



A G E N D A

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY



FEBRUARY 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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION/APPOINTMENT

Pursuant to Government Code Section 54957:

Title: City Manager

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

Negotiating Parties: Imperial Coast Limited Partnership

Under Negotiation: Instruction to Negotiator will concern price and/or 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.

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.

PRESENTATIONS (1.1)

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

City Manager's Recommendation: Present the Recycle All-Star Award Certificate, \$100.00 check and other premiums to Don and Lois Wallace.

CONSENT CALENDAR (2.1 - 2.5) - *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 January 20, 2010.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 70318 through 70416 with the subtotal amount of \$1,706,261.91 and Payroll Checks 42228 through 42274 with the subtotal amount of \$144,637.24, for a total amount of \$1,850,899.15.

2.3 RESOLUTION NO. 2010-6852 – SUPPORTING GREEN BUILDING EFFORTS THAT WILL LEAD TO SAVINGS AND INCREASE EFFICIENCY IN SCHOOLS. (0230-95)

City Manager's Recommendation: Adopt resolution.

2.4 RESOLUTION NO. 2010-6853 – APPROVING A TIME EXTENSION FOR ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (ACP 050428) AND TENTATIVE MAP (TM 050429) FOR THE CONVERSION OF SEVEN EXISTING RESIDENTIAL DWELLING UNITS INTO COMMON INTEREST CONDOMINIUM OWNERSHIP UNITS LOCATED AT 560 FLORIDA STREET, IN THE R-3000-D (TWO-FAMILY DETACHED RESIDENTIAL) ZONE. MF 791. (0600-20)

City Manager's Recommendation: Adopt resolution.

2.5 RESOLUTION NO. 2010-6854 – CLARIFYING AN UNCERTAINTY UNDER THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO ZONING AND NONCONFORMING USES. (0610-95)

City Manager's Recommendation: Adopt resolution.

ORDINANCES – URGENCY/INTRODUCTION/FIRST READING (3.1)

3.1 ADOPTION OF URGENCY ORDINANCE NO. 2010-1099 AND FIRST READING AND INTRODUCTION OF ORDINANCE NO. 2010-1100 AMENDING SECTION 9.08.050 PERTAINING TO JUVENILE CURFEW. (0240-95)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Urgency Ordinance No. 2010-1099, "AN URGENCY ORDINANCE AMENDING SECTION 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW";
3. City Clerk reads title of Urgency Ordinance No. 2010-1099;
4. Motion to waive further reading and dispense introduction by title only and adopt Urgency Ordinance No. 2010-1099. (4 affirmative votes required for approval).
5. Mayor calls for the reading of the title of Ordinance No. 2010-1100, "AN ORDINANCE AMENDING SECTION 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW";
6. City Clerk reads title of Ordinance No. 2010-1100; and
7. Motion to waive further reading and dispense introduction by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

ORDINANCES – INTRODUCTION/FIRST READING (3.2)

3.2 ORDINANCE NO. 2010-1098 – REQUIRING MANDATORY L.E.A.D. OR R.B.S.S. TRAINING FOR ABC ESTABLISHMENTS. (0240-95)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2010-1098, "AMENDING TITLE 9, PUBLIC PEACE, MORALS, AND WELFARE, BY ADDING CHAPTER 9.05 ALCOHOLIC BEVERAGES – RESPONSIBLE BEVERAGE SALES AND SERVICE TO REQUIRING RESPONSIBLE SALES AND SERVICE TRAINING, TO THE IMPERIAL BEACH MUNICIPAL CODE";
3. City Clerk reads title of Ordinance No. 2010-1098; and
4. Motion to waive further reading and dispense introduction by title only, and set the matter for adoption at the next regularly scheduled City Council meeting.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2010-1097 – AMENDING SECTION 15.50 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO FLOOD DAMAGE PREVENTION. (0770-95)

City Manager's Recommendation:

1. Receive report and entertain public testimony;
2. Mayor calls for the reading of the title of Ordinance No. 2010-1097, "AMENDING SECTION 15.50 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO FLOOD DAMAGE PREVENTION";
3. City Clerk reads title of Ordinance No. 2010-1097; and
4. Motion to dispense second reading and adopt Ordinance No. 2010-1097 by title only.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. R-10-209 – APPROVAL OF THE FIVE-YEAR IMPLEMENTATION PLAN FOR THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT AREA. (0640-80)

City Manager's Recommendation:

1. Open the public hearing; and
2. Receive report and entertain public testimony;
3. Close the public hearing; and
4. Adopt resolution.

REPORTS (6.1 - 6.4)

Item No. 6.1 will be discussed at 7:00 p.m. – TIME SPECIFIC

6.1 COMMERCIAL ZONING REVIEW. (0610-95)

City Manager's Recommendation: That the City Council continue its discussion and provide direction and input on the specific recommendations presented. It is further recommended that the City Council schedule the proposed Land Use Table and Definitions for consideration and discussion at one of the upcoming City Council meetings in March and provide any further specific direction on the next steps for consideration of the proposed recommendations.

6.2 PROPOSED SCOPE OF WORK TO COMPLETE THE TASKS ASSOCIATED WITH THE SECOND CONTRACT AMENDMENT WITH EDWA/AECOM IN THE AMOUNT OF \$50,000 FOR THE COMMERCIAL ZONING REVIEW. (0610-95)

City Manager's Recommendation: Approve the revised Scope of Work.

(Continued on Next Page)

REPORTS (Continued)

6.3 LANGUAGE APPROVAL FOR THE RESPONSIBLE RETAILER PROGRAM (RRP) BROCHURE. (0240-07)

City Manager's Recommendation: Adopt the proposed language in the RRP brochure.

6.4 RESOLUTION NO. 2010-6851 – AMENDING COUNCIL POLICY 112 - ROTATION OF MAYOR PRO TEMPORE DUTIES. (0410-13)

City Manager's Recommendation: Receive report and adopt resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

ADJOURNMENT

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

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

www.cityofib.com.

Copies of this notice were provided on February 11, 2010 to the City Council, San Diego Union-Tribune, and I.B. Eagle & Times.

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF IMPERIAL BEACH)

AFFIDAVIT OF POSTING

I, Jacqueline M. Hald, City Clerk of the City of Imperial Beach, hereby certify that the Agenda for the Regular Meeting as called by the City Council, Redevelopment Agency, Planning Commission, and Public Financing Authority of Imperial Beach was provided and posted on February 11, 2010. Said meeting to be held at 5:30 p.m. February 17, 2010, in the Council Chambers, 825 Imperial Beach Boulevard, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers on February 11, 2010 at 2:30 p.m.

Jacqueline M. Hald, CMC
City Clerk



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: February 17, 2010
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: RECYCLE ALL-STAR AWARD PRESENTATION

BACKGROUND:

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

DISCUSSION:

On January 28, 2009, City inspectors canvassed the 100 Block of Elm Ave. in search of a Recycle All-Star. The following resident was selected as the Recycle All-Star for the month of February, 2009: Don and Lois Wallace.

The above resident has been notified of his/her award by telephone and letter and invited to accept the Recycle All-Star award at the February 17, 2009 City Council meeting.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL ANALYSIS:

None

DEPARTMENT RECOMMENDATION:

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

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

DRAFT

MINUTES

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

JANUARY 20, 2010

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

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

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:01 p.m.

ROLL CALL

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

Staff present: City Manager Brown; City Attorney Lough; 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: 803 Palm Ave., Imperial Beach, CA 91932, APN: 626-250-06

Agency Negotiator: City Manager

Negotiating Parties: Inner Visions c/o Deborah Sides

Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

Property: 771 Palm Ave., Imperial Beach, CA 91932, APN: 626-250-05

Agency Negotiator: City Manager

Negotiating Parties: Wylde Sydes Boutique c/o James Sides

Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957:

Title: City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION/APPOINTMENT

Pursuant to Government Code Section 54957:

Title: City Attorney

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:02 p.m. and he reconvened the meeting to Open Session at 6:02 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, had no reportable action and City Council would reconvene into Closed Session following the Regular meeting.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:02 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 Lough; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY KING, SECOND BY BRAGG, TO POSTPONE ITEM NOS. 6.1, 6.2 AND 6.3 TO A FUTURE AGENDA. MOTION CARRIED UNANIMOUSLY.

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

COUNCILMEMBER BRAGG reported she and the Mayor attended the Port of San Diego's annual swearing-in luncheon, the MTS meeting where they voted to discontinue several routes in the South Bay and approve time changes to Route 901; she also spoke of the need to cut routes due to budget constraints resulting from State takeaways; and she and the Mayor attended the League of California Cities luncheon meeting where they received information on a water bond that will be on the November ballot.

COUNCILMEMBER MCCOY spoke about the forces of nature and the recent tragedy in Haiti; she encouraged all to donate to a charity of their choice to help the people of Haiti.

MAYOR PRO TEM KING reported he and Sheriff's Captain Miller attended a breakfast meeting at the City of Chula Vista where they received information that the U.S. Embassy in Mexico will use grant funding to train law enforcement in Mexico on cross border issues, violence and drug problems.

MAYOR JANNEY attended the ground breaking ceremony at Mar Vista High School.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN announced sand bags and sand are available at the fire station.

PUBLIC SAFETY DIRECTOR SOTELO introduced Ashley Springfield, the City's new Animal Control Officer.

PUBLIC COMMENT

TIM O'NEAL, Co-founder of the Imperial Beach Skateboarding Association, thanked City Council for previous decisions regarding the Skate Park; and he expressed disappointment that the City did not accept the assistance he and others offered for the project.

DAVID ELLIS, newly elected President of I.B. Beautiful, spoke in support of relocating the Farmers Market to Pier Plaza.

TIBER LEPES, Manager of an apartment complex located near Pier Plaza, spoke in support of relocating the Farmers Market to Pier Plaza.

DEANNA ROSE, Manager of the Farmers Market, submitted copies of the site plan for Pier Plaza for the record; she requested Council's support for relocation to Pier Plaza and requested placement on a future agenda.

COUNCILMEMBER ROSE requested that the Farmers Market be placed on a future agenda.

ED KRAVITZ, Editor of Saveib.com, requested permission to place a splitter on the television in the Community Room so that he can upload City Council meetings to the internet; and he spoke in support of publicizing the City Council meeting agendas in the I.B. Eagle newspaper prior to City Council meetings.

JOHN CARR spoke about Saveib.com being denied access and spoke in support of broadcasting City Council meetings.

PRESENTATIONS (1.1)

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

MAYOR JANNEY AND ENGINEER/PARAMEDIC WEAVER presented certificates of accomplishment to the following Fire Prevention Week poster contest winners:

Yram Padilla from Central Elementary
Janet Ramirez from Bayside Elementary
Kevyn Mogote from Oneonta Elementary
Eliza McCall from Westview Elementary
Jacob Wholton from Imperial Beach Elementary

CONSENT CALENDAR (2.1 - 2.10)

A revised Resolution No. 2010-6841 was submitted as Last Minute Agenda Information.

COUNCILMEMBER ROSE announced she had a potential conflict of interest on Item No. 2.7 as she is on the Board of Directors of YMCA Camping Services.

COUNCILMEMBER BRAGG registered a "No" vote for Item No. 2.8.

MOTION BY MCCOY, SECOND BY ROSE, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.6, 2.9 AND 2.10. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO ITEM NO. 2.7, MOTION CARRIED BY THE FOLLOWING VOTE:

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

WITH REGARD TO ITEM NO. 2.8, MOTION CARRIED BY THE FOLLOWING VOTE:

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

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of November 18, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 70053 through 70217 with the subtotal amount of 653,857.85 and Payroll Checks 42004 through 42178 with the subtotal amount of 512,965.52, for a total amount of \$1,166,823.37.

2.3 RESOLUTION NO. 2010-6841 – SALARY AND COMPENSATION PLAN CHANGE FOR VACATION SELL-BACK. (0520-75)

Adopted resolution.

2.4 2010 CITY COUNCIL WORKSHOP MEETINGS – TIME CHANGE. (0410-05)

City Council Workshop meetings scheduled for April 13, July 13, and October 12, 2010 start at 5:30 p.m. rather than 9:00 a.m.

2.5 RESOLUTION NO. 2010-6842 – SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010. (0460-20)

Adopted resolution.

2.6 RESOLUTION NO. R-10-205 – ACCEPTING THE STATE CONTROLLER’S ANNUAL REPORT ON FINANCIAL TRANSACTIONS; HOUSING AND COMMUNITY DEVELOPMENT ANNUAL REPORT OF HOUSING ACTIVITY OF FOR THE YEAR ENDED JUNE 30, 2009; AND THE REDEVELOPMENT AGENCY FINANCIAL STATEMENTS AS OF JUNE 30, 2009. (0300-88 & 0310-30)

Adopted resolution.

2.7 APPROVING THE AWARD OF GRANTS UNDER THE 2009-2010 FISCAL YEAR COMMUNITY GRANTS PROGRAM. (0330-15)

Approved the award of grants under the FY 2009-2010 Grants Program as recommended in the staff report.

2.8 RESOLUTION NO. R-10-206 – AFFIRMING A REDEVELOPMENT AGENCY COMMITMENT TO THE MINIMUM REQUIRED 10 PERCENT MATCH FOR BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT APPLICATION FOR THE ECO-BIKEWAY 7TH AND SEACOAST CIP CONSTRUCTION PROJECT. (0680-20)

Adopted resolution.

2.9 RESOLUTION NO. 2010-6839 – AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND SAN DIEGO PROJECT HEARTBEAT/SAN DIEGO MEDICAL SERVICES ENTERPRISE FOR AED/PAD PROGRAM SERVICE LEVEL AGREEMENT. (0210-30)

Adopted resolution.

2.10 RESOLUTION NO. 2010-6837 – AUTHORIZING THE CITY MANAGER TO ACCEPT STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) FROM THE COUNTY OF SAN DIEGO OFFICE OF EMERGENCY SERVICES FOR FISCAL YEAR 2008-2009. (0390-86)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 ORDINANCE NO. 2010-1096 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 8.30.030 (DEFINITION OF “PRIORITY DEVELOPMENT PROJECT CATEGORY”) AND CHAPTER 8.32 (STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP)) OF THE IMPERIAL BEACH MUNICIPAL CODE. (0770-85)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH gave a report on the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1096.

CITY CLERK HALD read the title of Ordinance No. 2010-1096, "An Ordinance of the City Council of the City of Imperial Beach, California AMENDING SECTION 8.30.030 (DEFINITION OF “PRIORITY DEVELOPMENT PROJECT CATEGORY”) and CHAPTER 8.32 (STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP)) OF THE IMPERIAL BEACH MUNICIPAL CODE.

MOTION BY KING, SECOND BY MCCOY, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION 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. 2010-6836 – APPROVING REGULAR COASTAL DEVELOPMENT PERMIT (CP 090023), DESIGN REVIEW (DRC 090024), SITE PLAN REVIEW (SPR 090025), AND MITIGATED NEGATIVE DECLARATION (EIA 090026/SCH# 2009121003) FOR A 7,100 SQUARE FOOT SKATEBOARD PARK AT SPORTS PARK, 425 IMPERIAL BEACH BLVD. MF 1019. (0920-40)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER ROSE noted that the few impacts that there are, are rated less than significant.

TIM O’NEAL supported the item (did not speak).

MAYOR JANNEY closed the public hearing.

MOTION BY MCCOY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6836 – APPROVING COASTAL DEVELOPMENT PERMIT (CP 090023), DESIGN REVIEW (DRC 090024), SITE PLAN REVIEW (SPR 090025), AND ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION (EIA 090026/ SCH#2009121003) FOR THE INSTALLATION OF A 7,100 SQUARE FOOT SKATEBOARD PARK ON A CITY-OWNED 7.98 ACRE PARCEL (APN 632-400-35-00) AT 425 IMPERIAL BEACH BLVD. (SPORTS PARK) IN THE PUBLIC FACILITY (PF) ZONE, WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1 - 6.6)

6.1 PROPOSED SCOPE OF WORK TO COMPLETE THE TASKS ASSOCIATED WITH THE SECOND CONTRACT AMENDMENT WITH EDAW/AECOM IN THE AMOUNT OF \$50,000 FOR THE COMMERCIAL ZONING REVIEW. (0610-95)

Item postponed by prior Council action.

6.2 PORT COMMISSIONER APPOINTMENT PROCESS. (0120-95 & 0150-70)

Item postponed by prior Council action.

6.3 COMMERCIAL ZONING REVIEW. (0610-95)

Item postponed by prior Council action.

6.4 RESOLUTION NO. 2010-6840 – REQUESTING ALLOCATION OF THE FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY (R) FUNDS TO AN ADA RAMP PROJECT. (0650-33)

CITY MANAGER BROWN introduced the item and reported that the ramps would be installed in the vicinity of Central Elementary School.

MOTION BY BRAGG, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6840 – REQUESTING ALLOCATION OF THE FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY (R) FUNDS TO AN ADA RAMP PROJECT. MOTION CARRIED UNANIMOUSLY.

6.5 RESOLUTION NOS. R-10-203 AND R-10-204 – RESOLUTION OF NECESSITY OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY PERTAINING TO THE ACQUISITION OF CERTAIN PROPERTY OR INTEREST IN PROPERTY, LEASEHOLD INTEREST IN PROPERTY, IF ANY, AND LOSS OF GOODWILL PURSUANT TO SECTION 1263.510 OF THE CODE OF CIVIL PROCEDURE, IF ANY FOR USE BY THE AGENCY IN THE DEVELOPMENT OF 9TH & PALM REDEVELOPMENT PROJECT IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1245.230 OF THE CODE OF CIVIL PROCEDURE OF THE STATE OF CALIFORNIA. (0480-10 & 0640-10)

Correspondence from Deborah Sides of Inner Visions and James Sides of Wylde Sydes Boutique was submitted as Last Minute Agenda Information.

MAYOR PRO TEM KING announced he had a potential conflict of interest due to a source of income and left Council Chambers at 6:52 p.m.

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY BOEHMER recommended the Agency move forward with a unanimous vote on the resolutions of necessity for the following reasons: Staff has been working diligently on the 9th and Palm redevelopment project, retained appraisers for fixtures, furniture and equipment; leasehold interests and goodwill were addressed with both businesses, an offer was extended pursuant to legal requirements and negotiations have stalled; he spoke with the their attorney Charlie Campbell and informed him that he was recommending moving forward with the resolutions of necessity and giving direction to initiate with imminent domain proceedings against both businesses and both property owners; he also noted the business owners have the burden of proof on the loss of goodwill and nothing tangible has been brought forward to substantiate any claim on the loss of goodwill.

MOTION BY JANNEY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. R-10-203 – A RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF CERTAIN PROPERTY OR INTEREST IN PROPERTY, LEASEHOLD INTEREST IN PROPERTY, IF ANY, AND LOSS OF GOODWILL PURSUANT TO SECTION 1263.510 OF THE CODE OF CIVIL PROCEDURE, IF ANY, FOR USE BY THE AGENCY IN THE DEVELOPMENT OF 9TH & PALM REDEVELOPMENT PROJECT IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1245.230 OF THE CODE OF CIVIL PROCEDURE OF THE STATE OF CALIFORNIA. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MOTION BY JANNEY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-10-204 – A RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF CERTAIN PROPERTY OR INTEREST IN PROPERTY, LEASEHOLD INTEREST IN PROPERTY, IF ANY, AND LOSS OF GOODWILL PURSUANT TO SECTION 1263.510 OF THE CODE OF CIVIL PROCEDURE, IF ANY, FOR USE BY THE AGENCY IN THE DEVELOPMENT OF 9TH & PALM REDEVELOPMENT PROJECT IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1245.230 OF THE CODE OF CIVIL PROCEDURE OF THE STATE OF CALIFORNIA. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MAYOR PRO TEM KING returned to Council Chambers at 7:01 p.m.

6.6 RESOLUTION NO. 2010-6843 – AUTHORIZING AGREEMENT FOR CONSULTANT SERVICES TO SERVE AS PART-TIME ASSISTANT CITY MANAGER. (0500-05)

CITY MANAGER BROWN reported on the item.

MOTION BY ROSE, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2010-6843 – AUTHORIZING AGREEMENT FOR CONSULTANT SERVICES TO SERVE AS PART-TIME ASSISTANT CITY MANAGER. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned to Closed Session at 7:06 p.m.

MOTION BY KING, SECOND BY BRAGG TO ADJOURN TO CLOSED SESSION AS POSTED ON THE AGENDA. MOTION CARRIED UNANIMOUSLY

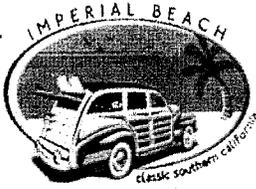
MAYOR JANNEY reconvened the meeting to Open Session at 7:33 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, and had no reportable action.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:34 p.m.

James C. Janney, Mayor

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: February 17, 2010

ORIGINATING DEPT.: Michael McGrane *[Signature]*
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	Explanation
SD County Sheriff	70252	\$449,689.41	Law Enforcement Svc July 2009
SD County Sheriff	70353	\$457,652.60	Law Enforcement Svc August 2009
SD County Sheriff	70355	\$449,847.54	Law Enforcement Svc Sept. 2009

ENVIRONMENTAL IMPACT

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

WARRANT # DATE AMOUNT

Accounts Payable

70318-70321	01/26/10	\$ 12,781.82
70322-70369	01/28/10	1,600,718.74
70370-70371	02/01/10	13,357.00
70372-70416	02/05/10	79,404.35
Sub-Total		\$ 1,706,261.91

Payroll Checks:

42228-42274	P.P.E. 01/28/10	<u>144,637.24</u>
	Sub-Total	\$ <u>144,637.24</u>
	TOTAL	\$ <u>1,850,899.15</u>

FISCAL IMPACT:

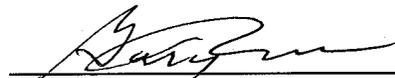
Warrants are issued from budgeted funds.

DEPARTMENT RECOMMENDATION:

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

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation



Gary Brown, City Manager

Attachments:

1. Warrant Registers

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
01/26/2010	70318	ALLIANT INSURANCE SERVICES	1193			2,339.90	
101-0000-209.01-13	12/23/2009	PR AP PPE 121709	20091223		06/2010	411.70	
101-0000-209.01-14	12/23/2009	PR AP PPE 121709	20091223		06/2010	474.02	
101-0000-209.01-13	01/21/2010	PPE 01/14/2010	20100121		07/2010	380.30	
101-0000-209.01-14	01/21/2010	PPE 01/14/2010	20100121		07/2010	474.02	
101-1010-411.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	19.36	
101-1020-411.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	34.44	
101-1110-412.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	66.04	
101-1130-412.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	20.54	
101-1210-413.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	48.66	
101-1230-413.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	23.70	
101-3070-427.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	.63	
101-3080-428.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	.63	
101-1910-419.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	6.32	
101-3010-421.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	11.00	
101-3020-422.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	47.84	
101-3030-423.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	38.49	
101-3040-424.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	18.96	
101-5020-432.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	50.56	
101-5010-431.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	12.64	
101-5040-434.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	3.93	
101-6020-452.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	6.32	
101-6010-451.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	3.16	
101-6040-454.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	12.64	
245-1240-413.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	6.32	
405-1260-413.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	121.42	
405-5030-433.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	6.32	
601-5060-436.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	12.64	
601-5050-436.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	17.00	
501-1921-419.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	6.32	
502-1922-419.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	7.43	
503-1923-419.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	20.79	
101-0000-209.01-14	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	27.40-	
101-3050-425.11-04	01/01/2010	JAN 2010 DISABILITY/LIFE	01-01-2010		07/2010	3.16	
01/26/2010	70319	PREFERRED BENEFIT INS ADMIN IN	37			2,385.99	
101-0000-209.01-12	11/12/2009	PAYROLL SUMMARY	20091112		05/2010	17.06-	
101-0000-209.01-12	12/23/2009	PR AP PPE 121709	20091223		06/2010	1,073.47	
101-0000-209.01-12	01/21/2010	PPE 01/14/2010	20100121		07/2010	1,192.86	
101-0000-209.01-12	01/01/2010	JANUARY 2010 DENTAL INS	CP10596		07/2010	136.72	
01/26/2010	70320	SDGE	289			7,823.01	
101-6020-452.27-01	12/02/2009	0175 275 3776 10/29-12/01	12-17-2009		06/2010	453.93	
101-5010-431.27-01	12/02/2009	0824 329 2041 10/29-12/01	12-17-2009		06/2010	373.13	
101-6020-452.27-01	12/02/2009	2081 689 1273 10/29-12/01	12-17-2009		06/2010	604.01	
101-6010-451.27-01	12/02/2009	2081 692 3399 10/29-12/01	12-17-2009		06/2010	11.85	
101-6020-452.27-01	12/02/2009	2083 847 9032 10/29-12/01	12-17-2009		06/2010	78.19	
101-6010-451.27-01	12/02/2009	3206 700 9265 10/29-12/01	12-17-2009		06/2010	74.08	
101-6020-452.27-01	12/02/2009	5456 692 8951 10/29-12/01	12-17-2009		06/2010	82.94	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-6020-452.27-01	12/02/2009	6921 003 2109	10/29-12/01	12-17-2009 06/2010 627.59
101-5010-431.27-01	12/02/2009	7706 795 7872	10/29-12/01	12-17-2009 06/2010 12.40
101-6020-452.27-01	12/02/2009	9327 898 1346	10/29-12/01	12-17-2009 06/2010 544.55
101-5010-431.27-01	12/09/2009	9476 001 6989	10/29-12/01	12-24-2009 06/2010 632.36
101-6010-451.27-01	12/02/2009	9956 693 6272	10/29-12/01	12-17-2009 06/2010 189.20
405-1260-413.27-01	12/01/2009	0440 533 7641	10/28-11/30	12-16-2009 06/2010 233.85
101-5010-431.27-01	12/01/2009	0646 753 1938	10/28-11/30	12-16-2009 06/2010 9.56
101-5010-431.27-01	12/01/2009	1694 231 2432	10/28-11/30	12-16-2009 06/2010 28.38
101-5010-431.27-01	11/30/2009	1912 409 2723	10/26-11/25	12-15-2009 06/2010 9.56
101-6010-451.27-01	12/02/2009	2081 689 7619	10/29-12/01	12-17-2009 06/2010 373.29
101-5010-431.27-01	12/01/2009	2741 969 9359	10/31-11/30	12-16-2009 06/2010 148.86
215-6026-452.27-01	12/01/2009	2819 871 6315	10/31-11/31	12-16-2009 06/2010 1,916.04
101-5010-431.27-01	12/01/2009	3062 843 3719	10/28-11/31	12-16-2009 06/2010 11.78
101-5010-431.27-01	12/02/2009	3448 930 9646	10/28-11/30	12-17-2009 06/2010 9.56
101-5010-431.27-01	11/30/2009	5280 340 6641	10/26-11/25	12-15-2009 06/2010 115.56
101-5010-431.27-01	11/30/2009	5576 188 0541	10/26-11/25	12-15-2009 06/2010 9.56
601-5060-436.27-01	12/01/2009	8773 823 6424	10/28-11/30	12-16-2009 06/2010 1,192.36
405-1260-413.27-01	12/01/2009	8774 937 7894	10/28-11/30	12-16-2009 06/2010 59.85
405-1260-413.27-01	12/08/2009	9424 632 2704	10/28-11/30	12-23-2009 06/2010 20.57
01/26/2010	70321	VISION PLAN OF AMERICA	785	232.92
101-0000-209.01-18	12/23/2009	PR AP PPE 121709	20091223	06/2010 82.94
101-0000-209.01-18	01/21/2010	PPE 01/14/2010	20100121	07/2010 125.80
101-0000-209.01-18	01/01/2010	FEBRUARY 2010 VISION INS	01-01-2010	07/2010 14.18
101-1920-419.29-04	01/01/2010	FEBRUARY 2010 VISION INS	01-01-2010	07/2010 10.00
01/28/2010	70322	ADT SECURITY SERVICES, INC.	103	75.08
101-6010-451.21-04	01/02/2010	FEBRUARY 2010	07318693	010030 07/2010 75.08
01/28/2010	70323	ALL TEAM STAFFING, INC	1801	3,377.38
405-5030-433.10-02	01/06/2010	CORRALES, L W/E 01/03/10	5000604	010106 07/2010 741.38
101-5010-431.21-01	01/11/2010	CORRALES, L W/E 01/10/10	5000611	010106 07/2010 1,449.80
101-5010-431.21-01	12/21/2009	CORRALES, L W/E 12/20/09	5000596	010106 06/2010 1,186.20
01/28/2010	70324	AMERICAN COMMUNICATIONS	2136	509.99
503-1923-419.21-04	01/20/2010	"CABLING FIRE DEPT"	3006044	010713 07/2010 509.99
01/28/2010	70325	AMERICAN EXPRESS	1895	319.60
101-6010-451.30-01	01/04/2010	OFFICE DEPOT/'10 CLNDRS	3027	010034 07/2010 113.03
101-6010-451.30-02	01/08/2010	OPEN HOUSE DAY	526441	010034 07/2010 206.57
01/28/2010	70326	SOUTHCOAST HEATING & A/C	1554	475.00
101-1910-419.21-04	12/17/2009	REPLACE IGNITOR/VALVE	269789	010125 06/2010 475.00
01/28/2010	70327	ARROWHEAD MOUNTAIN SPRING	WATE 1340	56.07
101-5020-432.30-02	12/23/2009	DECEMBER 2009	09L002672646	010046 06/2010 56.07
01/28/2010	70328	AT&T	291	241.54
101-5020-432.27-04	11/01/2009	030 480 7925 001	11-26-2009	07/2010 8.78
101-1110-412.27-04	11/01/2009	030 480 7968 001	11-26-2009	07/2010 47.90

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-5020-432.27-04	12/01/2009	030 480 4925 001	12-27-2009		07/2010	6.26
101-1110-412.27-04	12/01/2009	030 480 4968 001	12-27-2009		07/2010	55.95
101-5020-432.27-04	01/01/2010	030 480 7325 001	01-27-2010		07/2010	7.39
101-1110-412.27-04	01/01/2010	030 480 7968 001	01-27-2010		07/2010	44.44
101-3020-422.27-04	11/01/2009	030 480 7925 001	11-26-2009		07/2010	11.08
101-3030-423.27-04	11/01/2009	030 480 7925 001	11-26-2009		07/2010	37.01
101-3020-422.27-04	12/01/2009	030 480 4925 001	12-27-2009		07/2010	9.71
101-3030-423.27-04	12/01/2009	030 480 4925 001	12-27-2009		07/2010	4.55
101-3020-422.27-04	01/01/2010	030 480 7325 001	01-27-2010		07/2010	4.05
101-3030-423.27-04	01/01/2010	030 480 7325 001	01-27-2010		07/2010	4.75
101-3030-423.27-04	01/13/2010	030 290 2293001CREDIT DUE	02-08-2010		07/2010	.33-
01/28/2010	70329	AT&T	2052			3,085.62
503-1923-419.27-04	11/20/2009	3372571583448	997158		05/2010	356.13
503-1923-419.27-04	11/20/2009	3393431504727	995540		05/2010	178.07
101-1110-412.27-04	11/15/2009	6194230314983	984862		05/2010	103.48
101-5040-434.27-04	11/15/2009	6194231074813	984863		05/2010	15.78
101-5040-434.27-04	11/15/2009	6194231675716	984864		05/2010	15.78
601-5060-436.27-04	11/15/2009	6194232231359	984865		05/2010	15.30
101-3020-422.27-04	11/17/2009	6194237246664	987615		05/2010	70.86
101-3020-422.27-04	11/15/2009	6194238222636	984866		05/2010	21.24
101-3020-422.27-04	11/15/2009	6194238225966	984867		05/2010	152.76
101-1920-419.27-04	11/15/2009	6194238300966	984868		05/2010	316.79
101-5020-432.27-04	11/15/2009	6194238311966	984869		05/2010	351.87
101-3030-423.27-04	11/15/2009	6194238322966	984870		05/2010	220.36
101-1130-412.27-04	11/15/2009	6194238617297	984871		05/2010	71.37
503-1923-419.27-04	11/11/2009	6194243481712	970296		05/2010	31.59
101-6030-453.27-04	11/11/2009	6194247077654	970297		05/2010	77.82
101-3020-422.27-04	11/17/2009	6194247359125	987616		05/2010	75.29
101-6010-451.27-04	11/22/2009	6195750336814	999183		05/2010	16.12
101-3020-422.27-04	11/22/2009	6195750361567	999184		05/2010	16.12
601-5060-436.27-04	11/17/2009	6195751351887	988163		05/2010	14.31
101-1010-411.27-04	11/17/2009	6196281352138	987617		05/2010	62.60
101-1230-413.27-04	11/17/2009	6196281356950	987618		05/2010	186.18
101-3040-424.27-04	11/17/2009	6196281357370	987619		05/2010	77.32
101-3070-427.27-04	11/17/2009	6196281359503	987620		05/2010	46.44
101-1210-413.27-04	11/17/2009	6196281361675	987621		05/2010	229.32
101-6010-451.27-04	11/17/2009	6196281385578	987622		05/2010	55.74
101-3035-423.27-04	11/17/2009	6196281419922	987623		05/2010	19.97
101-3010-421.27-04	11/13/2009	6196281485966	979487		05/2010	41.41
101-1920-419.27-04	11/17/2009	6196282018442	987624		05/2010	25.10
601-5060-436.27-04	11/15/2009	C602221236777	984861		05/2010	220.50
01/28/2010	70330	AT&T MOBILITY	1866			497.35
503-1923-419.27-05	12/31/2009	287015635717 NOV/DEC 09	X12232009		06/2010	388.50
101-1230-413.27-05	01/21/2010	287016633295 11/16-12/15	X12232009		06/2010	108.85
01/28/2010	70331	BIO-D PRODUCTS	433			3,708.38
101-6040-454.30-02	01/14/2010	BIO GRAFFITI XX 55 GAL	15927	010703	07/2010	850.00
405-5030-433.30-02	01/14/2010	BIO GRAFFITI XX 55 GAL	15927	010703	07/2010	2,858.38

