



A G E N D A



**CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY**

IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

NOVEMBER 20, 2013

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

REGULAR MEETING – 6:00 P.M.

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

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

REGULAR MEETING CALL TO ORDER

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

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

COMMUNICATIONS FROM CITY STAFF

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

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.6) - *All matters listed under Consent Calendar are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember/Boardmember 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.

Recommendation: Approve the Regular City Council Meeting Minutes of October 16, 2013.

Continued on Next Page

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

CONSENT CALENDAR (Continued)

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Recommendation: Ratify the following registers: Accounts Payable Numbers 83458 through 83524 for a subtotal amount of \$347,583.23 and Payroll Checks/Direct Deposit 45585 through 45606 for a subtotal of \$130,938.96 for a total amount of \$478,522.19. Additionally, approve previous payroll checks 45250 through 45274 for \$126,968.93 and 45303-45328 for \$164,627.28.

2.3 ADOPTION OF RESOLUTION NO. 2013-7421 APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR CODE COMPLIANCE HEARING OFFICER. (0470-07)

Recommendation: Adopt resolution.

2.4 ADOPT RESOLUTION NO. 2013-7423 AMENDING ARTICLES VI – SALARY ADJUSTMENT, VII – HOLIDAY WITH PAY (SECTION 3), VII VACATION LEAVE (SECTION 4), IX – DISCIPLINARY PROCEDURES, AND X – GRIEVANCE PROCEDURE OF THE CITY OF IMPERIAL BEACH PERSONNEL RULES. (0500-95)

Recommendation: Adopt resolution.

2.5 RESOLUTION NO. 2013-7427 APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY FOR A FY14 URBAN AREA SECURITY INITIATIVE (UASI) GRANT OF \$13,240 TO FUND A GIS INTERN POSITION FOR THE PURPOSE OF ASSISTING IN THE PREPARATION OF FIREFIGHTING PREPLAN MAPS. (0390-88 & 0510-05)

Recommendation:

1. Receive report;
2. Authorize the City Manager to accept the City of San Diego Office of Homeland Security FY14 Urban Area Security Initiative (UASI) grant funds when received;
3. Appropriate these grant funds to account no. 503-1923-419-1001; and
4. Authorize the City Manager to sign the Memorandum of Understanding between the City of Imperial Beach and the City of San Diego Office of Homeland Security regarding the FY 14 Urban Area Security Initiative (UASI) Grant Funding when received.

2.6 RESOLUTION NO. 2013-7428 TO AFFIRM CHANGE ORDER NO. 1 TO REPLACE THE RECREATION CENTER MANSARD ROOF CIP F14-001 AND APPROPRIATE AN ADDITIONAL \$27,417 FROM THE NEW STRATEGIC CAPITAL IMPROVEMENT GF RESERVE TO CIP PROJECT F14-001. (0330-35 & 0920-40)

Recommendation:

1. Receive report;
2. Affirm the City Manager's approval on Change Order No. 1 to the "Replace the Recreation Center Mansard Roof" project CIP F14-001 for a total change order cost of \$27,417; and
3. Appropriate an additional \$27,417 from the New Strategic Capital Improvement GF Reserve Account for the payment of Change Order No. 1 to the "Replace the Recreation Center Mansard Roof" CIP F14-001 contract, account no. 420-5000-532-XXXX.

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

3.1 ORDINANCE NO. 2013-1140 AND ADOPTION OF RESOLUTION NO. 2013-7410: THE CITY OF IMPERIAL BEACH: GENERAL PLAN AMENDMENT (GPA)/ LOCAL COASTAL PROGRAM AMENDMENT (LCPA) / AND ZONING CODE AMENDMENT (ZCA) 100057/ TO IMPLEMENT COASTAL COMMISSION MODIFICATIONS TO THE IMPERIAL BEACH COMMERCIAL LCPA PROJECT. MF 935. (0610-95)

Recommendation:

1. Declare the public hearing open;
2. Receive report and entertain testimony;
3. Adopt Resolution No. 2013-7410 that modifies Attachment 3 of Resolution No. 2012-7236 in order to satisfy the Coastal Commission's certification order for the Imperial Beach Commercial General Plan/ Local Coastal Program Amendment (GPA 100057/ Amendment # IMB-MAJ-2-12);
4. Mayor calls for the first reading of the title of Ordinance No. 2013-1140 that modifies Attachment 2 of Ordinance No. 2012-1130 in order to satisfy the Coastal Commission's certification order for the Imperial Beach Commercial Zoning Code Amendment (ZCA 100057/ Amendment # IMB-MAJ-2-12);
5. City Clerk to read Ordinance 2013-1140 by title only;
6. Continue public hearing to the City Council meeting of December 4, 2013; and
7. Motion to waive further reading of Ordinance No. 2013-1140 and set the matter for its second reading and adoption at the next regularly scheduled City Council meeting.

ORDINANCES – INTRODUCTION/FIRST READING (3.2)

3.2 ORDINANCE NO. 2013-1143, INTRODUCTION AND FIRST READING: ADOPTING CALIFORNIA CODE OF REGULATIONS TITLE 24 PARTS 1 THROUGH 12, 2013 EDITION WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS. (0710-95)

Recommendation:

1. Receive the report;
2. Mayor calls for introduction of Ordinance No. 2013-1143, adopting California code of regulations Title 24 parts 1 through 12, the California Building Standards Code, 2013 edition with local amendments;
3. City Clerk reads title of Ordinance No. 2013-1143; and
4. Motion to introduce and hold the first reading of Ordinance No. 2013-1143 by title only, waive further reading in full and set the matter for second reading by title only and adoption at the next regularly scheduled City Council meeting of December 04, 2013 and authorize the publication in a newspaper of general circulation.

ORDINANCES – SECOND READING/ADOPTION (4)

None.

PUBLIC HEARINGS (5)

See Item No. 3.1.

REPORTS (6.1-6.4)

6.1 RESOLUTION NO. 2013-7422 ADOPTING AND APPROVING THE CITY SALARY & COMPENSATION PLAN FOR FY 2013-2015. (0520-95)

Recommendation: Adopt resolution.

Continued on Next Page

REPORTS (Continued)

6.2. 10TH STREET (BETWEEN S.R. 75 TO DONAX AVENUE) DESIGN OPTIONS. (0720-10)

Recommendation:

1. Receive report;
2. Receive a presentation from Nasland Engineering / Parterre Landscape Architecture consultants on the 700 Block of 10th Street concept plans;
3. Direct staff to proceed with the construction drawings for the 700 Block of 10th Street per the concept plan approved by City Council; and
4. Direct staff to return to City Council for an appropriation of funds necessary to design the approved concept plan for the 700 block of 10th Street.

6.3. PERSONNEL STATUS UPDATE, EMPLOYEE FURLOUGH SCHEDULE AND CONSIDERATION OF RESOLUTION NO. 2013-7425 APPROVING A ONE-TIME RETENTION INCENTIVE STIPEND FOR ALL NON-DEPARTMENT HEAD LEVEL EMPLOYEES. (0520-60)

Recommendation: That the City Council accept and file personnel status update and information about the furlough schedule. It is further recommended that the City Council approve Resolution No. 2013-7425 providing a one-time employee retention incentive stipend of \$250 per full time employee and \$125 per part time employee.

6.4. RECOMMENDATION FOR ADOPTION OF A GENERAL FUND FUND BALANCE POLICY. (0300-95)

Recommendation: That the City Council review and consider a General Fund Fund Balance Policy that will allow staff to return at a future Council meeting for review and adoption of a resolution formally approving the policy.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7)

None.

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.ImperialBeachCA.gov.

/s/
Jacqueline M. Hald, MMC
City Clerk

CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

OCTOBER 16, 2013

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Patton, Bilbray, Spriggs
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	City Manager Hall, City Attorney Lyon, Assistant City Manager Wade, Public Safety Director Clark, Public Works Director Levien, City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

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

MAYOR JANNEY reported that SANDAG is working on the next Regional Transportation Plan. He encouraged input during the review process and spoke in support for submitting projects for future funding.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER HALL announced the City received approval from the California Coastal Commission (CCC) of our amendment to the Local Coastal Plan and General Plan. New zoning will soon be in place that fits the City Council's goals for the community. He recognized Assistant City Manager Wade and staff for their efforts.

MAYOR JANNEY commended Assistant City Manager Wade for representing the position of the City of Imperial Beach at the CCC hearing. He spoke about the history of the Commercial Zoning Review and the dedicated efforts of staff to seek approval by the CCC.

PUBLIC COMMENT

JOHN LALLY complained about a house at 1238 Downing Street where the residents do not have running water or trash pickup and provided photos of trash and debris in the yard. He asked the City to take action on the matter.

MAYOR JANNEY responded that Mr. Lally's neighbors complained about the subject property at the previous City Council meeting and that the issue was referred to City staff.

PUBLIC SAFETY DIRECTOR CLARK announced that the Public Safety Open House took place on October 5, 2013 at the Fire Station. He recognized the members of the I.B. Library Quilters who presented the fire station with a beautiful public safety themed quilt

MAYOR JANNEY thanked Public Safety Director Clark for arranging a successful community event.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.5)

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the Regular City Council Meeting Minutes of September 18, 2013.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 83257 through 83292 for a subtotal amount of \$183,167.17 and Payroll Checks/Direct Deposit 45511 through 45537 for a subtotal of \$132,953.53 for a total amount of \$316,120.70.

2.3 REQUEST BY A MEMBER OF THE CITY COUNCIL TO PLACE ITEMS ON A CITY COUNCIL AGENDA – DISCUSSION ON CITY BOARDS AND COMMISSIONS. (0410-10)

1. Considered Councilmember Bilbray's request to place item on a City Council agenda and
2. City Manager to place the item on a future meeting agenda after staff work, if any, is completed.

2.4 ADOPTION OF RESOLUTION NO. 2013-7406 AUTHORIZING EXECUTION OF AN EMERGENCY SERVICES MUTUAL AID AGREEMENT TO RECEIVE AND PROVIDE BUILDING INSPECTIONS IN THE EVENT OF AN EMERGENCY OR NATURAL DISASTER WITHIN SAN DIEGO COUNTY. (0710-05)

Adopted resolution.

2.5 RESOLUTION NO. 2013-7405 ACCEPTING A STATE WATER RESOURCES CONTROL BOARD GRANT IN THE AMOUNT OF \$40,000 FOR A PROJECT IN THE TIJUANA RIVER WATERSHED FOR THE DETECTION, MAPPING, AND COMMUNICATION OF SOLID WASTE POLLUTION SOURCES AND APPROPRIATING THE \$40,000 TO FY 2013-14 BUDGET ACCOUNT NUMBER 101-5050-535-XXXX. (0250-10)

1. Received report and
2. Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3)

None.

ORDINANCES – SECOND READING/ADOPTION (4)

None.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1-6.4)

6.1 ADOPTION OF RESOLUTION NO. 2013-7403 APPROVING THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT (BID) ANNUAL REPORT FOR FISCAL YEAR 2012-2013 AND SETTING A PUBLIC HEARING TO CONSIDER LEVYING THE BID ASSESSMENT FOR FISCAL YEAR 2013-2014. (0465-20)

CITY MANAGER HALL introduced the item.

ASSISTANT CITY MANAGER WADE reported on the item. He noted for the record that the public hearing is scheduled for November 6, 2013. He responded to questions regarding the delays with the holiday flag project.

MIKE OSBOURNE, Chairperson for the BID, explained the delays with the holiday flag project and the difficulties encountered in working with CalTrans.

MAYOR PRO TEM BRAGG provided Mr. Osbourne with a brochure from the Point Loma BID. She noted that the members of their BID assess themselves \$30 a year to primarily fund beautification projects. She suggested that the Imperial Beach BID consider a similar process.

COUNCILMEMBER SPRIGGS spoke optimistically about the BID spending its budget this year with a new Chamber of Commerce Chairperson who has several initiatives to re-energize the Chamber, the opening of the new hotel, and a large carry-forward balance in the BID's budget from last year to this year. He urged the BID to consider alternatives to a brochure such as a website. Brochures are quickly out of date soon after publication whereas websites can be updated immediately.

MAYOR JANNEY spoke in support for having brochures. He said that visitors look to brochures for information at the airport and other visitor serving areas and he noted that there isn't a brochure for Imperial Beach. He questioned if cleaning the sidewalks in front of businesses is a funded project.

MR. OSBOURNE responded that a test block can be placed under the Miscellaneous line item at a cost of approximately \$400. If the test block is successful, the BID can come back with the project as an additional budgeted item.

MAYOR JANNEY spoke in support for the holiday flag project and suggested that City staff assist the BID with moving the project forward.

MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION NO. 2013-7403 APPROVING THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT (BID) ANNUAL REPORT FOR FISCAL YEAR 2012-2013 AND SETTING A PUBLIC HEARING FOR NOVEMBER 6, 2013 TO CONSIDER LEVYING THE BID ASSESSMENT FOR FISCAL YEAR 2013-2014. MOTION CARRIED UNANIMOUSLY.

October 16, 2013

6.2 RESOLUTION NO. 2013-7404 AWARDDING A CONTRACT TO GRAPHIC SOLUTIONS, INC. FOR THE DESIGN AND CONSTRUCTION OF A HISTORIC RAILWAY INTERPRETIVE SIGN FOR BAYSHORE BIKEWAY ACCESS PROJECT (S12-101) AND AUTHORIZING THE USE OF RECREATIONAL TRAILS GRANT PLUS CITY MATCH FUNDS FOR THIS PURPOSE. (0680-20 & 0680-50)

CITY MANAGER HALL introduced the item.

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

MAYOR JANNEY expressed concern about the sign on the eastern end of the bike path. He suggested that City staff contact SANDAG, Supervisor Cox or the City of San Diego to repair the sign.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2013-7404 AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL FROM GRAPHICS SOLUTIONS FOR DESIGN AND CONSTRUCTION OF THE BAYSHORE BIKEWAY ACCESS IMPROVEMENT PROJECT RAILROAD INTERPRETIVE SIGN AT AN ESTIMATED COST OF \$14,715.00 AND AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE ORDER USING THE RTP GRANT PLUS CITY MATCH FOR THE PAYMENT OF THIS WORK. MOTION CARRIED UNANIMOUSLY.

6.3. RESOLUTION NO. 2013-7408 GRANTING THE CITY MANAGER AUTHORIZATION TO APPROVE CHANGE ORDERS NO. 2 AND 3 FOR PUBLIC WORKS PROJECT, TO WIT: PUBLIC WORKS YARD RENOVATIONS (F05-101). (0910-30)

CITY MANAGER HALL introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item and explained that the necessity for the change order is to install an ADA compliant driveway and a sidewalk for the safety of pedestrians.

MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION NO. 2013-7408 AUTHORIZING THE ADDITIONAL EXPENDITURE OF APPROPRIATED FUNDS (402-5000-532-2006) FOR CHANGE ORDERS 2 AND 3 AND AUTHORIZING THE CITY MANAGER TO SIGN CHANGE ORDERS 2 AND 3 NOT TO EXCEED \$40,000. MOTION CARRIED UNANIMOUSLY.

6.4 RESOLUTION NO. 2013-7407 APPROVING THE FIRST PHASE OF A TWO PHASED LIST OF PROJECTS FOR FISCAL YEAR 2013/14 CAPITAL IMPROVEMENT PROGRAM AND APPROPRIATING THE FUNDS FOR THESE PROJECTS. (0330-35)

CITY MANAGER HALL introduced the item. He noted that the projects listed under Phase One are those that are routine and uncontested items. City staff will return to City Council for input on the Phase Two projects at a future City Council meeting.

In response to questions of City Council, PUBLIC WORKS DIRECTOR LEVIEN stated that City staff has talked to Pacifica about the possibility of replacing the asphalt east of Ocean Lane to Seacoast Drive and replacing it with block pavers, with the funding potentially coming from the Port of San Diego. With regard to projects listed under Phase One, the only project that may have financial cost issues is the Demonstration Roundabout project. Staff will work with the engineer on lower cost materials and options. Otherwise, he will return to City Council if the

amount approved for the project is not sufficient.

ASSISTANT CITY MANAGER WADE reported that there will be an amended and restated agreement for the Bikeway Village project which will be in greater detail as to how funds will be allocated to the project.

CITY MANAGER HALL stated that by funding the Phase One projects, we do not anticipate diminution of funding for the Phase Two projects. The topic of discussion at the workshop will be visioning, marketing and branding for the community.

MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION NO. 2013-7407 APPROVING THE TOTAL \$9,237,030 FOR PROJECTS IN THE FIRST PHASE OF A TWO PHASED FISCAL YEAR 2013/2014 CAPITAL IMPROVEMENT PROGRAM BUDGET WITH ANNUAL APPROPRIATIONS CONSISTENT WITH THE FISCAL YEAR 2013/2014 CAPITAL IMPROVEMENT PROGRAM PROJECTS PLAN. MOTION CARRIED UNANIMOUSLY.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

Mayor Janney adjourned the meeting at 7:02 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, MMC
City Clerk



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER *AH*
MEETING DATE: NOVEMBER 20, 2013
ORIGINATING DEPT.: ADMINISTRATIVE SERVICES *AS*
SUBJECT: RATIFICATION OF WARRANT REGISTER

EXECUTIVE SUMMARY:

Approval of the warrant register in the amount of \$347,583.23 and the payroll checks in the amount of \$130,938.96.

BACKGROUND:

None

ANALYSIS:

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

Vendor:	Check:	Amount:	Description:
Sierra Pacific West Inc.	83518	\$121,764.99	Bayshore Bike Path

The following registers are submitted for Council ratification:

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
83458-83496	10/31/13	\$ 108,826.22
83497-83524	11/08/13	\$ 238,757.01
	Sub-total	\$ 347,583.23
<u>Payroll Checks/Direct Deposit</u>		
45585-45606	P.P.E. 10/31/13	\$130,938.96
	Sub-total	\$130,938.96
	<u>TOTAL</u>	<u>\$ 478,522.19</u>

ADDITIONAL INFORMATION:

Payrolls not included in past agendas

6/19/13	Checks 45250-45274	P.P.E. 5/16/13	\$126,968.93
7/17/13	Checks 45303-45328	P.P.E. 6/13/13	\$164,627.28

Date correction

Agenda 5/01/13

P.P.E. 4/11/13 corrected to 4/04/13

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

Warrants are issued from budgeted funds and there is no additional impact on reserves.

RECOMMENDATION:

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

Attachments:

1. Warrant Register

ATTACHMENT 1

PREPARED 11/08/2013, 8:55:19 A/P CHECKS BY PERIOD AND YEAR
 PROGRAM: GM3501 FROM 10/25/2013 TO 11/08/2013
 CITY OF IMPERIAL BEACH

CHECK DATE ACCOUNT # CHECK NUMBER VENDOR NAME TRN DATE VENDOR # DESCRIPTION INVOICE PO # PER/YEAR BANK CODE CHECK AMOUNT TRN AMOUNT

CHECK DATE	ACCOUNT #	CHECK NUMBER	VENDOR NAME	TRN DATE	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	BANK CODE	CHECK AMOUNT	TRN AMOUNT
10/31/2013	83458	83458	A GOOD ROOFER, INC		2	OL REFUNDS	0011677		04/2014		85.00	85.00
10/31/2013	101-0000-321.72-10		10/29/2013									
10/31/2013	83459	83459	AFLAC		120	PAYROLL AP PPE 10/03/13	20131010		04/2014		714.30	714.30
10/31/2013	101-0000-209.01-13		10/24/2013			PAYROLL AP PPE 10/17/13	031870		04/2014		357.15	357.15
10/31/2013	83460	83460	ASBURY ENVIRONMENTAL SERVICES		277	AUG 2013 HHW RECYCLING	130431874	140004	04/2014		659.77	659.77
10/31/2013	101-5040-434.21-04		10/08/2013								659.77	659.77
10/31/2013	83461	83461	AT&T		2430		4803282		04/2014		3,032.25	3,032.25
10/31/2013	503-1923-419.27-04		10/20/2013			3372571583448	4801675		04/2014		357.92	357.92
10/31/2013	503-1923-419.27-04		10/20/2013			3393431504727	4804371		04/2014		178.97	178.97
10/31/2013	503-1923-419.27-04		10/20/2013			3393439371447	4804679		04/2014		178.87	178.87
10/31/2013	503-1923-419.27-04		10/20/2013			3393442323406	4793884		04/2014		16.64	16.64
10/31/2013	101-1210-413.27-04		10/17/2013			6194235034	4793104		04/2014		8.09	8.09
10/31/2013	101-3020-422.27-04		10/17/2013			6194237246664	4789557		04/2014		4.91	4.91
10/31/2013	101-5020-432.27-04		10/15/2013			6194238311966	4789558		04/2014		155.19	155.19
10/31/2013	101-3030-423.27-04		10/15/2013			6194238322966	4793107		04/2014		30.12	30.12
10/31/2013	503-1923-419.27-04		10/17/2013			6194243481712	4768375		04/2014		18.97	18.97
10/31/2013	101-1230-413.27-04		10/17/2013			6196281356950	4793107		04/2014		132.91	132.91
10/31/2013	101-1920-419.27-04		10/17/2013			6196282018442	4793113		04/2014		60.20	60.20
10/31/2013	601-5060-436.27-04		10/15/2013			C602221236777	4789549		04/2014		42.19	42.19
10/31/2013	101-1110-412.27-04		10/15/2013			C602224831777	4790618		04/2014		219.84	219.84
10/31/2013	101-1020-411.27-04		10/15/2013			C602224832777	4790619		04/2014		320.59	320.59
10/31/2013	101-1230-413.27-04		10/15/2013			C602224833777	4790620		04/2014		42.19	42.19
10/31/2013	101-1130-412.27-04		10/15/2013			C602224834777	4790621		04/2014		77.63	77.63
10/31/2013	101-1210-413.27-04		10/15/2013			C602224835777	4790622		04/2014		86.49	86.49
10/31/2013	101-6030-453.27-04		10/15/2013			C602224836777	4790624		04/2014		298.42	298.42
10/31/2013	101-6010-451.27-04		10/15/2013			C602224837777	4790625		04/2014		213.28	213.28
10/31/2013	101-3020-422.27-04		10/15/2013			C602224838777	4790626		04/2014		297.81	297.81
10/31/2013	101-3030-423.27-04		10/15/2013			C602224839777	4790627		04/2014		153.34	153.34
10/31/2013	101-5020-432.27-04		10/15/2013			C602224840777	4790628		04/2014		244.88	244.88
10/31/2013	601-5060-436.27-04		10/15/2013			C602224841777	4790628		04/2014		5,734.69	5,734.69
10/31/2013	83462	83462	AT&T GLOBAL SERVICES, INC.		2098	AASTRA MERIDIAN SPEAKERPH	SB771532	140350	04/2014		388.69	388.69
10/31/2013	503-1923-419.30-22		10/02/2013					140337	04/2014		5,346.00	5,346.00
10/31/2013	101-6040-454.30-02		10/08/2013		486	PRESSURE WASHER HOSE	681178		04/2014		3,300.00	3,300.00
10/31/2013	501-1921-419.50-04		10/15/2013			PRESSURE WASHER	56317		04/2014		236.28	236.28
10/31/2013	83464	83464	CAREER SURVIVAL GROUP, LLC		2429	INTERVIEW PREP/CONSULT/RP	IBFD 2013-1	140347	04/2014		118.14	118.14
10/31/2013	101-3020-422.20-06		10/01/2013						04/2014		725.02	725.02
10/31/2013	83465	83465	COLONIAL LIFE & ACCIDENT		941	PAYROLL AP PPE 10/03/13	20131010		04/2014		118.14	118.14
10/31/2013	101-0000-209.01-13		10/10/2013			PAYROLL AP PPE 10/17/13	20131024		04/2014		725.02	725.02
10/31/2013	101-0000-209.01-13		10/24/2013					140358	04/2014		725.02	725.02
10/31/2013	101-1910-419.28-01		10/15/2013		2316	GFI OUTLET & WIRING INSTA	00001660		04/2014		725.02	725.02

CITY OF IMPERIAL BEACH

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	BANK CODE	CHECK AMOUNT	TRN AMOUNT
10/31/2013	83467	CWEA-SDS	1855						90.00	
10/23/2013	432.28-04	RAMOS, JOSE CWEA WORKSHOP			81718500269-219		04/2014		45.00	
10/23/2013	432.28-04	MARTINEZ, H CWEA WORKSHOP			81718500269-219		04/2014		45.00	
10/31/2013	83468	DEPARTMENT OF CORRECTIONS AND	169						3,292.56	
10/18/2013	6020-452.21-04	SEP 2013			1800214532	140169	04/2014		2,743.80	
10/18/2013	6040-454.21-04	SEP 2013			1800214532	140169	04/2014		548.76	
10/31/2013	83469	FEDERAL EXPRESS CORP.	911						60.28	
10/18/2013	1130-412.28-09	10/15/13 MERCER GRP MAIL			2-437-39142	140113	04/2014		60.28	
10/31/2013	83470	FIDELITY SECURITY LIFE INSURAN	2476						181.47	
09/12/2013	0000-209.01-18	PAYROLL AP PPE 9/05/13			20130912		03/2014		86.53	
09/26/2013	0000-209.01-18	PAYROLL AP PPE 9/19/13			20130926		03/2014		86.53	
10/30/2013	0000-209.01-18	VISION INS PREMIUM			NOV 2013		04/2014		8.41	
10/31/2013	83471	GCR TIRE CENTERS	1702						387.12	
10/15/2013	1921-419.28-16	A-6 REPLACEMENT TIRES			832-24988	140047	04/2014		387.12	
10/31/2013	83472	GEOCON INC.	2206						18,094.03	
09/30/2013	5000-532.20-06	08/12-09/08/13 BAYSHORE			1309012		03/2014		369.60	
09/30/2013	532.20-06	08/12-09/08/13 BAYSHORE			1309012		03/2014		50.40	
09/03/2013	5000-532.20-06	07/15-08/11/13 CDBG IBB			1308035		03/2014		1,980.50	
09/03/2013	5016-531.20-06	07/15-08/11/13 ROADWAY AC			1308037		03/2014		2,270.00	
09/03/2013	5060-536.20-06	7/15-8/11/13 MAIN LINE RP			1308036	130774	03/2014		13,423.53	
10/31/2013	83473	GO-STAFF, INC.	2031						2,012.89	
10/22/2013	1210-413.21-01	W/E 10/20/13 VERGUSON,N			115238	140089	04/2014		800.28	
10/15/2013	3020-422.21-01	W/E 10/13/13 MEDLEY,A			114885	140164	04/2014		636.62	
10/22/2013	3020-422.21-01	W/E 10/20/13 MEDLEY,A			115237	140164	04/2014		575.99	
10/31/2013	83474	GOOGLE, INC.	2009						205.10	
10/05/2013	1923-419.20-06	SEP/OCT 2013			7630474	140349	04/2014		205.10	
10/31/2013	83475	GRAINGER	1051						1,100.48	
10/07/2013	6040-454.30-02	TYPE I SAFETY CAN			9262875041	140008	04/2014		52.79	
10/03/2013	1910-419.30-02	CS BALL VALVE			9259356591	140008	04/2014		334.61	
10/03/2013	1910-419.30-02	SECURITY LIGHTING			9260496667	140008	04/2014		65.69	
10/04/2013	6040-454.30-02	(2) 5 GAL PAINT			9261293980	140008	04/2014		105.58	
10/10/2013	5060-436.30-02	PAINT/LITHIUM GREASE			9265336991	140008	04/2014		108.22	
10/10/2013	5060-436.30-02	AA BATTERIES			9265337007	140008	04/2014		11.56	
10/11/2013	5060-436.30-02	LITHIUM GREASE			9266985572	140008	04/2014		142.94	
10/11/2013	5060-436.30-02	AAA BATTERIES			9266985580	140008	04/2014		30.65	
10/22/2013	1910-419.30-02	VIBRATION ISOLATOR/DRAIN			9275449727	140008	04/2014		15.18	
10/24/2013	5060-436.28-01	EXHAUST FAN			9277801065	140008	04/2014		233.26	
10/31/2013	83476	I B. FIREFIGHTERS ASSOCIATION	214						300.00	
10/24/2013	0000-209.01-08	PAYROLL AP PPE 10/17/13			20131024		04/2014		300.00	
10/31/2013	83477	ICMA RETIREMENT TRUST 457	242						5,357.77	
10/24/2013	0000-209.01-10	PAYROLL AP PPE 10/17/13			SUB 101691383		04/2014		5,357.77	

CHECK DATE	CHECK NUMBER	VENDOR NAME	TRN DATE	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	CHECK AMOUNT
10/31/2013	83478	INTERSTATE BATTERY OF SAN DIEG	10/21/2013	388	#616 REPLACEMENT BATTERY	680037355	140009	04/2014	118.95	118.95
501-1921-419.28-16									118.95	
10/31/2013	83479	JOHN DEERE LANDSCAPES	10/03/2013	1986	NODE 200 CONTROLLER/VALVE	66295086	140028	04/2014	262.70	262.70
101-6020-452.30-02									262.70	
101-6020-452.30-02			10/14/2013		COUPLING QUIK FIX	66400259	140028	04/2014	41.00	41.00
10/31/2013	83480	KOA CORPORATION	08/31/2013	611	AUG 2013 ADA RAMP 13TH/IR	JB32073X1	140255	02/2014	13,703.45	13,703.45
101-5010-431.20-06									13,703.45	
201-5015-531.20-06			08/31/2013		AUG 2013 9TH/DONAX RDNABT	JB32077X1	140348	02/2014	1,239.54	1,239.54
401-5020-432.20-06			08/31/2013		SEP 2013 ECO BIKEWAY CM	JB32019X6		03/2014	4,799.54	4,799.54
401-5020-432.20-06			09/30/2013		EOC BIKEWAY	JB32032		03/2014	2,123.73	2,123.73
201-5000-532.20-06			10/03/2013		SEP 2013 13TH ST BIKEWAY	JB32017X4	130874	03/2014	27.60	27.60
101-5010-431.20-06			09/30/2013		SEP 2013 -ADA RAMPS 13TH/	JB32077X2	140255	03/2014	1,507.50	1,507.50
201-5015-531.20-06			09/30/2013		SEP 2013 -9TH/DONAX ROUND	JB32077X2	140348	03/2014	2,258.50	2,258.50
10/31/2013	83481	MCDUGAL LOVE ECKIS &	09/30/2013	962	SEP 2013	84616		03/2014	12,824.54	12,824.54
101-1220-413.20-01					SEP 2013	84617		03/2014	1,897.04	1,897.04
101-1220-413.20-01			09/30/2013		SEP 2013	84619		03/2014	204.33	204.33
502-1922-419.20-01			09/30/2013		SEP 2013	84620		03/2014	346.80	346.80
101-1220-413.20-01			09/30/2013		SEP 2013	84621		03/2014	5,784.20	5,784.20
303-1250-413.20-01			09/30/2013		SEP 2013	84622		03/2014	2,225.33	2,225.33
101-1220-413.20-01			09/30/2013		SEP 2013	84671		03/2014	1,336.59	1,336.59
101-1220-413.20-01			09/30/2013		SEP 2013	84672		03/2014	547.11	547.11
303-1250-413.20-01			09/30/2013		SEP 2013	84623		03/2014	101.15	101.15
303-1250-413.20-01			09/30/2013		SEP 2013	84624		03/2014	172.45	172.45
303-1250-413.20-01			09/30/2013		SEP 2013	84563		03/2014	137.29	137.29
10/31/2013	83482	MOBILE HOME ACCEPTANCE CORPORA	10/22/2013	1533	11/07/13-12/06/13	174564	140158	04/2014	297.00	297.00
101-5020-432.25-01									297.00	
10/31/2013	83483	OFFICE DEPOT, INC	10/04/2013	1262	BINDERS/COPY STAMP	673807004001	140001	04/2014	588.61	588.61
101-3020-422.30-01			10/01/2013		FILE FOLDERS/3 HOLE PUNCH	676401829001	140001	04/2014	41.75	41.75
101-1210-413.30-01			10/08/2013		EZ REACHER	676402175001	140001	04/2014	161.83	161.83
101-3020-422.30-01			10/08/2013		SELF INK STAMP	673806977001	140001	04/2014	15.00	15.00
101-1210-413.30-01			10/17/2013		STAPLER/RECYCLE CAN/MISC	679151753001	140001	04/2014	24.99	24.99
101-3020-422.30-01			10/15/2013		SORTER TRAY/DESK SUPPLIES	668891976001	140001	04/2014	55.87	55.87
101-5020-432.30-01			10/16/2013		2014 CALENDARS/STAPLER/MI	678887834001	140001	04/2014	56.96	56.96
101-5020-432.30-01			10/16/2013		CREDIT RTN CALENDAR	679047157001	140001	04/2014	239.22	239.22
10/31/2013	83484	ONE SOURCE DISTRIBUTORS	10/03/2013	1071	HYDREL BALLAST	S4099681.001	140011	04/2014	1,074.52	1,074.52
101-6040-454.30-02									1,074.52	
10/31/2013	83485	PATRICK SPEARS	10/22/2013	2253	TUITION REIMBURSEMENT	2014 SPEARS	140269	04/2014	285.00	285.00
101-1920-419.29-01									285.00	
10/31/2013	83486	PRINCIPAL FINANCIAL GROUP	10/10/2013	2414	PAYROLL AP PPE 10/03/13	20131010		04/2014	3,461.90	3,461.90
101-0000-209.01-14									3,461.90	

CHECK DATE	CHECK NUMBER	VENDOR NAME	TRN DATE	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
10/1-0000-209.01-16			10/10/2013		PAYROLL AP PPE 10/03/13	20131010		04/2014	463.41
10/1-0000-209.01-21			10/10/2013		PAYROLL AP PPE 10/03/13	20131010		04/2014	663.16
10/1-0000-209.01-14			10/24/2013		PAYROLL AP PPE 10/17/13	20131024		04/2014	555.37
10/1-0000-209.01-16			10/24/2013		PAYROLL AP PPE 10/17/13	20131024		04/2014	463.41
10/1-0000-209.01-21			10/24/2013		PAYROLL AP PPE 10/17/13	20131024		04/2014	643.02
10/1-0000-209.01-16			10/18/2013		NOV 2013 BASIC LIFE/STD/	NOV 2013		04/2014	118.16
10/31/2013	83487	PRINCIPAL FINANCIAL GROUP		2428	PAYROLL AP PPE 10/03/13	20131010		04/2014	1,064.46
10/1-0000-209.01-13			10/10/2013		PAYROLL AP PPE 10/17/13	20131024		04/2014	532.23
10/1-0000-209.01-13			10/24/2013		PAYROLL AP PPE 10/17/13	20131024		04/2014	532.23
10/31/2013	83488	PRINCIPAL FINANCIAL GROUP		2525	PAYROLL AP PPE 10/03/13	20131010		04/2014	1,643.54
10/1-0000-209.01-12			10/10/2013		PAYROLL AP PPE 10/17/13	20131024		04/2014	768.52
10/1-0000-209.01-12			10/24/2013		PAYROLL AP PPE 10/17/13	20131024		04/2014	768.52
10/1-0000-209.01-12			10/18/2013		DENTAL PPO INS PREMIUM	NOV 2013		04/2014	37.88
10/1-0000-209.01-12			10/18/2013		DENTAL PPO INS PREMIUM	NOV 2013		04/2014	68.71
10/1-0000-209.01-12			10/18/2013		DENTAL PPO INS PREMIUM	NOV 2013		04/2014	.09
10/31/2013	83489	RANCHO AUTO & TRUCK PARTS		1685	STOCK MOTOR OIL	7693-173586	140016	04/2014	156.21
501-1921-419.28-15			10/22/2013		STOCK OIL FILTERS	7693-173709	140016	04/2014	38.75
501-1921-419.28-16			10/23/2013						117.46
10/31/2013	83490	SEIU LOCAL 221		1821	PAYROLL AP PPE 10/17/13	20131024		04/2014	1,309.42
10/1-0000-209.01-08			10/24/2013						1,309.42
10/31/2013	83491	SHARP REES-STEALY MEDICAL		390	CNTR SEP 2013 -MURPHY,M	265	140076	04/2014	95.00
10/1-1130-412.21-04			10/12/2013						95.00
10/31/2013	83492	SPARKLETTS		2341	OCT 2013	10552239	140199	04/2014	55.06
10/1-1210-413.30-01			10/19/2013						55.06
10/31/2013	83493	TRAN CONSULTING ENGINEERS		2033	PUMP STATION 10 REHABILIT	7321		04/2014	24,375.00
601-5060-536.20-06			08/28/2013						24,375.00
10/31/2013	83494	US BANK		2458	PAYROLL AP PPE 10/17/13	20131024		04/2014	1,415.78
10/1-0000-209.01-20			10/24/2013						1,415.78
10/31/2013	83495	WALKSANDIEGO		1551	SEP 2013 -9/17 MTG/PREP	179-3		04/2014	277.19
202-5016-531.20-06			10/07/2013						277.19
10/31/2013	83496	BRYAN WIDLUND		2150	UNIFORM PATCH REPLCMNT	102		04/2014	4.00
101-3030-423.25-03			09/30/2013						4.00
11/08/2013	83497	ARROWHEAD MOUNTAIN SPRING		1340	WATE OCT 2013	03J0026726646	140171	04/2014	38.82
101-5020-432.30-02			10/24/2013						38.82
11/08/2013	83498	BARRETT ENGINEERED PUMPS		356	REBUILD GR ROT ASSY	087313	140336	04/2014	1,265.52
601-5060-436.21-04			10/16/2013						1,265.52
11/08/2013	83499	CDW GOVERNMENT INC		725	COMP MICRO TOWER/MONITORS	GN13379	140346	04/2014	5,288.20
101-3030-423.30-02			10/17/2013						4,443.76

CHECK DATE	CHECK NUMBER	VENDOR NAME	TRN DATE	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
503-1923	419-20-06		10/21/2013		CISCO 4 PORT EXPANSION	GP00638	140085	04/2014	388.68
503-1923	419-20-06		10/24/2013		TONER CARTRIDGE	GO66771	140085	04/2014	105.93
503-1923	419-20-06		10/23/2013		COMPUTER MONITORS	GQ49721	140353	04/2014	349.81
11/08/2013	83500	CVA SECURITY		797					215.00
101-1910	419-20-23		11/01/2013		NOV 2013 *2089	27080	140109	05/2014	30.00
101-1910	419-20-23		11/01/2013		NOV 2013 *2466	27116	140109	05/2014	55.00
101-1910	419-20-23		11/01/2013		NOV 2013 *2643	27149	140109	05/2014	30.00
101-1910	419-20-23		11/01/2013		NOV 2013 *2644	27150	140109	05/2014	30.00
101-1910	419-20-23		11/01/2013		NOV 2013 *2698	27166	140109	05/2014	30.00
101-1910	419-20-23		11/01/2013		NOV 2013 *314	27179	140109	05/2014	40.00
11/08/2013	83501	COLE OFFICE PRODUCTS INC		1400					1,204.85
101-1920	419-30-01		10/16/2013		COPY PAPER	318183-0	140179	04/2014	1,204.85
11/08/2013	83502	COX COMMUNICATIONS		1073					637.63
503-1923	419-21-04		10/26/2013		10/25-11/24 3110039780701	11-14-2013	140162	04/2014	600.00
503-1923	419-29-04		11/02/2013		11/01-11/30 3110015533201	11-22-2013	140162	05/2014	37.63
11/08/2013	83503	DOWNSTREAM SERVICES, INC.		1593					660.00
101-5050	435-21-04		09/30/2013		SEP 2013 STORM DRAIN MAIN	72045	140025	03/2014	660.00
11/08/2013	83504	FASTENAL		909					187.78
101-6040	454-30-02		10/14/2013		SCREW PITCH	CACHU33053	140007	04/2014	44.71
501-1921	419-30-02		10/15/2013		HEX CAP SCREWS	CACHU33089	140007	04/2014	5.56
501-1921	419-30-02		10/22/2013		SLICER CUTTING WHEEL	CACHU33187	140007	04/2014	95.39
101-6040	454-30-02		10/24/2013		QUICK CHANGE SCREWDRIVER	CACHU33209	140007	04/2014	42.12
11/08/2013	83505	GCR TIRE CENTERS		1702					65.06
501-1921	419-28-01		10/24/2013		#616 WHEEL BAL/DISMOUNT/	832-25242	140047	04/2014	125.06
501-1921	419-28-01		10/29/2013		CR #616 WHEEL BALANCE	832-25364	140047	04/2014	60.00
11/08/2013	83506	KANE, BALLMER & BERKMAN		1828					15,666.34
303-1250	413-20-01		08/05/2013		JUL 2013 -BIKEWAY VILLAGE	19345	140422	02/2014	310.00
303-1250	413-20-01		08/05/2013		JUL 2013 -GENERAL SUCCESS	19346	140422	02/2014	300.00
303-1250	413-20-01		08/05/2013		JUL 2013 -SEACOAST INN OP	19351	140422	02/2014	2,870.00
217-1240	413-20-06		08/05/2013		JUL 2013 -GENERAL HOUSING	19396	140422	02/2014	110.00
217-1240	413-20-06		08/05/2013		JUL 2013 -HABITAT AHA	19397	140422	02/2014	375.29
303-1250	413-20-06		08/05/2013		JUL 2013 -SUCCESSOR AGENCY	19398	140422	02/2014	5,954.05
303-1250	413-20-01		08/05/2013		JUL 2013 -2003 TABS REFND	19399	140422	02/2014	2,365.00
303-1250	413-20-01		08/14/2013		JUL 2013 -AFFORDABLE HSNB	19344	140422	02/2014	3,382.00
11/08/2013	83507	LIGHTHOUSE, INC		787					31.75
501-1921	419-28-16		10/24/2013		HALOGEN BULB/SHRINKTUBING	0919623	140040	04/2014	31.75
11/08/2013	83508	LLOYD PEST CONTROL		814					325.00
101-1910	419-21-04		10/10/2013		OCT 2013 CITY HALL	4012649	140088	04/2014	36.00
101-1910	419-21-04		10/10/2013		OCT 2013 FIRE HOUSE	4012650	140088	04/2014	36.00
101-1910	419-21-04		10/10/2013		OCT 2013 SHERIFF DEPT	4012814	140088	04/2014	36.00
101-1910	419-21-04		10/10/2013		OCT 2013 SPORTS PARK	3997233	140088	04/2014	51.00

PREPARED 11/08/2013, 8:55:19 A/P CHECKS BY PERIOD AND YEAR PAGE 7
 PROGRAM: GM350L FROM 10/25/2013 TO 11/08/2013 BANK CODE 00
 CITY OF IMPERIAL BEACH

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	CHECK AMOUNT
11/08/2013	83521	TERRA BELLA NURSERY, INC.	1946	MULCH	100814	140031	02/2014	388.67	388.67
101-6020-452.30-02		08/22/2013							
11/08/2013	83522	VALLEY INDUSTRIAL SPECIALTIES,	767	J-BEND NUT	199706	140030	04/2014	28.03	28.03
101-6040-454.30-02		10/15/2013							
11/08/2013	83523	WAXIE SANITARY SUPPLY	802	JANITORIAL SUPPLIES	74233598	140013	04/2014	754.48	754.48
101-6040-454.30-02		10/23/2013							
11/08/2013	83524	WESTERN RIM CONSTRUCTORS, INC.	2481	ECO BIKEWAY	10 - RETENTION	130656	03/2014	75,806.97	75,806.97
401-5020-432.20-06		09/30/2013							
DATE RANGE TOTAL *								347,583.23	*



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER *AH*
MEETING DATE: NOVEMBER 20, 2013
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT *AH*
SUBJECT: ADOPTION OF RESOLUTION NO. 2013-7421 APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR CODE COMPLIANCE HEARING OFFICER

EXECUTIVE SUMMARY:

The Municipal Code provides for appeals of decisions by the Code Compliance Officer and for Parking violation appeals. The process for appeals requires a qualified hearing officer be available as required to address any such appeal. This agreement would continue the contract with the current Hearing Officer with the current compensation schedule.

BACKGROUND: The current Hearing Officer, Kim A Mikhael, has been the designated Hearing Officer since February 2, 2006 by Resolution 2006-6284. This agreement would continue that relationship for one year with an automatic annual renewal of up to five years.

ANALYSIS: The current Hearing Officer has agreed to extend the current Professional Services Agreement with the same compensation under the current agreement.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The revenues generated from the payment of fines for the citations will fund costs for these services. The actual cost incurred by the City for services provided under so far in 2013 for the appeal of Administrative Citations is \$405.

RECOMMENDATION:

That the City Council adopt Resolution No. 2013-7421 approving a Professional Services Agreement with Kim A. Mikhael to be the designated hearing officer for administrative citations and parking citation appeal hearings.

Attachments:

1. Resolution No. 2013-7421
2. Professional Services Agreement for Hearing Officer services

RESOLUTION NO. 2013-7421**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH KIM A. MIKHAEL AS HEARING OFFICER FOR ADMINISTRATIVE CITATIONS AND PARKING CITATION APPEALS HEARINGS.**

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

WHEREAS, Chapter 1.12 and 1.22 of the Imperial Beach Municipal Code established citations and fines and a process for hearings for parking fines and Code Violations; and

WHEREAS, the Municipal Code requires a Hearing Officer to hear appeals for administrative citations and parking citations; and

WHEREAS, staff has negotiated an agreement with Kim A Mikhael who has served as Hearing Officer since 2006 to renew her agreement as previously established and renew the agreement automatically each year for up to five (5) years; and

WHEREAS, the City has negotiated competitive rates for the services offered under this contract and;

WHEREAS, pursuant to Imperial Beach Municipal Code section 3.04.160, the City Council may by resolution waive bid requirements for professional services contracts.

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

Section 1: The above recitals are true and correct and incorporated herein as though set forth in full.

Section 2: The City Council hereby waives the bid requirements of IBMC section 3.04.160 pursuant to its authority under IBMC section 3.04.160 G. because this contract is necessary and/or convenient for the management of the City's affairs.

Section 3: The City Manager is authorized to sign a Professional Services Agreement with Kim A Mikhael as a hearing officer for administrative citation and parking citation appeal hearings.

Section 4: The revenues generated from the payment of fines for the citations will fund for the services under this agreement. The compensation shall include the following:

Compensation per Hearing:

1. Parking Citation: \$50.00 per hour, 2 hour minimum, plus \$50.00 per trip.
2. Administrative Citation: \$135.00 per appeal hearing.

Estimated Annual Costs:

1. Parking Citations: \$2,000.00 per year (approx.. 30 hearings per year)
2. Administrative Citations: \$810 per year (approx. 6 hearings per year)

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the November 20th, 2013, by the following roll call vote:

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

James Janney, MAYOR

ATTEST:

JACQUELINE M. HALD
CITY CLERK



City of Imperial Beach
AGREEMENT FOR PROFESSIONAL SERVICES
FOR HEARING OFFICER SERVICES

This Agreement, entered into this 20th day of November, 2013, by and between the CITY OF IMPERIAL BEACH (hereinafter referred to as "CITY") and KIM A. MIKHAEL (hereinafter referred to as "CONSULTANT") (collectively "PARTIES").

RECITALS

WHEREAS, pursuant to Imperial Beach Municipal Code section 1.22.090 A., the City Manager is to select a fair and impartial hearing officer from a panel of hearing officers selected by the City Council for administrative citation hearings, and the hearing officer shall not be an Imperial Beach City employee; and

WHEREAS, CONSULANT has provided such impartial hearing officer services to the CITY; and

WHEREAS, the CITY and CONSULTANT desire to enter into a new agreement for administrative hearing officer services; and

WHEREAS, CONSULTANT is a hearing officer, and has represented that CONSULTANT possesses the necessary qualifications to provide such services; and

WHEREAS, CITY has authorized the preparation of an Agreement to retain the services of CONSULTANT as hereinafter set forth;

NOW, THEREFORE, IT IS MUTUALLY AGREED BY THE PARTIES THAT CITY DOES HEREBY RETAIN CONSULTANT ON THE FOLLOWING TERMS AND CONDITIONS:

Section 1. EMPLOYMENT OF CONSULTANT.

CITY hereby agrees to engage CONSULTANT and CONSULTANT hereby agrees to perform the services hereinafter set forth, in accordance with all terms and conditions contained herein. CONSULTANT represents that all professional services required hereunder will be performed directly by CONSULTANT, or under direct supervision of CONSULTANT.

Section 2. SCOPE OF SERVICES AND COMPENSATION.

- A. CONSULTANT shall provide services as described in Exhibit "A" entitled "Scope of Services and Compensation," attached hereto and made a part hereof.
- B. As additional consideration, CONSULTANT and CITY agree to abide by the terms and conditions contained in this Agreement.
- C. CONSULTANT will, in a professional manner, furnish all labor and all personnel; all supplies, materials, equipment, printing, vehicles, transportation, office space, and facilities; all testing, analyses, and calculations; and all other means, except as otherwise expressly specified to be furnished by CITY, that are necessary or proper to complete the work and provide the required professional services.

D. CONSULTANT shall be compensated for work in accordance with the terms as more particularly described in Exhibit "A." CONSULTANT shall be compensated for additional services only upon prior written approval of CITY.

Section 3. PROJECT COORDINATION AND SUPERVISION.

John Holden is hereby designated as the PROJECT COORDINATOR for CITY and will monitor the progress and execution of this Agreement.

Section 4. LENGTH OF CONTRACT.

This Agreement shall be effective on the date it is executed by both parties, and it shall automatically renew each November 20 annually for up to a period of five (5) years, expiring on November 19, 2018

Section 5. CHANGES.

If changes in the work seem merited by CITY or CONSULTANT, and informal consultations with the other party indicate that a change is warranted, it shall be processed by CITY in the following manner: a letter outlining the changes shall be forwarded to CITY by CONSULTANT with a statement of estimated changes in fee or time schedule. An amendment to the Agreement shall be prepared by CITY and executed, if approved, by both PARTIES before performance of such services or CITY will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

Section 6. OWNERSHIP OF DOCUMENTS.

All documents, data, studies, drawings, maps, models, photographs and reports prepared by CONSULTANT under this Agreement shall be considered the property of CITY. CONSULTANT may retain such copies of said documents and materials as desired, but shall deliver all original materials to CITY.

Section 7. AUDIT OF RECORDS.

7.1. At any time during normal business hours and as often as may be deemed necessary the CONSULTANT shall make available to a representative of CITY for examination all of its records with respect to all matters covered by this Agreement and shall permit CITY to audit, examine and/or reproduce such records. CONSULTANT shall retain such financial and program service records for at least four (4) years after termination or final payment under this Agreement.

7.2. The CONSULTANT shall include the CITY's right under this section in any and all of their subcontracts, and shall ensure that these sections are binding upon all subcontractors.

Section 8. PUBLICATION OF DOCUMENTS.

Except as necessary for performance of service under this Agreement, no copies, sketches, or graphs of materials, including graphic art work, prepared pursuant to this Agreement shall be released by CONSULTANT to any other person or agency without CITY's prior written approval. All press releases, including graphic display information to be published in newspapers or magazines, shall be approved and distributed solely by CITY, unless otherwise provided by written agreement between the PARTIES. After project completion, CONSULTANT may list the project and the general details in its promotional materials.

