are twenty-three (23) vendors, seven (7) of which are farmers, totaling 30% of all vendors, and two (2) non-profit vendors, which is consistent with the approved vendor count. It has been staff's observation that the Market has adequately maintained the minimum farmer vendor and maximum non-profit vendor counts.

The duties of the market management include the opening and closing of the market, enforcement of all health and safety requirements, verification of vendor permits/certification, market cleanliness, supervision of any volunteers, traffic/parking, storm water best management practices training to staff/volunteers/vendors, supervision of security patrol, and provision of customer service. A security patrol was required to be provided at each market event to ensure that the surrounding neighborhood is not negatively impacted. The market also is required to maintain safe, reasonable, and emergency access to the beach/park/pier/shops/sidewalks, and be completely deconstructed and cleaned at the end of each market operation, in addition to paying for required City staff time spent for refuse clean up, trash disposal and restroom cleanliness and public safety inspections. It has been staff's observation that these duties are being performed.

For this six-month review, however, there are four primary issues that staff recommends be addressed: 1) hours of operation, 2) Public Safety inspection fees, 3) market cleanliness, and 4) long-term impact to Pier Plaza.

**Hours of Operation:** As previously mentioned, the Farmer's Market was approved to take place every Friday from 1 PM – 7:30 PM in the summer (April – September) and 1 PM – 6 PM in the winter (October – March) (with two hours needed to set up and take down). These hours were consistent with the Tidelands Maintenance work hours, thus not incurring overtime costs to maintain restrooms, pick up waste, and provide electricity. Market representatives have requested a modification of the winter hours from 1 - 6 PM to 2 - 7 PM (with two hours needed to set up and take down). Market management has stated that a majority of sales take place in



the last few hours of operation and that staying open until 7 PM would assist in the success of the market and its vendors. To accommodate the Market, City staff has been made available for the extra hour of operation at the weekly cost of \$100, paid for by the Farmer's Market. The \$100 fee pays for the costs associated with the extra hour of operation (i.e. provide electrical service, service support, restroom operation, etc.). If City Council supports the extended winter hours of operation, staff recommends modifying condition #1 of Resolution 2010-6876 (also condition #1 of Resolution 2010-6965) to provide winter hours from 2 – 7 PM subject to the \$100 fee for the extra hour of operation. Staff also recommends modifying condition #37 of Resolution 2010-6876 (now condition #38 of Resolution 2010-6965) to provide language discussing the \$100 fee for the extra hour of operation in the winter.

Public Safety Inspection Fees: Another original condition of approval was that the Market would be inspected on a weekly basis by an Imperial Beach Fire Inspector at a rate of \$90 per inspection to cover staff time and associated City expenses. Shortly after approval of the Market in April 2010, Market management requested monthly safety inspections as opposed to weekly. Public Safety staff agreed to monthly inspections because it was determined that the market generally operated within the required safety conditions of approval and operation standards. On November 4, 2010, Market management requested that safety inspections take place on a quarterly basis. At this time, Public Safety staff would not recommend quarterly inspections; however, staff would recommend revisiting the request for quarterly inspections after an additional six (6) months of market operation. Staff recommends revising the language in condition #41 of Resolution 2010-6876 (now condition #42 of Resolution 2010-6965), which discusses safety inspections, to state that the event shall be inspected on a monthly rather than weekly basis, and that the frequency and cost of the safety inspections are subject to the discretion of the Public Safety Director.

Market Cleanliness: A primary concern with locating the Farmer's Market on Pier Plaza is maintaining the cleanliness of the Plaza. The original condition of approval for the project was that the Market would be responsible for the cost of retaining one employee for refuse clean up, trash disposal and restroom cleanliness for a weekly cost of \$110 to cover staff time and associated expenses. The fees were subject to modification or suspension at the discretion of the Public Works Director. Approximately one month after the approval of the Farmer's Market, Market management requested that the fee be suspended. Public Works staff reviewed the Market's request, and determined that the fee could be suspended because Market personnel had been adequately cleaning up the project area after each event, thus not requiring extra City staff time for this purpose. By late summer, City staff noticed that trash and debris were not adequately being cleaned up by the Market. In September 2010, City staff contacted Market management to inform them of the concerns with Pier Plaza cleanliness after the Farmer's Market events. Due to on-going concerns, the \$110 clean-up fee was re-instated in early October 2010 because it was increasingly necessary for City staff to spend time cleaning up the Plaza after Market events. Subsequently, City staff met with Market management to discuss cleanliness of the Plaza and it was agreed that a "cleaning and maintenance" account would be established with the City to which the Market would contribute funds to be used on an as-needed basis if additional cleaning was required by City staff. If it is necessary for City staff to clean-up after the event, staff time will be charged against the account and City staff would make every effort to contact Market management informing them what charges were made against the account, and why they were necessary. However, if the Market leaves the Plaza in adequate condition, no time would be charged to the account. This method is preferred over a weekly fee because it will directly charge for time spent cleaning instead of charging/not charging the clean-up fee and knowing if the extra staff time will be necessary on any given week. Staff recommends revising condition #26 of Resolution 2010-6876 (now condition #27 of

Resolution 2010-6965) to replace the weekly clean-up fee language with language referring to the clean-up account that will be charged on an as-needed basis.

Long-Term Impact to Pier Plaza: After six (6) months of operation of the Farmer's Market, staff has observed that the area where the Market operates is showing wear. Much of this wear is related to the increased activity in Pier Plaza due to the weekly Market events and an increase in the amount of pressure washing required to clean up the area due to staining that occurs from spilled grease and food products. It is apparent that the checkerboard textured and tinted concrete surface is becoming permanently damaged. Also, the increased vehicular activity in the Plaza from loading and unloading of Market supplies increases the risk of damaging City property. For instance, one surfboard bench has been hit such that the frame is bent. Although it may not have been the result of the Farmer's Market activities, it does point to the potential for damage when there is high intensity use of the Plaza. Though no formal recommendation is provided by staff on the matter, it should be noted that these observations suggest that the Pier Plaza life cycle is being shortened.

It should also be noted that the Farmer's Market had recently proposed decorative lights which would locate on all vendor booths. While it appears that the Market will no longer proceed with the proposal at this time, staff recommends a new condition in Resolution 2010-6965 that any aesthetic proposals/modifications are subject to design review by the Community Development Department (condition #26 of Resolution 2010-6965).

#### **ENVIRONMENTAL STATUS:**

This project complies with the requirements of the California Environmental Quality (CEQA) as this project is categorically exempt pursuant to the CEQA Guidelines Section 15304 (e) (minor alterations to land).

#### **COASTAL JURISDICTION:**

This project is located in the coastal zone as defined by the California Coastal Act of 1976. The City Council public hearing on April 7, 2010 served as the required coastal permit hearing which considered the findings under the California Coastal Act. The permit hearing determined that the proposed development satisfies the required findings for 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, was appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code. The California Coastal Commission did not appeal the project approval.

#### **FISCAL ANALYSIS:**

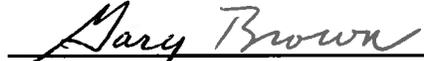
Project Account Number 0100014 has been created for processing of this application.

#### **DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Consider staff recommendations
3. Provide comment on operation of the project.
4. Adopt Resolution No. 2010-6965, approving modifications to the previous conditions of approval for Regular Coastal Permit (CP 100014), Conditional Use Permit (CUP 100015), and Site Plan Review (SPR 100016).

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

  
\_\_\_\_\_  
Gary Brown  
City Manager

**Attachments:**

1. Resolution No. 2010-6965
2. Resolution No. 2010-6876
3. Farmer's Market Site Plan 031910
4. Farmer's Market Electrical Site Plan 022210
5. Market Rules and Regulations

c: file MF 1036

Deanna Rose, I.B. Beautiful, 600 Palm Avenue, Ste. 222, Imperial Beach, CA 91932

Richard Gannon, San Diego Unified Port District, P.O. Box 120488, 3165 Pacific Highway, San Diego, CA 92112-0488

California Coastal Commission, Diana Lilly, Coastal Program Analyst, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-1735

Hank Levien, Public Works Director

Tom Clark, Public Safety

**Return to Agenda**



**RESOLUTION NO. 2010-6965**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING MODIFICATIONS TO CONDITIONS OF APPROVAL FOR REGULAR COASTAL PERMIT (CP 100014), CONDITIONAL USE PERMIT (CUP 100015), AND SITE PLAN REVIEW (SPR 100016) (REFERENCE RESOLUTION 2010-6876) WHICH PROVIDES A CERTIFIED FARMER'S MARKET ("IMPERIAL BEACH FARMER'S MARKET") LOCATED AT PIER PLAZA IN THE PF (PUBLIC FACILITIES) ZONE. MF 1036.**

**APPLICANT: DEANNA ROSE, FOR I.B. BEAUTIFUL**

**WHEREAS**, on April 7, 2010 the City Council of Imperial Beach, by Resolution 2010-6876, approved Regular Coastal Permit (CP 100014), Conditional Use Permit (CUP 100015), and Site Plan Review (SPR 100016) to provide a Certified Farmer's Market ("Imperial Beach Farmer's Market") at Pier Plaza in the PF (Public Facilities) Zone (APN 625-340-20-00 & 625-330-23-00), a site legally described as follows:

Parcel 1 (APN 625-340-20-00):

Lots 1 thru 13, Block 4, of Parcel Map No. 1071, in the City of Imperial Beach, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County; and

Parcel 2 (APN 625-330-23-00):

Lot 1, Block 5, of Parcel Map No. 1071, in the City of Imperial Beach, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County; and

**WHEREAS**, Resolution 2010-6876 provides, in Condition No. 23, that the conditional use permit would be reviewed by City Council after six (6) months of operation to assess the operation of the market at Pier Plaza and consider additional conditions or to modify conditions deemed to be necessary or helpful to the market's operation; and

**WHEREAS**, on November 17, 2010, the City Council of the City of Imperial Beach considered the original conditions of approval for the Farmer's Market and determined that modifications were necessary for the market's operation; and

**WHEREAS**, the City Council found that the project is consistent with the General Plan/Local Coastal Plan and is in substantial compliance with Goal 13d, 13e and Policy P-7 of the Parks, Recreation, and Access Element of the General Plan/Local Coastal Plan, which states that parks and recreation areas should provide "a balanced healthy environment and quality of life for residents and visitors," "support the area's economy," and that "the City and its business community should take direct action to increase the amount of tourist-oriented business both along the beachfront"; and

**WHEREAS**, the City Council found that the project is consistent with the PF (Public Facilities) Zone of the Zoning Ordinance, which designates land for public facilities and public recreational amenities for residents and visitors; and

**WHEREAS**, this project complies with the requirements of the California Environmental Quality (CEQA) as this project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15304 (e) (minor alterations to land); and

**WHEREAS**, the City Council considered the information contained in the staff reports on this case and public testimony received on this case; and

**WHEREAS**, the City Council further offered the following findings in support of its decision to conditionally approve the project:

**CONDITIONAL USE PERMIT FINDINGS:**

- 1. The proposed use at the particular location is necessary or desirable to provide a service or facility, which will contribute to the general well being of the neighborhood or community.**

The use is an outdoor certified Farmer's Market which will offer residents an environment in which they may purchase retail goods. The project is located in an area with regularly scheduled bus stops which encourage the use of public transportation. The event will generate foot traffic to support other businesses within the neighborhood, provide an outdoor alternative for local residents, and encourage a community common interest.

- 2. The proposed use will not, under any circumstances, of the particular use, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The use is a weekly outdoor certified Farmer's Market which will offer residents an opportunity to purchase retail goods. The market will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity because the market will operate in accordance with the conditions imposed by the City, which include observance of best management practices and public safety.

- 3. The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses in the same zone.**

The project site is subject to PF (Public Facilities) zoning regulations. The PF zone allows for a variety of uses including public facilities and public recreational amenities for residents and visitors. The use is a weekly certified Farmer's Market which will offer residents an outdoor environment to purchase good, similar to those offered by other uses in the PF Zone. The market will be required to comply with all regulations and conditions included as part of the approved permit.

4. **The granting of such conditional use permit will be in harmony with the purpose and intent of this code, the adopted general plan and the adopted local coastal program.**

The project site is subject to PF (Public Facilities) zoning regulations. The PF zone allows for a variety of uses including public facilities and public recreational amenities for residents and visitors. Two goals in the General Plan & Coastal Plan's "Parks, Recreation, and Access Element" state that parks and recreation areas should provide "a balanced healthy environment and quality of life for residents and visitors" and "support the area's economy." One policy in the General Plan & Coastal Plan's "Parks, Recreation, and Access Element" states that "the City and its business community should take direct action to increase the amount of tourist-oriented business both along the beachfront, South San Diego Bayfront and inland areas." The use is a weekly certified Farmer's Market which will offer residents an outdoor environment to purchase goods and encourage community integration and activity, similar to other uses in the PF Zone. The market will be required to comply with all regulations and conditions included as part of the approved permit.

#### **SITE PLAN REVIEW FINDINGS:**

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

The use is a weekly outdoor certified Farmer's Market which will offer residents an opportunity to purchase retail goods. The market will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity because the market will operate in accordance with the conditions imposed by the City, which include observance of best management practices and public safety.

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

The project site is subject to PF (Public Facilities) zoning regulations. The PF zone allows for a variety of uses including public facilities and public recreational amenities for residents and visitors. Two goals in the General Plan & Coastal Plan's "Parks, Recreation, and Access Element" state that parks and recreation areas should provide "a balanced healthy environment and quality of life for residents and visitors" and "support the area's economy". One policy in the General Plan & Coastal Plan's "Parks, Recreation, and Access Element" states that "the City and its business community should take direct action to increase the amount of tourist-oriented business both along the beachfront, South San Diego Bayfront and inland areas." The use is a weekly certified Farmer's Market which will offer residents an outdoor environment to purchase goods, similar to those offered by other uses in the PF Zone. The market will be required to comply with all regulations and conditions included as part of the approved

permit.

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

The subject site is in an existing public plaza which provides retail goods for local demand. The proposed project is compatible with the established uses as no physical changes are proposed to the existing structures.

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

The Farmer's Market is located on Pier Plaza near Evergreen Avenue and Seacoast Drive. The project is located in an area with regularly scheduled bus stops which encourage the use of public transportation. All access aisles and beach access will remain unobstructed. The neighborhood may enjoy the market without having to utilize motorized transportation. No nearby structures and uses will be negatively affected.

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

The subject site is in an existing public plaza which provides retail goods for local demand. The project is compatible with the established uses as no physical changes are proposed to the existing structures.

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

The Farmer's Market is located in the PF (Public Facilities) Zone on Pier Plaza near Evergreen Avenue and Seacoast Drive. The project is located in an area with regularly scheduled bus stops which encourage the use of public transportation. The applicant has coordinated with Metropolitan Transport System to ensure proper circulation. Though no standards are provided for the PF Zone, eight (8) parking spaces in the parking lot north of the project site will remain open for customer parking. Market vendors will park in a private lot on the northeast corner of Seacoast Drive and Evergreen Avenue. The neighborhood may enjoy the market without having to utilize motorized transportation. If the event, or event parking, becomes a detriment to the neighborhood or City, the market may be suspended and/or discontinued until further analysis and solution is provided and approved by the Community Development Department.

**11. The project complies with all applicable provisions of Title 19.**

The project will comply with all relevant criteria set forth in Title 19, Zoning.

**COASTAL PERMIT FINDINGS:**

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

The PF (Public Facilities) Zone allows for a variety of uses including public facilities and public recreational amenities for residents and visitors. Two goals in the General Plan & Coastal Plan's "Parks, Recreation, and Access Element" state that parks and recreation areas should provide "a balanced healthy environment and quality of life for residents and visitors" and "support the area's economy". One policy in the General Plan & Coastal Plan's "Parks, Recreation, and Access Element" states that "the City and its business community should take direct action to increase the amount of tourist-oriented business both along the beachfront, South San Diego Bayfront and inland areas."

Shore Processes and Shore Protection

The project does not impact shore processes and protection.

Public Access

The market is a weekly temporary use that will take place once a week and should have no significant impact to public access.

Coastal/Scenic View

The market is a weekly temporary use that will take place once a week and should have no significant impact to coastal/scenic views.

**13. For all development seaward of the nearest public highway to the shoreline, the proposed development meets standards for public access and recreation of Chapter Three of the 1976 Coastal Act and regulations promulgated thereunder.**

The market is a weekly temporary use that will take place once a week and no issue regarding public access to the beach is identified for this project.

**14. For all development involving the construction of a shoreline protective device, a mitigation fee shall be collected which shall be used for beach sand replenishment purposes. The mitigation fee shall be deposited in an interest bearing account designated by the Executive Director of the California Coastal Commission and the City Manager of Imperial Beach in lieu of providing sand to replace the sand and beach area that would be lost due to the impacts of any protective structures.**

This finding does not apply since the project does not involve construction of a shoreline protection device.

15. **The proposed development meets the minimum criteria set forth in the City of Imperial Beach Zoning Ordinance, the City's Minimum Landscape Planting and Irrigation Standards, and the City's Design Guidelines, as applicable.**

The project will comply with all relevant criteria set forth in Title 19, Zoning.