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
01/28/2010	70332	BOB HOFFMAN VIDEO PRODUCTION	457				50.00
101-1010-411.21-04	01/04/2010	IBTV CHANNEL 24	31792	F01068	07/2010		50.00
01/28/2010	70333	CALIFORNIA AMERICAN WATER	612				1,428.33
101-6040-454.27-02	01/12/2010	05-0092998-9 11/02-01/04	02-01-2010		07/2010		314.51
101-3030-423.27-02	01/12/2010	05-0093917-8 11/02-01/04	02-01-2010		07/2010		100.08
101-5010-431.27-02	01/12/2010	05-0094000-2 11/02-01/04	02-01-2010		07/2010		32.29
101-5010-431.27-02	01/12/2010	05-0094041-6 11/02-01/04	02-01-2010		07/2010		22.59
101-5010-431.27-02	01/12/2010	05-0094076-2 11/02-01/04	02-01-2010		07/2010		67.81
101-5010-431.27-02	01/12/2010	05-0094163-8 11/02-01/04	02-01-2010		07/2010		67.81
101-5010-431.27-02	01/12/2010	05-0094234-7 11/02-01/04	02-01-2010		07/2010		22.59
101-5010-431.27-02	01/12/2010	05-0094268-5 11/02-01/04	02-01-2010		07/2010		38.74
101-5010-431.27-02	01/12/2010	05-0094293-3 11/02-01/04	02-01-2010		07/2010		25.81
101-5010-431.27-02	01/12/2010	05-0094304-8 11/02-01/04	02-01-2010		07/2010		195.02
101-5010-431.27-02	01/12/2010	05-0094973-0 11/02-01/04	02-01-2010		07/2010		374.67
101-3030-423.27-02	01/12/2010	05-0155019-8 12/08-01/05	02-01-2010		07/2010		19.96
405-5030-433.27-02	01/12/2010	05-0155037-0 12/10-01/08	02-01-2010		07/2010		14.59
601-5050-436.27-02	01/12/2010	05-0392478-9 12/10-01/08	02-01-2010		07/2010		14.64
601-5060-436.27-02	01/12/2010	05-0505362-9 12/10-01/08	02-01-2010		07/2010		117.22
01/28/2010	70334	CITY OF CHULA VISTA	823				33,320.00
101-3050-425.21-04	12/15/2009	A/C OCTOBER 2009	AR127805		07/2010		16,585.00
101-3050-425.21-04	12/15/2009	NOVEMBER 2009 A/C	AR127806		07/2010		16,735.00
01/28/2010	70335	CITY OF EL CAJON	845				359.71
101-3020-422.21-04	01/04/2010	FY09/10 2ND QTR HCFA BILL	5442		07/2010		359.71
01/28/2010	70336	COUNTY OF SAN DIEGO RCS	1065				52,324.00
101-1230-413.21-25	01/01/2010	2009-2010 DEBT SERVICE	09BBCCIB13		07/2010		1,255.78
101-3010-421.21-25	01/01/2010	2009-2010 DEBT SERVICE	09BBCCIB13		07/2010		32,283.91
101-3020-422.21-25	01/01/2010	2009-2010 DEBT SERVICE	09BBCCIB13		07/2010		3,662.68
101-3030-423.20-06	01/01/2010	2009-2010 DEBT SERVICE	09BBCCIB13		07/2010		4,499.86
101-5020-432.21-25	01/01/2010	2009-2010 DEBT SERVICE	09BBCCIB13		07/2010		10,621.77
01/28/2010	70337	COX COMMUNICATIONS	1073				125.12
101-6010-451.29-04	01/10/2010	01/13-02/12/10 SP PK SVCS	02-03-2010	010139	07/2010		125.12
01/28/2010	70338	CULLIGAN WATER CO. OF SAN DIEG	1112				18.00
101-1230-413.30-02	01/17/2010	FEBRUARY 2010	05096572	010138	07/2010		18.00
01/28/2010	70339	DESIGN BUILD TENANT IMPROVEMEN	2119				3,354.40
210-1235-513.20-06	11/16/2009	FD KITCHEN REMODEL-RETENT	12455-RET	010057	05/2010		2,005.03
101-0000-202.00-00	11/16/2009	FIRE DEPT REMODEL-RETENTN	12455-RET	010057	05/2010		551.29
210-0000-202.00-00	11/16/2009	FIRE DEPT REMODEL-RETENTN	12455-RET	010057	05/2010		798.08
01/28/2010	70340	GO-STAFF, INC.	2031				1,177.20
101-3040-424.21-01	01/19/2010	ROCHER, J W/E 01/17/10	68126	010705	07/2010		405.00
601-5060-436.21-01	01/19/2010	TRONCOSO, L W/E 01/17/10	68127	010148	07/2010		772.20
01/28/2010	70341	HORIZON HEALTH EAP	90				425.79
101-1130-412.20-06	01/08/2010	JANUARY 2010	37698	010036	07/2010		425.79

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT	
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
01/28/2010 101-6010-451.21-04	70342 01/19/2010	JESSOP & SON LANDSCAPING	479 JANUARY 2010	3,052.83 3,052.83	388329 010004 07/2010
01/28/2010 405-1260-413.20-06 405-1260-413.20-06	70343 12/31/2009 11/30/2009	LANCE, SOLL & LUNGHARD LLP	716 2009 ENGAGEMENT FINAL 2009 Y/E TESTWORK-REPORT	5,337.00 534.00 4,803.00	10577 10332 010702 06/2010 010702 05/2010
01/28/2010 101-1020-411.21-06	70344 01/14/2010	MARTIN & CHAPMAN COMPANY	912 CONSULTATION FEES	507.00 507.00	29679 010693 07/2010
01/28/2010 101-3035-423.25-03	70345 07/09/2009	MAUI RIPPERS, INC.	1953 JUNIOR GUARD SWIM TRUNKS	1,001.80 1,001.80	225 010711 01/2010
01/28/2010 405-1260-413.20-01 101-1220-413.20-01 101-1220-413.21-04 502-1922-419.20-01 101-1220-413.20-01	70346 12/31/2009 12/31/2009 12/31/2009 12/31/2009 12/31/2009	MCDUGAL LOVE ECKIS &	962 DECEMBER 2009 DECEMBER 2009 DECEMBER 2009 DECEMBER 2009 DECEMBER 2009	13,720.04 4,264.75 311.41 903.08 13.80 8,227.00	12-31-2009 12-31-2009 12-31-2009 12-31-2009 12-31-2009 010022 06/2010
01/28/2010 408-5010-531.20-06	70347 12/31/2009	NASLAND ENGINEERING	1656 P/E 12/31/09 ST IMPRVMENTS	15,287.24 15,287.24	88754 071139 06/2010
01/28/2010 101-1020-411.21-04	70348 12/22/2009	QUALITY CODE PUBLISHING, LLC	1955 MUNI CODE PRINTING/WEBSIT	932.47 932.47	2009-383 010696 06/2010
01/28/2010 101-6040-454.28-01	70349 01/06/2010	QUICK CRETE PRODUCTS CORP	80 96" CA SERIES BENCH	924.38 924.38	0086358-IN 010616 07/2010
01/28/2010 101-1130-412.21-04	70350 01/04/2010	QWIK PRINTS	1622 DEC 2009	20.00 20.00	1041529 010040 07/2010
01/28/2010 101-1110-412.28-04	70351 12/22/2009	REGIONAL TRAINING CENTER	130 FRENCH, J-FD EXEC DEVEL	2,400.00 2,400.00	9886 010716 06/2010
01/28/2010 101-3010-421.20-06 212-3036-421.20-06 101-0000-338.60-03	70352 09/10/2009 09/10/2009 09/10/2009	SAN DIEGO COUNTY SHERIFF	882 JULY 2009 JULY 2009 JULY 2009	449,689.41 435,669.00 15,549.00 1,528.59-	09-10-2009 09-10-2009 09-10-2009 04/2010 04/2010 04/2010
01/28/2010 101-3010-421.20-06 212-3036-421.20-06 101-0000-338.60-03	70353 10/22/2009 10/22/2009 10/22/2009	SAN DIEGO COUNTY SHERIFF	882 AUGUST 2009 AUGUST 2009 AUGUST 2009	457,652.60 442,383.02 15,549.00 279.42-	10-22-2009 10-22-2009 10-22-2009 04/2010 04/2010 04/2010
01/28/2010 101-0000-221.01-03 101-3010-421.20-06	70354 09/25/2009 09/25/2009	SAN DIEGO COUNTY SHERIFF	882 SANDCASTLE 2009 SANDCASTLE 2009	59,913.67 59,403.15 510.52	09-25-2009 09-25-2009 04/2010 04/2010
01/28/2010 101-3010-421.20-06	70355 10/22/2009	SAN DIEGO COUNTY SHERIFF	882 SEPTEMBER 2009	449,847.54 435,669.00	10-22-2009 04/2010

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
212-3036-421.20-06	10/22/2009	SEPTEMBER 2009	10-22-2009	04/2010 15,549.00
101-0000-338.60-03	10/22/2009	SEPTEMBER 2009	10-22-2009	04/2010 1,370.46-
01/28/2010	70356	SCRIPPS MERCY HOSPITAL	1991	1,560.00
101-3020-422.21-04	12/08/2009	JUL-DEC 09 FIELD CARE	12-08-2009	07/2010 1,560.00
01/28/2010	70357	SDGE	289	6,515.67
101-6020-452.27-01	01/04/2010	0175 275 3776 12/01-12/31	01-19-2010	07/2010 186.22
101-5010-431.27-01	01/05/2010	0824 329 2041 12/01-12/31	01-20-2010	07/2010 355.96
101-6020-452.27-01	01/04/2010	2081 689 1273 12/01-12/31	01-19-2010	07/2010 256.05
101-6010-451.27-01	01/04/2010	2081 692 3399 12/01-12/31	01-19-2010	07/2010 31.08
101-6020-452.27-01	01/05/2010	2083 847 9032 12/01-12/31	01-20-2010	07/2010 61.19
101-6010-451.27-01	01/04/2010	3206 700 9265 12/01-12/31	01-19-2010	07/2010 50.88
101-6020-452.27-01	01/04/2010	5456 692 8951 12/01-12/31	01-19-2010	07/2010 99.17
101-5010-431.27-01	01/04/2010	7706 795 7872 12/01-12/31	01-19-2010	07/2010 12.33
101-6020-452.27-01	01/04/2010	9327 898 1346 12/01-12/31	01-19-2010	07/2010 251.83
101-5010-431.27-01	01/08/2010	9476 001 6989 12/01-12/31	01-23-2010	07/2010 870.57
101-6010-451.27-01	01/04/2010	9956 693 6272 12/01-12/31	01-19-2010	07/2010 141.66
101-6020-452.27-01	01/04/2010	6921 003 2109 12/01-12/31	01-19-2010	07/2010 404.86
405-1260-413.27-01	12/31/2009	0440 533 7641 11/30-12/31	01-15-2010	06/2010 250.94
101-5010-431.27-01	12/31/2009	0646 753 1938 11/30-12/31	01-15-2010	06/2010 9.63
101-5010-431.27-01	12/31/2009	1694 231 2432 11/30-12/30	01-15-2010	06/2010 26.84
101-5010-431.27-01	12/29/2009	1912 409 2723 11/25-12/28	01-13-2010	06/2010 9.63
101-6010-451.27-01	01/04/2010	2081 689 7619 12/01-12/31	01-19-2010	06/2010 353.76
101-5010-431.27-01	01/04/2010	2741 969 9359 11/30-12/31	01-19-2010	06/2010 149.89
215-6026-452.27-01	01/04/2010	2819 871 6315 11/30-12/31	01-19-2010	06/2010 1,929.38
101-5010-431.27-01	12/31/2009	3062 843 3719 11/30-12/30	01-15-2010	06/2010 11.86
101-5010-431.27-01	12/31/2009	3448 930 9646 11/30-12/30	01-15-2010	06/2010 9.63
101-5010-431.27-01	12/29/2010	5280 340 6641 11/25-12/28	01-13-2010	06/2010 129.29
101-5010-431.27-01	12/29/2009	5576 188 0541 11/25-12/28	01-13-2010	06/2010 9.63
601-5060-436.27-01	12/31/2009	8773 823 6424 11/30-12/30	01-15-2010	06/2010 824.41
405-1260-413.27-01	12/31/2009	8774 937 7894 11/30-12/30	01-15-2010	06/2010 57.89
405-1260-413.27-01	01/06/2010	9424 632 2704 11/30-12/30	01-21-2010	06/2010 21.09
01/28/2010	70358	SKS INC.	412	4,124.26
501-1921-419.28-15	01/12/2010	OIL	N678626-IN	010101 07/2010 919.19
501-1921-419.28-15	01/14/2010	949 G REG/170.1 G DIESEL	1230911-IN	010101 07/2010 3,205.07
01/28/2010	70359	STATE BOARD OF EQUALIZATION	523	23.00
101-0000-211.01-02	01/26/2010	SALES TAX RETURN	2009	07/2010 23.00
01/28/2010	70360	SUNGARD PUBLIC SECTOR INC.	1370	50.00
503-1923-419.28-04	01/22/2010	LOPEZ, H-WKSHP NO SHOW	12932	07/2010 50.00
01/28/2010	70366	U.S. BANK	1873	21,276.91
101-1230-413.30-01	10/26/2009	OFFICE SUPPLIES	494732984-001	010561 05/2010 144.75
101-3030-423.28-01	10/26/2009	REFUND RTN MATERIAL	6232726	010583 05/2010 20.05-
101-3030-423.30-02	10/30/2009	PROTECTIVE GLOVES STOCK	0200697	010583 05/2010 134.25
101-3030-423.30-02	10/30/2009	MEDICAL SUPPLIES	11091674	010583 05/2010 49.57
101-3070-427.28-09	11/19/2009	STAMPS	036718	010557 05/2010 44.00

VOID # 70361-70365

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-1230-413.21-04	11/20/2009	ANTIFIRUS 2008 UPGRADE	783816610	010561 05/2010 46.98
101-3030-423.30-02	11/02/2009	FUEL FOR PWC	000368	010583 05/2010 16.24
101-3030-423.28-11	11/02/2009	ACTIVITY/INCIDENT CARDS	0415	010583 05/2010 139.18
101-3030-423.28-01	11/02/2009	LG VACUUM MAINT	072150/9011777	010583 05/2010 50.57
101-3030-423.30-02	11/02/2009	PERSONAL USE; PCARD-REIMB	11-02-2009	010583 05/2010 5.43
101-3030-423.30-02	11/02/2009	JANITORIAL SUPPLIES	294248	010583 05/2010 194.66
101-3030-423.30-02	11/02/2009	LAUNDRY SOAP-LG	95575	010583 05/2010 45.65
101-3030-423.30-02	11/10/2009	SHOWER CURTAIN	023355/1025214	010583 05/2010 10.86
101-3040-424.30-01	10/28/2009	BLDG DEPT EQUIP	050009/4073979	010557 04/2010 197.57
101-1230-413.28-12	10/29/2009	'10 MBSHP DUES/WADE-ASBPA	210521594	010561 04/2010 100.00
101-3030-423.28-01	10/26/2009	OFFICE/GARAGE PRJCT MTRL	053175/6022038	010583 04/2010 26.81
101-3030-423.28-01	10/29/2009	BASE RADIO HARDWARE	10-29-2009	010583 04/2010 38.45
101-3030-423.30-02	10/30/2009	OFFICE SUPPLIES STOCK	9352	010583 04/2010 139.09
101-3020-422.30-02	10/23/2009	SAFETY ITEMS	SC05746167	010580 05/2010 60.30
101-3020-422.30-02	10/26/2009	PAPER TOWELS	023346	010580 05/2010 86.96
101-3020-422.30-02	10/26/2009	5401 & E39 EQUIPMENT	037241	010580 05/2010 32.60
101-3020-422.30-02	10/27/2009	BATTERY	186974IN	010580 05/2010 301.88
101-3030-423.30-02	10/19/2009	NIGHT OPS EQ-MINI FLASHER	0041419-IN	010584 05/2010 133.14
101-3030-423.30-02	10/26/2009	SHIPPING CHGS/REPAIR ITEM	524211114	010584 05/2010 58.14
101-3020-422.30-02	11/21/2009	STATION CLEANING SUPPLIES	078682	010580 05/2010 140.42
101-3030-423.28-01	11/06/2009	OFFICE & STAIR CLEANING	11-06-2009	010584 05/2010 165.00
101-3030-423.30-02	11/09/2009	MEDICAL EQ BAGS	80339379	010584 05/2010 158.50
101-3030-423.30-02	11/09/2009	MEDICAL EQ BAGS	80339379-559878	010584 05/2010 190.47
101-3030-423.30-02	11/13/2009	MEDICAL EQ BAGS	80341574	010584 05/2010 81.57
101-3030-423.30-02	11/16/2009	MEDICAL EQ BAGS	PYMT00000050989	010584 05/2010 76.13
101-3030-423.25-03	11/17/2009	LG UNIFORM SHORTS	11-17-2009	010584 05/2010 242.75
101-3020-422.30-02	08/28/2009	MEDICAL SUPPLIES	0191293	010578 05/2010 920.89
101-3060-426.21-04	10/22/2009	OCT/NOV 09 EOC DIRECTV	1118659118	010578 05/2010 36.99
101-3030-423.28-01	10/19/2009	REPAIR PARTS-PWC	14706	010581 05/2010 208.00
101-1910-419.30-02	10/26/2009	SAFETY CENTER FLAGS	51959	010596 05/2010 180.08
101-6040-454.30-02	10/28/2009	OPTICAL MOUSE	8963	010596 05/2010 22.83
101-3020-422.30-01	11/12/2009	FIRE PREVENTION PADS	.8969	010578 05/2010 43.46
101-3020-422.30-02	11/18/2009	COFFEE SUPPLIES	082121	010578 05/2010 35.10
101-3030-423.30-02	11/15/2009	PWC FUEL	163052	010581 05/2010 15.15
101-6040-454.30-02	11/18/2009	CEMENT/WD40	074838/3193265	010596 05/2010 34.57
101-6040-454.30-02	11/19/2009	PAINT/DRILL BITS	071738/2015809	010596 05/2010 229.96
101-6040-454.30-22	11/19/2009	PAINT/DRILL BITS	071738/2015809	010596 05/2010 22.23
101-3020-422.30-02	10/30/2009	CANDY	022967	010578 04/2010 41.20
101-3020-422.30-02	09/10/2009	MEDICAL SUPPLIES	0192913	010578 03/2010 241.27
101-1130-412.29-02	11/02/2009	SERVICE AWARD/FAVOR,P	11-02-2009	010572 05/2010 108.00
101-1130-412.29-02	11/02/2009	SERVICE AWARD/LEVIEN,H	44379506	010572 05/2010 85.00
101-1130-412.29-02	11/05/2009	SERVICE AWARD/CISNEROS,M	10757	010572 05/2010 155.17
101-1130-412.29-02	11/18/2009	SERVICE AWARD/JOSEPH, P	053318	010572 05/2010 150.00
101-1130-412.29-02	11/20/2009	CHARGED IN ERROR	E16042	010572 05/2010 500.00
101-6010-451.30-01	10/14/2009	AMAZON/OFFICE DESKS	104-4426879-449	010569 05/2010 390.58
101-6010-451.30-02	10/21/2009	BLOCKS LOCKS/KEYS MADE	061928	010569 05/2010 3.50
101-6010-451.30-02	10/21/2009	HOME DEPOT/SUPPLIES	084940/1595358	010569 05/2010 36.67
101-6010-451.30-02	10/21/2009	CREDIT FOR RETURN	10-21-2009	010569 05/2010 3.43
101-6010-451.29-04	10/23/2009	CVS/PROGRAM MATERIALS	9120	010569 05/2010 58.41
101-6010-451.30-02	10/28/2009	BEST BUY/KARAOKE MACHINE	045820	010569 05/2010 217.49

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-6010-451.30-02	10/28/2009	WALMART/MUSIC CABINET	094516	010569 05/2010 36.98
101-6010-451.30-02	10/30/2009	ALBERTSONS/PARENT NITE OT	6755060082260	010569 05/2010 39.51
101-6010-451.30-02	11/02/2009	GUITAR CENTER/MUSIC ROOM	1122271513	010569 05/2010 129.48
101-6010-451.30-02	11/03/2009	BEST BUY/KARAOKE MUSCI	025304	010569 05/2010 104.35
101-6010-451.30-01	11/05/2009	OFFICE DEPOT/DESK CALEND	7546	010569 05/2010 8.74
101-6010-451.30-02	11/06/2009	ALBERTSONS/PROGRAM SUPPLI	6755060132127	010569 05/2010 14.83
101-6010-451.30-02	11/17/2009	HOME DEPOT/SUPPLIES	11-17-2009	010569 05/2010 64.86
101-6010-451.29-04	11/20/2009	CVS/PROGRAM MATERIAL	9499	010569 05/2010 33.20
101-0000-209.01-03	11/13/2009	EMP COMP LOAN/CORTEZ, M	BBY01-311085004	05/2010 1,319.42
101-6040-454.30-02	10/27/2009	DOOR CLOSURE	51295118	010595 05/2010 86.99
101-6040-454.30-02	10/28/2009	PVC BLUE/PRIMER/MISC ELEC	074302/4596048	010595 05/2010 22.76
101-3020-422.30-02	11/19/2009	FLASHLIGHT BATTERIES	086826/2574105	010577 05/2010 37.81
101-3020-422.30-02	11/21/2009	EOC HAM RADIO INSTALLATN	032361/0100603	010577 05/2010 82.51
101-1910-419.30-02	11/09/2009	FINANCE FLOOR SUPPLIES	15033956	010593 05/2010 179.88
101-1910-419.30-02	11/13/2009	CREDIT-RTN SUPPLIES	15034151	010593 05/2010 59.92
101-1910-419.30-02	11/16/2009	FINANCE FLOOR SUPPLIES	092485/5192989	010593 05/2010 11.32
101-1910-419.30-02	11/18/2009	SAND/PAINT-STREETS	076882/3015424	010593 05/2010 14.08
101-6040-454.30-02	11/03/2009	MISC CONDUIT/SUPPLIES	054527/8563570	010595 05/2010 69.56
101-6040-454.30-02	11/05/2009	POTTING SOIL/POT	023718/6191640	010595 05/2010 10.26
101-6040-454.30-02	11/17/2009	BOAT SOAP	034733	010595 05/2010 20.38
101-6040-454.30-02	11/18/2009	SPRAY PAINT	024983/3582128	010595 05/2010 17.19
101-6040-454.30-02	10/29/2009	MISC TAPE/STORAGE CONTAIN	074229/3562993	010595 04/2010 25.82
101-1130-412.29-02	11/09/2009	RAFFLE GIFT/COUNCIL DONTN	006209	010565 05/2010 25.00
101-1130-412.29-02	11/09/2009	RAFFLE GIFT/COUNCIL DONTN	009558	010565 05/2010 50.00
101-1130-412.29-02	11/09/2009	RAFFLE GIFT/COUNCIL DONTN	010658	010565 05/2010 25.00
101-1130-412.29-02	11/09/2009	RAFFLE GIFT/COUNCIL DONTN	021353	010565 05/2010 25.00
101-1130-412.29-02	11/09/2009	RAFFLE GIFT/COUNCIL DONTN	026732	010565 05/2010 25.00
101-1130-412.29-02	11/09/2009	RAFFLE GIFT/COUNCIL DONTN	071865	010565 05/2010 25.00
101-1130-412.29-02	11/09/2009	RAFFLE GIFT/COUNCIL DONTN	080710	010565 05/2010 25.00
101-1130-412.29-02	11/09/2009	RAFFLE GIFT/COUNCIL DONTN	092153	010565 05/2010 25.00
101-1130-412.29-02	11/09/2009	RAFFLE GIFT/COUNCIL DONTN	11-09-2009	010565 05/2010 25.00
101-5020-432.28-04	11/10/2009	INTERVIEW PANEL REFRESHMT	092775	010565 05/2010 6.99
101-5020-432.28-04	11/10/2009	INTERVIEW PANEL LUNCH	101669	010565 05/2010 86.13
502-1922-419.30-02	11/11/2009	WADE, G-KEYBOARD TRAY	15027456	010565 05/2010 198.49
101-1130-412.29-02	11/12/2009	FLOWERS FOR EMP PARTY	934818	010565 05/2010 652.50
101-1130-412.29-02	11/16/2009	EMP PRTY DECRINS/GIFT WRP	029994	010565 05/2010 47.58
101-1130-412.29-02	11/18/2009	RAFFLE GIFT/COUNCIL DONTN	020228	010565 05/2010 25.00
101-1130-412.29-02	11/18/2009	EMP PRTY GIFT CARD RAFFLE	027287	010565 05/2010 400.00
101-1130-412.29-02	11/18/2009	SERVICE AWARD GIFTS	094377	010565 05/2010 243.26
101-1130-412.29-02	11/18/2009	SVC AWARD BOXES	4613	010565 05/2010 5.43
101-6040-454.30-02	10/26/2009	DUNES PK BIKE RACKS	W29606	010602 05/2010 1,013.00
101-5020-432.30-01	10/27/2009	PLANNER REFILLS	494883500-001	010602 05/2010 48.00
101-6040-454.30-02	10/27/2009	CAMERA MEMORY CARD	494884559-001	010602 05/2010 9.73
101-5010-431.30-02	10/30/2009	SAFETY GLASSES/SEALER	070764/2030126	010602 05/2010 24.25
101-6020-452.30-02	10/22/2009	VALVES/9V CONTROLLER	52946602	010603 05/2010 270.04
101-6020-452.30-02	10/28/2009	DRINKING FOUNTAIN BUBBLER	139847	010603 05/2010 33.41
501-1921-419.30-02	11/05/2009	CAMERA USB CABLE	W5956535	010602 05/2010 20.56
501-1921-419.30-02	11/05/2009	DIGITAL CAMERA MEMORY CRD	2677503718972	010602 05/2010 14.88
101-6040-454.30-02	11/12/2009	FIBERSTAR WHEEL	1069-596371	010602 05/2010 1,473.28
210-1235-513.20-06	11/13/2009	ASBESTOS TESTING-SP PK RR	17576	010602 05/2010 15.00

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
101-6020-452.30-02	11/17/2009	UTILITY KNIFE/BUCKET	062917/4582040	010603 05/2010 28.82
501-1921-419.30-02	10/26/2009	CAMERA BATTERY CHGR	STERLINGTEK-270	010602 04/2010 22.98
101-1230-413.28-04	10/27/2009	NAKAGAWA/CASQA CONF REGIS	20901838	010562 05/2010 330.00
101-3040-424.30-01	10/21/2009	BLDG PERMITS/CC STAMP	4943032860014	010564 05/2010 44.31
101-3070-427.30-01	10/21/2009	BLDG PERMITS/CC STAMP	4943032860014	010564 05/2010 44.31
101-1020-411.28-11	10/26/2009	MICROFICHE PRINTS	20009	010564 05/2010 60.90
101-1020-411.28-11	10/26/2009	OVERSIZE B&W-RECORDS REQU	26502	010564 05/2010 13.32
101-3030-423.30-02	10/21/2009	PPWC GPS TRANSDUCER	9239	010585 05/2010 538.58
101-3030-423.30-02	10/28/2009	PWC BACKUP BATTERY	9629	010585 05/2010 15.23
101-3030-423.30-02	10/29/2009	SUNGLASSES	0010649	010585 05/2010 235.56
101-3030-423.30-02	10/29/2009	PRINTER TONER CARTRIDGE	495259762-001	010585 05/2010 124.92
101-1230-413.28-04	11/03/2009	NAKAGAWA/CONF REGISTRATIN	11-03-2009	010562 05/2010 80.00
101-1230-413.30-01	11/10/2009	MYLAR PENS	26684	010564 05/2010 10.60
101-3030-423.28-01	11/05/2009	SAGETY CNTR BLINDS CORD	363538	010585 05/2010 36.00
101-3030-423.30-02	11/06/2009	NIGHT OPS RESCUE KNIVES	72537	010585 05/2010 524.05
101-3030-423.28-01	11/10/2009	SHELF SCREWS	014956/1044377	010585 05/2010 5.63
101-1110-412.28-04	10/21/2009	CITY ATTY LUNCH MTG	036062	010567 05/2010 19.20
101-1110-412.28-04	10/26/2009	S BAY-MAYOR/CITY MGR MTG	084484	010567 05/2010 147.57
101-3050-425.30-02	10/21/2009	KENNEL REPAIR MATERIAL	018241/1017495	010576 05/2010 16.13
101-3020-422.25-03	10/21/2009	SOTELA WORK BOOTS	066905	010576 05/2010 16.28
101-3050-425.30-02	10/27/2009	KENNEL REPAIR MATERIAL	041833/5022187	010576 05/2010 57.86
101-3050-425.30-02	10/27/2009	A/C FOOD-FEEDING SYSTEM	70461498103	010576 05/2010 134.76
101-1110-412.28-04	11/04/2009	CITY ATY LUNCH MTG	036291	010567 05/2010 19.20
101-1110-412.28-04	11/10/2009	CITY ATY LUNCH MTG	083597	010567 05/2010 19.20
101-1110-412.28-04	11/12/2009	SPORTS PK MTG	070270	010567 05/2010 16.90
101-1110-412.28-04	11/16/2009	CITY ATY LUNCH MTG	040073	010567 05/2010 17.07
101-1110-412.28-04	11/17/2009	SKATE PARK MTG W/G WADE	070901	010567 05/2010 20.02
101-3060-426.21-04	11/05/2009	NOV 09 EOC SATELITE PHONE	7181578	010576 05/2010 79.90
101-3020-422.28-14	11/19/2009	SUBSCRPTN RENWL-CONSUM RP	11-19-2009	010576 05/2010 26.00
101-1010-411.30-01	10/27/2009	DOCUMENT FRAMIES	494868371-001	010574 05/2010 23.93
101-1010-411.29-04	10/30/2009	PLATES FOR COUNCIL DINNER	495434380-001	010574 05/2010 23.53
101-1920-419.21-04	11/04/2009	PHOTO&IMAGE PURCHASES	8537142	010574 05/2010 70.00
101-1920-419.21-04	11/05/2009	PHOTO&IMAGE PURCHASES	8548269	010574 05/2010 38.00
101-1110-412.28-11	11/10/2009	PHOTO&IMAGE PURCHASES	8593234	010574 05/2010 18.00
101-1110-412.28-12	11/12/2009	POSADA,M IAAP DUES 2010	11-12-2009	010574 05/2010 109.00
101-1110-412.28-11	11/12/2009	PHOTO&IMAGE PURCHASES	8622978	010574 05/2010 18.00
101-1110-412.28-11	11/17/2009	PHOTO&IMAGE PURCHASES	8665709	010574 05/2010 70.00
101-1130-412.29-02	11/18/2009	EMP PARTY GIFT BASKET	020084	010574 05/2010 1.09
101-1010-411.28-04	11/18/2009	COUNCIL DINNER 11/18/09	066914	010574 05/2010 135.00
101-1110-412.28-14	11/19/2009	U-T SUBSCRIPTION	350525	010574 05/2010 161.48
101-6040-454.30-02	11/07/2009	SPRAY PAINT/SANDING BELTS	087372/4580833	010597 05/2010 23.38
101-1910-419.30-02	11/08/2009	SAFETY CENTER LIGHTS	029677/3590901	010597 05/2010 15.16
101-6040-454.30-02	11/18/2009	MIX TUB/CONCRETE COLOR	057161/3015593	010597 05/2010 16.65
101-5020-432.28-04	11/12/2009	MURPHY/TRAINING LUNCH	051128	010601 05/2010 8.38
101-6020-452.30-02	11/13/2009	OIL SUPPLY	53113829	010601 05/2010 49.60
501-1921-419.28-16	11/16/2009	DOOR HANDLE #107	257950	010601 05/2010 16.25
501-1921-419.30-02	11/17/2009	ELECTRICAL FITTINGS	102050	010601 05/2010 27.35
101-1010-411.28-04	10/21/2009	10/21/09 COUNCIL DINNER	1177	010574 04/2010 70.67
101-1110-412.28-04	10/27/2009	DONUTS/MILK/INTERVIEWS	6880	010574 04/2010 22.98
405-1260-413.30-01	10/23/2009	RDA COMPUTER BOOK	061633	010560 05/2010 19.70

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601-5060-436.28-12	10/26/2009	MOELLER,A-CWEA MEMBERSHIP	6913	010587 05/2010 132.00	
601-5060-436.30-02	10/27/2009	ROOT KILLER	077998/5022243	010587 05/2010 4.89	
101-5010-431.30-02	10/21/2009	GALLEGOS/WORK BOOTS	013585210431	010588 05/2010 146.79	
405-5030-433.30-02	10/26/2009	PRESSURE WASHER REPAIR	C796818	010592 05/2010 57.56	
601-5050-436.28-01	10/29/2009	PRESSURE WASHER PARTS	SR8-1597	010592 05/2010 277.80	
101-5020-432.29-02	10/22/2009	FLOWERS-ALVAREZ, TL MAITN	081159	010594 05/2010 42.41	
101-5020-432.29-02	10/22/2009	CARD/ALVAREZ, J	7276	010594 05/2010 3.03	
601-5060-436.28-13	11/03/2009	CASAS,M-CERT RNWL	149742	010587 05/2010 79.00	
101-5010-431.30-02	11/03/2009	60# CONCRETE BAGS	045249/8023787	010588 05/2010 182.57	
405-5030-433.30-02	11/04/2009	PAINT SUPPLIES/FLASH LIGH	096373/7191516	010592 05/2010 76.83	
405-5030-433.30-02	11/13/2009	CLEANING SUPPLIES	010631/8192672	010592 05/2010 31.27	
101-5020-432.30-01	11/02/2009	2010 PLANNER REFILLS	6708	010594 05/2010 33.78	
501-1921-419.29-04	11/09/2009	CAR WASH	104517	010594 05/2010 10.00	
601-5060-536.20-06	08/31/2009	OCB REPRO SCANNING	5686906	010590 05/2010 137.90	
101-6020-452.30-02	10/21/2009	PAINT	086627/1585394	010589 05/2010 51.45	
101-5040-434.30-02	10/27/2009	FOLDERS/FILING SUPPLIES	3284	010591 05/2010 102.63	
101-5010-431.30-02	10/30/2009	PAINT/SUPPLIES	085874/2022937	010598 05/2010 54.63	
101-6010-451.30-02	11/06/2009	BUEST BUY/KARAOKE EQUIP	064512	010566 05/2010 154.75	
101-6010-451.30-02	11/16/2009	SMART&FINAL/CAFE SUPPLIES	029223	010566 05/2010 396.42	
101-6020-452.30-02	11/03/2009	SAFETY SUPPLIES	15033698	010589 05/2010 84.85	
101-6020-452.30-02	11/03/2009	FLAGS	39570	010589 05/2010 132.57	
101-1910-419.30-02	11/04/2009	LIGHTS/SUPPLIES	51415118	010589 05/2010 182.52	
101-1910-419.21-04	11/10/2009	PLUMBER CALL OUT	12999	010589 05/2010 87.00	
101-6020-452.30-02	11/17/2009	PARK FENCE PAINT	9979-8	010589 05/2010 49.41	
101-1910-419.30-02	11/21/2009	CLEANING SUPPLIES	11-21-2009	010599 05/2010 236.09	
503-1923-419.28-04	10/26/2009	LOPEZ, H-BREEZE HILL	32322RZHO	010586 05/2010 185.15	
503-1923-419.21-04	10/27/2009	BES SERVER SUPPORT	912838472	010586 05/2010 249.00	
503-1923-419.28-04	10/28/2009	LOPEZ,H-FOOD	095079	010586 05/2010 5.44	
503-1923-419.21-04	11/04/2009	MICROSOFT TECH SUPPORT	11-04-2009	010586 05/2010 259.00	
503-1923-419.30-22	11/05/2009	MEMORY FOR SERVER	11489	010586 05/2010 100.05	
503-1923-419.30-22	11/10/2009	DVD'S/IPHONE PROTECTOR	130698	010586 05/2010 33.70	
503-1923-419.30-22	11/10/2009	DVD FOR H LEVIN	130699	010586 05/2010 8.70	
503-1923-419.30-22	11/12/2009	IPHONE ITEMS	W65766015	010586 05/2010 21.70	
503-1923-419.30-22	11/12/2009	IPHONE ITEMS	W65766015	010586 05/2010 24.67	
503-1923-419.30-22	11/13/2009	IPHONE HOLDER & PROTECTOR	014987	010586 05/2010 43.45	
503-1923-419.30-01	11/19/2009	SHIPPING API DATA	11-19-2009	010586 05/2010 21.92	
01/28/2010	70367	WELLS FARGO BANK, N.A.	1597		1,367.50
735-0000-221.03-04	01/20/2010	ASSESSMENT DIST #71 INTER	71IMPE305	07/2010	1,367.50
01/28/2010	70368	WEST GROUP CTR	826		120.36
101-1020-411.28-14	01/01/2010	DECEMBER 2009	819740233	010317 07/2010	120.36
01/28/2010	70369	ASHLEY SPRINGFIELD	2193		466.50
101-3050-425.21-04	01/28/2010	ADVANCE EXPENSES-A/C OFC	01-28-2009	07/2010	466.50
02/01/2010	70370	STATE TREASURER	2194		2,505.00
408-1920-519.20-06	02/01/2010	CONDEMNATION LAWSUIT		08/2010	2,505.00
02/01/2010	70371	STATE TREASURER	2195		10,852.00
408-1920-519.20-06	02/01/2010	CONDEMNATION LAWSUIT		08/2010	10,852.00