Section 9. COVENANT AGAINST CONTINGENT FEES.

CONSULTANT declares that it has not employed or retained any company or person, other than a bona fide employee working for CONSULTANT, to solicit or secure this Agreement, that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or making of the Agreement. For breach of violation of this warranty, CITY shall have the right to annul this Agreement without liability, or, at its sole discretion, to deduct from the Agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

Section 10. NO ASSIGNMENTS.

Neither any part nor all of this Agreement may be assigned or subcontracted, except as otherwise specifically provided herein, or to which CITY, in its sole discretion, consents to in advance thereof in writing. Any assignment or subcontracting in violation of this provision shall be void.

Section 11. INDEPENDENT CONTRACTOR.

At all times during the term of this Agreement, CONSULTANT and any subcontractors employed by CONSULTANT shall be an independent contractor and shall not be an employee of the CITY. The HEARING OFFICER shall not subcontract any of the services required hereunder without written approval of the CITY. Pursuant to Imperial Beach Municipal Code section 1.22.090 B., the employment, performance evaluation, compensation and benefits of the HEARING OFFICER shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.

Neither CONSULTANT nor CONSULTANT's employees shall in any event be entitled to any benefits to which CITY employees are entitled, including, but not limited to, overtime, any retirement benefits, workers' compensation benefits, any injury leave or other leave benefits, CONSULTANT being solely responsible for all such matters, as well as compliance with social security and income tax withholding and all other regulations and laws governing such matters.

Section 12. LICENSES, PERMITS, ETC.

CONSULTANT represents and declares to CITY that it has all licenses, permits, qualifications, and approvals of whatever nature that are legally required to practice its profession. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any license, permit, or approval which is legally required for CONSULTANT to practice its profession. CONSULTANT shall obtain and maintain a City of Imperial Beach business license during the term of this Agreement.

Section 13. INSURANCE.

13.1. CONSULTANT shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the CONSULTANT, their agents, representatives, employees or subcontractors. Insurance shall be placed with insurers with a current A.M. Best's rating of no less than "A" and "VII" unless otherwise approved in writing by the CITY's Risk Manager.

13.2. CONSULTANT's liabilities, including but not limited to CONSULTANT's indemnity obligations, under this AGREEMENT, shall not be deemed limited in any way to the insurance coverage required herein. All policies of insurance required hereunder must provide that the CITY is entitled to thirty (30) days prior written notice of cancellation or non-renewal of the policy or policies, or ten (10) days prior written notice for cancellation due to non-payment of premium. Maintenance of specified insurance coverage is a material element of this Agreement.

13.3. Types and Amounts Required. CONSULTANT shall maintain, at minimum, the following insurance coverage for the duration of this Agreement:

13.3.1. **Commercial General Liability (CGL).** If checked the CONSULTANT shall maintain CGL Insurance written on an ISO Occurrence form or equivalent providing coverage at least as broad which shall cover liability arising from any and all personal injury or property damage in the amount of \$1,000,000.00 per occurrence and subject to an annual aggregate of \$2,000,000.00. There shall be no endorsement or modification of the CGL limiting the scope of coverage for either insured vs. insured claims or contractual liability. All defense costs shall be outside the limits of the policy.

13.3.2. **Commercial Automobile Liability.** If checked the CONSULTANT shall maintain Commercial Automobile Liability Insurance for all of the CONSULTANT's automobiles including owned, hired and non-owned automobiles, automobile insurance written on an ISO form CA 00 01 12 90 or a later version of this form or an equivalent form providing coverage at least as broad for bodily injury and property damage for a combined single limit of \$1,000,000.00 per occurrence. Insurance certificate shall reflect coverage for any automobile (any auto).

13.3.3. **Workers' Compensation.** If checked the CONSULTANT shall maintain Worker's Compensation insurance for all of the CONSULTANT's employees who are subject to this Agreement and to the extent required by applicable state or federal law, a Workers' Compensation policy providing at minimum \$1,000,000.00 employers' liability coverage. The CONSULTANT shall provide an endorsement that the insurer waives the right of subrogation against the CITY and its respective elected officials, officers, employees, agents and representatives.

13.3.4. **Professional Liability.** If checked the CONSULTANT shall also maintain Professional Liability (errors and omissions) coverage with a limit of \$1,000,000 per claim and \$2,000,000 annual aggregate. The CONSULTANT shall ensure both that (1) the policy retroactive date is on or before the date of commencement of the Scope of Services; and (2) the policy will be maintained in force for a period of three years after substantial completion of the Scope of Services or termination of this AGREEMENT whichever occurs last. The CONSULTANT agrees that for the time period defined above, there will be no changes or endorsements to the policy that increase the CITY's exposure to loss. All defense costs shall be outside the limits of the policy.

13.4. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions are the responsibility of the CONSULTANT and must be declared to and approved by the CITY. At the option of the CITY, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the CITY, its officers,

officials, employees and volunteers, or (2) the CONSULTANT shall provide a financial guarantee satisfactory to the CITY guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

13.5. Additional Required Provisions. The commercial general liability and automobile liability policies shall contain, or be endorsed to contain, the following provisions:

13.5.1. The CITY, its officers, officials, employees, and representatives shall be named as additional insureds. The CITY's additional insured status must be reflected on additional insured endorsement form which shall be submitted to the CITY.

13.5.2. The policies are primary and non-contributory to any insurance that may be carried by the CITY, as reflected in an endorsement which shall be submitted to the CITY.

13.6. Verification of Coverage. CONSULTANT shall furnish the CITY with original certificates and amendatory endorsements effecting coverage required by this Section 11. The endorsement should be on forms provided by the CITY or on other than the CITY's forms provided those endorsements conform to CITY requirements. All certificates and endorsements are to be received and approved by the CITY before work commences. The CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

13.7. Subcontractor Coverage. CONSULTANT shall also require each of its subcontractors to maintain insurance coverage that meets all the requirements of this Agreement.

13.8. City Options. CONSULTANT agrees that if it does not keep the aforesaid insurance in full force and effect, CITY may either (1) immediately terminate this Agreement, or (2) take out the necessary insurance and pay, at CONSULTANT's expense, the premium thereon.

CONSULTANT shall assume liability for the wrongful or negligent acts, errors and omissions of its officers, agents and employees and subcontractors in regard to any functions or activity carried out by them on behalf of CITY pursuant to the terms of this Agreement.

Section 14. CONSULTANT NOT AN AGENT.

Except as CITY may specify in writing, CONSULTANT shall have no authority, expressed or implied, to act on behalf of CITY in any capacity whatsoever as an agent. CONSULTANT shall have no authority, expressed or implied, pursuant to this Agreement to bind CITY to any obligation whatsoever.

Section 15. INDEMNITY.

To the fullest extent permitted by law, CONSULTANT shall indemnify, defend, and hold harmless the CITY, and its officers, officials, agents and employees from any and all claims, demands, costs or liability that arise out of, pertain to, or relate to the negligence, recklessness, or

willful misconduct of CONSULTANT, its employees, agents, and subcontractors in the performance of services under this AGREEMENT. CONSULTANT's duty to indemnify under this section shall not include liability for damages for death or bodily injury to persons, injury to property, or other loss, damage or expense arising from the active or sole negligence or willful misconduct by the CITY or its elected officials, officers, agents, and employees. CONSULTANT's indemnification obligations shall not be limited by the insurance provisions of this AGREEMENT. The PARTIES expressly agree that any payment, attorney's fees, costs or expense CITY incurs or makes to or on behalf of an injured employee under the CITY's self-administered workers' compensation is included as a loss, expense, or cost for the purposes of this section, and that this section will survive the expiration or early termination of this Agreement.

Section 16. TERMINATION.

CITY may terminate this Agreement at any time by giving ten (10) calendar days written notice to CONSULTANT of such termination and specifying the effective date thereof at least ten (10) calendar days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, reports and other materials prepared by CONSULTANT shall, at the option of CITY, become the property of CITY. If this Agreement is terminated by CITY as provided herein, CONSULTANT will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of CONSULTANT covered by this Agreement, less payments of compensation previously made.

Should CONSULTANT be in default of any covenant or condition hereof, CITY may immediately terminate this AGREEMENT for cause if CONSULTANT fails to cure the default within ten (10) calendar days of receiving written notice of the default.

Section 17. NON-DISCRIMINATION.

CONSULTANT shall not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin, nor shall CONSULTANT discriminate against any qualified individual with a disability. CONSULTANT will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin and shall make reasonable accommodation to qualified individuals with disabilities. Such action shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. CONSULTANT agrees to post in conspicuous places available to employees and applicants for employment any notices provided by CITY setting forth the provisions of this non-discrimination clause.

Section 18. GENERAL CONDITIONS.

CONSULTANT shall provide no services for any private client within the corporate boundaries of CITY during the period that this Agreement is in effect, nor shall CONSULTANT, without, previous written permission from the PROJECT COORDINATOR, review any plan, map or other work which to the best of CONSULTANTS knowledge has been submitted by a private client for which the CONSULTANT has performed work within the previous 12 months or anticipates performing work in the succeeding 12 months. CONSULTANT shall immediately notify the PROJECT COORDINATOR in writing whenever CONSULTANT has reason to believe that aforementioned circumstance exists. CONSULTANT knows of no interests where it holds nor of any relationship it has or may have that would constitute a conflict of CONSULTANT performing the duties set forth in this Agreement solely in the best interest of CITY.

Section 19. OFFICE SPACE AND CLERICAL SUPPORT.

CONSULTANT shall provide its own office space and clerical support at its sole cost and expense.

Section 20. SUBCONTRACTORS.

20.1. The CONSULTANT's hiring or retaining of third PARTIES (i.e. subcontractors) to perform services related to this Agreement is subject to prior approval by the CITY.

20.2. All contracts entered into between the CONSULTANT and its subcontractor shall also provide that each subcontractor shall obtain insurance policies which shall be kept in full force and effect during any and all work related to this Agreement and for the duration of this Agreement. The CONSULTANT shall require the subcontractor to obtain all policies described in Section 13 above in the amounts required by the CITY, which shall not be greater than the amounts required of the CONSULTANT.

20.3. In any dispute between the CONSULTANT and its subcontractor, the CITY shall not be made a party to any judicial or administrative proceeding to resolve the dispute. The CONSULTANT agrees to defend and indemnify the CITY as described in Section 15 of this Agreement should the CITY be made a party to any judicial or administrative proceeding to resolve any such dispute.

Section 21. CONFIDENTIAL RELATIONSHIP.

CITY may from time to time communicate to CONSULTANT certain information to enable CONSULTANT to effectively perform the services. CONSULTANT shall treat all such information as confidential, whether or not so identified, and shall not disclose any part thereof without the prior written consent of CITY. CONSULTANT shall limit the use and circulation of such information, even within its own organization, to the extent necessary to perform the services. The foregoing obligation of this Section 21, however, shall not apply to any part of the information that (i) has been disclosed in publicly available sources of information (ii) is, through no fault of CONSULTANT, hereafter disclosed in publicly available sources of information; (iii) is now in the possession of CONSULTANT without any obligation of confidentiality; or (iv) has been or is hereafter rightfully disclosed to CONSULTANT by a third party, but only to the extent that the use or disclosure thereof has been or is rightfully authorized by that third party.

CONSULTANT shall not disclose any reports, recommendations, conclusions or other results of the services or the existence of the subject matter of this contract without the prior written consent of CITY. In its performance hereunder, CONSULTANT shall comply with all legal obligations it may now or hereafter have respecting the information or other property of any other person, firm or corporation.

Section 22. MEDIATION.

In the event of a dispute between CITY and CONSULTANT concerning the terms of this Agreement or its performance, the PARTIES may, but are not required to, agree to submit such dispute to mediation. If both PARTIES agree to mediation, CITY and CONSULTANT agree to cooperate in good faith to promptly select a mediator, to schedule a mediation session, and to attempt to settle the claim or dispute through mediation.

Section 23. NOTICES.

All communications to either party by the other party shall be deemed made when received by such party at its respective name and address, as follows:

John Holden
Building Official
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach CA 91932

Kim A. Mikhael
3150 El Camino Real, Suite D
Carlsbad, CA 92010

Any such written communications by mail shall be conclusively deemed to have been received by the addressee five (5) business days after the deposit thereof in the United States Mail, postage prepaid and properly addressed as noted above.

Section 24. CALIFORNIA LAW; VENUE.

This Agreement and its performance shall be governed, interpreted, construed, and regulated by the laws of the State of California. Any action brought to enforce or interpret any portion of this Agreement shall be brought in the County of San Diego, California. CONSULTANT hereby waives any and all rights it might have pursuant to California Code of Civil Procedure § 394.

Section 25. ENTIRE AGREEMENT.

This Agreement, and its Exhibits, set forth the entire understanding of the PARTIES. There are no other understandings, terms or other agreements expressed or implied, oral or written. In the event there are conflicting provisions between the Agreement and any Exhibits, the Agreement provisions shall take precedence. No change, alteration, or modification of the terms or conditions of this Agreement, and no verbal understanding of the PARTIES, their officers, agents, or employees shall be valid unless agreed to in writing by both PARTIES.

Section 26. SEVERABILITY.

If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion shall be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement shall continue in full force and effect.

Section 27. TIME IS OF ESSENCE.

Time is of the essence for each and every provision of this agreement that states a time for performance and for every deadline imposed by the PROJECT COORDINATOR.

Section 28. COMPLIANCE WITH LAW.

CONSULTANT shall comply with applicable laws in effect at the time the services are performed hereunder which, to the best of its knowledge, information and belief, apply to its obligations under this Agreement.

Section 29. STATEMENT OF EXPERIENCE.

By executing this Agreement, CONSULTANT represents that it has demonstrated trustworthiness and possesses the quality, fitness, and capacity to perform the Agreement in a manner satisfactory to CITY. CONSULTANT represents that its financial resources, surety and insurance experience, service experience, completion ability, personnel, current workload, experience in dealing with private owners, and experience in dealing with public agencies all suggest that

CONSULTANT is capable of performing the proposed contract and has a demonstrated capacity to deal fairly and effectively with and to satisfy a public agency.

Section 30. CONFLICTS OF INTEREST AND POLITICAL REFORM ACT OBLIGATIONS.

During the term of this Agreement CONSULTANT shall not act as consultant or perform services of any kind for any person or entity whose interests conflict in any way with those of the CITY. CONSULTANT shall at all times comply with the applicable terms of the Political Reform Act and the local conflict of interest ordinance. CONSULTANT shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the CITY in which the CONSULTANT has a financial interest as defined in Government Code Section 87103. CONSULTANT represents that it has no knowledge of any financial interests which would require it to disqualify itself from any matter on which it might perform services for the Agency.

CONSULTANT shall comply with all of the applicable reporting requirements of the Political Reform Act and local ordinance. Specifically, within 30 days of receiving notice from the CITY that CONSULTANT has been determined by the CITY to have a reporting requirement under the Political Reform Act, CONSULTANT shall file Statements of Economic Interest with the City Clerk of the CITY in a timely manner on forms which CONSULTANT shall obtain from the City Clerk .

Section 31. RESPONSIBILITY FOR EQUIPMENT.

CITY shall not be responsible nor held liable for any damage to persons or property consequent upon the use, misuse, or failure of any equipment used by CONSULTANT or any of CONSULTANT's employees or subcontractors, even if such equipment has been furnished, rented, or loaned to CONSULTANT by CITY. The acceptance or use of any such equipment by CONSULTANT, CONSULTANT's employees, or subcontractors shall be construed to mean that CONSULTANT accepts full responsibility for and agrees to exonerate, indemnify and hold harmless CITY from and against any and all claims for any damage whatsoever resulting from the use, misuse, or failure of such equipment.

Section 32. NO WAIVER.

No failure of either the CITY or the CONSULTANT to insist upon the strict performance by the other of any covenant, term or condition of this Agreement, nor any failure to exercise any right or remedy consequent upon a breach of any covenant, term, or condition of this Agreement shall constitute a waiver of any such breach of such covenant, term or condition.

Section 33. DRAFTING AMBIGUITIES.

The PARTIES agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this Agreement, and the decision of whether or not to seek advice of counsel with respect to this Agreement is a decision which is the sole responsibility of each Party. This Agreement shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of the Agreement.

Section 34. CONFLICTS BETWEEN TERMS.

If an apparent conflict or inconsistency exists between the main body of this Agreement and the Exhibits, the main body of this Agreement shall control. If a conflict exists between an applicable federal, state, or local law, rule, regulation, order, or code and this Agreement, the law, rule, regulation, order, or code shall control. Varying degrees of stringency among the main body of this Agreement, the Exhibits, and laws, rules, regulations, orders, or codes are not deemed conflicts, and

the most stringent requirement shall control. Each Party shall notify the other immediately upon the identification of any apparent conflict or inconsistency concerning this Agreement.

Section 35. EXHIBITS INCORPORATED.

Exhibits "A" through "___" are incorporated into the Agreement by this reference.

Section 36. SIGNING AUTHORITY.

The representative for each Party signing on behalf of a corporation, partnership, joint venture or governmental entity hereby declares that authority has been obtained to sign on behalf of the corporation, partnership, joint venture, or entity and agrees to hold the other Party or PARTIES hereto harmless if it is later determined that such authority does not exist.

*****SIGNATURES ON FOLLOWING PAGE*****

IN WITNESS WHEREOF the PARTIES hereto have executed this Agreement the day and year first hereinabove written.

CITY OF IMPERIAL BEACH,
A municipal corporation

CONSULTANT/CONSULTANT:

Andy Hall, City Manager

Kim A. Mikhael

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Jennifer M. Lyon, City Attorney

[Department Head]

EXHIBIT A – SCOPE OF SERVICES AND COMPENSATION

Scope of Services

For and in consideration of the hereinafter stated the CONSULTANT shall conduct hearings concerning the issuance of administrative citations and parking citations, issue findings, and in all other ways perform his or her services consistent with applicable provisions of the Imperial Beach Municipal Code. The CONSULTANT shall be notified in writing at least ten (10) days prior to the hearing and will be provided an evidence package containing all case information necessary to conduct a hearing. The CONSULTANT shall conduct hearings on an as needed basis, solely at the discretion of CITY.

Compensation

Administrative Citation Hearings - General: The CITY agrees to pay, and the CONSULTANT agrees to accept for said services the total sum payable hereunder of ONE HUNDRED THIRTY-FIVE DOLLARS (\$135.00) per administrative citation hearing for all hours worked, documents prepared and produced, and travel and expenses. The CONSULTANT shall submit a detailed invoice monthly showing services performed. Payment by the CITY shall be monthly, within thirty (30) days following receipt of said invoice for work performed during the preceding month, subject to the CITY accounting procedures.

Parking Citation Hearings: The CITY agrees to pay, and the CONSULTANT agrees to accept for said services the total sum payable hereunder of FIFTY DOLLARS (\$50.00) per hour, two hour minimum, for parking citation hearings for all hours worked, and documents prepared and produced. In addition FIFTY DOLLARS (\$50.00) per trip to the CITY for said parking citation hearings for all travel and expenses. The CONSULTANT shall submit a detailed invoice monthly showing services performed. Payment by the CITY shall be monthly, within thirty (30) days following receipt of said invoice for work performed during the preceding month, subject to the CITY accounting procedures.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ANDY HALL, CITY MANAGER *AH*

MEETING DATE: NOVEMBER 20, 2013

ORIGINATING DEPT.: GREGORY WADE, ASSISTANT CITY MANAGER *GW*
ERIKA N. CORTEZ, HUMAN RESOURCES ANALYST *EC*

SUBJECT: ADOPT RESOLUTION NO. 2013-7423 AMENDING ARTICLES VI – SALARY ADJUSTMENT, VII – HOLIDAY WITH PAY (SECTION 3), VII VACATION LEAVE (SECTION 4), IX – DISCIPLINARY PROCEDURES, AND X – GRIEVANCE PROCEDURE OF THE CITY OF IMPERIAL BEACH PERSONNEL RULES

EXECUTIVE SUMMARY:

Staff is seeking adoption of Resolution No. 2013-7423 which would amend various Articles of the City's Personnel Rules to be consistent with established Memorandum of Understanding (MOU) with the Service Employees International Union (SEIU) and the Imperial Beach Firefighters' Association (IBFA.)

BACKGROUND:

A section of the City's Personnel Rules were last amended in November 2010. Upon review of the MOUs with SEIU and IBFA, staff determined it was necessary to amend several Articles to make it consistent with MOU agreements.

ANALYSIS:

During a recent meet and confer process with SEIU and IBFA, it was learned that various languages from the MOUs, past and current, have not been updated as part of to the City's Personnel Rules.

The following Articles will be updated from the City's Personnel Rules:

ARTICLE VI – COMPENSATION, SECTION 5 – SALARY ADJUSTMENT

This section will allow Lifeguard employees in a temporary part-time position to be eligible for a merit increase on July 1 of each year if they have completed 600 hours of job service (versus 780 hours before) in the previous 12 months. This section will also include language clean-up.

ARTICLE VII – LEAVE OF ABSENCE, SECTION 3 – HOLIDAYS WITH PAY

This section will add holiday bank as a method of compensation and accrual and that an employee may accrue up to a maximum of 80 hours of holiday bank time.

ARTICLE VII – LEAVE OF ABSENCE, SECTION 4 – VACATION LEAVE

This section contains clean-up language and will be updated to reflect applicable language in each MOU.

ARTICLE IX – DISCIPLINARY PROCEDURES

The language included as an Exhibit to the MOUs is inconsistent with the City's Personnel Rules. Therefore, this section has been revised to ensure that the language in the MOUs is consistent with the Personnel Rules.

ARTICLE X – GRIEVANCE PROCEDURE

The language included as an Exhibit to the MOUs is inconsistent with the City's Personnel Rules. Therefore, this section has been revised to ensure that the language in the MOUs is consistent with the Personnel Rules.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

No fiscal impact.

RECOMMENDATION:

That the City Council adopt Resolution No. 2013-7423 amending the City's Personnel Rules to reflect the cited changes to Articles VI, VII (Section 3 & 4), IX, and X.

Attachments:

1. Resolution No. 2013-7423
2. Personnel Rules Articles VI, VII (Section 3 & 4), IX, and X (strike-versions)
3. Personnel Rules Articles VI, VII (Section 3 & 4), IX, and X (final-versions)

RESOLUTION NO. 2013-7423

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING ARTICLES VI – SALARY ADJUSTMENT, VII – HOLIDAY WITH PAY (SECTION 3), VII VACATION LEAVE (SECTION 4), IX – DISCIPLINARY PROCEDURES, AND X – GRIEVANCE PROCEDURE OF THE CITY OF IMPERIAL BEACH PERSONNEL RULES

WHEREAS, upon review of the current and past Memorandum of Understandings (MOU) with Service Employees International Union (SEIU) and Imperial Beach Firefighters' Association (IBFA), staff determined it was necessary to amend several Articles to make them consistent with MOUs agreed upon during the meet and confer process; and

WHEREAS, Articles VI, VII (Section 3 & 4), IX, and X of the Personnel Rules will be updated to reflect the changes to and to be consistent with the agreed-upon MOUs.

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

1. The above recitals are true and correct.
2. The City Council hereby approves revisions and amendments to Articles VI, VII (Section 3 & 4), IX, and X of the City's Personnel Rules.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of November 2013, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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

Personnel Rules Articles VI, VII, IX, and X
(strike-versions)

ARTICLE VI - COMPENSATION

Section 1 - The Compensation Plan

An employee compensation plan shall be established. Each classification in the city's classification plan shall be assigned a salary range. All persons employed by the City shall be compensated in accordance with the compensation plan.

The compensation plan has the following characteristics:

- 1 Each salary range normally consists of six (6) steps (A through F)
2. The increase from one step to the next step in each salary range is five percent.
- 3 A difference of five percent (5%) exists between each salary range.

Salary advancement for each employee shall not be automatic, but shall depend upon a rating of competent or better, as reflected in the performance evaluation. Steps A through F are merit adjustments: Advancement from one step to another shall be approved by the City Manager, as described below, if the employee receives a competent or better work performance rating. If the employee receives less than a competent rating, only the City Manager can approve a salary advancement, if one is recommended by the department head

- 1 STEP "A". The first salary step; Appointment may be made to other than step A upon the recommendation of the department head and approval of the City Manager.
2. STEP "B": The second salary step; Six (6) months of competent or better service normally shall make an employee eligible for salary advancement. This salary advancement shall be made only if recommended by the department head and approved by the City Manager
- 3 STEP "C": The third salary step; Twelve (12) months of competent or better service at the second salary step normally shall make an employee eligible for salary advancement. This salary advancement shall be made only if recommended by the department head and approved by the City Manager
4. STEP "D": The fourth salary step; Twelve (12) months competent or better service at the third step normally shall make an employee eligible for salary advancement. This salary advancement shall be made only if recommended by the department head and approved by the City Manager
- 5 STEP "E" The fifth salary step; Twelve (12) months of competent or better service at the fourth step normally shall make an employee eligible for salary advancement. This salary advancement shall be made only if recommended by the department head and approved by the City Manager

6. Step "F": The sixth salary step; Twelve (12) months of competent or better service at the fifth step normally shall make an employee eligible for salary advancement. This salary advancement shall be made only if recommended by the department head and approved by the City Manager

Employees employed for less than full-time shall be paid pro rata salaries, or an hourly rate of pay

Section 2 - Salary Range Revision

The following method shall be followed in determining the step at which each employee shall be paid.

- (a) If the salary range is raised, the step at which the employee will be paid shall not be changed.
- (b) If the salary range is lowered, the employee shall be paid at the step in the new range which is closest, but not lower than, the rate he/she was paid in the former range. If the maximum rate of the new range is lower than the employee's salary in the former range, the employee will be "y" rated under Section 3

Section 3 - "Y" Rate

With the approval of the City Council, an incumbent employee who is reclassified or reassigned to a classification with a lower rate of pay may retain his or her current rate of pay until the assigned classification has a maximum salary rate which is equal to or higher than the "Y" rate.

Section 4 - New Appointment

All new appointments shall be made at Step A of the salary range, with the following exceptions:

- (a) Step A. The City Manager may authorize appointments to be made to other than Step A within the prescribed salary range upon the written recommendation of the department head when it is decided that such action is in the best interest of the City
- (b) Promotion: If the entrance salary of a classification to which an employee is promoted does not represent a raise in salary, the employee shall be paid at the salary rate next above that at which he/she would have been paid if he/she had remained in his former class. The salary of a person who is receiving compensation at a "Y" rate immediately prior to such promotion may not be reduced by reason of the appointment to the new class.
- (c) From Re-employment List. An employee who is appointed from a re-employment list after having been laid off shall be paid at the step at which the employee was paid at the end of the previous employment.

- (d) Demotion. In all cases of demotion, whether voluntary, disciplinary, or in lieu of layoff, the City Manager shall set the salary rate to be paid. Normally, the salary will be in the range to which the employee was demoted.
- (e) Former Non-Permanent or Interim Employees: The salary step for any person newly appointed from an employment list, who has within the immediately preceding (2) two-year period served in the same or equivalent classification under any appointment other than a permanent appointment, may be paid at the step at which the person was most recently paid, subject to approval by the City Manager
- (f) Transfer: A transfer within the same classification from one department to another department shall not affect an employee's salary level.

Section 5 – Salary Adjustments

Every employee who holds a permanent appointment to a full-time position, upon a written recommendation of the department head and approval of the City Manager, and who receives a competent or better evaluation, shall advance to the next step within the salary range for the class. The advancement will become effective on the first day of the succeeding pay period after completing 2,080 hours at the previous step with the exception of Step A. A non-lifeguard employee in a temporary part-time position would be eligible ~~under the same requirements after 780 hours (at least 20 hours per week); for a step increase effective on the first day of the succeeding pay period after their hire date anniversary if they have completed 780 hours in the previous 12 months (for part-time temporary Lifeguards the anniversary date will be September 1 of each year).~~ Part-time temporary employees will automatically be eligible for a step increase on their anniversary date every 24 months, if they have not otherwise been eligible due to the annual 780-hour requirement.

A Lifeguard employee in a temporary part-time position would be eligible for a step increase on July 1 of each year if they have completed 600 hours in the previous 12 months.

- (a) Time Increase: Step A - six (6) Months (1,040 hours). If Step A, 1,040 hours or completion of probationary period (whichever occurs later).

Hours shall include active service, periods of any paid leaves of absence for which Workers' Compensation is paid. Periods of absence in excess of ten (10) days shall not count toward completion of the probationary period.

The following periods of time, in regards to salary adjustments, shall be disregarded and not counted: all leaves of absence without pay and layoffs in excess of 30 calendar days; and all periods of service performed with a service rating equivalent of less than competent.

- (b) Merit Increase: Twelve (12) months (2080 hours). Advancement to Steps "B," "C," "D," "E," and "F" in a salary range shall be granted for a performance rating of competent or better. Such merit advancements shall be made only upon the recommendation of the department head, and with the approval of the City Manager, and shall become effective on the first day following the approval.

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Nothing herein prohibits the granting of a merit salary advancement prior to the normal time intervals set forth above.

- (c) Promotion/Demotion. Salary adjustments resulting from an employee's promotion or demotion shall become effective on the first day of the employee's promotion or demotion.
- (d) Below Competent Service Ratings. An employee who has received a performance rating below standard/competent shall receive a quarterly evaluation until at which time the employee receives a standard/competent or better rating. The employee shall not receive a salary step advancement until a standard/competent rating is achieved.

Section 6 - Step Placement of Temporary Appointee

Upon request of the department head, the City Manager may authorize the payment of a temporary or interim appointee at any step within the salary range for the class. If the temporary opening is in the existing City's miscellaneous or firefighter represented job classifications, the temporary or interim appointment shall be first be made available to qualified existing employees prior to offering the position to a non-city employee. The lowest level opening not filled, after any temporary or interim appointments can then be offered to non-city employees. Employees wishing to temporarily fill a vacant position must meet the minimum job qualifications for the position qualification as listed in the position's current job description. The Human Resource Department shall verify the employee's job qualifications for the position.

Section 7 - Work Periods

All compensation is based on the full-time month, with a normal work week of (40) hours for general service employees and fifty-six (56) hours for firefighting personnel. The department head may require employees to work special hours or a split shift to meet departmental operating requirements as long as the number of hours worked do not exceed the normal work week.

The workday for part-time employees shall be established and directed by the department head.

A schedule other than eight (8) hours per day, five days per week may be established with mutual agreement by both the affected employees and management

In an emergency, as described in the Imperial Beach Emergency Plan, the City Manager may designate other work periods and working hours for employees when, in the City Manager's opinion, the best interest of the City will be served by such adjustment of the standard work periods and hours. The employee shall return to the standard work periods and hours at the conclusion of the declared emergency

Section 8 - Overtime

It is the policy of the City that overtime work is to be kept to the minimum amount necessary to accomplish the task.

The overtime must be for work specifically ordered or approved by the department head or designated representative. The department head shall provide the City Manager with a record showing instances of authorized overtime worked, stating the reason therefore and by whom authorized; and the date and duration of each instance when overtime or compensating time off is allowed. The time when compensating time off is taken shall be at the discretion of the department head or designee.

An employee may request that overtime worked may be compensated for, either by a cash payment or compensatory time at one-half (1/2) the employee's permanent established hourly salary rate.

In the event compensatory time off is used as the method of compensating for overtime, the employee may use this leave under the same rules as vacation leave. However, an employee may not "bank" more than 240 hours of compensatory leave at any time. If an employee has saved the maximum compensatory leave allowed, 240 hours, than any overtime worked must be paid to the employee on the following payroll check the overtime was worked.

Overtime shall commence at the time an employee reaches the place where he is directed to report and shall continue until he is released or the work is completed, whichever is the earlier. All overtime shall be logged to the nearest one-quarter (1/4) hour. No compensatory time off or paid compensation of any sort shall be made for incidental overtime work of less than five (5) minutes duration which is performed immediately following the permanent hours of work. All overtime shall be logged and rounded up to the nearest one-quarter (1/4) hour.

Overtime compensation provisions shall not apply to employees who are exempt under the Fair Labor Standards Act.

Exception to these procedures will be made only upon written authorization of the City Manager.

Section 9 – Pay Periods

The pay period for all employees shall be bi-weekly. When the permanent pay day coincides with a holiday, pay checks will be issued on the work day immediately preceding such holiday.

Except for employees being terminated, salaries will be paid only on permanent pay days unless early payment is approved by the City Manager. Employees leaving City employment will normally be paid on the regular pay day following the date of termination.

The method of distributing payroll checks shall be established by the City Manager.

Section 10 - Standby Compensation

Compensation for permanently established emergency standby service shall be in the amount set forth in the Annual Salary Resolution approved and adopted by the City Council or, upon the recommendation of the department head and the approval of the City Manager, or by compensatory time off at the discretion of the employee in accordance with the governing rules for compensatory time off.

Section 11 – Payroll Deductions

Deductions from an employee's pay shall be made in accordance with prevailing laws, contract and administrative rules and procedures established by the City Manager.

ARTICLE VII - LEAVES OF ABSENCE

Section 3 - Holidays With Pay

An eligible employee shall be entitled to the holidays set forth in the current Memorandum of Understanding

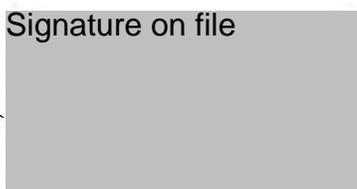
Employees may request time off to attend religious services or other religious activities on recognized religious holidays during the year. Such time off shall be charged to the employee's accumulated vacation leave, holiday bank, or compensatory time off. If the employee has no accumulated vacation leave, holiday bank, or compensatory time off, such time off shall be without pay

The method for compensating employees who are required to work on a holiday or whose normal day off falls on a holiday shall be given holiday bank hours ~~compensatory time off~~ at a time convenient to the department head and the employee. An employee may accrue a maximum of 80 hours of holiday bank time. Any holiday bank hours beyond 80 hours shall be paid in the pay period incurred, or an additional day pay if requested by the employee and approved by the department head and the City Manager.

When an employee is absent on vacation leave, holiday bank leave, sick leave or compensatory time off, a holiday immediately preceding, following, or wholly within such leave period shall be recorded as a holiday and not as a day of leave.

If a holiday falls on Saturday, the preceding Friday will be observed as a holiday. If the holiday falls on Sunday, the following Monday will be observed as a holiday

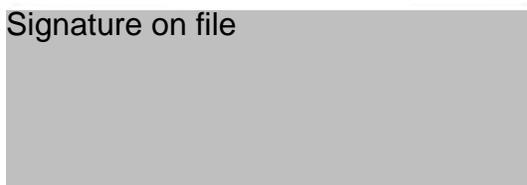
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Exhibit "C"

City of Imperial Beach – Personnel Rules
Article VII – Leave of Absence

(New version to be updated in Personnel Rules per MOU)
(Amended 12/21/05)

~~Article VII – Leave of Absence~~

Section 4 - Vacation Leave

The purpose of annual vacation leave is to enable each eligible employee to return to work mentally refreshed.

- (a) Waiting Period. All employees in the Competitive Service shall be entitled to use annual vacation leave with pay following the successful completion of his/her probationary period. However, an employee who is still in their probationary status may, after at least six months of service and with at least a satisfactory job performance rating, request vacation leave or compensatory leave if the employee has accrued compensatory leave, with the approval of the department head or designee. Additionally, a new employee who has not successfully completed his/her probationary period will be allowed to take, with the approval of the department head or designee, any Floating Holiday time off that they have accrued during their probationary period.
- (b) Vacation Accrual. Vacation will be accrued and credited on a monthly basis when an employee is in pay status for fifty percent (50%) or more of the work days in a given month. Each eligible employee shall accrue vacation at the following rate for continuous service performed in a pay status unless a Memorandum of Understanding applicable to them provides otherwise:
 - (1) For employees completing ~~less than five (5)~~ years or less of full years of continuous service (i.e. First day through 5th anniversary), one (1) working day for each month of service completed, for a maximum of twelve (12) days per year
 - (2) For employees with greater than five (5) years Beginning with the sixth (6th) year of continuous service up to the completion of ten (10) years of continuing service (i.e. 5 years + 1 day through 10th anniversary), one and one-fourth (1 1/4) working days for each month of service completed, for a maximum of 15 days per year
 - (3) For employees with greater than ten (10) years Beginning with the eleventh (11th) year of continuous service up to the completion of fifteen (15) years of continuing service (i.e. 10 years + 1 day through 15th anniversary), one and one and two-thirds (1 2/3) working days for each month of service completed, for a maximum of 20 days per year.
 - (4) For employees with greater than fifteen (15) years Beginning with the

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~~sixteenth (16th) year~~ of continuous service or more (i.e. 15 years + 1 day and above), two and one-twelve (2.0833) working days for each month of service completed, for a maximum of 25 days per year

- (c) When to be Taken. Vacation schedules shall be set by the department head or designee with regard to the needs of the service and, as far as possible, with the wishes of the employee. Vacation shall not be deemed authorized until the employee's eligibility is verified by the City Manager or designee. If the employee cannot take part or all of his/her annual vacation in a calendar year, vacation shall be taken during the following calendar year.
- (d) How it May Be Taken. An eligible employee may take earned vacation leave in any increment of one (1) hour or more with the consent of the department head and the approval of the City Manager or designee.
- (e) Vacation Accumulation. As of January 1st of each year, the maximum vacation balance of an employee shall be no more than twice his/her annual vacation accrual. If an employee has accumulated two years worth of vacation leave during the calendar year, the maximum amount of leave can be no more than two years worth on January 1st, or the employee will cease to accrue any additional vacation leave until the amount of vacation leave is brought to the (two) 2 year maximum of vacation leave. Exception. If an employee was administratively precluded from taking excess vacation by management cancellation of an approved scheduled vacation or the employee was administratively precluded from taking excess vacation by denial of a primary and at least two (2) alternate requests for vacation leave requested by the employee at least ninety (90) days prior to January 1, there will be a grace period provided to the employee as follows: The employee shall continue to accrue their vacation leave and will not lose any excess vacation accrual and will be allowed to use the excess leave during the next three (3) month period, January 1 – March 31. If for any reason, management does not allow the employee to use their excess vacation accrual during this three (3) month period of time, the employee will be granted additional three (3) month period(s) of time, until at which time, the employee is allowed to utilize his/her excess vacation leave accrual
- (f) Vacation Pay at Termination. Upon separation from services for any cause, an eligible employee who has completed at least one (1) year of active service shall be entitled to pay for the number of accumulated vacation days. A lump sum payment will be made as part of final paycheck. Vacation pay shall be at the employee's current rate of pay
- (g) Part-Time Employees: Temporary part-time employees shall not be eligible for vacation leave. ~~Permanent part-time employees working more than twenty (20) hours a week are entitled to prorated vacation.~~
- (h) Military Leave: An employee who interrupts City employment because of extended military leave shall be compensated for accrued vacation at the time the leave becomes effective, if requested by the employee. This is governed by

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all applicable state and federal laws.

- (i) Double Compensation Prohibited: Employees shall not work for the City during their vacations.

Exhibit "B"

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ARTICLE IX – DISCIPLINARY PROCEDURE

Section 1 - Kinds of Disciplinary Actions

The desirable first step in modifying or changing undesirable employee work performance, action or behavior whenever possible, is to counsel orally an employee on the areas that need to be improved, changed, or stopped and to provide clear guidance on what the work-related expectations are. However, when this is not successful in changing the undesirable performance, act, or behavior, or the undesirable performance, act, or behavior is of such a nature that it warrants a higher level of intervention action, a permanent employee of the City in the Competitive Service may be disciplined or removed from employment for cause by the appointing authority

Kinds of disciplinary action may include the following:

- (a) Discharge or dismissal;
- (b) Demotion;
- (c) Suspension without pay;
- (d) Reduction in pay, either one or more steps within the salary range permanently or for a fixed period of time;
- (e) Written reprimand;

Section 2 Cause for Disciplinary Action

Any of the following shall be deemed sufficient cause for disciplinary action against any employee with permanent status in the Competitive Service. Charges may be based on causes other than those enumerated, if the action is deemed, by the City Manager or designee, to have a potential detrimental affect to work-related conditions, work-related environment, work-related performance, and/or to the City and its citizens:

- (a) Violations of these rules,
- (b) Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training or failure to discharge duties in a prompt, competent, and responsible manner;

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- (c) Willful disobedience or insubordination; or violation of any lawful or official regulation or order; or failure to obey any lawful and reasonable direction given by a superior officer,
- (d) Refusal, neglect, or failure to perform;
- (e) Excessive use or misuse of sick leave;
- (f) Any form of dishonesty, including but not limited to lying, fraud, cheating, deceit, or trickery;
- (g) Intoxication while on duty,
- (h) Fighting or disorderly conduct;
- (i) Discourteous or offensive treatment to the public or other employees;
- (j) Absence without leave, or failure to report after leave of absence has expired or after such leave of absence has been disapproved or revoked by the appointing authority,
- (k) Conviction of a felony or misdemeanor which is job-related. Conviction includes a plea of guilty or no contest;
- (l) Abuse, gross negligence, or willful misconduct in the care or operation of City tools or equipment, causing damage to public property or waste of public supplies;
- (m) Soliciting or accepting for personal use a fee, gift, or other item of value in the course of or in connection with work when such fee, gift, or other item of value so solicited or given by any person in the hope or expectation of receiving an advantage, a favor, or better treatment than that accorded other persons;
- (n) Failure to obey an order from the department head or the City Manager to terminate or desist from outside employment or enterprise that has been determined to be incompatible with City employment or detrimental to the efficiency of regular City work;

- (o) Fraud in securing initial employment or subsequent appointment to higher position in City service;
- (p) Violation of safety procedures;
- (q) Immoral conduct while on duty or other failure of good behavior either during or outside of duty hours which does or could discredit the City;
- (r) Refusal to take or subscribe to any oath or affirmation which is required by law in connection with employment;
- (s) The use, sale, or possession of illegal narcotics, not prescribed by a physician while on duty;
- (t) Working overtime without authorization.

Section 3 - Written Reprimand

Written Reprimand of substandard performance or misconduct may be given to an employee at any time an employee's performance or actions warrants it. The employee may submit a written response to the reprimand within ten (10) days of its receipt. A written reprimand and response, if any, will be placed in the employee's Personnel file. The employee has no right to appeal a reprimand.

Section 4 Notice of Intent

Whenever the department head intends to suspend an employee, demote an employee, reduce an employee in pay, or discharge the employee, the department head shall give the employee a written notice of discipline which sets forth the following:

- (a) The intended disciplinary action;
- (b) The specific charges upon which the action is based;
- (c) A factual summary of the grounds upon which the charges are based;
- (d) A copy of all written materials, reports, or documents upon which the discipline is based,
- (e) Notice of the employee's right to respond to the charges, either orally or in writing, to the City Manager or other impartial designee;

- (f) The date, time and person before whom the employee may respond in no more than ten (10) business days;
- (g) Notice that failure to respond by the specified time shall constitute a waiver of the right to respond prior to final discipline being imposed.

Section 5 - Response by Employee

The employee shall have the right to respond to the City Manager, or impartial designee, orally or in writing. The employee shall have a right to be represented at any meeting set to hear the employee's response. In cases of suspensions, demotions, reductions in pay, or discharge, the employee's response will be considered before final action is taken.

Section 6 - Final Notice

After the response or the expiration of the employee's time to respond to the notice of intent, the City Manager, or impartial designee, shall (1) dismiss the notice of intent and take no disciplinary action against the employee; or (2) modify the intended disciplinary action; or (3) prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

- (a) The disciplinary action taken;
- (b) The effective date of the disciplinary action taken;
- (c) Specific charges upon which the action is based;
- (d) A factual summary of the ~~based upon which the charges disciplinary documents upon which written materials, reports, based action the Personnel appeal employee's right facts upon which the charges are based;~~
- (e) ~~The written materials, reports, and documents upon which the disciplinary action is based;~~
- (f) ~~The employee's right to appeal to the Personnel Board.~~

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Section 7 - Appeal Hearing

The appeal procedure shall apply only to cases of disciplinary suspensions, reductions in pay, demotion, and discharges affecting permanent employees within the competitive service.

1 Request for Hearing

Within seven (7) working days after final notice of suspension, reduction in pay, demotion, or

dismissal, the employee or the employee's representative may file an appeal in writing to the City Manager. If, within the seven (7) working day appeal period, the employee does not file said appeal, unless good cause for the failure is

shown, the action of the City shall be considered conclusive and shall take effect as prescribed. The appeal shall include the following:

- (a) An admission or denial of each charge, with an explanation why the charge is admitted or denied.
- (b) A statement that the employee disagrees with the penalty, with an explanation of the employee's position.
- (c) The employee's current address.
- (d) A request for a hearing.

Failure to provide this information may result in the appeal not being processed.

2. Scheduling of Hearing

Upon receipt of the request for an appeal, the City Manager shall schedule a hearing before the Personnel Board. The appeal hearing shall be set not less than twenty (20) working days nor more than sixty (60) working days from the date of the filing of the appeal. All interested parties shall be notified in writing of the date, time, and place of the hearing at least ten (10) working days prior to the hearing.

3. Private or Public Hearings

All hearings shall be private provided that the employee may request a hearing open to the public.

Any request for an open hearing shall be submitted five (5) working days prior to the hearing date, or the hearing will be closed.

4. Pre-Hearing Procedure

a. Subpoenas

The Personnel Board is authorized to issue subpoenas at the request of either party prior to the commencement of the hearing. After the commencement of the hearing, subpoenas shall be issued by the Board only for good cause. The Personnel Department will prepare subpoenas for all witnesses; however, they will only serve subpoenas for current city employees. It will be the responsibility of the employee or the City to serve subpoenas on individuals who are not

currently employed by the City. It will be the responsibility of the employee and the city to submit the names of current city employees to be subpoenaed at least ten (10) working days before the date of the hearing in which they are requesting the witnesses to appear.

b. Exhibits and Witness Lists

Five (5) working days prior to the date set for the hearing, each party shall serve upon the other party and submit to the Personnel Department a list of all witnesses and a list and copy of all exhibits. An original and nine (9) copies of the exhibits shall be presented to the Personnel Board in 3-hole notebooks which are tabbed down the side with the exhibit numbers. The employer's exhibits shall be designated by number. The employee's exhibits shall be designated by letters. Neither party will be permitted to call during the hearing a witness not identified pursuant to this section nor to use any exhibit not provided pursuant to this section unless that party can show the prior need for such witness or such exhibit could not reasonably have been anticipated.

5. Submission to the Personnel Board

Five (5) working days prior to the date of the hearing, the Personnel Department shall present each member of the Personnel Board with a copy of the jurisdictional documents. Those documents include the notice of intent to take disciplinary action, the final notice of disciplinary action, and any response from the employee to these documents. The Board shall be provided with copies of the exhibits at the hearing.

6. Record of Proceedings and Costs

a. Court Reporter

All disciplinary appeal hearings may, at the discretion of the Board, be recorded by a court reporter. Any hearing which does not utilize a court reporter, shall be recorded by audiotapes. If a court reporter is requested by either party, that party shall pay the cost of the court reporter. If both parties request a court report, the cost will be split equally. If the Board requests the court reporter, the City shall pay the cost of the reporter.

b. Employee Witness Compensation

Employees of the City who are subpoenaed to testify during working hours will be released and compensated while appearing at the hearing. The Board may direct that these employees remain on call until called to testify. Employees who are subpoenaed to testify during non-working hours will be compensated for the time they are required to be on call, if required, and actually testify, unless the City agrees to a different arrangement.

7 Conduct of the Hearing

- a. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner most conducive to determining the truth.
- b. Any relevant evidence may be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.
- c. The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- d. Irrelevant and unduly repetitious evidence may be excluded.
- e. The Personnel Board shall determine the relevancy, weight, and credibility of testimony and evidence. Decisions made by the Board shall not be invalidated by any informality in the proceedings.
- f. During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party

8. Burden of Proof

In a disciplinary appeal, the employer has the burden of proof by preponderance of the evidence.

9 Proceed with Hearing or Request for Continuance

Each side should be asked if it is ready to proceed. If either side is not ready and wishes a continuance, good cause must be stated. The Board will determine whether good cause exists and will grant or deny the request accordingly.

10. Testimony under Oath

All witnesses shall be sworn in for the record prior to offering testimony at the hearing. The chairperson will ask witnesses to raise their right hands and respond to the following:

“Do you swear that the testimony you are about to give at this hearing is the truth, the whole truth, and nothing but the truth?”

11 Presentation of the Case

The hearing shall proceed in the following order, unless the Personnel Board directs otherwise:

- a. The City shall be permitted to make an opening statement.
- b. The employee or representative shall be permitted to make an opening statement, or reserve an opening statement, until presentation of the case.
- c. The City shall produce its evidence.
- d. The employee may then offer evidence.
- e. The City followed by the appealing party (employee) may offer rebutting evidence.
- f. Closing arguments shall be permitted. The party with the burden of proof shall have the right to close the hearing by making the last argument. The Board may place a time limit on closing arguments. The Board or the parties may request the submission of written briefs. After such a request for submittal of written briefs, the Board will determine whether to allow the parties to submit written briefs and determine the number of pages of said briefs.

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12. Procedure for the Parties

The department and the employee will address their remarks, including objections, to the Chair of the Board. Objections may be ruled upon summarily, or argument may be permitted. The Chair reserves the right to terminate argument at any time and issue a ruling regarding an objection or any other matter, and thereafter the parties shall continue with the presentation of their cases.

13. Right to Control Proceedings

While the parties are generally free to present their cases in the order that they prefer, the Chair reserves the right to control the proceedings, including but not limited to altering the order of witnesses, limiting redundant or irrelevant testimony, or directly questioning witnesses.

14. Hearing Demeanor and Behavior

All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity, or personal behavior of their adversaries or members of the Board.

15. Deliberation Upon the Case

The Board may choose to either deliberate the case in public or adjourn to closed session to deliberate. The Board will consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching its decision. The Board may deliberate at the close of the hearing or at a later, fixed date and time.

16. Written Findings and Decision

The Personnel Board shall render its findings and decision as soon after the conclusion of the hearing as possible, but not later than ten (10) working days after concluding the hearing, unless otherwise stipulated to by the parties. A finding must be made by the Board on each material issue.

The Personnel Board may sustain or reject any or all of the charges filed against the employee. The Board may sustain, reject, or modify the disciplinary action invoked against the employee. If the Board reinstates the terminated employee, the employee is only entitled to back pay minus the sum the employee has earned during the period of absence. If a discharge is not sustained, the proposed decision shall set forth a recommended effective date the employee is to be reinstated.

The City Council sits as the Personnel Board.

17. Judicial Review

Judicial review of any final decision by the City Council may be had under Section 1.18.010 of the Imperial Beach Municipal Code.

Section 8 - Failure of Employee to Appear at Hearing

Failure of the employee to appear at the hearing, without just cause, shall be deemed a withdrawal of the appeal and the action of the City Manager shall be final.

Section 9 - Releasing of Information

No information will be released relative to disciplinary action against municipal employees without prior approval of the City Manager

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ARTICLE X – GRIEVANCE PROCEDURE

Section 1 - Purpose of Grievance Procedure

The purpose and objective of this grievance procedure is to provide a just and equitable method for the resolving of grievances as quickly as possible without discrimination, coercion, restraint, or reprisal against any employee or management representative who may be involved in a grievance or its resolution.