16. **This project complies with the California Environmental Quality Act.**

The project consists of a temporary market that shall take place once a week. this project complies with the requirements of the California Environmental Quality (CEQA) as this project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15304 (e) (minor alterations to land). The City has prepared a Categorical Exemption per the California Environmental Quality Act (CEQA) requirements for this project and the Notice of Exemption will be filed with the County Clerk in compliance with CEQA.

17. **Public Notice requirements, pursuant to Zoning Ordinance Section 19.87.100, of the Coastal Development Project have been satisfied.**

The project description and the date of the City Council public hearing were sent to property owners within 300 feet and occupants within 100 feet of the subject site on March 25, 2010, and a public hearing notice was published in the Eagle and Times newspaper on March 25, 2010.

**NOW, THEREFORE, BE IT RESOLVED** that modifications to conditions of approval for Regular Coastal Permit (CP 100014), Conditional Use Permit (CUP 100015), and Site Plan Review (SPR 100016) (Reference Resolution 2010-6876) which provides a certified Farmer's Market located at Pier Plaza in the PF (Public Facilities) Zone (APN 625-340-20-00 & 625-330-23-00) are hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

## **CONDITIONS OF APPROVAL**

### **PLANNING**

1. The market's hours of operation shall only take place on the approved day, Friday, at the approved times (Summer [April - September]: 2 PM - 7:30 PM with setup at 12 PM - 2 PM and take down from 7:30 PM - 9:30 PM; Winter [October - March]: ~~1 PM - 6 PM~~ 2 PM - 7 PM with setup at ~~11 AM - 1 PM~~ 12 PM - 2 PM and take down from ~~6 PM - 8 PM~~ 7 PM - 9 PM). All conditions of approval must be met prior and during each event. The market is subject to all applicable licenses and permits, and all market dates are subject to approval of the City and can be suspended or revised at any time. Adjustments of hours of operation and/or market layout are subject to the discretion of the Community Development Department. Winter hours are subject to the conditions outlined in condition #38 of this Resolution.

2. At the discretion of the City of Imperial Beach, the market may be canceled in lieu of other scheduled events or activities (i.e., Sandcastle) that may conflict with the operation of those events and the public's use of Pier Plaza. The City will make every effort to notify the market no less than two weeks prior to each scheduled event or activity.
3. Market layout shall be in substantial compliance with the Site Plan, dated March 19, 2010, Market Rules and Regulations dated February 4, 2010, and Electrical Site Plan dated February 22, 2010, on file in the office of the Community Development Department and with the conditions required herein.
4. Stalls, and other objects or materials, shall not be permitted to block safe and reasonable access to the beach, park, pier, shops at Pier Plaza, sidewalks, and emergency access aisles.
5. No motorized vehicles are permitted in the event area, except those designated for set up and tear down of vendor stalls, and those that are required to set up behind their respective booths/stalls. Safety, aesthetics, and pedestrian circulation must not be hindered in any way. The amount of vehicles permitted in the event area is subject to staff discretion, and may be revised at any time.
6. All vehicles, equipment, machinery, and other items must maintain a separation distance of no less than three (3) feet from the Surfhenge artwork/structure.
7. Insurance and Indemnification. To the fullest extent permitted by law, Applicant/permittee shall indemnify, including the cost to defend, and hold harmless the City of Imperial Beach and the San Diego Unified Port District, and its officers, officials, attorneys and employees from any and all claims, demands, costs or liability that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Applicant, its employees, agents, and subcontractors in the operation of the Farmers Market under the CUP. Applicant/permittee's duty to indemnify under this condition shall not include liability for damages for death or bodily injury to persons, injury to property, or other loss, damage or expense arising from the sole negligence or willful misconduct by the City or the Port or its elected officials, officers, agents, and employees. Applicant/permittee 's indemnification obligations shall not be limited by the insurance provisions of this condition. This condition to defend, hold harmless and indemnify shall not terminate upon expiration or termination of the CUP. Applicant/permittee, at Applicant/permittee 's own cost and expense, shall procure and maintain, for the duration of the CUP, public liability insurance in an amount not less than two million dollars (\$2,000,000) per occurrence for bodily injury, personal injury and property damage. The insurance policy shall be with a reputable insurer subject to approval by the City and shall be endorsed with the following specific language: "The City of Imperial Beach and the San Diego Unified Port District, their elected or appointed officers, officials, employees, agents and volunteers are to be covered as additional insureds with respect to liability arising out of the operation of the Farmers Market under the CUP issued on April 7, 2010 and as modified on November 17, 2010."

8. Market manager shall ensure that the market is in compliance with all state, county, and local laws and regulations.
9. The market shall be completely deconstructed and cleaned at the end of each market operation.
10. A security patrol shall be provided by the applicant/permittee at each market event to ensure that the surrounding neighborhood is not negatively impacted.
11. Eight (8) parking spaces shall be maintained for customer parking. Any modification to parking requirements shall be subject to the discretion of the Community Development Department.
12. If the event, or event parking, becomes a detriment to the neighborhood or City, the market may be suspended and/or discontinued until further analysis and solution is provided and approved by the Community Development Department.
13. Per San Diego Metropolitan Transit System: A minimum of 60 feet of continuous red curb, from the curb return south of the driveway on the alley south of Elm Avenue and north of Evergreen Avenue off of Seacoast Drive (northern-most red curb area), must be maintained for bus access. Buses must be able to stop entirely parallel to the curb so that both the front and back doors can be used safely, so that the bus does not block the alley, and so that the bus can back out safely if necessary. Loading/Unloading for the market event may only use the red curb area south of the Evergreen Avenue crosswalk, on the west side of Seacoast Drive, on event days and during the approved loading/unloading times (approximately 11 AM - 1 PM and 6 PM - 8 PM). Signage and staff must be provided to enforce all loading area restrictions. At no time shall any vehicles block the crosswalk or the access ramps.
14. All market vendors shall have all appropriate certificates, business licenses, and permits prior to participation in the market event.
15. No more than thirty-seven (37) market vendor spaces shall be allowed, unless more are approved by the Community Development Department (approximately 9 Farmer vendors; 9 pre-packaged/food vendors; 6 arts/crafts vendors; 2 non-profit vendors; 6 misc. commercial vendors). No less than 22% of the vendors shall be farmers (ex. no less than eight (8) farmer vendors must be present for a market with 37 total vendors), and no more than two (2) non-profit vendors shall be provided at each market event. Any increase to the overall amount of market vendors shall be reviewed by the Community Development Department for consideration. All vendors shall sell/provide services that are consistent with the General Plan and Municipal Code.
16. Any live entertainment shall be subject to application and approval of appropriate permits.
17. The applicant shall receive a continuance of temporary signage. The temporary signage is allowed for the hours of operation for each event, and must be removed at the close of each event. All signage is subject to the requirements of

- the Imperial Beach Municipal Code and must obtain appropriate permits and approvals from the Community Development and Public Works Departments.
18. Approval of this permit shall not waive compliance with any portion of the International Building Code, the California Building Code, and Municipal Code in effect at the time a permit is issued or inspection is performed.
  19. Failure to comply with a condition, standard or law is grounds for suspension or revocation of the discretionary permits.
  20. All negative balances in the project account (100014) shall be paid prior to any permit issuance, final inspection, and market operation.
  21. Approval of the Regular Coastal Permit (CP 100014), Conditional Use Permit (CUP 100015), and Site Plan Review (SPR 100016) for this project is valid for a one-year **vesting** period from the date of approval, to **expire** on **April 7, 2011**. Conditions of approval must be satisfied, permits issued, and use in reliance must have commenced prior to this date, unless a time extension is granted by the City prior to expiration.
  22. 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.
  - ~~23. Unless necessity warrants an early review, the conditional use permit shall be reviewed by City Council after six (6) months of operation. The purpose of this review will be to assess the operation of the market at this location and consider additional conditions or to modify conditions deemed to be necessary or helpful to the market's operation.~~
  23. City staff shall monitor the operation of the Farmer's Market and provide periodic updates and/or concerns to the City Council as deemed necessary by the City Manager.
  24. Failure to comply with any condition of this permit, or other standards or law, is grounds for revocation of the conditional use permit.
  25. If adverse traffic and/or pedestrian conditions are observed as a result of and during the Farmers Market, traffic control measures shall be implemented. Such measures may include the use of trained traffic control personnel to allow for the safe and steady flow of both pedestrians and vehicles across and along Seacoast Drive.
  26. Any aesthetic proposals and/or modifications to the Farmer's Market (ex. decorative lights) are subject to design review by the Community Development Department.

## PUBLIC WORKS

- ~~27. Applicant shall be responsible for the cost for retaining one employee for refuse clean-up, trash disposal and restroom cleanliness (\$20.00 per hour, 1:00 p.m. to~~

~~6:30 p.m. Total estimated cost is \$110.00). The \$110.00 is due weekly and shall be submitted to the Community Development Department prior to each event. These fees may be modified or suspended at the discretion of the Public Works Director.~~

27. Applicant shall maintain a minimum \$200.00 cleaning and maintenance account with the City (Acct. 10001B). If it is necessary for City staff to clean-up after the Farmer's Market, staff time will be charged against the account and City staff will make every effort to contact Market management informing them of what charges were made against the account, and why the charges were necessary. The account shall be replenished on an as-needed basis by the Market.
28. Applicant shall leave the Mel Portwood Plaza in a clean and orderly condition at the conclusion of each special event.
29. Marked parking regulations compliance is required (i.e., No parking in red zones and restricted time limit parking is to be honored except as shown on the Site Plan, dated March 19, 2010).
30. Applicant shall be responsible for posting and recovering the parking, no parking, and restricted use parking locations as shown on the Site Plan, dated March 19, 2010.
31. Applicant shall be responsible for the coordination with and notification of Metropolitan Transit Services for the closing and reopening of the southbound bus stop adjacent to Mel Portwood Plaza during the period of each event.
32. Any damage to buildings, structures, turf or landscape materials as the result of this event will encumber full cost recovery from applicant.
33. Booths, decorations, advertisements or other ornamentation shall not be suspended from, or attached to, any trees, trelliswork, artwork, benches, seat walls or other facilities on the Plaza.
34. Applicant shall not anchor any canopy or structure or fixture into the turf or hardscape. No fasteners or other devices can be pushed into the turf due to underground electrical and irrigation service lines therein. If canopies, structures or other fixtures are used and anchored in place it must be done with surface – ground level – weights.
35. No motorized vehicles are to be parked or driven on Mel Portwood Plaza, except to and from the designated area for set up and tear down (remain off the turf area!), and those that are required to set up behind their respective booths/stalls. All vehicles, or other equipment, that may discharge fluids, materials, and/or grease, shall provide drip pans to collect any discharges. There shall be no evidence of vehicular use, and property must not be disturbed in any manner. Adequate curb ramps shall be provided by the applicant so that the curb and gutter is not affected by vehicular use, subject to approval by the City. Disabled access to and from the pier and plaza must not be restricted.

36. City will maintain the installed plaza restrooms clean and stocked for use by special event participants as well as for other plaza users during normal Plaza hours.
37. Mel Portwood Plaza is a public park and thus exclusive use of the Plaza is not granted as part of this application.
38. As requested by the applicant, electrical service at selected locations circled on the Electrical Site Plan, dated February 22, 2010, within the Plaza will be provided at no additional cost providing these services terminate before standard employee end of work day (6:30 PM winter schedule & 8:30 PM summer schedule). Those locations are noted in the Electrical Site Plan, dated February 22, 2010, herein - to include three (3) in pavement 20-amp circuits and two (2) electrical pedestals (northern and middle). No water or other services will be provided by the City. Outside of listed Tidelands hours of operations, Market shall pay a \$100 fee for every one man hour of operation.

## **PUBLIC SAFETY**

39. No vendor booths, or other equipment or items, shall be placed along any Fire Department access lane.
40. All tents canopies and temporary membrane structures shall be provided with a minimum (1) 2A:10B:C fire extinguisher with annual California State Fire Marshal certification tag affixed.
41. Generators and fuel powered equipment shall provide a 4A: 60B:C rated fire extinguisher with annual California State Fire Marshal certification tag affixed.
42. This event shall be inspected on a ~~weekly~~ monthly basis by an Imperial Beach Fire Department, Fire Inspector. The fees associated with this inspection shall be \$90.00 monthly as set by the Public Safety Director. The fees shall be paid by the permit applicant to the Community Development Department prior to each event. Modification to the frequency and cost of the safety inspections are subject to the discretion of the Public Safety Director.

## **BUILDING**

43. All pedestrian walkways must maintain a 4' minimum width (merchandise, signs, etc.). Electrical cords, ramps etc. on the walk ways must not impede the use by disabled patrons and meet minimum disabled access requirements.
44. Food vendors must obtain all required permits from other agencies (i.e., environmental health).
45. All propane tanks used for cooking appliances shall have a valid 5 year certification.
46. All cooking appliances shall be protected (fenced enclosed etc.) from accidental contact from the general public.

**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 17<sup>th</sup> day of November 2010, by the following vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>BRAGG, MCCOY, ROSE, KING</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>JANNEY</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>

*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 correct copy of Resolution No. 2010-6965 – A Resolution of the City Council of the City of Imperial Beach, California, APPROVING MODIFICATIONS TO CONDITIONS OF APPROVAL FOR REGULAR COASTAL PERMIT (CP 100014), CONDITIONAL USE PERMIT (CUP 100015), SITE PLAN REVIEW (SPR 100016) (REFERENCE RESOLUTION 2010-6876) WHICH PROVIDES A CERTIFIED FARMER’S MARKET (“IMPERIAL BEACH FARMER’S MARKET”) LOCATED AT PIER PLAZA IN THE PF (PUBLIC FACILITIES) ZONE. MF 1036.

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DATE

**RESOLUTION NO. 2010-6876**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A REGULAR COASTAL PERMIT (CP 100014), CONDITIONAL USE PERMIT (CUP 100015), SITE PLAN REVIEW (SPR 100016) TO PROVIDE A CERTIFIED FARMER'S MARKET ("IMPERIAL BEACH FARMER'S MARKET") LOCATED AT PIER PLAZA IN THE PF (PUBLIC FACILITIES) ZONE. MF 1036.**

**APPLICANT: DEANNA ROSE, FOR I.B. BEAUTIFUL**

**WHEREAS**, on April 7, 2010, the City Council of the City of Imperial Beach held a duly noticed public meeting to consider the merits of approving or denying an application for a Regular Coastal Permit (CP 100014), Conditional Use Permit (CUP 100015), and Site Plan Review (SPR 100016) to provide a certified Farmer's Market ("Imperial Beach Farmer's Market") located at Pier Plaza in the PF (Public Facilities) Zone (APN 625-340-20-00 & 625-330-23-00), a site legally described as follows:

Parcel 1 (APN 625-340-20-00):

Lots 1 thru 13, Block 4, of Parcel Map No. 1071, in the City of Imperial Beach, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County; and

Parcel 2 (APN 625-330-23-00):

Lot 1, Block 5, of Parcel Map No. 1071, in the City of Imperial Beach, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County; and

**WHEREAS**, the City Council finds that the project is consistent with the General Plan/Local Coastal Plan and is in substantial compliance with Goal 13d, 13e and Policy P-7 of the Parks, Recreation, and Access Element of the General Plan/Local Coastal Plan, which states that parks and recreation areas should provide "a balanced healthy environment and quality of life for residents and visitors," "support the area's economy," and that "the City and its business community should take direct action to increase the amount of tourist-oriented business both along the beachfront"; and

**WHEREAS**, the City Council finds that the project is consistent with the PF (Public Facilities) Zone of the Zoning Ordinance, which designates land for public facilities and public recreational amenities for residents and visitors; and

**WHEREAS**, this project complies with the requirements of the California Environmental Quality (CEQA) as this project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15304 (e) (minor alterations to land); and

**WHEREAS**, the City Council considered the information contained in the staff reports on this case and public testimony received on this case; and

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

**CONDITIONAL USE PERMIT FINDINGS:**

- 1. The proposed use at the particular location is necessary or desirable to provide a service or facility, which will contribute to the general well being of the neighborhood or community.**

The use is an outdoor certified Farmer's Market which will offer residents an environment in which they may purchase retail goods. The project is located in an area with regularly scheduled bus stops which encourage the use of public transportation. The event will generate foot traffic to support other businesses within the neighborhood, provide an outdoor alternative for local residents, and encourage a community common interest.

- 2. The proposed use will not, under any circumstances, of the particular use, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The use is a weekly outdoor certified Farmer's Market which will offer residents an opportunity to purchase retail goods. The market will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity because the market will operate in accordance with the conditions imposed by the City, which include observance of best management practices and public safety.

- 3. The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses in the same zone.**

The project site is subject to PF (Public Facilities) zoning regulations. The PF zone allows for a variety of uses including public facilities and public recreational amenities for residents and visitors. The use is a weekly certified Farmer's Market which will offer residents an outdoor environment to purchase good, similar to those offered by other uses in the PF Zone. The market will be required to comply with all regulations and conditions included as part of the approved permit.