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02/05/2010	70373	AFLAC	120				390.31
101-0000-209.01-13	02/04/2010	PR AP PPE 1/28/2010		20100204		08/2010	390.31
02/05/2010	70374	ALL TEAM STAFFING, INC	1801				1,186.20
101-5010-431.21-01	01/18/2010	CORRALES, L W/E 01/11/10		5000617	010106	07/2010	1,186.20
02/05/2010	70375	ARROWHEAD MOUNTAIN SPRING WATE	1340				112.22
101-5020-432.30-02	01/22/2010	JANUARY 2010		00A0026726646	010046	07/2010	50.12
101-1010-411.30-02	01/22/2010	JANUARY 2010		00A0025324922	010037	07/2010	62.10
02/05/2010	70376	AT&T	2052				3,038.46
503-1923-419.27-04	12/20/2009	3372571583448		1059442		06/2010	356.81
503-1923-419.27-04	12/20/2009	3393431504727		1057824		06/2010	178.41
101-1110-412.27-04	12/15/2009	6194230314983		1047036		06/2010	105.10
101-5040-434.27-04	12/15/2009	6194231074813		1047037		06/2010	15.80
101-5040-434.27-04	12/15/2009	6194231675716		1047038		06/2010	15.80
601-5060-436.27-04	12/15/2009	6194232231359		1047039		06/2010	15.32
101-3020-422.27-04	12/17/2009	6194237246664		1049831		06/2010	73.39
101-3020-422.27-04	12/15/2009	6194238222636		1047040		06/2010	22.30
101-3020-422.27-04	12/15/2009	6194238225966		1047041		06/2010	151.73
101-1920-419.27-04	12/15/2009	6194238300966		1047042		06/2010	248.39
101-5020-432.27-04	12/15/2009	6194238311966		1047043		06/2010	353.93
101-3030-423.27-04	12/15/2009	6194238322966		1047044		06/2010	213.81
101-1130-412.27-04	12/15/2009	6194238617297		1047045		06/2010	58.56
503-1923-419.27-04	12/11/2009	6194243481712		1032384		06/2010	44.13
101-6030-453.27-04	12/11/2009	6194247077654		1032385		06/2010	79.34
101-3020-422.27-04	12/17/2009	6194247359125		1049832		06/2010	83.73
101-6010-451.27-04	12/22/2009	6195750336814		1061543		06/2010	16.14
101-3020-422.27-04	12/22/2009	6195750361567		1061544		06/2010	16.14
601-5060-436.27-04	12/17/2009	6195751351887		1050379		06/2010	14.63
101-1010-411.27-04	12/17/2009	6196281352138		1049833		06/2010	61.74
101-1230-413.27-04	12/17/2009	6196281356950		1049834		06/2010	186.40
101-3040-424.27-04	12/17/2009	6196281357370		1049835		06/2010	78.77
101-3070-427.27-04	12/17/2009	6196281359503		1049836		06/2010	43.99
101-1210-413.27-04	12/17/2009	6196281361675		1049837		06/2010	240.31
101-6010-451.27-04	12/17/2009	6196281385578		1049838		06/2010	57.19
101-3035-423.27-04	12/17/2009	6196281419922		1049839		06/2010	19.39
101-3010-421.27-04	12/13/2009	6196281485966		1041486		06/2010	41.49
101-1920-419.27-04	12/17/2009	6196282018442		1049840		06/2010	25.39
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02/05/2010	70377	AT&T MOBILITY	1866				383.28
503-1923-419.27-05	01/23/2010	287015635717 DEC/JAN 10		X01232010		07/2010	383.28
02/05/2010	70378	AT&T MOBILITY	1866				329.50
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405-1260-513.10-01	01/20/2010	PLAN CHECK DEC 09	10-02	08/2010 350.00
02/05/2010 70380	CALIFORNIA AMERICAN WATER	612		4,705.21
101-5010-431.27-02	01/19/2010	05-0114717-7	11/12-01/14	02-08-2010 07/2010 9.11
101-5010-431.27-02	01/19/2010	05-0115202-9	11/12-01/14	02-08-2010 07/2010 21.96
101-6020-452.27-02	01/19/2010	05-0115205-2	11/12-01/14	02-08-2010 07/2010 1,564.83
101-1910-419.27-02	01/19/2010	05-0115208-6	11/12-01/14	02-08-2010 07/2010 146.63
101-6020-452.27-02	01/20/2010	05-0114612-0	11/13-01/15	02-08-2010 07/2010 9.11
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101-5010-431.27-02	01/20/2010	05-0115950-3	11/13-01/15	02-08-2010 07/2010 18.74
101-5010-431.27-02	01/20/2010	05-0116368-7	11/13-01/15	02-08-2010 07/2010 15.52
101-6020-452.27-02	01/20/2010	05-0117419-7	11/13-01/15	02-08-2010 07/2010 9.11
101-1910-419.27-02	01/19/2010	05-0115206-0	11/12-01/14	02-08-2010 07/2010 393.88
101-1910-419.27-02	01/19/2010	05-0115210-2	11/12-01/14	02-08-2010 07/2010 35.59
101-3020-422.27-02	01/19/2010	05-0115211-0	11/12-01/14	02-08-2010 07/2010 217.27
101-5010-431.27-02	01/19/2010	05-0115214-4	11/12-01/14	02-08-2010 07/2010 12.33
601-5060-436.27-02	01/19/2010	05-0115249-0	11/12-01/14	02-08-2010 07/2010 9.11
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101-6020-452.27-02	01/18/2010	05-0111454-0	11/11-01/13	02-08-2010 07/2010 15.52
101-1910-419.27-02	01/18/2010	05-0111478-9	11/11-01/13	02-08-2010 07/2010 101.64
101-6020-452.27-02	01/18/2010	05-0111479-7	11/11-01/13	02-08-2010 07/2010 1,157.54
101-5010-431.27-02	01/18/2010	05-0111480-5	11/11-01/13	02-08-2010 07/2010 175.54
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405-1260-413.27-02	01/21/2010	05-0536451-3	11/16-01/18	02-09-2010 07/2010 232.41
405-1260-413.27-02	01/21/2010	05-0546597-1	11/16-01/18	02-09-2010 07/2010 29.31
101-3030-423.27-02	12/14/2009	05-0155019-8	11/05-12/08	01-04-2010 07/2010 19.91
405-5030-433.27-02	12/14/2009	05-0155037-0	11/09-12/10	01-04-2010 07/2010 14.50
601-5050-436.27-02	12/14/2009	05-0392478-9	11/09-12/10	01-04-2010 07/2010 14.55
101-5020-432.27-02	01/19/2010	05-0424056-5	11/12-01/14	02-08-2010 07/2010 91.22
101-6020-452.27-02	01/19/2010	05-0477133-8	11/12-01/14	02-08-2010 07/2010 109.71
02/05/2010 70381	CVA SECURITY	797		120.00
101-1910-419.20-23	01/01/2010	JAN 2010 EOC	13901	010123 07/2010 30.00
101-1910-419.20-23	01/01/2010	JAN 2010 PS DEPT	13978	010123 07/2010 30.00
101-1910-419.20-23	02/01/2010	FEBRUARY 2010 EOC	14205	010123 08/2010 30.00
101-1910-419.20-23	02/01/2010	FEBRUARY 2010 PW	14279	010123 08/2010 30.00
02/05/2010 70382	COLONIAL LIFE & ACCIDENT	941		133.44
101-0000-209.01-13	02/04/2010	PR AP PPE 1/28/2010	20100204	08/2010 133.44
02/05/2010 70383	COUNTY RECORDER	1818		50.00
405-1260-413.20-06	01/27/2010	ADA RAMP PROJ 13TH STREET	RESO 2010-6840	08/2010 50.00
02/05/2010 70384	CREATIVE BENEFITS INC FSA	1108		336.68
101-0000-209.01-11	02/04/2010	PR AP PPE 1/28/2010	20100204	08/2010 336.68
02/05/2010 70385	DAVID R. TAYLOR CONSTRUCTION	2153		3,701.74
248-1920-519.20-06	01/28/2010	CLEAN&GREEN-260 DONAX AVE	01-28-2010	010451 07/2010 3,701.74

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02/05/2010	70387	EPIC LAND SOLUTIONS, INC.	2105		4,982.65
408-1920-519.20-06	01/19/2010	PALM AVE RELOCATIONS	1209-0190	010328 07/2010	4,982.65
02/05/2010	70388	GOOGLE, INC.	2009		280.00
503-1923-419.20-06	01/05/2010	JAN 2010	1013626	010226 07/2010	280.00
02/05/2010	70389	GRAINGER	1051		1,573.70
101-1910-419.30-02	01/05/2010	FOAM SEAL	9152470622	010076 07/2010	28.45
101-6020-452.30-02	01/05/2010	PAINT/GLOVES/EAR PLUGS	9152470630	010076 07/2010	261.60
601-5060-436.28-01	01/08/2010	PADLOCKS	9155665764	010076 07/2010	315.03
101-6040-454.28-01	01/08/2010	TAPE, FOAM	9155788129	010076 07/2010	195.59
101-1910-419.30-02	01/12/2010	LAMP	9157778284	010076 07/2010	81.43
405-5030-433.30-02	01/12/2010	SAFETY EYEWARE	9158414574	010076 07/2010	9.19
405-5030-433.30-02	01/13/2010	GLOVES	9159404541	010076 07/2010	132.78
101-6020-452.30-02	01/20/2010	JACKET/RAIN JACKET	9163742258	010076 07/2010	79.83
601-5060-436.28-01	01/27/2010	SUMP PUMP	9169666352	010076 07/2010	469.80
02/05/2010	70390	HAITHAM BALLO	2		53.00
101-0000-321.72-10	02/02/2010	MERCADO SHORES	0008424	08/2010	53.00
02/05/2010	70391	HAITHAM BALLO	2		120.00
101-0000-203.22-00	02/02/2010	MERCADO SHORES	0008424	08/2010	120.00
02/05/2010	70392	HAITHAM BALLO	2		50.00
101-0000-323.71-02	02/02/2010	MERCADO SHORES	0008424	08/2010	50.00
02/05/2010	70393	I B FIREFIGHTERS ASSOCIATION	214		242.00
101-0000-209.01-08	02/04/2010	PR AP PPE 1/28/2010	20100204	08/2010	242.00
02/05/2010	70394	I LOVE A CLEAN SAN DIEGO	278		1,000.00
601-5050-436.29-04	01/07/2010	2010 CREEK TO BAY CLEANUP	2651	010715 07/2010	1,000.00
02/05/2010	70395	ICMA RETIREMENT TRUST 457	242		5,558.43
101-0000-209.01-10	02/04/2010	PR AP PPE 1/28/2010	20100204	08/2010	5,558.43
02/05/2010	70396	INTERSTATE BATTERY OF SAN DIEG	388		84.47
501-1921-419.28-16	01/25/2010	MTP-58R A-2	649004658	010063 07/2010	84.47
02/05/2010	70397	JANI-KING OF CALIFORNIA, INC.	2042		710.00
101-1910-419.21-04	01/25/2010	GEN BUILDING CLEANING	SDO01101039	010610 07/2010	710.00
02/05/2010	70398	LANCE, SOLL & LUNGHARD LLP	716		1,000.00
405-1260-413.20-06	12/31/2009	STATE CONTROLLERS REPORT	10602	010714 06/2010	1,000.00
02/05/2010	70399	MARCO A. CORTEZ	2197		182.16
101-5010-431.30-02	01/28/2010	BIKE PATH FENCE POST	561965	08/2010	182.16

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR	TRN AMOUNT
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02/05/2010	70401	MOBILE HOME ACCEPTANCE CORPORA	1533	299.06	
408-5020-432.25-01	01/24/2010	02/07/10-03/06/10	150291	010146 07/2010	299.06
02/05/2010	70402	NEXTEL OF CALIFORNIA	1465	1,095.20	
101-3070-427.27-05	12/29/2009	11/26/09-12/25/09	896132755-029	06/2010	36.47
101-1010-411.27-05	12/29/2009	11/26/09-12/25/09	896132755-029	06/2010	32.57
101-5020-432.27-05	12/29/2009	11/26/09-12/25/09	896132755-029	06/2010	275.55
101-5020-432.21-25	12/29/2009	11/26/09-12/25/09	896132755-029	06/2010	652.90
101-3020-422.27-05	12/29/2009	11/26/09-12/25/09	896132755-029	06/2010	97.71
02/05/2010	70403	ONE SOURCE DISTRIBUTORS	1071	124.02	
101-6040-454.30-02	01/08/2010	SQD 9998LX44 120V COIL	S3238343.001	010066 07/2010	124.02
02/05/2010	70404	PARTNERSHIP WITH INDUSTRY	1302	2,276.44	
101-6040-454.21-04	01/04/2010	P/E 12/31/2009	GS02586	010050 07/2010	1,120.38
101-6040-454.21-04	01/19/2010	P/E 01/15/10	GS02609	010050 07/2010	1,156.06
02/05/2010	70405	PBS & J	1606	495.75	
101-5060-564.20-08	01/18/2010	DEC 09 WATER QUALITY MONI	1067586	010147 07/2010	495.75
02/05/2010	70406	SAN DIEGO GAS & ELECTRIC	1399	17,010.25	
101-3020-422.27-01	01/08/2010	10087869371 11/30-12/30	01-26-2010	07/2010	128.61
101-1910-419.27-01	01/08/2010	10087869371 11/30-12/30	01-26-2010	07/2010	273.16
101-5010-431.27-01	01/08/2010	10088604389 11/25-12/28	01-26-2010	07/2010	419.90
101-3020-422.27-01	01/08/2010	19807697764 11/30-12/30	01-26-2010	07/2010	2,399.94
601-5060-436.27-01	01/08/2010	52635219238 11/25-12/28	01-26-2010	07/2010	5.58
101-6020-452.27-01	01/08/2010	56497714749 12/01-12/31	01-26-2010	07/2010	9.56
101-5010-431.27-01	01/08/2010	56497714749 12/01-12/31	01-26-2010	07/2010	7,567.27
101-5010-431.27-01	01/08/2010	85075178464 12/01-12/31	01-26-2010	07/2010	102.28
601-5060-436.27-01	01/08/2010	85075178464 12/01-12/31	01-26-2010	07/2010	69.34
101-6020-452.27-01	01/08/2010	85075178464 12/01-12/31	01-26-2010	07/2010	1,099.75
601-5060-436.27-01	01/08/2010	85417701270 12/01-12/31	01-26-2010	07/2010	3,935.82
101-5020-432.27-01	01/11/2010	91692992261 11/25-12/28	01-27-2010	07/2010	999.04
02/05/2010	70407	SEIU LOCAL 221	1821	1,233.18	
101-0000-209.01-08	02/04/2010	PR AP PPE 1/28/2010	20100204	08/2010	1,233.18
02/05/2010	70408	SKS INC.	412	6,546.64	
501-1921-419.28-15	01/22/2010	1148 GAL R/216 GAL DIESEL	1231027-IN	010101 07/2010	3,925.74
501-1921-419.28-15	01/28/2010	813.1 G REG/106.9 G DIESE	1231113-IN	010101 07/2010	2,620.90
02/05/2010	70409	SLOAN ELECTRIC COMPANY	417	2,175.00	
601-5060-436.21-04	01/06/2010	PS 4 FIELD LABOR	0056885	010112 07/2010	2,175.00
02/05/2010	70410	SOUTH BAY COMMUNITY SVCS	472	1,837.68	
248-1920-519.20-06	01/15/2010	CASA ESTABLE I-HEMLOCK	8	081176 07/2010	1,837.68

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02/05/2010	70412	SPRINT	2040				266.64
101-3020-422.27-05	12/29/2009	11/26/09-12/25/09 MDC CRD		594768811-025		06/2010	151.97
101-3020-422.27-05	12/29/2009	11/26/09-12/25/09		527638813-025		06/2010	74.68
503-1923-419.30-02	12/29/2009	11/26/09-12/25/09		527638813-025		06/2010	39.99
02/05/2010	70413	STANDARD ELECTRONICS	504				360.00
101-1910-419.20-23	01/07/2010	2010 EOC ANNUAL ALRM MONT		13424	010130	07/2010	360.00
02/05/2010	70414	THYSSENKRUPP ELEVATOR	663				219.65
101-3030-423.20-06	02/01/2010	FEBRUARY 2010		1037045874	010043	08/2010	219.65
02/05/2010	70415	WESTERN HOSE & GASKET	836				300.42
601-5050-436.28-01	01/07/2010	25 FT 3" HOSE		212566	010107	07/2010	300.42
02/05/2010	70416	XEROX CORPORATION	861				1,604.90
101-3030-423.20-06	01/09/2010	DECEMBER 2009		045455567	010229	07/2010	260.06
101-1920-419.20-17	02/01/2010	JANUARY 2010		045887177	010229	08/2010	1,112.66
101-3030-423.20-06	02/01/2010	JANUARY 2010		045887179	010229	08/2010	232.18
DATE RANGE TOTAL *							1,706,261.91 *



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: FEBRUARY 17, 2010
ORIGINATING DEPT.: OFFICE OF THE MAYOR

SUBJECT: RESOLUTION NO. 2010-6852 – SUPPORTING GREEN BUILDING EFFORTS THAT WILL LEAD TO SAVINGS AND INCREASED EFFICIENCY IN SCHOOLS

BACKGROUND:

The Mayors' Alliance for Green Schools is a coalition of mayors from large and small cities seeking to harness local-level leadership and creativity to promote the benefits of green schools in their communities. Initiated in October, 2008, by Mayor Manuel A. Diaz of Miami and Mayor Greg Nickels of Seattle in partnership with the U.S. Green Building Council, the Alliance is united in a belief that sustainability in schools must come from grassroots-level efforts. Members of the Alliance recognize that in order to provide a high quality education for children, the school environment must be safe, clean, and supportive of excellence. The Alliance is working in conjunction with the U.S. Green Building Council and its national network of chapters to accelerate programs supporting the resolution adopted by the U.S. Conference of Mayors in 2007, and reconfirmed in 2009, that "in a generation every child in America will attend a green school."

Staff members of the Alliance are invited to regular conference calls to learn how other communities are successfully promoting green schools through innovative legislation and successful public private partnerships. Mayors also receive recurrent member updates about federal initiatives and local level opportunities that encourage green schools. Participants have helped implement features in schools such as green roofs and solar panels in new school construction, safe biking and walking routes to schools, development and use of green curriculum and greening of existing schools' operations and maintenance.

By their very nature, schools are an investment in the future, preparing the next generation of leaders and paving the way for tomorrow's innovations. As the U.S. Mayors Climate Protection Agreement has demonstrated, mayors can have an enormous impact on our nation's goals and priorities when they unite around a common goal. This Alliance is connecting mayors with the many opportunities that exist to make our nation's schools greener, our students and teachers healthier, and our communities stronger.

DISCUSSION

The Sweetwater Union High School District (SUHSD) is committed to creating environments in which students will thrive. The District's Board of Trustees laid the ground work for a long-term vision of the environmental and economic impact of school construction by adopting Board resolution no. 3794. This resolution calls for green building practices to be employed where possible during the Proposition O bond construction program. A dedicated effort to the resolution has resulted in the largest LEED-certified green building program of a school district

in the state of California. A Proposition O construction update for Mar Vista High School is attached. Dr. Jesus M. Gandara, Ed.D, Superintendent for SUHSD has asked for the support of City of Imperial Beach to make green and healthy schools a local priority.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

Adopt Resolution No. 2010-6852 supporting green building efforts that will lead to savings and increased efficiency in schools.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2010-6852
2. Proposition O Construction Update for Mar Vista High School
3. Letter from Dr. Jesus Gandara, Superintendent of Sweetwater Union High School District, dated January 14, 2010

RESOLUTION NO. 2010-6852

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, SUPPORTING GREEN BUILDING EFFORTS THAT WILL LEAD TO SAVINGS AND INCREASED EFFICIENCY IN SCHOOLS

WHEREAS, deteriorating school infrastructure and poor indoor environmental quality threaten the health, well being and achievement of staff and students; and

WHEREAS, green schools are schools that create a healthy environment that is conducive to learning while saving energy, resources and money; and

WHEREAS, green schools create a learning environment that supports student learning through improvements in site selection, daylighting, indoor air quality, thermal comfort, acoustics, and classroom design – all of which have an important impact on a child's ability to learn and a teacher's ability to teach; and

WHEREAS, the benefits of superior indoor air quality – a key emphasis of green schools – have been linked to lower asthma rates, fewer allergies, reduced absenteeism, and increased teacher retention rates; and

WHEREAS, green schools use an average of 30-50% less energy and do not cost more to build than conventional schools; and

WHEREAS, green schools cost less to operate, utilize durable materials, and greatly reduce water and energy use, which generates significant financial savings; and

WHEREAS, green schools provide an educational experience that transcends the classroom by creating a host of opportunities for curriculum innovation and hands-on, project based learning in which the building itself becomes an interactive teaching tool; and

WHEREAS, green buildings allow schools to open their doors to the community in new ways. By increasing accessibility of their facilities and resources and through hands-on lessons about sustainability and environmental stewardship, green schools serve as valuable and dynamic community centers.

NOW, THEREFORE, BE IT RESOLVED that the City of Imperial Beach supports green building efforts that will lead to savings and increased efficiency in schools, thus, improving the quality of life of the members of our community.

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

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK



Mar Vista High School

Prop O Construction Update



Photos from live webcam



Progress

Interior demolition, abatement and underground plumbing of the school's administration building have been completed. Interior wall framing is over 50% complete. The existing boiler building and snack shack building have been demolished. Excavation for new building pad has begun and underground electrical/data utilities have been re-routed. A temporary food court is nearing completion at stadium with new walkway paths/ramps and new serving enclosure units being installed and lunch tables have been relocated.

Expected Completion Date

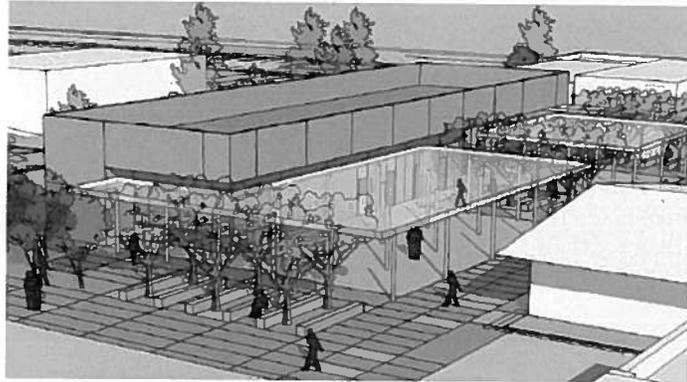
March 2011



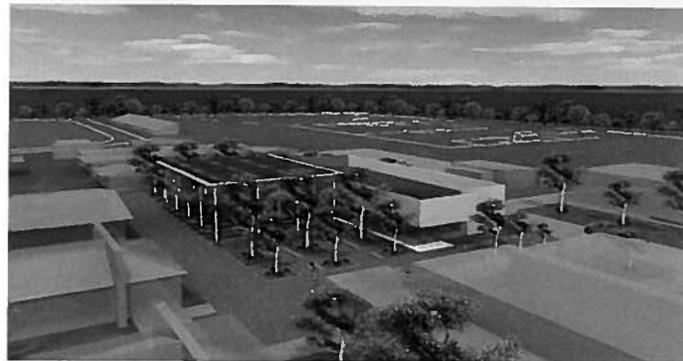


Mar Vista High School

Prop O Construction Update



Architectural Renderings



Scope of Work

A new 4,452 square foot building that will include a food sales area and will provide a meeting place for the Associated Student Body will be constructed as part of Mar Vista High School's renovation. Furthermore, the student services building will be upgraded and expanded allowing faculty and staff a better opportunity to service the students' needs in a much improved environment. Lastly, Mar Vista's annex classroom building will be modernized to total 2,200 square feet. The estimated budget for Mar Vista High School's renovation is \$11.6 million.





OFFICE OF THE SUPERINTENDENT

• 1130 Fifth Avenue • Chula Vista, California 91911-2896
 (619) 691-5555 • FAX (619) 498-1997•

January 14, 2010

Mayor Jim Janney
 City of Imperial Beach
 825 Imperial Beach Blvd.
 Imperial Beach, CA 91932

Dear Mayor Janney,

We appreciate your deep commitment and dedication to the families of South Bay. Your leadership is valued as we work toward making our communities greener. The Sweetwater Union High School District is committed to creating environments in which students will thrive. Sustainable and energy efficient classrooms have been proven to enhance academic rigor and occupant comfort. The District's Board of Trustees laid the groundwork for a long-term vision of the environmental and economic impact of school construction by adopting Board Resolution No. 3794. This resolution calls for green building practices to be employed where possible during the Proposition O bond construction program.

Carrying out the spirit of the District's resolution, the dedication to green building practices by the Prop O Program and Construction Management team has resulted in the largest LEED-certified green building program of a school district in the state of California. As a city leader, you have the power to introduce this dedication to green building of educational facilities throughout the entire city by joining the Mayors' Alliance for Green Schools. The alliance is a national coalition of mayors from cities, large and small, who strategically harness local leadership and creativity to promote the benefits of green schools in their communities.

Initiated in October, 2008, by Mayor Manuel A. Diaz of Miami and Mayor Greg Nickels of Seattle in partnership with the U.S. Green Building Council, the Mayors' Alliance is united in a belief that sustainability in schools must come from grassroots-level efforts. The average green school saves \$100,000 a year on utility bills, freeing up resources to directly improve students' education.

I have included a sample resolution for Green Schools that we encourage the City of Imperial Beach to support, making green and healthy schools a local priority. By passing this resolution you will join Mayor Gavin Newsom of the City of San Francisco, Mayor Chuck Reed of the City of San Jose, and Mayor Antonio Villaraigosa from the City of Los Angeles, the only California Mayors to belong to this Alliance and over 28 mayors nationwide who are working to make green schools a national priority.

Sincerely,

Dr. Jesus M. Gandara, Ed.D
 Superintendent, Sweetwater Union High School District



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

**MEETING DATE: FEBRUARY 17, 2010
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER**

**SUBJECT: CONSENT CALENDAR: ARTURO ZEPEDA
[OWNER/APPLICANT]: TIME EXTENSION FOR
ADMINISTRATIVE COASTAL PERMIT (ACP 050248), AND
TENTATIVE MAP (TM 050249) FOR THE CONVERSION OF
SEVEN EXISTING RESIDENTIAL UNITS INTO SEVEN
COMMON INTEREST CONDOMINIUM OWNERSHIP UNITS
LOCATED AT 560 FLORIDA STREET, IN THE R-3000-D (TWO
FAMILY DETACHED RESIDENTIAL) ZONE. MF 791.**

PROJECT DESCRIPTION/BACKGROUND:

This is a time extension request for an application (MF 791), previously approved on March 1, 2006, for the condominium conversion of seven existing residential units on a 14,006 square foot site located at 560 Florida Street (APN 626-113-21-00). The property is designated R-3000-D (Two-Family Detached Residential) on the Zoning Map.



**PROJECT EVALUATION/
DISCUSSION:**

The original expiration date for the coastal permit and tentative map provided for a three (3) year vesting period, which would have expired on March 1, 2009. Senate Bill No. 1185 provided for an additional extension of twelve (12) months to the expiration of any tentative map, which provided a new expiration date of March 1, 2010. The applicant has been delayed due to increased construction costs and the downturn in the housing market and is requesting a time extension. Approval of this time extension would provide another three (3)

year vesting period. No new zoning requirements have been enacted that would negatively affect the time extension request.

ENVIRONMENTAL DETERMINATION: The project is Categorically Exempt as a Class 1K project pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301(k) (Division of existing multiple-family residences into common interest ownership).

COASTAL JURISDICTION: The project is located in the Non-Appealable area of the California Coastal Zone, as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map, and, as such, is not appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

FISCAL ANALYSIS:

The applicant has deposited \$4,500.00 in Project Account Number 050248 to fund the processing of this application.

DEPARTMENT RECOMMENDATION:

Consider adoption of Resolution No. 2010-6853, approving a time extension for (Administrative Coastal Permit ACP 050248/Tentative Map TM 050249) which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Applicant Extension Request
 2. Resolution 2010-6853
- c: file MF 791
Franklin Spees, P.O. Box 1243 La Mesa, CA 91944
Arthur Zepeda, 10056 Shadow Road, La Mesa 91941



THE LAW OFFICES OF ARTURO ZEPEDA

FEB - 2 2010

January 29, 2010

Tyler Foltz
Associate Planner
City of Imperial Beach
Community Development Department
825 Imperial Beach Blvd.
Imperial Beach, CA 91932

RE: 560 Florida Street Condominium Conversion Project

Dear Mr. Foltz:

Thank you for your call yesterday. As I mentioned, although the issue of the lien agreement has not been resolved, another issue holding this project back is that the second trust deed holder; Wells Fargo Bank, will not sign the Mylars. The first TD holder Banco Popular has already signed it. I am trying to negotiate an arrangement with Wells Fargo.

For the above reasons, I am requesting an extension of the tentative map on the above project. Please advise as to how long the extension can be granted.

Respectfully,

A handwritten signature in black ink, appearing to read 'Arturo Zepeda'. The signature is stylized and fluid.

Arturo Zepeda

RESOLUTION NO. 2010-6853

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A TIME EXTENSION FOR ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (ACP 050428) AND TENTATIVE MAP (TM 050429) FOR THE CONVERSION OF SEVEN EXISTING RESIDENTIAL DWELLING UNITS INTO COMMON INTEREST CONDOMINIUM OWNERSHIP UNITS LOCATED AT 560 FLORIDA STREET, IN THE R-3000-D (TWO-FAMILY DETACHED RESIDENTIAL) ZONE. MF 791.

APPLICANT/OWNER: ARTHUR ZEPEDA

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

WHEREAS, on February 17, 2010 the City Council of the City of Imperial Beach held a duly noticed public meeting to consider the merits of approving or denying a time extension for a previously-approved application for a condominium conversion project (MF 791 - Administrative Coastal Permit ACP 050428/Tentative Map TM 050429). The project consists of the conversion of seven existing residential dwelling units into condominium units on a 14,006 square foot site located at 560 Florida Street. (APN 626-113-21-00); and

WHEREAS, on March 1, 2006 the City Council of the City of Imperial Beach held a duly noticed public hearing to consider the merits of approving or denying an application for a condominium conversion project (MF 791 - Administrative Coastal Permit ACP 050248/Tentative Map TM 050429). The project consists of the conversion of seven existing residential dwelling units into condominium units on a 14,006 square foot site located at 560 Florida Street. (APN 626-113-21-00), a site legally described as follows:

Lots 31, 32, 33 and 34 in Block 16 of Babcock Re-Subdivision, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 1562 filed in the office of the County Recorder of San Diego County, April 17, 1913; and,

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), it was determined that the project is categorically exempt from the requirements of the CEQA as a Class 1k project pursuant to CEQA Guidelines Section 15301(k); and

WHEREAS, the City Council considered the information contained in the staff report and public testimony on this case and approved the project on March 1, 2006; and

WHEREAS, the original expiration date for the project provided for a three (3) year vesting period, which would expire on March 1, 2009; and

WHEREAS, Senate Bill No. 1185 provided for an additional extension of twelve (12) months to the expiration of any tentative map, which would provide a new expiration date of the project on March 1, 2010; and

WHEREAS, the applicant has been delayed due to increased construction costs and the downturn in the housing market and is requesting a time extension; and

WHEREAS, the City Council reaffirms the following additional findings in support of its decision to approve the project:

COASTAL PERMIT FINDINGS:

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

Map Act Section 66427.2 provides that, unless the general plan contains specific condominium conversion objectives and policies, condominium conversions do not need to comply with the general plan. The City of Imperial Beach does not have such applicable general plan policies and this finding, therefore, is not required.

2. **Pursuant to Government Code Section 65590, provisions for the replacement of dwelling units proposed for conversion in the coastal zone that are occupied by persons of low or moderate income are not applicable.**

The requirement for replacement of the units proposed for conversion are not applicable because the City of Imperial Beach has within the area encompassing the coastal zone, and three miles inland therefrom, less than 50 acres, in aggregate, of land which is vacant, privately owned and available for residential use.

TENTATIVE MAP FINDINGS:

3. **The proposed tentative tract map is consistent with the General Plan/Local Coastal Plan.**

Map Act Section 66427.2 provides that, unless the general plan contains specific condominium conversion objectives and policies, condominium conversions do not need to comply with the general plan. The City of Imperial Beach does not have such applicable general plan policies and this finding, therefore, is not required. The City must either approve or deny a conversion within 120 days after the application has been deemed complete.

4. **The design or improvement of the proposed major subdivision is consistent with the General Plan/Local Coastal Plan.**

Map Act Section 66427.2 provides that, unless the general plan contains specific condominium conversion objectives and policies, condominium conversions do not need to comply with the general plan. The City of Imperial Beach does not have such applicable general plan policies and this finding, therefore, is not required. The City must either approve or deny a conversion within 120 days after the application has been deemed complete.

5. **The site is physically suitable for the type of development.**

The subject site is a rectangular, relatively level, 14,006 square foot parcel. The seven residential units already exist and the site has been suitable for this development. The Tentative Map will establish condominium ownership for 7 units.

6. **The design of the major subdivision will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife, or their habitat.**

The project does not involve any new construction and the existing development is in a developed urban area. Therefore, the proposed tentative map will not affect fish or wildlife habitat.

7. The design of the major subdivision will not cause serious public health problems.

The existing development is already served by municipal water and sewer service and the conversion would not result in public health problems.

8. The design of the major subdivision will not conflict with any easement of record.

A Title Report submitted by the applicant, dated December 15, 2004, indicates that there are no easements on the site, which would conflict with the subdivision.

9. All requirements of the California Environmental Quality Act (CEQA) have been fulfilled.

The project is exempt from the requirements of the CEQA under CEQA Guidelines Section 15301k (Class 1k – division of existing multiple-family or single-family residences into common interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt).

NOW, THEREFORE, BE IT RESOLVED that a **time extension** for Administrative Coastal Permit ACP 050428 and Tentative Map TM 050429 for a seven unit condominium conversion on a 14,006 square foot site located at 560 Florida Street. (APN 626-113-21-00), is hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

CONDITIONS OF APPROVAL:

A. PLANNING:

1. **Approval** of the time extension for Administrative Coastal Permit ACP 050428 and Tentative Map TM 050429 for a seven unit condominium conversion on a 14,006 square foot site located at 560 Florida Street. (APN 626-113-21-00) is valid for three years, **to expire on March 1, 2013**. The conditions of approval must be satisfied and the Final Map recorded on or before March 1, 2013, unless the City grants an extension of time.
2. The site shall be developed in accordance with the approved site plans on file in the Community Development Department and the conditions herein. Final landscaping, storm water/drainage, and façade improvement plans are subject to approval by the Community Development Department.
3. Mechanical equipment, including solar collectors and panels or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, and shall be located so as not to be visible from any public way. (19.83).
4. Applicant shall pay any outstanding negative balances in the project accounts (050248) prior to approval and recordation of the Final Map.
5. Approval of this request shall not waive compliance with any portion of the International Building Code and Municipal Code in effect at the time building permits were issued for the original development.
6. Applicant shall provide the required documentation pursuant to Subdivision Map Act Section 66427.1.

7. 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.
8. Applicant shall sign and return the Final Map Notification Agreement.
9. Applicant shall provide an updated Title Report dated within 60 days of the Final Map submittal.
10. Applicant shall comply with the requirements of the Condominium Conversion Ordinance 2005-1023.
11. Applicant shall revert the illegal bedroom conversion for Unit E to a garage.
12. Fire sprinklers shall be installed in compliance with applicable fire codes and IBMC Chapter 18.84.