Section 2 – Definitions

For the purpose of this grievance procedure, the following definitions apply:

- (a) Employee Representative: An individual who appears on behalf of the employee
- (b) Grievance: A written complaint of an employee or a group of employees claiming violation of the application or interpretation of the specific express terms of the Personnel Rules or other written rules or regulations for which no other specific method of review is provided in City rules.
- (a) Grievant: An employee or group of employees in the competitive service adversely affected by an act or omission of the City

Section 3 – Grievance Procedure Exclusions

A grievance is not reviewable under this procedure if it requires modification of a policy established by law or is a matter which is reviewable under some other administrative procedure or Personnel Rule. The following are not grievable:

- (a) Applications for changes in title, job classification, or salary.
- (b) Appeals from formal disciplinary proceedings.
- (c) Appeals arising out of merit system examinations or appointment.
- (d) Appeals from work performance evaluations.
- (e) Complaints arising from the City's health insurance plan.

Section 4 - Specifics of the Grievance

I. Procedure for Presentation.

In presenting a grievance, the employee shall set forth the following information.

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Signature on file
[Redacted Signature]

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[Redacted Signature]

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- (a) The specific section of the rules allegedly violated.
- (b) The specific act or omission which gave rise to the alleged violation.
- (c) The date or dates on which the violation occurred.
- (d) The documents, witnesses, or other evidence that supports your position.
- (e) The remedy requested.

2. Prescribed Form.

The written grievance shall be submitted on a form provided by the City.

3. Employee Representative.

The employee may choose a representative at any step in the procedure. No person hearing a grievance need recognize more than two representatives for any employee at any one time, unless desired.

4. Handled During Working Hours:

Whenever possible, grievances will be handled during the regularly scheduled working hours of the parties involved. A grievance shall be presented and processed on City time. This requirement may be waived by mutual agreement. In scheduling the time, place, and duration of any grievance meeting, the employee, the employee's representative, and management shall give due consideration of all the participants' responsibilities in the essential operations of the department.

5. Extension or Waiver of Time:

Any higher level of review or any time limits established in this procedure may be waived or extended by mutual agreement confirmed in writing.

6. Consolidation of Grievances:

If the grievance involves a group of employees or if a number of employees file separate grievances on the same matter, the grievances may be handled as a single grievance.

Section 5 - Grievance Procedure Steps

The following procedure shall be followed by an employee submitting a grievance:

- (a) Grievance to Supervisor. Whenever an employee believes a grievance exists, the employee must discuss the matter informally with the supervisor within twenty (20) working days of the incident on which the grievance is based, occurred, or within twenty (20) working days of the date the employee knows or is shown to have known of the incident. If, after this discussion, the grieving party does not believe the problem has been satisfactorily resolved, within ten (10) working days of the initial meeting, a written grievance may be filed.

- (b) Grievance to Department Head: If the employee and the supervisor cannot reach an agreement as to the grievance or the employee has not received a written decision within five (5) working days, the employee may, within five (5) working days, —present the grievance in writing to the department head. The department head shall review the grievance and give a written decision to the employee within five (5) working days after receiving the grievance.
- (c) Grievance to City Manager. If the employee and the department head cannot reach an agreement as to the grievance or the employee has not received a decision within ten (10) working days, the employee may, within ten (10) working days, present his grievance in writing to the City Manager. The City Manager shall review the grievance and give a written decision to the employee within ten (10) working days after receiving the grievance.
- (d) Appeal to Personnel Board. If the employee and the City Manager cannot reach an agreement as to the grievance or the employee has not received a decision within ten (10) working days, the employee may, within ten (10) working days, appeal to the Personnel Board. The rules for the hearing are set forth in Article IX, Section 7, except that the grievant shall have the burden of proof and the order of presentation shall be the reverse, that is the grievant shall present a case first, followed by the City.

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**City of Imperial Beach – Personnel Rules
(Amended November 20, 2013)**

ARTICLE VI - COMPENSATION

Section 1 - The Compensation Plan

An employee compensation plan shall be established. Each classification in the city's classification plan shall be assigned a salary range. All persons employed by the City shall be compensated in accordance with the compensation plan.

The compensation plan has the following characteristics:

1. Each salary range normally consists of six (6) steps (A through F)
2. The increase from one step to the next step in each salary range is five percent.
3. A difference of five percent (5%) exists between each salary range.

Salary advancement for each employee shall not be automatic, but shall depend upon a rating of competent or better, as reflected in the performance evaluation. Steps A through F are merit adjustments: Advancement from one step to another shall be approved by the City Manager, as described below, if the employee receives a competent or better work performance rating. If the employee receives less than a competent rating, only the City Manager can approve a salary advancement, if one is recommended by the department head

1. STEP "A": The first salary step; Appointment may be made to other than step A upon the recommendation of the department head and approval of the City Manager.
2. STEP "B": The second salary step; Six (6) months of competent or better service normally shall make an employee eligible for salary advancement. This salary advancement shall be made only if recommended by the department head and approved by the City Manager.
3. STEP "C": The third salary step; Twelve (12) months of competent or better service at the second salary step normally shall make an employee eligible for salary advancement. This salary advancement shall be made only if recommended by the department head and approved by the City Manager.
4. STEP "D": The fourth salary step; Twelve (12) months competent or better service at the third step normally shall make an employee eligible for salary advancement. This salary advancement shall be made only if recommended by the department head and approved by the City Manager.
5. STEP "E": The fifth salary step; Twelve (12) months of competent or better service at the fourth step normally shall make an employee eligible for salary advancement. This salary advancement shall be made only if recommended by the department head and approved by the City Manager.
6. Step "F": The sixth salary step; Twelve (12) months of competent or better service at the fifth step normally shall make an employee eligible for salary advancement. This

salary advancement shall be made only if recommended by the department head and approved by the City Manager.

Employees employed for less than full-time shall be paid pro rata salaries, or an hourly rate of pay.

Section 2 - Salary Range Revision

The following method shall be followed in determining the step at which each employee shall be paid:

- (a) If the salary range is raised, the step at which the employee will be paid shall not be changed.
- (b) If the salary range is lowered, the employee shall be paid at the step in the new range which is closest, but not lower than, the rate he/she was paid in the former range. If the maximum rate of the new range is lower than the employee's salary in the former range, the employee will be "y" rated under Section 3.

Section 3 - "Y" Rate

With the approval of the City Council, an incumbent employee who is reclassified or reassigned to a classification with a lower rate of pay may retain his or her current rate of pay until the assigned classification has a maximum salary rate which is equal to or higher than the "Y" rate.

Section 4 - New Appointment

All new appointments shall be made at Step A of the salary range, with the following exceptions:

- (a) Step A: The City Manager may authorize appointments to be made to other than Step A within the prescribed salary range upon the written recommendation of the department head when it is decided that such action is in the best interest of the City.
- (b) Promotion: If the entrance salary of a classification to which an employee is promoted does not represent a raise in salary, the employee shall be paid at the salary rate next above that at which he/she would have been paid if he/she had remained in his former class. The salary of a person who is receiving compensation at a "Y" rate immediately prior to such promotion may not be reduced by reason of the appointment to the new class.
- (c) From Re-employment List: An employee who is appointed from a re-employment list after having been laid off shall be paid at the step at which the employee was paid at the end of the previous employment.
- (d) Demotion: In all cases of demotion, whether voluntary, disciplinary, or in lieu of layoff, the City Manager shall set the salary rate to be paid. Normally, the salary will be in the range to which the employee was demoted.
- (e) Former Non-Permanent or Interim Employees: The salary step for any person newly appointed from an employment list, who has within the immediately preceding (2) two-year period served in the same or equivalent classification under any appointment other than a permanent appointment, may be paid at the step at which the person was most recently paid, subject to approval by the City Manager.

- (f) Transfer: A transfer within the same classification from one department to another department shall not affect an employee's salary level.

Section 5 – Salary Adjustments

Every employee who holds a permanent appointment to a full-time position, upon a written recommendation of the department head and approval of the City Manager, and who receives a competent or better evaluation, shall advance to the next step within the salary range for the class. The advancement will become effective on the first day of the succeeding pay period after completing 2,080 hours at the previous step with the exception of Step A. A non-lifeguard employee in a temporary part-time position would be eligible for a step increase effective on the first day of the succeeding pay period after their hire date anniversary if they have completed 780 hours in the previous 12 months. Part-time temporary employees will automatically be eligible for a step increase on their anniversary date every 24 months, if they have not otherwise been eligible due to the annual 780-hour requirement.

A Lifeguard employee in a temporary part-time would be eligible for a step increase on July 1 of each year if they have completed 600 hours in the previous 12 months.

- (a) Time Increase: Step A - six (6) Months (1,040 hours). If Step A, 1,040 hours or completion of probationary period (whichever occurs later).

Hours shall include active service, periods of any paid leaves of absence for which Workers' Compensation is paid. Periods of absence in excess of ten (10) days shall not count toward completion of the probationary period.

The following periods of time, in regards to salary adjustments, shall be disregarded and not counted: all leaves of absence without pay and layoffs in excess of 30 calendar days; and all periods of service performed with a service rating equivalent of less than competent.

- (b) Merit Increase: Twelve (12) months (2080 hours). Advancement to Steps "B," "C," "D," "E," and "F" in a salary range shall be granted for a performance rating of competent or better. Such merit advancements shall be made only upon the recommendation of the department head, and with the approval of the City Manager, and shall become effective on the first day following the approval.

Nothing herein prohibits the granting of a merit salary advancement prior to the normal time intervals set forth above.

- (c) Promotion/Demotion: Salary adjustments resulting from an employee's promotion or demotion shall become effective on the first day of the employee's promotion or demotion.
- (d) Below Competent Service Ratings: An employee who has received a performance rating below standard/competent shall receive a quarterly evaluation until at which time the employee receives a standard/competent or better rating. The employee shall not receive a salary step advancement until a standard/competent rating is achieved.

Section 6 - Step Placement of Temporary Appointee

Upon request of the department head, the City Manager may authorize the payment of a temporary or interim appointee at any step within the salary range for the class. If the temporary opening is in the existing City's miscellaneous or firefighter represented job classifications, the temporary or interim appointment shall be first be made available to qualified existing employees prior to offering the position to a non-city employee. The lowest level opening not filled, after any temporary or interim appointments can then be offered to non-city employees. Employees wishing to temporarily fill a vacant position must meet the minimum job qualifications for the position qualification as listed in the position's current job description. The Human Resource Department shall verify the employee's job qualifications for the position.

Section 7 - Work Periods

All compensation is based on the full-time month, with a normal work week of (40) hours for general service employees and fifty-six (56) hours for firefighting personnel. The department head may require employees to work special hours or a split shift to meet departmental operating requirements as long as the number of hours worked do not exceed the normal work week.

The workday for part-time employees shall be established and directed by the department head.

A schedule other than eight (8) hours per day, five days per week may be established with mutual agreement by both the affected employees and management

In an emergency, as described in the Imperial Beach Emergency Plan, the City Manager may designate other work periods and working hours for employees when, in the City Manager's opinion, the best interest of the City will be served by such adjustment of the standard work periods and hours. The employee shall return to the standard work periods and hours at the conclusion of the declared emergency.

Section 8 - Overtime

It is the policy of the City that overtime work is to be kept to the minimum amount necessary to accomplish the task.

The overtime must be for work specifically ordered or approved by the department head or designated representative. The department head shall provide the City Manager with a record showing instances of authorized overtime worked, stating the reason therefore and by whom authorized; and the date and duration of each instance when overtime or compensating time off is allowed. The time when compensating time off is taken shall be at the discretion of the department head or designee.

An employee may request that overtime worked may be compensated for, either by a cash payment or compensatory time at one-half (1-1/2) the employee's permanent established hourly salary rate.

In the event compensatory time off is used as the method of compensating for overtime, the employee may use this leave under the same rules as vacation leave. However, an employee may not "bank" more than 240 hours of compensatory leave at any time. If an employee has saved the maximum compensatory leave allowed, 240 hours, than any overtime worked must be paid to the employee on the following payroll check the overtime was worked.

Overtime shall commence at the time an employee reaches the place where he is directed to report and shall continue until he is released or the work is completed, whichever is the earlier. All overtime

shall be logged to the nearest one-quarter (1/4) hour. No compensatory time off or paid compensation of any sort shall be made for incidental overtime work of less than five (5) minutes duration which is performed immediately following the permanent hours of work. All overtime shall be logged and rounded up to the nearest one-quarter (1/4) hour.

Overtime compensation provisions shall not apply to employees who are exempt under the Fair Labor Standards Act.

Exception to these procedures will be made only upon written authorization of the City Manager.

Section 9 – Pay Periods

The pay period for all employees shall be bi-weekly. When the permanent pay day coincides with a holiday, pay checks will be issued on the work day immediately preceding such holiday.

Except for employees being terminated, salaries will be paid only on permanent pay days unless early payment is approved by the City Manager. Employees leaving City employment will normally be paid on the regular pay day following the date of termination.

The method of distributing payroll checks shall be established by the City Manager.

Section 10 - Standby Compensation

Compensation for permanently established emergency standby service shall be in the amount set forth in the Annual Salary Resolution approved and adopted by the City Council or, upon the recommendation of the department head and the approval of the City Manager, or by compensatory time off at the discretion of the employee in accordance with the governing rules for compensatory time off.

Section 11 – Payroll Deductions

Deductions from an employee's pay shall be made in accordance with prevailing laws, contract and administrative rules and procedures established by the City Manager.

**City of Imperial Beach – Personnel Rules
(Amended November 20, 2013)**

ARTICLE VII - LEAVES OF ABSENCE

Section 3 - Holidays With Pay

An eligible employee shall be entitled to the holidays set forth in the current Memorandum of Understanding.

Employees may request time off to attend religious services or other religious activities on recognized religious holidays during the year. Such time off shall be charged to the employee's accumulated vacation leave, holiday bank, or compensatory time off. If the employee has no accumulated vacation leave, holiday bank, or compensatory time off, such time off shall be without pay.

The method for compensating employees who are required to work on a holiday or whose normal day off falls on a holiday shall be given holiday bank hours at a time convenient to the department head and the employee. An employee may accrue a maximum of 80 hours of holiday bank time. Any holiday bank hours beyond 80 hours shall be paid in the pay period incurred.

When an employee is absent on vacation leave, holiday bank leave, sick leave or compensatory time off, a holiday immediately preceding, following, or wholly within such leave period shall be recorded as a holiday and not as a day of leave.

If a holiday falls on Saturday, the preceding Friday will be observed as a holiday. If the holiday falls on Sunday, the following Monday will be observed as a holiday.

**City of Imperial Beach – Personnel Rules
(Amended November 20, 2013)**

ARTICLE VII – LEAVE OF ABSENCE

Section 4 - Vacation Leave

The purpose of annual vacation leave is to enable each eligible employee to return to work mentally refreshed.

- (a) Waiting Period: All employees in the Competitive Service shall be entitled to use annual vacation leave with pay following the successful completion of his/her probationary period. However, an employee who is still in their probationary status may, after at least six months of service and with at least a satisfactory job performance rating, request vacation leave or compensatory leave if the employee has accrued compensatory leave, with the approval of the department head or designee. Additionally, a new employee who has not successfully completed his/her probationary period will be allowed to take, with the approval of the department head or designee, any Floating Holiday time off that they have accrued during their probationary period.

- (b) Vacation Accrual: Vacation will be accrued and credited on a monthly basis when an employee is in pay status for fifty percent (50%) or more of the work days in a given month. Each eligible employee shall accrue vacation at the following rate for continuous service performed in a pay status unless a Memorandum of Understanding applicable to them provides otherwise:
 - (1) For employees completing five (5) years or less of continuous service (i.e. First day through 5th anniversary), one (1) working day for each month of service completed, for a maximum of twelve (12) days per year.
 - (2) For employees with greater than five (5) years of continuous service up to the completion of ten (10) years of continuing service (i.e. 5 years + 1 day through 10th anniversary), one and one-fourth (1 1/4) working days for each month of service completed, for a maximum of 15 days per year.
 - (3) For employees with greater than ten (10) years of continuous service up to the completion of fifteen (15) years of continuing service (i.e. 10 years + 1 day through 15th anniversary), one and one and two-thirds (1 2/3) working days for each month of service completed, for a maximum of 20 days per year.

- (4) For employees with greater than fifteen (15) years of continuous service or more (i.e. 15 years + 1 day and above), two and one-twelve (2.0833) working days for each month of service completed, for a maximum of 25 days per year.
- (c) When to be Taken: Vacation schedules shall be set by the department head or designee with regard to the needs of the service and, as far as possible, with the wishes of the employee. Vacation shall not be deemed authorized until the employee's eligibility is verified by the City Manager or designee. If the employee cannot take part or all of his/her annual vacation in a calendar year, vacation shall be taken during the following calendar year.
- (d) How it May Be Taken: An eligible employee may take earned vacation leave in any increment of one (1) hour or more with the consent of the department head and the approval of the City Manager or designee.
- (e) Vacation Accumulation: As of January 1st of each year, the maximum vacation balance of an employee shall be no more than twice his/her annual vacation accrual. If an employee has accumulated two years worth of vacation leave during the calendar year, the maximum amount of leave can be no more than two years worth on January 1st, or the employee will cease to accrue any additional vacation leave until the amount of vacation leave is brought to the (two) 2 year maximum of vacation leave. Exception: If an employee was administratively precluded from taking excess vacation by management cancellation of an approved scheduled vacation or the employee was administratively precluded from taking excess vacation by denial of a primary and at least two (2) alternate requests for vacation leave requested by the employee at least ninety (90) days prior to January 1, there will be a grace period provided to the employee as follows: The employee shall continue to accrue their vacation leave and will not lose any excess vacation accrual and will be allowed to use the excess leave during the next three (3) month period, January 1 – March 31. If for any reason, management does not allow the employee to use their excess vacation accrual during this three (3) month period of time, the employee will be granted additional three (3) month period(s) of time, until at which time, the employee is allowed to utilize his/her excess vacation leave accrual.
- (f) Vacation Pay at Termination: Upon separation from services for any cause, an eligible employee who has completed at least one (1) year of active service shall be entitled to pay for the number of accumulated vacation days. A lump sum payment will be made as part of final paycheck. Vacation pay shall be at the employee's current rate of pay.
- (g) Part-Time Employees: Temporary part-time employees shall not be eligible for vacation leave.

- (h) Military Leave: An employee who interrupts City employment because of extended military leave shall be compensated for accrued vacation at the time the leave becomes effective, if requested by the employee. This is governed by all applicable state and federal laws.
- (i) Double Compensation Prohibited: Employees shall not work for the City during their vacations.

**City of Imperial Beach – Personnel Rules
(Amended November 20, 2013)**

ARTICLE IX – DISCIPLINARY PROCEDURE

Section 1 - Kinds of Disciplinary Actions

The desirable first step in modifying or changing undesirable employee work performance, action or behavior whenever possible, is to counsel orally an employee on the areas that need to be improved, changed, or stopped and to provide clear guidance on what the work-related expectations are. However, when this is not successful in changing the undesirable performance, act, or behavior, or the undesirable performance, act, or behavior is of such a nature that it warrants a higher level of intervention action, a permanent employee of the City in the Competitive Service may be disciplined or removed from employment for cause by the appointing authority.

Kinds of disciplinary action may include the following:

- (a) Discharge or dismissal;
- (b) Demotion;
- (c) Suspension without pay;
- (d) Reduction in pay, either one or more steps within the salary range permanently or for a fixed period of time;
- (e) Written reprimand;

Section 2 - Cause for Disciplinary Action

Any of the following shall be deemed sufficient cause for disciplinary action against any employee with permanent status in the Competitive Service. Charges may be based on causes other than those enumerated, if the action is deemed, by the City Manager or designee, to have a potential detrimental affect to work-related conditions, work-related environment, work-related performance, and/or to the City and its citizens:

- (a) Violations of these rules;
- (b) Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training or failure to discharge duties in a prompt, competent, and responsible manner;
- (c) Willful disobedience or insubordination; or violation of any lawful or official regulation or order; or failure to obey any lawful and reasonable direction given by a superior officer;

- (d) Refusal, neglect, or failure to perform;
- (e) Excessive use or misuse of sick leave;
- (f) Any form of dishonesty, including but not limited to lying, fraud, cheating, deceit, or trickery;
- (g) Intoxication while on duty;
- (h) Fighting or disorderly conduct;
- (i) Discourteous or offensive treatment to the public or other employees;
- (j) Absence without leave, or failure to report after leave of absence has expired or after such leave of absence has been disapproved or revoked by the appointing authority;
- (k) Conviction of a felony or misdemeanor which is job-related. Conviction includes a plea of guilty or no contest;
- (l) Abuse, gross negligence, or willful misconduct in the care or operation of City tools or equipment; causing damage to public property or waste of public supplies;
- (m) Soliciting or accepting for personal use a fee, gift, or other item of value in the course of or in connection with work when such fee, gift, or other item of value so solicited or given by any person in the hope or expectation of receiving an advantage, a favor, or better treatment than that accorded other persons;
- (n) Failure to obey an order from the department head or the City Manager to terminate or desist from outside employment or enterprise that has been determined to be incompatible with City employment or detrimental to the efficiency of regular City work;
- (o) Fraud in securing initial employment or subsequent appointment to higher position in City service;
- (p) Violation of safety procedures;
- (q) Immoral conduct while on duty or other failure of good behavior either during or outside of duty hours which does or could discredit the City;
- (r) Refusal to take or subscribe to any oath or affirmation which is required by law in connection with employment;

- (s) The use, sale, or possession of illegal narcotics, not prescribed by a physician while on duty;
- (t) Working overtime without authorization.

Section 3 - Written Reprimand

Written Reprimand of substandard performance or misconduct may be given to an employee at any time an employee's performance or actions warrants it. The employee may submit a written response to the reprimand within ten (10) days of its receipt. A written reprimand and response, if any, will be placed in the employee's Personnel file. The employee has no right to appeal a reprimand.

Section 4 - Notice of Intent

Whenever the department head intends to suspend an employee, demote an employee, reduce an employee in pay, or discharge the employee, the department head shall give the employee a written notice of discipline which sets forth the following:

- (a) The intended disciplinary action;
- (b) The specific charges upon which the action is based;
- (c) A factual summary of the grounds upon which the charges are based;
- (d) A copy of all written materials, reports, or documents upon which the discipline is based;
- (e) Notice of the employee's right to respond to the charges, either orally or in writing, to the City Manager or other impartial designee;
- (f) The date, time and person before whom the employee may respond in no more than ten (10) business days;
- (g) Notice that failure to respond by the specified time shall constitute a waiver of the right to respond prior to final discipline being imposed.

Section 5 - Response by Employee

The employee shall have the right to respond to the City Manager, or impartial designee, orally or in writing. The employee shall have a right to be represented at any meeting set to hear the employee's response. In cases of suspensions, demotions, reductions in pay, or discharge, the employee's response will be considered before final action is taken.

Section 6 - Final Notice

After the response or the expiration of the employee's time to respond to the notice of intent, the City Manager, or impartial designee, shall: (1) dismiss the notice of intent and take no disciplinary action against the employee; or (2) modify the intended disciplinary action; or (3) prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

- (a) The disciplinary action taken;
- (b) The effective date of the disciplinary action taken;
- (c) Specific charges upon which the action is based;
- (d) A factual summary of the facts upon which the charges are based;
- (e) The written materials, reports, and documents upon which the disciplinary action is based;
- (f) The employee's right to appeal to the Personnel Board.

Section 7 - Appeal Hearing

The appeal procedure shall apply only to cases of disciplinary suspensions, reductions in pay, demotion, and discharges affecting permanent employees within the competitive service.

1. Request for Hearing

Within seven (7) working days after final notice of suspension, reduction in pay, demotion, or dismissal, the employee or the employee's representative may file an appeal in writing to the City Manager. If, within the seven (7) working day appeal period, the employee does not file said appeal, unless good cause for the failure is shown, the action of the City shall be considered conclusive and shall take effect as prescribed.

The appeal shall include the following:

- (a) An admission or denial of each charge, with an explanation why the charge is admitted or denied.
- (b) A statement that the employee disagrees with the penalty, with an explanation of the employee's position.
- (c) The employee's current address.

- (d) A request for a hearing.

Failure to provide this information may result in the appeal not being processed.

2. Scheduling of Hearing

Upon receipt of the request for an appeal, the City Manager shall schedule a hearing before the Personnel Board. The appeal hearing shall be set not less than twenty (20) working days nor more than sixty (60) working days from the date of the filing of the appeal. All interested parties shall be notified in writing of the date, time, and place of the hearing at least ten (10) working days prior to the hearing.

3. Private or Public Hearings

All hearings shall be private provided that the employee may request a hearing open to the public.

Any request for an open hearing shall be submitted five (5) working days prior to the hearing date, or the hearing will be closed.

4. Pre-Hearing Procedure

a. Subpoenas

The Personnel Board is authorized to issue subpoenas at the request of either party prior to the commencement of the hearing. After the commencement of the hearing, subpoenas shall be issued by the Board only for good cause. The Personnel Department will prepare subpoenas for all witnesses; however, they will only serve subpoenas for current city employees. It will be the responsibility of the employee or the City to serve subpoenas on individuals who are not currently employed by the City. It will be the responsibility of the employee and the city to submit the names of current city employees to be subpoenaed at least ten (10) working days before the date of the hearing in which they are requesting the witnesses to appear.

b. Exhibits and Witness Lists

Five (5) working days prior to the date set for the hearing, each party shall serve upon the other party and submit to the Personnel Department a list of all witnesses and a list and copy of all exhibits. An original and nine (9) copies of the exhibits shall be presented to the Personnel Board in 3-hole notebooks which are tabbed down the side with the exhibit numbers. The employer's exhibits shall be designated by number. The employee's exhibits shall be designated by letters. Neither party will be permitted to call during the hearing a witness not identified pursuant to this section nor

to use any exhibit not provided pursuant to this section unless that party can show the prior need for such witness or such exhibit could not reasonably have been anticipated.

5. Submission to the Personnel Board

Five (5) working days prior to the date of the hearing, the Personnel Department shall present each member of the Personnel Board with a copy of the jurisdictional documents. Those documents include the notice of intent to take disciplinary action, the final notice of disciplinary action, and any response from the employee to these documents. The Board shall be provided with copies of the exhibits at the hearing.

6. Record of Proceedings and Costs

a. Court Reporter

All disciplinary appeal hearings may, at the discretion of the Board, be recorded by a court reporter. Any hearing which does not utilize a court reporter, shall be recorded by audiotapes. If a court reporter is requested by either party, that party shall pay the cost of the court reporter. If both parties request a court report, the cost will be split equally. If the Board requests the court reporter, the City shall pay the cost of the reporter.

b. Employee Witness Compensation

Employees of the City who are subpoenaed to testify during working hours will be released and compensated while appearing at the hearing. The Board may direct that these employees remain on call until called to testify. Employees who are subpoenaed to testify during non-working hours will be compensated for the time they are required to be on call, if required, and actually testify, unless the City agrees to a different arrangement.

7. Conduct of the Hearing

- a. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner most conducive to determining the truth.
- b. Any relevant evidence may be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.

- c. The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- d. Irrelevant and unduly repetitious evidence may be excluded.
- e. The Personnel Board shall determine the relevancy, weight, and credibility of testimony and evidence. Decisions made by the Board shall not be invalidated by any informality in the proceedings.
- f. During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

8. Burden of Proof

In a disciplinary appeal, the employer has the burden of proof by preponderance of the evidence.

9. Proceed with Hearing or Request for Continuance

Each side should be asked if it is ready to proceed. If either side is not ready and wishes a continuance, good cause must be stated. The Board will determine whether good cause exists and will grant or deny the request accordingly.

10. Testimony under Oath

All witnesses shall be sworn in for the record prior to offering testimony at the hearing. The chairperson will ask witnesses to raise their right hands and respond to the following:

“Do you swear that the testimony you are about to give at this hearing is the truth, the whole truth, and nothing but the truth?”

11. Presentation of the Case

The hearing shall proceed in the following order, unless the Personnel Board directs otherwise:

- a. The City shall be permitted to make an opening statement.
- b. The employee or representative shall be permitted to make an opening statement, or reserve an opening statement, until presentation of the case.
- c. The City shall produce its evidence.
- d. The employee may then offer evidence.

- e. The City followed by the appealing party (employee) may offer rebutting evidence.
- f. Closing arguments shall be permitted. The party with the burden of proof shall have the right to close the hearing by making the last argument. The Board may place a time limit on closing arguments. The Board or the parties may request the submission of written briefs. After such a request for submittal of written briefs, the Board will determine whether to allow the parties to submit written briefs and determine the number of pages of said briefs.

12. Procedure for the Parties

The department and the employee will address their remarks, including objections, to the Chair of the Board. Objections may be ruled upon summarily, or argument may be permitted. The Chair reserves the right to terminate argument at any time and issue a ruling regarding an objection or any other matter, and thereafter the parties shall continue with the presentation of their cases.

13. Right to Control Proceedings

While the parties are generally free to present their cases in the order that they prefer, the Chair reserves the right to control the proceedings, including but not limited to altering the order of witnesses, limiting redundant or irrelevant testimony, or directly questioning witnesses.

14. Hearing Demeanor and Behavior

All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity, or personal behavior of their adversaries or members of the Board.

15. Deliberation Upon the Case

The Board may choose to either deliberate the case in public or adjourn to closed session to deliberate. The Board will consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching its decision. The Board may deliberate at the close of the hearing or at a later, fixed date and time.

16. Written Findings and Decision

The Personnel Board shall render its findings and decision as soon after the conclusion of the hearing as possible, but not later than ten (10) working days after concluding the hearing, unless otherwise stipulated to by the parties. A finding must be made by the Board on each material issue.

The Personnel Board may sustain or reject any or all of the charges filed against the employee. The Board may sustain, reject, or modify the disciplinary action invoked against the employee. If the Board reinstates the terminated employee, the employee is only entitled to back pay minus the sum the employee has earned during the period of absence. If a discharge is not sustained, the proposed decision shall set forth a recommended effective date the employee is to be reinstated.

The City Council sits as the Personnel Board.

17. Judicial Review

Judicial review of any final decision by the City Council may be had under Section 1.18.010 of the Imperial Beach Municipal Code.

Section 8 - Failure of Employee to Appear at Hearing

Failure of the employee to appear at the hearing, without just cause, shall be deemed a withdrawal of the appeal and the action of the City Manager shall be final.

Section 9 - Releasing of Information

No information will be released relative to disciplinary action against municipal employees without prior approval of the City Manager.

**City of Imperial Beach – Personnel Rules
(Amended November 20, 2013)**

ARTICLE X – GRIEVANCE PROCEDURE

Section 1 - Purpose of Grievance Procedure

The purpose and objective of this grievance procedure is to provide a just and equitable method for the resolving of grievances as quickly as possible without discrimination, coercion, restraint, or reprisal against any employee or management representative who may be involved in a grievance or its resolution.

Section 2 – Definitions

For the purpose of this grievance procedure, the following definitions apply:

- (a) Employee Representative: An individual who appears on behalf of the employee.
- (b) Grievance: A written complaint of an employee or a group of employees claiming violation of the application or interpretation of the specific express terms of the Personnel Rules or other written rules or regulations for which no other specific method of review is provided in City rules.
- (a) Grievant: An employee or group of employees in the competitive service adversely affected by an act or omission of the City.

Section 3 – Grievance Procedure Exclusions

A grievance is not reviewable under this procedure if it requires modification of a policy established by law or is a matter which is reviewable under some other administrative procedure or Personnel Rule. The following are not grievable:

- (a) Applications for changes in title, job classification, or salary.
- (b) Appeals from formal disciplinary proceedings.
- (c) Appeals arising out of merit system examinations or appointment.
- (d) Appeals from work performance evaluations.
- (e) Complaints arising from the City’s health insurance plan.

Section 4 - Specifics of the Grievance

1. Procedure for Presentation:

In presenting a grievance, the employee shall set forth the following information:

- (a) The specific section of the rules allegedly violated.
- (b) The specific act or omission which gave rise to the alleged violation.
- (c) The date or dates on which the violation occurred.
- (d) The documents, witnesses, or other evidence that supports your position.
- (e) The remedy requested.

2. Prescribed Form:

The written grievance shall be submitted on a form provided by the City.

3. Employee Representative:

The employee may choose a representative at any step in the procedure. No person hearing a grievance need recognize more than two representatives for any employee at any one time, unless desired.

4. Handled During Working Hours:

Whenever possible, grievances will be handled during the regularly scheduled working hours of the parties involved. A grievance shall be presented and processed on City time. This requirement may be waived by mutual agreement. In scheduling the time, place, and duration of any grievance meeting, the employee, the employee's representative, and management shall give due consideration of all the participants' responsibilities in the essential operations of the department.

5. Extension or Waiver of Time:

Any higher level of review or any time limits established in this procedure may be waived or extended by mutual agreement confirmed in writing.

6. Consolidation of Grievances:

If the grievance involves a group of employees or if a number of employees file separate grievances on the same matter, the grievances may be handled as a single grievance.

Section 5 - Grievance Procedure Steps

The following procedure shall be followed by an employee submitting a grievance:

- (a) Grievance to Supervisor: Whenever an employee believes a grievance exists, the employee must discuss the matter informally with the supervisor within twenty (20) working days of the incident on which the grievance is based, occurred, or within twenty (20) working days of the date the employee knows or is shown to have known of the incident. If, after this discussion, the grieving party does not believe the problem has been satisfactorily resolved, within ten

(10) working days of the initial meeting, a written grievance may be filed.

- (b) Grievance to Department Head: If the employee and the supervisor cannot reach an agreement as to the grievance or the employee has not received a written decision within five (5) working days, the employee may, within five (5) working days, present the grievance in writing to the department head. The department head shall review the grievance and give a written decision to the employee within five (5) working days after receiving the grievance.
- (c) Grievance to City Manager: If the employee and the department head cannot reach an agreement as to the grievance or the employee has not received a decision within ten (10) working days, the employee may, within ten (10) working days, present his grievance in writing to the City Manager. The City Manager shall review the grievance and give a written decision to the employee within ten (10) working days after receiving the grievance.
- (d) Appeal to Personnel Board: If the employee and the City Manager cannot reach an agreement as to the grievance or the employee has not received a decision within ten (10) working days, the employee may, within ten (10) working days, appeal to the Personnel Board. The rules for the hearing are set forth in Article IX, Section 7, except that the grievant shall have the burden of proof and the order of presentation shall be the reverse, that is the grievant shall present a case first, followed by the City.



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ANDY HALL, CITY MANAGER *AH*

MEETING DATE: NOVEMBER 20, 2013

ORIGINATING DEPT.: PUBLIC WORKS *AH*

SUBJECT: RESOLUTION NO. 2013-7427 APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY FOR A FY14 URBAN AREA SECURITY INITIATIVE (UASI) GRANT OF \$13,240 TO FUND A GIS INTERN POSITION FOR THE PURPOSE OF ASSISTING IN THE PREPARATION OF FIREFIGHTING PREPLAN MAPS

EXECUTIVE SUMMARY:

This resolution is to authorize the City Manager to accept a FY 14 Urban Area Security Initiative (UASI) Grant, in the amount of \$13,240 for the purpose of preparing Firefighting Preplan Maps of significant City structures. The grant will fund a part-time intern with Geographic Information System (GIS) skills who will assist in the preparation of these Firefighting Preplan Maps.

BACKGROUND:

When there is a 911 call in the city, Public Safety personnel must be able to respond quickly and efficiently in order to minimize damage or injury to both the subject of the call, and to themselves. In cases where the local Public Safety units are occupied on a separate call, units from another jurisdiction may be dispatched to respond. In both of these situations, it is imperative that the responding units be able to familiarize themselves with the area or structure where the call originated. The Public Safety units responding to a call have computer aided dispatch (CAD) equipment and programs with installed firefighting preplan maps. In many cases, the emergency being responded to is not a simple building like a single family residence. The structure may be a school, or a condominium complex or an office building. In cases like these, the Public Safety personnel need Pre-Plan maps that provide more detailed information about the location and structure configuration. Currently, the CAD stores Pre-Plan maps in "pdf" which are scans of hand drawn paper maps. These preplan maps are not standardized, and in many cases are not up-to-date. More importantly, many complex structures do not have a pre-planned map prepared.

Fire department personnel in San Diego County have formed a working group to develop a common data structure for sharing data between jurisdictions, with the goal of improving emergency response. This effort includes collecting relevant spatial data on all high priority structures and entering the data into preplan maps. These maps will then will be shared with dispatch centers and included in the CAD systems on the public safety response vehicles. The benefit of this effort is that it will standardize the elements used on the maps and thus enable

any emergency responder to be able to understand the spatial information relevant to whatever jurisdiction they may be responding.

ANALYSIS:

The City of San Diego Office of Homeland Security has played a key role in the standardization effort and provides grants to the cities in San Diego County to assist in the preparation and update of these preplan maps. The City of San Diego Office of Homeland Security, is offering the City of Imperial Beach a one-year grant (December 1, 2013 to November 30, 2014) of \$13,240 to prepare the City of Imperial Beach preplan maps. It is staff's intent to employ a college student with GIS experience to assist in the preparation of the preplan maps. Staff is working on a GIS Intern Job Description which will be presented to City Council for approval in a subsequent Council resolution.

The City's GIS Administrator will be the direct supervisor of this intern and will work closely with the City's Public Safety Department to ensure the appropriate high priority City structures are included in the preplan map development.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The approval of resolution no. 2013-7427 to accept a grant of \$13,240 which will cover the cost of an intern for the twelve months – December 1, 2013 to November 30, 2014. Other than supervision of the intern, there will be no additional cost to the City.

RECOMMENDATION:

1. Receive this report.
2. Authorize the City Manager to accept the City of San Diego Office of Homeland Security FY14 Urban Area Security Initiative (UASI) grant funds when received.
3. Appropriate these grant funds to account no. 503-1923-419-1001.
4. Authorize the City Manager to sign the Memorandum of Understanding between the City of Imperial Beach and the City of San Diego Office of Homeland Security regarding the FY 14 Urban Area Security Initiative (UASI) Grant Funding when received.

Attachments:

1. Resolution No. 2013-7427

RESOLUTION NO. 2013-7427

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY FOR A FY14 URBAN AREA SECURITY INITIATIVE (UASI) GRANT OF \$13,240 TO FUND A GIS INTERN POSITION FOR THE PURPOSE OF ASSISTING IN THE PREPARATION OF FIREFIGHTING PREPLAN MAPS

WHEREAS, the City of San Diego Office of Homeland Security, is offering the City of Imperial Beach a one-year grant (December 1, 2013 to November 30, 2014) of \$13,240 to prepare the City of Imperial Beach preplan maps; and

WHEREAS, when there is a 911 call in the city, Public Safety personnel must be able to respond quickly and efficiently in order to minimize damage or injury to both the subject of the call, and to themselves; and

WHEREAS, fire department personnel in San Diego County have formed a working group to develop a common data structure for sharing data between jurisdictions, with the goal of improving emergency response; and

WHEREAS, this effort includes collecting relevant spatial data on all high priority structures and entering the data into preplan maps; and

WHEREAS, these maps will then will be shared with local dispatch centers and included in the CAD systems on the public safety response vehicles; and

WHEREAS, the benefit of this effort is that it will standardize the elements used on the maps and thus enable any emergency responder to be able to understand the spatial information relevant to whatever jurisdiction they may be responding; and

WHEREAS, it is staff's intent to employ a college student with GIS experience to assist in the preparation of the preplan maps using the UASI grant to fund this intern; and

WHEREAS, staff is working on a GIS Intern Job Description which will be presented to City Council for approval in a subsequent Council resolution; and

WHEREAS, the City's GIS Administrator will be the direct supervisor of this intern and will work closely with the City's Public Safety Department to ensure the appropriate high priority City structures are included in the preplan map development.

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

1. The above recitals are true and correct.
2. The City Manager is authorized to sign the Memorandum of Understanding between the City of Imperial Beach and the City of San Diego Office of Homeland Security for a FY 14 Urban Area Security Initiative (UASI) Grant of \$13,240 when received.
3. The UASI grant funds are appropriated to account no. 503-1923-419-1001.
4. The City Manager is authorized to accept the UASI grant of \$13,240 when received.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of November 2013, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ANDY HALL, CITY MANAGER *AH*

MEETING DATE: NOVEMBER 20, 2013

ORIGINATING DEPT.: PUBLIC WORKS *Hall*

SUBJECT: RESOLUTION NO. 2013-7428 TO AFFIRM CHANGE ORDER NO. 1 TO REPLACE THE RECREATION CENTER MANSARD ROOF CIP F14-001 AND APPROPRIATE AN ADDITIONAL \$27,417 FROM THE NEW STRATEGIC CAPITAL IMPROVEMENT GF RESERVE TO CIP PROJECT F14-001

EXECUTIVE SUMMARY:

On September 18, 2013, City Council adopted Resolution No. 2013-7389 awarding the "Replace the Recreation Center Mansard Roof" CIP F14-001 contract to A Good Roofer, Inc. for \$96,626. After the roof replacement was underway, it was brought to the staff's attention that the underlayment plywood on the building did not meet the thickness requirement necessary to attach the new metal roof panels. This resolution is to authorize the addition of a ½ inch thick plywood layer to the existing underlayment plywood and to appropriate an additional \$27,417 for a change order from the New Strategic Capital Improvement GF Reserve fund to CIP F14-001.

BACKGROUND:

Once the existing asphalt shingle roofing was removed, it was discovered that the underlayment plywood on the mansard roof was 3/8- inch plywood. The specifications for the metal panel roof underlayment was 1/2- inch plywood. Staff worked with the contractor for solutions to the undersized underlayment. The manufacturer's specifications require the 1/2-inch plywood underlayment to provide for sufficient fastener depth to properly secure the metal panels. Any deviations to this thickness would invalidate the "20-Year No Repair Limit (NRL)" warranty.

ANALYSIS:

Due to the high risk of building damage in case of inclement weather during this rainy season, the City Manager approved a change order on an emergency basis in order to keep the project moving forward and minimizing the risk of rain before the roof could be replaced. This project was funded through the New Strategic Capital Improvement GF Reserve for \$120,000. Staff proposes to fund this change order with the same funds, New Strategic Capital Improvement GF Reserve, for a change order cost of \$27,417.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

Appropriation of \$27,417 from the New Strategic Capital Improvement GF Reserve Account.

City Council set aside \$1,700,000 for the New Strategic Capital Improvement GF Reserve Account in Resolution No. 2013-7333 adopting the budgets for Fiscal Years 2013-14 and 2014-15 and amending the general fund appropriations for Fiscal Year 2012-13.

Previously authorized expenditures from the New Strategic Capital Improvement GF Reserve Account were in Resolution No. 2013-7407 (Projects for Fiscal Year 2013/14 Capital Improvement Program) for the following purposes:

- Sport Park Mansard Roof Construction - \$120,000
- Palm Avenue Mixed Use and Commercial Corridor Master Plan for in kind match to the Smart Growth Grant - \$50,000.
 - o Previous total authorized \$170,000

There are sufficient funds in the New Strategic Capital Improvement GF Reserve Account to pay for change order no. 1 to the "Replace the Recreation Center Mansard Roof" CIP F14-001 contract.

RECOMMENDATION:

1. Receive this report.
2. Affirm the City Manager's approval on Change Order No. 1 to the "Replace the Recreation Center Mansard Roof" project CIP F14-001 for a total change order cost of \$27,417.
3. Appropriate an additional \$27,417 from the New Strategic Capital Improvement GF Reserve Account for the payment of Change Order No. 1 to the "Replace the Recreation Center Mansard Roof" CIP F14-001 contract, account no. 420-5000-532-XXXX

Attachments:

1. Resolution No. 2013-7428

RESOLUTION NO. 2013-7428

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AFFIRMING CHANGE ORDER NO. 1 TO REPLACE THE RECREATION CENTER MANSARD ROOF CIP F14-001 PROJECT AND APPROPRIATING AN ADDITIONAL \$27,417 FROM THE NEW STRATEGIC CAPITAL IMPROVEMENT GF RESERVE ACCOUNT TO CIP PROJECT F14-001

WHEREAS, on September 18, 2013, City Council adopted Resolution No. 2013-7389 awarding the "Replace the Recreation Center Mansard Roof" CIP F14-001 contract to A Good Roofer, Inc. for \$96,626; and

WHEREAS, after the roof replacement was underway, it was brought to the staff's attention that the underlayment plywood on the building did not meet the ½-inch thickness requirement necessary to attach the new metal roof panels; and

WHEREAS, the manufacturer's specifications for metal roof panels require the 1/2-inch plywood underlayment to provide for sufficient fastener depth to properly secure the metal panels; and

WHEREAS, any deviations to the underlayment plywood thickness would invalidate the "20-Year No Repair Limit (NRL)" warranty; and

WHEREAS, due to the high risk of building damage in case of inclement weather during this rainy season, the City Manager approved change order no. 1 to add a ½-inch plywood underlayment to the roof on an emergency basis in order to keep the project moving forward and minimizing the risk of rain before the roof could be replaced; and

WHEREAS, this project was funded through the New Strategic Capital Improvement GF Reserve Account for \$120,000; and

WHEREAS, staff proposes to fund change order no. 1 with the New Strategic Capital Improvement GF Reserve account at a change order cost of \$27,417; and

WHEREAS, there are sufficient funds in the New Strategic Capital Improvement GF Reserve Account to pay for change order no. 1.

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

1. The above recitals are true and correct.
2. This legislative body affirms the City Managers approval of Change Order No. 1 to the "Replace the Recreation Center Mansard Roof" CIP F14-001 contract for a change order cost of \$27,417.
3. This legislative body appropriates an additional \$27,417 from the New Strategic Capital Improvement GF Reserve Account for the payment of Change Order No. 1 to the "Replace the Recreation Center Mansard Roof" CIP F14-001 contract, account no. 420-5000-532-XXXX.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of November 2013, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER *AH*

MEETING DATE: NOVEMBER 20, 2013
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, ASSISTANT CITY MANAGER/ COMMUNITY DEVELOPMENT DIRECTOR *GW*
JIM NAKAGAWA, AICP, CITY PLANNER

SUBJECT: FIRST READING/ INTRODUCTION OF ORDINANCE NO. 2013-1140 AND PUBLIC HEARING/ ADOPTION OF RESOLUTION NO. 2013-7410: THE CITY OF IMPERIAL BEACH: GENERAL PLAN AMENDMENT (GPA)/ LOCAL COASTAL PROGRAM AMENDMENT (LCPA) / AND ZONING CODE AMENDMENT (ZCA) 100057/ TO IMPLEMENT COASTAL COMMISSION MODIFICATIONS TO THE IMPERIAL BEACH COMMERCIAL LCPA PROJECT. MF 935

EXECUTIVE SUMMARY:

Adopt Resolution No. 2013-7410 and conduct First Reading of Ordinance No. 2013-1140 that would implement the modifications stipulated by the Coastal Commission in order to have the Imperial Beach Commercial Local Coastal Program amendments effectively certified.

PROJECT DESCRIPTION/ BACKGROUND:

On August 1, 2012, the City Council adopted Resolution No. 2012-7236 and on August 15, 2012, the Council adopted Ordinance No. 2012-1130 (at its Second Reading) that amended the Imperial Beach General Plan/ LCP and Zoning Ordinance (GPA/ LCPA/ ZCA 100057) by changing properties designated C-1 (General Commercial) in the Palm Avenue study area to C/ MU-1, C-2 (Seacoast Commercial) in the Old Palm Avenue and Seacoast Drive study areas to C/ MU-2, and C-3 (Neighborhood Commercial) in the 13th Street Corridor study areas to C/ MU-3. Also included in the amendment were areas zoned R-1500 (High Density Residential) that were subject to the MU-1 (Mixed Use-1) overlay designation in the Palm Avenue study area and the MU-2 (Mixed Use-2) overlay designation in the Seacoast Drive study area. In addition, property at the northeast corner of 9th Street and Imperial Beach Boulevard were included in the project to change the existing C-3 General Plan/ Zone designation to R-3000 (Two-Family Residential) pursuant to GP Policy L-4h.

The amendment included a list of uses in the C/MU-1, C/MU-2, and C/MU-3 zones that identified all potential uses as permitted by right, by conditional use permit or site plan, as well as uses not permitted in each zone. Attached multiple-family residences would be permitted in

each of the C/MU zones at densities ranging from 1 dwelling unit per 1,000 square feet to 1 dwelling unit per 2,000 square feet. The Residential Overlay Zone replaced the existing Seacoast Commercial MU-2 Overlay Zone for beachfront residential properties west of Ocean Lane. The purpose of the Residential Overlay Zone was to preserve opportunities for the continuation of single-family residential uses in the area. Residential units, including detached single-family units, would continue to be permitted by right. Additionally, all uses permitted within the C/ MU-2 zone would also be permitted in the Residential Overlay Zone.

Commercial parking requirements were changed from a standard that varied by type of commercial use to a standard of 1 space per 500 gross square feet for commercial mixed uses in the proposed C/MU-1 and C/MU-3 zones, and to 1 space per 1,000 gross square feet of commercial use in the proposed C/MU-2 zone. In addition, a reduction in required parking would be permitted for vertical mixed-use projects of commercial, multiple-family, or hotel uses; parking requirements would be waived for commercial uses of less than 1,000 square feet; and opportunities to satisfy parking requirements by use of shared parking or off-site parking located within 1,000 feet (an increase from 500 feet) would be allowed for multiple-family residential and commercial uses (except hotels).

New or revised definitions were added to the zoning ordinance for terms used in the proposed C/MU zones, such as for active commercial uses, incidental manufacturing, live/ work units, mixed-use development, personal convenience services, and urban open space.