- 4. The granting of such conditional use permit will be in harmony with the purpose and intent of this code, the adopted general plan and the adopted local coastal program.**

The project site is subject to PF (Public Facilities) zoning regulations. The PF zone allows for a variety of uses including public facilities and public recreational amenities for residents and visitors. Two goals in the General Plan & Coastal Plan's "Parks, Recreation, and Access Element" state that parks and recreation areas should provide "a balanced healthy environment and quality of life for residents and visitors" and "support the area's economy." One policy in the General Plan & Coastal Plan's "Parks, Recreation, and Access Element" states that "the City and its business community should take direct action to increase

the amount of tourist-oriented business both along the beachfront, South San Diego Bayfront and inland areas.” The use is a weekly certified Farmer’s Market which will offer residents an outdoor environment to purchase goods and encourage community integration and activity, similar to other uses in the PF Zone. The market will be required to comply with all regulations and conditions included as part of the approved permit.

**SITE PLAN REVIEW FINDINGS:**

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

The use is a weekly outdoor certified Farmer’s Market which will offer residents an opportunity to purchase retail goods. The market will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity because the market will operate in accordance with the conditions imposed by the City, which include observance of best management practices and public safety.

- 6. The proposed use will not adversely affect the General Plan/Local Coastal Plan.**

The project site is subject to PF (Public Facilities) zoning regulations. The PF zone allows for a variety of uses including public facilities and public recreational amenities for residents and visitors. Two goals in the General Plan & Coastal Plan’s “Parks, Recreation, and Access Element” state that parks and recreation areas should provide “a balanced healthy environment and quality of life for residents and visitors” and “support the area’s economy”. One policy in the General Plan & Coastal Plan’s “Parks, Recreation, and Access Element” states that “the City and its business community should take direct action to increase the amount of tourist-oriented business both along the beachfront, South San Diego Bayfront and inland areas.” The use is a weekly certified Farmer’s Market which will offer residents an outdoor environment to purchase goods, similar to those offered by other uses in the PF Zone. The market will be required to comply with all regulations and conditions included as part of the approved permit.

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

The subject site is in an existing public plaza which provides retail goods for local demand. The proposed project is compatible with the established uses as no physical changes are proposed to the existing structures.

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

The Farmer’s Market is located on Pier Plaza near Evergreen Avenue and Seacoast Drive. The project is located in an area with regularly scheduled bus

stops which encourage the use of public transportation. All access aisles and beach access will remain unobstructed. The neighborhood may enjoy the market without having to utilize motorized transportation. No nearby structures and uses will be negatively affected.

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

The subject site is in an existing public plaza which provides retail goods for local demand. The project is compatible with the established uses as no physical changes are proposed to the existing structures.

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

The Farmer's Market is located in the PF (Public Facilities) Zone on Pier Plaza near Evergreen Avenue and Seacoast Drive. The project is located in an area with regularly scheduled bus stops which encourage the use of public transportation. The applicant has coordinated with Metropolitan Transport System to ensure proper circulation. Though no standards are provided for the PF Zone, eight (8) parking spaces in the parking lot north of the project site will remain open for customer parking. Market vendors will park in a private lot on the northeast corner of Seacoast Drive and Evergreen Avenue. The neighborhood may enjoy the market without having to utilize motorized transportation. If the event, or event parking, becomes a detriment to the neighborhood or City, the market may be suspended and/or discontinued until further analysis and solution is provided and approved by the Community Development Department.

**11. The project complies with all applicable provisions of Title 19.**

The project will comply with all relevant criteria set forth in Title 19, Zoning.

**COASTAL PERMIT FINDINGS:**

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

The PF (Public Facilities) Zone allows for a variety of uses including public facilities and public recreational amenities for residents and visitors. Two goals in the General Plan & Coastal Plan's "Parks, Recreation, and Access Element" state that parks and recreation areas should provide "a balanced healthy environment and quality of life for residents and visitors" and "support the area's economy". One policy in the General Plan & Coastal Plan's "Parks, Recreation, and Access Element" states that "the City and its business community should take direct action to increase the amount of tourist-oriented business both along the beachfront, South San Diego Bayfront and inland areas."

**Shore Processes and Shore Protection**

The project does not impact shore processes and protection.

Public Access

The market is a weekly temporary use that will take place once a week and should have no significant impact to public access.

Coastal/Scenic View

The market is a weekly temporary use that will take place once a week and should have no significant impact to coastal/scenic views.

13. **For all development seaward of the nearest public highway to the shoreline, the proposed development meets standards for public access and recreation of Chapter Three of the 1976 Coastal Act and regulations promulgated thereunder.**

The market is a weekly temporary use that will take place once a week and no issue regarding public access to the beach is identified for this project.

14. **For all development involving the construction of a shoreline protective device, a mitigation fee shall be collected which shall be used for beach sand replenishment purposes. The mitigation fee shall be deposited in an interest bearing account designated by the Executive Director of the California Coastal Commission and the City Manager of Imperial Beach in lieu of providing sand to replace the sand and beach area that would be lost due to the impacts of any protective structures.**

This finding does not apply since the project does not involve construction of a shoreline protection device.

15. **The proposed development meets the minimum criteria set forth in the City of Imperial Beach Zoning Ordinance, the City's Minimum Landscape Planting and Irrigation Standards, and the City's Design Guidelines, as applicable.**

The project will comply with all relevant criteria set forth in Title 19, Zoning.

16. **This project complies with the California Environmental Quality Act.**

The project consists of a temporary market that shall take place once a week. this project complies with the requirements of the California Environmental Quality (CEQA) as this project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15304 (e) (minor alterations to land). The City has prepared a Categorical Exemption per the California Environmental Quality Act (CEQA) requirements for this project and the Notice of Exemption will be filed with the County Clerk in compliance with CEQA.

17. **Public Notice requirements, pursuant to Zoning Ordinance Section 19.87.100, of the Coastal Development Project have been satisfied.**

The project description and the date of the City Council public hearing were sent to property owners within 300 feet and occupants within 100 feet of the subject site on March 25, 2010, and a public hearing notice was published in the Eagle and Times newspaper on March 25, 2010.

**NOW, THEREFORE, BE IT RESOLVED** that Regular Coastal Permit (CP 100014), Conditional Use Permit (CUP 100015), and Site Plan Review (SPR 100016) to provide a certified Farmer's Market located at Pier Plaza in the PF (Public Facilities) Zone (APN 625-340-20-00 & 625-330-23-00) is hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

## **CONDITIONS OF APPROVAL**

### **PLANNING**

1. The market's hours of operation shall only take place on the approved day, Friday, at the approved times (Summer [April - September]: 2 PM - 7:30 PM with setup at 12 PM - 2 PM and take down from 7:30 PM - 9:30 PM; Winter [October - March]: 1 PM - 6 PM with setup at 11 AM - 1 PM and take down from 6 PM - 8 PM). All conditions of approval must be met prior and during each event. The market is subject to all applicable licenses and permits, and all market dates are subject to approval of the City and can be suspended or revised at any time. Adjustments of hours of operation and/or market layout are subject to the discretion of the Community Development Department.
2. At the discretion of the City of Imperial Beach, the market may be canceled in lieu of other scheduled events or activities (i.e., Sandcastle) that may conflict with the operation of those events and the public's use of Pier Plaza. The City will make every effort to notify the market no less than two weeks prior to each scheduled event or activity.
3. Market layout shall be in substantial compliance with the Site Plan, dated March 19, 2010, Market Rules and Regulations dated February 4, 2010, and Electrical Site Plan dated February 22, 2010, on file in the office of the Community Development Department and with the conditions required herein.
4. Stalls, and other objects or materials, shall not be permitted to block safe and reasonable access to the beach, park, pier, shops at Pier Plaza, sidewalks, and emergency access aisles.
5. No motorized vehicles are permitted in the event area, except those designated for set up and tear down of vendor stalls, and those that are required to set up behind their respective booths/stalls. Safety, aesthetics, and pedestrian circulation must not be hindered in any way. The amount of vehicles permitted in the event area is subject to staff discretion, and may be revised at any time.
6. All vehicles, equipment, machinery, and other items must maintain a separation distance of no less than three (3) feet from the Surfhenge artwork/structure.
7. Insurance and Indemnification. To the fullest extent permitted by law, Applicant/permittee shall indemnify, including the cost to defend, and hold harmless the City of Imperial Beach and the San Diego Unified Port District, and its officers, officials, attorneys and employees from any and all claims, demands, costs or liability that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Applicant, its employees, agents, and

subcontractors in the operation of the Farmers Market under the CUP. Applicant/permittee's duty to indemnify under this condition shall not include liability for damages for death or bodily injury to persons, injury to property, or other loss, damage or expense arising from the sole negligence or willful misconduct by the City or the Port or its elected officials, officers, agents, and employees. Applicant/permittee's indemnification obligations shall not be limited by the insurance provisions of this condition. This condition to defend, hold harmless and indemnify shall not terminate upon expiration or termination of the CUP. Applicant/permittee, at Applicant/permittee's own cost and expense, shall procure and maintain, for the duration of the CUP, public liability insurance in an amount not less than two million dollars (\$2,000,000) per occurrence for bodily injury, personal injury and property damage. The insurance policy shall be with a reputable insurer subject to approval by the City and shall be endorsed with the following specific language: "The City of Imperial Beach and the San Diego Unified Port District, their elected or appointed officers, officials, employees, agents and volunteers are to be covered as additional insureds with respect to liability arising out of the operation of the Farmers Market under the CUP issued on April 7, 2010."

8. Market manager shall ensure that the market is in compliance with all state, county, and local laws and regulations.
9. The market shall be completely deconstructed and cleaned at the end of each market operation.
10. A security patrol shall be provided by the applicant/permittee at each market event to ensure that the surrounding neighborhood is not negatively impacted.
11. Eight (8) parking spaces shall be maintained for customer parking. Any modification to parking requirements shall be subject to the discretion of the Community Development Department.
12. If the event, or event parking, becomes a detriment to the neighborhood or City, the market may be suspended and/or discontinued until further analysis and solution is provided and approved by the Community Development Department.
13. Per San Diego Metropolitan Transit System: A minimum of 60 feet of continuous red curb, from the curb return south of the driveway on the alley south of Elm Avenue and north of Evergreen Avenue off of Seacoast Drive (northern-most red curb area), must be maintained for bus access. Buses must be able to stop entirely parallel to the curb so that both the front and back doors can be used safely, so that the bus does not block the alley, and so that the bus can back out safely if necessary. Loading/Unloading for the market event may only use the red curb area south of the Evergreen Avenue crosswalk, on the west side of Seacoast Drive, on event days and during the approved loading/unloading times (approximately 11 AM - 1 PM and 6 PM - 8 PM). Signage and staff must be provided to enforce all loading area restrictions. At no time shall any vehicles block the crosswalk or the access ramps.
14. All market vendors shall have all appropriate certificates, business licenses, and permits prior to participation in the market event.

15. No more than thirty-seven (37) market vendor spaces shall be allowed, unless more are approved by the Community Development Department (approximately 9 Farmer vendors; 9 pre-packaged/food vendors; 6 arts/crafts vendors; 2 non-profit vendors; 6 misc. commercial vendors). No less than 22% of the vendors shall be farmers (ex. no less than eight (8) farmer vendors must be present for a market with 37 total vendors), and no more than two (2) non-profit vendors shall be provided at each market event. Any increase to the overall amount of market vendors shall be reviewed by the Community Development Department for consideration. All vendors shall sell/provide services that are consistent with the General Plan and Municipal Code.
16. Any live entertainment shall be subject to application and approval of appropriate permits.
17. The applicant shall receive a continuance of temporary signage. The temporary signage is allowed for the hours of operation for each event, and must be removed at the close of each event. All signage is subject to the requirements of the Imperial Beach Municipal Code and must obtain appropriate permits and approvals from the Community Development and Public Works Departments.
18. Approval of this permit shall not waive compliance with any portion of the International Building Code, the California Building Code, and Municipal Code in effect at the time a permit is issued or inspection is performed.
19. Failure to comply with a condition, standard or law is grounds for suspension or revocation of the discretionary permits.
20. All negative balances in the project account (100014) shall be paid prior to any permit issuance, final inspection, and market operation.
21. Approval of the Regular Coastal Permit (CP 100014), Conditional Use Permit (CUP 100015), and Site Plan Review (SPR 100016) for this project is valid for a one-year **vesting** period from the date of approval, to **expire** on **April 7, 2011**. Conditions of approval must be satisfied, permits issued, and use in reliance must have commenced prior to this date, unless a time extension is granted by the City prior to expiration.
22. 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.
23. Unless necessity warrants an early review, the conditional use permit shall be reviewed by City Council after six (6) months of operation. The purpose of this review will be to assess the operation of the market at this location and consider additional conditions or to modify conditions deemed to be necessary or helpful to the market's operation.
24. Failure to comply with any condition of this permit, or other standards or law, is grounds for revocation of the conditional use permit.
25. If adverse traffic and/or pedestrian conditions are observed as a result of and during the Farmers Market, traffic control measures shall be implemented. Such

measures may include the use of trained traffic control personnel to allow for the safe and steady flow of both pedestrians and vehicles across and along Seacoast Drive.

## **PUBLIC WORKS**

26. Applicant shall be responsible for the cost for retaining one employee for refuse clean up, trash disposal and restroom cleanliness (\$20.00 per hour, 1:00 p.m. to 6:30 p.m. Total estimated cost is \$110.00). The \$110.00 is due weekly and shall be submitted to the Community Development Department prior to each event. These fees may be modified or suspended at the discretion of the Public Works Director.
27. Applicant shall leave the Mel Portwood Plaza in a clean and orderly condition at the conclusion of each special event.
28. Marked parking regulations compliance is required (i.e., No parking in red zones and restricted time limit parking is to be honored except as shown on the Site Plan, dated March 19, 2010).
29. Applicant shall be responsible for posting and recovering the parking, no parking, and restricted use parking locations as shown on the Site Plan, dated March 19, 2010.
30. Applicant shall be responsible for the coordination with and notification of Metropolitan Transit Services for the closing and reopening of the southbound bus stop adjacent to Mel Portwood Plaza during the period of each event.
31. Any damage to buildings, structures, turf or landscape materials as the result of this event will encumber full cost recovery from applicant.
32. Booths, decorations, advertisements or other ornamentation shall not be suspended from, or attached to, any trees, trelliswork, artwork, benches, seat walls or other facilities on the Plaza.
33. Applicant shall not anchor any canopy or structure or fixture into the turf or hardscape. No fasteners or other devices can be pushed into the turf due to underground electrical and irrigation service lines therein. If canopies, structures or other fixtures are used and anchored in place it must be done with surface – ground level – weights.
34. No motorized vehicles are to be parked or driven on Mel Portwood Plaza, except to and from the designated area for set up and tear down (remain off the turf area!), and those that are required to set up behind their respective booths/stalls. All vehicles, or other equipment, that may discharge fluids, materials, and/or grease, shall provide drip pans to collect any discharges. There shall be no evidence of vehicular use, and property must not be disturbed in any manner. Adequate curb ramps shall be provided by the applicant so that the curb and gutter is not affected by vehicular use, subject to approval by the City. Disabled access to and from the pier and plaza must not be restricted.

35. City will maintain the installed plaza restrooms clean and stocked for use by special event participants as well as for other plaza users during normal Plaza hours.
36. Mel Portwood Plaza is a public park and thus exclusive use of the Plaza is not granted as part of this application.
37. As requested by the applicant, electrical service at selected locations circled on the Electrical Site Plan, dated February 22, 2010, within the Plaza will be provided at no additional cost providing these services terminate before standard employee end of work day (6:30 p.m. winter schedule & 8:30 p.m. summer schedule). Those locations are noted in the Electrical Site Plan, dated February 22, 2010, herein - to include three (3) in pavement 20-amp circuits and two (2) electrical pedestals (northern and middle). No water or other services will be provided by the City.

### **PUBLIC SAFETY**

38. No vendor booths, or other equipment or items, shall be placed along any Fire Department access lane.
39. All tents canopies and temporary membrane structures shall be provided with a minimum (1) 2A:10B:C fire extinguisher with annual California State Fire Marshal certification tag affixed.
40. Generators and fuel powered equipment shall provide a 4A: 60B:C rated fire extinguisher with annual California State Fire Marshal certification tag affixed.
41. This event shall be inspected on a weekly basis by an Imperial Beach Fire Department, Fire Inspector. The fees associated with this inspection shall be \$90.00 weekly as set by the director of Public Safety. The fees shall be paid by the permit applicant to the Community Development Department prior to each event.

### **BUILDING**

42. All pedestrian walkways must maintain a 4' minimum width (merchandise, signs, etc.). Electrical cords, ramps etc. on the walk ways must not impede the use by disabled patrons and meet minimum disabled access requirements.
43. Food vendors must obtain all required permits from other agencies (i.e., environmental health).
44. All propane tanks used for cooking appliances shall have a valid 5 year certification.
45. All cooking appliances shall be protected (fenced enclosed etc.) from accidental contact from the general public.