B. CITY ENGINEER:

13. The Final Map shall be in substantial compliance with the approved tentative map dated January 19, 2006.

C. PUBLIC SAFETY:

14. Provide a note on the plans stating: "Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property and from any alley that fronts the property. Lettering shall be a minimum of four (4) inches high, with a minimum $\frac{3}{4}$ inch stroke, on a contrasting background." CFC Section 901.4.4
15. Provide a note on the plans stating: "Knox key box shall be installed 6 to 6 1/2 feet above the walking surface and as close to the main entry door as possible. In multi-tenant buildings, the box should be located near the center point of the building". CFC Section 902.4.
16. Provide a note on the plans stating: "Provide key to Fire Department for emergency access, to be placed in Knox-Box (rapid entry system)." CFC Section 902.4.
17. Show location(s) of all fire extinguishers on the floor plan and provide a note on the plans stating: "On each floor provide one (1) 2A-10BC minimum rated fire extinguisher per 6,000 square feet. Travel distance (defined as the actual walking distance) not to exceed 75 feet. Fire extinguishers should be installed in plain view, in an accessible spot, near room exits that provide an escape route. Install extinguishers so that the top is no more than five feet above the floor." UFC Standard 10-1
18. Provide a note on the plans stating: "Fire-extinguishing systems shall be installed in accordance with the Building Code and Section 1003."
19. Provide a note on the plans stating: "Fire alarm annunciator panel shall be clearly marked "FIRE ALARM PANEL. The letters shall be not less than 1 inch high on a contrasting background." CFC 1001.7.4

20. Provide a note on the plans stating: "Doors leading into electrical control panel rooms shall be clearly marked "ELECTRICAL ROOM". The letters shall be not less than 1 inch high on a contrasting background." CFC 8509.3

D. PUBLIC WORKS:

21. Ensure that the hot water tank P.T. discharge pipe is piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
22. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01. (Note: some of the existing roof gutter drains fall on impervious surfaces. These eave drains must be rerouted to landscape areas on the property site.)
23. Raise the ground level and water meter boxes adjacent to Florida Street to eliminate the drop off adjacent to the sidewalk.
24. Install, construct, or modify existing trash and recycling enclosure to comply with I.B.M.C. 19.74.090. The existing trash enclosures do not have gates that can conceal the containers when in the closed position. Gates shall be self-closing.
25. Applicant shall underground all utilities in accordance with I.B.M.C. 13.08.060.
26. Applicant shall provide verification of post conversion Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and / or Conditional Use Permit. The agreement must include a provision that the applicant and subsequent owners may not increase the impervious surfaces for the life of the project.
27. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
28. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt. Asphalt shall be AR4000 ½ mix (hot).
29. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
30. Install survey monuments on northeast and southeast property lines in or adjacent to the sidewalk. Record same with county office of records

31. Property owner must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant must provide the following documents to the City of Imperial Beach following before project may begin work:
- A checklist of selected BMPs and location of the BMPs on project plans for review by the City – Form 7-B.
 - Certification of intent to maintain selected BMPs – Form 7-B.
 - A Storm Water Management Plan (Form 7-B).
32. Additionally these BMP practices shall include but are not limited to:
- Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
 - All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches, storm drain pipes).
 - All wastewater resulting from cleaning construction tools and equipment, must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
 - Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with visquien (or equivalent product) to prevent sediment removal into the storm drain system.
33. Any disposal/transportation of solid waste / construction waste in roll off containers must be contracted through the City's waste disposal and recycling agency unless the hauling capability exists integral to the prime contractor performing the work.

E. BUILDING

34. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach.
35. A building permit is required for the following: Building Construction Requirements. All unit one-hour fire-resistive separation walls and ceilings, attic draft stops, smoke detectors, bedroom egress windows, ground fault circuit interrupters, external combustion air venting, trash enclosure sprinklers (for trash enclosures located in or under buildings), and water heater strapping shall be provided in compliance with the applicable provisions of the current California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code and California Fire Code. For any building that is more than two stories the entire building shall have a fire sprinkler system that meets the requirements of the current California Fire Code. Unless otherwise stated herein, the terms and conditions of Title 24 of the California Code of Regulations in effect at the time the building being converted received its building permit shall apply. (Ordinance No. 2005-1023)

- 36. Prior to demolition a permit shall be obtained from the City of Imperial Beach and San Diego County for testing and removal of any Asbestos materials.
- 37. BMPs: Identify all BMPs on the site plan or a separate landscape or drainage plan in compliance with Form 7-B of the Storm Water Management Plan.
- 38. Provide this note on the plans: "All construction wastes shall be collected, stored and disposed of in an approved manor per Caltrans Storm Water Quality Handbook." Show the location of your waste container or dumpster on site. If you intend to set a dumpster in the public right of way, an Encroachment Permit is required.
- 39. A Building Permit is required for all new structures or improvements.

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 17th day of February 2010, by the following roll call vote:

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

James C. Janney

JAMES JANNEY, MAYOR

ATTEST:
Jacqueline M. Hald

JACQUELINE HALD, CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Resolution No. 2010-6853 – A Resolution of the City Council of the City of Imperial Beach, California, APPROVING A TIME EXTENSION FOR ADMINISTRATIVE COASTAL PERMIT (ACP 050428) AND TENTATIVE MAP (TM 050429) FOR THE CONVERSION OF SEVEN EXISTING RESIDENTIAL DWELLING UNITS INTO SEVEN COMMON INTEREST CONDOMINIUM OWNERSHIP UNITS LOCATED AT 560 FLORIDA STREET, IN THE R-3000-D (TWO FAMILY DETACHED RESIDENTOIA;) ZONE. MF 791.

CITY CLERK

DATE



AGENDA ITEM NO. 2.5

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: FEBRUARY 17, 2010
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR *GW*
SUBJECT: ADOPTION OF RESOLUTION NO. 2010-6854 – A
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
IMPERIAL BEACH, CALIFORNIA, SITTING AS THE
PLANNING COMMISSION TO CLARIFY AN
UNCERTAINTY UNDER THE IMPERIAL BEACH
MUNICIPAL CODE RELATED TO ZONING AND
NONCONFORMING USES

BACKGROUND:

The Redevelopment Agency is currently in the process of carrying out the 9th and Palm Redevelopment Project. In order to carry out this project, it has been necessary to require the relocation of various businesses currently operating within the boundaries of the shopping center. Several such businesses were operating as legal nonconforming uses because more recent changes to the Imperial Beach Municipal Code (IBMC) had either prohibited the establishment of new businesses or had placed additional restrictions upon the establishment and operation of such businesses.

DISCUSSION:

Chapter 19.76 of the IBMC addresses nonconforming uses and the conditions under which nonconforming uses can continue to exist. Section 19.76.130 discusses discontinuance of legal nonconforming uses. However, Section 19.76.130 appears limited to those circumstances when an owner voluntarily discontinues a non-conforming use and does not specifically address relocation within the same zone of a legally operating business when the relocation is precipitated by City or Redevelopment Agency action in acquiring or redeveloping the property on which the business is operating.

Section 19.02.080 of the IBMC allows the Planning Commission to consider the appropriate classification of a particular use within the City's zoning code based upon unforeseen circumstances and pertinent facts and allows them to interpret and clarify any ambiguity or uncertainty with respect to the zoning code. Further, Section 1.04.080 of the IBMC provides that the provisions of the IBMC are to be construed to promote justice.

Since several businesses within the 9th and Palm Redevelopment Project were legally operating under the IBMC and, through the relocation process, are being required to vacate the premises due to the Redevelopment Project, there is a need to clarify the uncertainty in the IBMC so that the forced removal will not effect a discontinuance in the non-conforming use or otherwise legal operation of such businesses. The attached resolution includes the required findings to support this interpretation. The interpretation will not grant such businesses any additional rights nor will it establish any new non-conforming uses; the interpretation will merely clarify that the businesses will be allowed to relocate within the C-1 zone within the City.

ENVIRONMENTAL IMPACT:

The clarification of the uncertainty in Chapter 19.76 as to when a previously legal use becomes illegal is exempt from further review under the California Environmental Quality Act ("CEQA"). Two exemptions apply to the interpretation of the non-conforming use regulations. First, CEQA Guidelines section 15301, Existing Facilities, applies to those activities involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures when there is negligible or no expansion of use beyond that existing at the time of the determination. Here, the likely result of the City Council's (acting as the Planning Commission) interpretation is that an existing business in the City would be able to relocate to another existing structure within the same zone without further discretionary action by the City. This is precisely the type of circumstance contemplated by the CEQA exemption found in CEQA Guidelines section 15301.

Additionally, the interpretation is exempt under the general rule found in CEQA Guidelines section 15061(b)(3) which states that CEQA only applies to projects that would have a significant effect on the environment and where there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

Staff recommends that Council sitting as the Planning Commission adopt City Resolution No. 2010-6854.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachment:

1. Resolution No. 2010-6854

RESOLUTION NO. 2010-6854

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, SITTING AS THE PLANNING COMMISSION TO CLARIFY AN UNCERTAINTY UNDER THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO ZONING AND NONCONFORMING USES

WHEREAS, Chapter 19.76 "Nonconforming Lots, Structures and Uses" of the Imperial Beach Municipal Code (IBMC) discusses the conditions and terms by which existing land uses can be permitted to continue despite changes to the zoning code that make such uses illegal or changes which impose additional conditions upon existing uses; and

WHEREAS, IBMC Section 19.76.130 "Uses—Discontinuance" does not address the continuance of a non-conforming use, restricted use, or conditional use (business) which is being required to relocate due to the redevelopment of a site owned by the Redevelopment Agency; and

WHEREAS, IBMC Section 19.02.080 "Clarifications of Ambiguity or Uncertainty" allows the Planning Commission to consider the appropriate classification of a particular use within the City's zoning code based upon unforeseen circumstances and pertinent facts; and

WHEREAS, IBMC Section 1.04.080 "Construction" specifies that provisions of the IBMC should be construed with a view to "promote justice;" and

WHEREAS, with respect to the 9th and Palm Redevelopment Project, the Redevelopment Agency is requiring the relocation of various businesses that were legal, nonconforming uses or other such legally operating businesses that were in existence prior to changes in the IBMC; and

WHEREAS, in order to promote justice and clarify the uncertainty in the IBMC, the City Council, sitting as the Planning Commission, desires to make the following interpretations; and

WHEREAS, the following interpretations are consistent with the General Plan, the Coastal Act, the proposed C-1 zone, and the certified Local Coastal Program because all such uses were legally in existence and were allowed to continue in existence under the IBMC and this interpretation does not allow the establishment of any new businesses; and

WHEREAS, this action is exempt from further review under the California Environmental Quality Act under Guidelines section 15301, Existing Facilities, and CEQA Guidelines section 15061(b)(3) as there is no possibility that the interpretation proposed will result, directly or indirectly, in a significant effect on the environment.

NOW, THEREFORE, City Council of the City of Imperial Beach, California, sitting as the Planning Commission does hereby resolve that:

SECTION 1. That the foregoing recitals are true and correct.

SECTION 2. That pursuant to its power under IBMC Section 19.02.080, the City Council sitting as the Planning Commission finds that the relocation of legal non-conforming uses or other legally operating businesses due to the 9th and Palm Redevelopment Project shall not be interpreted to be a discontinuance of such legal non-conforming use and such business shall be

allowed to relocate within the same zone that such business was legally operating.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach sitting as the Planning Commission at its regular meeting held on the 17th day of February 2010, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2010-6854 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, SITTING AS THE PLANNING COMMISSION TO CLARIFY AN UNCERTAINTY UNDER THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO ZONING AND NONCONFORMING USES

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: FEBRUARY 17, 2010
ORIGINATING DEPT.: CITY ATTORNEY
**SUBJECT: ADOPTION OF URGENCY ORDINANCE NO. 2010-1099
AND ORDINANCE NO. 2010-1100 AMENDING SECTION
9.08.050 PERTAINING TO JUVENILE CURFEW**

BACKGROUND:

Imperial Beach currently has a juvenile curfew, from 11:00 p.m. until 5:00 a.m. Under this curfew, juveniles generally may not be in public places during those hours.

The current ordinance contains several exceptions. Some of these exceptions allow a juvenile to be out past curfew hours when a juvenile is accompanied by a responsible adult, when a juvenile is at a place of employment, or when a juvenile is at a school, religious, or other civic activity.

Other exceptions are included in the ordinance to protect juveniles' constitutional rights. These include an exception allowing juveniles to be in interstate transit and to allow them to exercise their First Amendment rights.

DISCUSSION:

The ordinance amendments accompanying this report are designed to ensure that the City has an effective, enforceable nighttime juvenile curfew. The changes proposed to the existing ordinance are shown in a strikethrough format attached to this report. The changes include a clarification related to the First Amendment exemption. Finally, the ordinance clarifies that a minor must prove the exception applies when the minor challenges a curfew citation in court and that it is not the arresting officer's job to disprove these exceptions.

Ordinance No. 2010-1099 is an urgency ordinance. If approved, it will take effect immediately upon passage. It does not require a second reading, per Government Code section 36934. It is designed to ensure that the proposed amendments take effect immediately. Section 2 of the ordinance includes findings that immediate implementation of the ordinance is necessary for the protection of public health and

safety because enforcement of juvenile curfew laws is important to the City of Imperial Beach. **This ordinance requires a four-fifths vote in order to be approved.**

Ordinance No. 2010-1100 is a non-urgency ordinance and will take effect in the normal course of the law, which is 30 days after adoption. Section 2 of this ordinance provides that once it takes effect, it will supersede Ordinance No. 2010-1099, the urgency ordinance. By approving both of these ordinances, the City will immediately be able to enforce the amendments.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

Staff Recommends the Mayor and City Council:

1. Receive this report;
2. Mayor calls for the reading of the title of Ordinance No. 2010-1099 "AN URGENCY ORDINANCE AMENDING SECTION 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW";
3. City Clerk to read Ordinance No. 2010-1099;
4. Motion to waive further reading and dispense introduction by title only and adopt the Ordinance No. 2010-1099. (*4 affirmative votes required for approval*).
5. Mayor calls for the reading of the title of Ordinance No. 2010-1100 "AN ORDINANCE AMENDING SECTION 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW";
6. City Clerk to read Ordinance No. 2010-1100;
7. Motion to waive further reading and dispense introduction by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachment:

1. Ordinance No. 2010-1099.
2. Ordinance No. 2010-1100.
3. Redline changes to ordinance.

ORDINANCE NO. 2010-1099

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW

WHEREAS, the City of Imperial Beach has adopted a juvenile curfew in order to promote its compelling need to prevent juvenile delinquency and victimization; and

WHEREAS, the City Council for the City of Imperial Beach intends to have an effective, enforceable juvenile curfew ordinance; and

WHEREAS, the City has a compelling interest in preventing juvenile delinquency and victimization, and has determined that an effective, enforceable juvenile curfew ordinance is a necessary tool to further that purpose.

NOW, THEREFORE, the City Council of Imperial Beach hereby ordains as follows:

SECTION 1. Section 9.08.050 is amended to read as follows:

“9.08.050. Exceptions.

The prohibitions described in Section 9.08.030 and 9.08.040 above shall not apply to any minor who demonstrates as an affirmative defense that he or she is:

- A. Accompanied by his or her responsible adult;
- B. Engaged in or directly en route to or from an employment activity;
- C. Engaged in any emergency;
- D. Present in any privately owned building or structure generally committed to a business or trade which is open to and serves the public, or going to or returning from said privately owned building or structure without detour or stop;
- E. Attending or directly en route to or from a school sponsored, religious, or recreational activity supervised by at least one responsible adult and sponsored and conducted by the city, a civic organization, public agency, charitable organization, religious entity, or another similar entity that takes responsibility for the minor;
- F. On an errand at the direction of the minor’s responsible adult without any detour or stop;
- G. In any motor vehicle involved in interstate travel;
- H. Exercising First Amendment rights;
- I. Legally emancipated; or
- J. Traveling, without delay or detour, between the minor’s residence and any activity listed in paragraphs A through H, or traveling between those activities.”

SECTION 2. The City Council for the City of Imperial Beach finds and declares that this is an urgency ordinance. The City has a compelling interest in preventing juvenile delinquency and victimization and has determined that an effective, enforceable juvenile curfew ordinance is a necessary tool to further that purpose. Accordingly, the City Council has

determined that a lack of an effective, enforceable juvenile curfew will result in a deleterious effect upon the public health and safety and that immediately implementing these changes is necessary.

SECTION 3. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of any other portion of this Ordinance and, to that end, the provisions of this Ordinance are severable.

EFFECTIVE DATE: This Ordinance shall be effective immediately upon its adoption, per Government Code section 36934. Within fifteen (15) days after its adoption, the City Clerk of the City of Imperial Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code section 36933.

INTRODUCED AND THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 17th day of February, 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 M. 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. 2010-1099 – AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW

CITY CLERK

DATE

ORDINANCE NO. 2010-1100

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE, PERTAINING TO JUVENILE CURFEW

WHEREAS, the City of Imperial Beach has adopted a juvenile curfew in order to promote its compelling need to prevent juvenile delinquency and victimization; and,

WHEREAS, the City Council for the City of Imperial Beach intends to have an effective, enforceable juvenile curfew ordinance.

NOW, THEREFORE, the City Council of Imperial Beach hereby ordains as follows:

SECTION 1. Section 9.08.050 is amended to read as follows:

“9.08.050. Exceptions.

The prohibitions described in Section 9.08.030 and 9.08.040 above shall not apply to any minor who demonstrates as an affirmative defense that he or she is:

- A. Accompanied by his or her responsible adult;
- B. Engaged in or directly en route to or from an employment activity;
- C. Engaged in any emergency;
- D. Present in any privately owned building or structure generally committed to a business or trade which is open to and serves the public, or going to or returning from said privately owned building or structure without detour or stop;
- E. Attending or directly en route to or from a school sponsored, religious, or recreational activity supervised by at least one responsible adult and sponsored and conducted by the city, a civic organization, public agency, charitable organization, religious entity, or another similar entity that takes responsibility for the minor;
- F. On an errand at the direction of the minor's responsible adult without any detour or stop;
- G. In any motor vehicle involved in interstate travel;
- H. Exercising First Amendment rights;
- I. Legally emancipated; or
- J. Traveling, without delay or detour, between the minor's residence and any activity listed in paragraphs A through H, or traveling between those activities.”

SECTION 2. Upon its effective date, this ordinance supersedes Ordinance No. 2010-1099.

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

SECTION 4. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of any other portion of this Ordinance and, to that end, the provisions of this Ordinance are severable.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 17th day of February 2010; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 3rd day of March 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 M. 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. 2010-1100 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW.

CITY CLERK

DATE

STRIKETHROUGH VERSION OF CHANGES TO JUVENILE CURFEW LAW**Chapter 9.08. JUVENILE CURFEWS****9.08.010. Purpose and intent.**

By enacting a curfew regulation that applies to minors and their parents, the city council intends to preserve and promote the safety and welfare of the community and minors during late night hours. In adopting this ordinance, the city council considered and relied upon testimony that proves the effectiveness of a juvenile curfew in promoting these purposes. This regulation is intended to reasonably balance the public interest and the protected rights of minors and their parents. This balance is achieved by applying the principle that parental responsibility for a minor's conduct is paramount to the city's regulatory authority. Enforcement of this curfew only becomes necessary in the absence of parental authority. (Ord. 97-914 § 2, 1997)

9.08.020. Definitions.

For purposes of this chapter the following words or phrases are defined:

A. "Curfew hours" means the hours between eleven p.m. and five a.m. of the following day.

B. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, without limitation, fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

C. "Guardian" means (1) a person who, under court order, is the guardian of the person of a minor; or (2) a public or private agency with which the court has placed a minor.

D. "Minor" means any person under the age of eighteen.

E. "Parent" means a person who is a natural parent, adoptive parent, or step-parent of a minor.

F. "Public place" means any place to which any member of the public has access, including, without limitation, public rights-of-ways, public grounds, dedicated open or trail space, or any privately owned unsupervised land that is open and generally available to the public including, without limitation, vacant lots, school parking lots and common areas, hospitals, apartment houses, office buildings, housing complexes, shopping centers, and malls.

G. "Responsible adult" means the parent, guardian, or adult person at least twenty-one years old having the responsibility for the care, custody, and control of a minor. (Ord. 97-914 § 2, 1997)

9.08.030. Prohibition—Minor.

No minor shall be present in any public place during curfew hours. (Ord. 97-914 § 2, 1997)

9.08.040. Prohibition—Adult.

No responsible adult shall knowingly permit, or by insufficient control to allow, a minor to be present in any public place during curfew hours. (Ord. 97-914 § 2, 1997)

9.08.050. Exceptions.

The prohibitions described in Section 9.08.030 and 9.08.040 above shall not apply to any minor who, ~~in the alternative,~~ demonstrates as an affirmative defense that he or she is:

- A. Accompanied by his or her responsible adult;
- B. Engaged in or directly en route to or from an employment activity;
- C. Engaged in any emergency;
- D. Present in any privately owned building or structure generally committed to a business or trade which is open to and serves the public, or going to or returning from said privately owned building or structure without detour or stop;
- E. Attending or directly en route to or from a school sponsored, religious, or recreational activity supervised by at least one responsible adult and sponsored and conducted by the city, a civic organization, public agency, charitable organization, religious entity, or another similar entity that takes responsibility for the minor;
- F. On an errand at the direction of the minor's responsible adult without any detour or stop;
- G. In any motor vehicle involved in interstate travel;
- H. Exercising First Amendment rights protected by the United States Constitution; ~~while being supervised by at least one responsible adult; or~~
- I. Legally emancipated; or
- J. Traveling, without delay or detour, between the minor's residence and any activity listed in paragraphs A through H, or traveling between those activities.

9.08.060. Enforcement—Penalty.

A. Each violation of this chapter constitutes a separate offense;

B. A charge under this chapter may be prosecuted either as a misdemeanor or an infraction. Minors shall be prosecuted in accordance with juvenile court law and procedure.

C. Any person convicted of an infraction for violating this chapter may be by a fine not exceeding two hundred fifty dollars or by a requirements to perform county or city approved work projects or community service or both.

D. Any person convicted of a misdemeanor for violating this chapter may be punished by imprisonment in the county jail for a period of time not exceeding six months, or by a fine not exceeding one thousand dollars, or both. (Ord. 97-914 § 2, 1997)



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: February 17, 2010

ORIGINATING DEPT.: PUBLIC SAFETY

SUBJECT: ORDINANCE NO. 2010-1098 REQUIRING
MANDATORY L.E.A.D. OR R.B.S.S. TRAINING
FOR ABC ESTABLISHMENTS.

BACKGROUND:

The Responsible Retailer Program (RRP) was implemented in July 2009, in the City of Imperial Beach. The RRP was developed as collaboration between law enforcement and local businesses to improve public health and safety by increasing cooperation and compliance with state and local laws. The cooperation between law enforcement and alcohol establishments is essential to the success of the program. The success of the program will be measured through education, enforcement actions, communication and training, and ultimately a reduction in alcohol related arrests and crimes.

We have conducted IMPACT (Informed Merchants Preventing Alcohol-Related Tendencies) Inspections and a number of enforcement operations within the city. Through our working with alcohol businesses and the operations we have conducted, we believe an ordinance requiring mandatory L.E.A.D. (Licensee Education on Alcohol and Drugs) or RBSS (Responsible Beverage Sales and Service) training is necessary. The training will assist and benefit the 46 Alcohol establishments in town by educating them on their responsibilities in dealing with alcohol sales and service. The curriculum for LEAD and RBSS is designed for licensees, managers, and employees. The training focuses on alcohol responsibility and the law related to California retail licensees and their employees. The training program is 3-1/2 hours.

Several cities in San Diego County have already enacted ordinances requiring alcohol establishments attend LEAD or RBSS training. They include: San Marcos, Encinitas, Vista, Poway, and Solana Beach.

DISCUSSION:

From our outreach and enforcement activities we've observed many incidents of potentially dangerous actions and non-compliance by many establishments. For example, when twenty-two establishments were visited, seven citations were issued for selling alcohol to minors.

These observations and activities have shown that more education is needed on the part of many alcohol-related establishments. A licensee and their employees need to understand all of the laws surrounding the sales and service of alcohol. It is easy to simply tell someone not to sell to minors, and another to actually ask for identification from every customer. Those establishments that ask for identification are less likely to violate state law in selling alcohol to minors.

The LEAD Program is a free, voluntary prevention and education program for retail licensees, their employees and applicants. It is provided free of charge by ABC trained staff. The mission of the LEAD Program is to provide high quality, effective and educationally sound training on alcohol responsibility and the law related to California retail licensees and their employees. It specifically addresses sales to minors, checking identification, serving to obviously intoxicated persons, and other preventive measures.

The RBSS Program is the same as LEAD; however there is a nominal cost (under \$50.00) associated with the training and is provided by an outside vendor trained by ABC personnel. The RBSS could be attended when the station is not sponsoring a LEAD training class and an employee is required to attend the training.

Evidence shows that a combination of training and enforcement results in reductions in sales to underage persons as well as service to those who are already intoxicated. These mandatory classes benefit businesses and staff by boosting job skills and reducing civil liability in case an over-served customer causes a fatal crash or commits an alcohol-related crime. State and local governments can prevent these tragedies through a combination of community outreach, enforcement and mandatory training. Studies on LEAD/RBSS show the programs are more effective if combined with a comprehensive environmental prevention campaign.

In January, the Sheriff's Station sponsored a LEAD training class at the Boys and Girls Club. There were 33 people who attended LEAD training with 15 alcohol establishments represented. Establishing mandatory training through an ordinance was discussed among the attendees. Although some had concerns about the cost for attending training, there did not appear to be any opposition.

The Imperial Beach Sheriff's Station will sponsor LEAD training every quarter. In the event, licensees need to send an employee to training, the option of R.B.S.S. exists and classes are offered throughout the county.



Lisa Miller, Captain
Imperial Beach Sheriff's Station

CEQA DETERMINATION:

Not a project under the California Environmental Quality Act.

FISCAL IMPACT:

N/A

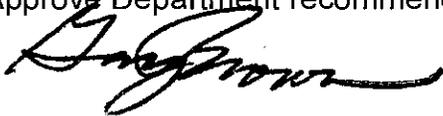
DEPARTMENT RECOMMENDATION:

Staff Recommends the Mayor and City Council:

1. Receive this report;
2. Mayor calls for the reading of the title of Ordinance No. 2010-1098, AMENDING TITLE 9, PUBLIC PEACE, MORALS, AND WELFARE, BY ADDING CHAPTER 9.05 ALCOHOLIC BEVERAGES – RESPONSIBLE BEVERAGE SALES AND SERVICE TO REQUIRING RESPONSIBLE SALES AND SERVICE TRAINING, TO THE IMPERIAL BEACH MUNICIPAL CODE;
3. City Clerk reads title of Ordinance No. 2010-1098; and
4. Motion to waive further reading and dispense introduction by title only, and set the matter for adoption at the next regularly scheduled City Council meeting.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachment:

1. Ordinance 2010-1098
2. Information from other cities

ORDINANCE NO. 2010-1098

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 9, PUBLIC PEACE, MORALS, AND WELFARE, BY ADDING CHAPTER 9.05 ALCOHOLIC BEVERAGES — RESPONSIBLE BEVERAGE SALES AND SERVICE TO REQUIRING RESPONSIBLE SALES AND SERVICE TRAINING, TO THE IMPERIAL BEACH MUNICIPAL CODE

WHEREAS, the City of Imperial Beach is a hospitality destination for families, visitors and community members alike; and

WHEREAS, the City of Imperial Beach includes alcohol outlets licensed by the California Department of Alcoholic Beverage Control for on and off-site sale of alcohol; and

WHEREAS, stores, bars and restaurants that sell or serve alcohol to minors or to the intoxicated patron pose a threat to the public health and safety of the City of Imperial Beach; and

WHEREAS, the threat to public health and safety includes the injuries and deaths caused by vehicle crashes, sexual assaults, domestic violence and other crimes which occur as a result of service of alcohol to minors or service to the intoxicated patron; and

WHEREAS, LEAD or RBSS training is a successful method for alcohol licensees to educate their managers and servers on the effects of over-service and service to minors, and on techniques to avoid over-service and service to minors; and

WHEREAS, LEAD or RBSS training provides alcohol licensees with a clear understanding of the California Alcoholic Beverage Control Act ("the Act") and other state regulations, and is highly recommended by the California Department of Beverage Control ("ABC"); and

WHEREAS, training in LEAD or RBSS and the accompanying certification gives credibility and distinction to alcohol sales and service as a profession; and

WHEREAS, better trained staff will assist the alcohol licensee in protecting their valuable alcohol license, and in reducing their business liability; and

WHEREAS, alcohol licensees who have LEAD or RBSS trained staff demonstrate to patrons and other community members and agencies that public safety is their highest concern.

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

Section 1. Title 9 of the Imperial Beach Municipal Code is hereby amended by adding Chapter 9.05 "Alcoholic Beverages — Responsible Beverage Sales and Service" to read as follows:

“Section 9.05.010. Definitions. As used in this chapter, the following words and phrases have the meanings set forth in this section:

- A. "Alcoholic beverage" shall have the same meaning as in the California Business and Professions Code, Section 23004, or any successor section.
- B. "Alcohol outlet" means any physical location or structure from which any alcoholic beverage may be sold, delivered, or served at retail pursuant to a license granted by the ABC.
- C. "Business certificate" means a certificate or license authorizing a business to operate within the City of Imperial Beach, California.
- D. "Licensee" means any person or entity that has a license for the retail sale, delivery, or service of alcoholic beverages from the ABC.
- E. "Manager" means the person, regardless of job title or description, who has discretionary powers to organize, direct, carry on, control or direct the operation of an alcoholic outlet.
- F. "Server" means any person who, as part of his or her employment, sells, serves or delivers any alcoholic beverage.
- G. "Patron" means a customer who purchases alcohol through a sale, service or delivery.
- H. "Responsible Beverage Sales and Service Training" ("RBSS Training") or "Licensee Education on Alcohol and Drugs" ("LEAD Training") means a training program conducted by the ABC or by a LEAD or RBSS Training Provider certified by the ABC to train alcohol licensees, their managers and servers in responsible alcoholic beverage sales and service methods and practices.

Section 9.05.020. Responsible Beverage Service Training required – Proof.

- A. No alcohol outlet may serve, sell, or arrange delivery to a patron any alcoholic beverages unless a manager, assistant manager or lead employee who has completed a Responsible Beverage Service and Sales Training or Licensee Education on Alcohol and Drugs Training course is on the premises.
- B. No licensee, manager or server shall sell, serve or deliver to a patron any alcoholic beverage unless he or she has completed RBSS or LEAD Training. However, licensees, their managers and servers shall have one hundred and twenty (120) days from the date of beginning of such activities or the effective dates of this chapter, whichever is later, to complete RBSS or LEAD Training. Businesses existing as of the effective date of this ordinance shall have one hundred eighty (180) days from the effective date of this ordinance to comply with this chapter. Thereafter, all said businesses shall have one hundred and

- twenty (120) days from the date of the beginning of such activities to comply with this chapter.
- C. Certification received from a RBSS or LEAD Training program will be considered valid for a period of two years from the date of certification.
 - D. Licensees shall be responsible for ensuring that all managers and servers they employ comply with this section.
 - E. Licensees shall maintain on the premises a file of proof of completion of the LEAD or RBSS Training by the licensee, managers and servers that shall be available for inspection by any peace officer or other enforcement officer during regular business hours. The proof of completion shall include: (1) The effective date of hire; (2) course completion date and, if applicable, the course renewal date; (3) the name of the certified LEAD or RBSS Training completed; (4) a copy of each training certificate, if available; and (5) identifying information of the licensee, managers and servers, including the name, address, phone number and California driver's license number, if applicable.
 - F. The City shall provide a summary of the requirements of this chapter together with its penalties for violation prior to issuing a business certificate or renewal to all applicants for a business certificate that are alcohol licensees, as defined in this chapter.

Section 9.05.030. Violation—Penalty.

- A. Violation of any provision of this chapter or failure to comply with any requirement of this chapter is an infraction and shall be punishable in accordance with the provisions of Section 1.12.010(A)(B)(C) and (D) of the Imperial Beach Municipal Code. At the discretion of the prosecutor, a violation of this chapter may be charged as a misdemeanor.
- B. Nuisance. In addition to any other remedies provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance, and may be summarily abated as such pursuant to Section 1.12.010(E) of the Imperial Beach Municipal Code
- C. Administrative Citation. In addition to any other remedies provided in this chapter may be enforced by administrative action brought by the City pursuant to Chapter 1.12.010(F) of the Imperial Beach Municipal Code.
- D. Civil Action. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought pursuant to the provisions of Section 1.12.020 of the Imperial Beach Municipal Code.
- E. Business Certificate Revocation. In addition to any other remedies provided in this chapter, any violation of this chapter may be grounds for revocation of

an existing business certificate/license issued by the City of Imperial Beach and/or denial of issuance of a future business certificate.”

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 3. This Ordinance shall be effective the thirty-first (31) day following its adoption. The City Clerk shall cause this ordinance to be published in the manner required by law.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 17th day of February 2010; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 3rd day of March 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



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After Hours non-911 Emergencies call: (760)633-2922

City Hall Open Fri. 1/29/08

Starting a Business	Applications, Forms, & Permits	Bids And Contracts	Conducting Business	Business Quick Links	BuyLocalEI	RBSS Training
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Home
Residents
Business
Visitors
Government

Home >> Business >> **RBSS Training**

RBSS Training

[Starting a Business](#) | [Applications, Forms, & Permits](#) | [Bids And Contracts](#) | [Conducting Business](#) | [Business Quick Links](#) | [BuyLocalEI](#) | **RBSS Training**

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Documents Archive
Online water bill payment

Responsible Beverage Service and Sales Training

Is this a new law?

Yes, the City of Encinitas has passed a Responsible Beverage Service and Sales (RBSS) ordinance, which went into effect January 8, 2010. All sellers and servers of alcohol will be required to be trained in a Department of Alcoholic Beverage Control certified program, including all owners, and managers. Your business must be in compliance by July 7, 2010. New hires must obtain the training certificate within 90 days of commencement of alcohol sales or service. Click [here](#) to view the ordinance.

What is this training?

The RBSS training session for licensees and their employees will help those who serve or sell alcohol learn how to recognize fake identification and teach them how and when to refuse service or sales of alcohol to intoxicated individuals. Topics covered in the training include age identification procedures, alcohol laws and regulations, community impacts, and intervention with an intoxicated person.

How can I get this training?

Many training sessions are offered free of charge through the California Department of Alcoholic Beverage Control (ABC). Information on ABC training opportunities can be accessed on their website at: <http://www.abc.ca.gov/programs/lead.html>.

The San Dieguito Alliance for Drug Free Youth also provides training sessions locally and free of charge, and they can be contacted by phone at (858) 755-6598. The San Dieguito Alliance current training schedule can be viewed [here](#). Please take advantage of these training opportunities. We feel the training will be beneficial to the community and to your business operations.

How long is the training certificate valid?

Two years from the training date.

Gov't Quick Links
SANDAG
County of San Diego
State of California
US Government

ORDINANCE 2009-13

**AN ORDINANCE OF THE CITY OF ENCINITAS, CALIFORNIA, ADDING
CHAPTER 9.43 OF THE ENCINITAS MUNICIPAL CODE REGARDING
ALCOHOLIC BEVERAGES - RESPONSIBLE BEVERAGE SERVICE AND
SALES TRAINING**

SECTION ONE:

That Chapter 9.43 of the Encinitas Municipal Code is added to read as follows:

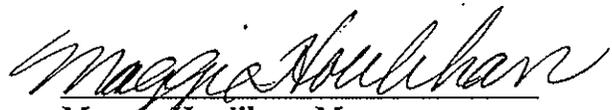
SEE ATTACHMENT "1".

SECTION TWO:

This Ordinance was introduced on November 18, 2009

**PASSED AND ADOPTED THIS 9th day of December, 2009, by the following vote to
wit:**

**AYES: Barth, Bond, Dalager, Houlihan, Stocks.
NAYS: None.
ABSTAIN: None.
ABSENT: None.**


Maggie Houlihan, Mayor

ATTEST AND CERTIFICATION

**I hereby certify that this is a true and correct copy of Ordinance 2009-13 which has
been published pursuant to law.**


Deborah Cervone, City Clerk

CHAPTER 9.43

ALCOHOLIC BEVERAGES - RESPONSIBLE BEVERAGE SERVICE AND SALES TRAINING

SECTIONS:

9.43.010 Definitions

9.43.020 Responsible Beverage Service and Sales Training Required - Proof

9.43.030 Violation - Penalty

9.43.010 Definitions. As used in this chapter, the following words and phrases have the meanings set forth in this section:

(a) **Alcoholic Beverage** shall have the same meaning as in the California Business and Professions Code Section 23004 or any successor section.