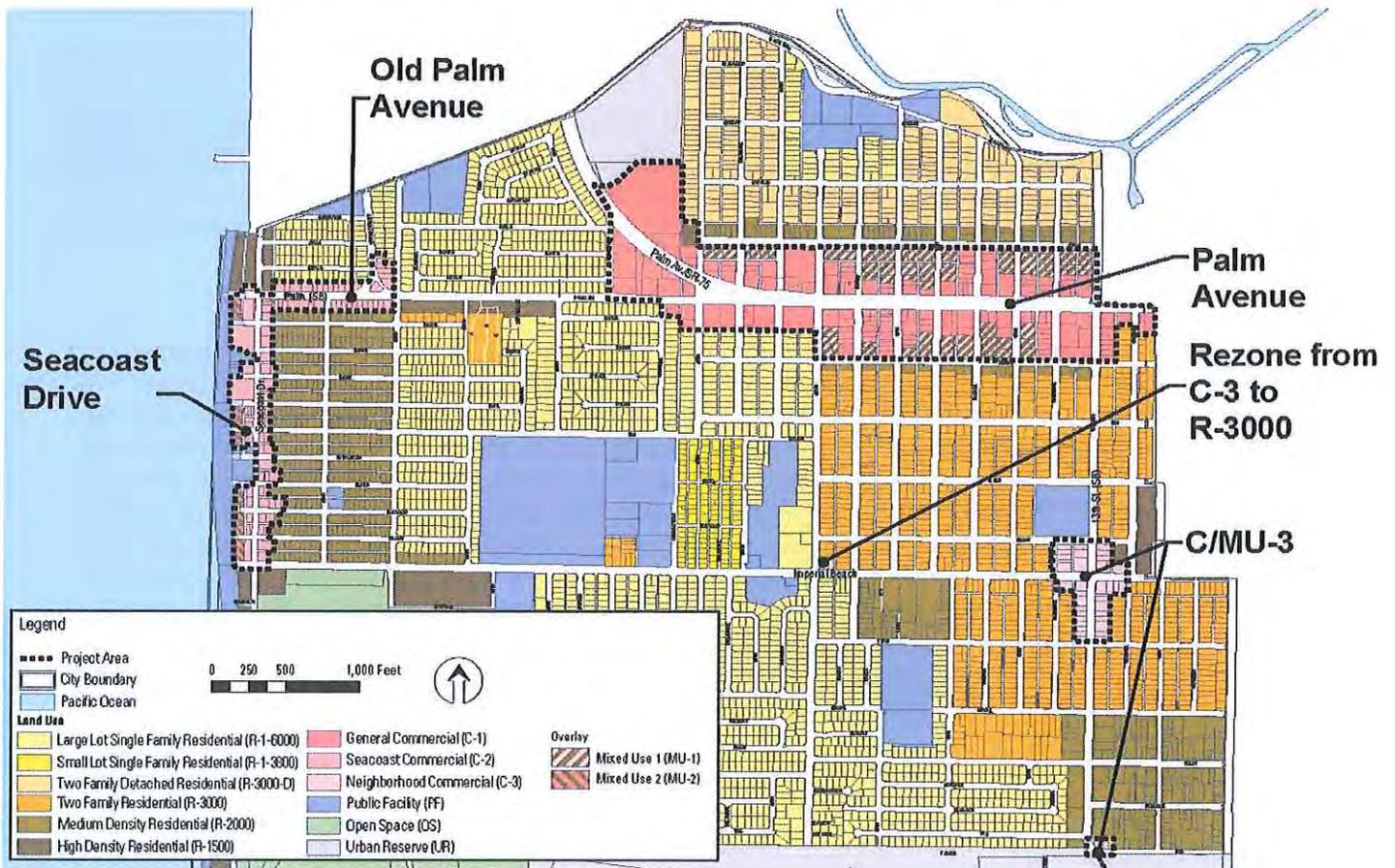


Table 3 – Minimum Active Commercial Use Requirements

Proposed Zone	Former Standard	Proposed Standard
C/MU-1	None in the former C-1 zone	Active commercial uses shall be provided at 60% of the ground floor of all parcels with frontage along Palm Avenue, between 7th Street and Florida Street. As indicated in Table 4, all parcels with frontage along Palm Avenue shall contain commercial uses at the ground floor level a minimum distance of 25 feet from the front property line.
C/MU-2	None in the former C-2 zone	Active commercial uses shall be provided at 60% of the ground floor of all parcels with frontage along Old Palm Avenue and Seacoast Drive.
C/MU-3	None in the former C-3 zone	Active commercial uses shall be provided at 60% of the ground floor of all parcels with frontage along Imperial Beach Boulevard and 13th Street.

Table 4 – Building Height Standards

Proposed Zone	Former Standard	Proposed Standard
C/MU-1	Four-story/40 feet in the former C-1 zone	Four-story/40 feet
C/MU-2	Three-story/30 feet (except hotel uses to 40 feet as part of Specific Plan) in the former C-2 zone	Three-story/30 feet Three-story/35 feet on east side of Seacoast Drive for projects that qualify for performance-based bonus (as described in Section 3e: Development Incentives)
C/MU-3	Two-story/28 feet in the former C-3 zone	Three-story/30 feet Three-story/35 feet for projects that qualify for performance-based bonus (as described in Section 3e: Development Incentives)

Table 9 – Maximum Building Height and Density with Incentives

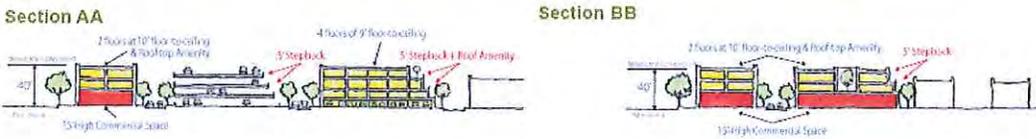
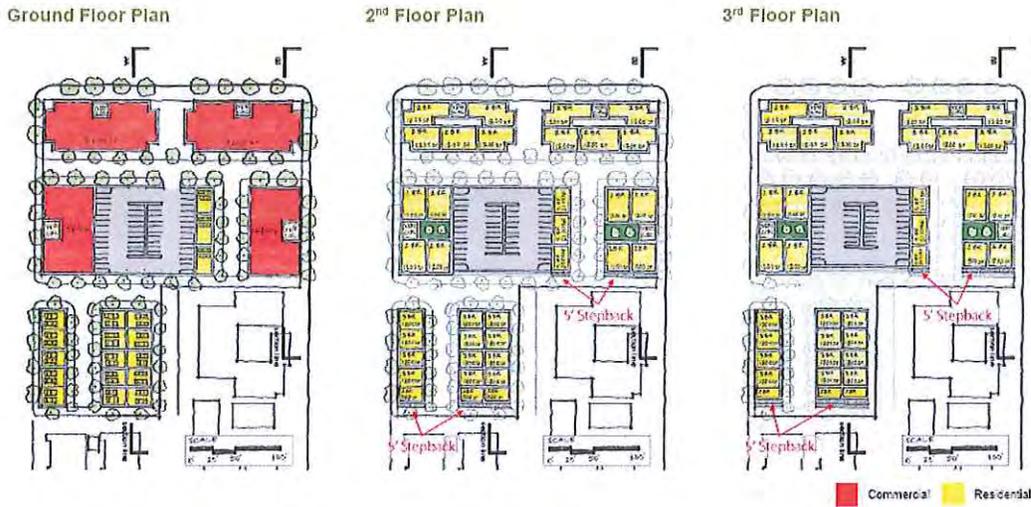
Proposed Zone	Current Standard		Proposed Maximum By Right*		Proposed Max. With Incentives	
	Stories/Height	Max Density	Stories/Height	Max DU/Acre	Stories/Height	Max DU/Acre
C/MU-1	Four/40 feet	43 DU/acre	Four/40 Feet	43 DU/acre	N/A	N/A
C/MU-2 (West Side of Seacoast)	Three/30 feet	29 DU/acre	Three/30 Feet	29 DU/acre	N/A	N/A
C-MU-2 (Old Palm and East Side of Seacoast)	Three/30 feet	29 DU/acre	Three/30 Feet	29 DU/acre	Three/35 feet	36 DU/acre
C/MU-3	Two/28 feet	22 DU/acre	Three/30 Feet	29 DU/acre	Three/35 feet	36 DU/acre

*The proposed maximums described may, as an option, be provided with incentives, and not by right.
 Note: In C/MU-2, 40 feet for hotel uses will continue to be allowed with a Specific Plan.

Table 10 – Summary of Performance-Based Standards

Qualifier	Requirements for Performance-Based Standards
<i>A project applicant could be allowed up to 36 DU/acre and up to 35 feet in height (east side of Seacoast only) for achieving any two of the following:</i>	
Lot Consolidation	Project sites that are consolidated to a final size greater than 20,000 square feet.
Green Building	Entire project achieves Leadership in Energy and Environmental Design (LEED) Green Building Rating System certification, a comparable green building certification, or can demonstrate the ability to achieve certification.
Active Commercial Use	Entire project must provide a minimum of 75% active commercial uses on the ground floor.
Three-Bedroom Units	25% of proposed residential units must be three-bedroom units.
Provision of Public Open Space, Plaza Space, or Public Community Amenities	Provide an additional 100 square feet of public open space or plaza space with minimum dimensions of 6 feet by 10 feet.
Public Right-of-Way Dedication	Dedicate a minimum of 1 foot of private property frontage to public use (creates a 1-foot front setback dedicated to public use).
Provision of Greater Floor Stepback from Residential Property	Floors above first floor provide additional setback 5 feet beyond required stepback.

Prototypical Development with Proposed Regulations for Palm Avenue



Prototypical Development with Incentivized Regulations for Seacoast Drive

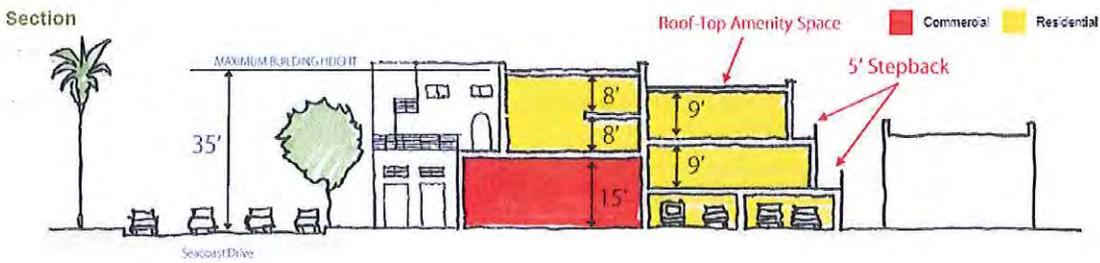


Table 14 – Summary of Parking Standard Changes

Category	Former Standard	Proposed Standard	Eligible for Waiver for 25% Reduction for Vertical Mixed-Use	Eligible for Waiver for Commercial Uses less than 1,000 SF (Consider increase to 1,500 SF)	Eligible for Additional Parking Reduction for Shared Parking
Commercial C/MU-1 C/MU-3	Varies by use	1 space per 500 SF of commercial	X	X	X
Commercial C/MU-2	Varies by use	1 space per 1,000 SF of commercial	X	X	X
Multi-Family Residential	1.5 spaces per unit	Same	X		X
Hotel without cooking facilities	1.0 spaces per unit	Same	X		
Hotel with cooking facilities	1.5 spaces per unit	Same	X		

PROJECT EVALUATION/ DISCUSSION:

City staff identified a number of issues with the draft Coastal Commission staff report and transmitted a letter dated August 29, 2013 to the Commission in response (Attachment 4). Many of these issues were raised again in the City's presentation to the Coastal Commission at its hearing on October 10, 2013. One of the key issues was the Commission staff's recommendation to provide for the preservation of the existing Bernardo Shores RV Park or to provide for comparable replacement visitor accommodations if the RV park were to be removed or pay a mitigation fee for the loss of such units.

At the October 10th hearing, the Coastal Commission provisionally certified the LCP Land Use Plan (LUP) and Implementation Plan (IP) Amendment IMB-MAJ #2-12 subject to modifications as stipulated by the Commission (Attachment 5). The Commission's action did not include the requirement that the existing Bernardo Shores RV park be preserved, be replaced in kind, or be mitigated for in the event of its loss.

During the course of this project, a number of state laws were enacted that actually reinforced many of the objectives of the amendments. The Complete Streets Act of 2008 required provisions for pedestrians and bicyclists as well as motorists when making amendments to the circulation element. AB 97 required OPR (Governor's Office of Planning and Research) to amend CEQA (California Environmental Quality Act) Guidelines to reflect the de-emphasis of providing for automobile parking and encourage alternative modes of transportation to decrease the production of greenhouse gases (GHG) as mandated by AB 32. SB 375 basically required future development to take place in developed areas (SANDAG's Smart Growth policy) to take advantage of existing infrastructure, reduce sprawl, provide for a more pedestrian environment, and eventually reduce GHG to better adapt to if not mitigate the effects of global warming.



The amendments sought to provide a sufficient amount of commercial area to support the local and visitor needs for goods and services. With decreased parking requirements and particularly with the bonus incentives, the project enhances Imperial Beach's ability to compete for commercial tenants and customers, create jobs, and generate both business and tax revenues.

By encouraging the mix of residential and commercial uses, it provides the opportunity for residents to walk and/or avail themselves of transit to reach their shopping or job destinations.

The design/ development standards aim to provide an attractive and walkable environment in which to live, work, and recreate. The implementation of the Palm Avenue/ SR 75 Traffic Calming/ Master Plan Streetscape Study (MF 970) combined with this project would further reinforce the objectives of the commercial zoning amendments. The Financial Feasibility Study by Keyser Marston and Associates (KMA) provided some realistic capture potential with the implementation of the Commercial Zoning Amendment.



Local Coastal Program (LCP) Amendment:

Once the City Council has acknowledged receipt of the Commission's resolution of certification and has adopted the suggested modifications, the City would submit its action to the Executive Director of the Coastal Commission, who determines in writing that the City Council's actions were legally adequate to satisfy the requirements of the

Table 20 – Estimated Demand

	Low	High
Sales Export Recapture Potential	55,000 SF	88,000 SF
Retail Space Demand Through 2030		
Demand from New Housing Units	44,000 SF	57,000 SF
Demand from Beyond Trade Area	11,000 SF	14,000 SF
Total Retail Space Demand Through 2030	55,000 SF	71,000 SF
Sales Export Recapture Potential	110,000 SF	159,000 SF

Commission's certification order. The Commission's certification is final upon the date the Commission concurs with the Director's report of the City's acceptance of the suggested modifications per Coastal Commission Regulation (California Administrative Code Title 14 Division 5.5 Chapter 8 Subchapter 2 Article 13) Section 13544.5.

Environmental Information: The City of Imperial Beach as the Lead Agency certified the Final Program Environmental Impact Report (PEIR: SCH# 2011041048) in accordance with CEQA (California Environmental Quality Act) for the General Plan/ Local Coastal Plan (LCP) and Commercial Zoning Amendments Project on August 1, 2012.

Significant Environmental Effects as a Result of the Proposed Project: Since the commercial zoning amendment would result in significant and immitigable impacts, the City Council adopted a statement of overriding considerations per CEQA Guidelines Section 15093 in order to approve this project.

FISCAL ANALYSIS:

On January 20, 2010, the City Council authorized a second contract amendment of \$50,000 to AECOM for requested additional scope of services for a total of \$339,759 of Redevelopment Agency (RDA) funds from Capital Improvement Program (CIP) budget Project Number R05-

203. A third amendment of \$23,000 was authorized on April 21, 2010 to illustrate proposed development standards. This contract has now been concluded.

DEPARTMENT RECOMMENDATION:

1. Declare the public hearing open;
2. Receive report and entertain testimony;
3. Adopt Resolution No. 2013-7410 that modifies Attachment 3 of Resolution No. 2012-7236 in order to satisfy the Coastal Commission's certification order for the Imperial Beach Commercial General Plan/ Local Coastal Program Amendment (GPA 100057/ Amendment # IMB-MAJ-2-12);
4. Mayor calls for the first reading of the title of Ordinance No. 2013-1140 that modifies Attachment 2 of Ordinance No. 2012-1130 in order to satisfy the Coastal Commission's certification order for the Imperial Beach Commercial Zoning Code Amendment (ZCA 100057/ Amendment # IMB-MAJ-2-12);
5. City Clerk to read Ordinance 2013-1140 by title only;
6. Continue public hearing to the City Council meeting of December 4, 2013;
7. Motion to waive further reading of Ordinance No. 2013-1140 and set the matter for its second reading and adoption at the next regularly scheduled City Council meeting.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Attachments:

1. Resolution No. 2013-7410
 2. Ordinance No. 2013-1140
 3. Coastal Commission staff report
 4. City response to Commission staff report
 5. Coastal Commission October 10, 2013 action
- C: file MF 935 Commercial Zoning Amendments
Diana Lilly, Coastal Planner, CA Coastal Commission - San Diego District, 7575 Metropolitan Dr. Ste. 103, San Diego, CA 92108-4402
Diana.Lilly@coastal.ca.gov Deborah.Lee@coastal.ca.gov
Susan McCabe, 122 Voyage Mall, Marina del Rey, CA 90292
smccabe@mccabeandcompany.net ablemker@mccabeandcompany.net
Marc R. Perlman, Vice President, Integral Communities, 2235 Encinitas Blvd, Ste 216, Encinitas, CA 92024 mperlman@integralcommunities.com
Christine Babla, AECOM, 1420 Kettner Blvd, Suite 500, San Diego, CA 92101;
Christine.Babla@aecom.com;
Seth Torma, KOA Corporation, 5095 Murphy Canyon Rd., Suite 330, San Diego, CA 92123 satorma@koacorporation.com
Paul C. Marra, Keyser Marston Associates, Inc., 1660 Hotel Circle North, Suite 716, San Diego, CA 92108 pmarra@keysermarston.com

Rick Espana, Roesling Nakamura Terada Architects, 363 Fifth Avenue, Suite 202, San Diego, CA espana@rntarchitects.com
Christopher Gray, AICP, Fehr & Peers Transportation Consultants, 15707 Rockfield Blvd, Suite 155, Irvine, CA 92618 c.gray@fehrrandpeers.com
Susan Baldwin, SANDAG, 401 B Street, Ste. 800, San Diego, CA 92101 Susan.Baldwin@sandag.org
Olivia Pickering, Imperial Beach Chamber of Commerce, 805 Ocean Lane, Imperial Beach, CA 91932 opickeri@sbcglobal.net

RESOLUTION NO. 2013-7410

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING ATTACHMENT 3 OF RESOLUTION NO. 2012-7236 THAT APPROVED IMPERIAL BEACH COMMERCIAL GENERAL PLAN/ LOCAL COASTAL PROGRAM AMENDMENT (GPA/ LCPA) 100057, AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2011041048) AND CERTIFYING THAT PROPOSED MODIFICATIONS TO THE COMMERCIAL LCP AMENDMENT STIPULATED BY THE COASTAL COMMISSION IS CONSISTENT WITH THE COASTAL ACT. MF 935

WHEREAS, on August 1, 2012, the City Council of the City of Imperial Beach adopted Resolution No. 2012-7236 that approved General Plan/ Local Coastal Program (GPA/ LCPA 100057) Amendment, and

WHEREAS, the City Council found GPA/LCPA 100057 that amended the Land Use Plan (LUP) including Figure L-1 (Land Use Map) of the Imperial Beach General Plan/LCP for properties designated C-1 (General Commercial) in the Palm Avenue study area, C-2 (Seacoast Commercial) in the Old Palm Avenue and Seacoast Drive study areas, and C-3 (Neighborhood Commercial) in the 13th Street Corridor study areas; and areas zoned R-1500 (High Density Residential) that are subject to the MU-1 (Mixed Use-1) overlay designation in the Palm Avenue study area and the MU-2 (Mixed Use-2) overlay designation in the Seacoast Drive study area, pursuant to Government Code Section 65300.5, to be internally consistent with other policies of the general plan/ local coastal program and that the suggested modifications of the Coastal Commission would also be internally consistent; and

WHEREAS, the City Council found that Ordinance No. 2012-1130 to effect the proposed changes would be consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and would, therefore, be externally consistent pursuant to Government Code Section 65860 and that Ordinance No. 2013-1140 that implements the modifications stipulated by the Coastal Commission would remain externally consistent; and

WHEREAS, the City Council found that the amendment was in substantial compliance with Policy D-8 of the Design Element of the General Plan/Local Coastal Plan, which promotes project design harmonious with adjoining uses as the proposed setbacks and stepbacks provides a buffer from residential uses and the proposed active commercial use areas creates a more pedestrian-oriented environment and exemplifies many of the principles of form-based codes; and

WHEREAS, the California Coastal Commission at its hearing on October 10, 2013 provisionally certified the LCP Land Use Plan (LUP) and Implementation Plan (IP) Amendment IMB-MAJ #2-12 subject to modifications as provided herein; and

WHEREAS, the City Council held a duly noticed public hearing on November 20, 2013, and on December 4, 2013 to consider the adoption of the Coastal Commission's suggested modifications; and

WHEREAS, the City Council of the City of Imperial Beach hereby finds and certifies that the proposed Commercial Zoning Amendment IMB-MAJ #2-12 as modified by the California

Coastal Commission at its hearing on October 10, 2013 would remain consistent with the California Coastal Act, pursuant to Public Resources Code Section 30510(a) and Title 14 of the California Code of Regulations section 13551; and

WHEREAS, in compliance with Section 15090 of the California Environmental Quality Act (CEQA) Guidelines, a Program Environmental Impact Report (PEIR) was certified on August 1, 2013 for this project (SCH # 2011041048) prior to its approval in accordance with the requirements of CEQA, and

WHEREAS, the City Council finds that the certified PEIR remains adequate in addressing any environmental issues with regard to the modifications stipulated by the Coastal Commission; and

WHEREAS, the City Council of the City of Imperial Beach hereby finds and certifies that the proposed Commercial LCP Amendment IMB-MAJ #2-12 as modified by the California Coastal Commission at its hearing on October 10, 2013 would remain internally consistent with the other elements of the General Plan/ Local Coastal Plan pursuant to Government Code Section 65300.5; and

WHEREAS, the City Council of the City of Imperial Beach hereby finds and certifies that the proposed Ordinance No. 2013-1140 (IMB-MAJ #2)-12 that implements the modifications stipulated by the California Coastal Commission at its hearing on October 10, 2013 would remain externally consistent pursuant to Government Code Section 65860.

NOW, THEREFORE, BE IT RESOLVED, that:

Section 1: the City of Imperial Beach formally acknowledges receipt of the Commission's resolution of certification along with its suggested modifications; and

Section 2: Attachment 3 of Resolution No. 2012-7236 is hereby modified in compliance with the Coastal Commission certification order as follows:

Introduction

[Land Use Element]

- ✓ Reducing the highest density apartment/condominium areas from a maximum density of one unit per 1,000 square feet of lot area to one unit per 1,500 square feet of lot area except where specified development incentives are offered.

[Circulation Element]

[C-22 Parking]

i. Shared Public/Private Parking

Where feasible, public use of private parking facilities currently underutilized on weekends and holidays (i.e., serving office buildings) shall be permitted in all commercial zones located within ¼ mile of the beach.

j. Balanced Development

All new commercial and higher density residential development shall be located and designed to facilitate provision or extension of transit service to the development to the extent feasible. Residential, commercial, and recreational uses should be located in relationship to each other so as to encourage walking, bicycling, and transit ridership. Major employment, retail, and entertainment districts and major coastal recreational areas should be well served by public transit and easily accessible to pedestrians and bicyclists.

k. Employer Support of Transit

The City shall actively encourage convenient alternatives to automobile use throughout the Commercial Districts by requiring employers to provide incentives for alternative transit use such as providing employee transit passes or subsidies, ridesharing programs, preferred parking for carpooling and on-site shower facilities.

[Land Use Element, Table L-2 (Page L-8): Land Use Designations and Specifications]

C/MU-1 General Commercial and Mixed-Use (4 stories)

The General Commercial and Mixed-Use land use designation provides for commercial development, mixed-use development, multiple-family dwellings, and businesses to meet the local demand for commercial goods and services, as opposed to the goods and services required primarily by the tourist population. It is intended that the dominant type of commercial activity in the C/MU-1 designation will be community- and neighborhood-serving retail and office uses. Multi-family Residential uses may be permitted at a maximum density of 1 unit per every 1,000 sq. feet of land, per the City of Imperial Beach Zoning Ordinance. For all buildings with frontage along the north and south sides of Palm Avenue/SR 75 between the border with the City of San Diego and Rainbow Drive, including those with multiple-family dwelling units, "active commercial uses" are required to be provided at a minimum of sixty percent of each building's ground floor square footage with direct pedestrian access from the Palm Avenue sidewalk or a plaza. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other nonactive commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.

C/MU-2 Seacoast Commercial and Mixed-Use (3 stories, except for hotels, where 4 stories may be permitted by specific plan)

The C/MU-2 Seacoast Commercial land use designation provides for land to meet the demand for goods and services required primarily by the tourist population, as well as by local residents who use the beach area. It is intended that the dominant type of commercial activity in this designation will be visitor-serving retail such as specialty stores, surf shops, restaurants, and hotels and motels. To promote a more pedestrian-oriented community character, as well as to reduce the high volume of vehicle trips attracted by drive-through establishments, drive-through services for restaurants, banks, dry cleaners, and other similar auto-related business establishments shall be prohibited in this zone. Per the City of Imperial Beach Zoning Ordinance, multi-family residential uses shall be permitted at a maximum density of 1 unit per every 1,500 gross sq. ft. of lot area; if located on the east side of Seacoast Drive or on Palm Avenue, east of Seacoast Drive, multi-family residential uses may be increased to a maximum density of 1 unit per every 1,210 gross sq. ft. of lot area, subject to the compliance with specified development incentives and the approval of a conditional use permit. Additionally, the Seacoast Mixed Use/Residential Overlay was established to provide for the future expansion of

commercial uses allowed in the C/MU-2 designation while preserving opportunities for the continuation of single-family residential uses within the overlay area. Mixed-use and multi-family residences are permitted in the C/MU-2 area, as well as in the Seacoast Mixed Use/Residential Overlay Zone.

Seacoast Mixed Use/Residential Overlay

The purpose of the Seacoast Mixed Use/Residential Overlay land use designation is to provide for preserving opportunities for the continuation of single-family residential uses, in the area bounded by Ocean Boulevard (the beach) to the west, Ocean Lane on the east, Imperial Beach Boulevard on the south, and Palm Avenue on the north. In this area, single-family land uses shall be permitted, in addition to all uses permitted within the C/MU-2 designation.

[Land Use Element] (Page L-9)

Policy L-4e Seacoast Commercial and Mixed-Use (C-MU-2)

The Seacoast Area shall serve as a commercial and mixed-use visitor-serving, pedestrian-oriented commercial area. Existing residential uses shall be slowly transitioned to new visitor serving commercial uses. To ensure that the existing character is maintained and enhanced, the zoning for this area shall incorporate standards for setbacks and stepbacks, and encourage pedestrian activity through the design and location of building frontages and parking provisions. For all buildings with frontage along Seacoast Drive, including those with multiple-family dwelling units, "active commercial uses" are required to be provided at a minimum sixty percent of each building's ground floor square footage and have direct pedestrian access from the Seacoast Drive sidewalk or a plaza. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other nonactive commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking. Per the City of Imperial Beach Zoning Ordinance, timeshares shall require approval of a conditional use permit and shall be prohibited on the first 1st floor, unless 25% are reserved for overnight accommodation.

SECTION 3: That this resolution shall only become effective upon the date the Coastal Commission concurs with the Executive Director's report of the City's acceptance of the suggested modifications and that the City Council's actions were legally adequate to satisfy the requirements of the Commission's certification order.

Appeal Process under the California Code of Civil Procedure (CCP): The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

PROTEST PROVISION: The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 20th day of November, 2013, by the following roll call vote:

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

James C. Janney

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD, MMC
CITY CLERK

APPROVED AS TO FORM:

Jennifer M. Lyon

JENNIFER M. LYON
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2013-7410 A Resolution of the City of Imperial Beach, AMENDING ATTACHMENT 3 OF RESOLUTION NO. 2012-7236 THAT APPROVED IMPERIAL BEACH COMMERCIAL GENERAL PLAN/ LOCAL COASTAL PROGRAM AMENDMENT (GPA/ LCPA) 100057, AND FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2011041048) AND CERTIFYING THAT PROPOSED MODIFICATIONS TO THE COMMERCIAL LCP AMENDMENT STIPULATED BY THE COASTAL COMMISSION IS CONSISTENT WITH THE COASTAL ACT. MF 935

CITY CLERK

DATE

ORDINANCE NO. 2013-1140

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING ATTACHMENT 2 OF ORDINANCE NO. 2012-1130 THAT AMENDED TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING THE PROVISIONS FOR THE C-1, C-2, AND C-3 COMMERCIAL ZONES AND AMENDING THE ZONING MAP FOR PROPERTIES DESIGNATED C-1 (GENERAL COMMERCIAL) IN THE PALM AVENUE STUDY AREA, C-2 (SEACOAST COMMERCIAL) IN THE OLD PALM AVENUE AND SEACOAST DRIVE STUDY AREAS, AND C-3 (NEIGHBORHOOD COMMERCIAL) IN THE 13TH STREET CORRIDOR STUDY AREAS AND AREAS ZONED R-1500 (HIGH DENSITY RESIDENTIAL) THAT WERE SUBJECT TO THE MU-1 (MIXED USE-1) OVERLAY DESIGNATION IN THE PALM AVENUE STUDY AREA AND THE MU-2 (MIXED USE-2) OVERLAY DESIGNATION IN THE SEACOAST DRIVE STUDY AREA TO SATISFY THE MODIFICATIONS STIPULATED BY THE COASTAL COMMISSION . MF 935.

WHEREAS, on August 15, 2012, the City Council of the City of Imperial Beach adopted Ordinance No. 2012-1130 (Zoning Code Amendment (ZCA) 100057) that amended the Zoning Ordinance and Zoning Map for properties designated C-1 (General Commercial) in the Palm Avenue study area, C-2 (Seacoast Commercial) in the Old Palm Avenue and Seacoast Drive study areas, and C-3 (Neighborhood Commercial) in the 13th Street Corridor study areas; and areas zoned R-1500 (High Density Residential) that were subject to the MU-1 (Mixed Use-1) overlay designation in the Palm Avenue study area and the MU-2 (Mixed Use-2) overlay designation in the Seacoast Drive study area; and

WHEREAS, the California Coastal Commission at its hearing on October 10, 2013 provisionally certified the LCP Land Use Plan (LUP) and Implementation Plan (IP) Amendment IMB-MAJ #2-12 subject to modifications as provided herein; and

WHEREAS, the City Council held duly noticed public hearings on November 20, 2013, and on December 4, 2013 to consider the adoption of the Coastal Commission's suggested modifications; and

WHEREAS, the City Council found the Commercial Zone changes to be consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and found the amendment, therefore, to be externally consistent with the General Plan/ Local Coastal Plan pursuant to Government Code Section 65860 and the City Council finds the modifications to the Commercial Zone changes stipulated by the Coastal Commission to also be consistent with the General Plan/ Local Coastal Plan; and

WHEREAS, the City Council found that the Commercial Zoning Amendment promoted the local and regional goals for a walkable community, implemented SANDAG's Smart Growth policy to take advantage of existing infrastructure, reduce sprawl, provide for a more pedestrian environment, and eventually reduce greenhouse gases (GHG) to better adapt to if not mitigate the effects of global warming.; and

WHEREAS, in compliance with Section 15090 of the California Environmental Quality Act (CEQA) Guidelines, a Program Environmental Impact Report (PEIR) was certified on

August 1, 2013 for this project (SCH # 2011041048) prior to its approval in accordance with the requirements of CEQA, and

WHEREAS, the City Council finds that the certified PEIR remains adequate to address any environmental issues with regard to the modifications stipulated by the Coastal Commission.

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

SECTION 1: That the zoning amendments as provided in Attachment 2 of Ordinance No. 2012-1130 are hereby modified as follows:

[Proposed New and Amended Definitions]

19.04.400. Height, Measurement of

Height shall be measured from the average level of the highest and lowest point of that portion of the building site (at existing grade) covered by the building or structure to the highest point of the building or structure.

Active Commercial Uses

“Active commercial uses” mean commercial uses that are oriented along the street wall facing the main street at ground level. Active commercial uses ~~should~~ shall be accessible to the general public, generate walk-in pedestrian clientele, ~~and or~~ contribute to a high level of pedestrian activity. Property entrances will be oriented to the street, which will facilitate sidewalk traffic and active streets. Uses that generate pedestrian activity include retail shops, grocery stores, restaurants, bars, theaters and the performing arts, personal convenience services, hotels, banks, travel agencies, child care services, libraries, museums and galleries, and commercial recreation and entertainment.

Open Space, Public Common

“Public Common open space” means those usable outdoor spaces commonly accessible to all residents and users of the building for the purpose of passive or active recreation.

[Chapter 19.23 COMMERCIAL/MIXED-USE USE REGULATIONS]

Commercial Uses	C/MU-1	C/MU-2	C/MU-3	Notes
Liquor store	P [C]C	P [C]C	N	See definition
Hostel	N C	C	N	See definition
Single-family detached	N	N*[P]	N	*Only permitted in Seacoast <u>Mixed-Use/</u> Residential Overlay Zone
Campsites	N C	N	N	See definition

[Chapter 19.26. C/MU-1 GENERAL COMMERCIAL AND MIXED-USE ZONE]

19.26.020. Permitted uses.

A. Specified commercial, residential, light industrial, public and semi-public, green building utilities, and open space and recreation uses allowed in the C/MU-1 zone are listed in

Chapter 19.23, including those requiring a conditional use permit, and shall also comply with the following land use regulations:

1. For all buildings with frontage along Palm Avenue between 7th Street and Florida Street the north and south sides of Palm Avenue/SR 75 between Florida Street and Rainbow Drive, including those with multiple-family dwelling units, "active commercial uses" as defined in Chapter 19.05 are required to be provided at a minimum of sixty percent of each building's ground floor square footage, have direct pedestrian access from the Palm Avenue sidewalk or a plaza, and have a minimum building depth of twenty-five feet. ~~Exceptions would require approval of a conditional use permit. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.~~

[Chapter 19.27. C/MU-2 SEACOAST COMMERCIAL AND MIXED-USE ZONE]

19.27.010. Purpose of zone.

The purpose of the C/MU-2 zone is to provide land to meet the demand for goods and services required primarily by the tourist population, as well as local residents who use the beach area. It is intended that the dominant type of commercial activity in the C/MU-2 zone will be visitor-serving retail such as specialty stores, surf shops, restaurants, and hotels and motels. ~~Additionally, the Seacoast Residential Overlay Zone has been established to preserve opportunities for single-family residences within the overlay area.~~ Mixed-use and multiple family residences are also permitted in the C/MU-2 zone and in the Seacoast Mixed Use/Residential Overlay Zone. The development standards of the C/MU-2 zone encourage pedestrian activity through the design and location of building frontages and parking provisions.

19.27.020. Permitted uses.

A. Specified commercial, residential, light industrial, public and semi-public, green building utilities, and open space and recreation uses allowed in the C/MU-2 zone are listed in Chapter 19.23, including those requiring a conditional use permit, and shall also comply with the following land use regulations:

1. For all buildings with frontage along Seacoast Drive, including those with multiple-family dwelling units, "active commercial uses" as defined in Chapter 19.04 are required to be provided at a minimum sixty percent of each building's ground floor square footage and have direct pedestrian access from the Seacoast Drive sidewalk or a plaza. ~~Exceptions would require approval of a conditional use permit. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.~~

[...]

5. Multiple-family residential dwelling units are permitted at a maximum density of one unit per every one thousand five hundred gross square feet of lot area; or if located on ~~Palm Avenue~~ and the east side of Seacoast Drive or Palm Avenue, east of Seacoast Drive, residential dwelling units may be increased to a maximum density of one dwelling unit for each one thousand two hundred and ten gross square feet of lot area with approval of a conditional use permit by the City Council that demonstrates compliance with two or more of the following development incentives:

- a. Project sites that are consolidated to a final size greater than twenty thousand square feet;
- b. Entire project achieves Leadership in Energy and Environmental Design (LEED) Green Building Rating System certification, a comparable green building certification, or can demonstrate the ability to achieve certification;
- c. Entire project provides a minimum of seventy-five percent "active commercial uses" on the ground floor;
- d. At least twenty-five percent of proposed residential units must be three-bedroom units;
- e. Provide an additional one hundred square feet of public common open space or plaza space with minimum dimensions of six feet by ten feet;
- f. Dedicate a minimum of one foot of private property frontage to public use (creates a one-foot front setback dedicated to public use);
- g. Floors above first floor provide additional stepback of five feet beyond required stepback.

[19.27.040. Yards]

B. For properties within the Seacoast Mixed Use/Residential Overlay Zone, the setbacks shall be as required in Section 19.27.140(B); and, [...]

[19.27.070. Building Height.]

A. No building in the C/MU-2 (Seacoast Commercial) Zone shall exceed three stories or thirty feet in height, whichever is less, except as follows:

1. [...]
2. Properties east of Seacoast Drive shall have a height limit not to exceed three stories and thirty-five feet with approval of a conditional use permit that demonstrates compliance with the following:

a. Side yard setbacks and/or stepbacks have been incorporated into the project to protect street-end public views towards the ocean;

b. Two or more of the development incentives listed in Section 19.27.020(A)(5), and [...]

19.27.140. Seacoast Commercial Mixed-Use/Residential Overlay Zone.

The area located between Ocean Boulevard on the west, Ocean Lane on the east, and between Imperial Beach Boulevard on the south and Palm Avenue on the north is designated as the Seacoast Mixed-Use Residential Overlay Zone. The purpose of ~~this overlay zone is to preserve opportunities for continuation of single-family residential uses in this area~~ this transition zone is to allow for the gradual commercial expansion in an area which is generally used for residential purposes while preserving opportunities for the continuation of single-family residential uses.

A. The following uses shall be permitted in the Seacoast Mixed-Use/Residential Overlay Zone:

1. Single-family residential;
2. Short-term rentals as defined in Section 19.040.692 of this code; and
3. Any use listed in Chapter 19.27.020 as a permitted use in the C/MU-2 zone is a permitted use in the Seacoast Residential Overlay Zone.

19.48.035. Required spaces for Mixed-Use Projects in the C/MU-1, C/MU-2, and C/MU-3 zones.

19.48.050. Required spaces —for Stand-Alone Commercial and other uses.

[DESIGN GUIDELINES

Section 5.0 Ground Floor Uses and Street Level Design]

- 5.6 Public views towards the ocean from public vantages shall be protected and preserved through the use of setbacks and stepbacks.

Detailed design standards and criteria should be developed for the Seacoast area. The standards and criteria should provide specific direction as to the design quality and image desired by the community.

SECTION 2: That this ordinance shall only become effective upon the date the Coastal Commission concurs with the Executive Director's report of the City's acceptance of the suggested modifications and that the City Council's actions were legally adequate to satisfy the requirements of the Commission's certification order.

Appeal Process under the California Code of Civil Procedure (CCP): The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

PROTEST PROVISION: The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 20th day of November, 2013; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 4th day of December, 2013, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON
CITY ATTORNEY

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

ATTACHMENT 3**RECEIVED**

SEP 30 2013



IMPORTANT PUBLIC HEARING NOTICE
CITY OF IMPERIAL BEACH LOCAL COASTAL PROGRAM
MAJOR AMENDMENT NO. IMB-MAJ-2-12 (COMMERCIAL MIXED-USE)

I. HEARING TIME AND LOCATION

DATE: Thursday, October 10, 2013
TIME: 8:30 a.m.
LOCATION: Crown Plaza – San Diego
2270 Hotel Circle North
San Diego, CA 92108
(415) 407-3211

II. AMENDMENT REQUEST

The City is proposing to amend its certified LCP land use plan and implementation plan to expand and encourage the development of mixed use and multi-family residential projects in the City's three existing commercial land use designations and zones. The proposed amendment would make a variety of changes in the permitted uses and development standards to the C-1 General Commercial district, the C-2 Seacoast Commercial District, and the C-3 Neighborhood Commercial District. In each district, the amendment would allow more residential use than currently allowed, and significantly reduce the amount of parking required for mixed use projects.

The City's existing MU-2 Overlay, which is applied to existing single-family residential uses in the Seacoast District, would be converted to the "Seacoast Residential Overlay" to preserve opportunities for single-family residences, as well as allowing multi-family and commercial uses.

Increases in allowable heights and density for residential uses in the Seacoast and Neighborhood Commercial Districts are also proposed. In the Seacoast District, on properties located on the east side of Seacoast Drive, or Palm Avenue, east of Seacoast Drive, maximum heights would increase from three stories and 30 feet to three stories and 35 feet. Maximum permitted density would be increased from 1 unit per every 1,500 gross sq.ft. to 1 unit per every 1,210 gross sq.ft. feet of lot area. In the Neighborhood Commercial District, permitted height would be increased from 2 stories or 28 feet to 3 stories and 30 feet, and density from one unit per every 2,000 sq.ft. feet of land to as much as 1 unit per every 1,210 gross sq.ft. of lot area.

The proposed amendment also includes new commercial/mixed use zones design guidelines. These include preserving and creating view corridors to the oceanfront, pedestrian orientation, building articulation, landscaping, and providing active uses on ground floors.

III. HEARING PROCEDURES

At the time of the public hearing, staff will make a brief oral presentation to the Commission. Immediately following the presentation of the staff, a representative or representatives from the City of Imperial Beach may address the Commission regarding the local coastal program amendment. Upon conclusion of the City's presentation, members of the public and agencies will have an opportunity to address the Commission and comment on the amendment. The Commission will then close the public hearing; and, since there are preliminary recommendations and findings prepared for the Commission, the Commission may take final action on the amendment request at this time.

IV. BACKGROUND

The California Coastal Commission and the local governments within the coastal zone share responsibility for managing the state's coastal resources. The Local Coastal Program (LCP) is a specific long-term management plan prepared by a coastal city or county for its jurisdiction in the coastal zone. The LCP contains policies and implementation measures designed to protect sensitive coastal resources and set standards for future development. Each LCP has two components: The land use plan (LUP), and implementation plan (IP) which consists of the zoning ordinance, zoning district maps, and other implementing actions within sensitive coastal resources areas.

The Commission certifies each LCP to determine that it meets the requirements of the Coastal Act. After the Coastal Commission certifies an LCP, the local government assumes the authority to issue coastal development permits for most development in the coastal zone pursuant to the certified LCP. A local government may amend its certified LCP, but the change will become effective only after the LCP amendment has been effectively certified by the Coastal Commission.

V. AVAILABILITY OF STAFF REPORT

A staff report on the LCP amendment containing recommendations has been prepared for the Commission. If you would like the full text of the staff report, it can be obtained from the Coastal Commission's website at <http://www.coastal.ca.gov/mtgcurr.html>. Alternatively you can call or write the San Diego Area Office of the Coastal Commission and request a copy of the City of Imperial Beach Local Coastal Program Amendment No. 2-12 staff report. A copy will be mailed to you promptly. Questions regarding the report or hearing should be directed to Diana Lilly at (619) 767-2370.

We apologize if you received duplicate notices; however, because of the overlap of persons with interest in more than one community on our mailing lists, duplications are unavoidable.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Th25e

September 26, 2013

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
DIANA LILLY, COASTAL PROGRAM ANALYST, SD COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF IMPERIAL BEACH LCP
AMENDMENT NO. IMB-MAJ-2-12 (Commercial Mixed-Use) for Commission
Meeting of October 9-11, 2013**

SYNOPSIS

SUMMARY OF AMENDMENT REQUEST

The subject LCP land use plan and implementation plan amendment was submitted and filed as complete on November 19, 2012. A one-year time extension was granted on February 6, 2013. The last day for Commission action would be February 17, 2014.

The City is proposing to amend its certified LCP land use plan and implementation plan to expand and encourage the development of mixed use and multi-family residential projects in the City's three existing commercial land use designations and zones. The proposed amendment would make a variety of changes in the permitted uses and development standards to the C-1 General Commercial District, the C-2 Seacoast Commercial District, and the C-3 Neighborhood Commercial District (see Exhibits #3 and #4). Currently, commercial uses are required on the ground floor of all lots fronting Palm, Seacoast, and a small portion of 13th Street/Imperial Beach Boulevard, as well as for several lots deep on either side of these streets. In each district, the proposed amendment would allow areas currently designated for commercial uses to be developed with residential uses, and significantly reduce the amount of parking required for mixed use projects.

As proposed, the only areas where commercial uses would be required would be for lots fronting Seacoast Drive, a limited stretch of Palm Avenue, and a small portion of 13th Street/Imperial Beach Boulevard. In these locations, 60% of the ground floor would be required to be "Active Commercial Uses." However, in all cases, only the portion of the lot actually fronting Seacoast, Palm, or 13th Street/IB Boulevard would be required to be developed with commercial uses; the remainder of the lot could be developed with residential uses. Thus, the proposed amendment would allow for a significant reduction

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

in the amount of commercial facilities and/or space in the city, in favor of residential uses.

The City's existing MU-2 Overlay, which is applied to existing single-family residential uses in the Seacoast District, would be converted to the "Seacoast Residential Overlay." Unlike the existing overlay, which encourages the conversion of the existing single-family residential uses to commercial uses, the proposed Residential Overlay would "preserve opportunities" for single-family residences, as well as allowing multi-family and commercial uses.

Increases in allowable heights and density for residential uses in the Seacoast and Neighborhood Commercial Districts are also proposed. In the Seacoast District, on properties located on the east side of Seacoast Drive, or Palm Avenue, east of Seacoast Drive, maximum heights would increase from three stories and 30 feet to three stories and 35 feet. Maximum permitted density would be increased from 1 unit per every 1,500 gross sq.ft. to 1 unit per every 1,210 gross sq.ft. feet of lot area. In the Neighborhood Commercial District, permitted height would be increased from 2 stories or 28 feet to 3 stories and 30 feet, and density from one unit per every 2,000 sq.ft. feet of land to as much as 1 unit per every 1,210 gross sq.ft. of lot area.

The amendment would also significantly reduce the amount of parking required for new mixed use development. The standards for retail stores (currently one space for each 250 sq.ft. of floor area plus one space per two employees) and office uses (currently one space for 300 sq.ft. of floor area plus one space per two employees), would both be revised to require only one space for each 500 sq.ft. of floor area. Further reductions in parking would be allowed for mixed use projects, "vertical" mixed use projects, and hotel projects. Small commercial uses (less than 1,000 sq.ft.) would be eligible for a waiver eliminating any parking requirements.

The proposed amendment also includes new commercial/mixed use zones design guidelines. These include preserving and creating view corridors to the oceanfront, pedestrian orientation, building articulation, landscaping, and providing active uses on ground floors.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that, following a public hearing, the Commission approve the proposed City of Imperial Beach Land Use Plan Amendment and Implementation Plan Amendment subject to the suggested modifications listed below.

Allowing a reduction in the amount of land designated for commercial uses in favor of low-priority residential uses, particularly in the City's main tourist-commercial area, the Seacoast District, raises serious concerns with regard to the protection and preservation of high-priority visitor-serving uses. However, according to the City, Imperial Beach has long had difficulty attracting the amount and scope of commercial uses the City would ideally like to have seen develop in its core commercial districts. By redesignating areas

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

currently restricted to commercial uses on the ground floor, the City is hoping to spur redevelopment and provide a residential base to support the remaining commercial areas. Additionally, if there were an increase in the City's mixed use development, that could potentially reduce the reliance on automobiles and reduce traffic. To this end, the amendment would allow for substantially more multi-family residential uses in the City's commercial districts, including the C-1 Commercial District, and the C-2 Seacoast District. The reduction in parking standards for mixed uses is intended to take advantage of the City's existing infrastructure, reduce sprawl, and provide for a more pedestrian environment.

Thus, staff is in agreement with the majority of the proposed amendment. The majority of the suggested modifications are corrections and clarifications that have been developed in consultation with City staff. In addition, several of the policies defining where commercial uses must still occur were included in the IP only; suggested modifications have added these requirements to the LUP as well, to ensure that they continue to remain the standard of review for any change to the IP that could be proposed in the future.

The most significant suggested modifications relate to the proposed LCPA's impact on the existing Bernardo Shores RV Park. This 124-space RV park is located on Palm Avenue, a major coastal access route and the gateway to Imperial Beach from the Silver Strand and the City of Coronado. The site is an ideal location for a visitor-serving use; adjacent to San Diego Bay, overlooking the wildlife refuge, within walking/biking distance of the beach, and near the amenities of the Seacoast District and the City of Coronado. The property is currently designated C-1; however, the proposed amendment would redesignate the site to allow it be developed entirely with multi-family residential uses. The City is currently reviewing a proposal to remove the RV Park and construct a 203 unit condominium project.

This site has historically provided visitor-serving accommodations, which is one of the highest priority uses identified in the Coastal Act. The City, based on information provided by the operator, has indicated that the RV Park is typically used for long-term stays, not overnight accommodations (see Exhibit #*) and there are no facilities, such as showers or restrooms, provided on-site. All recreational vehicles have to therefore be self-contained vehicles. Nonetheless, Bernardo Shore's own website states that the Park provides "Affordable RV Sites Year-Round," including daily, weekly, and monthly rates. Testimonials provided on Bernardo Shore's website and other RV Park review sites also clearly establish that tourists are visiting Bernardo Shores for at least weekend stays, as well as weekly and monthly stays.

Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected and retained, encouraged, and where feasible, provided. The Commission has the responsibility to both protect existing lower-cost facilities, and to ensure that a range of affordable facilities be provided in new development along the coastline of the state. Imperial Beach does not currently have an abundance of existing lower cost overnight accommodations within close access to the coast; in fact, the City

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

currently only has one hotel, the Seacoast Inn, which is in the process of being remodeled and expanded into a high-end hotel.

The City has suggested that multi-family residential uses should be considered high-priority uses, because they can be used as vacation rentals. Vacation rentals can provide a valuable source of overnight accommodations, particularly in cities such as Imperial Beach where traditional overnight facilities are limited. However, the availability of vacation rentals is totally dependent on the interest of individual homeowners, and short-term rentals are also often controversial and are frequently restricted by community interest groups. Thus, while the Commission typically encourages vacation rentals in existing residential zones, they have never been seen as equal to facilities that consistently offer short-term rentals, such as hotels and RV parks. Residential vacation rentals also do not provide the types of visitor-serving uses such as retail stores and restaurants that are often associated with commercially-zoned properties.

Imperial Beach does not have any land area specifically designated and reserved only for visitor-serving uses; all of its commercial areas, including the shoreline adjacent Seacoast District, allow mixed use commercial/residential development, including commercial uses that are not typically considered visitor-serving, such as professional offices. The Commission has historically found this approach to be appropriate for Imperial Beach, given the City's development patterns and difficulty in attracting commercial tenants. However, since Imperial Beach's visitor-commercial facilities are already extremely limited, and the subject amendment will allow for a significant reduction in the amount of land designated for commercial-only uses, identifying and preserving the few parcels that do contain visitor-serving uses is critical.

In such circumstances, the Commission has typically required that when removal of existing lower or moderate cost overnight accommodations is proposed, the inventory be replaced with units that are of comparable cost and recreational value to the public as the existing units being removed. Otherwise, allowing removal of the 124 RV spaces and replacement with residential uses, a low-priority use, without providing any mitigation for the loss of the existing commercial recreational use, would have a significant adverse impact on public access and recreation, and would be inconsistent with the Coastal Act requirements that private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation, have priority over private residential development.

In addition, even if the RV Park is removed, the subject site should include a minimum amount of commercial development be provided on the Palm Avenue street frontage. As proposed, the amendment would require that all buildings with frontage on the north and south sides of Palm Avenue/SR 75 between Florida Street and 7th Street include "active commercial uses" at a minimum of sixty percent of each building's ground floor square footage, as well as direct pedestrian access from the Palm Avenue sidewalk or a plaza. However, this requirement would not extend to the RV Park site, or the area across the street from the RV Park, on the south side of Palm.

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

The western terminus of Palm Avenue (which includes the area where the RV Park is located) is the main entry way to the City from the Silver Strand. Visitors to Imperial Beach's shoreline from Coronado would likely never travel inland on Palm Avenue to the area where the City is proposing must retain some commercial development. The western end of Palm Avenue is ideally suited for visitor-serving commercial development—and in fact, is almost entirely developed with commercial uses currently, not just on the Palm Avenue frontage, but throughout the lots.