**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 7<sup>th</sup> day of April 2010, by the following vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>BRAGG, MCCOY, ROSE, KING</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>JANNEY</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>

*James C. Janney*

**JAMES C. JANNEY, MAYOR**

**ATTEST:**

*Jacqueline M. Hald*

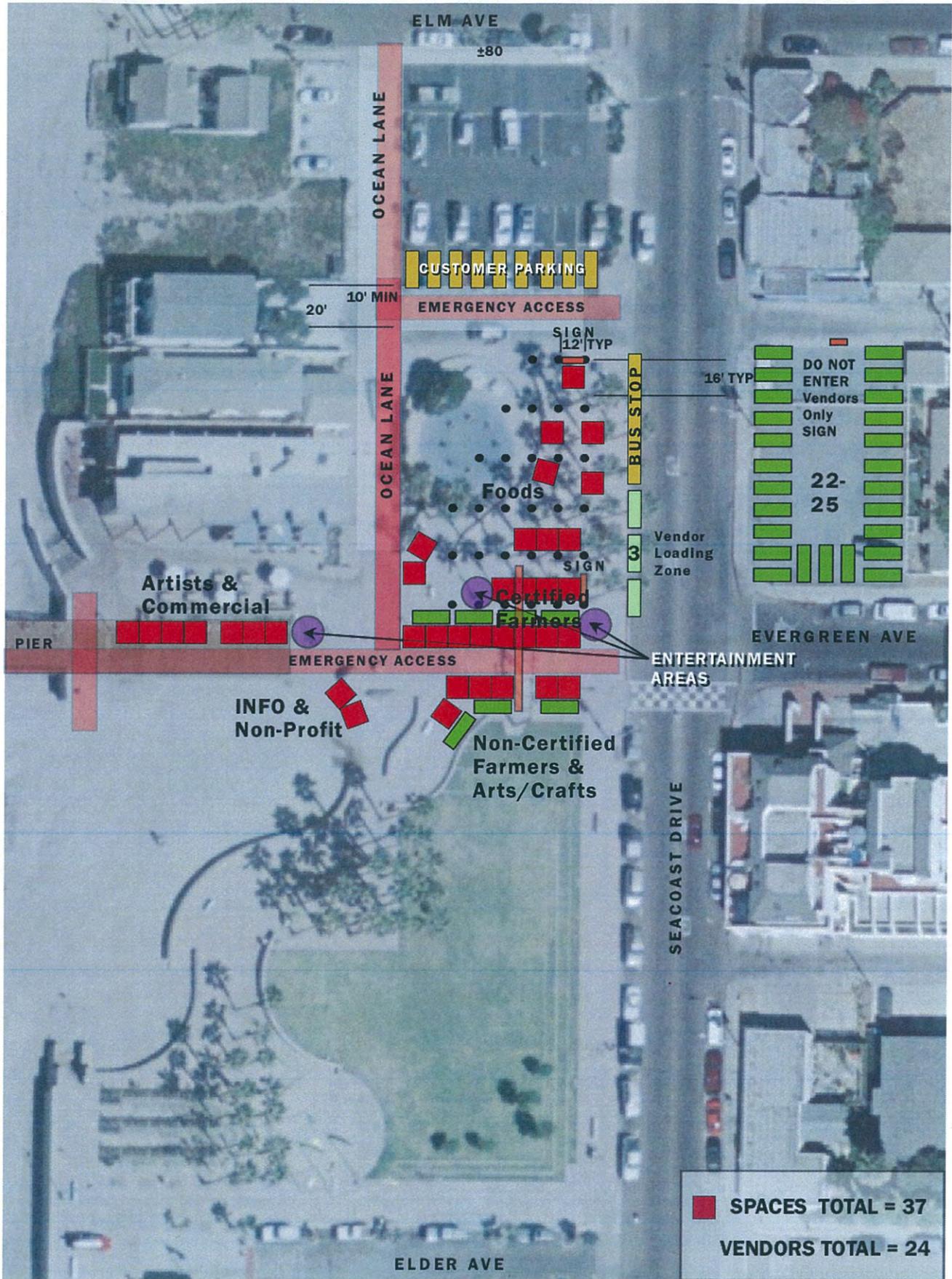
**JACQUELINE M. HALD, CMC  
CITY CLERK**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2010-6876 – A Resolution of the City Council of the City of Imperial Beach, California, APPROVING A REGULAR COASTAL PERMIT (CP 100014), CONDITIONAL USE PERMIT (CUP 100015), SITE PLAN REVIEW (SPR 100016) TO PROVIDE A CERTIFIED FARMER’S MARKET (“IMPERIAL BEACH FARMER’S MARKET”) LOCATED AT PIER PLAZA IN THE PF (PUBLIC FACILITIES) ZONE. MF 1036.

*Jacqueline M. Hald*  
CITY CLERK

*5/10/10*  
DATE





**IMPERIAL BEACH FARMERS MARKET  
PIER PLAZA LOCATION  
10 Evergreen Ave, IB, CA 91932**

SCALE: 1" = 60'

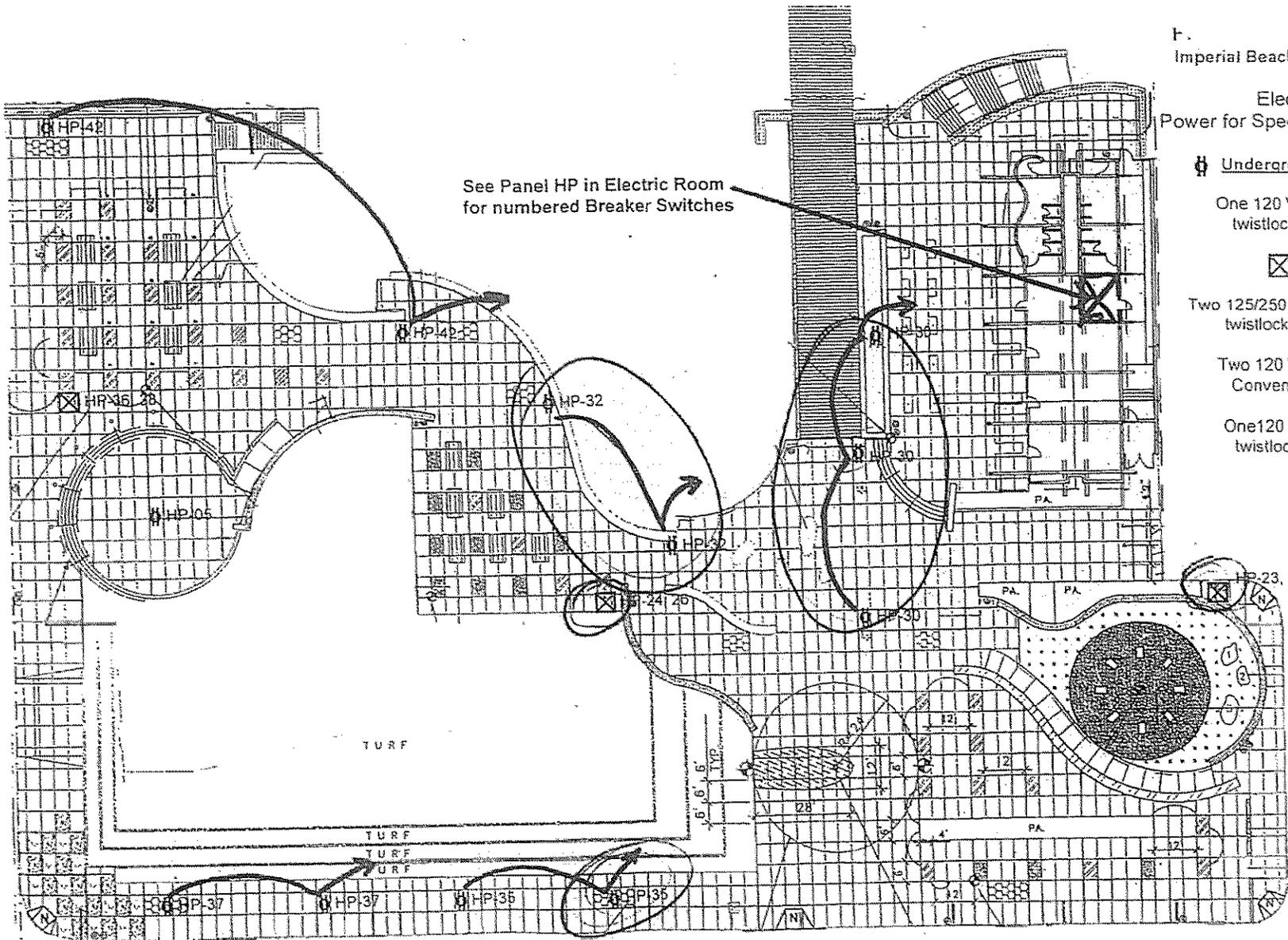
Vendor Space 10x10  
 Vendor & Volunteer Parking (29-32 Shown, 7 Onsite & 22-25 Offsite)  
 Vendor Loading (3 Shown)

Customer Parking (9 Shown)



F.  
Imperial Beach Pier Plaza

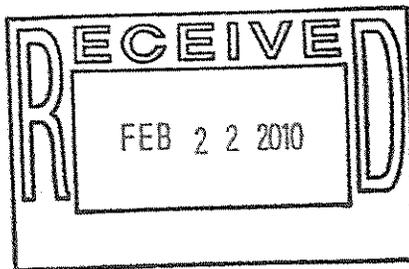
Electrical Plan  
Power for Special Events



- ⊞ Underground boxes  
Each has:  
One 120 Volt, 20 Amp  
twistlock connection
- ⊞ Pedestals  
Each has:  
Two 125/250 Volt 50 Amp  
twistlock connections  
and  
Two 120 Volt, 30 Amp  
Convenience outlets  
and  
One 120 Volt, 30 Amp  
twistlock connection

Electrical Site Plan, 2-22-10

ATTACHMENT 4





## **Imperial Beach Certified Farmers' Market**

Pier Plaza, 10 Evergreen Ave., Seacoast Blvd. Imperial Beach, CA 91932

### **Market Rules and Regulations**

**Published February 4, 2010**

#### **Market Times**

Summer Hours: April through September 1 p.m. – 7:30 p.m.

(vendors set-up after 11 a.m.)

Winter Hours: October through March 1 p.m. – 6:00 p.m.

(vendors set-up after 11 a.m.)

**I.B. Beautiful, Inc. and the management of the Imperial Beach Farmers' Market shall implement and enforce all of the following rules and regulations in a fair and equitable manner**

**Admission of any producer to the Imperial Beach Certified Farmers' Market must follow the requirements and rules herein:**

**1. Fees:** Payment along with any paperwork required must be turned in to Market managers 30 minutes prior to the close of Market.

**2. Permits and Sales:**

**Farmers/Vendors shall have all appropriate certificates, business licenses, proof of liability and permits**

Sellers must conspicuously post all required permits, licenses, and certificates per State regulations, prior to commencing sales.

The Market Manager will ensure that each Vendor has the required permits and licenses prior to participation in the Market:

- Business Tax Certificate (if applicable)
- I. B. Business License
- Temporary Food Facility Permit (if necessary)
- **Fire Extinguisher**
- Proof of Insurance
- Health Certificate (if necessary)
- Agricultural Permit

- A certified producer shall not represent, nor be represented by more than two other certified producers in a 12 month period.
- Each certified producer's certified agricultural products to be sold or offered for sale shall be separated and identifiable by each certified producer's valid certificate at the point of sale.
- The name of the certified producer for whom another certified producer is selling shall appear on the certificate of the certified producer that is conducting sales.
- The name of the certified producer who is selling the products of another certified producer shall appear on the certificate of the person or entity for whom the certified producer is selling.
- The certified producer selling for another certified producer shall be selling or offering for sale, at the same certified farmers' market on the same day, certified agricultural products which the certified producer conducting the sales has produced and which are in greater volume than the volume offered for sale for the other certified producer. The volume shall be measured by the weight or dollar value of the products at the time and point of sale. This volume requirement shall apply only at the beginning of each day of sale.
- The producer applying for certification shall obtain and submit to the agricultural commissioner, prior to certification, written authority from said or other certified producers on their behalf.
- A certified producer who sells certified agricultural products on behalf of another certified producer or whose products are sold by another certified producer shall keep for a period of not less than three years, the following records relating to such products:
  - Date of transfer to seller and accurate amount of products, by weight, dry measure, or count, transferred. Each separate product and amount shall be recorded according to variety.
  - Date of sale and accurate amount of products, by weight, dry measure, or count, sold. Each separate product and amount shall be recorded according to variety.
  - Names of both certified producers involved.

A certified producer subject to this subdivision shall produce, for inspection, records required by this section upon demand of a representative of the department or county agricultural commissioner.

### 3. Scales:

Scales used in the Market must have currently valid inspection seals from the County agent in charge of weights and measures. Additionally, vendors must have a copy of the current Device Registration placed next to the scale.

### 4. Attendance:

- Vendors must be set-up and ready to sell 30 minutes before market opens. Vehicles may not travel through Market area during open hours.

- Only persons listed as employees or authorized sellers for a vendor may assist any vendor (see #2 Permits and Sales)
- Vendors and all equipment must vacate area within two hours of the close of the Farmers' Market
- Producers/sellers are asked to notify the Market Manager if they will not be attending the next week's Market.
- Producers/sellers or their representative must notify the Market Manager before 9 p.m. the day prior to Market day if they are unable to participate on that given day. Failure to comply will cause vendor probation.
- Vendors that arrive after market opens will not be allowed to set up.
- Vendors may not break down booth before end of market day unless prior arrangements are made with market manager.

#### 5. Products/Merchandise:

Farmers/Vendors may not sell any item not listed on their certified producer certificate, load sheet or application without prior approval of the Market Manager. All products must be clearly marked as to price.

- Any person selling organic products or representing products as organic shall conspicuously post at the point of sale a photocopy of the represented certified producers' current State of California organic registration and, if applicable, documentation of the represented certified producers' organic certification. Prior to posting organic documents, it is permissible to conceal from public view acreage and dollar amounts pertaining to annual sales. A complete photocopy of the original, unaltered, current organic document(s) shall, upon the request of an enforcement officer, be made available for review at any time during participation in the market.
- A certified producer shall not sell or represent sprouts as his or her own production resulting from practicing the agricultural arts if less than 50 percent of the seeds, legumes or nuts in any package or container have sprouts that have emerged from the seed, legume or nut coat, husk, pericarp or other type of covering.

#### 6. Booths:

All booth locations are assigned by Market Management.

**Required for all booths: 2A:10B:C fire extinguisher with annual California State Fire Marshal certification tag affixed**

#### 7. Trash/Waste:

All vendors are required to notify Market Management if any spills occur. Vendors must have trash receptacles and be responsible for removing any debris or trash that is generated by them. Cans, bottles, paper and cardboard, or any other recyclable material, shall be properly recycled. No water, or any liquid or material, will be disposed of down the storm drain, parking lot or sidewalk. All food vendors will at all times have a protective covering placed on the ground directly under their

canopy/work area. If a substance comes in contact with the pavement, it will be cleaned by vendor.

All vendors shall receive a copy of Farmers' Market Best Management Practices and a copy of the City of Imperial Beach Best Management Practices for businesses brochure.

#### **8. Public Safety**

All vendors to be in compliance with the California Fire Code (CFC) 2007 edition and City of Imperial Beach Municipal Code. Fire hydrants shall not be blocked or obstructed at any time.

#### **9. Tents/Canopies:**

**All tents/canopies must be tied down securely. No exceptions. Tie downs will be inspected each Friday. Non-compliance will result in termination from the market.**

Tents having an area in excess of 200 square feet and or canopies placed together in excess of 400 square feet or multiple tents and or canopies placed together equaling or greater than the above stated area, are to be used, they shall be flame-retardant treated with an approved State Fire Marshal seal attached. A permit from the Fire Department must be obtained. **All tents, canopies and temporary membrane structures shall be provided with a minimum (1) 2A:10B:C: FIRE EXTINGUISHER WITH ANNUAL CALIFORNIA STATE FIRE MARSHAL CERTIFICATION TAG AFFIXED.**

#### **10. Electricity:**

Extension cords, power cables must be of an approved type, and appropriately rated and sized for the intended use, amperage and length. Cords, cables are required to be rated for outdoor use. Electrical cords and cables are not allowed on walkways unless an approved protective ramp or other device shall protect any electrical cords or cables that are exposed to pedestrian or vehicle traffic. All electrical appliances/devices must be plugged directly into an approved power tap which is a polarized or grounded type, equipped with (circuit breaker reset), and shall be listed in accordance with UL 1363. Providing an approved power tap appliance is the responsibility of every vendor using electricity.

#### **11. Food Vendors:**

**Cooking or Heating Appliances:** All cooking and heating appliances are to be of an approved type and in good working conditions. All cooking and heating devices must be vented to the outside by approved means. Where vents or flues are used, all portions of the canopy or tent shall be no less than 12 inches from the flue or vent. Cooking and heating appliance shall not be placed in close proximity to tent or canopy walls, netting, cover, etc. **All food booths will have protective ground covering. No exceptions.**

**All food samples must be kept covered.**

**Required: a2A:10B:C fire extinguisher with annual California State Fire Marshal certification tag affixed**

**Propane:** All vendors utilizing propane shall maintain all tanks in a secure and upright position at all times. The use of approved tank stands is recommended. Bulk storage of propane tanks must be in preapproved location with approved signage and security.

**Cooking Booths:** Where cooking appliances are present, canopies shall be flame retardant treated with an approved State Fire Marshal seal attached. Individual canopies or groups of canopies totaling 400 square feet shall be separated by a minimum of 20 feet from other canopies. The use of charcoal and lighter fluid is prohibited and shall not be used for any reason. Smoking or open flame devices, such as candles, tiki torches, etc. shall not be permitted within or adjacent to canopies or tents.