(b) **Alcohol Outlet** means any physical location or structure from which any alcoholic beverage may be sold, delivered, or served at retail pursuant to a license granted by the California Department of Alcoholic Beverage Control.

(c) **Business Certificate** means a certificate or license authorizing a business to operate within the City of Encinitas, California.

(d) **Licensee** means any person or entity that has a license for the retail sale, delivery, or service of alcoholic beverages from the California Department of Alcoholic Beverage Control.

(e) **Manager** means the person, regardless of job title or description, who has discretionary powers to organize, direct, carry on, control or direct the operation of an alcoholic outlet.

(f) **Server** means any person who, as part of his or her employment, sells, serves or delivers any alcoholic beverage.

(g) **Patron** means a customer who purchases alcohol through a sale, service or delivery.

(h) **Responsible Beverage Service and Sales Training or RBSS Training** means a training program conducted by the California Department of Alcoholic Beverage Control or by a certified RBSS Training Provider to train alcohol licensees, their managers and servers in responsible alcoholic beverage service and sales methods and practices.

9.43.020 Responsible Beverage Service and Sales Training Required - Proof.

- (a) No alcohol outlet may serve, sell, or arrange delivery to a patron any alcoholic beverages unless a manager, assistant manager or lead employee who has completed a Responsible Beverage Service and Sales Training course is on the premises.
- (b) No licensee, manager or server shall sell, serve or deliver to a patron any alcoholic beverage unless he or she has completed RBSS Training. However, licensees, their managers and servers shall have ninety (90) days from the date of beginning of such activities or the effective dates of this chapter, whichever is later, to complete RBSS Training. Businesses existing as of the effective date of this ordinance shall have one hundred eighty (180) days from the effective date of this ordinance to comply with this chapter. Thereafter, all said businesses shall have ninety (90) days from the date of the beginning of such activities to comply with this chapter.
- (c) Certification received from an RBSS Training program will be considered valid for a period of two years from the date of certification.
- (d) Licensees shall be responsible for ensuring that all managers and servers they employ comply with this section.
- (e) Licensees shall maintain on the premises a file of proof of completion of the RBSS Training by the licensee, managers and servers that shall be available for inspection by any peace officer or other enforcement officer during regular business hours. The proof of completion shall include: (1) the effective date of hire; (2) course completion date and, if applicable, the course renewal date; (3) the name of the certified RBSS Training completed; (4) a copy of each training certificate, if available; and (5) identifying information of the licensee, managers and servers, including the name, address, phone number and California driver's license number, if applicable.
- (f) The City shall provide to all applicants for a business certificate that are alcohol licensees, as defined in this chapter, a summary of the requirements of this chapter together with its penalties for violation prior to issuing a business certificate or renewal.

9.43.030 Violation - Penalty.

- (a) Violation of any provision of this chapter or failure to comply with any requirement of this chapter is an infraction and shall be punishable in accordance with the provisions of Section 1.08.050 of the Encinitas Municipal Code. At the discretion of the prosecutor, a violation of this chapter may be charged as a misdemeanor.
- (b) Civil Action. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City pursuant to Section 1.08.060 of the Encinitas Municipal Code.

(c) Administrative Citation. Alternatively, any violation of this chapter may be enforced by administrative action brought by the City pursuant to Chapter 1.08.070 of the Encinitas Municipal Code, to include civil fines not exceeding one thousand dollars (\$1,000) per offense occurrence.

RESPONSIBLE BEVERAGE SALES AND SERVICE ORDINANCE

What is a Responsible Beverage Sales and Service Ordinance?

The City of Vista adopted a Responsible Beverage Sales and Service (RBSS) ordinance in November 2009. The ordinance requires all sellers and servers of alcoholic beverages at retail establishments in Vista to complete a Department of Alcoholic Beverage Control (ABC) certified four-hour course every two years. The course teaches employees how to identify and refuse service to inebriated customers, spot false ID's, and recognize under-age drinkers. The course also teaches licensees about ABC laws and policies.

Why was the Ordinance Adopted?

Driving while under the influence of alcohol is a serious threat to public safety. In 2006, 1,597 people were killed in alcohol related accidents in California, up from 1,574 in 2005. Of those 1,597 deaths in 2006, 155 occurred in San Diego County. Furthermore, statistics have shown that young people under the age of 21 have a higher rate of drunken driving fatalities than the general adult population.

The purpose of the ordinance is to reduce alcohol related accidents and under-age drinking in Vista to keep the community a safe place for residents and visitors.

Responsible Beverage Sales and Service Ordinance

Where is training offered?

Licensee Education on Alcohol and Drugs (LEAD) Training is currently offered by Alcoholic Beverage Control at the City of Vista, City of Encinitas, City of San Marcos, and City of Solana Beach. Future training locations, dates and times will be provided when scheduled.

Important Deadline

The ordinance requires all existing employees who sell or serve alcohol to be trained no later than June 9, 2010. New employees must be trained within 90 days of employment.

2010 TRAINING DATES

VISTA LOCATION

The following training is offered at Vista City Hall, 600 Eucalyptus Avenue, Vista. (Council Chambers)

To RSVP contact Debbie Obregon at 760-631-5000 x7174

- February 8: Noon to 4 p.m.
- March 4: Noon to 4 p.m.
- March 24: Noon to 4 p.m.

ENCINITAS LOCATION

The following training is offered at the Encinitas Community Center, 1140 Oakcrest Park Dr., Encinitas, CA 92024.

RSVP contact Barbara Gordon at 858-354-3800.

- February 3: Noon to 4 p.m.
- March 3: Noon to 4 p.m.
- March 22: Noon to 4 p.m.

SAN MARCOS LOCATION

The following training is offered at San Marcos City Hall, 1 Civic Center Drive, San Marcos.
(Valley of Discovery Room)

- February 4: 10 a.m. to 2 p.m.
- May 25: 10 a.m. to 2 p.m.
- August 23: 10 a.m. to 2 p.m.
- November 4: 10 a.m. to 2 p.m.

SOLANA BEACH LOCATION

The following training is offered at the City of Solana Beach, 635 South Highway 101, Solana Beach, CA 92075

RSVP contact Barbara Gordon at 858-354-3800.

- None at this time

> About LEAD Training

The LEAD training course provides practical information on how licensees and their employees can sell and serve alcoholic beverages safely, responsibly, and legally. Upon completion of the course, each attendee will receive a certification card from ABC that is valid for two years from the date of course completion. After the two year certification expires, a refresher course is required.

LEAD training is provided by ABC at no cost to the licensee or employee.

> For more information:

Contact Lyn Dedmon {ldedmon@cityofvista.com} or call (760) 726-1340 x1411.

Back to City of Vista ABC page.

ORDINANCE NO. 2009 –

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CHARTERED CITY OF VISTA, CALIFORNIA, ADDING
CHAPTER 5.10 ALCOHOLIC BEVERAGES –
RESPONSIBLE BEVERAGE SALES AND SERVICE TO
THE VISTA MUNICIPAL CODE REQUIRING
RESPONSIBLE SALES AND SERVICE TRAINING**

WHEREAS, the City of Vista is a hospitality destination for families, visitors and community members alike; and

WHEREAS, the City of Vista includes alcohol outlets licensed by the California Department of Alcoholic Beverage Control for on and off-site sale of alcohol; and

WHEREAS, stores, bars and restaurants which sell or serve alcohol to minors or to the intoxicated patron pose a threat to the public health and safety of the City of Vista; and

WHEREAS, the threat to public health and safety includes the injuries and deaths caused by vehicle crashes, sexual assaults, domestic violence and other crimes which occur as a result of service of alcohol to minors or service to the intoxicated patron; and

WHEREAS, Responsible Beverage Service and Sales (RBSS) training is a successful method for alcohol licensees to educate their managers and servers on the effects of over-service and service to minors, and on techniques to avoid over-service and service to minors; and

WHEREAS, RBSS training provides alcohol licensees with a clear understanding of California Department of Alcoholic Beverage Control (ABC) and other state regulations, and is highly recommended by the ABC; and

WHEREAS, training in RBSS and the accompanying certification gives credibility and distinction to alcohol sales and service as a profession; and

WHEREAS, better trained staff will assist the alcohol licensee in protecting their valuable alcohol license, and in reducing their business liability; and

WHEREAS, alcohol licensees who have RBSS trained staff demonstrate to patrons and other community members and agencies that public safety is their highest concern.

NOW, THEREFORE, the City Council of the Chartered City of Vista, in accordance with the freedom accorded to charter cities generally, and by the Charter of the City of Vista, specifically does ordain as follows:

Section 1. Title 5 of the Vista Municipal Code is hereby amended by adding Chapter 5.10 "Alcoholic Beverages – Responsible Beverage Sales and Service" as follows:

CHAPTER 5.10
ALCOHOLIC BEVERAGES – RESPONSIBLE BEVERAGE SALES AND SERVICE

Sections:

5.10.010	Definitions
5.10.020	Responsible Beverage Service Training Required – Proof
5.10.030	Violation - Penalty

Section 5.10.010 Definitions. As used in this chapter, the following words and phrases have the meanings set forth in this section:

A. "Alcoholic beverage" shall have the same meaning as in the California Business and Professions Code, Section 23004, or any successor section.

B. "Alcohol outlet" means any physical location or structure from which any alcoholic beverage may be sold, delivered, or served at retail pursuant to a license granted by the California Department of Alcoholic Beverage Control.

C. "Business certificate" means a certificate or license authorizing a business to operate within the City of Vista, California.

D. "Licensee" means any person or entity that has a license for the retail sale, delivery, or service of alcoholic beverages from the California Department of Alcoholic Beverage Control.

E. "Manager" means the person, regardless of job title or description, who has discretionary powers to organize, direct, carry on, control or direct the operation of an alcoholic outlet.

F. "Server" means any person who, as part of his or her employment, sells, serves or delivers any alcoholic beverage.

G. "Patron" means a customer who purchases alcohol through a sale, service or delivery.

H. "Responsible Beverage Sales and Service Training" or "RBSS Training" means a training program conducted by the California Department of Alcoholic Beverage Control or by a RBSS Training Provider certified by the California Department of Alcoholic Beverage Control to train alcohol licensees, their managers and servers in responsible alcoholic beverage sales and service methods and practices.

Section 10.46.020 Responsible Beverage Service Training Required – Proof.

A. No alcohol outlet may serve, sell, or arrange delivery to a patron any alcoholic beverages unless a manager, assistant manager or lead employee who has completed a Responsible Beverage Service and Sales Training course is on the premises.

B. No licensee, manager or server shall sell, serve or deliver to a patron any alcoholic beverage unless he or she has completed RBSS Training. However, licensees, their managers and servers shall have ninety (90) days from the date of beginning of such activities or the effective dates of this chapter, whichever is later, to complete RBSS Training. Businesses existing as of the effective date of this ordinance shall have one hundred eighty (180) days from the effective date of this ordinance to comply with this chapter. Thereafter, all said businesses shall have ninety (90) days from the date of the beginning of such activities to comply with this chapter.

C. Certification received from an RBSS Training program will be considered valid for a period of two years from the date of certification.

D. Licensees shall be responsible for ensuring that all managers and servers they employ comply with this section.

E. Licensees shall maintain on the premises a file of proof of completion of the RBSS Training by the licensee, managers and servers that shall be available for inspection by any peace officer or other enforcement officer during regular business hours. The proof of completion shall include: (1) The effective date of hire; (2) course completion date and, if applicable, the course renewal date; (3) the name of the certified RBSS Training completed; (4) a copy of each training certificate, if available; and (5) identifying information of the licensee, managers and servers, including the name, address, phone number and California driver's license number, if applicable.

F. The City shall provide to all applicants for a business certificate that are alcohol licensees, as defined in this chapter, a summary of the requirements of this chapter together with its penalties for violation prior to issuing a business certificate or renewal.

Section 10.46.030 Violation—Penalty

A. Violation of any provision of this chapter or failure to comply with any requirement of this chapter is an infraction and shall be punishable in accordance with the provisions of Section 1.16.010 of the Vista Municipal Code. At the discretion of the prosecutor, a violation of this chapter may be charged as a misdemeanor.

B. Civil Action. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City Attorney in the name of the People of the State of California as a public nuisance under California Civil Code Section 731.

C. Administrative Citation. Alternatively, any violation of this chapter may be enforced by administrative action brought by the City pursuant to Chapter 1.13 of the Vista Municipal Code.

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 3. This Ordinance shall be effective the thirty-first (31) day following its adoption. The City Clerk shall cause this ordinance to be published in the manner required by law.

INTRODUCED AND ADOPTED at a meeting of the City Council held on _____, by the following vote.

AYES:
NOES:
ABSENT:

MORRIS B. VANCE, Mayor

APPROVED AS TO FORM:
Darold Pieper, City Attorney

ATTEST:
Marci Kilian, City Clerk

By: _____

By: _____

ORDINANCE NO. 2009 – 21

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CHARTERED CITY OF VISTA, CALIFORNIA, ADDING
CHAPTER 5.10 ALCOHOLIC BEVERAGES –
RESPONSIBLE BEVERAGE SALES AND SERVICE TO
THE VISTA MUNICIPAL CODE REQUIRING
RESPONSIBLE SALES AND SERVICE TRAINING**

WHEREAS, the City of Vista is a hospitality destination for families, visitors and community members alike; and

WHEREAS, the City of Vista includes alcohol outlets licensed by the California Department of Alcoholic Beverage Control for on and off-site sale of alcohol; and

WHEREAS, stores, bars and restaurants which sell or serve alcohol to minors or to the intoxicated patron pose a threat to the public health and safety of the City of Vista; and

WHEREAS, the threat to public health and safety includes the injuries and deaths caused by vehicle crashes, sexual assaults, domestic violence and other crimes which occur as a result of service of alcohol to minors or service to the intoxicated patron; and

WHEREAS, Responsible Beverage Service and Sales (RBSS) training is a successful method for alcohol licensees to educate their managers and servers on the effects of over-service and service to minors, and on techniques to avoid over-service and service to minors; and

WHEREAS, RBSS training provides alcohol licensees with a clear understanding of California Department of Alcoholic Beverage Control (ABC) and other state regulations, and is highly recommended by the ABC; and

WHEREAS, training in RBSS and the accompanying certification gives credibility and distinction to alcohol sales and service as a profession; and

WHEREAS, better trained staff will assist the alcohol licensee in protecting their valuable alcohol license, and in reducing their business liability; and

WHEREAS, alcohol licensees who have RBSS trained staff demonstrate to patrons and other community members and agencies that public safety is their highest concern.

NOW, THEREFORE, the City Council of the Chartered City of Vista, in accordance with the freedom accorded to charter cities generally, and by the Charter of the City of Vista, specifically does ordain as follows:

Section 1. Title 5 of the Vista Municipal Code is hereby amended by adding Chapter 5.10 "Alcoholic Beverages – Responsible Beverage Sales and Service" as follows:

CHAPTER 5.10
ALCOHOLIC BEVERAGES – RESPONSIBLE BEVERAGE SALES AND SERVICE

Sections:

- 5.10.010** **Definitions**
- 5.10.020** **Responsible Beverage Service Training Required – Proof**
- 5.10.030** **Violation - Penalty**

Section 5.10.010 Definitions. As used in this chapter, the following words and phrases have the meanings set forth in this section:

- A. "Alcoholic beverage" shall have the same meaning as in the California Business and Professions Code, Section 23004, or any successor section.
- B. "Alcohol outlet" means any physical location or structure from which any alcoholic beverage may be sold, delivered, or served at retail pursuant to a license granted by the California Department of Alcoholic Beverage Control.
- C. "Business certificate" means a certificate or license authorizing a business to operate within the City of Vista, California.
- D. "Licensee" means any person or entity that has a license for the retail sale, delivery, or service of alcoholic beverages from the California Department of Alcoholic Beverage Control.
- E. "Manager" means the person, regardless of job title or description, who has discretionary powers to organize, direct, carry on, control or direct the operation of an alcoholic outlet.
- F. "Server" means any person who, as part of his or her employment, sells, serves or delivers any alcoholic beverage.
- G. "Patron" means a customer who purchases alcohol through a sale, service or delivery.
- H. "Responsible Beverage Sales and Service Training" or "RBSS Training" means a training program conducted by the California Department of Alcoholic Beverage Control or by a RBSS Training Provider certified by the California Department of Alcoholic Beverage Control to train alcohol licensees, their managers and servers in responsible alcoholic beverage sales and service methods and practices.

Section 5.10.020 Responsible Beverage Service Training Required – Proof.

A. No alcohol outlet may serve, sell, or arrange delivery to a patron any alcoholic beverages unless a manager, assistant manager or lead employee who has completed a Responsible Beverage Service and Sales Training course is on the premises.

B. No licensee, manager or server shall sell, serve or deliver to a patron any alcoholic beverage unless he or she has completed RBSS Training. However, licensees, their managers and servers shall have ninety (90) days from the date of beginning of such activities or the effective dates of this chapter, whichever is later, to complete RBSS Training. Businesses existing as of the effective date of this ordinance shall have one hundred eighty (180) days from the effective date of this ordinance to comply with this chapter. Thereafter, all said businesses shall have ninety (90) days from the date of the beginning of such activities to comply with this chapter.

C. Certification received from an RBSS Training program will be considered valid for a period of two years from the date of certification.

D. Licensees shall be responsible for ensuring that all managers and servers they employ comply with this section.

E. Licensees shall maintain on the premises a file of proof of completion of the RBSS Training by the licensee, managers and servers that shall be available for inspection by any peace officer or other enforcement officer during regular business hours. The proof of completion shall include: (1) The effective date of hire; (2) course completion date and, if applicable, the course renewal date; (3) the name of the certified RBSS Training completed; (4) a copy of each training certificate, if available; and (5) identifying information of the licensee, managers and servers, including the name, address, phone number and California driver's license number, if applicable.

F. The City shall provide to all applicants for a business certificate that are alcohol licensees, as defined in this chapter, a summary of the requirements of this chapter together with its penalties for violation prior to issuing a business certificate or renewal.

Section 5.10.030 Violation—Penalty

A. Violation of any provision of this chapter or failure to comply with any requirement of this chapter is an infraction and shall be punishable in accordance with the provisions of Section 1.16.010 of the Vista Municipal Code. At the discretion of the prosecutor, a violation of this chapter may be charged as a misdemeanor.

B. Civil Action. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City Attorney in the name of the People of the State of California as a public nuisance under California Civil Code Section 731.

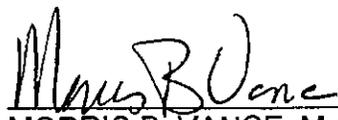
C. Administrative Citation. Alternatively, any violation of this chapter may be enforced by administrative action brought by the City pursuant to Chapter 1.13 of the Vista Municipal Code.

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

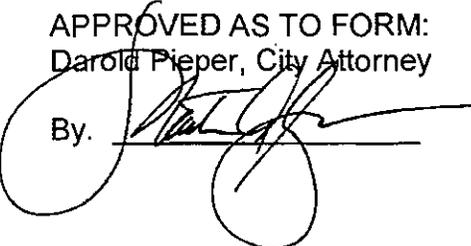
Section 3. This Ordinance shall be effective the thirty-first (31) day following its adoption. The City Clerk shall cause this ordinance to be published in the manner required by law.

INTRODUCED AND ADOPTED at a meeting of the City Council held on November 10, 2009, by the following vote.

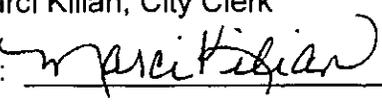
AYES: MAYOR VANCE, RITTER, GRONKE, CAMPBELL, LOPEZ
NOES: NONE
ABSENT: NONE


MORRIS B. VANCE, Mayor

APPROVED AS TO FORM:
Darold Pieper, City Attorney

By. 

ATTEST:
Marci Kilian, City Clerk

By: 

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To return to the results list press the "back" button on your browser

Chapter 8.09 RESPONSIBLE BEVERAGE SERVICE

Sections:

- 8.09.010 Definitions.
- 8.09.020 Manager and server training.
- 8.09.030 Abatement of nonconforming on-sale establishments.
- 8.09.040 Appeals.
- 8.09.050 Violations.

8.09.010 Definitions.

A. "On-sale establishment" means a facility providing the sale and service of alcoholic beverages for consumption by guests on the premises (on-sale), including restaurant dining areas where food service is the primary function, and bars, in which the sale and consumption of *alcohol* on the premises is the primary function. "Bar" includes those facilities located within a hotel, motel, or other similar transient occupancy establishment.

B. "Manager" means a person, regardless of the job title or description, who has discretionary powers to organize, direct, carry on, or control the operations of an on-sale establishment, including a restaurant or bar. Authority to engage in one or more of the following functions is prima facie evidence that a person is a manager of an on-sale establishment:

1. Hire or separate employees;
2. Contract for the purchase of furniture, equipment, or supplies, except for the occasional replenishment of stock;
3. Disburse funds of the business, except for the receipt of regularly replaced items of stock;
4. Make or participate in making policy decisions regarding operations of the licensed business.

C. "Responsible beverage service training course" means a training program recognized by the California Department of Alcoholic Beverage Control for on-sale management and on-sale professional services. (Ord. 582 § 3, 2003)

8.09.020 Manager and server training.

A. No on-sale establishment may serve or sell alcoholic beverages unless a manager who has completed a responsible beverage service training course is on the premises.

B. Every manager of an on-sale establishment must complete a responsible beverage service training course within 90 days of hire, or by December 31, 2003, whichever is later.

C. Every person who serves or sells alcoholic beverages for consumption by guests on the premises of an on-sale establishment shall complete a responsible beverage service training course within 90 days of hire, or by December 31, 2003, whichever is later.

D. A list of all persons who have completed the training required by this section shall be maintained on the premises of the on-sale establishment and, together with the proof of such completion, shall be provided to any police or other enforcement officer for inspection and copying promptly upon request. (Ord. 582 § 3, 2003)

8.09.030 Abatement of nonconforming on-sale establishments.

An on-sale establishment in existence on August 8, 2003, the effective date of this chapter, must comply with the provisions of this chapter no later than December 31, 2003. (Ord. 582 § 3, 2003)

8.09.040 Appeals.

A. A person aggrieved by an action of the City taken pursuant to this chapter may appeal the decision by filing with the City Clerk a statement addressed to the City Manager and setting forth the facts and circumstances regarding the appealed action. The City Clerk shall notify the applicant, in writing, of the time and place set for the hearing on the appeal.

B. The hearing on the appeal must be held within 20 business days of the City Clerk's receipt of the appeal.

C. The City Manager or his designee shall serve as Hearing Officer unless the appellant objects thereto at the time of the filing of the appeal, in which case an independent Hearing Officer shall be appointed in accordance with this code. The Hearing Officer shall issue a decision regarding the appeal within 10 business days of the conclusion of the hearing. The Hearing Officer's decision is final. (Ord. 582 § 3, 2003)

8.09.050 Violations.

A violation of any provision of this chapter or a failure to comply with any mandatory requirement of this chapter is subject to prosecution in accordance with Chapter 1.08 PMC and may be enforced through injunctive relief. Penalties for violation of the provisions of this chapter may result in a misdemeanor citation, punishable by a maximum of six months in jail and a \$1,000 fine. (Ord. 582 § 3, 2003)

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CHAPTER 10.46ALCOHOLIC BEVERAGES – RESPONSIBLE BEVERAGE SALES AND SERVICESECTIONS:**10.46.010 Definitions****10.46.020 Responsible Beverage Service Training Required - Proof****10.46.030 Violation - Penalty**

10.46.010 Definitions. As used in this chapter, the following words and phrases have the meanings set forth in this section:

(a) **Alcoholic Beverage** shall have the same meaning as in the California Business and Professions Code, Section 23004, or any successor section.

(b) **Alcohol Outlet** means any physical location or structure from which any alcoholic beverage may be sold, delivered, or served at retail pursuant to a license granted by the California Department of Alcoholic Beverage Control.

(c) **Business Certificate** means a certificate or license authorizing a business to operate within the City of San Marcos, California.

(d) **Licensee** means any person or entity that has a license for the retail sale, delivery, or service of alcoholic beverages from the California Department of Alcoholic Beverage Control.

(e) **Manager** means the person, regardless of job title or description, who has discretionary powers to organize, direct, carry on, control or direct the operation of an alcoholic outlet.

(f) **Server** means any person who, as part of his or her employment, sells, serves or delivers any alcoholic beverage.

(g) **Patron** means a customer who purchases alcohol through a sale, service or delivery.

(h) **Responsible Beverage Sales and Service Training** or **RBSS Training** means a training program conducted by the California Department of Alcoholic Beverage Control or by a certified RBSS Training Provider to train alcohol licensees, their managers and servers in responsible alcoholic beverage sales and service methods and practices.

10.46.020 Responsible Beverage Service Training Required – Proof.

(a) No alcohol outlet may serve, sell, or arrange delivery to a patron any alcoholic beverages unless a manager, assistant manager or lead employee who has completed a Responsible Beverage Service and Sales Training course is on the premises.

(b) No licensee, manager or server shall sell, serve or deliver to a patron any alcoholic beverage unless he or she has completed RBSS Training. However, licensees, their managers and servers shall have ninety (90) days from the date of beginning of such activities or the effective dates of this chapter, whichever is later, to complete RBSS Training. Businesses existing as of the effective date of this ordinance shall have one hundred eighty (180) days from the effective date of this ordinance to comply with this chapter. Thereafter, all said businesses shall have ninety (90) days from the date of the beginning of such activities to comply with this chapter.

(c) Certification received from an RBSS Training program will be considered valid for a period of two years from the date of certification.

(d) Licensees shall be responsible for ensuring that all managers and servers they employ comply with this section.

(e) Licensees shall maintain on the premises a file of proof of completion of the RBSS Training by the licensee, managers and servers that shall be available for inspection by any peace officer or other enforcement officer during regular business hours. The proof of completion shall include: (1) the effective date of hire; (2) course completion date and, if applicable, the course renewal date; (3) the name of the certified RBSS Training completed; (4) a copy of each training certificate, if available; and (5) identifying information of the licensee, managers and servers, including the name, address, phone number and California driver's license number, if applicable.

(f) The City shall provide to all applicants for a business certificate that are alcohol licensees, as defined in this chapter, a summary of the requirements of this chapter together with its penalties for violation prior to issuing a business certificate or renewal.

10.46.030 Violation - Penalty.

(a) Violation of any provision of this chapter or failure to comply with any requirement of this chapter is an infraction and shall be punishable in accordance with the provisions of Section 1.12.010 of the San Marcos Municipal Code. At the discretion of the prosecutor, a violation of this chapter may be charged as a misdemeanor.

(b) Civil Action. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City pursuant to Section 1.12.020 of the San Marcos Municipal Code.

(c) Administrative Citation. Alternatively, any violation of this chapter may be enforced by administrative action brought by the City pursuant to Chapter 1.14 of the San Marcos Municipal Code, to include civil fines not exceeding one thousand dollars (\$1,000) per offense occurrence.

City of Solana Beach

**Chapter 4.09
ALCOHOLIC BEVERAGES – RESPONSIBLE BEVERAGE SALES AND SERVICE**

Sections:

- 4.09.010 Definitions.
- 4.09.020 Responsible beverage sales and service training required – Proof.
- 4.09.030 Violation – Penalty.

4.09.010 Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this section:

- A. "Alcoholic beverage" shall have the same meaning as in California Business and Professions Code Section 23004 or any successor section.
- B. "Alcohol outlet" means any physical location or structure from which any alcoholic beverage may be sold, delivered, or served at retail pursuant to a license granted by the California Department of Alcoholic Beverage Control.
- C. "Business certificate" means a certificate authorizing a business to operate within the city of Solana Beach.
- D. "Licensee" means any person or entity that has a license for the retail sale, delivery, or service of alcoholic beverages from the California Department of Alcoholic Beverage Control.
- E. "Manager" means the person, regardless of job title or description, who has discretionary powers to organize, direct, carry on, control or direct the operation of an alcohol outlet.
- F. "Server" means any person who, as part of his or her employment, sells, serves or delivers any alcoholic beverage.
- G. "Patron" means a customer who purchases alcohol through a sale, service or delivery.
- H. "Responsible beverage sales and service training" or "RBSS training" means a training program approved by the California Department of Alcoholic Beverage Control's advisory board to train alcohol licensees, their managers and servers in responsible alcoholic beverage sales and service methods and practices. (Ord. 371 § 1, 2007)

4.09.020 Responsible beverage sales and service training required – Proof.

- A. Beginning July 1, 2008, no alcohol outlet may serve, sell, or arrange delivery to a patron of alcoholic beverages unless a manager who has completed an RBSS training course is on the premises.
- B. Beginning July 1, 2008, no licensee, manager, or server shall sell, serve or deliver to a patron any alcoholic beverage unless he or she has completed RBSS training. However, licensees who begin operations under an alcohol license after July 1, 2008, and managers and servers who are hired after July 1, 2008, shall have 30 days from the date of beginning operations or hire in which to complete RBSS training.
- C. Certification of completion of RBSS training shall be considered valid for a period of two years from the date of certification.
- D. Notwithstanding anything to the contrary, a licensee, manager or server who has completed RBSS training as described in this chapter within the 12-month period

immediately preceding the effective date of the ordinance codified in this chapter shall not be required to take such training again within 12 months from the effective date of the ordinance codified in this chapter.

E. Licensees shall be responsible for ensuring that all managers and servers they employ comply with this section.

F. Licensees shall maintain on the premises a file of proof of completion of the RBSS training by the licensee, managers and servers that shall be available for inspection by any peace officer or other enforcement officer during regular business hours. The proof of completion shall include the (1) effective date of hire, (2) course completion date and, if applicable, the course renewal date, (3) the name of the certified RBSS training completed, and (4) identifying information of the licensee, managers and servers, including the name, address, phone number and California driver's license number, if applicable.

G. The city shall provide to all applicants for a business certificate that are alcohol licensees, as defined in this chapter, a summary of the requirements of this chapter together with its penalties for violation prior to issuing a business certificate or renewal. (Ord. 371 § 1, 2007)

4.09.030 Violation – Penalty.

A. Violation of any provision of this chapter or failure to comply with any requirement of this chapter is a misdemeanor, but may be charged, at the discretion of the prosecutor, as an infraction.

B. In addition to the penalties set forth in this section, violation of this chapter may be grounds for revocation of an existing business certificate issued by the city of Solana Beach and/or denial of issuance of a future business certificate. (Ord. 371 § 1, 2007)

Current through Ordinance 410, passed October 28, 2009

Disclaimer: The City Clerk's Office has the official version of the Solana Beach Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.solana-beach.ca.us/>

Telephone number: (858) 720-2400

Code Publishing Company

Chapter 4.09
ALCOHOLIC BEVERAGES – RESPONSIBLE BEVERAGE SALES AND SERVICE

Sections:

- 4.09.010 Definitions.
- 4.09.020 Responsible beverage sales and service training required – Proof.
- 4.09.030 Violation – Penalty.

4.09.010 Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this section:

- A. "Alcoholic beverage" shall have the same meaning as in California Business and Professions Code Section 23004 or any successor section.
- B. "Alcohol outlet" means any physical location or structure from which any alcoholic beverage may be sold, delivered, or served at retail pursuant to a license granted by the California Department of Alcoholic Beverage Control.
- C. "Business certificate" means a certificate authorizing a business to operate within the city of Solana Beach.
- D. "Licensee" means any person or entity that has a license for the retail sale, delivery, or service of alcoholic beverages from the California Department of Alcoholic Beverage Control.
- E. "Manager" means the person, regardless of job title or description, who has discretionary powers to organize, direct, carry on, control or direct the operation of an alcohol outlet.
- F. "Server" means any person who, as part of his or her employment, sells, serves or delivers any alcoholic beverage.
- G. "Patron" means a customer who purchases alcohol through a sale, service or delivery.
- H. "Responsible beverage sales and service training" or "RBSS training" means a training program approved by the California Department of Alcoholic Beverage Control's advisory board to train alcohol licensees, their managers and servers in responsible alcoholic beverage sales and service methods and practices. (Ord. 371 § 1, 2007)

4.09.020 Responsible beverage sales and service training required – Proof.

A. Beginning July 1, 2008, no alcohol outlet may serve, sell, or arrange delivery to a patron of alcoholic beverages unless a manager who has completed an RBSS training course is on the premises.

B. Beginning July 1, 2008, no licensee, manager, or server shall sell, serve or deliver to a patron any alcoholic beverage unless he or she has completed RBSS training. However, licensees who begin operations under an alcohol license after July 1, 2008, and managers and servers who are hired after July 1, 2008, shall have 30 days from the date of beginning operations or hire in which to complete RBSS training.

C. Certification of completion of RBSS training shall be considered valid for a period of two years from the date of certification.

D. Notwithstanding anything to the contrary, a licensee, manager or server who has completed RBSS training as described in this chapter within the 12-month period immediately preceding the effective date of the ordinance codified in this chapter shall not be required to take such training again within 12 months from the effective date of the ordinance codified in this chapter.

E. Licensees shall be responsible for ensuring that all managers and servers they employ comply with this section.

F. Licensees shall maintain on the premises a file of proof of completion of the RBSS training by the licensee, managers and servers that shall be available for inspection by any peace officer or other enforcement officer during regular business hours. The proof of completion shall include the (1) effective date of hire, (2) course completion date and, if

applicable, the course renewal date, (3) the name of the certified RBSS training completed, and (4) identifying information of the licensee, managers and servers, including the name, address, phone number and California driver's license number, if applicable.

G. The city shall provide to all applicants for a business certificate that are alcohol licensees, as defined in this chapter, a summary of the requirements of this chapter together with its penalties for violation prior to issuing a business certificate or renewal. (Ord. 371 § 1, 2007)

4.09.030 Violation – Penalty.

A. Violation of any provision of this chapter or failure to comply with any requirement of this chapter is a misdemeanor, but may be charged, at the discretion of the prosecutor, as an infraction.

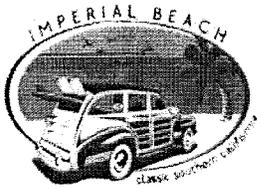
B. In addition to the penalties set forth in this section, violation of this chapter may be grounds for revocation of an existing business certificate issued by the city of Solana Beach and/or denial of issuance of a future business certificate. (Ord. 371 § 1, 2007)

Current through Ordinance 410, passed October 28, 2009

Code Publishing Company

Disclaimer: The City Clerk's Office has the official version of the Solana Beach Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.solana-beach.ca.us/>
Telephone number: (858) 720-2400



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: FEBRUARY 17, 2010

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

SUBJECT: SECOND READING/ADOPTION: ORDINANCE NO. 2010-1097 –
FLOODPLAIN MANAGEMENT ORDINANCE AMENDMENT TO
THE IBMC CHAPTER 15.50 (FLOOD DAMAGE PREVENTION)

BACKGROUND:

On August 4, 2009 the California Department of Water Resources (DWR) conducted an audit of the City's enforcement program of the National Flood Insurance Program (NFIP), on behalf of the Federal Emergency Management Agency (FEMA). The results and recommendations of the audit were received on August 27, 2009, which are attached. The audit disclosed no significant enforcement issues, but in order to remain in compliance with the NFIP, the City was advised that flood Plain Management Ordinance must be updated. The changes required are primarily to strengthen the ordinance and to provide for use of the latest flood information available.

The public hearing/first reading of this ordinance was conducted at the regular City Council meeting of February 3, 2010.

DISCUSSION:

The City has three areas which are considered part of the special flood hazard area (in the 100 year flood plain or floodway): along the Pacific Ocean, along San Diego Bay and surrounding the Tijuana River Estuary. Of these areas, there are very few properties, which are in a special flood hazard area within the City's jurisdiction. Rarely does the City process an application for development in a special flood hazard area (in the 100 year flood plain or floodway).

The proposed ordinance amendments would update the City's regulations to be in compliance with the Code of Federal Regulations, Title 44. The amendments are grouped in the following categories:

1. Legal Language Content:

- Adds a Statutory Authority for the adoption of this ordinance.