Staff had originally proposed that the requirement for commercial uses on ground level of Palm Avenue be extended along the entire length of Palm Avenue. However, after discussions with the City, staff has revised its recommendation to require only a minor revision to the City's proposal that would extend the commercial requirement only two blocks further west, on the area of Palm Avenue closest to the shoreline. Specifically, Suggested Modifications #3 and #10 require that all buildings with frontage on the north and south sides of Palm Avenue/SR 75 between Florida Street and Rainbow Drive, have the requirement for ground level commercial on the Palm Avenue frontage, to ensure this important area remains as a visitor-serving node. Thus, the proposed suggested modification would prioritize commercial uses in the areas most likely to generate the demand for tourist-commercial uses, as well as being consistent with the bulk of the existing uses along Palm Avenue.

Since the amendment would allow for a significant increase in low-priority residential uses into the City's commercial zones, suggested modifications have been added to provide specific protection for higher-priority visitor serving uses; in particular, the City's existing RV park. Suggested Modification #3 adds language to the definition of the new General Commercial and Mixed-Use land use to protect and encourage existing high-priority uses such as the RV park. Suggested Modification #7 adds a requirement that public recreation and lower-cost commercial recreational development, including RV parks, campgrounds, hostels, and hotels, not be removed, unless replaced with a facility comparable in function, location, and cost to the public, or an in-lieu mitigation fee is provided.

In summary, the proposed amendment will result in a reduction in commercial uses and development throughout the city. However, the intent is to concentrate and hopefully support more successful commercial enterprises in core areas. As modified, high-priority visitor-serving uses will not be adversely affected, as the areas most likely to serve tourists—the Palm Avenue and Seacoast Drive street frontages—will provide 60% active commercial uses on the ground floor. The City's existing RV Park will be protected and affordable overnight accommodations must be maintained, or mitigation provided. Additional trip demand reduction policies in the LUP will ensure that access to the coast continues to be supported. Therefore, the proposed amendment, if modified as suggested, can be found consistent with the certified LUP.

The appropriate resolutions and motions begin on Page 9. The suggested modifications begin on Page 11. The findings for denial of the Land Use Plan Amendment as submitted

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

and approval if modified begin on Page 20. The findings for denial of the Implementation Plan Amendment as submitted and approval if modified begin on Page 29.

ADDITIONAL INFORMATION

Further information on the City of Imperial Beach LCP Amendment #2-12 may be obtained from Diana Lilly, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

On June 30, 1981, the City of Imperial Beach formally submitted its Land Use Plan (LUP) for Commission approval. The plan, as originally submitted, comprised the City's entire General Plan (10 elements and a policy plan). Since the plan contained a large volume of material that was not coastal-related and policies addressing coastal issues were found throughout many of the elements, staff summarized the coastal policies into one document. This policy summary along with the Land Use Element was submitted to the Commission as the LCP Land Use Plan.

On September 15, 1981, the Commission found substantial issue with the LUP, as submitted, denied and then conditionally approved the LUP with recommended policy changes for all policy groups. The City resubmitted the LCP Land Use Plan in early 1982, incorporating most of the Commission's suggested policy modifications. This included modification language related to the preservation and protection of Oneonta Slough/Tijuana River Estuary and South San Diego Bay, preservation and enhancement of coastal access and the provision for visitor-serving commercial uses in the Seacoast District. On March 16, 1982, the Commission certified the City of Imperial Beach LCP Land Use Plan as submitted. The Commission on November 18, 1982 effectively certified the land use plan. In 1983, prior to certification of the Implementation Plan, the Commission approved an amendment to the LUP to correct a mapping error.

On August 15, 1983, the City began issuing coastal development permits pursuant to Section 30600.5 (Hannigan provisions) of the Coastal Act based on project compliance with its certified LUP. The City then submitted its entire Zoning Ordinance in order to implement the provisions of the certified Land Use Plan. The zoning ordinance was completely rewritten in order to implement the LUP. On September 26, 1984, the Commission approved the LCP/Implementation Plan as submitted. As of February 13, 1985, the City has been issuing coastal development permits under a certified local coastal program. Subsequent to the Commission's actions on the land use plan and implementation plan, there have been approximately thirty-one amendments to the certified local coastal program.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of and conforms with Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

I. Denial of LUP Amendment as Submitted

MOTION: *I move that the Commission certify Land Use Plan Amendment #2-12 as submitted by the City of Imperial Beach.*

STAFF RECOMMENDATION TO DENY:

Staff recommends a NO vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY:

The Commission hereby denies certification of the Land Use Plan Amendment #2-12 as submitted by the City of Imperial Beach and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

II. Approval with Suggested Modifications

MOTION: *I move that the Commission certify Land Use Plan Amendment #2-12 for the City of Imperial Beach if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a YES vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan Amendment #2-12 for the City of Imperial Beach if modified as suggested and adopts the findings set forth below on the

grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

III. Reject IP Amendment as Submitted

MOTION: *I move that the Commission reject the Implementation Program Amendment #2-12 for the City of Imperial Beach as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a YES vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program submitted for the City of Imperial Beach and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted

IV. Certify with Suggested Modifications

MOTION: *I move that the Commission certify the Implementation Program Amendment #2-12 for the City of Imperial Beach if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the City of Imperial Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

PART III. SUGGESTED MODIFICATIONS

Land Use Plan Modifications

The underlined sections represent language that the City of Imperial Beach proposes be added to the certified LUP, and the ~~strike-through~~ sections represent language which the City proposes to delete from LUP. The red underlined sections represent language that the Commission suggests be added to the City's proposal, and the ~~red-strike-through~~ sections represent language which the Commission suggests be deleted from the City's proposal.

1. On Page 1-9 of the *Introduction*, the second checklist item under the description of key features of the Land Use Element is amended as follows:
 - ✓ Reducing the highest density apartment/condominium areas from a maximum density of one unit per 1,000 square feet of lot area to one unit per 1,500 square feet of lot area, except where specified development incentives are offered.
2. On Page C-23 continuing onto Page C-24 of the *Circulation Element*, the following new policies shall be added:

C-22 Parking

i. Shared Public/Private Parking

Where feasible, public use of private parking facilities currently underutilized on weekends and holidays (i.e., serving office buildings) shall be permitted in all commercial zones located within ¼ mile of the beach.

i. Balanced Development

All new commercial and higher density residential development shall be located and designed to facilitate provision or extension of transit service to the

development to the extent feasible. Residential, commercial, and recreational uses should be located in relationship to each other so as to encourage walking, bicycling, and transit ridership. Major employment, retail, and entertainment districts and major coastal recreational areas should be well served by public transit and easily accessible to pedestrians and bicyclists.

k. Employer Support of Transit

The City shall actively encourage convenient alternatives to automobile use throughout the Commercial Districts by requiring employers to provide incentives for alternative transit use such as providing employee transit passes or subsidies, ridesharing programs, preferred parking for carpooling and on-site shower facilities.

3. On Page L-8 of the *Land Use Element*, Table L-2: Land Use Designations and Specifications is amended as follows:

C-1C/MU-1 General Commercial and Mixed-Use (4 stories)

The General Commercial and Mixed-Use land use designation provides for commercial development, mixed-use development, multiple-family dwellings, and land businesses to meet the local demand for commercial goods and services, as opposed to the goods and services required primarily by the tourist population. Nevertheless, existing high-priority uses such as RV parks shall be protected and encouraged. It is intended that the dominant type of commercial activity in this C/MU-1 designation will be community- and neighborhood-serving retail and office uses. Such as markets, specialty stores, professional offices, personal service department stores, restaurants, liquor stores, hardware stores, etc. Multi-family Residential uses may be permitted above the first floor at a maximum density of 1 one unit per every 1,000 square sq. feet. of land, per the City of Imperial Beach Zoning Ordinance. Discretionary permit review by the City shall be required for such residential use.

For all buildings with frontage along the north and south sides of Palm Avenue/SR 75 between the border with the City of San Diego and Rainbow Drive, including those with multiple-family dwelling units, "active commercial uses" are required to be provided at a minimum of sixty percent of each building's ground floor square footage with direct pedestrian access from the Palm Avenue sidewalk or a plaza. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.

4. On Page L-8 of the *Land Use Element*, Table L-2: Land Use Designations and Specifications is amended as follows:

C-2-C/MU-2 Seacoast Commercial and Mixed-Use (3 stories, except for hotels, where 4 stories may be permitted by specific plan)

The C/MU-2 Seacoast Commercial land use designation provides for land to meet the demand for goods and services required primarily ~~by as well as~~ the tourist population, as well as by local residents who use the beach area. It is intended that the dominant type of commercial activity in this designation will be visitor-serving retail such as specialty stores, surf shops, restaurants, and hotels and motels, etc. ~~In order, to~~ promote a more pedestrian-oriented community character, as well as to reduce the high volume of vehicle trips attracted by drive- ~~through~~ establishments, drive-~~through~~ services for restaurants, banks, dry cleaners, and other similar auto-related business establishments shall be prohibited in this zone.

Per the City of Imperial Beach Zoning Ordinance, multi-family residential uses shall be permitted at a maximum density of 1 unit per every 1,500 gross sq. ft. of lot area; if located on Palm Avenue or the east side of Seacoast Drive or on Palm Avenue, east of Seacoast Drive, multi-family residential uses may be increased to a maximum density of 1 unit per every 1,210 gross sq. ft. of lot area, subject to the compliance with specified development incentives and the approval of a conditional use permit.

~~Residential uses may (included below) be permitted above the first floor at a maximum density of one unit per every 1,500 square feet of land. Discretionary permit review by the City shall be required for such residential use.~~

Additionally, the Seacoast Mixed Use/Residential Overlay was established to preserve opportunities for single-family residences to provide for the future expansion of commercial uses allowed in the C/MU-2 designation while preserving opportunities for the continuation of single-family residential uses within the overlay area. Mixed-use and multi-family residences are permitted in the C/MU-2 area, as well as in the Seacoast Mixed Use/Residential Overlay Zone.

5. On Page L-8 of the *Land Use Element*, Table L-2: Land Use Designations and Specifications is amended as follows:

MU-2 Mixed-Use Overlay

~~The Mixed-Use Overlay land use designation provides for future expansion of uses allowed in the C-2 Land Use Designation in an orderly way without requiring the amendment of the General Plan. In this overlay designation, commercial activities would be allowed to expand into areas otherwise designated as Residential. Discretionary permit review by the City shall be required for such commercial use.~~

Seacoast Mixed Use/Residential Overlay

The purpose of the Seacoast Mixed Use/Residential Overlay land use designation is to preserve opportunities for the continuation of single-family residential uses provide for

the future expansion of commercial uses allowed in the C/MU-2 designation, while preserving opportunities for the continuation of single-family residential uses, in the area bounded by Ocean Boulevard (the beach) to the west, Ocean Lane on the east, Imperial Beach Boulevard on the south, and Palm Avenue on the north. In this area, single-family land uses shall be permitted, in addition to all uses permitted within the C/MU-2 designation.

6. On Page L-9 of the *Land Use Element*, Policy L-4e is amended as follows:

Policy L-4e Seacoast Commercial and Mixed-Use (C-2 & MU-2/MU-2)

~~The Seacoast commercial area shall serve as a commercial and mixed-use visitor-serving, pedestrian-oriented commercial area. A Residential Overlay Zone was established to preserve the opportunity for single-family residences to remain in a designated portion of the project area. Existing residential uses shall be slowly transitioned to new visitor-serving commercial uses. Existing residential uses shall be slowly transitioned to new visitor serving commercial uses. To ensure that the existing character is maintained and enhanced, the zoning for this area shall incorporate standards for setbacks and stepbacks, and encourage pedestrian activity through the design and location of building frontages and parking provisions. As part of the design review, 2nd- or 3rd-stories may be required to be set back from Seacoast Drive.~~

For all buildings with frontage along Seacoast Drive, including those with multiple-family dwelling units, "active commercial uses" are required to be provided at a minimum sixty percent of each building's ground floor square footage and have direct pedestrian access from the Seacoast Drive sidewalk or a plaza. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.

Per the City of Imperial Beach Zoning Ordinance, timeshares shall require approval of a conditional use permit and shall be prohibited on the first 4th floor, unless 25% are reserved for overnight accommodation.

7. On Page L-12 of the *Land Use Element*, the Policy L-9 is amended as follows:

L-9 Lower Cost Visitor and Recreational Facilities

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Public recreation and lower-cost commercial recreational development, including RV parks, campgrounds, hostels, and hotels, shall not be removed, unless replaced with a facility comparable in function, location, and cost to the public. If replacement of lower

or moderate cost units is determined to be infeasible (either on-site or elsewhere in Imperial Beach or within 5 miles of the coast), then the new development shall be required to pay, as a condition of approval for a coastal development permit, a mitigation payment to provide significant funding for the establishment of lower cost overnight visitor accommodations within Imperial Beach, preferably, or within the South Bay, for each of the low or moderate units removed/converted on a 1:1 basis.

Implementation Plan Modifications

The underlined sections represent language that the City of Imperial Beach proposes be added to the certified LUP, and the ~~strike-through~~ sections represent language which the City proposes to delete from LUP. The red underlined sections represent language that the Commission suggests be added to the City's proposal, and the ~~red-strike-through~~ sections represent language which the Commission suggests be deleted from the City's proposal.

8. On Page 1 of the Proposed New and Amended Definitions, the following amendments shall be made:

19.04.400. Height, Measurement of

~~Height shall be measured from existing grade at all points of the site to a warped plane an equal height above all points on the site~~ the average level of the highest and lowest point of that portion of the building site (at existing grade) covered by the building or structure to the highest point of the building or structure.

Active Commercial Uses

"Active commercial uses" mean commercial uses that are oriented along the street wall facing the main street at ground level. Active commercial uses should shall be accessible to the general public, generate walk-in pedestrian clientele, and or contribute to a high level of pedestrian activity. Property entrances will be oriented to the street, which will facilitate sidewalk traffic and active streets. Uses that generate pedestrian activity include retail shops, grocery stores, restaurants, bars, theaters and the performing arts, personal convenience services, hotels, banks, travel agencies, child care services, libraries, museums and galleries, and commercial recreation and entertainment.

Open Space, Public Common

"Public Common open space" means those usable outdoor spaces commonly accessible to all residents and users of the building for the purpose of passive or active recreation.

9. Chapter 19.23, the table of land uses permitted in the proposed C/MU-1, C/MU-2, and C/MU-3, shall be amended as followed. As proposed by the City, "P" means "Expressly permitted," "C" means "Permitted with conditional use permit," and "N" means "Not permitted."

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

Highlighted text indicates that the use is a newly defined regulated use by the City, or the City is proposing to change or add permissions.

[C] or [P] or [N] text indicates land use permission in the existing ordinance that the City is proposing to change.

Chapter 19.23 COMMERCIAL/MIXED-USE USE REGULATIONS

<u>Commercial Uses</u>	<u>C/MU-1</u>	<u>C/MU-2</u>	<u>C/MU-3</u>	<u>Notes</u>
Liquor store	P [C] <u>C</u>	P [C] <u>C</u>	N	See definition.
Hostel	N <u>C</u>	C	N	See definition.
Single-family detached	N	N*[P]	N	*Only permitted in Seacoast <u>Mixed-Use/Residential Overlay Zone</u>
Campsites	N <u>C</u>	N	N	See definition.

10. Chapter 19.26, the proposed C/MU-1 General Commercial and Mixed-Use Zone shall be amended as follows:

Chapter 19.26. C/MU-1 GENERAL COMMERCIAL AND MIXED-USE ZONE

19.26.020. Permitted uses.

A. ~~The following commercial uses (excluding light manufacturing or industrial uses) shall be permitted subject to subsections C and D of this section as appropriate: Specified commercial, residential, light industrial, public and semi-public, green building utilities, and open space and recreation uses allowed in the C/MU-1 zone are listed in Chapter 19.23, including those requiring a conditional use permit, and shall also comply with the following land use regulations:~~

~~1. Stores, shops and offices supplying commodities or performing services for residents of the City as a whole such as retail food stores, restaurants, department stores, specialty shops, banks, business or professional offices and other financial institutions, personal service enterprises, hotels and motels;~~

1. For all buildings with frontage along Palm Avenue between 7th Street and Florida Street— the north and south sides of Palm Avenue/SR 75 between Florida Street and Rainbow Drive, including those with multiple-family dwelling units, “active commercial uses” as defined in Chapter 19.05 are required to be provided at a minimum of sixty percent of each building’s ground floor square footage, have direct pedestrian access from the Palm Avenue sidewalk or a plaza, and have a minimum building depth of

~~twenty-five feet. Exceptions would require approval of a conditional use permit. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.~~

11. In Chapter 19.27 of the proposed C/MU-2 Seacoast Commercial and Mixed-Use Zone, Section 19.27.010 shall be amended as follows:

Chapter 19.27. C/MU-2 SEACOAST COMMERCIAL AND MIXED-USE ZONE

19.27.010. Purpose of zone.

The purpose of the C/MU-2 zone is to provide land to meet the demand for goods and services required primarily by the tourist population, as well as local residents who use the beach area. It is intended that the dominant type of commercial activity in the C/MU-2 zone will be visitor-serving retail such as specialty stores, surf shops, restaurants, and hotels and motels. ~~Additionally, the Seacoast Residential Overlay Zone has been established to preserve opportunities for single-family residences within the overlay area.~~ Mixed-use and multiple family residences are also permitted in the C/MU-2 zone and in the Seacoast Mixed Use/Residential Overlay Zone. The development standards of the C/MU-2 zone encourage pedestrian activity through the design and location of building frontages and parking provisions.

12. Section 19.27.020 shall be amended as follows:

19.27.020. Permitted uses.

A. ~~The following commercial uses shall be permitted subject to subsections B, C, and D of this section as appropriate: Specified commercial, residential, light industrial, public and semi-public, green building utilities, and open space and recreation uses allowed in the C/MU-2 zone are listed in Chapter 19.23, including those requiring a conditional use permit, and shall also comply with the following land use regulations:~~

1. ~~For all buildings with frontage along Seacoast Drive, including those with multiple-family dwelling units, "active commercial uses" as defined in Chapter 19.04 are required to be provided at a minimum sixty percent of each building's ground floor square footage and have direct pedestrian access from the Seacoast Drive sidewalk or a plaza. Exceptions would require approval of a conditional use permit. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.~~

[...]

5. Multiple-family residential dwelling units are permitted at a maximum density of one unit per every one thousand five hundred gross square feet of lot area; or if located on Palm Avenue and the east side of Seacoast Drive or Palm Avenue, east of Seacoast Drive, residential dwelling units may be increased to a maximum density of one dwelling unit for each one thousand two hundred and ten gross square feet of lot area with approval of a conditional use permit by the City Council that demonstrates compliance with two or more of the following development incentives:

- a. Project sites that are consolidated to a final size greater than twenty thousand square feet;
- b. Entire project achieves Leadership in Energy and Environmental Design (LEED) Green Building Rating System certification, a comparable green building certification, or can demonstrate the ability to achieve certification;
- c. Entire project provides a minimum of seventy-five percent "active commercial uses" on the ground floor;
- d. At least twenty-five percent of proposed residential units must be three-bedroom units;
- e. Provide an additional one hundred square feet of public common open space or plaza space with minimum dimensions of six feet by ten feet;
- f. Dedicate a minimum of one foot of private property frontage to public use (creates a one-foot front setback dedicated to public use);
- g. Floors above first floor provide additional setback of five feet beyond required setback.

13. Section 19.27.040(B) Yards shall be amended as follows:

B. For properties within the Seacoast Mixed Use/Residential Overlay Zone, the setbacks shall be as required in Section 19.27.140(B); and, [...]

14. Section 19.27.070 shall be amended as follows:

19.27.070. Building Height.

A. No building in the C/MU-2 (Seacoast-Commercial) Zone shall exceed three stories or thirty feet in height, whichever is less, except as follows:

1. [...]
2. Properties east of Seacoast Drive shall have a height limit not to exceed three stories and thirty-five feet with approval of a conditional use permit that demonstrates compliance with the following:

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

- a. Side yard setbacks and/or setbacks have been incorporated into the project to protect street-end public views towards the ocean;
- b. Two or more of the development incentives listed in Section 19.27.020(A)(5), and [...]

15. Section 19.27.140 shall be amended as follows:

19.27.140. Seacoast Commercial Mixed-Use/Residential Overlay Zone.

The area located between Ocean Boulevard on the west, Ocean Lane on the east, and between Imperial Beach Boulevard on the south and Palm Avenue on the north is designated as a Commercial- ~~the Seacoast Mixed-Use Residential Overlay Zone (MU-2)~~. ~~The purpose of this overlay zone is to preserve opportunities for continuation of single-family residential uses in this area. this transition zone is to allow for the gradual commercial expansion in an area which is currently used for residential purposes. this transition zone is to allow for the gradual commercial expansion in an area which is generally used for residential purposes while preserving opportunities for the continuation of single-family residential uses.~~

A. The following uses shall be permitted in the MU-2 Seacoast Mixed-Use/Residential Overlay Zone:

1. Single-family residential;
2. Short-term rentals as defined in Section 19.040.692 of this code; and
3. Any use listed in Chapter 19.27.020 as a permitted use in the C/MU-2 zone is a permitted use in the Seacoast Residential Overlay Zone.

16. Section 19.48.035 shall be amended as follows:

19.48.035. Required spaces for Mixed-Use Projects in the C/MU-1, C/MU-2, and C/MU-3 zones.

17. Section 19.48.050 shall be amended as follows:

19.48.050. Required spaces — for Stand-Alone Commercial and other uses.

18. On Page 2 of the proposed new DESIGN GUIDELINES, Section 5.0 Ground Floor Uses and Street Level Design shall be amended to add the following new guideline:

- 5.6 Public views towards the ocean from public vantages shall be protected and preserved through the use of setbacks and setbacks.

Detailed design standards and criteria should be developed for the Seacoast area. The standards and criteria should provide specific direction as to the design quality and image desired by the community.

PART IV. FINDINGS FOR REJECTION OF THE CITY OF IMPERIAL BEACH LAND USE PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED

A. AMENDMENT DESCRIPTION

The proposed amendment would make a variety of changes in the permitted uses and development standards, including required parking and design guidelines, to the City's three commercial land use designations. The City's three existing commercial areas are the C-1 General Commercial District, the C-2 Seacoast Commercial District, and the C-3 Neighborhood Commercial District (see Exhibits #3 and #4). In each district, the amendment would allow areas currently designated for commercial uses to be developed with residential use and significantly reduce the amount of parking required for mixed use projects.

1. C-1 General Commercial (4 stories)

The General Commercial land use designation is applied to a several-block area on the north and south side of Palm Avenue/Highway 75, roughly from the freeway to where Palm Avenue curves into the City of Coronado. Although the C-1 district is not along the shoreline, it is the main entry way into the City and a major coastal access route. The existing LUP describes the use of the area as follows:

The General Commercial land use designation provides land to meet the local demand for commercial goods and services, as opposed to the goods and services required primarily by the tourist population. It is intended that the dominant type of commercial activity in this designation will be community and neighborhood serving retail and office uses such as markets, specialty stores, professional offices, personal service department stores, restaurants, liquor stores, hardware stores, etc. Residential uses may be permitted above the first floor at a maximum density of one unit per every 1,000 square feet of land. Discretionary permit review by the City shall be required for such residential use.

The proposed amendment would allow multi-family residential uses throughout the designation, including on the ground level, and would redesignate the area as C/MU-1 General Commission and Mixed Use (4 stories). The existing Mixed Use I Overlay in the area, which was designed to encourage commercial uses on existing residential lots in the C-1 designation, would be removed, as both commercial and residential uses would be allowed throughout the district.

2. C-2 Seacoast Commercial (3 stories, except for hotels where 4 stories may be permitted by specific plan)

The Seacoast Commercial district is the City's tourist commercial, visitor-serving region. It includes the area along Seacoast Drive, which the main street paralleling the shoreline from Palm Avenue to Imperial Beach Boulevard, as well as a small stretch of Palm Avenue east of Seacoast Drive. The area is currently designated in the LUP as follows:

C-2 Seacoast Commercial (3 stories, except for hotels where 4 stories may be permitted by specific plan)

The Seacoast Commercial land use designation provides for land to meet the demand for goods and services required primarily by the tourist population, as well as local residents who use the beach area. It is intended that the dominant type of commercial activity in this designation will be visitor-serving retail such as specialty stores, surf shops, restaurants, hotels and motels, etc. In order to promote a more pedestrian-oriented community character, as well as to reduce the high volume of vehicle trips attracted by drive-thru establishments, drive-thru services for restaurants, banks, dry cleaners, and other similar auto related business establishments shall be prohibited in this zone. Residential uses may (included below) be permitted above the first floor at a maximum density of one unit per every 1,500 square feet of land. Discretionary permit review by the City shall be required for such residential use.

The Seacoast District is currently developed with a mix of commercial, multi-family residential, and mixed use developments. However, many of the lots immediately adjacent to the shoreline are developed with single-family residents. There is an existing overlay designation in the Seacoast District, the Mixed Use 2 Overlay, which is designed to promote and facilitate the expansion of visitor-serving commercial uses along the shoreline:

MU-2 Mixed Use Overlay

The Mixed Use Overlay land use designation provides for future expansion of uses allowed in the C-2 Land Use Designation in an orderly way without requiring the amendment of the General Plan. In this overlay designation, commercial activities would be allowed to expand into areas otherwise designated as Residential. Discretionary permit review by the City shall be required for such commercial use.

The proposed amendment would redesignate the area C/MU-2 Seacoast Commercial and Mixed Use. It would allow residential uses on the ground floor throughout the district. It would allow multi-family residential uses to be located on the east side of Seacoast Drive, and on Palm Avenue, east of Seacoast Drive, to develop at a density of 1 unit per every 1,210 gross sq.ft. of lot area, rather than the existing 1 per 1,500 sq.ft of lot area.

The MU-2 Overlay would be converted to the "Seacoast Residential Overlay." Rather than encourage the conversion of the single-family residential to commercial uses, as the

existing overlay does, the proposed Residential Overlay would “preserve opportunities for single-family residences,” as well as allowing multi-family and commercial uses.

3. C-3 Neighborhood Commercial (2 stories)

The C-3 Neighborhood Commercial District is a several-block area at the corner of 13th Street and Imperial Beach Boulevard, several parcels at the northeast corner of Imperial Beach Boulevard and 9th Street, and several parcels on the northeast corner of 13th Street and Iris Avenue. These lands are intended to provide for businesses which meet the local neighborhood demand for commercial goods and services, as opposed to the goods services required primarily by the tourist population or City-wide. The current maximum height is 2 stories or 28 feet, and residential uses are permitted only above the first floor at a maximum density of one unit per every 2,000 sq.ft. feet of land.

This designation would be changed to C/MU-3 Neighborhood Commercial and Mixed Use (3 Stories), allowing heights up to 30 feet. With approval of a condition use permit that demonstrates compliance with various development incentives, three stories or 35 feet in height would be permitted. The proposed amendment would allow residential uses in the C/MU-3 area at a maximum density of 1 unit per every 1,500 gross sq.ft., (or up to 1 unit per every 1,210 gross sq.ft. of lot area if the development incentives are provided), and residential uses would not be limited to above the ground floor. In addition, since the area on the corner of 13th Street has been developed with multi-family residential, the amendment includes redesignating this area to High Density Residential to match the existing use.

4. Parking

The City's IP includes detailed parking standards; however, the following general parking standards are included in the LUP:

Policy C-22h Detailed Parking Standards Shall Be Included In the Zoning Ordinance

The Standards shall use the following guidelines:

Residential - 1.5 to 2.0 spaces per dwelling unit.

Hotel/Motel - 1 space per guest room.

Commercial - varies from 1 space per 50 sq. ft. to 1 space per 300 sq. ft. of building.

Bars and Restaurants - 1 space for each seventy-five square feet of net floor area, plus one per two employees at largest work shift.

The proposed amendment would add the following new standards for mixed use development:

Policy C-22h Detailed Parking Standards Shall Be Included In the Zoning Ordinance

Per the City of Imperial Beach Zoning Ordinance, parking standards for the commercial/mixed-use zones shall use the following guidelines:

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

- Commercial – C/MU-1 and C/MU-3 zones: 1 space per 500 gross sq. ft. of commercial use.
- Commercial – C/MU-2 zone: 1 space per 1,000 gross sq. ft. of commercial use.
- Multiple-family residential – C/MU-1, C/MU-2, and C/MU-3 zones: 1.5 spaces per dwelling unit.
- Hotel without cooking facilities – C/MU-1, C/MU-2, and C/MU-3 zones: 1 space per guest room.
- Hotel with cooking facilities – C/MU-1, C/MU-2, and C/MU-3 zones: 1.5 spaces per guest room.

In the commercial/mixed-use zones, parking reductions, shared parking, waivers, or other strategies may be employed in order to facilitate pedestrian oriented activity and mixed-use development, and shall be subject to Policies C-22b, C-22e, and C-22f, which describe various requirements for pedestrian-oriented design, shared parking, and off-site parking requirements (see Exhibit #6, "AECOM, Page 1-2).

B. CONFORMITY OF THE LAND USE PLAN WITH CHAPTER 3

Relevant Coastal Act policies include the following:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or

commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30250

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. [...]

Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

1. Findings For Denial

As described, the proposed revisions to the plan would substantially reduce the commercial space requirement and thus allow expanded residential use in areas of the City's commercial districts that are currently required to be developed with commercial uses. The City's small Neighborhood Commercial District (currently designated C-3) is

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

more than a mile and half away from the shoreline, is very limited in size, and is intended to serve only local commercial needs. The proposed revisions to this land use designation would not impact coastal access or resources. However, as proposed, the revisions to the General Commercial and Seacoast Commercial could potentially impact high-priority visitor-serving commercial uses.

As certified in the LUP, the existing C-1 General Commercial district is also oriented mainly towards the needs of locals, not visitors. However, although the area is not specifically designed with tourists in mind, it contains the City's primary access road to the coast (Palm Avenue), and commercial uses in this area serve people travelling from the freeway to the shoreline. In addition, there is an existing recreational vehicle park/campground in the C-1 area on the north side of Palm Avenue/SR-125, at the corner of SR-125 and Rainbow Drive, that provides lower cost visitor-serving overnight accommodations, which is one of the highest priority uses identified in the Coastal Act. The RV site is immediately adjacent to San Diego Bay, and is within easy biking distance of the Bayshore Bikeway and the shoreline. The western end of Palm Avenue, where the RV park is located, is also the main entryway to the city and the city's beaches from the Silver Strand and Coronado.

However, as proposed, the LUP would allow the entire C-1 District, including the existing RV site, to be redeveloped solely with multi-family uses. (The City's proposed IP amendment includes a requirement that lots fronting Palm Avenue between 7th Street and Florida Street would be required to be at least 60% active commercial uses. However, this requirement is not proposed to be included in the Land Use Plan and thus, would not be the standard of review should the City want to reduce or remove it in the future). The City is currently reviewing a development proposal to remove the RV park and replace it entirely with condominiums. The proposed redesignation from Commercial to Mixed Use is likely to significantly reduce the overall amount of commercial facilities along Palm Avenue, and would potentially allow for the elimination of the City's only existing lower-cost overnight accommodations facility, inconsistent with the priority use policies of the Coastal Act.

The existing C-2 Seacoast Commercial District parallels the beach, and constitutes the Imperial Beach's visitor-serving area. However, unlike most coastal cities, the City's tourist-commercial land area is not specifically reserved for tourist-commercial uses only, but is more of a mixed use area, with commercial uses required on the ground floor (including uses that are not strictly visitor-serving, such as professional offices, financial institutions, real estate offices, and child day care centers), and residential uses permitted on the upper floors. Furthermore, as noted above, many of the oceanfront lots in the Seacoast District are currently single-family residences. The existing Mixed Use Overlay in the Seacoast District acknowledges the presence of these low-priority single-family residential uses, but encourages their conversion into high-priority commercial uses. Thus, a wide range of uses are currently permitted in the Seacoast District.

As with the proposed changes to the C-1 District, the proposed amendment would further de-emphasize tourist-commercial uses in the Seacoast District by allowing the entire C-2

area to be built out with multi-family residential uses. (As with the C-1 District, the proposed IP amendment includes a requirement that lots fronting Seacoast Drive be a minimum of 60% active commercial uses, but this limitation is not included in the LUP). Allowing all residential uses in the City's only tourist-commercial oriented area is not consistent with the priority use provisions of the Coastal Act. In addition, the proposed replacement of the existing Mixed Use Overlay in the Seacoast District with a "Seacoast Residential Overlay" would reverse the intent of the existing overlay—to encourage new tourist commercial uses—to encouraging continuation of the single-family residential uses. This approach is not consistent with the Section 30221 requirement that private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation have priority over private residential development.

Thus, the subject amendment significantly deprioritizes all kinds of commercial uses in multiple areas of the City, in favor of residential use. The City's intent with the subject amendment is to encourage development and redevelopment in more focused areas which may be able to support higher occupancies and improved business in the commercial leaseholds, rather than broader mixed use districts. In addition, if there were an increase of mixed use development, that could potentially reduce the reliance on automobiles and reduce traffic.

However, the City's commercial zones already permit mixed commercial and residential development; despite the proposed "Commercial Mixed-Used" label, the proposed LUPA would give residential uses equal emphasis with commercial. The Commission recognizes the City's interest in stimulating development in underutilized areas and avoiding high vacancy rates in commercially zoned areas. However, it is important that a minimal amount of land area for commercial uses be preserved along major coastal access corridors and in shoreline areas in order to ensure visitor-serving commercial facilities for tourists are available, such that beach communities do not become entirely bedroom communities accessible only to residents. In addition, if the City is going to allow more residential use at the expense of commercial uses, the City's few highest priority commercial uses—lower-cost commercial facilities including the City's RV parks—should be protected and preserved.

The City's IP includes detailed parking standards; however, general parking standards are included in the LUP. Thus, the detailed discussion of parking impacts is included in the findings for the IP amendment, which are incorporated herein. However, the proposed LUP changes in parking requirements for Mixed Use developments are generally consistent with the public access policies. However, since the parking requirements will be reduced, and given the overall amendment's shift towards pedestrian orientation, increased heights and density, the LUP should include some specific trip demand reduction strategies. However, as proposed, no specific strategies are included, only a general commitment to "transportation demand management strategies."

As proposed, the LUP Amendment does not adequately protect the City's existing high-priority uses, does not require a minimum amount of commercial uses in the C-1 or C-2

districts, and prioritizes the protection of single-family residences on the shoreline. Therefore, as submitted, the amendment cannot be found consistent with the public access, recreation, and priority use policies of the Coastal Act.

2. Findings For Approval if Modified

Since the amendment would allow a significant increase in low-priority residential use within the City's mixed use zones, suggested modifications have been added to provide specific protection for high-priority visitor serving uses; in particular, the City's existing RV park. Suggested Modification #3 adds language to the definition of the new General Commercial and Mixed-Use land use to protect and encourage existing high-priority uses such as the RV park. Suggested Modification #7 adds a requirement that public recreation and lower-cost commercial recreational development, including RV parks, campgrounds, hostels, and hotels, not be removed, unless replaced with a facility comparable in function, location, and cost to the public, or an in-lieu mitigation fee is provided. With regard to the in-lieu fee, in past years, the Commission has most typically required a mitigation fee of \$30,000 for each lower-cost unit lost (e.g., the Solana Beach LUP). This amount could vary for moderate cost accommodations. However, rather than include a specific number in Imperial Beach's LCP at this time, given the City's particular challenges with attracting and retaining commercial development, specifically overnight accommodations, the Commission finds that the appropriate mitigation would be best determined at such a time that a specific project is approved, taking into consideration the current economics and circumstances of the particular project in question. In any case, as modified, appropriate mitigation to off-set the loss of overnight visitor accommodations would be required.

To ensure that a minimum amount of lower-cost and visitor-serving commercial uses are preserved along the City's main coastal access route, Suggested Modification #3 and #6 requires that all buildings with frontage on the north and south sides of Palm Avenue/SR 75 between the border with the City of San Diego and Rainbow Drive including those with multiple-family dwelling units, include "active commercial uses" at a minimum of sixty percent of each building's ground floor square footage, as well as direct pedestrian access from the Palm Avenue sidewalk or a plaza. ("Active Commercial Uses" is a new definition proposed in the IP, and described below in the findings for the Implementation Plan). This is essentially the same requirement that the City is proposing to include in the proposed IP, with several important modifications. First, the suggested modifications requires that the area along Palm Avenue that is subject to the 60% active commercial uses standard includes Palm Avenue from Florida Street west to Rainbow Drive, or roughly to the location of the RV park (see Exhibit #7). The City's (IP) proposal for ground level commercial covers only approximately 5 city blocks in the middle of Palm Avenue, and excludes the portions of Palm Avenue on the eastern border of the city and the portion of the Palm Avenue on the Coronado side of the city. As noted, the western terminus of Palm Avenue is the main entry way to the City from the Silver Strand. Visitors to the Imperial Beach's shoreline from Coronado would mostly likely never travel inland on Palm Avenue to the area where the City is proposing retain some commercial development. This area currently consists largely of commercial

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

development now, including the RV Park on the north side of Palm Avenue, and various commercial retail uses on the south side. There is also an existing mobile home park on the south side of Palm Avenue. Thus, the proposed suggested modification would prioritize commercial uses in the areas most likely to generate the demand for tourist-commercial uses, and would be generally consistent with the existing uses along Palm Avenue.

Second, as proposed in the IP, the requirement for 60% active commercial uses could be removed or modified with approval of a conditional use permit. However, if this requirement could simply be removed without any conditions, or standards, or offsets, it would remove the emphasis on commercial uses on Palm Avenue altogether. Thus, this exception provision is not included in the suggested modification (and is deleted in the IP by Suggested Modification #10 and #12).

Suggested Modifications #3 and #6 also clarify that the requirement for “60% active commercial uses” on the Palm Avenue street frontage means that the remaining 40% of the lot frontage would generally be commercial, but not necessarily “active” uses; that is, it could be parking, or back of the house space, or stairwells associated with upper story residential uses. The intent of this requirement is not to suggest or allow the other 40% of the lot to be used for parking associated with residential uses. The City has indicated this clarification is consistent with their intent in adopting the provision. All of these revisions have been made to the corresponding IP policies (see Suggested Modifications #10 and #12).

Suggested Modifications #4 and #5 revise the City’s proposed Seacoast Residential Overlay to largely retain the same language and emphasis on visitor-serving commercial uses as in the existing certified LUP. The suggested modifications do not require that any existing single-family uses convert to commercial, or prohibit the future development of single-family residences in the overlay. As modified, the overlay zone allows for the development of oceanfront land suitable for visitor-serving commercial recreational uses, with such uses, consistent with the visitor-serving commercial protection policies of the Coastal Act. These revisions have been made to the corresponding IP policies (see Suggested Modifications #11 and #15).

Suggested Modification #2 adds new policies supporting balanced development between commercial, residential, and recreational uses to support alternative forms of transit and walkability. Suggested Modification #2 also requires shared public/private parking where feasible to support beach users.

Suggested Modification #4 clarifies the location where the proposed increase in density would apply. Suggested Modification #1 adds a clarification in the introduction section of the LUP to include in the overall LUP goals the proposed allowance for an increase in density with the development incentives.

In summary, the proposed amendment will result in a reduction in commercial uses and development throughout the city. However, the intent is to concentrate and hopefully

support more successful commercial enterprises in core areas. As modified, high-priority visitor-serving uses will not be adversely affected, as the areas most likely to serve tourists—Palm Avenue and Seacoast Drive street frontages—will provide 60% active commercial uses on the ground floor. The City's existing RV Park will be protected and affordable overnight accommodations must be maintained. Additional trip demand reduction policies in the LUP will ensure that access to the coast continues to be supported. Therefore, the proposed amendment, if modified as suggested, can be found consistent with the certified LUP.

PART V. FINDINGS FOR REJECTION OF THE CITY OF IMPERIAL BEACH IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED

A. AMENDMENT DESCRIPTION

The proposed changes to the implementation plan/zoning code would add new definitions, revise the permitted uses in the City's commercial zones, increase height limits in the Seacoast zone, and significantly reduce the parking requirements for all mixed use projects.

1. Definitions

The City is proposing to add definitions of many use types that are not currently defined in the code, as well as making minor adjustment to existing definitions, from Religious Assemblies, to Health Clubs to Mixed Use Development. The amendment includes a new definition of "Active Commercial Uses," which, as noted previously, would be required on a percentage of the ground floor of developments fronting a portion of Palm Avenue and Seacoast Drive. Active Commercial Uses would be defined as follows:

"Active commercial uses" mean commercial uses that are oriented along the street wall facing the main street at ground level. Active commercial uses should be accessible to the general public, generate walk-in pedestrian clientele, and contribute to a high level of pedestrian activity. Property entrances will be oriented to the street, which will facilitate sidewalk traffic and active streets. Uses that generate pedestrian activity include retail shops, grocery stores, restaurants, bars, theaters and the performing arts, personal convenience services, hotels, banks, travel agencies, child care services, libraries, museums and galleries, and commercial recreation and entertainment.

2. Permitted Uses

The amendment would add a new table to the code identifying uses in the three commercial/mixed use districts that are expressly permitted, uses that require a Conditional Use Permit (CUP), uses that are permitted with specific location requirements, and unpermitted uses. Most of the uses listed in the proposed table are

unchanged from the existing certified plan, but as previously described, most of the restrictions on multi-family uses on the ground floor would be eliminated.

The City has identified an error in the proposed amendment that identifies liquor stores as permitted outright rather than only with a CUP in the proposed C/MU-1 (General Commercial/Mixed Use) and C/MU-2 (Seacoast Commercial/Mixed Use) zones. Liquor stores are currently only permitted with a CUP in these zones. Suggested Modification #9 corrects the permitted use table to require a CUP for liquor stores.

3. Commercial Zone Revisions

Consistent with the LUP Amendment, the IP amendment would revise the existing General Commercial, Seacoast Commercial, and Neighborhood Commercial zones to allow multi-family uses on the ground floor in each district, with the following exceptions.

The C-1 Zone would be rezoned as the "C/MU-1 General Commercial and Mixed-Use Zone." As described under the Land Use Plan findings, in addition to commercial uses, the amendment would allow multi-family residential through most of the area, on both upper and ground level development. However, for buildings with frontage along Palm Avenue between 7th Street and Florida Street, the following requirements would apply:

"Active commercial uses" are required to be provided at "a minimum of 60% of each building's ground floor square footage, have direct pedestrian access from the Palm Avenue sidewalk or a plaza, and have a minimum building depth of twenty-five feet. Exceptions would require approval of a conditional use permit."

The C-2 zone would be rezoned as the "C/MU-2 Seacoast Commercial and Mixed-Use Zone." Consistent with the proposed changes to the LUP, the proposed zoning would allow multi-family residential development throughout the district, except that for all buildings with frontage along Seacoast Drive, the same requirement as along Palm Avenue for 60% active commercial uses and pedestrian access from Seacoast Drive, would apply.

The proposed amendment would also allow an increase in the residential density and heights in the Seacoast district. Currently, residential dwelling units are permitted above the first floor at a maximum density of one unit per every 1,500 sq.ft. of lot area. The amendment would allow a maximum density of one dwelling unit for each 1,210 sq.ft. of lot area, with approval of a CUP that demonstrates compliance with two or more of the following development incentives:

- a. Project sites that are consolidated to a final size greater than twenty thousand square feet;
- b. Entire project achieves Leadership in Energy and Environmental Design (LEED) Green Building Rating System certification, a comparable green

- building certification, or can demonstrate the ability to achieve certification;
- c. Entire project provides a minimum of seventy-five percent “active commercial uses” on the ground floor;
- d. At least twenty-five percent of proposed residential units must be three-bedroom units;
- e. Provide an additional one hundred square feet of public open space or plaza space with minimum dimensions of six feet by ten feet;
- f. Dedicate a minimum of one foot of private property frontage to public use (creates a one foot front setback dedicated to public use);
- g. Floors above first floor provide additional setback of five feet beyond required setback.

In addition, the maximum height limit in the Seacoast district would increase. The certified IP limits building heights in the Seacoast district to three stories or thirty feet in height, whichever is less, with an exception for hotels, which can be up to 40 feet with approval of a Specific Plan. As proposed, properties located on the east side of Seacoast Drive would have a height limit of three stories or 35 feet, with approval of a CUP that demonstrates compliance with two or more of the above development incentives.

The C-3 zone would be rezoned as the C/MU-3 Neighborhood Commercial and Mixed Use zone. Permitted uses would be expanded to allow multi-family residential uses throughout the district, except that for all buildings with frontage along Imperial Beach Boulevard and 13th Street, the 60% active commercial uses and direct pedestrian access requirement would apply. The same multi-family density increase as in the Seacoast district (from 1 dwelling unit per 1,500 sq.ft. of lot area to 1 dwelling unit per 1,210 with two development incentives) would also apply.

The maximum height limit in the Neighborhood zone would also increase, from two stories and 28 feet, to three stories and 30 feet in height, whichever is less. Three stories and 35 feet height would be permitted if two of the same above-listed development incentives are included in the project.

4. Parking

The proposed amendment involves significant reductions in the amount of off-street parking required for new or expanded development in the three newly designated Commercial/Mixed Use zones. The existing standards for stand-alone residential uses and most individual commercial uses would remain the same. However, several significant changes are proposed to individual commercial uses, including revising the standards for retail stores (currently one space for each 250 sq.ft. of floor area plus one space per two employees) and office uses (currently one space for 300 sq.ft. of floor area plus one space per two employees), both of which would be revised to require only one space for each 500 sq.ft. of floor area.

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

The following new standards would apply for mixed use (commercial/residential) and hotel development:

19.48.035. Required spaces in the C/MU-1, C/MU-2, and C-MU-3 zones.

For new development or expansion of existing structures designed to accommodate a variety of shops, stores, offices, restaurants, personal convenience services, and athletic and health clubs in the C/MU-1, C/MU-2, and C/MU-3 zones, off-street parking shall be provided in accordance with the standard listed in the following table. During site plan review, the City would determine whether the standard for required parking could be reduced based on the types of proposed land uses and existing land use, and the availability of parking (both private and public parking) in the project area. Shared parking shall be permitted and shall only be approved when technical evidence is presented to justify the shared use. The Urban Land Institute guidebook Shared Parking Second Edition (2005) shall be used as a guideline and supplemented by additional findings, where appropriate.

Zone/Land Use	Standard	25% Reduction for Vertical Mixed-use	Eligible for Waiver for Commercial Uses Less Than 1,000 SF	Eligible for Additional Parking Reduction for Shared Parking
C/MU-1 and C/MU-3	1 space per 500 gross SF of commercial	X	X	X
C/MU-2	1 space per 1,000 gross SF of commercial	X	X	X
Multiple-family Residential	1.5 spaces per dwelling unit	X		X
Hotel without Cooking Facilities	1 space per guest room	X		
Hotel with Cooking Facilities	1.5 spaces per guest room	X		

To clarify what types of developments the proposed new parking standards apply to, the City has requested that the title for the above "Section 19.48.035 Required spaces in the C/MU-1, C/MU-2, and C/MU-3 zones" be revised to indicate these requirements apply to mixed-use projects, and the title for "Section 19.48.050 Required spaces – Commercial and other uses" be revised to indicate this section applies to stand-alone projects. Suggested Modifications #16 and #17 make these revisions.

5. Design Standards

The proposed amendment also includes new commercial/mixed use zones design guidelines. These include preserving and creating view corridors to the oceanfront, pedestrian orientation, building articulation, landscaping, and providing active uses on ground floors. These guidelines will be added in a separate section of the IP titled “Proposed Commercial/Mixed-Use Zones Design Guidelines.”

B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

The certified LUP has a number of goals and policies relevant to the proposed amendment.

C-22 Parking

Parking for both residents and visitors shall be provided as part of new development.
[...]

GOAL 2 NATURAL RESOURCES – KEY FOUNDATION OF THE CITY

The ocean, beach, bay, estuary, weather and related ecosystems set much of the image of Imperial Beach. Conservation and protection of these resources shall be a key focus of the General Plan. The unique physiographic characteristics of Imperial Beach are recognized as the foundation for all other aspects of the community. These characteristics enhance the quality of life of residents and visitors and shall not be wasted, destroyed, or neglected. They are generally nonrenewable and provide many of the scenic, historic, economic, recreation, open space and ecological values for the community.

CO-1 The Beach

Imperial Beach has few industries and must, therefore, rely on the attraction of tourists for economic development. The beach area is most critical and the City should:

1. Designate the beach as open space.
2. Retain public ownership of the beaches.

3. Insure continued public access to beaches and, where possible, provide additional access, as well as increased public parking opportunities in the beach area (see Parks, Recreation and Access Element).
4. Require landscaping of properties near the beach area to attain a pleasant visual image.
5. Assure continued replenishment of sand.

GOAL 4 VISUAL QUALITY IS IMPORTANT

The visual quality of the City's environment shall be preserved and enhanced for the aesthetic enjoyment of both residents and visitors and the economic well-being of the community. Development of neighborhoods, streets and individual properties should be pleasing to the eye, rich in variety, and harmonious with existing development. The feeling of being near the ocean and bay should be emphasized even when the water is not visible. Designs reflective of a traditional California seaside community should be encouraged.

D-8 Project Design

- a. The design of development projects should respect, work with and enhance the natural features of the land.
 - Natural scenic amenities such as mature trees; watercourses and views should be integrated into the project design
 - Structures should be oriented and constructed so they may take advantage of the beneficial features of the climate and be protected from the negative ones in order to reduce energy consumption and increase the enjoyment of the residents.
- b. Projects should be designed so there is a harmonious relationship with adjoining uses.
 - The pattern of existing neighborhoods should be respected. A development should be integrated with the adjacent neighborhood if the project size or natural boundaries dictate, or the design should create one or more separate and strong neighborhood identities.
 - Structures should relate to neighborhood structures both within and adjacent to the development and not create a harsh contrast of scale, style or color.
[...]

L-6 Tourist Commercial Uses

Imperial Beach should provide, enhance and expand tourist commercial uses to the extent that they can be compatible with the small beach oriented town character of the City.

L-9 Lower Cost Visitor and Recreational Facilities

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

P-2 Ocean and Beach Are The Principal Resources

The ocean, beach and their environment are, and should continue to be, the principal recreation and visitor-serving feature in Imperial Beach. Oceanfront land shall be used for recreational and recreation-related uses whenever feasible.

P-7 Increase Tourist Related Commercial Land Uses

The City and its business community should take direct action to increase the amount of tourist-oriented businesses both along the beachfront, South San Diego Bayfront and inland areas.

GOAL 14 SHORELINE ACCESS

To provide physical and visual access in the City's five coastal resource areas for all segments of the population without creating a public safety concern, overburdening the City's public improvements, or causing substantial adverse impacts to adjacent private property owners.

1. Findings For Denial

As described, the proposed amendment would allow expanded multi-family residential use to be located throughout all of the City's commercial zones, with the exception of the ground level street frontages on a portion of Palm Avenue and Seacoast Drive, where 60% active commercial uses must be provided on the ground floor. However, as proposed, this requirement could be removed with approval of a conditional use permit, and thus, no

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

commercial uses at all would necessarily be required. In addition, as proposed, only a very limited stretch of Palm Avenue is covered by the requirement for 60% active commercial uses.