**12. Fuel Powered Equipment:**

Generators and Fuel powered equipment shall have a 4A:60B:C rated fire extinguisher with annual California State Fire Marshal Certification tag affixed mounted near the equipment, within the operator's control.

**13. Vendor Trucks on Plaza:**

All vendors utilizing trucks on plaza MUST have protective drip pans beneath their truck. NO EXCEPTIONS!

**14. Personal Code of Conduct:**

- No smoking
- No drinking
- No illegal drug use
- Appropriate clothing (it can get very cool, windy and foggy by the beach).
  - Sales persons MUST wear CLEAN attire.
  - Sales persons must practice personal hygiene
- Gossip, rumor spreading and general negativity among participants will not be tolerated.





AGENDA ITEM NO. 10.2

**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL AND CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

**FROM:** GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR

**MEETING DATE:** NOVEMBER 17, 2010

**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR *GW*

**SUBJECT:** MONTHLY UPDATE REPORT ON THE REDEVELOPMENT OF THE SEACOAST INN HOTEL

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**BACKGROUND:**

At the City Council meeting on Wednesday, April 21, 2010, the City Council approved a Memorandum of Understanding (MOU) between the City/Redevelopment Agency and the Developer/Property Owners of the Seacoast Inn (Imperial Coast Limited Partnership) outlining financial and other commitments for the redevelopment of the Seacoast Inn. Also approved as part of the MOU was a Project Schedule detailing important project milestones for the project's development. At the meeting on April 21, 2010, the City Council also requested a monthly update report be made to advise the Council on progress made and compliance with the approved MOU and Project Schedule.

At the City Council meeting on May 19, 2010, City staff and Pacifica presented the first of the requested monthly updates. Staff advised the City Council that the demolition permit had been issued and the building permit plans (structural and architectural) had been resubmitted for plan check. Pacifica advised the City Council on progress made with respect to the schedule contained in the Memorandum of Understanding (MOU). The City Council requested that, for future monthly updates, all information and/or schedule updates should be provided to the City Council with their agenda packages rather than at the time of the meeting as a last minute agenda item. The City Council has received monthly updates at the second meeting of each month since that time.

**DISCUSSION:**

On Wednesday, November 17, 2010, the City Council will receive the monthly update from Pacifica. It is expected that Pacifica will report that demolition of the existing hotel is completed and that approval of a building permit for shoring and soil stabilization has been obtained. City staff is continuing to meet with Pacifica's general contractor and Project Manager and a bi-weekly basis to review issues pertaining to the building permit plans, building permit issuance and construction of the hotel. It is expected that, after the permit for shoring and soil

stabilization has been approved, the permits for grading, excavation, and building foundation will then be submitted. Revised building permit plans for structural, architectural and plumbing, mechanical, and electrical are expected to be submitted the week by mid-November. Negotiations on the Redevelopment Agency financial participation are still on-going and it is anticipated that the Disposition and Development Agreement (DDA) will be presented to the Redevelopment Agency for consideration and/or approval on Wednesday December 1, 2010.

**FISCAL ANALYSIS:**

No fiscal impact with this report.

**ENVIRONMENTAL REVIEW**

None required with this report.

**DEPARTMENT RECOMMENDATION:**

That the City Council/Redevelopment Agency receive the update report on the Seacoast Inn project and provide comment and input as necessary.

**CITY MANAGER'S RECOMMENDATION**

Approved Department recommendation.

  
\_\_\_\_\_  
Gary Brown, City Manager/Executive Director

Attachments: None.



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** NOVEMBER 17, 2010  
**ORIGINATING DEPT.:** PUBLIC SAFETY *GB*  
**SUBJECT:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CARE AND ANIMAL CONTROL SERVICES,

**AND**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE PURCHASE OF AN ANIMAL CONTROL VEHICLE WITH AN ANIMAL TRANSPORT UNIT**

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**BACKGROUND:**

The City of Imperial Beach had contracted with the City of Chula Vista for full Animal Control Officer (ACO) and shelter services, from October 1, 1999 to October 21, 2009. In 2009 City Council approved the Imperial Beach Animal Control Program which replaced the Chula Vista contracted animal control officer services with its own full-time ACO while maintaining the animal care (shelter) services.

Additionally, the contract included call out services from Chula Vista when the Imperial Beach ACO was unavailable to respond due to another call, training, or on leave. The Chula Vista contract had an option to extend the agreement for two (2) additional one (1) year terms. Based on the satisfactory performance provided by the City of Chula Vista animal control shelter services from 1999 to the present, staff recommended the continued use of their shelter services by exercising the option to extend the agreement for one year. The agreement for the provision of animal control shelter services between the City of Imperial Beach and the City of Chula Vista expired June 30, 2010. Currently the City has been receiving both emergency call out and shelter services without a new contract in place for services.

After one year, the Public Safety Director was requested to provide an update on the Imperial Beach animal control officer program. This report to council details the program's outcome and makes a recommendation.

## **DISCUSSION:**

In August 2010, the Imperial Beach's ACO position became vacant and the City has relied on Chula Vista for priority one emergency call out services. This report seeks direction from Council to staff regarding the animal control services program, specifically the animal control officer position. The City can choose, again, to hire a full time officer, return to a contract with the City of Chula Vista for the full animal services program, or contract with the County of San Diego for emergency call out and shelter services.

The following chart summarizes the costs associated with the animal control and care (shelter) services:

	<b>5 day* Imperial Beach ACO</b>	<b>5 day* Chula Vista Contract</b>	<b>4 day* Chula Vista Contract</b>	<b>Call-out** County of San Diego Contract</b>
<b>Salaries &amp; Benefits</b>	\$ 73,730	\$ 85,474	\$ 68,379	\$ 339,705
<b>Shelter Costs</b>	\$ 152,239	\$ 152,239	\$ 152,239	\$ 0
<b>(4) Spay &amp; Neuter Clinic</b>	\$ 6,000	\$ 6,000	\$ 6,000	\$ 0
<b>Vehicle costs</b>				
<b>(5) Administrative Hearings</b>	\$ 3,000	\$ 2,500	\$ 2,500	\$ 0
<b>Training</b>	\$ 5,000	\$ 0	\$ 0	\$ 0
<b>Operating Supplies</b>	\$ 4,500	\$ 0	\$ 0	\$ 0
<b>Office staff support</b>	\$ 15,000	\$ 0	\$ 0	\$ 0
<b>Total</b>	<b>\$ 259,469</b>	<b>\$ 246,213</b>	<b>\$ 229,118</b>	<b>\$ 339,705</b>

\*The cost listed for the City of Imperial Beach or the City of Chula Vista program does not include the cost for replacing the animal control vehicle.

\*\*The cost comparison for the County of San Diego could not be adequately analyzed based upon their fixed price proposal for their services.

The following information will provide a detailed description of costs for employee, shelter, and additional costs for care services.

## **CITY OF CHULA VISTA**

Total estimated cost for an animal control officer, shelter services, and other equipment: \$229,118

### **Service provided to the public**

The City of Chula Vista served the City of Imperial Beach for 10 years prior to hiring its own animal control officer. The 4 day service that Chula Vista provided met the City's needs by providing an active patrol schedule and responding to any resident complaints.

### **Cost Comparison**

The cost comparison includes employee costs, shelter services, and any other projected costs for a successful program.

**Employee Costs**

The City of Chula Vista has proposed either a 4 or 5 day service. The cost for the additional day is \$17,095. The annual cost for this service based on the days of service is as follows:

Days of Service	Days Covered	Employee Costs
4	Tuesday – Friday	\$ 68,379
5	Tuesday – Saturday	\$ 85,474

This cost does not include emergency call-out for after hours or on days when we do not have coverage. The emergency call out rate on the days in which we do not have coverage would be a minimum of \$121.48 per call: overtime rate is \$35.74 per hour with a minimum of two hours plus a call back rate of \$50 per response. If we went with 4 days of service we would need to make 140 requests for emergency cal out services in order to make up the difference of payment for the 5<sup>th</sup> day (2.6 calls per Saturday). As long as responses are only for priority one, in progress emergencies, we may not have a need for service on the 5th day. (Priority one response chart is on page 2 of the contract.) The recommendation would be to have service for 4 days a week as was previously contracted. Staff will closely monitor the number of emergency call outs that would occur the 5<sup>th</sup> day of service to ensure that we are not exceeding what it would cost to contract for that additional day.

Animal Control officers for the City of Chula Vista have received all required training to conduct the services of animal control.

**Shelter Services**

The shelter costs for Fiscal Year 2010-2011 are \$152,239 with the City of Chula Vista. This cost is determined at the end of each year with the amount of animals taken in from the City of Imperial Beach and long term shelter care is shared between Chula Vista, Lemon Grove, National City and Imperial Beach. The sponsoring of quarterly spay and neutering programs, by the City, will have a positive effect in reducing the animal population and the costs associated with shelter services.

**Additional Costs**

**Vehicle:** The current animal control vehicle is a 2000 Ford Ranger with mileage of 90,197. This vehicle has an animal control transport unit (box) that allows for the safe transport of animals and has been used by the city for the past 10 years. This truck is in the fleet replacement schedule and the Public Safety Department would like to ensure that the new vehicle meets all of state required criteria. The vehicle code (23117) is specific about the requirements for transporting animals including the amount of time they can remain within the vehicle. The penal code (597e) also speaks to the responsibilities of an animal control officer once they take possession of an animal.

The current animal control vehicle does not have air conditioning in the animal transport unit where the animals are kept. Staff has researched the ability to outfit the current animal transport unit, and it is not feasible because of the material it is made of.

In order to get an animal transport unit with air condition capabilities we would need to purchase a full size truck to fit the larger animal transport unit. The estimate for a new truck is \$30,000 and the pricing for the new animal transport unit could be up to \$20,000. Staff could utilize the money in the fleet reserve for the truck and the animal transport unit.

**Spay and Neuter Clinics:** The City of Chula Vista can provide quarterly spay and neuter clinics at a cost of \$6,000 a year (\$1,500 per clinic). It is important to contract for these services because one female cat and her offspring can produce 370,092 cats in 7 years and one female dog and her offspring can produce 67,000 puppies in 6 years according to Spay USA.

**Administrative Hearings:** The City of Chula Vista can conduct the administrative hearings and ensure that our municipal code is followed at a rate of \$500 per hearing. The city averages 6 bites of humans and 2-3 animal on animal attacks per year. A large percentage of cases settle without a hearing.

**CITY OF IMPERIAL BEACH**

Total estimated cost for employee, shelter, and other equipment: \$244,469

**Service provided to the public**

The City of Imperial Beach hired an animal control/community service officer to provide a five day a week service. This position provided the city with an ACO that also had parking enforcement responsibilities. The back-up for this position was a contract with Chula Vista for priority one emergency call-out because the ACO program budget did not include stand-by pay.

**Cost Comparison**

The cost comparison includes employee costs, shelter services, and any other projected costs for the program.

**Employee Costs**

The City of Imperial Beach cost for an Animal Control/Community Service Officer under an approved classification and salary plan is the following:

<b>Salary</b>	<b>Benefits</b>	<b>Total</b>
\$ 51,789.92	\$ 21,940.16	\$ 73,730.08

**Shelter Services**

The cost for shelter services is the same as above with the City of Chula Vista of \$152,239.

**Additional Costs**

**Vehicle:** Same as those stated under Chula Vista proposal.

**Employee Training:** In hiring a new officer the City of Imperial Beach would need to incur costs in training a new officer. It is important that the selected candidate have several state certifications and training such as PC 832. If the selected ACO does not have these certificates, the City will need to incur the costs of sending them to the National Animal Control Association (NACA) which specializes in training animal control officers. There are 3 levels of curriculum offered by NACA:

Level	Curriculum	Tuition	Nearest Location	Per Diem- Meals & Lodging
1	Animal behavior, Rabies/Euthanasia, Animal Identification, Animal Diseases, First Aid for Animals, Shelter Operations, Capture Techniques, Report Writing, Interview Techniques, Laws and Legal Proceedings, Evidence Collection, Courtroom Testimony, and Crisis Intervention	\$ 525	Phoenix, AZ	\$ 715
2	Constitutional Law, Civil Liability, Stress Management, Public Speaking, News Media Relations, Crime Scene Documentation, Self Defense Against Humans, Investigative Resources, Bloodspots, Search Warrants and Affidavits	\$ 525	Nashville, TN	\$ 880
3	Workshops- Bite stick, Chemical Immobilization, Euthanasia, and OCAT	\$ 1,370	Kansas City, MO	\$ 880

Other options that would be less expensive would include a combination of courses with the San Diego Humane Academy or the State Humane Association. Staff also recommends a minimum of a 2 week training period with an Animal Control Officer with the City of Chula Vista.

**Supplies:** We estimate the cost of \$4,500 for operating supplies per fiscal year.

**Program Administration and Dispatch Services:** The City of Imperial Beach does not have a sophisticated dispatch service. The calls come in to a general line and then are forwarded to a cell phone. An officer would need to answer those calls while out in the field. This dual system was used in the past and required at least part time office assistant. The cost for a part-time employee is estimated at \$15,000.

**Spay and Neuter Clinics:** The City of Chula Vista can provide quarterly spay and neuter clinics at a cost of \$6,000 a year.

**Administrative Hearings:** Staff is currently responsible for all preparations for an administrative hearing. Depending on the complexity of the case, it may require 10 to 15 hours of staff time (\$300 to \$450) to conduct the investigation for the hearing, prepare notices, and represent the city during the hearing. In addition, an outside hearing officer is hired to hear the case and provide a determination. The current rate of the hearing officer is \$50 per hour and a typical case can require 2 to 3 hours

Staff Preparation	Hearing Officer	Total
\$ 300-\$ 450	\$ 100-\$ 150	\$ 400-\$ 600

## **COUNTY OF SAN DIEGO**

Total estimated cost: \$342,085

### **Service provided to the public**

The County of San Diego would only provide emergency call out services. This would create a reactive rather than a proactive approach. The concern is that the animal population in the City of Imperial Beach requires more than just a call-out animal service.

### **Cost Comparison**

The cost comparison could not adequately be analyzed based upon a fixed price for their services. The County provided a cost of \$342,085 for a call out service. The County will provide their own vehicle for the call out service. The Net cost is \$276,859 once you adjust the rate with estimated revenue of \$67,606 and the costs for a spay and neuter program of \$2,380.

### **ENVIRONMENTAL IMPACT:**

Not a project as defined by CEQA.

### **FISCAL IMPACT:**

The Fiscal Budget for 2009-2011, lists the annual cost for Animal Control Services at \$209,700 per fiscal year. For the remainder of Fiscal Year 2010-2011, the City of Chula Vista has proposed an (8) eight month (November to June) contract to provide animal control, shelter and call out services to the City of Imperial Beach for \$147,078. Spay and neuter clinics, and the administrative hearings as detailed in the agreement will be additionally charged based on use. The FY 2011 budget for Animal Control Services has \$164,729 left in this account. Although there is \$17,651 savings in this year's budget we will have an estimated \$20,000 increase in the annual costs for Animal Control Services thereafter.

The estimate for a new truck is \$30,000 and the pricing for the new animal transport unit could be up to \$20,000. Staff could utilize the money in the fleet reserve for the truck and the animal transport unit.

### **DEPARTMENT RECOMMENDATION:**

Direct staff to enter into a contract agreement with the City of Chula Vista for full Animal Care and Animal Control services for the following reasons:

1. Chula Vista has a number of trained animal control officers available to meet the contract requirements for the City of Imperial Beach.
2. This contract creates a seamless process between the animal control officer with the Chula Vista Animal Care Facility.
3. The cost for a 4 day service and sheltering of the animals is more cost effective than hiring our own officer or going with the County of San Diego.

Review and adopt Resolution No. 2010-6966, which authorizes the City Manager to enter into an agreement for animal care (shelter) and animal control services between the City of Imperial Beach and the City of Chula Vista for FY's 2010-2011.

Review and adopt Resolution No. 2010-6968, which approves the purchase of an animal control vehicle with an animal transport unit.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution 2010-6966
2. Agreement
3. Resolution 2010-6968



**RESOLUTION NO. 2010-6966**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CARE AND ANIMAL CONTROL SERVICES**

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

**WHEREAS**, the City understands the need for an effective, efficient, and quality animal control and care service; and

**WHEREAS**, the City of Chula Vista will provide these services, as outlined in the agreement between the City of Imperial Beach and the City of Chula Vista for animal control and care services.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Imperial Beach authorizes the City Manager to execute the Agreement between the City of Chula Vista and the City of Imperial Beach for the purpose of providing animal control and care services.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 17<sup>th</sup> day of November 2010, by the following roll call vote:

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

*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. 2010-6966 A Resolution of the City Council of the City of Imperial Beach, California, APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF IMPERIAL BEACH FOR THE PURPOSE OF PROVIDING ANIMAL CARE AND ANIMAL CONTROL SERVICES

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DATE



**AGREEMENT BETWEEN CITY OF CHULA VISTA AND  
CITY OF IMPERIAL BEACH  
PROVIDING ANIMAL CARE AND ANIMAL CONTROL SERVICES**

This agreement ("Agreement"), dated \_\_\_\_\_, 20\_\_ for reference purposes only, and effective as of the date last executed is between the City of Chula Vista, ("City"), a chartered municipal corporation of the State of California, and the City of Imperial Beach ("Imperial Beach"), a municipal corporation of the State of California. The City of Imperial Beach may be referred to herein individually as "Party" and the City of Chula Vista and the City of Imperial Beach may be referred to herein collectively as "Parties." This Agreement is made with reference to the following facts:

**RECITALS**

**WHEREAS**, City owns and operates an animal care facility, located at 130 Beyer Way, Chula Vista, California and provides a full range of animal control services to the citizens of Chula Vista; and,

**WHEREAS**, Imperial Beach desires to enter into an agreement with City, whereby City will provide animal shelter and animal control services for the impounding, adoption, redemption, and the care and disposition of dogs, cats, and other small animals; and

**WHEREAS**, City has the authority to enter into contracts with other agencies to provide such services.

**NOW, THEREFORE**, in consideration of their mutual promises, and other good and valuable consideration, the Parties hereto do hereby agree as follows:

**ARTICLE I. TERM**

1.1 **Term.** This Agreement shall be for a one (1) year term commencing on the date of execution of this Agreement

(A) *Options to Extend.* Parties may extend the Agreement for two (2) additional one (1) year terms.