- Adds a Severability section to ensure remaining sections remain enforceable if one or more sections are found to be invalid.
2. **New Definitions Added:**
 - Existing Manufactured Home Park or Subdivision
 - Expansion to an Existing Manufactured Home Park or Subdivision
 - Historic structure
 - New Manufactured Home Park or Subdivision
 - Recreational Vehicle
 - Substantial Damage
 3. **Utilization of New Elevation Data:**
 - Add a requirement to consider other available data as basis for elevating residential structures to or above the base flood plain.
 4. **Reporting Requirements to FEMA:**
 - Adds reporting requirements to physical changes of the special flood hazard zone (i.e map revisions and corporate boundary changes); and
 5. **Development Permit Requirements:**
 - Adds mobile homes to the development permit requirements.
 - Adds specific minimum plan and data submittal requirements and specifies certification requirements for a development permit.

All the changes serve to clarify, update and strengthen the ordinance requirements.

General Plan/Local Coastal Plan/Zoning Consistency: This project does not constitute an amendment to the Implementation Component of the City's certified Local Coastal Program and, therefore, does not need to be submitted to the California Coastal Commission for review and certification. However, the proposed amendments are consistent with General Plan/Safety Element Policy S-7, which provides the following:

S-7 Flood Control Program

The City should take the necessary action to develop and constantly update an adequate flood control program including:

- a. *Construction permits should not be granted in obvious areas of future flooding unless adequate flood protection measures are developed.*
- b. *Whenever possible, the minimum finished floor level for structures should be above the known or projected flood plain level.*
- c. *The City should adopt policies to prevent encroachment on existing water courses.*
- d. *Development shall be restricted to open 100-year floodplain areas that remain uncommitted to development as identified on Figure S-1 No permanent structures or filling shall be permitted in the floodplain and only uses compatible with periodic flooding shall be allowed.*

ENVIRONMENTAL DETERMINATION:

The Community Development Department has independently determined that the proposed amendment is exempt pursuant to Section 15061.b.3 of the California Environmental Quality Act (CEQA) entitled Review for Exemption, where it can be seen with certainty that this project

would not have a significant effect on the environment as the proposed amendment would require buildings proposed in areas of special flood hazard to comply with recent amendments to the National Flood Insurance Program requirements and, thereby, provide for public safety.

FISCAL IMPACT:

No increase in cost is projected to make these changes and continue enforcement of the Flood Plain Ordinance.

DEPARTMENT RECOMMENDATION:

Staff recommends that:

1. Receive report;
2. Mayor calls for the reading of Ordinance No. 2010-1097– An Ordinance of the City Council of the City of Imperial Beach, California Amending Chapter 15.50 of the Imperial Beach Municipal Code Pertaining to Flood Damage Prevention.
3. City Clerk reads Ordinance No. 2010-1097;
4. The City Clerk read Ordinance No. 2010-1097 by title only; and
5. Motion to dispense second reading and adopt Ordinance No. 2010-1097 by title only.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Letter from the California Department of Water Resources
2. Ordinance No. 2010-1097 with Exhibit "A" (Clean Version)
3. Attachment 3 (Chapter 15.50 with highlighted changes).

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION OFFICE
770 FAIRMONT AVENUE, SUITE 102
GLENDALE, CA 91203-1035



SEP 9 2009

SEP 14 2009

Honorable Jim Janney
Mayor of the City of Imperial Beach
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, California 91932

Dear Mayor Janney:

Thank you for the cooperation and courtesy extended to Salomon Miranda of my staff during our Community Assistance Visit in your community on Tuesday, August 4, 2009. We hope the meeting was as useful and informative for your community's floodplain management staff as it was for us.

The purpose of the CAV is to provide information and assistance about the National Flood Insurance Program. On behalf of the Federal Emergency Management Agency, I commend your staff for their conscientious efforts in implementing the NFIP. Continued enforcement of the NFIP regulations will ensure your community's good standing in the NFIP and guarantee availability of flood insurance coverage for residences that are in flood hazard areas. A copy of your Community Visit Report is enclosed for your review and action.

Our CAV did reveal a specific action that needs to be taken to bring your community's floodplain management program into compliance with NFIP requirements. We request that, within sixty (60) days of the date of this letter, your community take the following actions:

- Update the City's floodplain management ordinance to meet the minimum NFIP requirements pursuant to *Title 44, Code of Federal Regulations, Sections 59, 60.3-60.6, and 65.3*. **The adoption of an amended floodplain management ordinance is a prerequisite for continued participation in the NFIP.** However, before your ordinance is adopted, please provide our office with a draft of the ordinance for review and comment

If you have questions concerning this letter, the enclosed report, or any aspect of the NFIP, please contact Salomon Miranda of my staff at (818) 500-1645, extension 245 or at salomon@water.ca.gov. I can be reached at (818) 500-1645, extension 222.

Sincerely,

A handwritten signature in black ink that reads "Mark Stuart".

Mark Stuart, Chief
Southern Region

Enclosure

Honorable Jim Janney

SEP 9 2009

Page 2

cc + enclosures: Mr. Ed Wilczak, Building Official ✓
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, California 91932

Mr. Greg Wade, Community Development Director
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, California 91932

FEDERAL EMERGENCY MANAGEMENT AGENCY

COMMUNITY VISIT REPORT

SECTION I

1. NAME OF COMMUNITY City of Imperial Beach	2. STATE California	3. COMMUNITY ID NUMBER 060291	4. COUNTY San Diego
5. VISIT CONDUCTED BY Salomon Miranda		6. AGENCY California Department of Water Resources	7. DATE OF VISIT August 4, 2009

SECTION II

8. NAME OF LOCAL OFFICIAL Greg Wade, Community Development Director	9. TELEPHONE NUMBER (619) 628-1354
10. ADDRESS OF LOCAL OFFICIAL 825 Imperial Beach Boulevard, California 91932	

SECTION III - FINDINGS

PART A

QUESTIONS - Select appropriate response	RESPONSE		
	Serious	Minor	None
1. Are there problems with the community's floodplain management regulations?		X	
2. Are there problems with the community's administrative/enforcement procedures?			X
3. Are there any engineering or other problems with the maps or Flood Insurance Study?			X
4. Are there any other problems in the community's floodplain management program?			X
5. Are there problems with the Biennial Report data?	___ YES	___ X NO	
6. Are there any programmatic issues or problems identified?	___ YES	___ X NO	
7. Are there any potential violations of the community's floodplain management regulations?			
___ A potential violation or violations has/have been identified.			
___ X No violations have been identified.			
___ Actions are being taken on the part of the community to remedy the violation(s) identified during the CAV.			

**NATIONAL FLOOD INSURANCE PROGRAM
COMMUNITY ASSISTANCE VISIT**

*City of Imperial Beach, California
August 4, 2009*

SECTION III – FINDINGS (Continued)

PART B – NARRATIVE

The National Flood Insurance Program (NFIP) is based on an agreement between the federal government and participating communities that have been identified as flood prone. The Federal Emergency Management Agency (FEMA), through the Federal Insurance Administration, makes flood insurance available to the residents of a participating community, provided the community adopts and enforces adequate floodplain management regulations that meet the minimum NFIP requirements. Currently, about 19,000 of the nation's 22,000 cities, towns, counties, and boroughs are members of the NFIP.

A Community Assistance Visit (CAV) is a scheduled visit to a NFIP City for maintaining periodic contact with the community to evaluate the effectiveness of local floodplain management practices and to offer assistance, if needed.

This report describes the findings of the August 4, 2009, CAV for the City of Imperial Beach and asks for corrective actions where deficiencies were identified. Once these deficiencies are corrected, it will enable your City to comply with the NFIP requirements as specified in *Title 44, Code of Federal Regulations*.

BACKGROUND

The City of Imperial Beach is located in San Diego County, approximately thirteen miles south of the City of San Diego and about five miles north of the City of Tijuana, Mexico. Incorporated on July 18, 1956, the City of Imperial Beach covers 4.5 square miles and has a population of approximately 27,700 residents.

Imperial Beach enjoys a pleasant Mediterranean climate with sunny, warm, dry summers and cool, wet winters. The average temperature is about 55 degrees Fahrenheit in January and about 85 degrees in August. The City experiences rainfall most frequently during November to March. The mean annual precipitation is approximately nine inches.

The City of Imperial Beach joined the NFIP on June 1, 1978. According to the Flood Insurance Rate Maps (FIRM), effective June 19, 1997, the City of Imperial Beach has AE (with floodways) and VE (coastal flooding with wave action) flood designation zones. There are 212 insurance policies in force in the City that carry a total value of \$36.2 million in coverage with an annual premium of \$91,021. Since its incorporation, the amount of \$162,727 has been paid towards thirty-one reported losses in the City.

The previous Community Assistance Visit was performed by the Department of Water Resources (DWR) staff on May 26, 2004. At that time the City was asked to update its floodplain management ordinance and to submit the 2001-2002 Biennial Report to FEMA. The City adopted a new floodplain management ordinance on September 21, 2005, but the 2001-2002 Biennial Report was not submitted to FEMA. It was determined that, as part of this CAV, the City has submitted the 2007-2008 Biennial Report to FEMA, as required.

In this CAV, DWR staff has again concluded that the City needs to update its floodplain management ordinance once again as identified herein.

SUPPORT COMMENTS FOR SECTION III – PART A

1. Community's Floodplain Management Regulations

The Floodplain Management Ordinance is found in Chapter 15.50 of the City of Imperial Beach's Municipal Code. After the recent CAV meeting, DWR staff reviewed the ordinance and determined that there is a need for an update to meet the minimum NFIP requirements pursuant to the *Title 44, Code of Federal Regulations, Sections 59, 60.3-60.6, and 65.3 (CFR)*.

To assist the City in drafting amended floodplain management regulations, [REDACTED]
[REDACTED] provided a [REDACTED] copy of [REDACTED] California Code of Regulations [REDACTED]
[REDACTED] to the City staff for reference.

DWR staff recommends the following updates to the City's floodplain management regulations:

1. Insert a citation of Statutory Authorization (as required by 44 CFR[59.22(a)(2)])
2. Insert definitions (as required by 44CFR[59.1])
 - a. Existing Manufactured Home Park or Subdivision
 - b. Expansion to an Existing Manufactured Home Park or Subdivision
 - c. Historic Structure
 - d. New Manufactured Home Park or Subdivision
 - e. Recreational Vehicle
 - f. Substantial Damage
3. Insert a Severability Section

4. Insert a section to submit new technical data within 6 months. Notify FEMA of changes in the base flood elevation by submitting technical or scientific data so insurance and floodplain management can be based on current data as required by 44CFR[65.3]
5. Insert a section to require permits for all proposed construction and other development within SFHAs on the FHBM or FIRM as required by 44CFR[60.3(b)(1)]
6. Insert a section that in A Zones, in the absence of FEMA BFE data and floodway data, consider other available data as a basis for elevating residential structures to or above base flood level, and for floodproofing or elevating nonresidential structures to or above base flood level as required by 44CFR[60.3(b)(4)]

We recommend that your City update its Floodplain Management Ordinance in its entirety, making use of our California Model Floodplain Management Ordinance.

The California Model Floodplain Management Ordinances can be found at our website address:

<http://www.fpm.water.ca.gov/ordinance/ordinance.cfm>

2. Community's Administration/Enforcement Procedures

The Director of Community Development is designated as the Floodplain Administrator pursuant to the City's Municipal Code, Section 15.50.110.

The Planning and Building Divisions, as well as the Public Works Department, are in charge of reviewing building permit applications. The Building Official is in charge of reviewing all building permits to see if the proposed structures are located in a Special Flood Hazard Area (SFHA). The as-built lowest floor elevation in the SFHA is required to be at or above the Base Flood Elevation (BFE) for all new residential and non-residential structures and for all substantial improvements. Non-residential structures can also be flood-proofed below the BFE as long as a certification by a registered professional engineer or architect is obtained to demonstrate that the structure is watertight with walls substantially impermeable to water. The Building Division is in charge of inspecting all floodplain development to verify the lowest floor elevation, keeping records of the building permits in the SFHA, and maintaining all elevation documents.

According to City staff, the City is ninety percent built-out and there is little pressure to develop in the SFHA. In the last twelve months there hasn't been any building permits issued in the SFHA for new or substantially improved structures.

3. Engineering or Other Problems with the Maps or Flood Insurance Study

None

4. Other Problems in the Community's Floodplain Management Program

None

5. Problems with the Biennial Report Data

None

6. Programmatic Issues or Problems Identified

None

7. Potential Violations Identified or Suspected of the Community's Floodplain Management Regulations

None

OTHER COMMENTS AND INFORMATION

1. Flood Mitigation Projects, Issues, or Concerns

None

2. Executive Order 11988 Floodplain Management

None

3. Community Action Needed

The City must submit to DWR, **within sixty (60) days** of the date of this report, the following:

A copy of a draft ordinance that amends the City's current floodplain management regulations. **The City should note that adopting an amended floodplain management ordinance is a prerequisite for continued participation in the NFIP.**

4. DWR Follow-up Needed

Review and comment on the draft ordinance.

5. Field Inspection

Salomon Miranda, DWR, conducted the floodplain field inspection prior to the CAV meeting and concluded that there were no construction violations within the City's SFHA.

6. CAV Meeting Attendee List

1. Edward B. Wilczak, Building Official, City of Imperial Beach
2. Salomon Miranda, Engineer W.R., Department of Water Resources

SECTION IV

COMPLETED BY THE FEMA REGIONAL OFFICE

Date CAV Closed _____ Initials _____

Salomon Miranda, California Department of Water Resources, Southern Region

ORDINANCE NO. 2010-1097

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING CHAPTER 15.50 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO FLOOD DAMAGE PREVENTION

WHEREAS, the City of Imperial Beach is a participant in the National Flood Insurance Program, which authorizes residents of Imperial Beach to obtain federally subsidized floodplain insurance; and

WHEREAS, in order to participate in that program, the City has adopted a floodplain ordinance, which, conforming to federal mandates, regulates development in floodplains in order to improve public safety; and

WHEREAS, after an audit of the City's floodplain management program, the California Department of Water Resources has recommended that the City's floodplain ordinance be updated; and

WHEREAS, the City Council for the City of Imperial Beach wishes to adopt the Department of Water Resources' recommendations;

NOW, THEREFORE, the City Council of Imperial Beach hereby ordains as follows:

SECTION 1. Chapter 15.50 of the Imperial Beach Municipal Code (Flood Damage Prevention) is hereby amended to read as shown in Exhibit "A," which is attached hereto and incorporated herein by reference as though fully set forth at this point.

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

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

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 3rd day of February 2010; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 17th day of February 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 M. 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. 2010-1097 – An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING CHAPTER 15.50 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO FLOOD DAMAGE PREVENTION.

CITY CLERK

DATE

EXHIBIT "A" TO ORDINANCE 2010-1097**15.50.010. Findings of fact.**

A. Flood hazard areas of the city of Imperial Beach are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. Flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.020. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazards; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.030. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.040. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Area of special flood hazard” is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Federal Hazard Boundary Map. After detailed rate making has been completed in preparation for the publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard are (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard”.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.

“Base flood” means the flood having a one-percent chance of being equaled or exceeded in any given year (also called the “one-hundred-year flood”).

“Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

“Breakaway wall” means any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which it is used to any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

“Coastal high hazard area” is the area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1 — V30, VE or V.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, filling, grading, paving, excavation or drilling operations.

“Eligible community” or “participating community” means a community for which the Federal Insurance Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.

“Elevated Building” means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Emergency Flood Insurance Program” or “Emergency Program” means the National Flood Insurance Program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

“Erosion” means the process of the gradual wearing away of land masses. This peril is not per se covered under the National Flood Insurance Program.

“Existing construction” means, for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 3, 2010.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of floodwaters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, (3) the collapse or

subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition, and/or (4) mudslides (i.e., mudflows) which are proximately caused by flooding as defined above in (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces or normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

“Flood Boundary and Floodway Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

“Flood elevation determination” means a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

“Flood elevation study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk of premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“Floodplain management regulations” mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structure and their contents.

“Flood-related erosion” means that collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water

exceeding anticipated cyclical levels of suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

“Independent scientific body” means a non-federal technical or scientific organization involved in the study of land use planning, flood plain management, hydrology, geology, geography, or any other related field of study concerned with flooding.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be

basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. The term manufactured home does not include recreational vehicles.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" means for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 2nd 1978.

"One-hundred-year flood" or "100-year flood" means a flood which has a one-percent annual probability of being equaled or exceeded. It is identical to the "base flood," which will be the term used throughout this chapter.

"Person" means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

"Recreational vehicle" means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Sand dunes” mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

“Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged, and is being restored, before any damage occurred.

For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Registration of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 2005-1033 § 1, 2005: Ord. 753 § 7 Ex. B (part), 1988; Ord. 97-913 § 1, 1997)

15.50.050. Applicability.

This chapter applies to all “areas of special flood hazards” within the City of Imperial Beach. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.060. Basis for establishing areas of special flood hazard.

The “areas of special flood hazard” identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled “Flood Insurance Study for City of Imperial Beach,” dated July 2, 2002, and accompanying Flood Insurance Rate Maps dated June 19, 1997 and all subsequent amendments and revisions, are hereby adopted by reference and declared to be a part of this ordinance. This Flood Insurance Study is on file in the Community Development Department at the City of Imperial Beach. (Ord. 2005-1033 § 2, 2005: Ord. 753 § 7 Ex. B (part), 1988; Ord. 97-913 § 1, 1997)

15.50.070. Compliance.

A. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) constitutes a misdemeanor. Nothing herein shall prevent the City of Imperial Beach from taking such lawful action as is necessary to prevent or remedy any violation.

B. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.080. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.090. Degree of flood protection.

The degree of flood protection by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Imperial Beach, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.100. Establishment of development permit.

A development permit shall be obtained before construction or other development, including manufactured homes, within any area of special flood hazard established in Section 15.50.060. Application for a development permit shall be made on forms furnished by the City of Imperial Beach. The applicant shall provide the following minimum information:

- A. Plans in duplicate, drawn to scale, showing:
 - 1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
 - 2. Proposed locations of water supply, sanitary sewer, and other utilities;
 - 3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 - 4. Location of the regulatory floodway when applicable;
 - 5. Base flood elevation information as specified in Section 15.50.060. or Section 15.50.120. A ;
 - 6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - 7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in Section 15.50.160. A.3.b of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.
- B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 15.50.160. A.3.b
- C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.50.160. A.3.c of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
- D. Description of the extent to which any watercourse will be altered or relocated

as a result of proposed development.

E. All appropriate certifications listed in Section 15.50.110. B of this ordinance.

15.50.110. Administration.

The Community Development Director is appointed to administer, implement and enforce this chapter by granting or denying development permits in accordance with its provisions. The duties and responsibilities of the Community Development Director shall include, but not be limited to:

- A. Review all flood hazard reports to determine that:
 - 1. The permit requirements of this chapter have been satisfied;
 - 2. All other required state and federal permits have been obtained;
 - 3. The site is reasonably safe from flooding;
 - 4. The proposed development does not adversely affect the carrying capacity of the floodway. For the purpose of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.
- B. Obtain and maintain for public inspection and make available as needed:
 - 1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures;
 - 2. Maintain elevation or floodproofing of nonresidential structures; certifications required in Section 15.50.160(A)(3)(a);
 - 3. Maintain wet floodproofing standard; certifications required in Section 15.50.160(A)(3)(C)(1);
 - 4. Maintain floodway encroachments; certifications as required in Section 15.50.160(E);
 - 5. Maintain coastal construction standards; certifications as required by Section 15.50.160(F)(6);
 - 6. Maintain for public inspection all records pertaining to the provisions of this section.
- C. Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator.

D. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. (Ord. 2005-1033 § 3, 2005; Ord. 753 § 7 Ex. B (part), 1988; Ord. 97-913 § 1, 1997)

E. Base Flood Elevation changes due to physical alterations:

1. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
2. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

F. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

15.50.120. Interpretation of FIRM boundaries.

The Director of Community Development shall establish the exact location of the boundaries of the areas of special flood hazards. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation to the City Council. (Ord. 753 § 7 Ex. B (part), 1988)

A. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 15.50.060., the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 15.50.160.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate

Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations” dated July 1995.

15.50.130. Variance.

All requests for variances from the requirements of this chapter shall conform with the variance procedure described in Chapter 19.84 of the City zoning ordinance. In acting upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger of life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, where applicable;
- F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- I. The safety of access to the property in time of flood for ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.140. Issuance of variances.

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the considerations referred to in Section 15.50.130 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases. The Planning Commission, as an appeal board, may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. The

director of community development shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.150. Conditions for variances.

A. Variances may be, issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for every one hundred dollars of coverage. A copy of the notice shall be recorded by the Community Development Director in the office of the San Diego County Recorder and shall be recorded in a manner that it appears in the chain of title of the affected parcel of land. (Ord. 2005-1033 § 3, 2005; Ord. 753 § 7 Ex. B (part), 1988)

15.50.160. Flood hazard reduction standards.

In all areas of special flood hazards the following standards are required:

A. Standards of Construction.

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All manufactured homes shall meet the anchoring standards of subsection D of this section.

2. Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Elevation and Floodproofing.

- a. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in subsection (A)(3)(b) of this section. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.
- b. Nonresidential construction shall either be elevated in conformance with subsection (A)(3)(a) of this section or, together with attendant utility and sanitary facilities:
 - i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - iii. Be developed and/or reviewed for structural design, specifications, and plans for the construction and then certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications, which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed, shall be provided to the floodplain administrator.
- c. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - i. Either a minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be

equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

ii. Be certified to comply with a local floodproofing standards approved by the Federal Insurance Administration.

d. Manufactured homes shall also meet the standards in subsection D of this section.

e. Require that manufactured homes that are placed or substantially improved on sites:

i. Outside of a manufactured home park or subdivision,

ii. In a new manufactured home park or subdivision,

iii. In an expansion to an existing manufactured home park or subdivision, or

iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards in subsection D of this section.

f. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provision of subsection e, within this section, be elevated so that either:

i. The lowest floor of the manufactured home is at or above the base of flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.

g. Within areas of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet:

i. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least two feet if no depth number is specified).

ii. All new construction and substantial improvements of nonresidential structures meet standards above for residential structures or together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in subsection 3a.

h. Require that recreational vehicles placed on sites within areas of having shallow water depths and/or unpredictable flow paths between one and three feet, and with water surface elevations determined be:

- i. On the site for fewer than 180 consecutive days,
- ii. Fully licensed and ready for highway use, or
- iii. Meet the permit requirements of all proposed construction and other developments and the elevation and anchoring requirements for "manufactured homes" in subsection e of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- i. Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, as criteria for requiring that new construction, substantial developments and other developments meet the standards within this subsection A3.

- j. Any development, in an area of having shallow water depths and/or unpredictable flow paths between one and three feet and/or with water surface elevations determined, which increase the water surface elevation of the base flood by more than one foot may be approved, provided the community first applies for a conditional FIRM revision, fulfills the requirements of such a revision as established under the provisions of Section 65.12 of the National Flood Insurance Regulations and receives the approval of the Administrator.

B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

3. Require adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures within areas of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet, and/or with water surface elevations determined.

C. Standards for Subdivisions.

1. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

2. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

3. All subdivision proposals shall be consistent with the need to minimize flood damage.

4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

5. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for Manufactured Homes. All new and replacement manufactured homes and additions to manufactured homes shall:

1. Be elevated so that the lowest floor is at or above the base flood elevation; and
2. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

E. Floodways. Located within areas of special flood hazard established in Section 15.50.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

a. Encroachments that would result in an increase in base flood elevations, may be permitted, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions established under the provisions of Section 65.12 of National Flood Insurance Regulations, and receives the approval of the Administrator.

2. If Section paragraph 1 of this subsection is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section.

3. Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within areas of special flood hazard with water surface elevation determined unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

4. The City will select and adopt a regulatory floodway based on the principal that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point.

F. Coastal High Hazard Areas. Within coastal high hazard areas established in Section 15.50.060 the following standards shall apply:

1. All new construction and substantial improvements shall be elevated on pilings or columns so that:

a. "The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction.

2. All new construction shall be located on the landward side of the reach of mean high tide.

3. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with non-supporting, breakaway walls. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural).

Such temporarily enclosed space shall not be used for human habitation, but shall be useable solely for parking of vehicles, building access or storage.

4. Fill shall not be used for structural support of buildings.

5. Manmade alteration of sand dunes which would increase potential flood damage is prohibited.

6. The floodplain administrator shall obtain and maintain the following records:

a. Certification by a registered engineer or architect that a proposed structure complies with paragraph 1 of this subsection;

b. Elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement.

7. All recreational vehicles placed within coastal high hazard areas shall either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or
- c. Meet the requirements within this subsection F.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

8. Require manufactured homes placed or substantially improved on sites:

- a. Outside of a manufactured home park or subdivision,
- b. In a new manufactured home park or subdivision,
- c. In an expansion to an existing manufactured home park or subdivision, or

d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of subsection F and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within the coastal high hazard areas meet the requirements of subsection 3e. of Section A. (Ord. 753 § 7 Ex. B (part), 1988; Ord. 97-913 § 1, 1997)

15.50.170. Severability.

In the same manner as Section 1.01.100 of the Imperial Beach Municipal Code, this Chapter and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ATTACHMENT "3" (For review purposes only)

15.50.010. Findings of fact.

A. Flood hazard areas of the city of Imperial Beach are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. Flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.020. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazards; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.030. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.040. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Area of special flood hazard” is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Federal Hazard Boundary Map. After detailed rate making has been completed in preparation for the publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard are (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard”.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.

“Base flood” means the flood having a one-percent chance of being equaled or exceeded in any given year (also called the “one-hundred-year flood”).

“Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

“Breakaway wall” means any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which it is used to any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

“Coastal high hazard area” is the area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1 — V30, VE or V.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, filling, grading, paving, excavation or drilling operations.

“Eligible community” or “participating community” means a community for which the Federal Insurance Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.

“Elevated Building” means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Emergency Flood Insurance Program” or “Emergency Program” means the National Flood Insurance Program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

“Erosion” means the process of the gradual wearing away of land masses. This peril is not per se covered under the National Flood Insurance Program.

“Existing construction” means, for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 3, 2010.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of floodwaters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, (3) the collapse or

subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition, and/or (4) mudslides (i.e., mudflows) which are proximately caused by flooding as defined above in (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces or normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

“Flood Boundary and Floodway Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

“Flood elevation determination” means a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

“Flood elevation study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk of premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“Floodplain management regulations” mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structure and their contents.

“Flood-related erosion” means that collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water

exceeding anticipated cyclical levels of suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

“Independent scientific body” means a non-federal technical or scientific organization involved in the study of land use planning, flood plain management, hydrology, geology, geography, or any other related field of study concerned with flooding.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be

basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. The term manufactured home does not include recreational vehicles.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" means for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 2nd 1978.

"One-hundred-year flood" or "100-year flood" means a flood which has a one-percent annual probability of being equaled or exceeded. It is identical to the "base flood," which will be the term used throughout this chapter.

"Person" means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

"Recreational vehicle" means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged, and is being restored, before any damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Registration of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 2005-1033 § 1, 2005: Ord. 753 § 7 Ex. B (part), 1988; Ord. 97-913 § 1, 1997)

15.50.050. Applicability.

This chapter applies to all "areas of special flood hazards" within the City of Imperial Beach. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.060. Basis for establishing areas of special flood hazard.

The "areas of special flood hazard" identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for City of Imperial Beach," dated July 2, 2002, and accompanying Flood Insurance Rate Maps dated June 19, 1997 and all subsequent amendments and revisions, are hereby adopted by reference and declared to be a part of this ordinance. This Flood Insurance Study is on file in the Community Development Department at the City of Imperial Beach. (Ord. 2005-1033 § 2, 2005: Ord. 753 § 7 Ex. B (part), 1988; Ord. 97-913 § 1, 1997)

15.50.070. Compliance.

A. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) constitutes a misdemeanor. Nothing herein shall prevent the City of Imperial Beach from taking such lawful action as is necessary to prevent or remedy any violation.

B. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.080. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.090. Degree of flood protection.

The degree of flood protection by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Imperial Beach, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.100. Establishment of development permit.

A development permit shall be obtained before construction or other development begins, including manufactured homes, within any area of special flood hazard established in Section 15.50.060. Application for a development permit shall be made on forms furnished by the City of Imperial Beach. ~~community development department and shall may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required: The applicant shall provide the following minimum information:~~

- ~~A. Proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;~~
- ~~B. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed;~~
- ~~C. All appropriate certifications listed in Section 15.50.110(B) of this chapter; and~~
- ~~D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 753 § 7 Ex. B (part), 1988)~~

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 15.50.060. or

Section 15.50.120. A :

6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in Section 15.50.160. A.3.b of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.
- B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 15.50.160. A.3.b
- C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.50.160. A.3.c of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- E. All appropriate certifications listed in Section 15.50.110. B of this ordinance.

15.50.110. Administration.

The Community Development Director is appointed to administer, implement and enforce this chapter by granting or denying development permits in accordance with its provisions. The duties and responsibilities of the Community Development Director shall include, but not be limited to:

- A. Review all flood hazard reports to determine that:
1. The permit requirements of this chapter have been satisfied;
 2. All other required state and federal permits have been obtained;
 3. The site is reasonably safe from flooding;
 4. The proposed development does not adversely affect the carrying capacity of the floodway. For the purpose of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.
- B. Obtain and maintain for public inspection and make available as needed:
1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures;
 2. Maintain elevation or floodproofing of nonresidential structures; certifications required in Section 15.50.160(A)(3)(a);

3. Maintain wet floodproofing standard; certifications required in Section 15.50.160(A)(3)(C)(1);
4. Maintain floodway encroachments; certifications as required in Section 15.50.160(E);
5. Maintain coastal construction standards; certifications as required by Section 15.50.160(F)(6);
6. Maintain for public inspection all records pertaining to the provisions of this section.

C. Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator.

D. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. (Ord. 2005-1033 § 3, 2005; Ord. 753 § 7 Ex. B (part), 1988; Ord. 97-913 § 1, 1997)

E. Base Flood Elevation changes due to physical alterations:

1. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
2. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

F. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

15.50.120. Interpretation of FIRM boundaries.

The Director of Community Development shall establish the exact location of the boundaries of the areas of special flood hazards. Any person contesting the location of the boundary

shall be given a reasonable opportunity to appeal the interpretation to the City Council. (Ord. 753 § 7 Ex. B (part), 1988)

A. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 15.50.060., the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 15.50.160.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

15.50.130. Variance.

All requests for variances from the requirements of this chapter shall conform with the variance procedure described in Chapter 19.84 of the City zoning ordinance. In acting upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger of life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, where applicable;
- F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- I. The safety of access to the property in time of flood for ordinary and emergency vehicles;

J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and

K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.140. Issuance of variances.

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the considerations referred to in Section 15.50.130 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases. The Planning Commission, as an appeal board, may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. The director of community development shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 753 § 7 Ex. B (part), 1988)

15.50.150. Conditions for variances.

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for every one hundred dollars of coverage. A copy of the notice shall be recorded by the Community Development Director in the office of the San Diego County Recorder and shall be recorded in a manner that it

appears in the chain of title of the affected parcel of land. (Ord. 2005-1033 § 3, 2005; Ord. 753 § 7 Ex. B (part), 1988)

15.50.160. Flood hazard reduction standards.

In all areas of special flood hazards the following standards are required:

A. Standards of Construction.

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All manufactured homes shall meet the anchoring standards of subsection D of this section.

2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Elevation and Floodproofing.

a. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in subsection (A)(3)(b) of this section. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

b. Nonresidential construction shall either be elevated in conformance with subsection (A)(3)(a) of this section or, together with attendant utility and sanitary facilities:

i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

iii. Be developed and/or reviewed for structural design, specifications, and plans for the construction and then certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications, which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed, shall be provided to the floodplain administrator.

c. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

i. Either a minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

ii. Be certified to comply with a local floodproofing standards approved by the Federal Insurance Administration.

d. Manufactured homes shall also meet the standards in subsection D of this section.

e. Require that manufactured homes that are placed or substantially improved on sites:

i. Outside of a manufactured home park or subdivision,

ii. In a new manufactured home park or subdivision,

iii. In an expansion to an existing manufactured home park or subdivision, or

iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards in subsection D of this section.

f. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provision of subsection e, within this section, be elevated so that either:

i. The lowest floor of the manufactured home is at or above the base of flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.

g. Within areas of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet:

i. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least two feet if no depth number is specified).

ii. All new construction and substantial improvements of nonresidential structures meet standards above for residential structures or together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in subsection 3a.

h. Require that recreational vehicles placed on sites within areas of having shallow water depths and/or unpredictable flow paths between one and three feet, and with water surface elevations determined be:

i. On the site for fewer than 180 consecutive days,

ii. Fully licensed and ready for highway use, or

iii. Meet the permit requirements of all proposed construction and other developments and the elevation and anchoring requirements for "manufactured homes" in subsection e of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

i. Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, as criteria for requiring that new construction, substantial developments and other developments meet the standards within this subsection A3.

j. Any development, in an area of having shallow water depths and/or unpredictable flow paths between one and three feet and/or with water surface elevations determined, which increase the water surface elevation of the base flood by more than one foot may be approved, provided the community first applies for a conditional FIRM revision, fulfills the requirements of such a revision as established under the provisions of Section 65.12 of the National Flood Insurance Regulations and receives the approval of the Administrator.

B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

3. Require adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures within areas of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet, and/or with water surface elevations determined.

C. Standards for Subdivisions.

1. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

2. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

3. All subdivision proposals shall be consistent with the need to minimize flood damage.

4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

5. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for Manufactured Homes. All new and replacement manufactured homes and additions to manufactured homes shall:

1. Be elevated so that the lowest floor is at or above the base flood elevation; and
2. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

E. Floodways. Located within areas of special flood hazard established in Section 15.50.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

a. Encroachments that would result in an increase in base flood elevations, may be permitted, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions established under the provisions of Section 65.12 of National Flood Insurance Regulations, and receives the approval of the Administrator.

2. If Section paragraph 1 of this subsection is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section.

3. Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within areas of special flood hazard with water surface elevation determined unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

4. The City will select and adopt a regulatory floodway based on the principal that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point.

F. Coastal High Hazard Areas. Within coastal high hazard areas established in Section 15.50.060 the following standards shall apply:

1. All new construction and substantial improvements shall be elevated on pilings or columns so that:

a. "The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction.

2. All new construction shall be located on the landward side of the reach of mean high tide.

3. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with non-supporting, breakaway walls. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural).

Such temporarily enclosed space shall not be used for human habitation, but shall be useable solely for parking of vehicles, building access or storage.

4. Fill shall not be used for structural support of buildings.

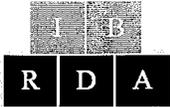
5. Manmade alteration of sand dunes which would increase potential flood damage is prohibited.
6. The floodplain administrator shall obtain and maintain the following records:
 - a. Certification by a registered engineer or architect that a proposed structure complies with paragraph 1 of this subsection;
 - b. Elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement.
7. All recreational vehicles placed within coastal high hazard areas shall either:
 - a. Be on the site for fewer than 180 consecutive days,
 - b. Be fully licensed and ready for highway use, or
 - c. Meet the requirements within this subsection F.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

8. Require manufactured homes placed or substantially improved on sites:
 - a. Outside of a manufactured home park or subdivision,
 - b. In a new manufactured home park or subdivision,
 - c. In an expansion to an existing manufactured home park or subdivision, or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of subsection F and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within the coastal high hazard areas meet the requirements of subsection 3e. of Section A. (Ord. 753 § 7 Ex. B (part), 1988; Ord. 97-913 § 1, 1997)

15.50.170. Severability.

In the same manner as Section 1.01.100 of the Imperial Beach Municipal Code, this Chapter and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.