As discussed in the findings for the LUP, which are incorporated herein, it is important that a minimum level of commercial development is provided both on the Palm Avenue, which is the major coastal access route into the City, and particularly in the Seacoast District, to ensure that lower cost visitor and recreational facilities are protected, encouraged, and, where feasible, provided. The LUP encourages the City and its business community "to take direct action to increase the amount of tourist-oriented businesses both along the beachfront, South San Diego Bayfront and inland areas."

Furthermore, the requirement for 60% active uses on the ground floor is somewhat ambiguous; as proposed, it could be interpreted as allowing 60% site to be developed with commercial uses, with the remaining street frontage occupied by residential parking, which would not promote a visitor-serving or pedestrian oriented environment.

The proposed definition of the "Active Commercial Uses" which must be provided is also written in such a way that the requirements could be considered optional, rather than mandatory. Specifically, the definition states that active commercial uses "should" (not shall) be accessible to the general public, generate walk-in pedestrian clientele, and contribute to a high level of pedestrian activity. Thus, as proposed, the active commercial use requirement might not actually result in any tourist or pedestrian-oriented development.

The proposed redefinition of how height is measured is unclear, as it does not specify whether height should be measured from existing grade, or after grading or fill occurs. Thus, as proposed, the definition could result in significantly greater heights than under the current LCP, which could adversely impact the visual quality of the City's environment, inconsistent with the visual protection policies of the LCP.

The proposed new definition of "Open Space, Public" could also be misleading, as "public open space" is typically used to describe publically owned lands available for access or recreation, while the City's proposed definition refers to outdoor recreation area available for the use of residents and users of a private building or business.

Several of the City's proposed use regulation changes, as submitted, could adversely impact tourist-oriented businesses and lower cost visitor and recreational facilities. Specifically, the amendment would prohibit hostels and campsites in C-1 zone, which, as tourist-oriented businesses and lower cost visitor accommodations, the policies of the certified LCP specifically encourage along the beachfront, South San Diego Bayfront and inland areas. The City has suggested that campsites are not an appropriate use in a commercial zone, and that campsites are not pedestrian oriented. However, as previously described, there is an existing RV Park in the C-1 zone, on a site adjacent to San Diego Bay and near the Bayshore Bikeway. This use currently offers overnight RV camping, and is within easy biking distance of the Bayshore Bikeway and the shoreline, thus

providing a low-cost commercial recreation use that is both very appropriate for the site, and compatible with alternative forms of recreational transportation.

As discussed in detail in the LUP findings, the proposed changes in the existing Seacoast District overlay zone would shift the emphasis on shoreline development from commercial to residential, inconsistent with the LUP policies promoting visitor-serving uses along the shoreline.

The LCP policies call for providing visual access to the coast, preserving and enhancing the aesthetic quality of the city, and preserving the feeling of being near the ocean and bay should be emphasized even when the water is not visible. In the Seacoast District, the proposed amendment would allow an increase in height for properties east of Seacoast Drive from 3 stories or 30 feet, to 3 stories and 35 feet, when certain development incentives are met. The amendment also allows an increase in density on the inland side of Seacoast Drive and a portion of Palm Avenue. Most of the public shoreline and ocean views in the city are from the east/west streets inland of Seacoast Drive. Thus, as proposed, the increase in height and density could potentially impact public views of the water and shoreline area from these streets, inconsistent with the visual resource protection policies of the LCP.

Therefore, as proposed, the amendment would have adverse impacts on the provision of tourist-commercial related uses and visual quality, inconsistent with the certified LCP. Therefore, the amendment must be denied as submitted.

2. Findings For Approval if Modified

As discussed in detail in the findings for the LUP, Suggested Modifications have been added that would ensure that while as proposed, most of the C-1 District could be developed entirely with multi-family residential uses, a minimum amount of lower-cost and visitor-serving commercial uses will be preserved along the ground level of development along Palm Avenue, the City's main coastal access route, and on Seacoast Drive, the first coastal roadway and the spine of the near-shore area (see Suggested Modifications #10, and #15). Suggested Modifications #10 and #12 removes the option to delete the requirement 60% active commercial uses on the ground floor frontage on Palm Avenue through approval of a conditional use permit, and the definition of Active Commercial Uses has been modified to make the requirement mandatory, not optional (see Suggested Modification #8). Thus, as modified, active commercial uses will be required along the City's main coastal access corridors, Palm Avenue and Seacoast Drive.

In addition, at the City's request, Suggested Modification #8 makes a minor revision to the definition of Active Commercial Uses to state that these uses shall be "accessible to the general public, generate walk-in pedestrian clientele, or [not and] contribute to a high level of pedestrian activity," to clarify that while any particular development may not be able to meet all of these criteria, each project must provide at least one, in order to achieve the goal of creating an active, pedestrian oriented streetscape.

As described in the LUP findings, Suggested Modifications #11 and #15 revise the City's proposed Seacoast Residential Overlay to largely retain the same language and emphasis on visitor-serving commercial uses as in the existing certified LUP. The suggested modifications do not require any existing single-family uses to convert to commercial, or prohibit the future development of single-family residences in the overlay. As modified, the overlay zone allows for the development of oceanfront land suitable for visitor-serving commercial recreational uses, with such uses, consistent with the visitor-serving commercial protection policies of the Coastal Act.

Suggested Modification #8 clarifies that the measurement of height begins from existing, not finished, grade. Suggested Modifications #8 and #5 also replace the City's proposed new term "Open Space, Public" with "Open Space, Common" to more accurately reflect the private use being defined.

Suggested Modification #9 revises the list of uses allowed in commercial districts to allow hostels and campgrounds in the C-1 zone, with approval of a CUP. Thus, high priority uses will be permitted, as deemed appropriate and compatible with the surrounding uses through the conditional use permit process.

As the amendment would allow an increase in height for properties east of Seacoast Drive from 3 stories or 30 feet, to 3 stories and 35 feet, Suggested Modification #18 adds language requiring that public views towards the ocean be protected through the use of setbacks and stepbacks. Thus, as modified, the increase in density and height associated with the amendment will not adversely impact public views or the visual quality of the area.

As described, the proposed amendment significantly reduces the amount of parking required for new mixed use development throughout the city. The intent of the reductions is to rely on shared parking opportunities associated with mixed use development, and to also shift away from a reliance on automobile traffic in favor of pedestrian, bicycle, and other forms of alternative transit. However, when private development does not provide adequate on-site parking, users of that development who arrive by automobile are forced to occupy public parking that would otherwise be used by visitors to the beach. Thus, the Commission typically requires all private development to provide adequate on-site parking or alternative public transportation to minimize adverse impacts on public access. In addition, the City's LUP specifically requires that parking for both residents and visitors be provided as part of new development.

Development in the City of Imperial Beach is well positioned to take advantage of alternative forms of public transportation. Just outside of the City's borders to the east, the San Diego Trolley line has stations at Palm Avenue on the north side of the Imperial Beach, and Iris Avenue on the southern side. The City's main accessways—Palm Avenue, Seacoast Drive, and Imperial Beach Blvd—are well served by bus lines. According to information from SANDAG submitted by the City, ridership on the Imperial Beach bus lines is among the highest in the region. In addition, in recent years

Imperial Beach LCPA #2-12 (Commercial Mixed Uses)

the City has been improving bicycle routes through and around the city. For example, in July 2009, the approved minor LCP Amendment #1-09 allowing for improvements to the City's existing Ecoroute Bikeway, loop through the City west along Palm Avenue, down the entire length of Seacoast Drive, east along the City's southern border next to the TJ Estuary, and north along Connecticut/7th Avenue to the Bay.

In the City of Imperial Beach, the Seacoast District is the area where inadequate parking would be most likely to adversely impact beach goers. There is currently free street end parking available at most of the street ends in the Seacoast District, and several large paid parking lots operated by the Port District. Although no formal parking studies have been conducted, City staff have indicated that these spaces are typically underutilized the majority of the time.

A "Parking Strategy Memo" prepared for the City in December 2008 by Fehr & Peers reviewed various parking issues in Imperial Beach, focusing on implementing a shared parking strategy. The study did not specifically assess the City's supply of or demand for public beach parking, but made general recommendations regarding parking requirements for commercial/residential mixed-use development. The study recommends the adoption of 1 parking space per 1,000 sq.ft. of commercial development (as part of a mixed use project) requirement in the Seacoast Drive area, and 1 parking space per 500 sq.ft. of commercial development (as part of a mixed use project) in the Palm Avenue area. These are the parking ratios proposed in the subject amendment. The study also concludes, based on a brief parking study, that on Seacoast Drive, there is a general availability of on-street parking and off-street parking at the several mixed use developments surveyed. In addition, the study notes that "there are few physical impediments to walking in Imperial Beach, with generally pleasant weather and few topographical limitations, especially along Seacoast Drive." Although the parking study is specifically suggesting that off-site parking for commercial development is feasible in these circumstances, the fact that the city streets are flat and laid out in a grid, results in a fair amount of easy to access, unrestricted street parking in the residential area surrounding Seacoast Drive, which provides a reservoir of parking for beach visitors, as well.

The policies of the certified LCP are generally supportive of smart growth development, which can include concentrated density, mixed use development, and, where appropriate, implementing shared parking. The LUP policies also require that public access to the shoreline be provided and maintained. The intent of the proposed revisions to the parking standards are intended to spur development of pedestrian-oriented, mixed use projects that will require fewer overall parking lots, fewer vehicle miles traveled and shift circulation patterns away from individual vehicles towards the use of alternative means of transit. Given the City's existing transit infrastructure, the current availability of public parking in the nearshore area, the proposed reduction in parking standards is not expected to adversely impact beach parking. However, as suggested in the parking study, the City should continue to monitor the parking supply and demand along Seacoast Drive, ideally through regular counts, particularly during the peak summer months. Should counts indicate public parking is becoming impacted, private off-street parking requirements may need to be adjusted, or additional public spaces secured.

With the suggested modifications, the proposed LCP amendment is consistent with the public recreation, access, and shoreline protection policies of the certified LUP. The proposed amendment, if modified as suggested, conforms to the certified land use plan, as amended, and the proposed ordinance can be found in conformance with and adequate to implement the certified LUP.

PART VII. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment, the Commission finds that approval of the subject LCP amendment, if modified as suggested, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act.

As described above, for the most part, the proposed amendments to the City of Imperial Beach's Land Use Plan and Implementation Plan are consistent with the environmental protection policies of the Coastal Act. Suggested modifications have been added that ensure no impacts to public recreational, access, or visual resources will result from the proposed revisions. If modified as suggested, no impacts to coastal resources will result from the amendment.

Any specific impacts associated with individual development projects would be assessed through the environmental review process, and, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that no significant unmitigatable environmental impacts under the meaning of CEQA will result from the approval of the proposed LCP amendment as modified.

ATTACHMENT 4



City of Imperial Beach, California

COMMUNITY DEVELOPMENT DEPARTMENT

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 628-1356 Fax: (619) 424-4093

August 29, 2013

Sherilyn Sarb, Deputy Director
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

**SUBJECT: COMMENTS AND REQUESTED CORRECTIONS TO THE STAFF REPORT
AND RECOMMENDATIONS REGARDING CITY OF IMPERIAL BEACH LCP
AMENDMENT NO. IMB-MAJ-2-12**

Dear Ms. Sarb:

Thank you for recommending the continuation of this item from the California Coastal Commission (the "Commission") August meeting in Santa Cruz to the San Diego meeting in October. The additional time has allowed City staff to more adequately review the Commission staff's report and recommendations of these vitally important General Plan/Local Coastal Program ("GP/LCP") and Zoning Ordinance Amendments (the "Amendments"). The Amendments adopted by our City Council on August 1, 2012 and submitted to the Commission for review on September 14, 2012, were the result of three years of extensive community and public outreach, exhaustive planning, land use, economic, and environmental analysis, and no less than twelve focused meetings of our City Council during which the Amendments were thoroughly discussed and considered in great detail. Given the lengthy effort put into their preparation, and resulting complexity and economic basis upon which they were drafted, it is entirely possible that Commission staff may not have completely understood or appreciated the land use and development objectives the Amendments are intended to promote and encourage. Also given the effort put into them, it is both appropriate and necessary that our staff gives very careful consideration to the Commission staff report and recommendations to ensure that the intent and objectives of the Amendments as proposed and adopted by our City Council are clearly and correctly characterized and understood. Not to do so would be a disservice to the hundreds of citizens, planning professionals, environmental and economic experts as well as to our City Council who labored over this progressive approach to our City's commercial and mixed-use zoning and all of whom are eagerly awaiting the hopeful certification and implementation of the environmentally sound Smart Growth principles they are intended to promote.

Before specifically commenting and responding to the Commission staff report and its recommendations, it is important to note that, in general, the staff report seems to imply that the Amendments run counter to the objectives of the Coastal Act and that they favor mixed-use,

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

multi-family development over commercial/retail, visitor-serving, and tourist-oriented uses. This is simply not at all the case. In fact, the entire objective of the Amendments is to promote well-designed, economically feasible and well-utilized commercial/retail development within the City that will better facilitate more vibrant commercial/retail and transit corridors benefitting residents, tourists and visitors to the City. The City of Imperial Beach has not only embraced its coastal location and its excellent potential as a visitor, ecotourism, and tourist destination, but it has made great strides and taken very deliberate actions over the years to realize this potential and to generate significantly higher levels of tourism. In fact, our City has long recognized that the economic future of Imperial Beach depends to a large degree upon its ability to create a more vibrant tourism market while maintaining and building upon its excellent access to the coast. To this point, over its 1.3 miles of developed coastline, Imperial Beach has 18 direct vertical coastal access points (1 every 385 feet), two public beachfront parks, a public fishing pier, both an indoor and "outdoor" surfboard museum, and is nearing completion of construction of the new Pier South Hotel, a 78-room beachfront hotel funded in part by the City's former redevelopment agency. Additionally, since adoption of the City's short term vacation rental ordinance in 2004, the City has created a vibrant short-term vacation rental market (residential units available for short-term lodging) in its tourist/visitor-serving district along Seacoast Drive with no fewer than 55 units actively operating and paying transient occupancy tax to the City within the City's primary tourism district. The City is also working diligently to further expand coastal access, recently completing the Eco Route Bikeway project along Palm Avenue, initiating construction on the 10th Street Bayshore Bikeway Access project, and actively planning and implementing three additional Bayshore Bikeway Access Improvement projects within the City. Recently, the Commission certified the City's rezoning of residential property along San Diego Bay to facilitate the Bikeway Village project with the creation of a Commercial/Recreation & Ecotourism Zone. To imply, therefore, that the Amendments proposed by the City somehow compromise or run counter to the City's compliance with the Coastal Act is not only inaccurate, but it disregards the substantial effort and progress the City has made over the past decade to actively promote and facilitate increased tourism within the City and to further improve and enhance coastal access.

That said, the City of Imperial Beach respectfully requests that the Commission and its staff consider the following comments to the staff report and consider revising the staff report and recommended Suggested Modifications as requested:

1. SUMMARY OF AMENDMENT REQUEST

- A. The staff report states that the Amendments were submitted on November 19, 2012. This is incorrect.

The Amendments were initially submitted on September 14, 2012 (with a Commission Receipt confirmation to the City dated September 17, 2012). The City voluntarily submitted additional support documents on October 1, 2012, and Commission staff later acknowledged having received them on October 4, 2012. The City did not receive a completeness review within ten (10) days as required by state law (14 CCR § 13553), nor was Commission action taken within ninety (90) days as required by state law (Public Resources Code § 30512(a)). Although the City believes and specifically advised Commission staff that the Amendments should be "deemed approved" pursuant to state law (Public Resources Code § 30512(a)(3)), City staff expressly agreed to work cooperatively with Commission staff to obtain

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

formal certification of the Amendments by the Commission while also reserving its rights to have the Amendments deemed approved under applicable state law.

- B. The staff report states that "in each district, the amendment *would allow* more residential use than currently allowed" (emphasis added). The use of the word "would" is inaccurate and misleading and should be replaced with "*could, by meeting specific performance-based development standards approved by the City Council, allow modest increases in residential densities than currently allowed.*"

Although the Amendments do allow for *the potential* of modest residential density and building height increases, such increases would be determined on a case-by-case basis, subject to City Council approval, and only granted for projects meeting at least 2 of 7 "Performance-Based Development Standards" or "Development Incentives" specified in the Amendments. The staff report fails to mention or even discuss these important Performance-Based Development Standards that *could allow* modest density and height increases subject to very specific development criteria. Additionally, this statement ignores the substantial economic analysis performed for the Amendments and the regional growth forecasts prepared by the San Diego Association of Governments (SANDAG), both of which project residential development in 2030 below both our current certified GP/LCP development projections as well as below the maximum build-out projections allowed under the Amendments. Stating that the Amendments *would allow* more residential use than currently allowed is, therefore, both incorrect and misleading. City staff respectfully requests, therefore, that the staff report be revised to replace the word "would" with "could" as noted above.

- C. The staff report states that, under the Amendments, "the only areas where commercial uses would be required would be for lots fronting Seacoast Drive, and a *limited stretch* of Palm Avenue" (emphasis added). This statement is incorrect and misleading.

In fact, the Amendments *require that all property located within commercial zones fronting Seacoast Drive, Palm Avenue between Seacoast Drive and 3rd Street, Palm Avenue between 7th Street and Florida Street, 13th Street between Ebony and Fern avenues and Imperial Beach Boulevard between Florence and Georgia avenues provide "Active Commercial Uses" for at least sixty percent (60%) of the square footage of each building's ground floor.* This includes the *majority* of Palm Avenue (approximately 58%) that is zoned for commercial use as further discussed below. Additionally, in meeting with Commission staff, City staff had, prior to preparation of the staff report, agreed to extend the area of the 60% active commercial use requirement in the C-1 (C/MU-1) District to the eastern city limits, thereby increasing this percentage to 82% of Palm Avenue. To suggest, therefore, that only a "limited stretch" of Palm Avenue would require commercial uses is not only a gross misrepresentation of the facts, but it also seems to be a deliberate attempt to discredit the intentions and objectives of the City and the Amendments adopted by our City Council. Because this mischaracterization of the adopted Amendments is used to justify a Suggested Modification with which the City strongly disagrees, it is vital that this statement be corrected for the record. We respectfully request,

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

therefore, that Commission staff revise their staff report to correct this mischaracterization of the Amendments.

- D. The staff report makes the following statements regarding building height and residential density:
- "Increases in allowable heights and density for residential uses in the Seacoast and Neighborhood Commercial Districts *are also proposed*" (emphasis added).
 - "On properties located on the east side of Seacoast Drive, or Palm Avenue, east of Seacoast Drive, maximum heights *would increase* from three stories and 30 feet to three stories and 35 feet" and "Maximum permitted density *would be increased* from 1 unit per every 1,500 gross sq.ft to 1 unit per every 1,210 gross sq.ft. feet of lot area" (emphasis added).
 - "In the Neighborhood Commercial District, permitted height *would be* increased from 2 stories or 28 feet to 3 stories and 30 feet, and density from one unit per every 2,000 sq.ft. feet of land to as much as 1 unit per every 1,210 gross sq.ft. of lot area" (emphasis added).

All of these statements are inaccurate and misleading in that they suggest that these *potential increases* to building heights and densities are absolute when, in fact, these modest *potential increases could be* approved only by meeting specific performance-based development standards approved by the City Council. Once again, this section of the report should point out that, only through meeting specific Performance-Based Development Standards approved by the City Council, *could* height and density increases be allowed. Additionally, less than a quarter of the Neighborhood Commercial Zone is located within the Coastal Zone and this zoning district is more than 1 ½ miles from the coast and at least ½ a mile from the nearest wetland. City staff respectfully requests, therefore, that these important clarifications be made in the staff report.

2. SUMMARY OF STAFF RECOMMENDATION

- A. The staff report states that the City's intent with the Amendments "is to encourage development and redevelopment in more focused areas which may be able support higher occupancies in the commercial leaseholds, as opposed to broader mixed use districts." Although somewhat accurate, the actual intent of the Amendments is to create better-designed, well-utilized, and economically viable commercial/retail development (both free-standing and in mixed-use developments) within the City to better serve its residents and visitors. As already allowed and encouraged by our certified GP/LCP, the focus for this development is encouraged along our transit corridors where the highest residential densities already exist. The Amendments are further focused at implementing Smart Growth principles and to reduce greenhouse gas emissions (GHG) as mandated by AB 32 and SB 375. Although the staff report correctly states that the Amendments "could potentially reduce the reliance on automobiles and reduce traffic", we believe their actual intent could be more clearly stated.

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

- B. The staff report states that the Amendments "*would allow* substantially more multi-family residential uses in the City's commercial districts, including the C-1 Commercial District, and the C-2 Seacoast District" (emphasis added). This statement is, once again, incorrect and misleading and is not supported by the substantial economic analysis performed in support of the Amendments or by SANDAG's regional growth forecasts.

First, there is no increase in density in the C-1 (C/MU-1) District proposed with the Amendments. Second, as clarified above, density increases in the C-2 (C/MU-2) and C-3 (C/MU-3) districts *could be* achieved by meeting specific Performance-Based Development Standards as approved by the City Council. Third, this comment ignores significant economic and market factors as well as physical site constraints prevalent throughout the City which are all key factors identified in preparation of the Amendments that effectively impede development in the City. That is, simply allowing for the modest increases in residential development does not, in and of itself, trigger a demand for more residential development. During what was one of the most robust residential real estate markets in recent history the early 2000's, there were only 3 multi-family dwelling projects constructed in Imperial Beach for a total of only 12 units. City staff respectfully requests, therefore, that the staff report be revised once again to replace the word "would" with either "might" or "could" as these are more accurate and far less misleading.

- C. The staff report states that "there is an existing recreational vehicle park/campground in the C-1 area on the north side of Palm Avenue/SR-125, at the corner of SR-125 and Rainbow Drive, that provides lower-cost, visitor-serving overnight accommodations, which is one of the highest priority uses identified in the Coastal Act" and that the Amendments "and would potentially allow for the elimination of the City's only existing lower-cost overnight accommodations facility, inconsistent with the priority use policies of the Coastal Act." These statements are incorrect and misleading and directly contradict Commission staff's more accurate description of this facility as stated in a March 27, 2010 Commission staff report for a proposed hotel in Imperial Beach.

The recreational vehicle (RV) park mentioned in the staff report, Bernardo Shores, is, as advertised on their business sign, an "Adult RV Park" that prohibits camping and the use of tents, provides no bathroom or shower facilities, caters almost exclusively to long-term, monthly renters and actively restricts the rental of RV stalls to no more than two (2) people per RV. Additionally, statistics provided by the owners indicate that, over the past five (5) years, spaces in Bernardo Shores have been provided on a nightly basis less than 2% of the time. The remaining spaces are primarily used for long-term, monthly renters who simply keep their RV's at the site and use them as second homes. The exclusive, non-transient operation of this facility was specifically acknowledged by Commission staff in their March 27, 2010 staff report regarding the Seacoast Inn Hotel (Appeal No. A-6-IMB-07-131) in which Commission staff stated that "there is one RV park in the City, *although it specializes in long-term, not transient stays*" (emphasis added). Given this distinction, during this appeal, Commission staff specifically prohibited City staff or the applicant from counting Bernardo Shores as a lower-cost visitor accommodation within the City and made

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

the determination that no lower-cost visitor accommodations existed within Imperial Beach. This determination was used to justify a recommended Special Condition requiring payment of an in-lieu lower-cost visitor accommodation fee which was subsequently rejected by the Commission during their approval of the Seacoast Inn project.

While Commission staff has not indicated why they now believe Bernardo Shores to be a lower-cost visitor-serving accommodation, it is clear from the statistics provided by the owners that the Commission's March 27, 2010 determination is, in fact, accurate as this RV Park has not and does not operate as a lower-cost overnight visitor accommodation. Indeed, by virtue of its two-person restriction, it effectively prohibits families and/or children and, to date, the City has never received the payment of transient occupancy tax (TOT) from this facility, further evidence that this facility caters almost exclusively to longer-term stays, residential occupancies, and/or RV "second homes." Therefore, this use simply is not and should not be considered a "high priority use" under the Coastal Act. City staff respectfully requests, therefore, that the staff report be revised to be consistent with Commission staff's prior March 27, 2010 determination that Bernardo Shores is neither a lower-cost overnight visitor accommodation nor a high priority use under the Coastal Act.

- D. The staff report states that the Amendments "would allow [Bernardo Shores] to be converted to multi-family residential uses [and] would significantly reduce the overall amount of commercial facilities along Palm Avenue." This statement is incorrect and misleading and is also not supported by historic development trends within the City or by the significant economic and market analysis performed in support of the Amendments.

Although it is true that the Amendments *could* allow the development of Bernardo Shores as residential development, it is important to note that the use currently occupying the site is a non-conforming use under the City's current, certified GP/LCP. This zoning district, the C-1 (C/MU-1) district, currently is "intended to meet the demand for commercial goods and services, *as opposed to the goods and services required primarily by the tourist population*" (emphasis added). Additionally, this district already allows the highest multi-family residential densities in the City (43 dwelling units to the acre) under its certified GP/LCP. Furthermore, a key component in the preparation of the Amendments was as significant economic analysis to determine the absolute demand for commercial retail development within the City of Imperial Beach. Keyser Marston Associates, a well-respected economic consultant, conducted this analysis and determined that, when combining only a fraction of the new housing units projected by SANDAG's regional growth forecasts (75% or 1,732), combined with demand from beyond the trade area, the total commercial/retail space demand through 2030 would, at most, total between 110,000 and 159,000 square feet new commercial use. To put this in perspective, the City currently has approximately 785,000 square feet of commercial building area and is currently zoned to accommodate an additional 611,000 square feet of commercial building area. Obviously, the City has vastly over-estimated the potential commercial/retail demand, which is clearly indicated by the significant lack of newly constructed commercial/retail development within the City over the last 20 years. In fact, two of largest commercial/retail structures along Palm Avenue/SR-75 have now

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

been vacant for over two years. Even at maximum build-out and housing production scenarios, therefore, the City will never create enough demand to support the development of all its commercially zoned land. In fact, in order to support only a modest amount of quality commercial/retail development, more residential development is an absolute must along our City's transit corridors. Not only will this satisfy very sound, environmentally-sensitive Smart Growth principles and objectives, but it will also occur along our transit corridors in the C-1 (C/MU-1) District where the City's highest residential densities are already permitted under City's certified GP/LCP.

The Amendments, therefore, will not significantly reduce the overall amount of commercial services along Palm Avenue. To the contrary, by fostering sound Smart Growth principles, and well-designed mixed-use and multi-family development, the Amendments will actually increase the demand for more abundant development of economically viable commercial/retail uses, including visitor-serving uses, within the City's commercial zones. City staff respectfully requests, therefore, that Commission staff revise the staff report to eliminate the statement that the Amendments "would significantly reduce the overall amount of commercial facilities along Palm Avenue."

- E. The staff report states that "the amendment would allow the C-2 Seacoast Commercial District to be converted entirely to multi-family residential." This statement is both incorrect and entirely misleading as the Amendments specifically require that, throughout the entire C-2 (C/MU-2) District, all properties and projects fronting Seacoast Drive and Palm Avenue must dedicate at least sixty percent (60%) of the ground floor area to active commercial uses.

The Amendments are specifically intended to require and encourage active commercial uses on the ground floor within all commercial land use districts. In fact, the primary objective of the Amendments is to promote highly active, pedestrian-friendly and thriving commercial districts in the City's commercial zones. In the Seacoast and Old Palm Avenue districts (Palm Avenue from 3rd Street to Seacoast Drive), this includes the requirement that a minimum of 60% of the ground floor area be devoted to active commercial use along all of Seacoast Drive and all of Palm Avenue. Currently, the City's certified GP/LCP already allows mixed-use and residential development above the ground floor at the second highest density in the City within this land use district. Furthermore, both the certified GP/LCP and the Amendments specifically encourage and promote this area as the City's primary visitor-serving, tourist area. As discussed above, the City has taken significant steps over the years to further promote tourism in this and other areas of the City. It should also be noted that, especially in this area, residential units are specifically allowed and encouraged to be offered for short term vacation rental purposes. At this time, the City has issued no less than fifty-five (55) short term vacation rental permits in this area with all of those units paying TOT to the City. In a prior Commission hearing regarding a GP/LCP Amendment allowing short-term vacation rentals, then Commission Chairman Pat Kruer stated that short-term vacation rentals were *the most affordable* family vacation rental a City can provide. Therefore, City staff believes that residential use should not be viewed solely as a "non-visitor-serving" or low priority use under the Coastal Act but rather as a highly desirable and

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

actively utilized short term vacation rental opportunity, particularly in urbanized coastal communities such as our City where this type of family-oriented visitor-serving accommodation has been specifically emphasized and encouraged in all of our City's commercial and mixed-use land use districts.

Additionally, through yet another GP/LCP Amendment, and utilizing financial assistance from its Former Redevelopment Agency, the City has also facilitated the construction of the City's first ever 78-room boutique, destination hotel, restaurant and spa, which is set to open by the end of the year. The construction of this new hotel has generated much business interest in our visitor-serving Seacoast Commercial District with additional visitor-serving uses opening in this area. The staff report's statement, therefore, that "the proposed amendment would further de-emphasize tourist-commercial uses in the Seacoast District" is not only untrue, but it also minimizes the significant efforts the City has made over the years to promote and encourage tourism and visitor-serving accommodations in our Seacoast Commercial District.

- F. The staff report states that the Amendments "[do] not require a minimum amount of commercial uses in the C-1 or C-2 districts, and prioritizes the protection of single-family residences on the shoreline." Once again, this statement is incorrect and misleading as the Amendments require at least 60% of the ground floor area to provide active commercial use throughout all of the C-2 (C/MU-2) and most of the C-1 (C/MU-1) districts. Additionally, due to the existence of many single-family residences along the coast, whose owners were outspoken during the public review process in support of preserving the certified GP/LCP's existing designation of these units as an allowable use, the Amendments simply allow these residential units to remain as legal, conforming uses rather than be designated as non-conforming. In no way, however, do the Amendments "prioritize" these single-family units. In fact, in discussions with Commission staff, this point was made explicitly clear and City staff concurred with Commission staff's recommendation to provide language in the Amendments to make clear this clarification. City staff respectfully requests, therefore, that the Commission staff report be revised to eliminate this incorrect statement.
- G. The staff report states that "suggested modifications have been added to ensure that a minimum amount of lower-cost and visitor-serving commercial uses are preserved along Palm Avenue and Seacoast Drive." This statement is misleading as it ignores the fact that the Amendments as proposed and adopted do exactly that.

As proposed and adopted by the City Council, the Amendments already require a minimum amount (60% of the ground floor area) of visitor-serving and other commercial uses along Seacoast Drive and Palm Avenue. The above statement, however, implies that the Amendments do not do so. Beyond that, Modification #3 specifically recommends RV Parks in the C-1 (C/MU-1) land use district despite the fact that they are currently a non-permitted use under the City's existing certified GP/LCP. Although the Suggested Modification does not state this, this recommendation is apparently intended to specifically preserve the existing Bernardo Shores Adult RV Park (Bernardo Shores) located in the C-1 (C/MU-1) District. This recommendation, however, incorrectly assumes that Bernardo Shores is an existing

lower-cost overnight visitor accommodation when, in fact, it restricts the number of occupants to two people per RV and almost exclusively caters to longer-term or monthly stays as previously determined by Commission staff in their March 27, 2010 staff report. City staff believes that the Suggested Modification is unnecessary to achieve Commission staff's stated objectives as the Amendments already promote and preserve visitor-serving commercial uses and do not propose to preserve non-conforming uses such as the Bernardo Shores Adult RV Park which do not encourage tourist-oriented overnight accommodations.

- H. The staff report states that "suggested Modifications #3, #6, and #10 require that all buildings with frontage on the north and south sides of Palm Avenue/SR 75 between the border with the City of San Diego and Rainbow Drive including those with multiple-family dwelling units, include "active commercial uses" at a minimum of sixty percent of each building's ground floor square footage, as well as direct pedestrian access from the Palm Avenue sidewalk or a plaza." The staff report goes on to state that "the City's proposal for ground level commercial covers only approximately 5 city blocks in the middle of Palm Avenue." This statement is incorrect and misleading as the adopted Amendments propose the 60% active commercial use requirement on 7 of the 12 blocks in the C-1 (C/MU-) District.

Commission staff's recommended modification would expand the area along Palm Avenue in the C-1 (C/MU-1) District within which the Amendments require at least 60% of the ground floor area to be active commercial use. However, as previously explained, extensive economic and market analysis performed in preparation of the Amendments has demonstrated that this requirement will result in requiring commercial use where no market to develop or occupy such commercial use will ever exist. As stated above, in fact, two of the largest existing commercial buildings on Palm Avenue have been vacant for two years now. This market condition is true today and even when contemplating the addition of 1,732 new dwelling units under SANDAG's regional growth forecasts. Despite the inability of our City to absorb a significant amount of additional commercial/retail use, City staff nevertheless agreed to extend the minimum 60% active commercial use requirement to the eastern City limits increasing the area that would be subject to the 60% active commercial use requirement from 7 to 10 City out of a total of 12 City blocks along this area of Palm Avenue. This was communicated to Commission staff prior to the drafting of the Commission staff report.

Staff's recommended modification, therefore, is apparently intended to protect the existing, non-conforming Bernardo Shores Adult RV Park from potential future development. This runs counter to the intended purpose of the C-1 (C/MU-1) District as stated in the City's existing and certified GP/LCP which is "to meet the demand for commercial goods and services, as opposed to the goods and services required primarily by the tourist population." This inherent conflict with the certified GP/LCP is made clear by the use of the word "nevertheless" in Commission staff's recommended language. As already discussed, the Bernardo Shores Adult RV Park has never and currently does not operate as a lower-cost overnight visitor accommodation as specifically stated in the March 27, 2010 Commission staff report regarding the appeal the Seacoast Inn project. City staff respectfully requests, therefore, that Commission staff revise their recommended modification to only

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

require 60% active commercial use on property fronting Palm Avenue in the C-1 (C/MU-1) District between 7th Street and the City's eastern boundary with the City of San Diego since a) the City has very limited market demand both now and in the future for the amount of commercial/retail use recommended by Commission staff and b) the objective to protect the Bernardo Shores Adult RV Park, a non-conforming use that does not provide lower-cost overnight visitor accommodations, is misplaced.

- i. The staff report states that "the western terminus of Palm Avenue is the main entry way to the City from the Silver Strand" and further states that "visitors to the Imperial Beach's shoreline from Coronado would likely never travel inland on Palm Avenue to the area where the City is proposing retain some commercial development." This statement is not supported by any data or analysis and, in fact, conflicts with existing traffic analysis that demonstrates that most visitors to Imperial Beach and to its shoreline approach from the east via Interstate 5 while travelers to and from Coronado primarily use Palm Avenue/SR-75 to commute through rather than to Imperial Beach.

The Traffic Analysis in the Environmental Impact Report (EIR) prepared in support of the adopted Amendments, as well as more recent traffic analysis for the same area, contain detailed average daily traffic (ADT) data. These analyses, some of which are contained in Appendix E of the EIR for the Amendments which was routed to Commission staff for review and comment prior to certification of the EIR by the City, shows an ADT of between 15,940 and 16,300 on Palm Avenue/SR-75 entering Imperial Beach, increasing to 22,000 ADT between Delaware and 9th streets, up to 32,500 ADT between 9th and Florida streets and up to 39,274 ADT leaving and entering Imperial Beach at 13th Street. Meanwhile, Rainbow Drive between Palm Avenue/SR-75 and Palm Avenue (the route that traffic traveling to the shoreline of Imperial Beach would take from Silver Strand/City of Coronado) has an ADT of only 4,690 as compared to 11,600 ADT on Palm Avenue between 7th Street and Rainbow (the route visitors to the shoreline would take via westbound Palm Avenue/SR-75 from the east). This clearly demonstrates two facts: 1) that very few visitors to Imperial's shoreline come via Coronado and the Silver Strand while substantially more come from the east via Palm Avenue/SR-75 and 2) that traffic to and from Coronado is primarily commuter traffic traveling *through* Imperial Beach rather than *to* our City or our shoreline. Additionally, at over 32,500 ADT, traffic is substantially higher in the heart of Palm Avenue/SR-75 between 7th Street and Florida Avenue clearly dispelling the notion that travelers from Coronado "would likely never travel inland on Palm Avenue." In fact, it is precisely this dramatically higher volume of traffic traveling through the heart of the C-1 (C/MU-1) District, upon which the Amendments are specifically designed to capitalize. By focusing active commercial uses in the blocks on Palm Avenue/SR-75 between 7th Street and Florida Avenue, where the highest ADT in the City is found, the City hopes through the Amendments to create a "Main Street" atmosphere that will be attractive both to visitors to and commuters traveling through Imperial Beach. In effect, the Amendments are intended to create a commercial destination in the heart of the City's C-1 (C/MU-1) District that provides another attractive destination within our City to complement the City's shoreline which is intended to cater primarily to our tourist population. City staff believes strongly, therefore, that the Amendments as adopted by our City Council already prioritize commercial uses in the area most likely to generate the

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

demand for commercial/retail uses as intended by our certified GP/LCP. Indeed, the City recently received a \$400,000 Smart Growth Incentive Grant from SANDAG to further develop the City's plan to develop the Palm Avenue/SR-75 corridor as a Commercial and Mixed-Use Transit Corridor and the City's "Main Street."

- J. The staff report states that, "Since the amendment would allow a significant increase in low-priority residential uses into the City's commercial zones, suggested modifications have been added to provide specific protection for high-priority visitor serving uses; in particular, the City's existing RV park." As already discussed, this statement utilizes incorrect and misleading statements regarding potential increases in residential development to justify preserving a use that is neither a "high priority" use nor a permitted use in our existing and certified GP/LCP. Additionally, there are no increases in maximum residential density in the C-1 (C/MU-1) District proposed under the Amendments.

Although the Amendments require that 60% of the ground floor area be active commercial use only in the heart of the C-1 (C/MU-1) District (i.e., between 7th Street and Florida Avenue), this is specifically intended to focus commercial/retail development and activity in our City's main commercial core while allowing for residential development to be developed at the same density and in the same locations as is currently allowed all along this corridor under the City's certified GP/LCP. Therefore, there would not be a "significant increase" in residential development as a result of the Amendments. Additionally, as previously explained, although City staff acknowledges the importance of visitor-serving uses and accommodations and permits them under our existing certified GP/LCP, the C-1 (C/MU-1) District, does not currently consider visitor-serving uses as a "high priority" use. In fact, given that the highest residential densities in the City are focused along this well-traveled transit and mixed-use corridor, it is clear that the intent of the certified GP/LCP is to encourage high density residential development in support of the commercial/retail uses that this district also encourages and prioritizes. The Smart Growth Incentive Grant awarded to the City by SANDAG is based in large part on the certified GP/LCP's current emphasis on future high density residential and mixed-use development along the City's primary transit corridor of Palm Avenue/SR-75.

The staff report also states that Suggested Modification #3 adds language "to protect and encourage existing high-priority uses such as the RV Park" and that Suggested Modification #7 "adds a requirement that public recreation and lower-cost commercial recreational development, including RV parks, campgrounds, hostels, and hotels, not be removed, unless replaced with a facility comparable in function, location, and cost to the public." As has been previously discussed, the City is adamant that any language characterizing the Bernardo Shores Adult RV Park as a lower-cost overnight visitor accommodation is not only inaccurate, but also contradicts Commission's staff's previous and correct determination that this facility caters almost exclusively to long-term, non-transient stays. City staff respectfully requests, therefore, that Commission staff revise its determination regarding the Bernardo Shores Adult RV Park consistent with its determination made in the March 27, 2010 staff report and further requests that Suggested Modification #3 be

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

rescinded and Suggested Modification #7 either be rescinded or revised to eliminate reference to RV Parks.

- K. The staff report states that "there is an existing RV Park in the C-1 zone, on a site adjacent to San Diego Bay and near the Bayshore Bikeway" that "currently offers overnight RV camping." As discussed throughout this report, this statement is simply not true. Camping is expressly prohibited at this RV Park and it caters almost exclusively to longer term, non-transient, non-family stays.
- L. The staff report states the Amendments "will result in a reduction in commercial uses and development throughout the city." As discussed in the foregoing comments, this is simply not true. In fact, the Amendments will actually facilitate and more appropriately provide for well-designed, well-utilized and economically viable commercial, retail and visitor-serving uses. City staff respectfully requests, therefore, that this comment be removed from the staff report.
- M. The staff report states that "as modified, high-priority visitor-serving uses will not be adversely affected, as the areas most likely to serve tourists—the Palm Avenue and Seacoast Drive street frontages—will provide 60% active commercial uses on the ground floor." Based upon the extensive economic analysis, the suggested modifications will, in fact, do just the opposite. By expanding the area in the C-1 (C/MU-1) District along which 60% of the ground floor area must be active commercial use, the modifications will effectively require substantially more commercial development than the City will ever be able to absorb. This will create a disincentive for any new development which, in turn, will create far fewer opportunities and demand for commercial, retail and visitor-serving uses and will result in the perpetuation of vacant commercial storefronts. Additionally, as previously stated, the Amendments already provide for 60% active commercial uses on the ground floor throughout the C-2 (C/MU-2) District which is the City's primary visitor-serving, tourist district. City staff respectfully requests, therefore, that Commission staff give careful consideration to these points and to the extensive expert analysis that supports them.
- N. The staff report states that "the City's existing RV park will be protected and affordable overnight accommodations must be maintained." While the City agrees that visitor-serving uses and affordable overnight accommodations should be encouraged, it is clear from the information provided – and by Commission staff's own March 27, 2010 determination – that the existing Bernardo Shores Adult RV Park has never and does not operate as an affordable overnight accommodation and, therefore, should not specifically be protected by the Suggested Modifications as recommended by Commission staff. City staff respectfully requests, therefore, that the staff report be modified to be consistent with Commission staff's prior determination and eliminate all Suggested Modifications intended to protect the Bernardo Shores Adult RV Park as it is simply not a lower-cost overnight visitor accommodation.

3. LAND USE PLAN MODIFICATIONS

- A. Suggested Modification #1 – Page I-9 of the Introduction

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

As the City's certified GP/LCP already allows residential density in the City's C-1 (C/MU-1) General Commercial Land Use Designation of one unit per 1,000 square feet of lot area, City staff requests the following additional language (underlined) be added to Page I-9 of the introduction:

Reducing the highest density apartment/condominium areas from a maximum density of one unit per 1,000 square feet of lot area to one unit per 1,500 square feet of lot area, except in the General Commercial and Mixed Use (C/MU-1) Land Use District and where otherwise allowed by approved development incentives.

- B. Suggested Modification #2 – Proposed new policies to Pages C-23 and C-24 of the Circulation Element

City staff agrees to these Suggested Modifications.

- C. Suggested Modification #3 – Page L-8 of the Land Use Element, Table L-2: Land Use Designations and Specifications

For the reasons stated in the foregoing comments, City staff objects to the addition of the following language:

Nevertheless, existing high-priority uses such as RV parks shall be protected and encouraged.

For all buildings with frontage along the north and south sides of Palm Avenue/SR 75 between the border with the City of San Diego and Rainbow Drive, including those with multiple-family dwelling units, "active commercial uses" are required to be provided at a minimum of sixty percent of each building's ground floor square footage with direct pedestrian access from the Palm Avenue sidewalk or a plaza. The remaining 40% must primarily be related to the commercial use, such as parking, access, or other non-active commercial purpose.

As stated in the foregoing comments and as previously communicated to Commission staff, City staff would agree to extend the area of the C-1 (C/MU-1) Land Use District within which 60% of the ground floor area must provide active commercial uses to the eastern City limits. Additionally, the language regarding the remaining 40% of the ground floor is unnecessarily restrictive and it would make mixed-use development economically infeasible.

- D. Suggested Modifications #4 and #5 – Page L-8 of the Land Use Element, Table L-2: Land Use Designations and Specifications

City staff agrees to these Suggested Modifications.

- E. Suggested Modification #6 – Page L-9 of the Land Use Element, Policy L-4e

City staff objects to the following recommended language:

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

The remaining 40% must primarily be related to the commercial use, such as parking, access, or other non-active commercial purpose.

This language is unnecessarily restrictive and it would make mixed-use development economically infeasible.

F. Suggested Modification #7 – Page L-12 of the Land Use Element, Policy L-9

City staff objects to the following language:

Public recreation and lower-cost commercial recreational development, including RV parks, campgrounds, hostels, and hotels, shall not be removed, unless replaced with a facility comparable in function, location, and cost to the public.

As thoroughly discussed in the foregoing comments, City staff objects to all Suggested Modifications specifically intended to preserve the Bernardo Shores Adult RV Park as this facility is not a lower-cost overnight visitor accommodation. Additionally, although the City's certified GP/LCP already allows hotels, motels and hostels, City staff believes that campgrounds and RV Parks are not conducive to an urbanized community, are incompatible with current and proposed commercial zoning and do not promote smart growth principles which the Amendments are specifically intended to encourage and are as further encouraged to meet GHG reduction goals mandated by AB32 and SB 375.

4. IMPLEMENTATION PLAN MODIFICATIONS (ZONING)

A. Suggested Modification #8 and #9 – New and Amended Definitions and the Table of Permitted Uses

City staff agrees to these Suggested Modifications.

B. Suggested Modification #10 – 19.26.020. Permitted Uses

City staff objects to this Suggested Modification in its entirety and specifically to the following language:

For all buildings with frontage along the north and south sides of Palm Avenue/SR 75 between the border with the City of San Diego and Rainbow Drive and

The remaining 40% must primarily be related to the commercial use, such as parking, access, or other non-active commercial purpose.

For the reasons stated in the foregoing comments, staff believes that these suggested modifications are not economically feasible and will be a disincentive to the development of well-designed and viable commercial/retail development along the City's main mixed-use transit corridor. Furthermore, they are apparently intended to specifically preserve the non-conforming Bernardo Shores Adult RV Park which caters almost exclusively to long-term, non-transient stays.

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

It appears from the Suggested Modifications that Commission staff is primarily concerned with preserving the existing Bernardo Shores Adult RV Park which, under the City's certified GP/LCP, is not currently a permitted use. As discussed above, this facility almost exclusively caters to non-transient, long-term stays and, therefore, is not and should not be considered a lower-cost overnight visitor accommodation. Indeed, over the past five years, this RV Park has been used for overnight purposes less than 2% of all available nights. Additionally, the facility has no public facilities (i.e., restrooms or showers), does not allow camping or tents and limits occupancy to only two (2) people per RV, all but precluding families from staying at this facility. Finally, as mentioned earlier in this letter, City staff routed the Draft EIR prepared in support of the Amendments to Commission staff on April 19, 2012 with the expressed intent of obtaining comments on the proposed Amendments and their environmental impacts. However, no comments were received. As such, City staff could only rely upon Commission staff's prior determination that, as a facility primarily focused on long-term, non-transient stays, the Bernardo Shores Adult RV Park would not be considered a priority use under the Coastal Act and, therefore, need not be specifically protected under the proposed Amendments to our GP/LCP. After so much effort has been expended in the preparation and adoption of these Amendments, with full disclosure to and solicitation of Commission staff's comments throughout the process, it is disconcerting at this late date to have a reversal on this issue from Commission staff that could potentially and quite dramatically alter what has been approved by our City Council. City staff requests, therefore, that Commission staff remain consistent with its prior determination of this facility as stated in the Commission staff report dated March 27, 2010, which correctly found that the Bernardo Shores Adult RV Park primarily "specializes in long-term, non-transient stays" and is not a lower-cost overnight visitor accommodation.

It should also be noted that a truly-functioning RV campground is located just three miles north of Bernardo Shores at Silver Strand State Beach. In fact, one of the primary reasons cited by the owners of Bernardo Shores for catering almost exclusively to long-term, non-transient stays is because of its proximity to Silver Strand State Beach RV Campground, which consistently draws the entire demand for this type of overnight accommodation in our region. Supporting evidence of this fact is provided in a recent Commission staff report dated March 17, 2013 regarding the Silver Strand State Beach RV Campground facility. In recommending approval of an application for improvements to the Silver Strand State Beach RV Campground, Commission staff justified the loss of eight RV camping spots by stating that "data provided by the applicant shows that the RV campground is rarely used at 100% capacity, either during peak season or off-peak season." Additionally, another RV campground facility, expected to be opened by December 2013, is being developed just north of Silver Strand State Beach by the Navy which will add another fifty-nine (59) RV camping spaces with full hook-ups to the South San Diego Bay area. Although this facility will limit access to active duty and retired military plus active and retired Department of Defense (DOD) employees, SANDAG estimates that, in the County of San Diego alone, there are currently 104,000 uniformed military, 22,100 DOD employees, and 240,677 military veterans. This represents a large number of people and their families within San Diego County who, along with significant numbers of other military personnel, veterans and DOD employees across the country, will have access to this new RV Campground. This will

Sherilyn Sarb, Deputy Director
California Coastal Commission
August 29, 2013

also likely decrease the demand for the Silver Strand RV Campground thereby increasing its availability to the public.

As thoroughly discussed herein, the City of Imperial Beach is entirely committed to supporting and encouraging tourism, visitor-serving amenities and accommodations and a variety of commercial/retail opportunities for its visitors. Though the City acknowledges and embraces this goal, equally important to our City Council is the obligation to provide viable and thriving commercial/retail uses to serve the City's residents and to provide additional housing opportunities to a variety of income levels. The City firmly believes that the best way to do this is to pursue and promote sound, urban and environmental planning and economic land use regulations focused on implementing highly desirable smart growth principles. Not to do so would be counter-productive to state and regional planning objectives and to the GHG reduction goals of AB 32 and SB 375. The City of Imperial Beach firmly believes that the Amendments as adopted by our City Council on August 1, 2012 achieve all of these equally important and mutually inclusive objectives.

City staff has requested a meeting with Commission staff to discuss these issues in advance of the Commission meeting in October. In the meantime, if you have any questions or would like clarification regarding any of the information presented in this letter, please feel free to contact me directly at either 619-628-1354 or gwade@imperialbeachca.gov.

Sincerely,



Gregory Wade
Assistant City Manager/Community Development Director

C: Deborah Lee, District Manager
Diana Lilly, Coastal Program Analyst
Jim Nakagawa, City Planner – Imperial Beach
Tyler Foltz, Senior Planner – Imperial Beach

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

ATTACHMENT 5



October 22, 2013



Jim Nakagawa
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Re: Certification of Major Amendment #2-12 (Commercial Mixed Use)

Dear Mr. Nakagawa:

On October 10, 2013, the California Coastal Commission approved the above referenced amendment request to the Imperial Beach Implementation Plan and Zoning Ordinance. The approved amendment makes a variety of changes in the permitted uses and development standards to the C-1 General Commercial District, the C-2 Seacoast Commercial District, and the C-3 Neighborhood Commercial District. In each district, the amendment would allow for the development of more residential use than currently allowed, and significantly reduce the amount of parking required for mixed use projects.