(B) *Notice.* Imperial Beach shall provide written notice to City at least sixty (60) calendar days, but no more than ninety (90) calendar days, prior to the expiration of the term of this Agreement expressing its intent to exercise an option to extend this Agreement.

**ARTICLE II. SCOPE OF SERVICES**

2.1 **General Services.** City shall provide general animal control, shelter, and related administrative services to the residents of Imperial Beach to the extent and in the

manner set forth herein.

(A) *Field Services.* City shall provide the “Field Services” in the type and manner provided for below.

(1) **Officer.** City shall provide a uniformed Animal Control Officer (“Officer”) to patrol Imperial Beach in the manner and to the extent that City deems appropriate, unless a specific request is made by Imperial Beach, in which case such request shall be a priority.

(a) **Hours.** The Officer shall conduct patrols four (4) days per week, Tuesday through Friday, not to exceed 32 hours per week. Hours of operation: 9:00am-5:30pm

(i) **Overtime Hours.** City will respond to the best of its ability to reported emergencies occurring prior to or after the patrol hours identified above in Section 2.1(A)(1)(a). Imperial Beach shall pay for any and all costs associated with such emergency responses in the manner set forth in Section 4.1(A)(2).

(2) **Type of Services.** Except as provided in Article III, Field Services shall include emergency transportation of injured or sick animals, the issuance of citations for violations of state and local laws and ordinances, impounding of strays, investigation of biting incidents, vicious or dangerous animals complaints, trapping of animals, investigating humane complaints, investigating barking dog or animal noise complaints, picking up dead animals, and educating the public about pet responsibility.

(3) **Responses to Requests for Service.** All requests for service will be handled in a reasonable time and manner and based on the priority system set forth below (see Priority Response Chart and Guidelines).

(a) Priority Response Chart.

Type of Service	In Progress	Not in Progress
Dangerous Animal Threatening Human	1	3
Possible Rabid/Biter Animal at Large	1	3
Major Injury to Animal	1	3
Cruelty to Animal	1	3
Animal Inside Vehicle	1	3
Fighting Animals	1	3
Dog Harassing Livestock	1	3
Sick or Minor Injury to Animal	2	3
Animal Welfare Investigation	2	3

Quarantine Biter Animal	3	N/A
Confined Stay Animal	3	N/A
Field Relinquished Animal	3	N/A
Dog Running at Large	3*	4*

(b) Priority Level Response Guidelines

Level 1 First priority, Officer will respond ASAP

Level 2 Second priority, Officer will make every effort to respond within 12 hours of receipt

Level 3 Third priority, Officer will make every effort to respond within 24 hours of receipt

Level 4 Fourth priority, Officer will make every effort to respond within 72 hours of receipt

\*During normal business hours an Officer will respond ASAP

(4) **Additional Field Services.** City shall conduct the following additional field services as requested.

(a) **Special Enforcement.** City will conduct special enforcement animal control patrols as needed or as requested by Imperial Beach, provided there are no conflicts with the City's needs. This will include special animal control patrol hours, sweeps and enforcement. All overtime costs for special enforcement patrols will be paid in the amount and manner set forth by Section 4.1(A)(2).

(b) **Special Events.** City will provide Animal Control personnel for scheduled special events as requested, provided there are no conflicts with City's needs. These events will be performed on an overtime full recovery basis and all overtime full recovery costs for special events will be paid by Imperial Beach. The overtime full recovery rate is \$86.99 per hour.

(5) **Livestock.** Livestock will be removed under contract with a separate agency chosen by the City Animal Care Facility. The contracting agency will be capable of removing livestock and will provide its own equipment and personnel. Actual trailering, board and other fees related to livestock will be paid by Imperial Beach.

(B) **Shelter Services.** City shall provide the shelter services to the residents of Imperial Beach in the manner and type described below:

- (1) **Shelter Location.** Shelter Services shall be provided at the facility located in the City of Chula Vista at 130 Beyer Way.
- (2) **Hours of Operation.** The facility hours are currently 9:30am to 5:00pm, Tuesday through Friday, and 9:30am to 4:00pm on Saturday. The facility will be closed on Sunday, Monday, and all major holidays.
  - (a) **Changes in Hours of Operation.** City shall notify Imperial Beach of changes to facility hours in advance of such changes.
- (3) **Types of Services.**
  - (a) **Strays.** City shall accept strays at no charge to the Imperial Beach residents.
  - (b) **Relinquishing Animals.** Imperial Beach residents may relinquish owned animals to the facility for euthanasia or adoption as space allows.
  - (c) **Redeeming Animals.** Imperial Beach residents may redeem animals from the facility.
  - (d) **Holding.** City agrees to hold all dogs and cats for the minimum holding period required by the California Food and Agricultural Code and other applicable state law. As per applicable state code sections, animals with communicable diseases and severe injuries or illness may be euthanized prior to the expiration of the normal holding period. Veterinary medical care will be provided as needed for all impounded animals for the duration of their hold period as needed. City will attempt to notify owners of identified animals that their animal is in the custody of the City Animal Care Facility and advise them of the holding period. Imperial Beach shall relinquish to City for disposition in accordance with all applicable laws, policies or procedures as deemed appropriate by the City Animal Care Facility Manager all animals held in the animal care facility and not claimed or adopted. Upon payment of all appropriate fees, City will release to the legal owner, any impounded domestic animal. City will have discretion without recourse to Imperial Beach to release animals under special circumstances regardless of payment of fees.
    - (i) **No Medical Research.** City will not sell or give any live or dead animal to a medical research facility at any time or from any jurisdiction.

(e) Spaying and Neutering. City will ensure all dogs, cats and rabbits adopted from the shelter are spayed or neutered at the time of adoption. Additionally, the City Animal Care Facility will provide the public with low-cost spay/neuter information and assistance. City will contract for up to four cat spay/neuter clinics annually to be held in Imperial Beach with priority given to Imperial Beach residents. The fee per clinic is listed in Section 4.1(C).

(f) Administrative Hearings. City will conduct all impound and administrative hearings as required by law, including Imperial Beach's Municipal Code. Imperial Beach will provide a hearing officer if City is unable to provide one due to conflicts of interest or prejudice or if the Imperial Beach Municipal Code specifies the hearing officer will be an officer from Imperial Beach. The fees per Hearing are listed in Section 4.1(D).

(g) Maintenance of Facility. City shall maintain its facility in a humane manner and shall keep its facility in a sanitary condition at all times. All services furnished by City shall be provided in accordance with local laws and the laws of the State of California. City shall use humane methods in the care, euthanizing, and disposition of any animal coming under its jurisdiction.

(C) *Administrative Services.* City shall provide the following administrative services.

(1) **Meetings.** City will provide a representative to attend any Imperial Beach meetings that involve animal control issues upon request and with reasonable notice.

(2) **Meet and Confer.** A City representative will meet and confer in good faith with an Imperial Beach administrator over operational issues associated with the administration of this Agreement.

(3) **Reports.** City will provide monthly reports to Imperial Beach. These reports will include the number of impounds, redemptions, euthanizations, service responses, and adoptions.

(4) **Notification.** City shall establish a notification policy for its officers with the assistance of Imperial Beach officials. The policy shall identify the types of incidents for which City Animal Control will be required to notify designated Imperial Beach officials. Notification shall include the nature, circumstances, and status of the incident. City will also provide, if requested, copies of all supporting documents and information involving the incident. Imperial Beach will provide a list of its designated city

officials to City and the recommended methods to contact the designated individuals.

- (5) **Testimony.** When requested by Imperial Beach, and at no additional cost, City shall make its employees and/or other percipient witness under its control, available for any challenge stemming from the services provided herein (including but not limited to Municipal Code citations) as needed to testify in a court of law, administrative or other proceeding. This duty shall survive the termination of this Agreement.

### ARTICLE III. EXCLUDED SERVICES

3.1 **Excluded Services.** The following services are not included in the Scope of Services covered under this Agreement

- (A) *Indigenous Animals.* City will not trap skunks, opossums or other indigenous small animals for the purpose of nuisance control. Wildlife will only be handled for purposes of public safety or for humane reasons. Cats, feral or tame, will only be trapped when a bite has occurred or to protect the public health or safety. Cats in traps will be removed from the National Estuarine Research Reserve bird sanctuary at Imperial Beach's request when staffing is available. Cat traps will be provided and monitored by Imperial Beach. City will remove only trapped cats. Only dangerous snakes will be removed from private property.
- (B) *Dead and Injured Animals.* Dead animals on private property are the responsibility of the property owner. Sick or injured animals are the responsibility of the animal owner.

### ARTICLE IV. IMPERIAL BEACH OBLIGATIONS

4.1 **Payment.** Imperial Beach shall pay the City the following in the amount and manner set forth herein.

- (A) *Monthly Payments.* Commencing on November 1, 2010, Imperial Beach agrees to pay City \$147,078.48 in monthly payments of \$18,384.81 for the remainder of FY 2010/2011.
  - (1) **Invoices and Payment Date.** The City Finance Office shall submit the billing to Imperial Beach on or before the 10th day of the month following the billing period and that amount shall be due and payable within thirty (30) calendar days of the invoice date.
  - (2) **Overtime for Animal Control Officers.** Overtime costs for Animal Control Officers accrued in response to reported emergencies occurring prior to or after regular patrol hours or for additional Field Services

identified in Section 2.1(A)(4) will be billed on a monthly basis in addition to the regular billing identified in section 4.1 (A). The overtime rate is \$35.74 per hour with a minimum of two hours of overtime plus a call back rate of \$50 per response.

- (3) **Redemption Fees.** Monthly payments shall be reduced by any Redemption Fees collected under this agreement.
  - (4) **Late Payments.** A penalty of five percent (5%) will be assessed on late payments. Additionally, a one and one half (1½%) finance charge per month will be assessed on the original delinquent amount.
- (B) **Pricing of Contract Extensions.** Pricing for contract extensions for each subsequent fiscal year shall be based on actual Animal Intakes from the preceding calendar year, and the estimated cost for Animal Control Services four (4) days per week.
- (1) No later than March 1 each year, the City will notify Imperial Beach of the actual Animal Intakes for the preceding calendar year, and the proposed contract pricing for the upcoming fiscal year.
  - (2) If Imperial Beach desires to execute an option to extend, it shall notify City in writing no later than May 1 of each year that it accepts the proposed contract pricing for the upcoming fiscal year and, thereby, executes an option to extend the contract for a one (1) year term.
- (C) **Cat Spay/Neuter Clinics.** Imperial Beach will pay \$1,500 per clinic.
- (D) **Administrative Hearings.** Imperial Beach will pay \$500 per hearing if City provides the Hearing Officer and \$300 per hearing if Imperial Beach provides the Hearing Officer.
- (E) **Cat Trap Cage.** The deposit fee for use of a Trap Cage by Imperial Beach staff and/or residents is \$65 which will be refunded upon return of the Trap Cage in good condition to City. If trap is not returned in good condition, Imperial Beach agrees to reimburse the City for the replacement of such.

4.2 **Vehicles and Supplies:** Imperial Beach shall provide a vehicle and supplies shall be provided by the City when responding to an On Call.

4.3 **Support Services.**

- (A) *Provision of Data.* Imperial Beach shall provide City with a current listing of all animal licenses issued, including permits or licenses for dogs, cats,

dangerous dogs or animals, exotic animals, kennels, pet shops, ranches or farms, dog shows, obedience trials and circuses.

- (B) *Notice of Scheduled Meetings.* Imperial Beach shall notify City at least 72 hours in advance of any animal-related issues, which are anticipated to be scheduled on an agenda for the City Council or any legislative or administrative body of Imperial Beach when City employees will be required to appear.
- (C) *Police Services.* Imperial Beach shall provide all police services necessary to carry out its duties including police backup upon request of a City Animal Control Officer.
- (D) *Weapons.* Imperial Beach shall permit City Animal Control Officers to carry and use tasers and tranquilizer guns within the Imperial Beach city limits while on duty in their animal control uniform
- (E) *Legal Representation.* Imperial Beach will provide legal representation in cases of public nuisance, dangerous and potentially dangerous animal cases, and for lawsuits, claims, or litigation pertaining to these cases.

## **ARTICLE V. FEES**

5.1 **Fees Charged Imperial Beach Residents.** Imperial Beach residents shall be required to pay fees for certain services provided for Animal Care and Control.

(A) *Relinquishment and Redemption.* Fees will be charged in accordance with City's master fee schedule unless otherwise agreed to separately with Imperial Beach.

5.2 **Fee Updates.** On occasion, City may be required to update fees to account for increased costs. As new fees are adopted, for the purpose of this Agreement, such fees shall replace those currently in effect. Imperial Beach will be consulted prior to any fee increase affecting the Imperial Beach residents.

## **ARTICLE VI. INDEMNITY**

6.1 **Imperial Beach to Indemnify.** Imperial Beach shall defend, indemnify, protect and hold harmless the City, its elected and appointed officers, employees, agents, and volunteers, from and against any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons in any manner arising out of, related to, or in connection with the destruction of any animal delivered to and accepted by the Animal Care Facility. In addition, this indemnity provision shall cover any alleged acts, omissions, negligence, or willful misconduct of Imperial Beach, its officials, officers,

employees, agents, and volunteers. This indemnity provision, however, does not include any claims, damages, liability, costs and expenses (including without limitations, attorneys fees) arising from the sole negligence or sole willful misconduct of the City, its officers, employees, agents, and volunteers.

- 6.2 **City Duty to Indemnify.** City shall indemnify and hold Imperial Beach, its elected officials, employees, officers, agents and representatives harmless for any liability, including but not limited to claims asserted or costs, losses, attorney fees, or payments for injury to any person or property caused or claimed to be caused by the acts or omissions of the City, or its employees, agents, and officers, arising out of any services performed under this Agreement. City's duty to defend and indemnify shall not extend to any claims or liabilities arising from the sole negligence or sole willful misconduct of Imperial Beach, its agents, officers or employees.
- 6.3 **Costs of Defense and Award.** Included in the obligations in Sections 6.1 and 6.2, above, is the Indemnitor's obligation to defend, at Indemnitor's own cost, expense and risk, any and all aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against the Indemnitee, its directors, officials, officers, employees, agents and/or volunteers. Indemnitor shall pay and satisfy any judgment, award or decree that may be rendered against Indemnitee, its directors, officials, officers, employees, agents and/or volunteers, for any and all legal expense and cost incurred by each of them in connection therewith.
- 6.4 **Insurance Proceeds.** Indemnitor's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the Indemnitee, its directors, officials, officers, employees, agents, and/or volunteers.
- 6.5 **Enforcement Costs.** Indemnitor shall pay any and all costs Indemnitee incurs enforcing the indemnity and defense provisions set forth in Article VI.
- 6.6 **Survival.** Indemnitor's obligations under Article VI shall survive the termination of this Agreement.

## **ARTICLE VII. FORCE MAJEURE**

- 7.1 **Definition.** An Event of Force Majeure means an occurrence beyond the control and without the fault or negligence of a Party, including but not limited to unusually severe weather, flood, earthquake, fire, lightning, and other natural catastrophes, acts of God or the public enemy, war, terrorist act, riot, insurrection, civil disturbance or disobedience, strike, labor dispute, road impediments, expropriation or confiscation of facilities, changes of applicable law, or sabotage of facilities, so long as such Party makes good faith and reasonable efforts to remedy the delays or failures in performance caused thereby.

- 7.2 **Force Majeure.** City shall be excused for any delay or failure to perform its duties and obligations under this Agreement to the extent that such failure or delay is caused by an Event of Force Majeure as set forth in section 7.1. Delay or failure in performance by a Party which is the result of an Event of Force Majeure set forth in section 7.1 shall be deemed excused for a period no longer than the delay or failure in performance caused by such Event.
- 7.3 **Notice.** City shall give written notice to Imperial Beach as soon after becoming aware of the delay or failure in performance caused by an Event of Force Majeure as is reasonably possible, but in any event within five (5) working days after City becomes aware of such delay or failure.
- 7.4 **No Adjustments.** No Event of Force Majeure shall be a basis for monetary adjustment to amounts payable under this Agreement.