Imperial Beach
Redevelopment Agency

AGENDA ITEM NO. 5.1

**STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY**

TO: CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY
FROM: GARY BROWN, EXECUTIVE DIRECTOR
MEETING DATE: FEBRUARY 17, 2010
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR
GERARD SELBY, REDEVELOPMENT COORDINATOR 
SUBJECT: APPROVAL OF THE FIVE YEAR IMPLEMENTATION PLAN
FOR THE PALM AVENUE/COMMERCIAL REDEVELOPMENT
PROJECT AREA

BACKGROUND

California Community Redevelopment Law, Health and Safety Code Section 33490 requires that the Implementation Plan contain the specific goals and objectives of the Agency for the Project Area, the specific programs, including potential projects, estimated expenditures to be made during the next five years, and an explanation of how the goals and objectives, programs, and expenditures will eliminate blight within the Project Area and requires all redevelopment agencies to adopt an implementation plan every five years, following a noticed public hearing.

The Imperial Beach Redevelopment Agency's existing Five-Year Implementation Plan was adopted on March 2, 2005 and covered the period of FY 2004-2005 through FY 2008-2009. To comply with Redevelopment Law, the Agency must adopt an Implementation Plan for the next five years, FY 2008-2009 through FY 2013-2014.

This item was publicly noticed for three weeks in the Eagle & Time newspaper and posted in four permanent locations within each project area, pursuant to Community Redevelopment Law, Section 33490 (d).

This item was continued from the meeting of February 3, 2010.

DISCUSSION

Presented for consideration by the Agency is the Five-Year Implementation Plan ("Implementation Plan") that also includes a Ten Year Housing Compliance Strategy (see

Attachment 2). The non-housing component of the Implementation Plan presents the Agency's anticipated projects and programs, goals and objectives, as well as estimated revenue generation for the five-year planning period of 2009-10 through 2013-14.

The following is a brief list of the anticipated projects and programs of the Implementation Plan:

- Visitor Serving Facilities (inclusive of the Seacoast Inn)
- 9th & Palm Redevelopment Project
- Underground Utility Lines
- Open Space & Parks
- Façade Improvement Program
- Clean & Green Program

Adopting this Plan does not approve any of the listed projects. Specific project implementation activities are subject to environmental review and discretionary approvals by the City Council and/or Redevelopment Agency.

The Ten-Year Housing Compliance Strategy, which is a portion of the Implementation Plan, addresses specific requirements in state law with respect to prior affordable housing activities, together with the anticipated housing programs and development activity in the future. Redevelopment agencies use implementation plans to establish 10-year objectives that achieve compliance with state law regarding their affordable housing programs. These housing objectives generally fall into three categories:

- Housing Production – based on the number of housing units constructed or substantially rehabilitated over a 10-year period, a redevelopment agency must ensure that a percentage of these units are affordable to very-low, low- and moderate- income households.
- Replacement Housing – redevelopment agencies must ensure that any housing units destroyed or removed as a result of redevelopment projects are replaced within four years.
- Targeting Household Types – redevelopment agencies must identify the amount of housing set-aside funds the redevelopment agency will allocate during the 10-year period for increasing and improving the supply of housing affordable to very low income households and low income households.

Mid-Term Review

Staff will return to the Agency with a report at the midpoint of the FY 2009-2010 through FY 2013-2014 planning period, providing an update on the efforts and progress of the proposed activities and program expenditures contained in the Implementation Plan. If necessary, the Implementation Plan may be adjusted to address changing circumstances and/or new opportunities.

ENVIRONMENTAL DETERMINATION

Not a project as defined by CEQA.

FISCAL IMPACT

There are no immediate budgetary impacts associated with the adoption of the new Implementation Plan. The Implementation Plan simply sets forth the anticipated use of redevelopment funds. Funding for specific projects will be appropriated as part of the Agency/City's broader budgetary process.

DEPARTMENT RECOMMENDATION

That the Imperial Beach Redevelopment Agency approve Resolution No. R-10- 209 adopting a Five Year Implementation Plan for the Palm Avenue/Commercial Redevelopment Project Area.

EXECUTIVE DIRECTOR'S RECOMMENDATION

Approve Department recommendation.



Gary Brown, Executive Director

Attachments:

1. Resolution No. R-10-209
2. Five Year Implementation Plan

RESOLUTION NO. R-10-209

A RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY ADOPTING A FIVE YEAR IMPLEMENTATION PLAN FOR THE PALM AVENUE/COMMERCIAL REDEVELOPMENT PROJECT AREA

WHEREAS, the Redevelopment Plan (“Plan”) for the Palm Avenue/Commercial Redevelopment Project Area (“Project Area”) of the Imperial Beach Redevelopment Agency (“Agency”) was approved by the City Council of Imperial Beach by Ordinance No. 96-901, adopted on February 7, 1996; and

WHEREAS, the Plan was subsequently amended on July 19, 2001 by Ordinance No. 2001-970 to add territory to the Project Area; and

WHEREAS, Section 33490(a)(1)(A) of the California Community Redevelopment Law, Health and Safety Code 33000 *et. seq.* (“Law”) requires all redevelopment agencies to adopt an implementation plan every five years, following a noticed public hearing; and

WHEREAS, Section 33490(a)(1)(A) requires that the Implementation Plan contain the specific goals and objectives of the Agency for the Project Area, the specific programs, including potential projects, and estimated expenditures proposed to be made during the next five years, and an explanation of how the goals and objectives, programs, and expenditures will eliminate blight within the Project Area and implement the requirements of Sections 33334.2, 33334.4, 33334.6, and 33413 of Law; and

WHEREAS, pursuant to Section 33490 of the Law, the Agency has prepared a five year implementation plan for fiscal years 2008-09 through 2013-14 for the Project Area (referenced hereinafter as “the Five-Year Implementation Plan”), as contained herewith as Exhibit A; and

WHEREAS, the Agency has conducted a duly noticed public hearing, in accordance with Section 33490(d) of the Law.

NOW THEREFORE THE IMPERIAL BEACH REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Five-Year Implementation Plan is hereby approved and adopted in the form attached herewith.

SECTION 2. This approval and adoption of the Five-Year Implementation Plan does not constitute a project within the meaning of Section 21000 of the Public Resources Code; is not approval of any specific program, project or expenditure; and does not change the need to obtain any required approval of a specific program, project, or expenditure from the Agency or City of Imperial Beach.

IMPLEMENTATION PLAN

**PALM AVENUE/COMMERCIAL
REDEVELOPMENT PROJECT**

**FOR THE PERIOD OF
JULY 2009 – JUNE 2014**

REVISED DRAFT – February 10, 2010

IMPERIAL BEACH REDEVELOPMENT AGENCY

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I. INTRODUCTION

The Implementation Plan (Plan) for the Palm Avenue/Commercial Redevelopment Project Area (Project Area) has been prepared and adopted according to California Community Redevelopment Law. The Plan identifies project activities scheduled for the next five years and includes very low-, low-, and moderate-income housing activities.

The Plan covers the five-year period of July 2009 through June 2014. Previous Implementation Plans were as follows:

	Date Adopted	Planning Period
Original Implementation Plan	February 1996	March 1996 – March 2000
Second Implementation Plan	March 2000	March 2000 – March 2004
Third Implementation Plan	March 2005	July 2004 – June 2009

The Original Implementation Plan for the Palm Avenue/Commercial Redevelopment Project Area was approved and adopted by the Imperial Beach Redevelopment Agency (Agency) on February 6, 1996, by adoption of Ordinance No. 96-901. The Plan was subsequently amended on July 19, 2001 by Ordinance No. 2001-970 to add territory to the Project Area. Figure 1 illustrates the boundaries of the Project Area. The Palm Avenue/Commercial Redevelopment Plan (Redevelopment Plan) was adopted to address conditions of deteriorating and dilapidated buildings and properties, health and safety hazards, obsolete buildings, shifting and incompatible uses, inadequate utility infrastructure, and deteriorated public rights-of-way found throughout the Project Area. As isolated or sporadic attempts to eliminate blight in these areas were not, and are not, effective, the Redevelopment Plan was adopted to provide a comprehensive, community-wide approach to the reversal of blight and deterioration over the long-term.

The Palm Avenue/Commercial Redevelopment Plan has been amended as follows:

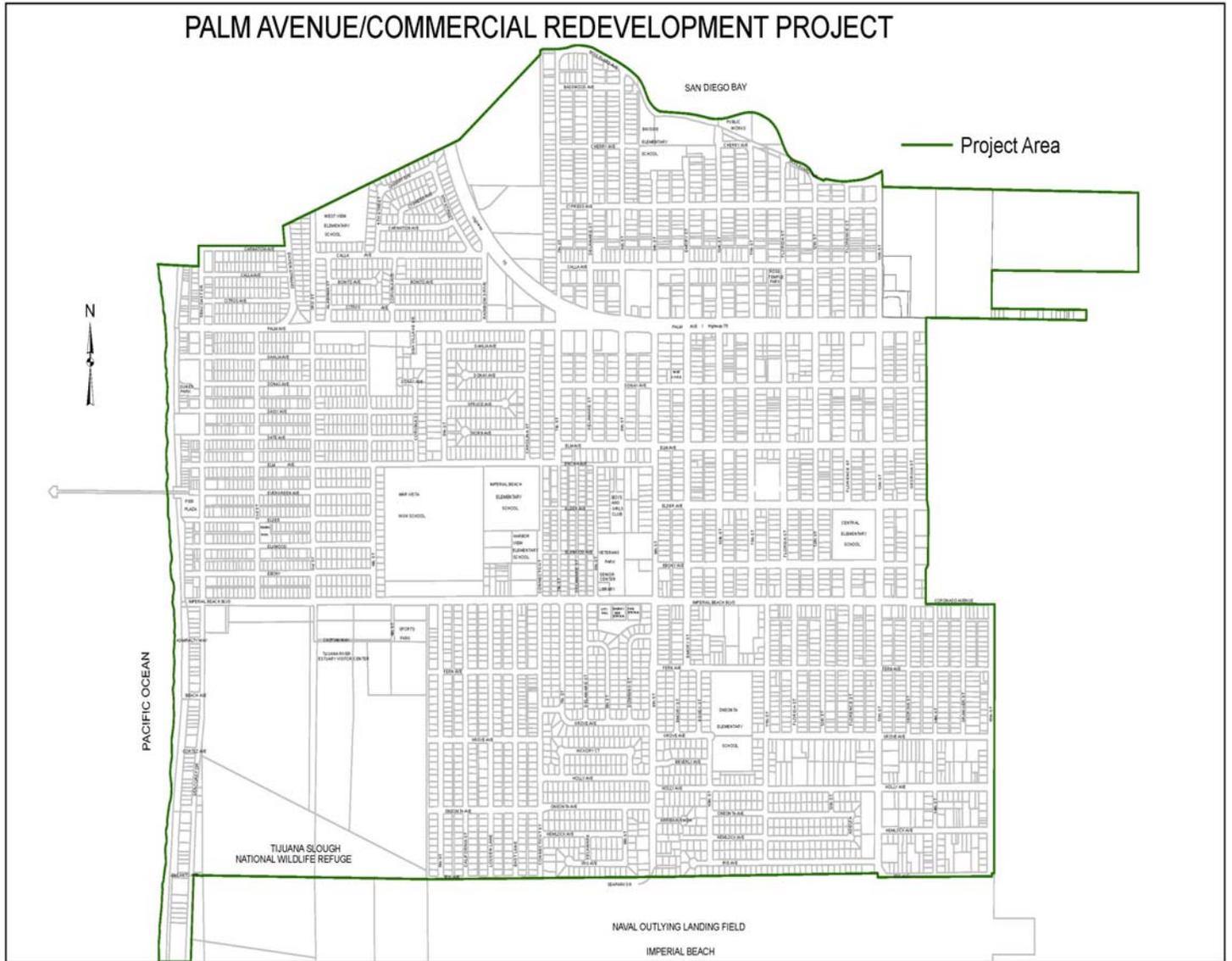
	Date Adopted	Ordinance Number
Original Redevelopment Plan	February 6, 1996	Ordinance No. 96-901
1 st Amendment	July 18, 2001	Ordinance No. 2001-970
2 nd Amendment	December 20, 2006	Ordinance No. 2006-1050
3 rd Amendment	March 5, 2008	Ordinance No. 2008-1066

The 1st Amendment added the Amendment Area to the Palm Avenue/Commercial Redevelopment Project Area; the 2nd Amendment adopted a text amendment to the Redevelopment Plan, clarifying that the amendment to the Redevelopment Plan under Ordinance No. 2001-970 added the Amendment Area to the Original Project Area and was not intended to add a new project area by its own terms; and the 3rd Amendment reaffirmed the existence of blight in the Project Area and extended the authority to use eminent domain for an additional twelve years.

Time limits relating to the Palm Avenue/Commercial Redevelopment Project Area are as follows:

Exhibit I-1				
	Final Date to Incur Indebtedness	Duration of Redevelopment Plan	Final Date to Collect Tax Increment Revenue	Eminent Domain
Original Area	March 9, 2017	March 9, 2017	March 9, 2042	March 5, 2020
Amended Area	August 17, 2022	August 17, 2022	August 17, 2047	No Authority
Bonded Indebtedness Limit:				\$120,000,000

FIGURE 1



REV

II. COMPLETED PROJECTS AND CONTRIBUTION TO BLIGHT REMOVAL

The following is a partial list of projects by work program areas that the Agency has implemented in the Project Area:

A. *Public Infrastructure and Facilities*

1. Old Palm Avenue Streetscape Project

- Issued Request for Qualifications (RFQ)
- Selected consultant
- Completed plans and specifications
- Constructed approximately 2,400 linear feet of pedestrian improvements, including an outdoor surfboard museum, sidewalk, streetlights and landscaping enhancements, and street calming measures such as intersection and mid-block bulb-outs

2. Veteran's Park

- Installed new lights
- Planted new landscape
- Installed water efficient irrigation
- Built gazebo and trellis
- Built horseshoe pits

3. Sidewalks

- Installed sidewalks, curb, and gutter
- Installed wheelchair access ramps

4. Streets

- Phase I and II

B. *Commercial Projects and Programs*

1. 9th & Palm Redevelopment Project

- Issued RFQ
- Selected developer
- Entered into Exclusive Negotiation Agreement (ENA) with selected Developer

2. Façade Improvement Program

- Established program
- Completed storefronts

3. Eco-Tourism Study

- Established Advisory Committee
- Completed Eco-Tourism study
- Completed and distributed brochure

C. Housing Projects and Programs

1. Casa Estable I and II

- Provided two loans totaling \$1,120,879
- Rehabilitated 15 very low income units

2. Beachwind Court

- Provided a \$1,945,000 loan
- Rehabilitated eight (8) very low-income and seven (7) low-income units

3. Clean and Green Program

- Provided loans to low- and moderate-income families for water and energy efficiency improvements

D. Planning Projects

1. Palm Avenue Commercial Corridor Master Plan

- Issued RFQ
- Selected developer
- Completed Master Plan

III. DESCRIPTION OF BLIGHTING CONDITIONS WITHIN THE PROJECT AREA

According to the Agency's documents prepared to justify establishing a redevelopment program, the Project Area contained numerous blighting conditions including the following:

- Buildings and infrastructure that is dilapidated, unsafe and unhealthy
- Inadequate public infrastructure
- Physical conditions that hinder economic viable use
- Incompatible uses
- Irregular lots under mixed ownership

Many of these blighting conditions have begun to be addressed by the Agency through the development of new projects, both public and private. The Agency has participated with owners in the Project Area to implement commercial projects as well as supporting the rehabilitation of very low- and low-income housing. Despite these efforts, the blighting conditions listed above remain.

IV. SPECIFIC GOALS AND OBJECTIVES OF THE AGENCY FOR THE PROJECT AREA FOR THE PERIOD JULY 2009 – JUNE 2014

To further eliminate the blighting conditions described in the previous section, the following goals/objectives are established. The goals and objectives for the Project Area are in accord with the Imperial Beach General Plan (General Plan) which sets the vision for the future form of the community. The General Plan's overriding goal shall be the retention of the quality of life and atmosphere of a small beach-oriented town.

Specific goals of the Agency to address the blighting conditions in the Project Area include:

1. Revitalization of the Palm Avenue and 13th Street business corridors through the rehabilitation of existing structures, the redevelopment of opportunity sites, and business retention and attraction programs.
2. Improvements to the City's bayfront as a recreational area to serve both passive and active recreational uses, and as an asset for a healthy tourist industry.
3. Elimination and prevention of blight and deterioration; and the conservation, rehabilitation and redevelopment of the Project Area in accord with the General Plan, specific plans, the Redevelopment Plan and local codes and ordinances.
4. Achievement of an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.
5. Provision for increased revenues to the City, including sales, business license, and other fees, taxes and revenues to the City.
6. Provision for tax increment to provide funds as necessary to finance rehabilitation and development programs which cannot be accomplished through existing publicly funded programs or by the private sector acting alone to eliminate blighting influences in the Project Area.
7. Encouragement of neighborhood serving commercial uses such as markets, movie theaters, family recreation, and general goods stores.
8. Creation and development of local job opportunities and the preservation of the area's existing employment base.

9. Elimination or amelioration of certain environmental deficiencies, including substandard vehicular circulation systems; inadequate water, sewer, and storm drain systems; insufficient off-street parking; and other similar public improvements, facilities, and utilities deficiencies adversely affecting the Project Area.
10. Encouragement of investment by the private sector in the redevelopment of the Project Area by assisting in the alleviation of impediments to such redevelopment.
11. Elimination of blight through abatement of code violations.
12. Assembly of parcels into more developable sites for more compatible uses.
13. Expansion and upgrading of housing opportunities in the community to eliminate blight and improve housing stock and standards for the present population.
14. Encouragement of participation of the Project Area businesses, property owners, and community organizations in the redevelopment of the Project Area.
15. Attraction of State, Federal, and other grants, loans, and funds.
16. Improvement of public view through the rehabilitation of private facades and signage.
17. Development or construction of various public facilities, including fire, police, transportation, library, recreational, or academic facilities, as may be beneficial to the public welfare or enjoyment.

V. SPECIFIC PROJECTS AND EXPENDITURES PROPOSED TO BE MADE DURING THE PERIOD JULY 2009 – JUNE 2014

A number of projects have been identified which would reduce or eliminate many of the blighting influences listed in Section III. Whereas California Redevelopment Law requires a five-year implementation plan regardless of economic conditions existing during the five-year period, it should be understood that the timing of these projects may be greatly influenced by market conditions and the ability of the private sector to respond to Agency initiatives. The projects and expenditures presented below rely on the private sector's ability to obtain financing for projects as well as the Redevelopment Agency's ability to maintain and increase its tax increment flow. If Redevelopment Agency funds are further depleted due to new requirements imposed by State and local legislation or actions, it is unlikely that many of the projects listed below will be implemented.

A. Five-Year Work Program

The work programs are established based upon available resources and market opportunities. The descriptions identify near-term opportunities to remove blight in the Project Area. However, within the next five years, new implementation programs and priorities could arise. The Plan may be amended to take advantage of unforeseen and significant opportunities. Certain projects may not be constructed, but may, upon study prior to implementation, be delayed or eliminated.

The Agency also plans to participate in a number of activities with private and non-profit entities to implement the Palm Avenue/Commercial Redevelopment Project Area. More specific project descriptions will be developed as projects are submitted for Agency assistance. The project's individual contribution to blight removal will be evaluated at that time. The Agency will assist in private activities as the market presents opportunities to do so.

The work programs are divided into five (5) sets of activities: (1) Commercial Projects and Programs, (2) Public Infrastructure and Facilities, (3) Housing Projects and Programs, (4) Project-Wide Activities, and (5) Planning Projects. A detailed break-out of each work program is provided in Tables 1 through 5.

TABLE 1

**PROPOSED COMMERCIAL PROJECTS AND PROGRAMS
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY**

Project	Project/Program Description	Contribution to Blight Removal
Commercial Projects and Programs:		
9th & Palm Redevelopment Project	Pursue a public/private partnership for the redevelopment of the 9 th & Palm development site.	Stimulate additional development and enhance consumer opportunities for the community
Visitor Serving Facilities and Infrastructure	Determine the feasibility and assist in the development of visitor serving facilities and infrastructure.	Provide for appropriate development that will create new economic opportunities
Visitor Serving Facilities and Infrastructure including, but not limited to the following: El Camino, Seacoast Inn, Mundt Property, and Bikeway Village	Pursue a public/private partnership for the development of visitor serving facilities and infrastructure.	Provide for appropriate developments that will create new economic opportunities.
Façade Improvement	Provide grants to improve the physical appearance of commercial/retail properties through installation of lighting, landscape, painting, and signage improvements.	Aid the private sector in the improvement of street facades and restoration of commercial properties rehabilitate blighted structures
Commercial Rehabilitation and Redevelopment	Assist private owners in financing rehabilitation and development work.	Rehabilitate blighted structures and create new economic opportunities
Expedited Development Processing	Provide environmental review, plan review, and entitlement assistance to owners and/or developers.	Increase the rate at which projects are redeveloped, developed, or rehabilitated
Commercial Development Program	A program for retaining expanding, and enhancing the operation of existing retail businesses.	Attract new development, increase investment, and create new economic opportunities
Farmers Market	Assist in the development of a community managed special event.	Public/private partnerships to create public amenities to attract new development and increase investment in the Project Area.

TABLE 2

**PROPOSED PUBLIC INFRASTRUCTURE AND FACILITIES
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY**

Project	Project/Program Description	Contribution to Blight Removal
Public Infrastructure and Facilities:		
Street Lighting/Lighting Conversion	Design and implement new street lighting system, convert existing low-pressure sodium to high-pressure sodium lights.	Increased lighting will improve public safety and deter crime
Conference Facilities	Study the feasibility and development of conference facilities	Provide a catalyst for new development and investment, and remove blighted, underutilized properties
Sand Replenishment (Army Corps of Engineers, SCOUP, and Regional Beach Sand Project II)	Use various sand replenishment programs to restore the beach areas along the Imperial Beach coastline.	Enhance the safety of coastal properties and the viability of visitor serving infrastructure
Seacoast Drive Enhancements	Enhance major north/south thoroughfare with new landscaping, paving, and street furniture; improve transit accessibility.	Replacement of inadequate public improvements, improve commercial activity on Seacoast Drive
Underground Utility Lines	Bury all overhead utility lines and pad-mounted facilities.	Remove visually blighting influence, enhance area as desirable location
Enhanced Community Facilities	Create, or improve existing, parks, public spaces and/or plazas and recreational facilities.	Create residential amenities and provide adequate public facilities for the City
Palm Avenue from 7th to 3rd Street Improvement	Improve major east/west thoroughfare with new landscaping, paving, and street furniture; improve bicycle, pedestrian, and transit accessibility.	Improve appearance of the primary visitor access to coast; catalyst for redevelopment of adjacent vacant and underutilized properties
Eco Bikeway	Improve bicycle access at entrances within the City.	Enhance safety for visitors and residents
Street End Improvement Projects	Enhance the western terminus of the east/west streets with paving, lighting, and street furniture.	Enhance the safety and accessibility of visitors and residents.
Underground Above-Ground Utility Lines	Bury all overhead utility lines & pad-mounted facilities	Remove visually-blighting influence, enhance area as desirable location.

TABLE 2 (CONT'D.)

**PROPOSED PUBLIC INFRASTRUCTURE AND FACILITIES
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY**

Project	Project/Program Description	Contribution to Blight Removal
Public Infrastructure and Facilities:		
Increase Availability of Parking in the Seacoast Drive Corridor	Increase the availability of parking to support uses through the development of parking facilities and a comprehensive strategy.	Enhance the development opportunities to the immediate area and enhance adjacent residential area quality of life
Miscellaneous Public Improvements and Facilities	Provide public improvements & facilities as needed within the Project Area.	Replacement of outdated public improvements & facilities to provide an incentive for private investment, thereby removing removing blight.
Open Spaces and Parks, Including Birders Point, Eco Bikeway, and State Route 75	The creation of public open spaces for active public use.	Increase the amount of active public open space to enhance eco-tourism opportunities and quality of life
Water, Sewer, and Storm Drain Upgrades	Replace outdated and outmoded water, sewer, and storm drain facilities.	Allows for new development to occur
State Route 75 Sound Wall	Design and construct a sound attenuation wall from the City limit to Rainbow Drive	Enhances desirability of adjacent land for development
Schools/Educational Facilities	Coordinate with various school districts and private schools, with possible infrastructure and parks improvements and land assembly, to retain, establish and expand a full range of educational and recreational opportunities for residents, families and workers.	Private, magnet and charter elementary schools can be integrated into urban mixed-use projects, providing a necessary service to downtown families and workers
Miscellaneous Information Technology	Provide technology infrastructure improvements as needed.	Replacement of outdated infrastructure to insure adequate distribution of information.
Alley District Formation and Construction	Provide the necessary design, legal, and planning needed to improve alleys.	Eliminate unsafe and unsanitary public infrastructure

TABLE 3

**PROPOSED HOUSING PROJECTS AND PROGRAMS
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY**

Project	Project/Program Description	Contribution to Blight Removal
<i>Housing Projects and Programs:</i>		
Clean and Green Improvement Loans	Small loans designed to provide incentives for property owners to undertake energy and water efficient improvements.	Aid the private sector in improving energy and water efficiencies and restoring neighborhoods
Low- and Moderate-Income Housing Loans - Rental Housing	Assist the private sector in the development of affordable rental housing.	Increase the supply of decent affordable housing available to a broad spectrum of individuals
American Legion Mixed-Use Affordable Housing Project	Assist the private sector in the development of affordable rental housing.	Increase the supply of decent affordable housing available to a broad spectrum of individuals
10th Avenue Mixed-Use Affordable Housing Project	Assist the private sector in the development of affordable rental housing.	Increase the supply of decent affordable housing available to a broad spectrum of individuals
Neighborhood Revitalization	Support the implementation of revitalization efforts including graffiti abatement, code compliance, IB Beautiful, and Paint IB with neighborhood and community groups.	Restoring neighborhoods by rehabilitating blighted structures and properties
California First	Worked with the County to administer and market an energy efficient improvement program.	Energy efficient upgrades and improvements will help to enhance neighborhoods by eliminating blighted structures
Low-and Moderate Income Housing - For Sale	Assist the private sector in the development of affordable for sale housing.	Increase the supply of affordable housing available to a broad spectrum of individuals

TABLE 4

**PROPOSED PROJECT-WIDE ACTIVITIES
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY**

Project	Project/Program Description	Contribution to Blight Removal
<i>Project-Wide Activities:</i>		
Elimination of Toxic Substances	Systematic identification, removal, and remediation of toxic substances.	Faciliate the redevelopment of "brownfields", urban areas that are suspected of being contaminated by hazardous materials
Construct Off-Site Improvements	In conjunction with private development, construct off-site improvements, including sidewalks, lighting, street trees, and street furniture.	Public/private partnership to replace outdated public improvements
Acquisition and/or Disposition of Property and Relocation Services	Acquire and assemble developable parcels for public facilities and private development.	Remove/demolish blighted and other properties, where necessary, to provide for appropriate new development
Elimination of Blighting Conditions	Acquire or otherwise eliminate and mitigate blighting influence uses including vacant properties.	Eliminate general blighting characteristics of specific properties to be identified

TABLE 5

**PROPOSED PLANNING PROJECTS
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY**

Project	Project/Program Description	Contribution to Blight Removal
<i>Planning Projects:</i>		
Palm Avenue Commercial Corridor - Design and Development	Design and development drawings and environmental analysis of the Palm Avenue Commercial Corridor Master Plan	Enhance a major gateway to Imperial Beach; provide needed improvements to public infrastructure; and provide an incentive for private investment
Housing Element	Update to the Housing Element	Establishes specific goals and policies which guide the development of housing in the City of Imperial Beach
General Plan Update	Review and update the Imperial Beach General Plan	The Plan establishes specific goals and policies which guide the specific implementation of projects which remove numerous and various blighting conditions
Commercial Zoning Review	Review and adopt an amendment to the Zoning Ordinance.	The Zoning Code informs and controls the uses and types of development that can be constructed in the City all of which remove numerous and various blighting conditions.
Miscellaneous Specific Plans	Work with the community and consultant teams to develop planning documents and environmental analysis for specific functions or areas in the City.	Specific plans establishes goals and policies which guide the enactment of the Redevelopment Plan which remove various blighting conditons.

B. Projected Expenditures

The projects listed above represent the current priorities of the Redevelopment Agency in terms of public infrastructure/facility and private activities. The Plan includes a projected \$61 million in expenditures for the Project Area over the five-year period. The expenditures are projected to consist of the following:

- \$17.6 million for payments to the taxing entities;
- \$19.7 million for debt service;
- \$9.7 million for public improvements/infrastructure; and
- \$14.0 million for implementation costs associated with developments.

VI. EXPLANATION OF HOW THE GOALS AND OBJECTIVES, PROJECTS AND EXPENDITURES WILL ELIMINATE PROJECT AREA BLIGHTING CONDITIONS

Specific projects listed in the previous section include a description of how blight is eliminated as a result of implementation of a specific project. However, the cumulative effects of all of the projects listed will have a greater impact in eliminating blight than individual projects alone.

The projects described in the previous section improve the Project Area by:

- Increasing employment through provision of additional jobs created as a result of private sector investment,
- Increasing residential stability as a result of improved neighborhood conditions and an improved housing stock which meets the needs of a broad spectrum of incomes;
- Correcting original deficiencies in planning of Imperial Beach's commercial corridors through redevelopment, thereby creating a more cohesive and appropriate environment for residents and visitors alike;
- Increasing private investment as a result of catalytic projects created in the Project Area; and
- Reducing commercial vacancies due to new businesses entering the community as blight is removed.

VII. HOUSING PRODUCTION PLAN

In addition to the removal of blight, a fundamental purpose of redevelopment is to expand and preserve the supply of low- and moderate-income housing. To accomplish this purpose, State law contains numerous provisions to guide redevelopment agency activities with regard to affordable housing. One of these provisions is a requirement placed on redevelopment agencies to include a housing production plan in each five-year Implementation Plan. The housing plan must specify the Agency's intended approaches to increase, improve, and preserve the supply of low- and moderate-income housing.

This section is organized as follows:

- First, a brief description of the Agency's strategy for providing affordable housing in the Project Area.
- Next, the three principal housing mandates of California Community Redevelopment Law are reviewed: set-aside funds, the replacement rule, and the inclusionary obligation. This review includes an assessment of the Agency's present situation with respect to each requirement.
- Lastly, specific targets for housing production are identified for five- and ten-year horizons, as well as the life of the Project Area.

A. Affordable Housing Strategy

State law requires consistency between the Agency's Implementation Plan and the City's Housing Element of its General Plan (Housing Element). The City of Imperial Beach's Housing Element was adopted in September 2009. The Housing Element presents information on City demographic and housing characteristics, identifies principal housing needs in the community, assesses opportunities and constraints to meeting housing needs, and identifies specific housing goals, policies, and programs. The 2005-2010 Housing Element identifies six goals and related objectives to address Imperial Beach's housing needs, as follows:

Goal 1: Housing opportunities and accessibility	
1-1	Seek assistance under federal, state, and other programs for eligible activities within the City that address affordable housing needs.
1-2	Provide home ownership opportunities whenever possible.
1-3	Encourage the development of housing and programs to assist special needs persons.
1-4	Cooperate with the Housing Authority of the County of San Diego to meet the growing demand for public housing units and rental assistance through the Voucher programs.

Goal 2: Remove constraints	
2-1	Provide the citizens in the City of Imperial Beach with reasonably priced housing opportunities within the financial capacity of all members of the community.
2-2	Provide technical assistance to developers, non-profit organizations, or other qualified private sector interests in the application and development of projects for federal and state housing programs/grants.
Goal 3: Provide and maintain an adequate supply of sites for the development of new affordable housing	
3-1	Provide information to for-profit and non-profit developers and other housing providers on available vacant land.
3-2	Provide opportunities for mixed-use developments.
3-3	Provide a sufficient amount of zoned land to accommodate development for all housing types and income levels.
Goal 4: Preserve, rehabilitate, and enhance existing housing and neighborhoods	
4-1	Preserve existing neighborhoods.
4-2	Maintain, preserve, and rehabilitate the existing housing stock in the City of Imperial Beach.
Goal 5: Provide housing free from discrimination	
5-1	Eliminate housing discrimination.
Goal 6: Encourage and enhance coordination of housing	
6-1	Maximize coordination and cooperation among housing providers and program managers.

The Implementation Plan must be consistent with the Housing Element of the City's General Plan. California Health and Safety Code Section 33334.4 requires redevelopment agencies to target Low-Mod Housing Fund expenditures to the relative percentage of unmet need for very low, low, and moderate income units, as defined in the City's most recently approved Housing Element. Therefore, calculations regarding how Low-Mod Housing Funds should be targeted as indicated on pages 21-22 and Table 11, and are based upon housing needs identified in the City's 2005-2010 Housing Element.

B. Low and Moderate Income Housing Requirements

State law requires that a minimum of 20% of the tax increment generated in Project Area be used for the purposes of increasing or improving the community's supply of very low, low, and moderate income housing. One exception to this requirement pertains to Redevelopment Plans adopted before 1977, where those Project Area are allowed to defer Low-Mod Housing Fund deposits until 1996-1997 (or beyond) to fund existing projects, programs, and activities; the deferral can last as long as there are existing obligations.

1. Excess Surplus

State law mandates that redevelopment agencies use Low-Mod Housing Fund monies in a timely manner, or otherwise forfeit these funds to other public agencies with housing responsibilities. Specifically, the law stipulates that agencies may not retain “Excess Surplus” in their Low-Mod Housing Funds. “Excess Surplus” is defined as the unexpended or unencumbered amount of an Agency’s Low-Mod Housing Fund that exceed the greater of \$1,000,000 or the aggregate amount deposited in the fund during the preceding four years.

This calculation is performed annually and reported to the State Department of Housing and Community Development on Schedule “C” of the Agency’s annual report. An agency with an excess surplus has the following fiscal year to either transfer the surplus to the housing authority or to expend/encumber the surplus funds. Failure to spend or encumber the excess surplus within an additional two years (for a total of three years from the date the funds became excess surplus) results in an agency losing most of its discretionary powers over redevelopment until the surplus, plus an amount of non-Housing Funds equal to 50% of the surplus amount, is spent or encumbered. Determination of when excess surplus will occur will affect the timing of expenditure of Low-Mod Housing Funds.

The Agency’s 2007-2008 Schedule HCD-C report to the State, as summarized below, illustrates that the Agency currently has no Excess Surplus in its Low-Mod Housing Fund.

Low Mod Fund - Excess Surplus Calculation				
Fiscal Year	Increment Deposited	Sum of Increment Deposited	Unencumbered Balance	Excess Surplus
2003 - 2004	\$608,900			
2004 - 2005	\$884,100			
2005 – 2006	\$1,174,200			
2006 - 2007	\$1,480,800			
Total		\$4,148,000	\$3,091,300	\$0

2. Low-Mod Housing Fund Targeting

Under California Health and Safety Code Section 33334.4, the Agency must target set-aside expenditures in accordance with an income proportionality test and an age restriction proportionality test. These proportionality tests must be met between January 1, 2002 and December 31, 2014, and then again through the termination of the Redevelopment Plan. These tests do not have to be met on an annual basis.

Income Targeting Proportionality Test

Under California Health and Safety Code Section 33334.4, the Agency must expend Housing Funds in proportion to the regional housing needs assessment (RHNA) as defined in Government Code Section 65584 and established by the San Diego Association of Governments (SANDAG). The table below presents Imperial Beach's RHNA obligations and extrapolates the proportional spending limits for each income category.

Regional Housing Needs Assessment Unit Obligations			
Income Category	Total Units	% of Total	Expenditure Proportionality
Very-Low Income	13	34%	At Least 34%
Low Income	9	24%	At Least 24%
Moderate Income	16	42%	At Most 42%
Totals	38	100%	

The Agency is entitled to expend a disproportionate amount of funds for very low income households, and to subtract a commensurate amount from the low and/or moderate income thresholds. Similarly, the Agency can provide a disproportionate amount of funding for low income housing by reducing the amount of funds allocated to moderate-income households. In no event can the expenditures targeted to moderate-income households exceed the established threshold amount.

In order to meet the income targeting standards, the Agency proposes that the Implementation Plan allocate 34% of the Low-Mod Housing Fund project and program expenditures to very low income households, 24% of the fund to low income households, and no more than 42% of the funds to moderate income households.