The Commission approved the LCP amendment with suggested modifications that add new policies supporting alternative forms of transit, clarify the requirements for active commercial uses, maintain the support for commercial uses in the Seacoast District, as well a variety of minor corrections and clarifications. The attached modifications contain the specific changes adopted by the Commission.

Because the amendment was certified with suggested modifications, before the amendment request can become effectively certified, the Executive Director must determine that implementation of the approved amendment will be consistent with the Commission's certification order. In order for the Executive Director to make this determination, the local government must formally acknowledge receipt of the Commission's resolution of certification, including any terms or suggested modifications; and take any formal action which is required to satisfy them, such as rezonings or other ordinance revisions. This certification must also include production of new LCP text demonstrating that the amendment, as approved by the Commission and accepted by the City, will be incorporated into the City's certified Local Coastal Program immediately upon concurrence by the Commission of the Executive Director's determination.

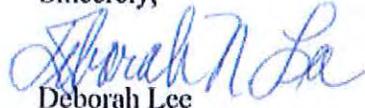
As soon as the necessary documentation is received in this office and accepted, the Executive Director will report his/her determination to the Commission at its next regularly scheduled public hearing. If you have any questions about the Commission's action or this final certification procedure, please contact our office. Thank you and the other staff members who worked on this planning effort, and we remain available to

October 22, 2013

Page 2

assist you and your staff in any way possible to continue the successful implementation of the local coastal program.

Sincerely,



Deborah Lee
District Manager

cc: Mayor Jim Janney

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IMB-MAJ-2-12 (COMMERCIAL MIXED USE)

COASTAL COMMISSION SUGGESTED MODIFICATIONS

(Adopted 10/10/13)

Land Use Plan Modifications

The underlined sections represent language that the City of Imperial Beach proposes be added to the certified LUP, and the ~~strike-through~~ sections represent language which the City proposes to delete from LUP. The red underlined sections represent language that the Commission suggests be added to the City's proposal, and the ~~red-strike-through~~ sections represent language which the Commission suggests be deleted from the City's proposal.

1. On Page I-9 of the *Introduction*, the second checklist item under the description of key features of the Land Use Element is amended as follows:
 - ✓ Reducing the highest density apartment/condominium areas from a maximum density of one unit per 1,000 square feet of lot area to one unit per 1,500 square feet of lot area, except where specified development incentives are offered.
2. On Page C-23 continuing onto Page C-24 of the *Circulation Element*, the following new policies shall be added:

C-22 Parking

i. Shared Public/Private Parking

Where feasible, public use of private parking facilities currently underutilized on weekends and holidays (i.e., serving office buildings) shall be permitted in all commercial zones located within ¼ mile of the beach.

j. Balanced Development

All new commercial and higher density residential development shall be located and designed to facilitate provision or extension of transit service to the development to the extent feasible. Residential, commercial, and recreational uses should be located in relationship to each other so as to encourage walking, bicycling, and transit ridership. Major employment, retail, and entertainment districts and major coastal recreational areas should be well served by public transit and easily accessible to pedestrians and bicyclists.

k. Employer Support of Transit

The City shall actively encourage convenient alternatives to automobile use throughout the Commercial Districts by requiring employers to provide incentives for alternative transit use such as providing employee transit passes or subsidies, ridesharing programs, preferred parking for carpooling and on-site shower facilities.

3. On Page L-8 of the *Land Use Element*, Table L-2: Land Use Designations and Specifications is amended as follows:

C-1C/MU-1 General Commercial and Mixed-Use (4 stories)

The General Commercial and Mixed-Use land use designation provides for commercial development, mixed-use development, multiple-family dwellings, and land businesses to meet the local demand for commercial goods and services, as opposed to the goods and services required primarily by the tourist population. It is intended that the dominant type of commercial activity in this C/MU-1 designation will be community- and neighborhood- serving retail and office uses. Such as markets, specialty stores, professional offices, personal service department stores, restaurants, liquor stores, hardware stores, etc. Multi-family Residential uses may be permitted above the first floor at a maximum density of 1 one unit per every 1,000 square sq. feet. of land, per the City of Imperial Beach Zoning Ordinance. Discretionary permit review by the City shall be required for such residential use.

For all buildings with frontage along Palm Avenue between 7th Street and Florida Street, including those with multiple-family dwelling units, "active commercial uses" are required to be provided at a minimum of sixty percent of each building's ground floor square footage with direct pedestrian access from the Palm Avenue sidewalk or a plaza. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.

4. On Page L-8 of the *Land Use Element*, Table L-2: Land Use Designations and Specifications is amended as follows:

C-2-C/MU-2 Seacoast Commercial and Mixed-Use (3 stories, except for hotels, where 4 stories may be permitted by specific plan)

The C/MU-2 Seacoast Commercial land use designation provides for land to meet the demand for goods and services required primarily by as well as the tourist population, as well as by local residents who use the beach area. It is intended that the dominant type of commercial activity in this designation will be visitor-serving retail such as specialty stores, surf shops, restaurants, and hotels and motels, etc. In order, to promote a more pedestrian-oriented community character, as well as to reduce the high volume of vehicle trips attracted by drive-through establishments, drive-through services for restaurants, banks, dry cleaners, and other similar auto-related business establishments shall be prohibited in this zone.

Per the City of Imperial Beach Zoning Ordinance, multi-family residential uses shall be permitted at a maximum density of 1 unit per every 1,500 gross sq. ft. of lot area; if located on Palm Avenue or the east side of Seacoast Drive or on Palm Avenue, east of Seacoast Drive, multi-family residential uses may be increased to a maximum density of 1 unit per every 1,210 gross sq. ft. of lot area, subject to the compliance with specified development incentives and the approval of a conditional use permit.

~~Residential uses may (included below) be permitted above the first floor at a maximum density of one unit per every 1,500 square feet of land. Discretionary permit review by the City shall be required for such residential use.~~

Additionally, the Seacoast **Mixed Use**/Residential Overlay was established to preserve opportunities for single-family residences to provide for the future expansion of commercial uses allowed in the C/MU-2 designation while preserving opportunities for the continuation of single-family residential uses within the overlay area. Mixed-use and multi-family residences are permitted in the C/MU-2 area, as well as in the Seacoast **Mixed Use**/Residential Overlay Zone.

5. On Page L-8 of the *Land Use Element*, Table L-2: Land Use Designations and Specifications is amended as follows:

MU-2 Mixed Use Overlay

~~The Mixed Use Overlay land use designation provides for future expansion of uses allowed in the C-2 Land Use Designation in an orderly way without requiring the amendment of the General Plan. In this overlay designation, commercial activities would be allowed to expand into areas otherwise designated as Residential. Discretionary permit review by the City shall be required for such commercial use.~~

Seacoast Mixed Use/Residential Overlay

The purpose of the Seacoast **Mixed Use**/Residential Overlay land use designation is to preserve opportunities for the continuation of single-family residential uses provide for the future expansion of commercial uses allowed in the C/MU-2 designation, while preserving opportunities for the continuation of single-family residential uses, in the area bounded by Ocean Boulevard (the beach) to the west, Ocean Lane on the east, Imperial Beach Boulevard on the south, and Palm Avenue on the north. In this area, single-family land uses shall be permitted, in addition to all uses permitted within the C/MU-2 designation.

6. On Page L-9 of the *Land Use Element*, Policy L-4c is amended as follows:

Policy L-4c Seacoast Commercial and Mixed-Use (C-2 & MU-2/MU-2)

~~The Seacoast commercial area shall serve as a commercial and mixed-use visitor-serving, pedestrian-oriented commercial area. A Residential Overlay Zone was established to preserve the opportunity for single-family residences to remain in a designated portion of the project area. Existing residential uses shall be slowly transitioned to new visitor-serving commercial uses. Existing residential uses shall be slowly transitioned to new visitor serving commercial uses. To ensure that the existing character is maintained and enhanced, the zoning for this area shall incorporate standards for setbacks and stepbacks, and encourage pedestrian activity through the design and location of building frontages and parking provisions. As part of the design review, 2nd or 3rd stories may be required to be set back from Seacoast Drive.~~

For all buildings with frontage along Seacoast Drive, including those with multiple-family dwelling units, "active commercial uses" are required to be provided at a minimum sixty percent of each building's ground floor square footage and have direct pedestrian access from the Seacoast Drive sidewalk or a plaza. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.

Per the City of Imperial Beach Zoning Ordinance, timeshares shall require approval of a conditional use permit and shall be prohibited on the first 1st floor, unless 25% are reserved for overnight accommodation.

Implementation Plan Modifications

The underlined sections represent language that the City of Imperial Beach proposes be added to the certified LUP, and the ~~strike-through~~ sections represent language which the City proposes to delete from LUP. The red underlined sections represent language that the Commission suggests be added to the City's proposal, and the ~~red strike-through~~ sections represent language which the Commission suggests be deleted from the City's proposal.

7. On Page 1 of the Proposed New and Amended Definitions, the following amendments shall be made:

19.04.400. Height, Measurement of

~~Height shall be measured from existing grade at all points of the site to a warped plane an equal height above all points on the site~~ the average level of the highest and lowest point of that portion of the building site (at existing grade) covered by the building or structure to the highest point of the building or structure.

Active Commercial Uses

"Active commercial uses" mean commercial uses that are oriented along the street wall facing the main street at ground level. Active commercial uses ~~should~~ shall be accessible to the general public, generate walk-in pedestrian clientele, ~~and or~~ contribute to a high level of pedestrian activity. Property entrances will be oriented to the street, which will facilitate sidewalk traffic and active streets. Uses that generate pedestrian activity include retail shops, grocery stores, restaurants, bars, theaters and the performing arts, personal convenience services, hotels, banks, travel agencies, child care services, libraries, museums and galleries, and commercial recreation and entertainment.

Open Space, ~~Public Common~~

"~~Public Common~~ open space" means those usable outdoor spaces commonly accessible to all residents and users of the building for the purpose of passive or active recreation.

8. Chapter 19.23, the table of land uses permitted in the proposed C/MU-1, C/MU-2, and C/MU-3, shall be amended as followed. As proposed by the City, "P" means "Expressly permitted," "C" means "Permitted with conditional use permit," and "N" means "Not permitted."

Highlighted text indicates that the use is a newly defined regulated use by the City, or the City is proposing to change or add permissions.

[C] or [P] or [N] text indicates land use permission in the existing ordinance that the City is proposing to change.

Chapter 19.23 COMMERCIAL/MIXED-USE USE REGULATIONS

Commercial Uses	C/MU-1	C/MU-2	C/MU-3	Notes
Liquor store	P [C] <u>C</u>	P [C] <u>C</u>	N	See definition.
Hostel	N <u>C</u>	<u>C</u>	N	See definition.
Single-family detached	N	<u>N*</u> [P]	N	*Only permitted in Seacoast <u>Mixed-Use/Residential Overlay Zone</u>
Campsites	N <u>C</u>	N	N	See definition.

9. Chapter 19.26, the proposed C/MU-1 General Commercial and Mixed-Use Zone shall be amended as follows:

Chapter 19.26. C/MU-1 GENERAL COMMERCIAL AND MIXED-USE ZONE

19.26.020. Permitted uses.

A. ~~The following commercial uses (excluding light manufacturing or industrial uses) shall be permitted subject to subsections C and D of this section as appropriate: Specified commercial, residential, light industrial, public and semi-public, green building utilities, and open space and recreation uses allowed in the C/MU-1 zone are listed in Chapter 19.23, including those requiring a conditional use permit, and shall also comply with the following land use regulations:~~

~~1. Stores, shops and offices supplying commodities or performing services for residents of the City as a whole such as retail food stores, restaurants, department stores, specialty shops, banks, business or professional offices and other financial institutions, personal service enterprises, hotels and motels;~~

1. For all buildings with frontage along Palm Avenue between 7th Street and Florida Street, including those with multiple-family dwelling units, "active commercial uses" as defined in Chapter 19.05 are required to be provided at a minimum of sixty percent of each building's ground floor square footage, have direct pedestrian access from the Palm Avenue sidewalk or a plaza, and have a minimum building depth of twenty-five feet. ~~Exceptions would require approval of a conditional use permit. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.~~

10. In Chapter 19.27 of the proposed C/MU-2 Seacoast Commercial and Mixed-Use Zone, Section 19.27.010 shall be amended as follows:

Chapter 19.27. C/MU-2 SEACOAST COMMERCIAL AND MIXED-USE ZONE

19.27.010. Purpose of zone.

The purpose of the C/MU-2 zone is to provide land to meet the demand for goods and services required primarily by the tourist population, as well as local residents who use the beach area. It is intended that the dominant type of commercial activity in the C/MU-2 zone will be visitor-serving retail such as specialty stores, surf shops, restaurants, and hotels and motels. ~~Additionally, the Seacoast Residential Overlay Zone has been established to preserve opportunities for single-family residences within the overlay area.~~ Mixed-use and multiple family residences are also permitted in the C/MU-2 zone and in the Seacoast Mixed Use/Residential Overlay Zone. The development standards of the C/MU-2 zone encourage pedestrian activity through the design and location of building frontages and parking provisions.

11. Section 19.27.020 shall be amended as follows:

19.27.020. Permitted uses.

A. ~~The following commercial uses shall be permitted subject to subsections B, C, and D of this section as appropriate: Specified commercial, residential, light industrial, public and semi-public, green building utilities, and open space and recreation uses allowed in the C/MU-2 zone are listed in Chapter 19.23, including those requiring a conditional use permit, and shall also comply with the following land use regulations:~~

1. For all buildings with frontage along Seacoast Drive, including those with multiple-family dwelling units, "active commercial uses" as defined in Chapter 19.04 are required to be provided at a minimum sixty percent of each building's ground floor square footage and have direct pedestrian access from the Seacoast Drive sidewalk or a plaza. ~~Exceptions would require approval of a conditional use permit. The remaining 40% must either be primarily related to the commercial use, such as parking, access, or other non-active~~

commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking.

[...]

5. Multiple-family residential dwelling units are permitted at a maximum density of one unit per every one thousand five hundred gross square feet of lot area; or if located on Palm Avenue and the east side of Seacoast Drive or Palm Avenue, east of Seacoast Drive, residential dwelling units may be increased to a maximum density of one dwelling unit for each one thousand two hundred and ten gross square feet of lot area with approval of a conditional use permit by the City Council that demonstrates compliance with two or more of the following development incentives:

- a. Project sites that are consolidated to a final size greater than twenty thousand square feet;
- b. Entire project achieves Leadership in Energy and Environmental Design (LEED) Green Building Rating System certification, a comparable green building certification, or can demonstrate the ability to achieve certification;
- c. Entire project provides a minimum of seventy-five percent "active commercial uses" on the ground floor;
- d. At least twenty-five percent of proposed residential units must be three-bedroom units;
- e. Provide an additional one hundred square feet of public common open space or plaza space with minimum dimensions of six feet by ten feet;
- f. Dedicate a minimum of one foot of private property frontage to public use (creates a one-foot front setback dedicated to public use);
- g. Floors above first floor provide additional setback of five feet beyond required setback.

12. Section 19.27.040(B) Yards shall be amended as follows:

B. For properties within the Seacoast Mixed Use/Residential Overlay Zone, the setbacks shall be as required in Section 19.27.140(B); and, [...]

13. Section 19.27.070 shall be amended as follows:

19.27.070. Building Height.

A. No building in the C/MU-2 (Seacoast-Commercial)-Zone shall exceed three stories or thirty feet in height, whichever is less, except as follows:

1. [...]

2. Properties east of Seacoast Drive shall have a height limit not to exceed three stories and thirty-five feet with approval of a conditional use permit that demonstrates compliance with the following:
 - a. Side yard setbacks and/or stepbacks have been incorporated into the project to protect street-end public views towards the ocean;
 - b. Two or more of the development incentives listed in Section 19.27.020(A)(5), and [...]

14. Section 19.27.140 shall be amended as follows:

19.27.140. Seacoast Commercial ~~Commercial~~ Mixed-Use/Residential Overlay Zone.

The area located between Ocean Boulevard on the west, Ocean Lane on the east, and between Imperial Beach Boulevard on the south and Palm Avenue on the north is designated as a Commercial- ~~the Seacoast~~ Mixed-Use Residential Overlay ~~Zone~~ (MU-2). The purpose of ~~this overlay zone is to preserve opportunities for continuation of single-family residential uses in this area. this transition zone is to allow for the gradual commercial expansion in an area which is currently used for residential purposes. this transition zone is to allow for the gradual commercial expansion in an area which is generally used for residential purposes while preserving opportunities for the continuation of single-family residential uses.~~

A. The following uses shall be permitted in the MU-2 Seacoast Mixed-Use/Residential Overlay Zone:

1. RSingle-family residential;
2. Short-term rentals as defined in Section 19.040.692 of this code; and
3. Any use listed in Chapter 19.27.020 as a permitted use in the C/MU-2 zone is a permitted use in the Seacoast Residential Overlay Zone.

15. Section 19.48.035 shall be amended as follows:

19.48.035. Required spaces for Mixed-Use Projects in the C/MU-1, C/MU-2, and C/MU-3 zones.

16. Section 19.48.050 shall be amended as follows:

19.48.050. Required spaces — for Stand-Alone Commercial and other uses.

17. On Page 2 of the proposed new DESIGN GUIDELINES, Section 5.0 Ground Floor Uses and Street Level Design shall be amended to add the following new guideline:

- 5.6 Public views towards the ocean from public vantages shall be protected and preserved through the use of setbacks and stepbacks.

October 22, 2013

Page 11

Detailed design standards and criteria should be developed for the Seacoast area. The standards and criteria should provide specific direction as to the design quality and image desired by the community.



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ANDY HALL, CITY MANAGER *AH*

MEETING DATE: NOVEMBER 20, 2013

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT AND PUBLIC SAFETY DEPARTMENTS *SW*

SUBJECT: ADOPTION OF ORDINANCE NO. 2013-1143, INTRODUCTION AND FIRST READING: ORDINANCE ADOPTING CALIFORNIA CODE OF REGULATIONS TITLE 24 PARTS 1 THROUGH 12, 2013 EDITION WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS

EXECUTIVE SUMMARY:

Every three years the California State Building Standards Commission (CSBSC) revises Title 24, the California Building Codes. All jurisdictions are required to adopt these codes and are given an opportunity to amend the code provisions as necessary to meet local conditions. Without taking action to revise the codes prior to the codes coming into effect, the City loses the opportunity to revise the regulations governing new construction. Also with the adoption of the new Building Codes, changes to the Municipal Code are included to reference the codes and make minor changes to Chapters 8 and 15 of the Municipal Code to coordinate code and zoning requirements. Staff recommends the adoption of these code amendments contained in Ordinance No. 2013-1143 with incorporation of language from our previously approved code adoption and other minor technical changes.

BACKGROUND:

In 2010, the City Council adopted the current edition of California Code of Regulations Title 24 with local amendments by Ordinance Numbers 2010-1113 and 2010-1114 as part of the California State Building Standards Commission (CSBSC) code adoption cycle. On a triennial basis the CSBSC adopts the newly revised International Building and Fire Codes or "model codes" in an effort to remain compliant with advancements in recognized fire protection methods and building standards. Local municipalities are provided the opportunity to address the specific needs of their communities and make changes to the codes based upon the specific requirements of their region.

On July, 1 2013, the CSBSC published the 2013 edition of California Code of Regulations, Title 24, allowing the City of Imperial Beach this opportunity to amend new codes before becoming effective January 1, 2014.

ANALYSIS:

California Code of Regulations, Title 24 is divided into 12 individual parts addressing the requirements of new building construction and the maintenance of existing properties. When city staff finds that code sections do not adequately meet the needs of their community, more restrictive regulations may be adopted but must meet state approval. Codes specifically addressing the administrative sections of Title 24 do not require state approval and may be locally amended to meet the needs of the city. After careful review of the new codes, city staff has determined that only minor technical changes are needed at this time. Portions of the administrative section will receive minor revision to resolve language that conflicts within the existing Imperial Beach Municipal Code; additionally equivalent changes will occur within the Imperial Beach Municipal Code to further enhance the ability of city staff to maintain building safety standards. To complete our code adoption, previously approved changes included in the 2010 code adoption ordinance have been carried forward in this adoption as they continue to enhance the city's ability to effectively maintain public safety and provide aid within our community.

Staff recommends adopting the 2013 California Code of Regulations, Title 24, including the appendix chapters with the amendments, revisions, and additions described in Exhibits A to M.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

There is no anticipated fiscal impact to the city.

RECOMMENDATION:

Staff Recommends that the Mayor and City Council:

1. Receive the report;
2. Mayor calls for introduction of Ordinance No. 2013-1143, adopting California code of regulations Title 24 parts 1 through 12, the California Building Standards Code, 2013 edition with local amendments;
3. City Clerk reads title of Ordinance No. 2013-1143; and
4. Motion to introduce and hold the first reading of Ordinance No. 2013-1143 by title only, waive further reading in full and set the matter for second reading by title only and adoption at the next regularly scheduled City Council meeting of December 04, 2013 and authorize the publication in a newspaper of general circulation.

Attachments:

1. Ordinance No. 2013-1143
2. Exhibits A through M

ORDINANCE NO 2013-1143

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING CHAPTERS 8.50, 15.02, 15.04, 15.06, 15.08, 15.16, 15.20, 15.28, 15.32, and 15.38, ADDING CHAPTERS 15.14, 15.18, and 15.34 AND REPEALING CHAPTERS 15.24 AND 15.40 OF THE IMPERIAL BEACH MUNICIPALCODE

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

WHEREAS, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2013 California Building Standards Code, Title 24 of the California Code of Regulations; and

WHEREAS, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2013 California Building Standards Code, together with the City of Imperial Beach amendments, which collectively shall be the City of Imperial Beach Building Code, for the purpose of prescribing regulations in the City of Imperial Beach; and

WHEREAS, local amendments adopted by the City of Imperial Beach shall take precedence over the 2013 California Building Standards Code; and

WHEREAS, Health & Safety Code Section 17958.5 permits the City of Imperial Beach to make such changes or modifications to the 2013 California Building Standards Code as are reasonably necessary because of local conditions; and

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

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

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

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

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

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

SECTION 1: The above recitals are true and correct and incorporated herein as though set forth in full.

SECTION 2: Code Adoption and Availability

That certain documents, one (1) copy of which is on file in the office of the Building Official of the City of Imperial Beach, being marked and designated as the 2013 California Building Standards Code, including Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Building and Fire Code of the City of Imperial Beach, in the State of California regulating and governing the conditions and maintenance of all property, facilities, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building and Fire Code on file in the office of the City of Imperial Beach are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Exhibits A and B of this ordinance.

SECTION 3: Chapter 8.50, Substandard Buildings and Property, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit A.

SECTION 4: Chapter 15.02, Administrative Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit B.

SECTION 5: Chapter 15.04, Residential Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit C.

SECTION 6: Chapter 15.06, Building Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit D.

SECTION 7: Section 15.08.050 of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit E.

SECTION 8: Chapter 15.14, Historical Building Code, is added to the Imperial Beach Municipal Code as set forth in Exhibit F.

SECTION 9: Chapter 15.16, Electrical Code, of the Imperial Beach Municipal Code is amended as set forth in Exhibit G.

SECTION 10: Chapter 15.18, Existing Building Code, is added to the Imperial Beach Municipal Code as set forth in Exhibit H.

SECTION 11: Chapter 15.20, Fire Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit I.

SECTION 12: Chapter 15.24, Housing Code, is deleted from the Imperial Beach Municipal Code.

SECTION 13: Chapter 15.28 Mechanical Code of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit J.

SECTION 14: Chapter 15.32, Plumbing Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit K.

SECTION 15: Chapter 15.34, Referenced Standards Code, of the Imperial Beach Municipal Code is added to read as set forth in Exhibit L.

SECTION 16: Chapter 15.38, Green Building Code, of the Imperial Beach Municipal Code is amended to read as set forth in Exhibit M. .

SECTION 17: Chapter 15.40, Dangerous Building Code, is deleted from the Imperial Beach Municipal Code.

SECTION 18: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Imperial Beach hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 19: Nothing in this ordinance or in the Building Standards Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 20: The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast pursuant to the provisions of Government Code section 36933. Upon passage, the City Clerk shall transmit a copy of this Ordinance to the California Building Standards Commission pursuant to Health and Safety Code section 17958.7.

SECTION 21: This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2014.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 20th day of November 2013; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 04th day of December 2013, 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

EXHIBIT A to ORDINANCE NO. 2013-1143**Chapter 8.50. SUBSTANDARD BUILDINGS AND PROPERTY****8.50.010. Short title.**

The ordinance codified in this chapter shall be known as the “Substandard Building Code” of the City of Imperial Beach.

8.50.010.1 Purpose.

The purpose of this Code is to regulate all existing buildings and structures to ensure that they are maintained to the standard desired by the City to ensure a safe, healthy, and attractive community. The City Council and citizens of this community have determined that to maintain a vibrant and active lifestyle the physical condition of the City is an important aspect of government. In addition to the provisions of the Building and Fire Codes, the City may enforce these provisions through an administrative process, or through other options under the Municipal Code, to identify and cause correction of these standards.

8.50.020. Definitions generally.

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

8.50.030. Defined.

For the purpose of this chapter, the definition of an unsafe building will be as stated in section 116 of the adopted Building Code for unsafe structures and equipment. Unsafe structures are by inference substandard and a blight on the community and shall be made safe or removed in accordance with this standard and that of the adopted Building and Fire Codes.

8.50.040. Substandard Buildings – Sanitation.

For the purpose of this chapter, any building, structure or portion thereof, including any dwelling unit, guest room or suite of rooms, which has any or all of the conditions or defects hereinafter described to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof, shall be deemed and is declared to be a substandard building. Substandard buildings shall include inadequate sanitation, which includes, but is not limited to, the following:

- A. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit,

- B. Lack of or improper kitchen sink,
- C. Lack of hot and cold running water to plumbing fixtures in a dwelling unit,
- D. Lack of or improper operation of necessary heating and ventilating equipment,
- E. Lack of reasonable amounts of natural light and ventilation,
- F. Room and space dimensions less than required by this code,
- G. Lack of necessary electrical lighting,
- H. Infestation of insects, vermin or rodents,
- I. Lack of connection to required sewage disposal system.
- J. Lack of garbage removal or storage.
- K. Water damage or lack of adequate drainage.

8. 50.050 Substandard Buildings - Structural Hazards.

Substandard buildings shall include, structural hazards, which shall include, but are not limited, to whenever the building, structure or any portion thereof, is likely to partially or completely collapse or detach because of:

- A. Dilapidation, deterioration or decay,
- B. Faulty construction,
- C. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building,
- D. The deterioration, decay or inadequacy of its foundation, or
- E. Deteriorated or inadequate foundations,
- F. Defective or deteriorated flooring or floor supports,
- G. Flooring or floor supports of insufficient size to carry imposed loads with safety,
- H. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration,
- I. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety,
- J. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material insufficient size or deterioration,
- K. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration,
- L. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety,
- M. Glass windows or doors of the structure that are broken.
- N. All premises on which any abandoned underground storage tanks, cesspools, wells, pits, shafts or other dangerous excavations may exist;

8.50.060. Substandard Buildings - Damaged Buildings

Substandard buildings shall include damaged buildings, which shall include, but not be limited to, whenever the building, structure or portion thereof has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to:

- A. Become an attractive nuisance to people,

- B. Become a harbor for trespassers, or
- C. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts,

8.50.070. Substandard Buildings - Use Violations.

Substandard buildings shall include the following use violations:

- A. Use violations occur whenever any building, structure or portion thereof has been used, constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this code;
- B. Improper Occupancy. All buildings, structures or portions thereof occupied for any purpose other than that for which they were approved, including all buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies. Garages are not habitable spaces and are not intended for any other use than storage and vehicle parking;

8.50.080 Substandard Buildings - Utility Systems , Egress, Fire Systems.

Substandard buildings shall include problematic utility systems, egress and fire systems, which shall include, but be limited to:

- A. Hazardous Wiring. Wiring that was installed without the benefit of inspection, has degraded, become overloaded, or misused will be considered unsafe. Except that installed in accordance with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;
- B. Hazardous Plumbing. Plumbing that was installed without the benefit of inspection, has degraded, failed, collapsed, or become unsanitary. Except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections;
- C. Hazardous Mechanical Equipment. All mechanical equipment installed without the benefit of inspections, that has degraded, become inoperable, lacks combustion air, adequate vents, improper gas connections, and inoperable controls. Except those that conformed with all applicable laws in effect at the time of installation, and which has been maintained in good and safe condition;
- D. Inadequate Exits. All buildings, structure or portions thereof, not provided with adequate exit facilities as required by the building code at the time of construction. Those buildings, structures or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupancy load, alteration or addition or any change in occupancy;
- E. Hazardous Residential emergency exits from bedrooms. Bedrooms are unsafe when not provided with windows or doors that meet the emergency egress

requirements of the current Residential Building Code. When windows or doors are replaced or repaired in bedrooms they shall be installed to meet the current residential code requirements. Bedrooms that lack emergency egress are not to be utilized for sleeping purposes.

- F. Inadequate Fire Protection or Firefighting Equipment. All buildings, structures or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy;
- G. Abandoned or Partial Buildings. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months, so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

8.50.090. Additional substandard conditions but not considered unsafe by definition designated.

For the purpose of this chapter, any building, structure or portion thereof which has any one or more of the following conditions constitutes substandard property but are not unsafe by strict interpretation and that need to be repaired before becoming unsafe or its dilapidated appearance affects the surrounding neighborhood:

- A. Unpainted buildings or buildings with dry rot, warping and/or termite infestation;
- B. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;
- C. Attractive nuisances dangerous to children in the form of unattended, abandoned or broken equipment and neglected machinery;
- D. Clotheslines in front yard areas;
- E. Lack of adequate garbage and rubbish storage and removal facilities;
- F. Trash and garbage containers stored in front of side yards and visible from public streets, except when placed in areas of collection at times permitted in compliance with this code;
- G. Fences (including retaining walls) which are not constructed of new or suitable used material, do not conform with the methods of construction pursuant to the requirements of the Building Code, or are not maintained in a state of good repair. Any dilapidated, dangerous or unsightly fence or retaining wall shall be repaired or removed. Temporary materials shall not be permitted as a fencing material;
- H. The parking or storage of motorized or non-motorized vehicles, motorcycles, trailers, campers, boats and other mobile equipment in the front yard area of property located in a residential zone (as defined in Section 19.04.650 of this code);
- I. The parking or storage of any type of motorized or non-motorized vehicle, motorcycle, or recreational vehicle off a paved driveway, on a lawn or on unpaved areas, on property located in a residential zone (as defined in Section 19.04.650 of this code);

- J. Storage of machinery or parts thereof, or material or equipment associated with building, painting, plumbing and electrical contracting and services and similar activities, including implements or tools (other than what is stored and carried in a motor vehicle) having a power rating of greater than one horsepower, on property located in a residential zone (as defined in Section 19.04.650 of this code).
- K. Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance;
- L. Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property values of such adjacent properties;
All premises on which there are any "weeds," as described in Government Code Section 39561.5, rubbish or refuse found upon parkways, sidewalks, or private property within the city.

8.50.100 Inspections and Enforcement of Chapter.

The City Manager, Public Safety Director, Building Official, and their designees are authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter. . By direction the Code Compliance Officers, Fire Prevention Officers and other delegated personnel may enforce the provisions of this Code, pursuant to applicable law, including, but not limited to, chapters 1.12, 1.16, 1.18 and 1.22 of this Municipal Code.

8.50.110 Public nuisances to be abated.

All buildings, structures, properties or portions thereof which are determined by inspection to be substandard are declared to be public nuisances, and may be abated by repair, rehabilitation, demolition, removal or clearing in accordance with the procedure specified in this chapter or as otherwise provided in this Municipal Code.

8.50.120 Commencement of proceedings to compel repairs or demolition.

1. Whenever the building official or the public safety director has inspected or caused to be inspected any building, structure, property or portion thereof, and has found and determined it to be substandard, the building official or the public safety director shall commence proceedings to cause repair, rehabilitation, demolition or abatement of the violations of this chapter.
2. Standards for maintenance of buildings awaiting demolition or repair may be enforced, which shall include, but not be limited to the following:
 1. Unsafe structures and buildings shall be made safe by providing a 6 foot tall chain link fence around the property or structure.
 2. The building or structure may be tightly enclosed with structural sheathing securely fastened within door and window casings and all other openings

covered. The sheathing shall be painted to reduce the detrimental effect of the abandonment on the neighborhood.

3. The property shall be kept free of weeds, trash, and vehicles.
4. Utilities shall be disconnected before the service entrance and made secure.

8.50.130 Notice and appeal—Housing violations—Notification of Franchise Tax Board.

A. The City Manager and the City Attorney are authorized to determine whether any rental housing within the city is in violation of state or local law. Following such determination, the property owner shall be notified by the building official and/or the city attorney that failure to correct substandard conditions on the property within six months will result in notification of the Franchise Tax Board.

B. If the conditions are not brought into compliance within six months, the building official may be directed to prepare and mail by certified mail, postage prepaid, return receipt requested, a notice of noncompliance to the affected property owner. Such notice shall reflect that substandard housing conditions have not been cured within the time prescribed by law and shall advise the property owner of a right to appeal.

1. The affected property owner may appeal the city manager or city attorney's determination by filing a written request with the city clerk within ten days of the date of the notice of noncompliance. The filing of such appeal shall stay notification of the State Franchise Tax Board until the council has acted on the appeal.

2. If no appeal is filed within ten days, the building official shall forward a copy of the notice of noncompliance to the State Franchise Tax Board. The council may also be requested by staff to approve any actions already taken with respect to such notification, including forwarding such notice to the Franchise Tax Board.

C. The city council shall review evidence submitted on appeal, and affirm, modify or reverse the determination with respect to the existence of state law or Municipal Code violations on the property.

1. If the council determines that a violation exists on the property, the building official shall be directed to forward a copy of the notice of noncompliance to the State Franchise Tax Board.

D. Upon appeal, the city council shall make written findings on the evidence and a copy of such findings shall be mailed by certified mail, postage prepaid, return receipt requested, to the affected property owner. Action by the city council on the appeal shall be final and conclusive.

8.50.140 Compliance with chapter—Penalty for violation.

No person, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person violating the provisions of this chapter is guilty of a misdemeanor for each day such violation continues. All violations of this chapter shall be subject to civil penalties in accordance with Chapter 1.12 of this code.

EXHIBIT B to ORDINANCE NO. 2013-1143

Chapter 15.02. ADMINISTRATIVE CODE

15.02.010. Adoption.

The 2013 California Administrative Code (Part 1 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as a part of the Building and Fire Codes of the City of Imperial Beach.

EXHIBIT C to ORDINANCE NO. 2013-1147

Chapter 15.04. RESIDENTIAL CODE

15.04.010. Adoption.

Except as provided in Chapter 15.06.020, the 2013 California Residential Code (Part 2.5 of Title 24 or the California Code of Regulations) is adopted and incorporated by reference as the Residential Code of the City of Imperial Beach.

EXHIBIT D to ORDINANCE NO. 2013-1143

Chapter 15.06. BUILDING CODE

15.06.010. Adoption.

Except as provided in Chapter 15.02 and in this chapter, the 2013 California Building Code (Part 2 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Building Code of the City of Imperial Beach.

15.06.020. Amendments.

As provided in Chapter 15.02 and this chapter, amendments are adopted and incorporated as part of the Building Code and Residential Codes of the City of Imperial Beach.

- A. 2013 California Building Code Appendix I, Patio Covers, is adopted.
- B. 2013 California Residential Code Appendix G Swimming Pools, Spa and Hot Tubs is adopted.
- C. Chapter 1 Administration is adopted with the following specific code reference amendments:

Division II of Chapter 1 of Part 2 (2013 California Building Code) and Division II of Chapter 1 of Part 2.5 (2013 California Residential Code) specific sections are amended to read as follows:

SECTION 101

GENERAL

101.1 Title. These regulations shall be known as the City of Imperial Beach Administrative Regulations for Building, Fire, and Housing Codes including the 2013 California Building Code, 2013 California Residential Code, 2013 California Green Building Code, 2013 California Electrical Code, 2013 California Plumbing Code, and 2013 California Mechanical Code, 2013 California Energy Code, 2013 California Fire Code, 2013 California Historical Building Code, 2013 California Existing Building Code, 2013 Referenced Standards Code, and shall be cited as such and will be referred to hereinafter as “this code.”

101.2 Purpose. The purpose of this chapter is to provide for the administration and enforcement of the California Building Standard Code and other adopted codes of the City of Imperial Beach relating to building construction, property maintenance, housing standards, dangerous buildings, fire regulations and other codes as adopted by this jurisdiction within Title 15 of the Imperial Beach Municipal Code.

101.3.1 Scope. The provisions of this chapter shall serve as the administrative, organizational and enforcement rules and regulations for Title 15 of the Imperial Beach Municipal Code and shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of

every building, structure or facilities serving such structures or any appurtenances connected or attached to such building or structures. These provisions will apply to codes contained within section 101.1 of this code.

Exemption for Pending Applications. The provisions of this chapter shall not apply to any building or structure for which a completed application was accepted by the building division for a construction or demolition permit prior to January 1, 2014. Such buildings or structures shall be erected, constructed, enlarged, altered or repaired in accordance with the provisions in effect at the date of said application.

101.3.2 Intent. The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation, disabled access and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

101.5 One copy of the California Building Standards Code and each code mentioned in section 101.1 of the Imperial Beach Municipal Code is on file in the Office of the City Building Official, City of Imperial Beach, for the use and examination of the public, and each and every provision, section, table, diagram, illustration, figure, phrase and paragraph thereof, including all appendices, thereto, except as expressly deleted, added to, excepted, modified or amended by this chapter.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.1.1 When conflicting provisions or requirements occur between this code and chapters elsewhere in Title 8 and 15 of the Imperial Beach Municipal Code or other codes or laws, the most restrictive code shall govern.

102.1.2 When conflicts occur between specific provisions of this code and administrative provisions elsewhere in Title 8 and 15 of the Imperial Beach Municipal Code, which is applicable within this jurisdiction, the provisions of this chapter shall prevail.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.7.3 Existing Installations. Building service equipment lawfully in existence at the time of the adoption of Title 15 of the Imperial Beach Municipal Code may have such use, maintenance or repair continued if such use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

102.7.5 Maintenance. Building, structures, facilities and its building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the Imperial Beach Municipal Code when installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this section, the Building Official may cause a structure to be re-inspected.

105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory buildings to one- and two-family dwellings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²) and a five (5') foot set back from property lines and other structures is maintained and no plumbing or electrical systems are installed.
2. Fences not over 6 feet (1,829 mm) high. Masonry block fences not over 3 feet above grade. Corner lot fences are subject to review for height limitations.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A Liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than thirty (30") inches (762 mm) above grade and not over any basement or story below and are not part of an accessible route.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment accessory to detached one and two family dwellings.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. No fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
11. Residential decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

12. Roof repairs. Replacement, repair or overlay of less than 101 square feet of an existing roof within any twelve (12) month period.

105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall require all existing portions of the entire building, or structure to meet the requirements of Section R322 and all requirements of Chapter 15.50 of Title 15 of the Imperial Beach Municipal Code.

105.5.1 Expired permits. Before work can be recommenced, a new permit shall be first obtained to do so, and a fee equal to the established hourly rate for City staff to complete all work shall be paid, provided no changes have been made or will be made in the original plans and specifications for such work. Permits shall not be extended more than once, except that, the Building Official may approve a maximum of one additional extension of 180 days when the applicant demonstrates that special unusual circumstances exist. All expired permits not acted on after receipt of 30 day notification from the building official will become a violation of this code if not acted upon during the 30 day period and will become subject to a code lien on the property to insure new property owners are advised of pending violations on the property.

105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

105.9 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structure, and sites for which an application has been filed.

107.2.5.1 Information for construction in flood hazard areas. For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), construction documents shall show compliance with Chapter 15.50 of Title 15 of the Imperial Beach Municipal Code and include:

1. Delineation of flood hazard area, floodway boundaries and flood zones and the design flood elevation, as appropriate;

2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
4. If the design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

107.2.5.2 Design flood elevation elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 and with Chapter 15.50 of Title 15 of the Imperial Beach Municipal Code.

107.2.5.3 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new constructions and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

107.5 Retention of plans. One set of approved plans shall be retained by the building official for the life of the building or as required by state law. One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

SECTION 113

BOARD OF APPEALS

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals hereafter known also as the Local Appeals Board. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be the City Council. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. Appeals to the Local Appeals Board shall be processed in accordance with the provisions and procedures contained in Chapter 15.40 of Title 15 of the Imperial Beach Municipal Code.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to interpret the administrative provisions of this code, nor shall the Board be empowered to waive requirements of this code.

Delete Section 113.3 Qualifications.

113.3 Appeals. Any person, firm or corporation may register an appeal with the Local Appeals Board for review of any decision of the Building Official about this code, provided that the appeal is made in writing within thirty (30) days of receipt of notice and is accompanied with the administrative fee specified in the City's fee schedule for an appeal. All appeals where notices declaring structures or equipment "Dangerous" must be submitted within ten (10) days of receipt of notice.

113.3.1 Conditions. Any person shall be permitted to appeal a decision of the Building Official or Fire Chief to the Local Appeals Board when it is claimed that any one or more of the following conditions exists.

- i. The true intent of this Title as described in those codes has been incorrectly interpreted;
- ii. A provision in this code do not apply;
- iii. A decision is arbitrary as it applies to alternatives, new materials or interpretations of this Title.

113.4 Request for Appeals Action Ratification. For the purposes of this chapter, "Request for Ratification" shall mean actions required under Section 1.9.1.5 of the California Building Code. A written request by the Building Official that the Board approve a proposed solution based upon a finding of "unreasonable hardship" as that term is used in Title 24 of the California Code of Regulations.

113.4.1 Request. The Board must have approved a Request for Ratification, prior to the approval of plans or issuance of a permit, which requires a finding of unreasonable hardship from an appeal to the Building Official.

113.4.2 Agenda. The Building Official shall place any appeal consisting of a request for ratification to determine an unreasonable hardship on the Board's Agenda in compliance with provisions contained in this section.

113.5 Decisions. The Board shall not render any decision allowing a proposed design solution unless, after the hearing, it finds on the basis of substantial evidence that:

- i. The proposed design is satisfactory and complies with the intent of this chapter;
- ii. The proposed design meets the requirements of Title 24;
- iii. Board decisions overruling the Building Official's decisions shall require four (4) votes. Board decisions ratifying the Building Official's requests for ratification shall require three (3) votes; and
- iv. Should the Board render a decision contrary to that of the Building Official, then the decision of the Board shall be deemed the decision of the Building Official.

113.5.1 Decisions Findings and Order.

- i. The decision of the Board shall be final and conclusive.
- ii. The findings and order of the Board shall include the following notice:

iii. Notice to Parties. The time within which judicial review must be sought to review this decision is governed by the provisions of California Code of Civil Procedure Section 1094.6.

113.5 Administration. The building official shall take immediate action in accordance with the decision of the board.

EXHIBIT E to ORDINANCE NO. 2013-1143

Chapter 15.08. NUMBERING OF BUILDINGS

15.08.050. Numeral Placement and Size.

Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a 1/2 " stroke for residential buildings and individual dwelling units of multi residential buildings, 8" high with a 1/2" stroke for commercial buildings, industrial buildings and multi-residential buildings having eight individual dwelling units or more. Additional numbers shall be required where deemed necessary by the Fire Code Official, such as rear access doors, building corners, and entrances to commercial centers.

EXHIBIT F to ORDINANCE NO. 2013-1143

Chapter 15.14. HISTORICAL BUILDING CODE

15.14.10. Adoption.

The 2013 California Historical Building Code (Part 8 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as a part of the Building and Fire Codes of the City of Imperial Beach.

EXHIBIT G to ORDINANCE NO. 2013-1143

Chapter 15.16. ELECTRICAL CODE

15.16.010. Adoption.

The 2013 California Electrical Code (Part 3 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as a part of the Electrical Code of the City of Imperial Beach.

15.16.020. Amendments.

Amendments to the California Electrical Code, as provided in this chapter, are adopted and incorporated as part of the Building Code and Residential Codes of the City of Imperial Beach.

Article 690 Solar PhotoVoltaic Systems, III. Disconnecting Means Section 690.14 (C), (1) by changing the entire section to read: "The photovoltaic disconnecting means shall be installed at a readily accessible location on the outside of a building or as directed by the Building Official or Fire Inspector. Direct current systems that are installed in accordance with Section 690.31 (E) shall have a disconnect located prior to the conductors entering the building."

EXHIBIT H to ORDINANCE NO. 2013-1143

15.18. Existing Building Code

15.18.010. Adoption.

The 2013 California Existing Building Code, (Part 10 of Title 24 of The California Code of Regulations), is adopted and incorporated by reference as a part of the Building and Fire Codes of the City of Imperial Beach.

EXHIBIT I to ORDINANCE NO. 2013-1143

Chapter 15.20. FIRE CODE

15.20.010. Adoption.

Except as provided in and Chapter 15.20.020, the 2013 California Fire Code (Part 9 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Fire Code of the City of Imperial Beach.

15.20.020. Amendments.

As provided in this chapter, amendments are adopted and incorporated as part of the Fire Code of the City of Imperial Beach.

Chapter 1 Administration is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(R) Section 101.5 City of Imperial Beach Validity

The City of Imperial Beach hereby declares that should any section, paragraph, sentence or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City of Imperial Beach that it would have passed all other portions of this ordinance independently of the elimination here from of any such portion as may be declared invalid.

Chapter 1 - Section 102.13 Repeal of Conflicting Ordinances, Resolutions or motions is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(A) Section 102.13 REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS OR MOTIONS All former ordinances, resolutions or motions, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance or of the Code or standards hereby adopted are hereby repealed.

(R) Chapter 1 Administration - Section 109.4 Violation penalties - Any person who shall violate any of the provisions of this code or standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement or specification or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the attorney for the City of Imperial Beach or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$1000.00 or by imprisonment in County Jail not exceeding six (6) months, or both. The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 1 Administration - Section 111.4 Failure to Comply is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(R) Section 111.4 Failure to comply – Any person, who shall continue any work having been served with a stop work order, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than the amounts as established for administrative citations pursuant to Chapter 1.22 of the City of Imperial Beach Municipal Code.

Chapter 2 Definitions - Section 202 is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(A) MID-RISE BUILDING A building four stories or more in height, 75 feet or more in height and not defined as a high-rise building by section 202 of the California Building Code. Measurements shall be made from the midpoint of the highest portion of the roof or floor above the topmost space that may be occupied to the lowest fire department connection.

Chapter 3 General Precautions Against Fire - Section 319 is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

Section 319 is added to the California Fire Code to read:

SECTION 319 MID-RISE BUILDINGS

Sec 319.1 General All newly constructed mid-rise buildings or any mid-rise building which undergoes a complete renovation that requires the complete vacancy of the building to complete the renovation shall comply with this section.

Exceptions:

1. Buildings used exclusively as an open parking garage.
2. Buildings where all floors above the fourth floor level are used exclusively as an open parking garage.
3. Buildings such as a power plant, lookout tower, steeple, grain house, and other similar structures.

Sec. 319.1.1 Automatic fire sprinkler systems and standpipes Mid-rise buildings shall have an approved automatic fire sprinkler system designed and installed in conformance with the latest edition of NFPA 13 and in accordance with the following:

1. A shut-off valve and a water flow alarm shall be provided for each floor. Each shut-off valve and water flow alarm shall be electronically supervised.
2. Mid-rise buildings shall be provided with a class I standpipe system that is interconnected with the automatic fire sprinkler system. The system shall consist of 2½-inch hose valves located in each stair enclosure on every floor level. Two hose outlets shall be located on the roof outside of each stair enclosure which penetrates the roof. The standpipe system shall be designed, installed and tested in accordance with the edition of NFPA 14 as recognized in Chapter 80, Referenced Standards.
3. Fire department standpipe connections and valves serving the floor shall be within the vestibule and located in a manner so as not to obstruct ingress and egress when hose lines are connected and charged.

Chapter 5 Fire Service Features - Section 503 is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(A)Sec. 503.3.1 Fire Lane Designation Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code section 22500.1.

Chapter 5 Fire Service Features - Section 505 is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(R) Section 505.1 ADDRESS NUMBERS. Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a 1/2" stroke for residential buildings and individual dwelling units of multi residential buildings, 8" high with a 1/2" stroke for commercial buildings, industrial buildings and multi-residential buildings having eight individual dwelling units or more. Additional numbers shall be required where deemed necessary by the Fire Code Official, such as rear access doors, building corners, and entrances to commercial centers.

EXHIBIT J to ORDINANCE NO. 2013-1143

Chapter 15.28. MECHANICAL CODE

15.28.010. Adoption.

The 2013 California Mechanical Code (Part 4 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as part of the Mechanical Code of the City of Imperial Beach.

EXHIBIT K to ORDINANCE NO. 2013-1143

Chapter 15.32. PLUMBING CODE

15.32.010. Adoption.

The 2013 California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as part of the Plumbing Code of the City of Imperial Beach.

EXHIBIT L to ORDINANCE NO. 2013-1143

Chapter 15.34 REFERENCED STANDARDS CODE

15.34.010. Adoption.

The 2013 California Referenced Standards Code (Part 12 of Title 24 of the California Code of Regulations), is adopted and incorporated by reference as the Referenced Standards Code of the City of Imperial Beach.

EXHIBIT M to ORDINANCE NO. 2013-1143

Chapter 15.38. GREEN BUILDING CODE

15.38.010. Adoption.

The 2013 California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations) is adopted and incorporated by reference as the Green Building Code of the City of Imperial Beach.



AGENDA ITEM NO. 6.1

STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ANDY HALL, CITY MANAGER *AH*

MEETING DATE: NOVEMBER 20, 2013

ORIGINATING DEPT.: GREGORY WADE, ASSISTANT CITY MANAGER *GW*
ERIKA N. CORTEZ, HUMAN RESOURCES ANALYST *EC*

SUBJECT: RESOLUTION NO. 2013-7422 ADOPTING AND APPROVING
THE CITY SALARY & COMPENSATION PLAN FOR FY 2013-
2015

EXECUTIVE SUMMARY:

Staff is seeking adoption and approval of the Salary & Compensation Plan for Fiscal Year (FY) 2013-2015 to include a cost of living adjustment (COLA) resulting from the meet and confer process for employees represented by the Service Employees International Union (SEIU) and the Imperial Beach Firefighters' Association (IBFA). As it has been past practice for such increases, the FY 2013-2015 Salary & Compensation Plan would also include passing through to Management, Mid-management and Confidential employees, the same COLA provided to SEIU employees in addition to the benefits provided exclusively to Management, Mid-management and Confidential employees as described in the Benefits Summary of the Salary & Compensation Plan. The COLA and benefits would be retroactive to July 1, 2013.

BACKGROUND:

On May 15, 2013, the City Council adopted Resolution No. 2013-7333 adopting the FY 2013-2015 City Budget & Operating Guide. This budget allocates funding for employee wages in accordance with prepared salary schedule and employment agreements as contained in the Salary & Compensation Plan for FY 2013-2015.