#### **ARTICLE VIII. TERMINATION OF AGREEMENT**

- 8.1 **Termination for Convenience.** Either Party may terminate this Agreement at any time and for any reason, by giving specific written notice of such termination and specifying the effective date thereof at least ninety (90) days before the effective date of such termination. If the Agreement is terminated by Imperial Beach as provided for in this paragraph, City shall be entitled to receive just and equitable compensation for all services performed prior to the effective date of such termination.
- 8.2 **Termination for Cause.** If, through any cause, either party shall substantially fail to fulfill in a timely and proper manner any obligation under this Agreement, or violate any of its covenants, agreements or conditions, the Party not in breach shall have the right to terminate this Agreement by giving written notification of such termination and specifying the effective date thereof at least five (5) days before termination. If the Agreement is terminated by Imperial Beach as provided for in this paragraph, City shall be entitled to receive just and equitable compensation for all services performed prior to the effective date of such termination.

#### **ARTICLE IX. NOTICES**

- 9.1 **Method of Notification.** All notices and demands shall be given in writing by personal delivery or first-class mail, postage prepaid, addressed to the Administrator, or his/her designee, designated below for the respective party.
- 9.2 **Designation and Contact Information.** The following, including their respective addresses, are hereby designated as Administrators for the purposes of this Agreement only:
- (A) City of Chula Vista  
Assistant City Manager, and/or his/her designee

276 Fourth Avenue  
Chula Vista, CA 91910

- (B) City Imperial Beach  
City Manager, and his/her designee  
825 Imperial Beach Blvd.  
Imperial Beach, CA 91932

- 9.3 **Changes.** If the Administrator, designee or address of either party changes, notice of the change shall be sent to the other party. After the receipt of the notice of change, all future notices or demands shall be sent as required by the notice of change.

#### **ARTICLE X. MISCELLANEOUS PROVISIONS**

- 10.1 **Headings.** All article headings are for convenience only and shall not affect the interpretation of this Agreement.
- 10.2 **Gender & Number.** Whenever the context requires, the use herein of (i) the neuter gender includes the masculine and the feminine genders and (ii) the singular number includes the plural number.
- 10.3 **Reference to Paragraphs.** Each reference in this Agreement to a section refers, unless otherwise stated, to a section this Agreement.
- 10.4 **Incorporation of Recitals and Exhibits.** All recitals herein and exhibits attached hereto are incorporated into this Agreement and are made a part hereof.
- 10.5 **Covenants and Conditions.** All provisions of this Agreement expressed as either covenants or conditions on the part of the City or Imperial Beach shall be deemed to be both covenants and conditions.
- 10.6 **Integration.** This Agreement and any exhibits or references incorporated into this Agreement fully express all understandings of the Parties concerning the matters covered in this Agreement. No change, alteration, or modification of the terms or conditions of this Agreement, and no verbal understanding of the Parties, their officers, agents, or employees shall be valid unless made in the form of a written change agreed to in writing by both Parties or an amendment to this Agreement agreed to by both Parties. All prior negotiations and agreements are merged into this Agreement.
- 10.7 **Severability.** In the event that any phrase, clause, paragraph, section or other portion of this Agreement shall become illegal, null or void, or against public policy, for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or void, against public policy, or otherwise unenforceable, the

remaining portions of this Agreement shall not be affected and shall remain in force and effect to the fullest extent permitted by law.

- 10.8 **Drafting Ambiguities.** 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 the decision of whether or not to seek advice of counsel with respect to this Agreement is a decision that is the sole responsibility of each Party. 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.
- 10.9 **Conflicts Between Terms.** If an apparent conflict or inconsistency exists between the main body of this Agreement and any exhibits, the main body of this Agreement shall control. If a conflict exists between an applicable federal, state, or local law, rule, regulation, order, or code and this Agreement, the law, rule, regulation, order, or code shall control. Varying degrees of stringency among the main body of this Agreement, the exhibits, and laws, rules, regulations, orders, or codes are not deemed conflicts, and the most stringent requirement shall control. Each Party shall notify the other immediately upon the identification of any apparent conflict or inconsistency concerning this Agreement.
- 10.10 **Compliance With Law.** The parties shall, at their sole cost and expense, comply with all the requirements of municipal, state, and federal authorities now in effect or which may hereafter be in effect related to this Agreement.
- 10.11 **Governing Law.** This Agreement shall be construed in accordance with, and governed by, the laws of the State of California. This Agreement shall be deemed made and entered into in San Diego County, California.
- 10.12 **Administrative Claims Requirements and Procedures.** No suit or arbitration shall be brought arising out of this agreement, against the City unless a claim has first been presented in writing and filed with the City and acted upon by the City in accordance with the procedures set forth in Chapter 1.34 of the Chula Vista Municipal Code, as same may from time to time be amended, the provisions of which are incorporated by this reference as if fully set forth herein, and such policies and procedures used by the City in the implementation of same. Upon request by City, Imperial Beach shall meet and confer in good faith with City for the purpose of resolving any dispute over the terms of this Agreement
- 10.13 **Fees.** In the event any action or proceeding shall be instituted in connection with this Agreement, including without limitation the enforcement of any indemnification obligation contained herein, the losing Party shall pay to the prevailing Party a reasonable sum for attorneys' fees and costs incurred in bringing or defending such action or proceeding and/or enforcing any judgment granted.

- 10.14 **Jurisdiction and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any action arising under or relating to this Agreement shall be brought only in the federal or state courts located in San Diego County, State of California, and if applicable, the City of Chula Vista, or as close thereto as possible. Venue for this Agreement, and performance hereunder, shall be the City of Chula Vista.
- 10.15 **Municipal Powers.** Nothing contained in this Agreement shall be construed as a limitation upon the powers of the City as a chartered city of the State of California.
- 10.16 **Assignment.** Imperial Beach shall not assign this Agreement or any right or privilege hereunder to any Party without the express written consent of the City. Consent to an assignment by the City shall not be deemed to be consent to any subsequent assignment. Any such assignment without such consent shall be void.
- 10.17 **No Waiver.** No failure of either Party to insist upon the strict performance by the other Party of any covenant, term or condition of this Agreement, nor any failure to exercise any right or remedy consequent upon a breach of any covenant, term, or condition of this Agreement, shall constitute a waiver of any such breach of such covenant, term or condition. No waiver of any default hereunder shall be implied from any omission to take any action on account of such default. The consent or approval to or of any act requiring consent or approval shall not be deemed to waive or render unnecessary future consent or approval for any subsequent similar acts. No waiver of any breach shall affect or alter this Agreement, and each and every covenant, condition, and term hereof shall continue in full force and effect to any existing or subsequent breach.
- 10.18 **Additional Rights.** No rights other than those specifically identified herein shall be implied from this Agreement.
- 10.19 **Cumulative Remedies.** All rights, options, and remedies of City contained in this Agreement shall be construed and held to be cumulative, and no one of them shall be exclusive of the other, and City shall have the right to pursue any one or all of such remedies or to seek damages or specific performance in the event of any breach of the terms hereof or to pursue any other remedy or relief which may be provided by law or equity, whether or not stated in this Agreement.
- 10.20 **Independent Contractor.** Unless otherwise stated in this Agreement, all persons employed in the performance of services and functions for Imperial Beach under this Agreement shall be City employees, agents, or contractors thereof. No Imperial Beach employee shall perform services or functions that City is obligated to provide under this Agreement. All City employees who are employed by City to perform the services pursuant to this Agreement shall be entitled solely to the rights and privileges given to City employees and shall not



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**SIGNATURE PAGE TO  
AGREEMENT BETWEEN CITY OF CHULA VISTA AND  
CITY OF IMPERIAL BEACH  
PROVIDING ANIMAL CARE AND ANIMAL CONTROL SERVICES**

**CITY OF CHULA VISTA**

Date:

Approved as to form:

\_\_\_\_\_  
Bart Miesfeld  
City Attorney

\_\_\_\_\_  
Cheryl Cox  
Mayor

Attest:

\_\_\_\_\_  
Donna Norris  
City Clerk

**CITY OF IMPERIAL BEACH**

Date:

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Manager

Attest:

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2010-6968**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING THE PURCHASE OF AN ANIMAL CONTROL VEHICLE WITH AN ANIMAL TRANSPORT UNIT**

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

**WHEREAS**, The current animal control vehicle is a 2000 Ford Ranger with mileage of 90,197; and

**WHEREAS**, this vehicle has an animal control transport unit (box) that allows for the safe transport of animals and has been used by the city for the past 10 years; and

**WHEREAS**, this vehicle and the current animal transport unit are in need of replacement.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Imperial Beach approves the purchase of an animal control vehicle with an animal transport unit for an amount not to exceed \$50,000 and

**BE IT FURTHER RESOLVED** that the 2010-11 Operating Budget is hereby amended in an amount not to exceed \$50,000 from the Fleet Maintenance Reserve.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 17<sup>th</sup> day of November 2010, by the following roll call vote:

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

\_\_\_\_\_  
**JIM 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. 2010-6968 A Resolution of the City Council of the City of Imperial Beach, California, APPROVING THE PURCHASE OF AN ANIMAL CONTROL VEHICLE WITH AN ANIMAL TRANSPORT UNIT

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DATE





**STAFF REPORT  
IMPERIAL BEACH REDEVELOPMENT AGENCY**

**TO:** CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY  
**FROM:** GARY BROWN, EXECUTIVE DIRECTOR  
**MEETING DATE:** NOVEMBER 17, 2010  
**ORIGINATING DEPT.:** PUBLIC WORKS *Had*  
**SUBJECT:** RESOLUTION AWARDED CAPITAL IMPROVEMENT PROJECT  
DESIGN SERVICES TO CITY ENGINEER - BDS ENGINEERING -  
TO WIT STREET IMPROVEMENTS RDA PHASE 4/5 CIP (S11-105)

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**BACKGROUND:** The Five-Year Capital Improvement Program Budget Fiscal Year 2009/2010 through Fiscal Year 2013/2014 adopted by Resolution No. 2009-6732 - included annual Street Improvement RDA Phases 4 through 8 funded through Redevelopment Agency Bonds (\$1,000,000 per year for each of 5 years - \$5,000,000 total). The funding was contingent upon the decision to sell new bonds during the Five Year Capital Improvement Program period. At the September 1, 2010 City Council / Redevelopment Agency meeting Agenda Item 6.1 discussed the possible sale of new tax increment redevelopment bond and the possible uses of those bond funds once sold. One of those discussion items included allocating up to \$6,000,000 towards Street Improvements. A Redevelopment Bond was recently sold and the funds are now available for projects at Agency's direction. Staff is recommending that \$4,000,000 of the sold bond be allocated for the Street Improvement RDA Phase 4/5 and that construction drawings begin as soon as possible. Further, Staff is proposing to award the Street Improvements RDA Phase 4/5 CIP (S11-105) project to the City Engineer, BDS Engineering, Inc., for design and bid specification services.

BDS Engineering, Inc. entered into an agreement with the City for engineering services effective July 1, 2009 for a period of three years. As City Engineer, the agreement provides for engineering services for capital projects as follows: "Prepare plans, specifications, and contract documents for said capital improvement projects. One set (originals) of the approved plans, specifications and contract documents shall be furnished to the CITY to be reproduced by CITY for bidding purposes."

Staff has prepared a scope of work for new storm drain installation, sidewalk infill, new ADA intersection access ramps, cross gutter replacement, curb and gutter replacement and street overlay for the following street sections:

- Underground Storm Drain Installation – Mid 900 block of Florence Street south to Elm Avenue thence west on Elm Avenue to mid 1100 block Elm Avenue.
- Florence Street – Elder Avenue to Elm Avenue
- Elm Avenue – 13<sup>th</sup> Street to Florida Street
- Calla Avenue – 532 Calla Avenue to Rainbow Drive
- 9<sup>th</sup> Street – SR 75 to Fern Avenue
- Elm Avenue – 7<sup>th</sup> Street to 10<sup>th</sup> Street
- 7<sup>th</sup> Street – Encina Avenue to Palm Avenue
- Georgia Street – Imperial Beach Blvd. to Fern Avenue

- Donax Avenue – 13<sup>th</sup> Street to east City Limits
- Donax Avenue – 2<sup>nd</sup> Street to 3<sup>rd</sup> Street
- 5<sup>th</sup> Street – Imperial Beach Blvd. to Fern Avenue
- Fern Avenue – 5<sup>th</sup> Street to Sports Park
- Fern Avenue – California Street to East Lane
- Grove Avenue – Sports Park to Loudon Lane
- Loudon Lane – Imperial Beach Blvd. to Grove Avenue
- Oneonta Avenue – 5<sup>th</sup> Street to Connecticut Street
- East Lane – Imperial Beach Blvd. to Grove Avenue
- Elder Avenue – 300 block
- Evergreen Avenue – 300 block

**DISCUSSION:** Staff requested the City Engineer prepare a cost proposal to “prepare plans, specifications and contract documents for the ‘Street Improvements RDA Phase 4/5 CIP Project (S11-105)’ project.” BDS Engineering has evaluated the project scope of work and submitted an estimated cost for this service at \$227,600.

**ENVIRONMENTAL DETERMINATION:**

Project is exempt from CEQA pursuant to CEQA Guidelines Section 15302(c): Replace or Reconstruction of Existing Utility Systems and Facilities. Not a project as defined by CEQA.

**FISCAL IMPACT:**

Estimated Redevelopment Agency funds available	\$4,000,000
BDS Engineering, Inc. plans, specifications and contract document services	\$ 227,600
Funds remaining for project construction and administration	\$3,772,400

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Discuss the elements of the project listed and provide additional direction to staff if necessary.
3. Adopt the attached resolution authorizing the Executive Director to approve a purchase order for the preparation of plans, specifications and contract document with BDS Engineering, City Engineer, for the project as listed above.

**EXECUTIVE DIRECTOR’S RECOMMENDATION:**

Approve Department recommendation.

  
 \_\_\_\_\_  
 Gary Brown, Executive Director

Attachments:

1. Resolution No. R-10-235

**RESOLUTION NO. R-10-235****A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AWARDED CAPITAL IMPROVEMENT PROJECT DESIGN SERVICES TO CITY ENGINEER - BDS ENGINEERING - TO WIT STREET IMPROVEMENTS RDA PHASE 4/5 CIP (S11-105)**

**WHEREAS**, the Five-Year Capital Improvement Program Budget Fiscal Year 2009/2010 through Fiscal Year 2013/2014 adopted by Resolution No. 2009-6732 - included annual Street Improvement RDA Phases 4 through 8 funded through Redevelopment Agency Bonds (\$1,000,000 per year for each of 5 years - \$5,000,000 total); and

**WHEREAS**, the funding was contingent upon the decision to sell new bonds during the Five Year Capital Improvement Program period; and

**WHEREAS**, at the September 1, 2010 City Council / Redevelopment Agency meeting Agenda Item 6.1 discussed the possible sale of a new tax increment redevelopment bond and the possible uses of those bond funds once sold; and

**WHEREAS**, one of those discussion items included allocating up to \$6,000,000 towards Street Improvements; and

**WHEREAS**, a Redevelopment Bond was recently sold and the funds are now available for projects at Agency's direction; and

**WHEREAS**, staff is recommending that \$4,000,000 of the sold bond be allocated for the Street Improvement RDA Phase 4/5 and that construction drawings begin as soon as possible; and

**WHEREAS**, staff is proposing to award the Street Improvements RDA Phase 4/5 CIP (S11-105) project to the City Engineer, BDS Engineering, Inc., for design and bid specification services; and

**WHEREAS**, BDS Engineering, Inc. entered into an agreement with the City for engineering services effective July 1, 2009 for a period of three years; and

**WHEREAS**, as City Engineer, the agreement provides for engineering services for capital projects as follows: "Prepare plans, specifications, and contract documents for said capital improvement projects; and

**WHEREAS**, staff has prepared a scope of work for new storm drain installation, sidewalk infill, new ADA intersection access ramps, cross gutter replacement, curb and gutter replacement and street overlay for the following street sections:

- Underground Storm Drain Installation – Mid 900 block of Florence Street south to Elm Avenue thence west on Elm Avenue to mid 1100 block Elm Avenue.
- Florence Street – Elder Avenue to Elm Avenue
- Elm Avenue – 13<sup>th</sup> Street to Florida Street
- Calla Avenue – 532 Calla Avenue to Rainbow Drive
- 9<sup>th</sup> Street – SR 75 to Fern Avenue
- Elm Avenue – 7<sup>th</sup> Street to 10<sup>th</sup> Street
- 7<sup>th</sup> Street – Encina Avenue to Palm Avenue
- Georgia Street – Imperial Beach Blvd. to Fern Avenue
- Donax Avenue – 13<sup>th</sup> Street to east City Limits

- Donax Avenue – 2<sup>nd</sup> Street to 3<sup>rd</sup> Street
- 5<sup>th</sup> Street – Imperial Beach Blvd. to Fern Avenue
- Fern Avenue – 5<sup>th</sup> Street to Sports Park
- Fern Avenue – California Street to East Lane
- Grove Avenue – Sports Park to Loudon Lane
- Loudon Lane – Imperial Beach Blvd. to Grove Avenue
- Oneonta Avenue – 5<sup>th</sup> Street to Connecticut Street
- East Lane – Imperial Beach Blvd. to Grove Avenue
- Elder Avenue – 300 block
- Evergreen Avenue – 300 block; and

**WHEREAS**, staff requested the City Engineer prepare a cost proposal to “prepare plans, specifications and contract documents for the ‘Street Improvements RDA Phase 4/5 CIP Project (S11-105)’project;” and

**WHEREAS**, BDS Engineering has evaluated the project scope of work and submitted an estimated cost for this service at \$227,600.