Age-Restricted Proportionality Test

Section 33334.4 also requires redevelopment agencies to cap assistance for age-restricted housing based on the percentage that very low and low income senior citizens within the very low and low income households in the community. As shown below, based on the 2000 United States Census data, the very low and low income senior citizen population represents 14% of the very low and low income population in Imperial Beach.

Age Restricted Proportionality Test		
Income and Age	Population	Expenditure Proportionality
Very Low/Low Income Under 65 Years Old	4,212	86%
Very Low/Low Income 65 Years and Older	690	14%
Total	4,902	100%

In order to meet the age restriction proportionality test requirements, the Agency proposes that the Implementation Plan allocate 86% of the Low-Mod Housing Fund project and program expenditures to non-age-restricted housing.

3. Replacement Obligation

State law also requires the replacement of low- and moderate-income housing when an agency causes the removal of such housing as part of its redevelopment activities. Redevelopment agencies are required to cause the development of replacement dwelling units, for low- or moderate-income households, in numbers equal to those eliminated, within four years of removal.

To date, the Agency has not caused any housing units or households to be displaced. Consequently, the Agency has not incurred any obligation to provide replacement housing units.

4. Inclusionary Housing

State law incorporates inclusionary housing requirements where defined percentages of housing are reserved for low- and moderate-income households. Where the Agency does not directly develop or substantially rehabilitate units, at least 15% of all new or substantially rehabilitated units in a Project Area must be affordable to low- and moderate-income households. Of the 15% restricted, 40% must be restricted to very low-income households.

If housing is developed or rehabilitated by the Agency itself, 30% of the housing must be affordable to low and moderate income households. Of those units restricted, 50% must be affordable to very low-income households.

Prices or rents for inclusionary housing units must be restricted by Agency-imposed covenants for the longest feasible time, as determined by the Agency. With respect to for-sale housing, this restriction must apply for a minimum of 45 years. The minimum requirement for rental housing is 55 years.

State law allows redevelopment agencies to combine developments from several Project Areas to meet the inclusionary obligation described above. In addition, housing production outside Project Areas may be counted, on a 2-for-1 basis, in order to fulfill these requirements.

Status of Inclusionary Production

As shown in Table 6, a total of 121 housing units have been developed and/or substantially rehabilitated in the Project Area. Of this total, 30 units have been developed and/or substantially rehabilitated in the past five (5) years, eight (8) units are low/moderate income units and 22 are very low income units. All of the housing units produced have been built by private developers. Casa Estable I and II, rehabilitated in 2007, and Beachwind Court, rehabilitated in 2009, include affordability restrictions that meet the inclusionary housing requirements pursuant to California Health and Safety Code Section 33413.

Based on the total production level since inception of the Plan, the Agency's inclusionary obligation for low- and moderate-income units is 21 units, of which 8 must be affordable to very low-income households. To date, the Agency has restricted 30 units (of which 22 are restricted to very low income households). As a result, the Agency has a current inclusionary housing surplus of nine (9) units.

TABLE 6

**SUMMARY OF PRIOR HOUSING PRODUCTION
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY**

	<u>Year</u>	<u>Total Number of Units</u>	<u>Inclusionary Obligation @ 15.0%</u>	<u>Qualifying as Inclusionary Units</u>	
				<u>Low/Moderate</u>	<u>Very Low</u>
I. Start of Redevelopment Plan (through December 2004)		91	14	0	0
<hr/>					
II. January 2005 - June 2009					
Casa Estable I	2007	7	2	0	7
Casa Estable II	2007	8	2	0	8
Beachwind Court	2009	<u>15</u>	<u>3</u>	<u>8</u>	<u>7</u>
Housing Production (2005 - 2009)		30	7	8	22
III. Total Housing Production		121	21	8	22

Total Inclusionary Housing Surplus/(Deficit) (through June 2009)	<u>Total Surplus/(Deficit)</u>	<u>Low/Moderate</u>	<u>Very Low</u> ⁽¹⁾
Inclusionary Units Produced	30	8	22
(Less) Inclusionary Obligation	<u>(21)</u>	<u>(13)</u>	<u>(8)</u>
Total Inclusionary Housing Surplus/(Deficit)	9	(5)	14

(1) Forty percent (40%) of the inclusionary housing obligation should be targeted to very low-income households.

C. Proposed Housing Program

Redevelopment agencies are required to outline proposed housing activities at varying levels of detail for five years, ten years, and the life of the Redevelopment Plan. Accordingly, this section addresses the Agency's housing goals, and identifies planned housing production, both market-rate and affordable, for all three time periods.

The Agency's Project Area and the City of Imperial Beach as a whole are nearly built out. Therefore, the opportunities to develop new housing units, whether market-rate or affordable, are few in number. For this reason, the Agency will continue to pool its available housing funds to support a limited number of housing developments within the Project Area limits.

1. Housing Production

The Agency has estimated inclusionary housing production based on future redevelopment potential within the Project Area. As presented in Tables 7 through 9 and summarized below, future inclusionary housing production will continue to meet State law requirements over the next five years, ten years, and the life of the Plan.

<u>Inclusionary Housing Requirements and Production</u>					
		Inclusionary Requirement (15%)		Very Low-Income Requirement (40%)	
Planning Timeframe	Units Built in Project Area (1)	Required	Produced / Planned	Required	Produced / Planned
Through 2009	121	21	30	8	22
2010 – 2014	47	8	47	4	20
2015 – 2019	25	4	25	1	13
2020 – Life of Plan	52	8	52	3	26
Through Life of Plan	245	41	154	16	81

(1) Per Agency, units built and produced / planned are estimates beyond the 2010-2014 planning period.

TABLE 7

FORECAST OF PROPOSED HOUSING PRODUCTION AND INCLUSIONARY HOUSING OBLIGATION - FIVE-YEAR PLAN
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY

I. Proposed Housing Production (July 2009 - June 2014)						Total Number of Units 2010 - 2014	Inclusionary Obligation @ 15.0%	
Project	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014			
Multi-Green (Covenant Units)	3	2	0	2	0	7	2	
Rehabilitation/New Units	0	20	0	0	0	20	3	
10th and Donax	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>20</u>	<u>20</u>	<u>3</u>	
Total	3	22	0	2	20	47	8	
						Low/ Moderate	Very Low (1)	Total
II. Estimated Inclusionary Housing Obligation								
Inclusionary Housing Obligation through June 2009						13	8	21
Projected Inclusionary Housing Obligation (July 2009-June 2014)						<u>4</u>	<u>4</u>	<u>8</u>
Total Inclusionary Housing Obligation (through June 2014)						17	12	29
III. Projected Inclusionary Housing Production								
Inclusionary Housing Units Produced through June 2009						8	22	30
Projected Inclusionary Housing Production (July 2009-June 2014)								
Multi-Green (Covenant Units)						7	0	7
Rehabilitation/New Units						10	10	20
10th and Donax						<u>10</u>	<u>10</u>	<u>20</u>
Subtotal Inclusionary Housing Production (July 2009-June 2014)						27	20	47
Total Inclusionary Housing Production (through June 2014)						35	42	77
IV. Inclusionary Housing Surplus/(Deficit)								
Total Projected Inclusionary Housing Production						35	42	77
Total Inclusionary Housing Obligation						<u>(17)</u>	<u>(12)</u>	<u>(29)</u>
Total Inclusionary Housing Surplus/(Deficit)						18	30	48

(1) Forty percent (40%) of the inclusionary housing obligation should be targeted to very low-income households.

TABLE 8

**FORECAST OF PROPOSED HOUSING PRODUCTION AND INCLUSIONARY HOUSING OBLIGATION - TEN-YEAR PLAN
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY**

I. Proposed Housing Production (July 2009 - June 2019)	<u>July 2009 to June 2014</u>	<u>July 2014 to June 2019</u>	<u>Total Number of Units 2009 - 2019</u>	<u>Inclusionary Obligation @ 15.0%</u>	
Proposed Housing Production	47	25	72	11	
			<u>Low/Moderate</u>	<u>Very Low</u> ⁽¹⁾	<u>Total</u>
II. Estimated Inclusionary Housing Obligation					
Prior Inclusionary Housing Obligation (through June 2009)			13	8	21
Projected through FY 2019			<u>6</u>	<u>5</u>	<u>11</u>
Total Inclusionary Housing Obligation (through June 2019)			19	13	32
III. Projected Inclusionary Housing Production					
Inclusionary Housing Units Produced through June 2009			8	22	30
Projected Inclusionary Housing Production (July 2009 - June 2014)			27	20	47
Projected Inclusionary Housing Production (July 2014 - June 2019)			<u>12</u>	<u>13</u>	<u>25</u>
Total Projected Inclusionary Housing Production			47	55	102
IV. Inclusionary Housing Surplus/(Deficit)					
Total Projected Inclusionary Housing Production			47	55	102
Total Inclusionary Housing Obligation			<u>(19)</u>	<u>(13)</u>	<u>(32)</u>
Total Inclusionary Housing Surplus/(Deficit)			28	42	70

(1) Forty percent (40%) of the inclusionary housing obligation should be targeted to very low-income households.

TABLE 9

FORECAST OF PROPOSED HOUSING PRODUCTION AND INCLUSIONARY HOUSING OBLIGATION - LIFETIME PLAN ⁽¹⁾
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY

I. Proposed Housing Production (2010-Life of Plan) ⁽¹⁾

	<u>July 2009 to June 2014</u>	<u>July 2014 to June 2019</u>	<u>July 2019 to Life of Plan ⁽¹⁾</u>	<u>Total Number of Units 2010 - 2032</u>	<u>Inclusionary Obligation @ 15.0%</u>	
Total Housing Production	47	25	52	124	19	
				<u>Low/ Moderate</u>	<u>Very Low ⁽²⁾</u>	<u>Total</u>
II. Estimated Inclusionary Housing Obligation						
Prior Inclusionary Housing Obligation (through June 2009)				13	8	21
Inclusionary Housing Obligation Projected through Life of Plan				<u>11</u>	<u>8</u>	<u>19</u>
Total Inclusionary Housing Obligation (through Life of Plan)				24	16	40
III. Projected Inclusionary Housing Production						
Inclusionary Housing Units Produced through June 2009				8	22	30
Projected Inclusionary Housing Production (July 2010 - June 2014)				27	20	47
Projected Inclusionary Housing Production (July 2014 - June 2019)				12	13	25
Projected Inclusionary Housing Production (July 2019 - Life of Plan)				<u>26</u>	<u>26</u>	<u>52</u>
Total Projected Inclusionary Housing Production				73	81	154
IV. Inclusionary Housing Surplus/(Deficit)						
Total Projected Inclusionary Housing Production				73	81	154
Total Inclusionary Housing Obligation				<u>(24)</u>	<u>(16)</u>	<u>(40)</u>
Total Inclusionary Housing Surplus/(Deficit)				49	65	114

(1) Effectiveness of the Redevelopment Plan is as follows: Original Area (March 9, 2027) and Amended Area (August 17, 2032).

(2) Forty percent (40%) of the inclusionary housing obligation should be targeted to very low-income households.

2. Low and Moderate Income Housing Funds Expenditures

Agencies are required to identify: (1) available balances in Low-Mod Housing Fund(s); (2) estimated annual deposits to the Low-Mod Housing Fund(s) over the next five years; and (3) estimated annual Low-Mod Housing Fund expenditures over the same period.

The Agency's Low-Mod Housing Fund's fund balance as of FY 2008-2009 is estimated at \$1,613,000. The Agency currently deposits a total of about \$1,554,000 per year into its Low-Mod Housing Fund. Since set-aside funds are a function of property tax revenues, the actual amount of future deposits will depend on factors such as market conditions and the timing of new taxable development. The Agency can expect to deposit a net total of about \$6.1 million into its Low-Mod Housing Funds over the next five years. In combination with the existing balances, the Agency would therefore have an estimated total \$7.7 million in Low-Mod Housing funds available.

Table 10 presents an estimate of the Agency's fund balance over the next five years. This estimate is summarized as follows:

Projected Low Mod Fund Revenue / Expenditures	
	5-Year Plan (2009/2010 to 2013/2014)
Beginning Balance	\$1,613,000
Revenues	\$8,355,000
Expenditures	<u>(\$9,406,000)</u>
Ending Balance	\$562,000

Table 11 presents an estimate of Low-Mod Housing Fund appropriations based on Low-Mod Housing Fund targeting requirements as identified on pages 21 and 22. These estimates are summarized as follows:

Low-Mod Housing Fund Appropriations

		5-Year Plan <u>2010-2014</u>
Net Low-Mod Housing Fund Revenues (Table 11) (1)		\$7,666,000
Housing Need Appropriations:		
Very Low	At least 34%	\$2,622,600
Low	At least 24%	\$1,815,600
Moderate	No more than 42%	<u>\$3,227,800</u>
Total (rounded)		\$7,666,000
Senior Citizen Projects Appropriations:		
Very Low/Low Under 65 Years Old	86%	\$6,593,000
Very Low/Low 65 Years and Older	No more than 14%	<u>\$1,073,000</u>
Total		\$7,666,000
<p>(1) Reflects Low-Mod Housing Fund beginning balance at 2009/2010 and Low-Mod Housing Fund revenues after operating expenses.</p>		

REVISED DRAFT – February 10, 2010

TABLE 10

**PROJECTED LOW-MOD HOUSING FUND APPROPRIATIONS - FIVE-YEAR PLAN
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY**

	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total 2009-2014
I. Housing Fund Beginning Balance	\$1,613,000	\$2,028,000	\$693,000	\$1,470,000	\$2,087,000	
II. Total Housing Fund Revenues						
Housing Fund Deposits	\$1,554,000	\$1,554,000	\$1,554,000	\$1,554,000	\$1,554,000	\$7,770,000
Bond Proceeds	\$0	\$0	\$0	\$0	\$0	
Interest Income	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$585,000
Total Revenues	\$1,671,000	\$1,671,000	\$1,671,000	\$1,671,000	\$1,671,000	\$8,355,000
III. Total Housing Fund Expenditures ⁽¹⁾						
Debt Service	\$310,000	\$310,000	\$310,000	\$310,000	\$310,000	\$1,550,000
Administration	\$248,000	\$126,000	\$126,000	\$126,000	\$126,000	\$752,000
Expenditures	\$698,000	\$2,570,000	\$458,000	\$618,000	\$2,760,000	\$7,104,000
Total Expenditures	\$1,256,000	\$3,006,000	\$894,000	\$1,054,000	\$3,196,000	\$9,406,000
IV. Housing Fund Ending Balance	\$2,028,000	\$693,000	\$1,470,000	\$2,087,000	\$562,000	

(1) Does not include Supplemental Educational Revenue Augmentation Fund (SERAF) payment. If Agency is required to make SERAF payment (pending lawsuit), financial projections will be modified and addressed in the Mid-Term Update.

Source: Imperial Beach Redevelopment Agency

TABLE 11

**LOW-MOD HOUSNG FUND PROPORTIONALITY REQUIREMENTS - FIVE-YEAR PLAN
PALM AVENUE/COMMERCIAL CORRIDOR PROJECT
JULY 2009 - JUNE 2014 IMPLEMENTATION PLAN
IMPERIAL BEACH REDEVELOPMENT AGENCY**

**Five Year Plan
July 2009 - June 2014**

I. Estimate of Net Revenue

A. Beginning Balance		\$1,613,000
B. Revenues		\$8,355,000
C. (Less) Operating Expenses		<u>(\$2,302,000)</u>
D. Total Fund Balance/Net Revenue		\$7,666,000

II. Housing Need

A. Very Low Income	34%	\$2,622,600
B. Lower Income	24%	\$1,815,600
C. Moderate Income	<u>42%</u>	<u>\$3,227,800</u>
D. Total	100%	\$7,666,000

III. Expenditures on Senior Citizen Projects

A. Very Low/Low Under 65 Years Old	86%	\$6,593,000
B. Very Low/Low 65 Years and Older	<u>14%</u>	<u>\$1,073,000</u>
C. Total	100%	\$7,666,000

VIII. SUMMARY

The Plan sets forth specific projects planned for the Project Area during the next five years in accordance with the Imperial Beach General Plan and the California Community Redevelopment Law. The Plan provides for a number of catalytic projects including construction and rehabilitation of low- and moderate income housing. The Plan sets forth programs which, when implemented, will aid the private sector to reinvest in Imperial Beach. These programs include: Façade Improvement, Clean & Green rehabilitation loans, and land write-downs. The Plan also sets forth the provision of major public improvements, including street improvements and facilitation of major public facilities. In addition, the Plan provides for continued investment in commercial and residential rehabilitation projects which will help secure the long-term success of the public investments already implemented in the Project Area.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL/CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR

MEETING DATE: FEBRUARY 17, 2010 – TIME SPECIFIC FOR 7:00 PM

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR *GW*

SUBJECT: COMMERCIAL ZONING REVIEW

BACKGROUND:

On June 24, 2009, a combined City Council and Design Review Board (DRB) workshop was held to present the results and recommendations of the City's Commercial Zoning Review. At this workshop, the consultant team headed by EDAW/AECOM Inc. (EDAW), presented specific recommendations for zoning amendments based upon the review of the City's commercial zones. During the workshop, concerns were raised about the extensive amount of information provided and about some of the specific recommendations being presented, particularly those involving proposed increases to building height and residential densities. As such, the City Council and Design Review Board (DRB) requested that additional workshops be conducted to go over the information in more detail and to allow for additional input from the City Council, DRB and the public.

On July 28, 2009, another City Council/DRB Workshop was held. This workshop was attended by over 70 members of the community many of whom raised concerns about the Commercial Zoning Review and, more specifically, about the process for reviewing the potential draft zoning amendments to the City's Commercial Zoning and General Plan.

On September 23, 2009, staff presented to the City Council options for the review process moving forward for this effort. The City Council directed staff to schedule a special meeting at which the Council could discuss the Commercial Zoning Review recommendations prior to establishing a community outreach and review process.

On October 26, 2009, the City Council held a Special Meeting to discuss the Commercial Zoning Review recommendations. At beginning of this meeting, the City Council voted to eliminate the following potential zoning amendment recommendations from consideration:

1. A 60-foot height overlay zone along Palm Avenue from Emory westward to Rainbow Drive.
2. Minimum residential density requirements.
3. A 40-foot height limit on the east side of Seacoast Drive and along Old Palm Avenue from Seacoast Drive to 3rd Street, subject to incentive criteria.
4. Elimination of the Mixed-Use Overlay Zone (MU-2 Zone) west of Ocean Lane.

After discussion, a majority of the City Council voted to consider and discuss the possibility of allowing building of up to 35 feet, not 36 feet as proposed in the potential amendments, on the east side of Seacoast Drive and along Old Palm. This increased height would be permitted only if a proposed project met specific development incentive criteria. The development incentives were one of the items identified by the City Council to be discussed in more detail at the meeting on November 18, 2009.

On November 18, 2009, staff and the consultant team made another presentation to the City Council on the Commercial Zoning Review recommendations. While the City Council had anticipated discussing the parking requirements, performance-based incentives, floor area ratios (FAR's), setbacks and stepbacks, and maximum residential densities, due to time constraints and the depth of discussion, the City Council was only able to cover the parking requirements. The City Council was generally supportive of the proposed recommended parking amendments which included:

- 1) Reducing the overall parking ratios/requirements for commercial development
- 2) Allowing a 25% parking reduction for vertical (taller than one story) development
- 3) Allowing a parking waiver for commercial uses of less than 1,000 square feet
- 4) Allowing a shared parking reduction, subject to a project-specific study

The City Council also suggested that some additional study of existing parking might be necessary, particularly along Seacoast Drive and Old Palm Avenue, in order to support the recommended parking regulation amendments. This will be particularly important as any amendments approved by the City Council must then be certified and approved by the Coastal Commission.

DISCUSSION:

On Wednesday, December 16, 2009, the City Council continued its focus discussions on the following items:

- Maximum Residential Densities
- Setbacks and step-backs
- Floor Area Ratios (FARs)
- Performance-based incentives

Staff and a member of the consultant team presented an overview of these items and responded to questions and comments from the City Council. During this discussion, questions were asked and comments were made regarding the proposed recommendations, including those pertaining to maximum residential densities, floor area ratio (FAR), and the amount of commercial square footage generated with the proposed recommendations as compared to the existing zoning. The City Council elected to continue this focus discussion and provide more formal recommendations at their meeting on January 20, 2010. This item was then continued to February 17, 2010.

At the meeting on February 17, 2010, staff will provide a concise overview of the recommendations for which specific recommendations are needed and will also be available to answer any additional questions. It should also be noted that an additional focus discussion is recommended to review the recommended Land Use Table and proposed Definitions. Staff recommends that, at the February 17th meeting, the City Council schedule this additional focus discussion for one of the upcoming March meetings.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This discussion of the recommended zoning amendments is not, in itself, subject to CEQA.

FISCAL IMPACT:

A contract amendment for additional services to complete this Commercial Zoning Review was approved by the City Council/Redevelopment Agency on September 23, 2009. A proposed Scope of Work for this contract amendment will be presented to the City Council for consideration on February 17, 2010, as a separate agenda item.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council continue its discussion and provide direction and input on the specific recommendations presented. Staff further recommends that the City Council schedule the proposed Land Use Table and Definitions for consideration and discussion at one of the upcoming City Council meetings in March and provide any further specific direction on the next steps for consideration of the proposed recommendations.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL/CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR

MEETING DATE: FEBRUARY 17, 2010

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR *GW*

SUBJECT: PROPOSED SCOPE OF WORK TO COMPLETE THE TASKS ASSOCIATED WITH THE SECOND CONTRACT AMENDMENT WITH EDAW/AECOM IN THE AMOUNT OF \$50,000 FOR THE COMMERCIAL ZONING REVIEW

BACKGROUND:

On January 17, 2007, the Redevelopment Agency and City Council authorized a contract with EDAW/AECOM to conduct a review of the City's Commercial Zones. On May 20, 2009, the Redevelopment Agency and City Council authorized a contract amendment in the amount of \$24,759 to provide additional funds to continue this extensive effort.

On July 16, 2009, with contract budget nearing depletion and in an effort to keep the project moving forward, the City Manager authorized a contract amendment not to exceed \$15,000. On October 7, 2009, the City Council and Redevelopment Agency adopted Resolution No. R0-09-196 which authorized a second contract amendment in the amount of \$50,000 to allow the consultant team (formerly EDAW now AECOM) to continue and complete their tasks associated with the Commercial Zoning Review.

At this time, the summary of project budget including all amendments is as follows:

Original Budget	First Budget Amendment	City Manager Amendment	Second Budget Amendment	Total Budget
\$250,000	\$24,759	\$15,000	\$50,000	\$339,759

Staff believes that this budget amount will be sufficient to complete the effort for the preparation of recommended amendments to the City's Commercial Zoning Regulations.

DISCUSSION:

When the City Council/Redevelopment Agency authorized the second contract amendment, staff was directed to return to them with a revised scope of work at a future date. Part of this revised scope was to detail the additional public outreach effort. At this time, staff is

recommending the following Scope of Work prepared by AECOM be considered:

Scope Tasks:

1. The AECOM team will attend up to 4 City Council Meetings to discuss details of Working Paper #2, and receive direction on future outreach efforts, if necessary (note 1st Council Meeting was held on November 19, 2009).
2. City staff will provide a memo, for public distribution, on the City Council's direction regarding Working Paper #2 and proposed recommendations.
3. Up to two members of the AECOM team will conduct a full day of stakeholder outreach with City staff. This day may include multiple individual meetings with key stakeholder groups to discuss the City Council's direction and any outstanding concerns. The day may end with a community meeting to discuss the revised council approach.
4. AECOM will summarize the outreach effort in a brief memo to City Staff.
5. City staff will meet with City Council Members and Mayor to discuss memo and outreach efforts.
6. AECOM will attend a City Council Meeting with City Staff to receive direction on finalizing zoning recommendations.
7. AECOM will refine and finalize the zoning recommendations provided in Working Paper #2, to be distributed for Public Review.
8. AECOM will attend a City Council meeting, where the Council will review the Revised Draft Amendment Package prior to distribution for public review.

Budget Approximations:

The following budget has been estimated to provide general cost assumptions. AECOM may adjust the breakdown, without exceeding the total fee, if project needs change:

1. Attendance at up to 6 Council Meetings = \$19,330
2. Outreach: One day of stakeholder meetings with evening community meeting = \$7,990
3. Document Revisions = \$14,680
4. Team Sub-consultants Budget = \$5,000
5. Expenses = \$3,000 for travel and workshop materials

The proposed Scope of Work is included as Attachment 1 to this staff report.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This proposed Scope of Work is not subject to CEQA.

FISCAL IMPACT:

Redevelopment Agency (RDA) funds for the requested second contract amendment of \$50,000 have been budgeted from the RDA professional services budget and have been transferred into Capital Improvement Program (CIP) budget Project Number R05-203.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council/Redevelopment Agency approve the revised Scope of Work as proposed in Attachment 1 for the Commercial Zoning Review.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Proposed Scope of Work for the Second Contract Amendment



AECOM
1420 Kettner Boulevard
Suite 500
San Diego, CA 92101
www.aecom.com

619.233.1454 tel
619.233.0952 fax

November 23, 2009

Mr. Gregory Wade, Director
Community Development Department
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach, CA 91932

Dear Mr. Wade,

**Re: Imperial Beach Commercial Zoning Review Project
Scope of Work for Amendment to Contract Dated February 28, 2007**

The City Council approved an amendment to EDAW AECOM's scope and budget on October 7, 2009, for an additional fee of \$50,000. As a follow up to that action, and direction from more recent council meetings, we have developed a scope and cost breakdown for the amendment, and are requesting an amendment to the EDAW AECOM contract dated February 28, 2007 and amended June 23, 2009.

The scope identified in this agreement will replace the existing scope of work, as the existing budget allocations have been spent to date. Services under this agreement will be related to the tasks identified below, not-to-exceed the prior approved amount of \$50,000.

Approximately \$3,200 of this budget has been spent to-date, including items described in Scope Task 1.

Scope Tasks

1. The AECOM team will attend up to 4 City Council Meetings to discuss details of Working Paper #2, and receive direction on future outreach efforts, if necessary. (Note 1st Council Meeting was held on November 19, 2009.)
2. City staff will provide a memo, for public distribution, on the City Council's direction regarding Working Paper #2 and proposed recommendations.
3. Up to two members of the AECOM team will conduct a full day of stakeholder outreach with City staff. This day may include multiple individual meetings with key stakeholder groups to discuss the City Council's direction and any outstanding concerns. The day may end with a community meeting to discuss the revised council approach.
4. AECOM will summarize the outreach effort in a brief memo to City Staff.
5. City staff will meet with City Council Members and Mayor to discuss memo and outreach efforts.



Mr. Gregory Wade, Director
Community Development Department
November 24, 2009
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6. AECOM will attend a City Council Meeting with City Staff to receive direction on finalizing zoning recommendations.
7. AECOM will refine and finalize the zoning recommendations provided in Working Paper #2, to be distributed for Public Review.
8. AECOM will attend a City Council meeting, where the Council will review the Revised Draft Amendment Package prior to distribution for public review.

Budget Approximations

The following budget has been estimated to provide general cost assumptions. AECOM may adjust the breakdown, without exceeding the total fee, if project needs change:

1. Attendance at up to 6 Council Meetings = \$19,330
2. Outreach: One day of stakeholder meetings with evening community meeting = \$7,990
3. Document Revisions = \$14,680
4. Team Sub-consultants Budget = \$5,000
5. Expenses = \$3,000 for travel and workshop materials.

General Assumptions

- All meetings will be attended by one to two members of the AECOM team, as the budget permits. The outreach meetings will be attended by up to two AECOM team members. The community meeting will be attended by one senior member of the AECOM team.
- Attendance at, and preparation for, hearings is not included in this proposal.
- City staff will be responsible for logistics related to the stakeholder meetings and community meeting, including scheduling, advertisements and noticing, facility arrangements, set-up, and refreshments.
- Scope of specific outreach effort may be modified after subsequent City Council Meetings, within the same level of effort. The assumptions included in item 3, identify a maximum effort, in the interest of efficiency and cost savings to the City.



Mr. Gregory Wade, Director
Community Development Department
November 24, 2009
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Thank you for considering this request and please call me with any questions. You can confirm your agreement to this amendment by signing this letter and returning it to us.

Yours sincerely,

Joan Isaacson
Project Director

Bobbette Biddulph
Principal

My signature below confirms our agreement to the Scope of Work for the approved Budget Amendment for Imperial Beach Commercial Zoning Review Project and authorizes EDAW to proceed.

Mr. Gregory Wade, Director
Community Development Department

Date



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: LISA MILLER, CAPTAIN – SHERIFF’S DEPARTMENT

MEETING DATE: February 17, 2010

ORIGINATING DEPT.: PUBLIC SAFETY

SUBJECT: LANGUAGE APPROVAL FOR THE RESPONSIBLE RETAILER PROGRAM BROCHURE.

BACKGROUND:

The Imperial Beach Sheriff’s Station received grant funding from the Alcohol Beverage Control (ABC) for the Responsible Retailer Program (RRP). The grant funds a part time Deputy Sheriff to establish relationships with alcohol establishments and conduct a variety of operations to deal with alcohol related issues throughout the City of Imperial Beach. The ABC grant is for a one year term. Additional funds were received from the Justice Assistance Grants Program to continue the RRP for two additional years. The RRP philosophy is to practice safe alcohol sales and service and collaboration with the community to improve public health and safety by increasing compliance by alcohol establishments.

DISCUSSION:

The RRP was developed to ensure compliance on the part of the alcohol establishments with state and local laws and regulations. In addition to the operational aspects of the program, the Sheriff’s Department has created a Responsible Retailer Program brochure explaining the importance of the program and tools to limit their liability as alcohol establishments. These brochures will be provided to all 46 alcohol establishments in town and also used as a tool for other law enforcement agencies and cities that chose to enact similar programs in their area of responsibility.

The Sheriff’s Department is requesting City Council approval on one paragraph in the brochure. It reads as follow:

The City Council has found that hospitality, entertainment, recreation and related business are a significant part of the City's economy and that alcoholic beverage sales are often important to the operation of these businesses. The City Council realizes local control and enforcement are needed to ensure public health and safety. Any requirements added to Conditional Use Permits for Alcohol Retailers are intended to reduce problems arising out of the operation of businesses engaged in the sale of alcoholic beverages.

ENVIRONMENTAL IMPACT:

There is no environmental impact associated with this request.

FISCAL IMPACT:

There is no fiscal impact associated with this request.

DEPARTMENT RECOMMENDATION:

Staff recommends City Council adopt the proposed language in the RRP brochure.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Copy of proposed RRP brochure

Item No. 6.3

**Attachment 1
(Proposed RRP Brochure)
to be provided prior to
City Council meeting**



STAFF REPORT
CITY OF IMPERIAL BEACH

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

MEETING DATE: FEBRUARY 17, 2010
ORIGINATING DEPT.: JACQUELINE M. HALD, CITY CLERK *JMH*

SUBJECT: RESOLUTION NO. 2010-6851 – AMENDING COUNCIL POLICY
112 - ROTATION OF MAYOR PRO TEMPORE DUTIES

BACKGROUND:

In 1992, the City Council adopted Resolution No. 92-4085 setting Council Policy 112 for the rotation of the Mayor pro tempore duties. The policy provides that the Mayor pro tempore will be seated at the first meeting in January, with a term of one year during a councilmember's four-year term. An issue has been raised that the policy does not address Councilmembers appointed or elected by a special or recall election.

DISCUSSION

An amendment to Council Policy 112 is being proposed to establish a Mayor pro tempore rotation list that provides for councilmembers who are seated by appointment or special or recall election.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

Adopt Resolution No. 2010-6851 amending Council Policy 112 – Rotation of Mayor pro tempore duties.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown, City Manager

Attachments:

1. Resolution No. 2010-6851 (with Exhibit A - Revised Council Policy 112)
2. Current Council Policy 112

RESOLUTION NO. 2010-6851

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING CITY COUNCIL POLICY 112 – ROTATION OF MAYOR PRO TEMPORE DUTIES

WHEREAS, in 1992 the City Council adopted Resolution No. 92-4085 setting City Council Policy 112 for the rotation of the Mayor pro tempore duties; and

WHEREAS, City Council Policy 112 provides that the Mayor pro tempore will be seated at the first meeting in January, with a term of one year during a councilmember's four-year term; and

WHEREAS, the current policy does not explicitly address councilmembers appointed or elected by a special or recall election.

NOW, THEREFORE, BE IT RESOLVED that the City of Imperial Beach hereby amends Council Policy 112 (Exhibit A) providing for councilmembers who are seated by appointment or special or recall election.

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

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

**CITY OF IMPERIAL BEACH
COUNCIL POLICY**

SUBJECT: MAYOR PRO TEMPORE ROTATION	POLICY NUMBER: 112	PAGE Page 1 of 1
ADOPTED BY: Resolution No. 2010-6851	DATED: February 17, 2010	

On February 17, 2010, the City Council adopted, with Resolution No. 2010-6851, a policy to determine the rotation of the position of Mayor pro tempore as follows:

1. The Mayor pro tempore shall be selected and have the powers and duties given to the position, as specified in Imperial Beach Municipal Code Chapter 2.10.
2. The Mayor pro tempore will be seated at the first City Council meeting in January each year.
3. The Mayor pro tempore shall serve on a rotating basis so that each elected Councilmember shall serve a one year term during their four-year term of their council office.
4. The Councilmember chosen to be Mayor pro tempore will be the councilmember each year at the top of the rotation list. This list will be established and based on the following criteria:
 - a. After each regular election, the rotation list will be established (in line to serve as Mayor pro tempore from top to bottom) as follows:
 - 1) Current Councilmember who has not yet served as Mayor pro tempore.
 - 2) Councilmember Elect (highest vote getter in the immediately preceding regular election).
 - 3) Councilmember Elect (second highest vote getter in the immediately preceding regular election).
 - 4) Current Councilmember (one who just completed one (1) year as Mayor pro tempore).
 - b. If there is a special election, including a recall election, newly elected Councilmembers of said election will be placed on the list after the current Councilmember(s) who have not yet served as Mayor pro tempore. The order of Councilmembers elected in a special or recall election shall be placed in line to serve based on number of votes received (highest to lowest); and appointed Councilmembers listed thereafter.
 - 1) If more than one Councilmember is appointed at the same time, the order will be determined by lot or chance.
 - 2) If more than one Councilmember is appointed between regular election cycles, and not at the same time, the order will be determined chronologically by date of appointment.

APPROVED BY:

Gary Brown, City Manager

DATE: _____

CITY OF IMPERIAL BEACH
COUNCIL POLICY

SUBJECT:	POLICY NUMBER	EFFECTIVE DATE	PAGE
Rotation of Mayor Pro Tempore Duties	112	3/4/92	1 of 1

ADOPTED BY: Resolution 92-4085 **DATED:** March 4, 1992

On March 4, 1992, the City Council resolved to establish the following policy:

1. The mayor pro tempore will be selected, and have the powers and duties, as specified in Section 2.10 of the Imperial Beach Municipal Code.
2. The mayor pro tempore will be seated at the first council meeting in January.
3. The mayor pro tempore shall serve on a rotating basis so that each councilmember serves one (1) year as mayor pro tempore during his/her four (4) year term.
4. The councilmember chosen to be mayor pro tempore each year will be the councilmember on the top of the rotation list, which will be established and maintained as follows:
 - a. After each election, the rotation list will be established as follows (in line to serve as mayor pro tempore from top to bottom):
 - (1) Current councilmember (One who has not served as mayor pro tempore).
 - (2) Councilmember Elect (One with most votes from previous election).
 - (3) Councilmember Elect.
 - (4) Current councilmember (One who just completed one (1) year as mayor pro tempore).
 - b. After a councilmember serves one (1) year as mayor pro tempore, he/she will go to the bottom of the list and the others will move up one (1) spot.
 - c. Newly elected/re-elected councilmembers will be placed on the list, after the current councilmember who has not served as mayor pro tempore, in order of votes received.