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

1. The above recitals are true and correct.
2. The City Manager is authorized to a sign a purchase order for the project listed above at the cost provided herein.

**PASSED, APPROVED, AND ADOPTED** by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 17th day of November 2010, by the following roll call vote:

**AYES:           BOARDMEMBERS:**  
**NOES:           BOARDMEMBERS:**  
**ABSENT:       BOARDMEMBERS:**

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**JAMES C. JANNEY**  
**CHAIRPERSON**

**ATTEST:**

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**JACQUELINE M. HALD, CMC**  
**SECRETARY**



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**FROM:** GARY BROWN, CITY MANAGER

**MEETING DATE:** NOVEMBER 17, 2010

**ORIGINATING DEPT.:** PUBLIC WORKS *Had*

**SUBJECT:** RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 TO SEALING & REPAIRING WETWELLS & MANHOLES W05-401 CONTRACT WITH NEWEST CONSTRUCTION COMPANY AND AUTHORIZING A BUDGET AMENDMENT OF \$63,435 TO THE SEALING & REPAIRING WETWELLS & MANHOLES W05-401 CIP PROJECT

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**BACKGROUND:** June 15, 2010, City Council adopted resolution no. 2010-6904 awarding a contract for certain public works project – Sealing & Repairing Wetwells & Manholes (W05-401) to NEWest Construction Company at a contract price of \$656,515. Construction work commenced September 21, 2010. At the November 3, 2010 City Council meeting, City Council adopted Resolution No. 2010-6960 approving Change Order No. 1 for \$19,293. The new NEWest Construction Company contract was increased to \$675,808.

Subsequently NEWest Construction Company identified a contract specification error in that the size of the wet wells to be repaired / sealed in that the specifications showed the wet wells were not consistent with their actual sizes. The net difference was an increase in the size of the wet wells to be sealed. Thus NEWest Construction Company is asking to the contract price to seal the sewer wet wells at their actual size at an additional contract cost of \$63,435.

**DISCUSSION:** In November 2002 City Council awarded a contract for a company to inspect the material condition of the sewer pump station wet wells. They issued their report in August 2003. This report was provided to the contracted Project Engineer who developed the repair specifications for the Contract awarded to NEWest Construction Company. It has been discovered that the inspection report from 2003 had incorrectly recorded the depth of the sewer wet wells, thus the quantities specified for wet well sealing was not consistent with the actual sealing requirements. Of the six wet wells listed for sealing, five of the wet wells were deeper than shown in the report and one was shallower than that shown in the report. The net result was an increase in the total area to be sealed.

In order to cover the costs to seal the sewer station wet wells, the CIP budget will need to be increased by the amount of the change order - \$63,435. There are sufficient funds in the Sewer Enterprise Fund, Reserve Account to transfer the \$63,435 for this purpose.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA. This project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15302(c): Replacement or Reconstruction of Existing Utility Systems and Facilities.

**FISCAL IMPACT:**

Budget Allocated from Sewer Enterprise Fund:

- Sealing & Repairing Wet Wells & Manholes (CIP W05-401) \$463,000
- Sewer Manholes (CIP W05-301) \$ 70,000
- Pump Station No. 7 Wet Well Replacement (CIP W06-1101) \$221,000
- Budget Amendment – Resolution 2010-6904 \$ 35,000
- Budget Amendment – Resolution 2010-6960 \$ 20,000
- **TOTAL BUDGET ALLOCATED \$809,000**

Expenditure & Encumbrances

- Tran Engineering (design services) \$ 63,350
- NEWest Construction Company, Inc. \$656,515
- Change order No. 1 to NEWest Construction Co. contract \$ 19,293
- Change order No 2 to NEWest Construction Co. contract \$ 63,435
- Project Administration \$ 63,000
- **ESTIMATED TOTAL PROJECT COST \$865,593**

Recommended budget amendment to cover the remaining cost of the project:

- Sewer Enterprise Fund \$ 63,435

**New Total Sewer Enterprise Fund Allocation \$872,435**

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Adopt attached resolution No. 2010-6969 authorizing Change Order No. 2 to the NEWest Construction Company Sealing & Repairing Wet Wells & Manholes (W05-401) contract for the sealing of all sewer station wet wells listed in the contract.
3. Authorize the City Manager to approve the NEWest Construction Company purchase order increase by \$63,435.
4. Authorize the transfer of \$63,435 from the Sewer Enterprise Fund Reserve (601) Account to the Sealing & Repairing Wet Wells & Manholes (W05-401) CIP project to cover the design, construction and project administration costs (including Change Order No. 2) for the “Sealing & Repairing Wet Wells & Manholes (W05-401)” project (Resolution 2010-6969).

**CITY MANAGER’S RECOMMENDATION:**

Approve Department recommendation.

  
 \_\_\_\_\_  
 Gary Brown, City Manager

Attachments:

1. Resolution No. 2010-6969

**RESOLUTION NO. 2010-6969**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING CHANGE ORDER NO. 2 TO SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CONTRACT WITH NEWEST CONSTRUCTION COMPANY AND AUTHORIZING A BUDGET AMENDMENT OF \$63,435 TO THE SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CIP PROJECT**

**WHEREAS**, June 15, 2010, City Council adopted resolution no. 2010-6904 awarding a contract for certain public works project – Sealing & Repairing Wet Wells & Manholes (W05-401) to NEWest Construction Company at a contract price of \$656,515; and

**WHEREAS**, at the November 3, 2010 City Council meeting, City Council adopted Resolution No. 2010-6960 approving Change Order No. 1 for \$19,293; and

**WHEREAS**, the NEWest Construction Company contract was increased to \$675,808; and

**WHEREAS**, NEWest Construction Company has subsequently identified a contract specification error in that the size of the wet wells to be repaired / sealed in that the specifications showed the wet wells were not consistent with their actual sizes; and

**WHEREAS**, NEWest Construction Company is asking adjust the contract price to seal the sewer wet wells at their actual size at an additional contract cost of \$63,435; and

**WHEREAS**, it has been discovered that the referenced inspection report for this project had incorrectly recorded the depth of the sewer wet wells, thus the quantities specified for wet well sealing was not consistent with the actual sealing requirements; and

**WHEREAS**, the actual sewer wet well dimensions are as measured by NEWest Construction Company; and

**WHEREAS**, in order to cover the costs to seal the sewer station wet wells, the CIP budget will need to be increased by the amount of the change order - \$63,435; and

**WHEREAS**, there are sufficient funds in the Sewer Enterprise Fund, Reserve Account to transfer the \$63,435 for this purpose.

**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. This legislative body authorizes Change Order No. 2 to the NEWest Construction Company Sealing & Repairing Wet wells & Manholes (W05-401) contract for sealing the existing wet wells.
3. This legislative body authorizes the City Manager to approve the NEWest Construction Company purchase order increase by \$63,435.
4. This legislative body authorizes the transfer of \$63,435 from the Sewer Enterprise Fund Reserve (601) Account to the Sealing & Repair Wet Wells & Manholes (W05-401) CIP project to cover the added costs to the "Sealing & Repair Wet Wells & Manholes (W05-401) project.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 17th day of November 2010, by the following vote:

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

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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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**JACQUELINE M. HALD, CMC**  
**CITY CLERK**



Imperial Beach  
Redevelopment Agency

AGENDA ITEM NO. 6.6

**STAFF REPORT  
IMPERIAL BEACH REDEVELOPMENT AGENCY**

**TO:** CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY  
**FROM:** GARY BROWN, EXECUTIVE DIRECTOR  
**MEETING DATE:** NOVEMBER 17, 2010  
**ORIGINATING DEPT.:** EXECUTIVE DIRECTOR  
**SUBJECT:** DUE DILIGENCE TO EXPLORE IMPROVEMENTS TO THE COUNTY LIBRARY IN IMPERIAL BEACH

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**BACKGROUND**

Staff has had discussions with Supervisor Cox and County Staff about improving County library facilities by:

1. Renovating the existing library and expanding it or
2. Building a new library at the current site
3. Linking a renovated or new library facility to the Marina Vista Community Center

(Please see attachments)

**DISCUSSION:**

The County can start the due diligence phase to address key issues shown on the attachment and refine project cost estimates. Key issues include parking, property boundaries, whether to renovate the existing building or construct a new building, how to continue library operations during construction, and an initial assessment of the level of environmental review.

The due diligence phase will cost approximately \$80,000. The County will proceed if the Redevelopment Agency pays for 50% of this phase, not to exceed \$40,000.

**ENVIRONMENTAL IMPACT:**

None needed for this phase.

**FISCAL ANALYSIS:**

Up to \$40,000 to be spent from non-housing Redevelopment funds.

**DEPARTMENT RECOMMENDATION:**

Adopt Resolution No. R-10-236 allocating up to \$40,000 from non-housing Redevelopment funds to be used for the initial due diligence and conceptual design of library improvements in Imperial Beach.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendations.

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

Gary Brown, City Manager

Attachments:

1. Resolution No. R-10-236
2. Imperial Beach library Cost Estimate
3. Imperial Beach Due Diligence Proposal Overview
4. Proposed Imperial Beach Library Project Issues Map



**RESOLUTION NO. R-10-236**

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING UP TO \$40,000 FOR DUE DILIGENCE AND CONCEPTUAL DESIGN FOR IMPROVEMENTS OF LIBRARY FACILITIES IN IMPERIAL BEACH**

**WHEREAS**, County's library in Imperial Beach is a valuable resource to the people of Imperial Beach; and

**WHEREAS**, the library's physical structure is aging and could use major renovation or be replaced; and

**WHEREAS**, library is approximately half the size of a library needed to serve the population of Imperial Beach; and

**WHEREAS**, County Supervisor Cox has proffered to pay for one-half of the cost of the initial due diligence and conceptual design work necessary to answer questions related to improving library facilities in Imperial Beach; and

**WHEREAS**, the cost of the due diligence and conceptual design work is approximately \$80,000; and

**WHEREAS**, the Redevelopment Agency is interested in receiving the results of the due diligence and conceptual design study.

**NOW, THEREFORE, BE IT RESOLVED** by the Redevelopment Agency of the City of Imperial Beach that the Executive Director is authorized to pay the lessor of one-half of the cost of the initial due diligence and conceptual design work or \$40,000 to explore the feasibility of improved library facilities in Imperial Beach.

**BE IT FURTHER RESOLVED** by the Redevelopment Agency of the City of Imperial Beach that the source of funds for the Redevelopment Agency's share will be non-housing Redevelopment Funds and the Redevelopment budget is hereby amended to provide the \$40,000.

**PASSED, APPROVED, AND ADOPTED** by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 17<sup>th</sup> day of November 2010, by the following vote:

**AYES:       BOARDMEMBERS:**  
**NOES:       BOARDMEMBERS:**  
**ABSENT:     BOARDMEMBERS:**

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**JAMES C. JANNEY**  
**CHAIRPERSON**

**ATTEST:**

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**JACQUELINE M. HALD, CMC**  
**SECRETARY**



Imperial Beach Library Project Cost Estimate

14,000 GSF w/off-site parking lease (no additional parking improvements)  
14,000 GSF

Concept	Initial Due Diligence, Conceptual Design	\$ 80,000	Traffic, Structural, Parking Negotiations, Consultations with City Staff, per accompanying breakdown Att A
	Design-Build Pre-Design	\$ 50,000	Geotech, Programming, RFSQ/RFP Development
Scope Defined	Advertise/Award, Agency Reviews	\$ 45,000	
	Design-Build Contract	\$ 6,049,000	
Design/Construction - full funding required	Design Development, Permits	\$ 235,000	Design Phase, Permits
	Construction -Standard Construction with 8% escalation to midpoint construction 2013	\$ 4,374,000	9,000 sq ft @ \$450/sq/ft
	<b>Demo Existing (partial)</b>	\$ 140,000	2,000 sq ft @ \$70/sq/ft
	<b>Retrofit/remodel Existing</b>	<b>\$ 1,300,000</b>	<b>3000 sq ft Library @ \$300/sq ft, 2,000 sq ft Community Room @ \$200/sq ft</b>
	Construction Administration	\$ 240,000	Staff, Special Inspection/Consultants, Labor Compliance
	Project Contingency - 10%	<u>\$ 604,900</u>	

Design/Construction Total **\$ 7,068,900** Forecast at completion

Interim Library Facility \$ 122,000 2,000 sq ft lease, \$50K TIs  
FF&E \$ 700,000

Project Total **\$ 7,890,900**

\$ 505 Project Cost per GSF, excluding FF&E, interim facility  
\$ 564 Project Cost per total GSF  
\$ 405 Building Construction per total GSF

**NOTE** *Cost effectiveness of retrofit/remodel of existing building must be evaluated against demolition/reconstruction after thorough structural analysis to determine the extent of code and structural improvements necessary to satisfy functional library operation and layout.*







# Imperial Beach Library

## Due Diligence Proposal Overview

### ATTACHMENT A

#### INITIAL DUE DILIGENCE DETAILED SCOPE OF WORK

ACTIVITY	Cost	Schedule	Description
<b>Project Management</b>			
<b>DGS- PM</b>			
Conceptual Drawings (2)	\$12,000	45d	Elevations & floor plans for two concepts (retrofit, new construction)
General Project Management	\$3,750	120d	Contract mgmt, document review, PM support
Coordination w/ City & Church	<u>\$6,000</u>	120d	Site visit, negotiations, pre-permitting collaboration re: parking.
<b>Subtotal</b>	<b>\$21,750</b>		
<b>DGS- RES</b>	\$8,400	120d	Real property research re: City/ County land ownership. Site maps & survey. Negotiations with Church re: parking.
<b>Counsel</b>	<u>\$2,500</u>	120d	Review & counsel re: City/ County land ownership & parking.
<b>Subtotal</b>	<b>\$10,900</b>		
<b>Consultant Activities</b>			
Structural Assessment	\$25,000	75d	Assess building for overall condition and seismic capacity.
Utilities Assessment	\$5,000	75d	Assess the condition of under slab plumbing, building systems.
Historical Initial Assessment*	\$2,000	75d	Initial Evaluation of building historical significance (letter report).
Traffic/ Parking Analysis	<u>\$15,000</u>	<u>75d</u>	Evaluation of traffic/parking issues and alternatives.
<b>Subtotal</b>	<b>\$47,000</b>		
<b>Total Cost</b>	<b>\$79,650</b>	<b>120 days</b>	
<b>Use</b>	<b>\$80,000</b>		

**Notes:**

\* Additional analysis may be required depending on findings.



# Imperial Beach Library

## Due Diligence Proposal Overview

### **ATTACHMENT B**

#### RETROFIT OF EXISTING BUILDING SCENARIO- Issues for Consideration

- Since the library was built in 1966 the seismic zone of the San Diego area has increased so that the existing library building may no longer comply with earthquake requirements.
- The concrete construction of the existing building is an outdated system that does not respond well to earthquake forces.
- The structural design of the addition will be driven by the stiff and heavy construction of the existing building. This equates to a more expensive addition.
- Modification of the existing building will be costly— including new shear walls, new beams, and other improvements to meet current building code. An open interior concept will require significant structural alterations to accept existing roof and lateral loads.
- Any new construction will clearly look like an addition without significant effort to reflect the existing building architecture and materials.
- LEED certification/energy efficiency will be complicated by the existing structural system, glazing and insulation.
- The existing floor elevations of the library and community room may pose an access issue.





### Proposed Imperial Beach Library

#### Project Issues:

1. Parking
  - Required number by Traffic Study
  - Location (agreement with Church?)
  - Scope of improvements required?
2. Property Boundaries
  - Construction across property lines?
3. Existing Buildings
  - Requirements for retrofit/code upgrade?
  - Benefits of demo and new construction?
4. Continuity of Library Operations
  - Open during remodel or alternate facility?

1  
Potential  
Parking

2  
Property  
Boundary

3  
Existing  
Buildings

4  
Library  
Operations

Conceptual Expansion

Existing Library





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

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

**MEETING DATE:** NOVEMBER 17, 2010  
**ORIGINATING DEPT.:** CITY CLERK DEPT.

**SUBJECT:** DESIGN REVIEW BOARD – TWO (2) TERMS EXPIRING  
DECEMBER 31, 2010

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**BACKGROUND**

On August 6, 1997, Council adopted Ordinance No. 97-915 establishing the Design Review Board (DRB). Members of the DRB investigate, review and evaluate the design, layout and other features of proposed developments.

**DISCUSSION:**

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

DRB members Daniel Lopez and Thomas Schaaf have terms expiring on December 31, 2010. Both Mr. Lopez and Mr. Schaaf were informed of their term expirations and have expressed interest in serving another term.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

None associated with this report.

**DEPARTMENT RECOMMENDATION:**

1. If so desired, the Mayor can recommend reappointment of members Thomas Schaaf and Daniel Lopez to the Design Review Board in accordance with Chapter 2.18.010.C of the I.B.M.C. The new term of office shall begin January 1, 2011 and expire December 31, 2014; and
2. City Council approve Mayor's appointments to the Design Review Board.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

  
\_\_\_\_\_  
Gary Brown, City Manager