At the August 7, 2013 meeting, the City Council approved and adopted a Letter of Intent to enter into a Memorandum of Understanding (MOU) with the members of the SEIU group, and on September 4, 2013, approved a Letter of Intent for the IBFA group.

ANALYSIS:

The City Manager maintains the authority under Ordinance No. 41 and under current adopted City Personnel Rules to establish or revise wages, salaries and materials for appointive staff and City employees for business and operational necessity subsequently approved by the City Council.

Approved Letters of Intent with SEIU and IBFA resulting from the meet and confer process include a COLA for employees represented by both labor union groups, retroactive to July 1, 2013, as follows:

<u>Employee Group:</u>	<u>Effective Date:</u>	<u>COLA%</u>
Miscellaneous Classified Service (SEIU)	7/1/13	3% (retroactive)
	7/1/14	3%
Public Safety Service (IBFA)	7/1/13	3% (retroactive)
	1/1/14	1.5%
	7/1/14	1.5%
	1/1/15	3%

These salary adjustments have been updated and included in the attached Salary & Compensation Plan for FY 2013-2015.

As has been the past practice, the City Manager desires to pass through to Management, Mid-management and Confidential employees, those compensation and benefits normally provided to employees represented by SEIU in addition to those benefits provided exclusively to Management, Mid-management and Confidential employees as provided in the attached Salary and Compensation Plan FY 2013-2015. The salary for management, mid-management and confidential employees include a cost of living adjustment, retroactive to July 1, 2013, as follows:

<u>Employee Group:</u>	<u>Effective Date:</u>	<u>COLA%</u>
Appointive Management & Confidential	7/1/13	3% (retroactive)
	7/1/14	3%

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

As adopted by Resolution No. 2013-7333, the adopted FY 2013-2015 City Budget & Operating Guide contains fiscal appropriations for Miscellaneous Classified Service, Public Safety Service (Fire), Appointive Management & Confidential groups services in all City Departments. The appropriations have been included and fall within the FY 2013-2015 Budget.

RECOMMENDATION:

That the City Council adopt Resolution No. 2013-7423 approving the Salary & Classification Plan FY 2013-2015 effective July 1, 2013.

Attachments:

1. Resolution No. 2013-7422
2. Salary & Compensation Plan FY 2013-2015

RESOLUTION NO. 2013-7422

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING AND APPROVING THE SALARY & COMPENSATION PLAN FOR FISCAL YEARS (FY) 2013-2015

WHEREAS, the FY 2013-2015 City Budget and Operating Guide allocates funding for employee wages in accordance with prepared salary schedules and employment agreements as contained in the Salary & Compensation Plan for FY 2013-2015; and

WHEREAS, the provisions of Ordinance No. 41 of the City of Imperial Beach provides that the City Manager maintains the authority under Ordinance No. 41 and under current adopted City Personnel Rules to establish or revise wages, salaries and materials, etc., for appointive staff and City employees as business and operational necessity subsequently approved by the City Council; and

WHEREAS, at the August 7, 2013 meeting, the City Council of the City of Imperial Beach approved and adopted a Letter of Intent to enter into a Memorandum of Understanding (MOU) with the members of the Service Employees International Union (SEIU), and on September 4, 2013, approved and adopted a Letter of Intent for the Imperial Beach Firefighters' Association (IBFA); and

WHEREAS, the approved Letters of Intent with SEIU and IBFA resulting from the meet and confer process include a cost of living adjustment (a "COLA") for employees represented by both groups, retroactive to July 1, 2013, as follows:

<u>Employee Group</u>	<u>Effective Date</u>	<u>COLA%</u>
SEIU	7/1/13	3% (retroactive)
	7/1/14	3%
IBFA	7/1/13	3%
	1/1/14	1.5%
	7/1/14	1.5%
	1/1/15	3%

WHEREAS, these salary adjustments have been updated in the Salary & Compensation Plan FY 2013-2015; and

WHEREAS, the City Manager desires to pass through to Management, Mid-management and Confidential employees, those compensation and benefits normally provided to employees represented by SEIU in addition to those benefits provided exclusively to Management, Mid-management and Confidential employees as provided in the attached Salary & Compensation Plan FY 2013-2015.

WHEREAS, the salary for Management, Mid-management and Confidential employees include a cost of living adjustment, retroactive to July 1, 2013, as follows:

<u>Employee Group</u>	<u>Effective Date</u>	<u>COLA%</u>
Appointive Management & Confidential	7/1/13	3% (retroactive)
	7/1/14	3%

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

1. The above recitals are true and correct.
2. The City Council hereby approves the Salary & Compensation Plan for FY 2013-2015 including the COLA resulting from the meet and confer process for both the SEIU and IBFA labor union groups, effective July 1, 2013.
3. The City Council hereby approves the compensation and benefits provided to employees represented by SEIU to Management, Mid-management and Confidential employees in addition to those benefits described under the Benefit Summary of the Salary & Compensation Plan for FY 2013-2015, retroactive to July 1, 2013.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of November 2013, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, MMC
CITY CLERK



City of Imperial Beach

**FY 2013-2015
SALARY & COMPENSATION PLAN**

**Adopted by Resolution No. 2013-7422
On November 20, 2013**

CITY OF IMPERIAL BEACH
POSITION CLASSIFICATIONS AND MONTHLY COMPENSATION SCHEDULE
EFFECTIVE JULY 1, 2013 - JUNE 30, 2015
 Approved by Reso. No. 2013-7422

<u>Job No.</u>	<u>Miscellaneous Employees</u>	<u>Range</u>	<u>Monthly Salary</u>	
			LOW	HIGH
5010	ACCOUNT/CLERK TECHNICIAN	32	2,646	- 3,377
5015	ADMINISTRATIVE ASSISTANT (CIP)	41	3,155	- 4,026
5020	ADMINISTRATIVE INTERN	29	2,405	- 3,072
5025	ADMINISTRATIVE INTERN-GIS	29	2,405	- 3,072
5030	ADMINISTRATIVE SECRETARY I	39	3,038	- 3,877
5040	ADMINISTRATIVE SECRETARY II	43	3,281	- 4,187
5050	ASSISTANT PLANNER	46	3,483	- 4,445
5065	ASSISTANT PROJECT MANAGER	52	3,916	- 4,998
5060	ASSOCIATE PLANNER	52	4,033	- 5,148
8010	BEACH LIFEGUARD I	30	2,500	- 3,191
8020	BEACH LIFEGUARD II	37	2,893	- 3,693
8030	BEACH LIFEGUARD LIEUTENANT	50	3,936	- 5,023
8040	BEACH LIFEGUARD SERGEANT	49	3,759	- 4,799
9010	BEACH MAINTENANCE WORKER	18	1,800	- 2,298
5068	BUILDING/CODE COMPLIANCE SPECIALIST	32	2,646	3,377
5070	BUILDING & PLANNING TECHNICIAN	42	3,193	- 4,077
5080	BUILDING/HOUSING INSPECTOR I	51	3,974	- 5,072
5090	BUILDING/HOUSING INSPECTOR II	55	4,367	- 5,574
9015	CAPITAL IMPROVEMENT PROGRAM MANAGER	56	4,476	- 5,713
6010	CLERK TYPIST	29	2,405	- 3,072
6020	CODE COMPLIANCE OFFICER	48	3,667	- 4,682
9020	CUSTODIAN	24	2,113	- 2,696
6050	CUSTOMER SERVICE SPECIALIST	41	3,155	- 4,026
6060	DEPUTY BUILDING OFFICIAL	74	6,880	- 8,781
9000	ENVIRONMENTAL PROGRAM SPECIALIST	46	3,483	- 4,445
6065	FIRE SAFETY INSPECTOR II	55	4,367	- 5,574
9030	FLEET SUPERVISOR	52	4,033	- 5,148
9040	GRAFFITI PROGRAM COORDINATOR	44	3,356	- 4,284
9050	GROUNDS & FACILITIES SUPERVISOR	56	4,476	- 5,713
9060	HEAVY EQUIPMENT OPERATOR	41	3,155	- 4,026
6070	JUNIOR CLERK TYPIST	19	1,850	- 2,361
9070	MAINTENANCE WORKER	33	2,694	- 3,439
9080	MAINTENANCE WORKER I	36	2,859	- 3,650
9090	MAINTENANCE WORKER II	41	3,155	- 4,026
11110	MECHANIC HELPER	15	1,667	- 2,126
11120	MECHANIC I	40	3,073	- 3,923
11130	MECHANIC II	45	3,386	- 4,322
6073	NETWORK SYSTEMS TECHNICIAN	38	2,988	- 3,812
6075	OFFICE SPECIALIST	29	2,405	- 3,072
11140	PIER/BEACH MAINTENANCE WORKER	32	2,646	- 3,377
6080	PROGRAM AIDE	10	1,494	- 1,907
11153	PUBLIC WORKS INSPECTOR	50	3,936	- 5,023
6090	PROGRAM COORDINATOR	30	2,500	- 3,191
11150	PROJECT MANAGER TECHNICIAN	45	3,386	- 4,322
7000	RECREATION LEADER	17	1,750	- 2,234
7010	RECREATION PROGRAM AIDE	10	1,494	- 1,907
7020	RECREATION PROGRAM COORDINATOR	34	2,721	- 3,474
7025	RESIDENTIAL FIRE/SAFETY INSPECTOR	39	3,038	- 3,877

CITY OF IMPERIAL BEACH
POSITION CLASSIFICATIONS AND MONTHLY COMPENSATION SCHEDULE
EFFECTIVE JULY 1, 2013 - JUNE 30, 2015
Amended by Reso. 2013-7422

<u>Job No.</u>	<u>Miscellaneous Employees (cont.)</u>	<u>Range</u>	<u>Monthly Salary</u>	
			LOW	HIGH
7030	SENIOR ACCOUNT/CLERK TECHNICIAN	38	2,988	3,812
7040	SENIOR PLANNER	61	5,065	6,468
11155	SENIOR PUBLIC WORKS SUPERVISOR	64	5,372	6,856
11160	SEWER SUPERVISOR	50	3,936	5,023
11165	SPECIAL PROJECTS MANAGER	BAND	5,981	10,766
11170	STREET SUPERVISOR	50	3,936	5,023
11180	TIDELANDS SUPERVISOR	50	3,936	5,023

<u>Job No.</u>	<u>Fire Department (sworn)</u>	<u>Range</u>	<u>Monthly Salary</u>	
			LOW	HIGH
8080	FIREFIGHTER	6	3,882	5,203
8085	FIREFIGHTER/PARAMEDIC RECRUIT	FP9	4,115	-
8090	FIREFIGHTER/PARAMEDIC	FP6	4,321	5,791
8060	FIRE ENGINEER	7	4,321	5,790
8070	FIRE ENGINEER/PARAMEDIC	FP7	4,644	6,224
8050	FIRE CAPTAIN	8	5,113	6,852
8055	FIRE CAPTAIN/PARAMEDIC	FP8	5,369	7,196

<u>Job No.</u>	<u>Confidential</u>	<u>Range</u>	<u>Monthly Salary</u>	
			LOW	HIGH
5040	ADMINISTRATIVE SECRETARY II (CM Office)	43	3,281	4,187
4010	DEPUTY CITY CLERK (Records Technician)	43	3,281	4,187
4020	FINANCIAL SERVICES ASSISTANT	48	3,667	4,682
6067	HUMAN RESOURCES TECHNICIAN	41	3,155	4,026
4030	PERSONNEL SERVICES ASSISTANT	51	3,974	5,072

<u>Job No.</u>	<u>Management and Mid-management</u>	<u>Range</u>	<u>Monthly Salary</u>	
			LOW	HIGH
2010	ADMINISTRATIVE SERVICES/FINANCE DIRECTOR	BAND	5,981	10,766
2020	ASSISTANT CITY MANAGER	BAND	11,158	13,303
6000	BUILDING OFFICIAL	BAND	5,930	8,751
2030	CITY CLERK	BAND	5,981	10,766
3010	CITY PLANNER	BAND	4,785	6,580
2040	COMMUNITY DEVELOPMENT DIRECTOR	BAND	5,981	10,766
3025	ENVIRONMENTAL PROGRAM MANAGER	BAND	4,785	6,580
3040	FINANCE SUPERVISOR	BAND	4,785	6,580
9035	GIS ADMINISTRATOR	BAND	4,785	6,580
3042	HUMAN RESOURCES ANALYST	BAND	4,187	5,384
3045	HUMAN RESOURCES MANAGER	BAND	4,785	6,580
3047	INFORMATION SYSTEMS MANAGER	BAND	4,785	6,580
3050	LIFEGUARD CAPTAIN	BAND	4,785	6,580
3060	MANAGEMENT ANALYST	BAND	4,187	5,384
2050	PUBLIC SAFETY DIRECTOR/FIRE CHIEF	BAND	5,981	10,766
2060	PUBLIC WORKS DIRECTOR	BAND	5,981	10,766
3070	PUBLIC WORKS SUPERINTENDENT	BAND	4,785	6,580

<u>Job No.</u>	<u>Elected and City Manager</u>	<u>Range</u>	<u>Monthly Salary</u>	
			LOW	HIGH
1010	CITY COUNCILMEMBER	N/A	300	
1020	CITY MANAGER	N/A	Contract	
1030	MAYOR	N/A	1,100	

**CITY OF IMPERIAL BEACH
SALARY RANGES AND STEPS
Miscellaneous Group
EFFECTIVE July 1, 2013 - June 30, 2015
By Reso. No. 2013-7422**

MISCELLANEOUS EMPLOYEES

	09/01	09/02	09/03	09/04	09/05	09/06
RANGE 09						
Hourly	8.4130	8.8350	9.2810	9.7470	10.2350	10.7450
BI-WEEKLY	673.04	706.80	742.48	779.76	818.80	859.60
ANNUAL	17499.04	18376.80	19304.48	20273.76	21288.80	22349.60
RANGE 10	10/01	10/02	10/03	10/04	10/05	10/06
Hourly	8.6200	9.0510	9.5040	9.9780	10.4790	11.0040
BI-WEEKLY	689.60	724.08	760.32	798.24	838.32	880.32
ANNUAL	17929.60	18826.08	19768.32	20754.24	21796.32	22888.32
RANGE 11	11/01	11/02	11/03	11/04	11/05	11/06
Hourly	8.8350	9.2810	9.7470	10.2350	10.7450	11.2830
BI-WEEKLY	706.80	742.48	779.76	818.80	859.60	902.64
ANNUAL	18376.80	19304.48	20273.76	21288.80	22349.60	23468.64
RANGE 12	12/01	12/02	12/03	12/04	12/05	12/06
Hourly	9.0580	9.5100	9.9850	10.4860	11.0110	11.5640
BI-WEEKLY	724.64	760.80	798.80	838.88	880.88	925.12
ANNUAL	18840.64	19780.80	20768.80	21810.88	22902.88	24053.12
RANGE 13	13/01	13/02	13/03	13/04	13/05	13/06
Hourly	9.2890	9.7540	10.2420	10.7520	11.2910	11.8570
BI-WEEKLY	743.12	780.32	819.36	860.16	903.28	948.56
ANNUAL	19321.12	20288.32	21303.36	22364.16	23485.28	24662.56
RANGE 14	14/01	14/02	14/03	14/04	14/05	14/06
Hourly	9.5180	9.9910	10.4950	11.0180	11.5710	12.1520
BI-WEEKLY	761.44	799.28	839.60	881.44	925.68	972.16
ANNUAL	19797.44	20781.28	21829.60	22917.44	24067.68	25276.16
RANGE 15	15/01	15/02	15/03	15/04	15/05	15/06
Hourly	9.6150	10.0920	10.5950	11.1250	11.6850	12.2670
BI-WEEKLY	769.20	807.36	847.60	890.00	934.80	981.36
ANNUAL	19999.20	20991.36	22037.60	23140.00	24304.80	25515.36
RANGE 16	16/01	16/02	16/03	16/04	16/05	16/06
Hourly	9.8550	10.3510	10.8680	11.4120	11.9870	12.5900
BI-WEEKLY	788.40	828.08	869.44	912.96	958.96	1007.20
ANNUAL	20498.40	21530.08	22605.44	23736.96	24932.96	26187.20
RANGE 17	17/01	17/02	17/03	17/04	17/05	17/06
Hourly	10.0990	10.6020	11.1330	11.6930	12.2740	12.8910
BI-WEEKLY	807.92	848.16	890.64	935.44	981.92	1031.28
ANNUAL	21005.92	22052.16	23156.64	24321.44	25529.92	26813.28
RANGE 18	18/01	18/02	18/03	18/04	18/05	18/06
Hourly	10.3830	10.9030	11.4490	12.0230	12.6260	13.2570
BI-WEEKLY	830.64	872.24	915.92	961.84	1010.08	1060.56
ANNUAL	21596.64	22678.24	23813.92	25007.84	26262.08	27574.56
RANGE 19	19/01	19/02	19/03	19/04	19/05	19/06
Hourly	10.6750	11.2120	11.7720	12.3600	12.9770	13.6230
BI-WEEKLY	854.00	896.96	941.76	988.80	1038.16	1089.84
ANNUAL	22204.00	23320.96	24485.76	25708.80	26992.16	28335.84
RANGE 20	20/01	20/02	20/03	20/04	20/05	20/06
Hourly	10.9390	11.4850	12.0580	12.6620	13.2920	13.9610
BI-WEEKLY	875.12	918.80	964.64	1012.96	1063.36	1116.88
ANNUAL	22753.12	23888.80	25080.64	26336.96	27647.36	29038.88
RANGE 21	21/01	21/02	21/03	21/04	21/05	21/06
Hourly	11.2120	11.7720	12.3600	12.9770	13.6230	14.3060
BI-WEEKLY	896.96	941.76	988.80	1038.16	1089.84	1144.48
ANNUAL	23320.96	24485.76	25708.80	26992.16	28335.84	29756.48

RANGE 22	22/01	22/02	22/03	22/04	22/05	22/06
Hourly	11.4920	12.0650	12.6690	13.3000	13.9680	14.6650
BI-WEEKLY	919.36	965.20	1013.52	1064.00	1117.44	1173.20
ANNUAL	23903.36	25095.20	26351.52	27664.00	29053.44	30503.20
RANGE 23	23/01	23/02	23/03	23/04	23/05	23/06
Hourly	11.7790	12.3670	12.9840	13.6310	14.3130	15.0310
BI-WEEKLY	942.32	989.36	1038.72	1090.48	1145.04	1202.48
ANNUAL	24500.32	25723.36	27006.72	28352.48	29771.04	31264.48
RANGE 24	24/01	24/02	24/03	24/04	24/05	24/06
Hourly	12.1900	12.7980	13.4360	14.1110	14.8150	15.5540
BI-WEEKLY	975.20	1023.84	1074.88	1128.88	1185.20	1244.32
ANNUAL	25355.20	26619.84	27946.88	29350.88	30815.20	32352.32
RANGE 25	25/01	25/02	25/03	25/04	25/05	25/06
Hourly	12.4960	13.1210	13.7740	14.4630	15.1880	15.9500
BI-WEEKLY	999.68	1049.68	1101.92	1157.04	1215.04	1276.00
ANNUAL	25991.68	27291.68	28649.92	30083.04	31591.04	33176.00
RANGE 26	26/01	26/02	26/03	26/04	26/05	26/06
Hourly	12.8120	13.4520	14.1250	14.8290	15.5690	16.3440
BI-WEEKLY	1024.96	1076.16	1130.00	1186.32	1245.52	1307.52
ANNUAL	26648.96	27980.16	29380.00	30844.32	32383.52	33995.52
RANGE 27	27/01	27/02	27/03	27/04	27/05	27/06
Hourly	13.1350	13.7960	14.4850	15.2090	15.9700	16.7670
BI-WEEKLY	1050.80	1103.68	1158.80	1216.72	1277.60	1341.36
ANNUAL	27320.80	28695.68	30128.80	31634.72	33217.60	34875.36
RANGE 28	28/01	28/02	28/03	28/04	28/05	28/06
Hourly	13.4650	14.1400	14.8520	15.5900	16.3730	17.1900
BI-WEEKLY	1077.20	1131.20	1188.16	1247.20	1309.84	1375.20
ANNUAL	28007.20	29411.20	30892.16	32427.20	34055.84	35755.20
RANGE 29	29/01	29/02	29/03	29/04	29/05	29/06
Hourly	13.8770	14.5700	15.3030	16.0710	16.8750	17.7220
BI-WEEKLY	1110.16	1165.60	1224.24	1285.68	1350.00	1417.76
ANNUAL	28864.16	30305.60	31830.24	33427.68	35100.00	36861.76
RANGE 30	30/01	30/02	30/03	30/04	30/05	30/06
Hourly	14.4220	15.1450	15.9050	16.7030	17.5360	18.4110
BI-WEEKLY	1153.76	1211.60	1272.40	1336.24	1402.88	1472.88
ANNUAL	29997.76	31501.60	33082.40	34742.24	36474.88	38294.88
RANGE 31	31/01	31/02	31/03	31/04	31/05	31/06
Hourly	14.7870	15.5250	16.3010	17.1190	17.9730	18.8710
BI-WEEKLY	1182.96	1242.00	1304.08	1369.52	1437.84	1509.68
ANNUAL	30756.96	32292.00	33906.08	35607.52	37383.84	39251.68
RANGE 32	32/01	32/02	32/03	32/04	32/05	32/06
Hourly	15.2660	16.0280	16.8320	17.6720	18.5540	19.4800
BI-WEEKLY	1221.28	1282.24	1346.56	1413.76	1484.32	1558.40
ANNUAL	31753.28	33338.24	35010.56	36757.76	38592.32	40518.40
RANGE 33	33/01	33/02	33/03	33/04	33/05	33/06
Hourly	15.5420	16.3220	17.1400	17.9950	18.8910	19.8390
BI-WEEKLY	1243.36	1305.76	1371.20	1439.60	1511.28	1587.12
ANNUAL	32327.36	33949.76	35651.20	37429.60	39293.28	41265.12
RANGE 34	34/01	34/02	34/03	34/04	34/05	34/06
Hourly	15.6980	16.4800	17.3050	18.1740	19.0860	20.0400
BI-WEEKLY	1255.84	1318.40	1384.40	1453.92	1526.88	1603.20
ANNUAL	32651.84	34278.40	35994.40	37801.92	39698.88	41683.20
RANGE 35	35/01	35/02	35/03	35/04	35/05	35/06
Hourly	16.0920	16.8960	17.7440	18.6340	19.5660	20.5430
BI-WEEKLY	1287.36	1351.68	1419.52	1490.72	1565.28	1643.44
ANNUAL	33471.36	35143.68	36907.52	38758.72	40697.28	42729.44
RANGE 36	36/01	36/02	36/03	36/04	36/05	36/06
Hourly	16.4940	17.3210	18.1880	19.0990	20.0540	21.0590
BI-WEEKLY	1319.52	1385.68	1455.04	1527.92	1604.32	1684.72
ANNUAL	34307.52	36027.68	37831.04	39725.92	41712.32	43802.72

RANGE 37	37/01	37/02	37/03	37/04	37/05	37/06
Hourly	16.6910	17.5290	18.4030	19.3220	20.2910	21.3030
BI-WEEKLY	1335.28	1402.32	1472.24	1545.76	1623.28	1704.24
ANNUAL	34717.28	36460.32	38278.24	40189.76	42205.28	44310.24
RANGE 38	38/01	38/02	38/03	38/04	38/05	38/06
Hourly	17.2360	18.0950	18.9990	19.9470	20.9450	21.9930
BI-WEEKLY	1378.88	1447.60	1519.92	1595.76	1675.60	1759.44
ANNUAL	35850.88	37637.60	39517.92	41489.76	43565.60	45745.44
RANGE 39	39/01	39/02	39/03	39/04	39/05	39/06
Hourly	17.5270	18.4030	19.3220	20.2910	21.3030	22.3650
BI-WEEKLY	1402.16	1472.24	1545.76	1623.28	1704.24	1789.20
ANNUAL	36456.16	38278.24	40189.76	42205.28	44310.24	46519.20
RANGE 40	40/01	40/02	40/03	40/04	40/05	40/06
Hourly	17.7280	18.6180	19.5530	20.5280	21.5550	22.6310
BI-WEEKLY	1418.24	1489.44	1564.24	1642.24	1724.40	1810.48
ANNUAL	36874.24	38725.44	40670.24	42698.24	44834.40	47072.48
RANGE 41	41/01	41/02	41/03	41/04	41/05	41/06
Hourly	18.2000	19.1070	20.0620	21.0670	22.1210	23.2280
BI-WEEKLY	1456.00	1528.56	1604.96	1685.36	1769.68	1858.24
ANNUAL	37856.00	39742.56	41728.96	43819.36	46011.68	48314.24
RANGE 42	42/01	42/02	42/03	42/04	42/05	42/06
Hourly	18.4240	19.3430	20.3130	21.3310	22.4030	23.5210
BI-WEEKLY	1473.92	1547.44	1625.04	1706.48	1792.24	1881.68
ANNUAL	38321.92	40233.44	42251.04	44368.48	46598.24	48923.68
RANGE 43	43/01	43/02	43/03	43/04	43/05	43/06
Hourly	18.9270	19.8760	20.8660	21.9060	23.0040	24.1530
BI-WEEKLY	1514.16	1590.08	1669.28	1752.48	1840.32	1932.24
ANNUAL	39368.16	41342.08	43401.28	45564.48	47848.32	50238.24
RANGE 44	44/01	44/02	44/03	44/04	44/05	44/06
Hourly	19.3590	20.3270	21.3470	22.4160	23.5360	24.7130
BI-WEEKLY	1548.72	1626.16	1707.76	1793.28	1882.88	1977.04
ANNUAL	40266.72	42280.16	44401.76	46625.28	48954.88	51403.04
RANGE 45	45/01	45/02	45/03	45/04	45/05	45/06
Hourly	19.5350	20.5150	21.5400	22.6180	23.7510	24.9350
BI-WEEKLY	1562.80	1641.20	1723.20	1809.44	1900.08	1994.80
ANNUAL	40632.80	42671.20	44803.20	47045.44	49402.08	51864.80
RANGE 46	46/01	46/02	46/03	46/04	46/05	46/06
Hourly	20.0950	21.1030	22.1580	23.2640	24.4250	25.6460
BI-WEEKLY	1607.60	1688.24	1772.64	1861.12	1954.00	2051.68
ANNUAL	41797.60	43894.24	46088.64	48389.12	50804.00	53343.68
RANGE 47	47/01	47/02	47/03	47/04	47/05	47/06
Hourly	20.6000	21.6330	22.7180	23.8520	25.0420	26.2920
BI-WEEKLY	1648.00	1730.64	1817.44	1908.16	2003.36	2103.36
ANNUAL	42848.00	44996.64	47253.44	49612.16	52087.36	54687.36
RANGE 48	48/01	48/02	48/03	48/04	48/05	48/06
Hourly	21.1550	22.2150	23.3270	24.4980	25.7250	27.0100
BI-WEEKLY	1692.40	1777.20	1866.16	1959.84	2058.00	2160.80
ANNUAL	44002.40	46207.20	48520.16	50955.84	53508.00	56180.80
RANGE 49	49/01	49/02	49/03	49/04	49/05	49/06
Hourly	21.6840	22.7680	23.9090	25.1070	26.3640	27.6840
BI-WEEKLY	1734.72	1821.44	1912.72	2008.56	2109.12	2214.72
ANNUAL	45102.72	47357.44	49730.72	52222.56	54837.12	57582.72
RANGE 50	50/01	50/02	50/03	50/04	50/05	50/06
Hourly	22.7080	23.8450	25.0360	26.2850	27.5980	28.9760
BI-WEEKLY	1816.64	1907.60	2002.88	2102.80	2207.84	2318.08
ANNUAL	47232.64	49597.60	52074.88	54672.80	57403.84	60270.08

RANGE 51	51/01	51/02	51/03	51/04	51/05	51/06
Hourly	22.9250	24.0730	25.2800	26.5440	27.8710	29.2630
BI-WEEKLY	1834.00	1925.84	2022.40	2123.52	2229.68	2341.04
ANNUAL	47684.00	50071.84	52582.40	55211.52	57971.68	60867.04
RANGE 52	52/01	52/02	52/03	52/04	52/05	52/06
Hourly	23.2680	24.4330	25.6530	26.9380	28.2880	29.7010
BI-WEEKLY	1861.44	1954.64	2052.24	2155.04	2263.04	2376.08
ANNUAL	48397.44	50820.64	53358.24	56031.04	58839.04	61778.08
RANGE 53	53/01	53/02	53/03	53/04	53/05	53/06
Hourly	23.8520	25.0420	26.2920	27.6050	28.9840	30.4330
BI-WEEKLY	1908.16	2003.36	2103.36	2208.40	2318.72	2434.64
ANNUAL	49612.16	52087.36	54687.36	57418.40	60286.72	63300.64
RANGE 54	54/01	54/02	54/03	54/04	54/05	54/06
Hourly	24.4470	25.6680	26.9520	28.3010	29.7170	31.2010
BI-WEEKLY	1955.76	2053.44	2156.16	2264.08	2377.36	2496.08
ANNUAL	50849.76	53389.44	56060.16	58866.08	61811.36	64898.08
RANGE 55	55/01	55/02	55/03	55/04	55/05	55/06
Hourly	25.1940	26.4580	27.7780	29.1710	30.6280	32.1570
BI-WEEKLY	2015.52	2116.64	2222.24	2333.68	2450.24	2572.56
ANNUAL	52403.52	55032.64	57778.24	60675.68	63706.24	66886.56
RANGE 56	56/01	56/02	56/03	56/04	56/05	56/06
Hourly	25.8250	27.1170	28.4740	29.8960	31.3880	32.9600
BI-WEEKLY	2066.00	2169.36	2277.92	2391.68	2511.04	2636.80
ANNUAL	53716.00	56403.36	59225.92	62183.68	65287.04	68556.80
RANGE 57	57/01	57/02	57/03	57/04	57/05	57/06
Hourly	26.4710	27.7930	29.1840	30.6420	32.1700	33.7780
BI-WEEKLY	2117.68	2223.44	2334.72	2451.36	2573.60	2702.24
ANNUAL	55059.68	57809.44	60702.72	63735.36	66913.60	70258.24
RANGE 58	58/01	58/02	58/03	58/04	58/05	58/06
Hourly	27.1320	28.4880	29.9090	31.4030	32.9740	34.6260
BI-WEEKLY	2170.56	2279.04	2392.72	2512.24	2637.92	2770.08
ANNUAL	56434.56	59255.04	62210.72	65318.24	68585.92	72022.08
RANGE 59	59/01	59/02	59/03	59/04	59/05	59/06
Hourly	27.8130	29.2060	30.6630	32.1990	33.8070	35.5010
BI-WEEKLY	2225.04	2336.48	2453.04	2575.92	2704.56	2840.08
ANNUAL	57851.04	60748.48	63779.04	66973.92	70318.56	73842.08
RANGE 60	60/01	60/02	60/03	60/04	60/05	60/06
Hourly	28.5090	29.9380	31.4380	33.0110	34.6610	36.3910
BI-WEEKLY	2280.72	2395.04	2515.04	2640.88	2772.88	2911.28
ANNUAL	59298.72	62271.04	65391.04	68662.88	72094.88	75693.28
RANGE 61	61/01	61/02	61/03	61/04	61/05	61/06
Hourly	29.2200	30.6850	32.2210	33.8290	35.5370	37.3170
BI-WEEKLY	2337.60	2454.80	2577.68	2706.32	2842.96	2985.36
ANNUAL	60777.60	63824.80	67019.68	70364.32	73916.96	77619.36
RANGE 62	62/01	62/02	62/03	62/04	62/05	62/06
Hourly	29.9520	31.4530	33.0240	34.6750	36.4130	38.2360
BI-WEEKLY	2396.16	2516.24	2641.92	2774.00	2913.04	3058.88
ANNUAL	62300.16	65422.24	68689.92	72124.00	75739.04	79530.88
RANGE 63	63/01	63/02	63/03	63/04	63/05	63/06
Hourly	30.2400	31.7550	33.3410	35.0060	36.7580	38.5940
BI-WEEKLY	2419.20	2540.40	2667.28	2800.48	2940.64	3087.52
ANNUAL	62899.20	66050.40	69349.28	72812.48	76456.64	80275.52
RANGE 64	64/01	64/02	64/03	64/04	64/05	64/06
Hourly	30.9940	32.5430	34.1730	35.8810	37.6750	39.5560
BI-WEEKLY	2479.52	2603.44	2733.84	2870.48	3014.00	3164.48
ANNUAL	64467.52	67689.44	71079.84	74632.48	78364.00	82276.48
RANGE 65	65/01	65/02	65/03	65/04	65/05	65/06
Hourly	31.7680	33.3550	35.0200	36.7710	38.6100	40.5400
BI-WEEKLY	2541.44	2668.40	2801.60	2941.68	3088.80	3243.20
ANNUAL	66077.44	69378.40	72841.60	76483.68	80308.80	84323.20

RANGE 66	66/01	66/02	66/03	66/04	66/05	66/06
Hourly	32.5650	34.1950	35.9030	37.6980	39.5850	41.5670
BI-WEEKLY	2605.20	2735.60	2872.24	3015.84	3166.80	3325.36
ANNUAL	67735.20	71125.60	74678.24	78411.84	82336.80	86459.36
RANGE 67	67/01	67/02	67/03	67/04	67/05	67/06
Hourly	33.3760	35.0490	36.8000	38.6380	40.5690	42.6000
BI-WEEKLY	2670.08	2803.92	2944.00	3091.04	3245.52	3408.00
ANNUAL	69422.08	72901.92	76544.00	80367.04	84383.52	88608.00
RANGE 68	68/01	68/02	68/03	68/04	68/05	68/06
Hourly	34.2080	35.9170	37.7110	39.5990	41.5800	43.6630
BI-WEEKLY	2736.64	2873.36	3016.88	3167.92	3326.40	3493.04
ANNUAL	71152.64	74707.36	78438.88	82365.92	86486.40	90819.04
RANGE 69	69/01	69/02	69/03	69/04	69/05	69/06
Hourly	35.0850	36.8360	38.6810	40.6110	42.6430	44.7740
BI-WEEKLY	2806.80	2946.88	3094.48	3248.88	3411.44	3581.92
ANNUAL	72976.80	76618.88	80456.48	84470.88	88697.44	93129.92
RANGE 70	70/01	70/02	70/03	70/04	70/05	70/06
Hourly	35.9600	37.7620	39.6500	41.6310	43.7120	45.9010
BI-WEEKLY	2876.80	3020.96	3172.00	3330.48	3496.96	3672.08
ANNUAL	74796.80	78544.96	82472.00	86592.48	90920.96	95474.08
RANGE 71	71/01	71/02	71/03	71/04	71/05	71/06
Hourly	36.8580	38.7020	40.6400	42.6710	44.8030	47.0430
BI-WEEKLY	2948.64	3096.16	3251.20	3413.68	3584.24	3763.44
ANNUAL	76664.64	80500.16	84531.20	88755.68	93190.24	97849.44
RANGE 72	72/01	72/02	72/03	72/04	72/05	72/06
Hourly	37.7760	39.6630	41.6450	43.7270	45.9160	48.2120
BI-WEEKLY	3022.08	3173.04	3331.60	3498.16	3673.28	3856.96
ANNUAL	78574.08	82499.04	86621.60	90952.16	95505.28	100280.96
RANGE 73	73/01	73/02	73/03	73/04	73/05	73/06
Hourly	38.7230	40.6610	42.6940	44.8250	47.0640	49.4180
BI-WEEKLY	3097.84	3252.88	3415.52	3586.00	3765.12	3953.44
ANNUAL	80543.84	84574.88	88803.52	93236.00	97893.12	102789.44
RANGE 74	74/01	74/02	74/03	74/04	74/05	74/06
Hourly	39.6920	41.6800	43.7630	45.9510	48.2480	50.6600
BI-WEEKLY	3175.36	3334.40	3501.04	3676.08	3859.84	4052.80
ANNUAL	82559.36	86694.40	91027.04	95578.08	100355.84	105372.80
RANGE 75	75/01	75/02	75/03	75/04	75/05	75/06
Hourly	40.6830	42.7140	44.8530	47.0930	49.4460	51.9170
BI-WEEKLY	3254.64	3417.12	3588.24	3767.44	3955.68	4153.36
ANNUAL	84620.64	88845.12	93294.24	97953.44	102847.68	107987.36
RANGE 76	76/01	76/02	76/03	76/04	76/05	76/06
Hourly	41.7030	43.7920	45.9800	48.2770	50.6880	53.2220
BI-WEEKLY	3336.24	3503.36	3678.40	3862.16	4055.04	4257.76
ANNUAL	86742.24	91087.36	95638.40	100416.16	105431.04	110701.76
RANGE 77	77/01	77/02	77/03	77/04	77/05	77/06
Hourly	42.7430	44.8820	47.1290	49.4830	51.9590	54.5570
BI-WEEKLY	3419.44	3590.56	3770.32	3958.64	4156.72	4364.56
ANNUAL	88905.44	93354.56	98028.32	102924.64	108074.72	113478.56
RANGE 78	78/01	78/02	78/03	78/04	78/05	78/06
Hourly	43.8120	46.0020	48.2990	50.7100	53.2440	55.9070
BI-WEEKLY	3504.96	3680.16	3863.92	4056.80	4259.52	4472.56
ANNUAL	91128.96	95684.16	100461.92	105476.80	110747.52	116286.56

RANGE 79	79/01	79/02	79/03	79/04	79/05	79/06
Hourly	44.9110	47.1580	49.5190	51.9950	54.5930	57.3220
BI-WEEKLY	3592.88	3772.64	3961.52	4159.60	4367.44	4585.76
ANNUAL	93414.88	98088.64	102999.52	108149.60	113553.44	119229.76
RANGE 80	80/01	80/02	80/03	80/04	80/05	80/06
Hourly	46.0310	48.3350	50.7530	53.2940	55.9570	58.7560
BI-WEEKLY	3682.48	3866.80	4060.24	4263.52	4476.56	4700.48
ANNUAL	95744.48	100536.80	105566.24	110851.52	116390.56	122212.48
RANGE 81	81/01	81/02	81/03	81/04	81/05	81/06
Hourly	47.1790	49.5410	52.0170	54.6150	57.3430	60.2070
Overtime	70.7685	74.3115	78.0255	81.9225	86.0145	90.3105
BI-WEEKLY	3774.32	3963.28	4161.36	4369.20	4587.44	4816.56
ANNUAL	98132.32	103045.28	108195.36	113599.20	119273.44	125230.56
RANGE 82	82/01	82/02	82/03	82/04	82/05	82/06
Hourly	48.3560	50.7750	53.3170	55.9780	58.7780	61.7140
BI-WEEKLY	3868.48	4062.00	4265.36	4478.24	4702.24	4937.12
ANNUAL	100580.48	105612.00	110899.36	116434.24	122258.24	128365.12
RANGE 83	83/01	83/02	83/03	83/04	83/05	83/06
Hourly	49.7600	52.2460	54.8590	57.6010	60.4800	63.5020
BI-WEEKLY	3980.80	4179.68	4388.72	4608.08	4838.40	5080.16
ANNUAL	103500.80	108671.68	114106.72	119810.08	125798.40	132084.16
RANGE 84	84/01	84/02	84/03	84/04	84/05	84/06
Hourly	51.0050	53.5530	56.2300	59.0440	61.9940	65.0940
BI-WEEKLY	4080.40	4284.24	4498.40	4723.52	4959.52	5207.52
ANNUAL	106090.40	111390.24	116958.40	122811.52	128947.52	135395.52
RANGE 85	85/01	85/02	85/03	85/04	85/05	85/06
Hourly	52.2830	54.8950	57.6370	60.5220	63.5520	66.7310
BI-WEEKLY	4182.64	4391.60	4610.96	4841.76	5084.16	5338.48
ANNUAL	108748.64	114181.60	119884.96	125885.76	132188.16	138800.48
RANGE 86	86/01	86/02	86/03	86/04	86/05	86/06
Hourly	54.1200	56.8260	59.6680	62.6540	65.7840	69.0710
BI-WEEKLY	4329.60	4546.08	4773.44	5012.32	5262.72	5525.68
ANNUAL	112569.60	118198.08	124109.44	130320.32	136830.72	143667.68
RANGE 87	87/01	87/02	87/03	87/04	87/05	87/06
Hourly	55.3590	58.1250	61.0320	64.0830	67.2840	70.6510
BI-WEEKLY	4428.72	4650.00	4882.56	5126.64	5382.72	5652.08
ANNUAL	115146.72	120900.00	126946.56	133292.64	139950.72	146954.08
RANGE 88	88/01	88/02	88/03	88/04	88/05	88/06
Hourly	56.7400	59.5750	62.5540	65.6830	68.9700	72.4160
BI-WEEKLY	4539.20	4766.00	5004.32	5254.64	5517.60	5793.28
ANNUAL	118019.20	123916.00	130112.32	136620.64	143457.60	150625.28
RANGE 89	89/01	89/02	89/03	89/04	89/05	89/06
Hourly	58.1610	61.0680	64.1190	67.3260	70.6930	74.2250
BI-WEEKLY	4652.88	4885.44	5129.52	5386.08	5655.44	5938.00
ANNUAL	120974.88	127021.44	133367.52	140038.08	147041.44	154388.00
RANGE 90	90/01	90/02	90/03	90/04	90/05	90/06
Hourly	59.6170	62.5960	65.7260	69.0130	72.4660	76.0900
BI-WEEKLY	4769.36	5007.68	5258.08	5521.04	5797.28	6087.20
ANNUAL	124003.36	130199.68	136710.08	143547.04	150729.28	158267.20
RANGE 91	91/01	91/02	91/03	91/04	91/05	91/06
Hourly	61.1100	64.1690	67.3760	70.7440	74.2820	77.9930
BI-WEEKLY	4888.80	5133.52	5390.08	5659.52	5942.56	6239.44
ANNUAL	127108.80	133471.52	140142.08	147147.52	154506.56	162225.44
RANGE 92	92/01	92/02	92/03	92/04	92/05	92/06
Hourly	62.6410	65.7690	69.0560	72.5090	76.1350	79.9380
BI-WEEKLY	5011.28	5261.52	5524.48	5800.72	6090.80	6395.04
ANNUAL	130293.28	136799.52	143636.48	150818.72	158360.80	166271.04
RANGE 93	93/01	93/02	93/03	93/04	93/05	93/06
Hourly	64.2040	67.4130	70.7870	74.3250	78.0430	81.9480
BI-WEEKLY	5136.32	5393.04	5662.96	5946.00	6243.44	6555.84
ANNUAL	133544.32	140219.04	147236.96	154596.00	162329.44	170451.84

RANGE 94	94/01	94/02	94/03	94/04	94/05	94/06
Hourly	65.8130	69.1000	72.5520	76.1770	79.9880	83.9850
Overtime	98.7195	103.6500	108.8280	114.2655	119.9820	125.9775
BI-WEEKLY	5265.04	5528.00	5804.16	6094.16	6399.04	6718.80
ANNUAL	136891.04	143728.00	150908.16	158448.16	166375.04	174688.80
RANGE 95	95/01	95/02	95/03	95/04	95/05	95/06
Hourly	67.1540	70.5140	74.0390	77.7410	81.6320	85.7160
Overtime	100.7310	105.7710	111.0585	116.6115	122.4480	128.5740
BI-WEEKLY	5372.32	5641.12	5923.12	6219.28	6530.56	6857.28
ANNUAL	139680.32	146669.12	154001.12	161701.28	169794.56	178289.28
RANGE 96	96/01	96/02	96/03	96/04	96/05	96/06
Hourly	68.8340	72.2790	75.8970	79.6940	83.6770	87.8620
BI-WEEKLY	5506.72	5782.32	6071.76	6375.52	6694.16	7028.96
ANNUAL	143174.72	150340.32	157865.76	165763.52	174048.16	182752.96
RANGE 97	97/01	97/02	97/03	97/04	97/05	97/06
Hourly	70.5570	74.0880	77.7920	81.6820	85.7660	90.0520
BI-WEEKLY	5644.56	5927.04	6223.36	6534.56	6861.28	7204.16
ANNUAL	146758.56	154103.04	161807.36	169898.56	178393.28	187308.16
RANGE 98	98/01	98/02	98/03	98/04	98/05	98/06
Hourly	72.3220	75.9400	79.7380	83.7210	87.9050	92.2970
BI-WEEKLY	5785.76	6075.20	6379.04	6697.68	7032.40	7383.76
ANNUAL	150429.76	157955.20	165855.04	174139.68	182842.40	191977.76
RANGE 99	99/01	99/02	99/03	99/04	99/05	99/06
Hourly	74.1310	77.8340	81.7250	85.8090	90.1010	94.6090
BI-WEEKLY	5930.48	6226.72	6538.00	6864.72	7208.08	7568.72
ANNUAL	154192.48	161894.72	169988.00	178482.72	187410.08	196786.72
100 RANGE	100/01	100/02	100/03	100/04	100/05	100/06
Hourly	75.9830	79.7800	83.7700	87.9630	92.3620	96.9780
BI-WEEKLY	6078.64	6382.40	6701.60	7037.04	7388.96	7758.24
ANNUAL	158044.64	165942.40	174241.60	182963.04	192112.96	201714.24
FIRE/SAFETY INSPECTOR	FI/01					
Hourly	37.3120					
BI-WEEKLY	1492.48					
ANNUAL	38804.48					

CITY OF IMPERIAL BEACH
SALARY RANGES AND STEPS
Fire Group
EFFECTIVE July 1, 2013 - June 30, 2015
By Reso. No. 2013-7422

SWORN FIRE EMPLOYEES

FIRE RANGE 06-40 HRS	6/01	6/02	6/03	6/04	6/05	6/06	6/07	
Hourly	22.3980	23.5170	24.6930	25.9290	27.2250	28.5870	30.0164	
BI-WEEKLY	1791.84	1881.36	1975.44	2074.32	2178.00	2286.96	2401.31	
ANNUAL	46587.84	48915.36	51361.44	53932.32	56628.00	59460.96	62434.00	
FIRE RANGE 07-40 HRS	7/01	7/02	7/03	7/04	7/05	7/06	7/07	
Hourly	24.9260	26.1720	27.4810	28.8560	30.2990	31.8140	33.4040	
BI-WEEKLY	1994.08	2093.76	2198.48	2308.48	2423.92	2545.12	2672.32	
ANNUAL	51846.08	54437.76	57160.48	60020.48	63021.92	66173.12	69480.32	
FIRE RANGE 08-40 HRS	8/01	8/02	8/03	8/04	8/05	8/06	8/07	
Hourly	29.5000	30.9750	32.5230	34.1510	35.8570	37.6510	39.5330	
BI-WEEKLY	2360.00	2478.00	2601.84	2732.08	2868.56	3012.08	3162.64	
ANNUAL	61360.00	64428.00	67647.84	71034.08	74582.56	78314.08	82228.64	
FIRE RANGE 6P-40 HRS	06P/01	06P/02	06P/03	06P/04	06P/05	06P/06	06P/07	
Hourly	24.9290	26.1750	27.4850	28.8590	30.3020	31.8170	33.4080	
BI-WEEKLY	1994.32	2094.00	2198.80	2308.72	2424.16	2545.36	2672.64	
ANNUAL	51852.32	54444.00	57168.80	60026.72	63028.16	66179.36	69488.64	
FIRE RANGE 7P-40 HRS	07P/01	07P/02	07P/03	07P/04	07P/05	07P/06	07P/07	
Hourly	26.7970	28.1370	29.5430	31.0210	32.5710	34.2000	35.9100	
BI-WEEKLY	2143.76	2250.96	2363.44	2481.68	2605.68	2736.00	2872.80	
ANNUAL	55737.76	58524.96	61449.44	64523.68	67747.68	71136.00	74692.80	
FIRE RANGE 8P-40 HRS	08P/01	08P/02	08P/03	08P/04	08P/05	08P/06	08P/07	added fy13-14
Hourly	30.9750	32.5238	34.1492	35.8586	37.6499	39.5336	41.5097	
BI-WEEKLY	2478.00	2601.90	2731.93	2868.68	3011.99	3162.68	3320.77	
ANNUAL	64428.00	67649.40	71030.23	74585.78	78311.69	82229.78	86340.07	
FIRE RANGE 9P-40 HRS	9P/01							
Hourly	23.7420							
BI-WEEKLY	1899.36							
ANNUAL	49383.36							
FIRE RANGE FP6-56 HRS	FP6/01	FP6/02	FP6/03	FP6/04	FP6/05	FP6/06	FP6/07	
Hourly	17.8070	18.6970	19.6310	20.6130	21.6440	22.7260	23.8620	
BI-WEEKLY	1994.38	2094.06	2198.67	2308.66	2424.13	2545.31	2672.54	
ANNUAL	51853.98	54445.66	57165.47	60025.06	63027.33	66178.11	69486.14	
FIRE RANGE FP7-56 HRS	FP7/01	FP7/02	FP7/03	FP7/04	FP7/05	FP7/06	FP7/07	
Hourly	19.1410	20.0970	21.1020	22.1570	23.2650	24.4280	25.6490	
BI-WEEKLY	2143.79	2250.86	2363.42	2481.58	2605.68	2735.94	2872.69	
ANNUAL	55738.59	58522.46	61449.02	64521.18	67747.68	71134.34	74689.89	
FIRE RANGE FP8-56 HRS	FP8/01	FP8/02	FP8/03	FP8/04	FP8/05	FP8/06	FP8/07	added FY 13-14
Hourly	22.1256	23.2302	24.3936	25.6127	26.8937	28.2377	29.6499	
BI-WEEKLY	2478.06	2601.78	2732.08	2868.62	3012.09	3162.62	3320.79	
ANNUAL	64429.74	67646.34	71034.16	74584.04	78314.31	82228.04	86340.51	

FIRE RANGE F06-56 HRS	F06/01	F06/02	F06/03	F06/04	F06/05	F06/06	F06/07
Hourly	15.9980	16.7990	17.6390	18.5200	19.4460	20.4190	21.4400
BI-WEEKLY	1791.78	1881.49	1975.57	2074.24	2177.95	2286.93	2401.28
ANNUAL	46586.18	48918.69	51364.77	53930.24	56626.75	59460.13	62433.14

FIRE RANGE F07-56 HRS	F07/01	F07/02	F07/03	F07/04	F07/05	F07/06	F07/07
Hourly	17.8050	18.6950	19.6300	20.6100	21.6420	22.7240	23.8590
BI-WEEKLY	1994.16	2093.84	2198.56	2308.32	2423.90	2545.09	2672.21
ANNUAL	51848.16	54439.84	57162.56	60016.32	63021.50	66172.29	69477.41

FIRE RANGE F08-56 HRS	F08/01	F08/02	F08/03	F08/04	F08/05	F08/06	F08/07
Hourly	21.0720	22.1240	23.2320	24.3930	25.6130	26.8930	28.2380
BI-WEEKLY	2360.06	2477.89	2601.98	2732.02	2868.66	3012.02	3162.66
ANNUAL	61361.66	64425.09	67651.58	71032.42	74585.06	78312.42	82229.06

FIRE RANGE FP9-56 HRS	FP9/01
Hourly	16.9590
BI-WEEKLY	1899.41
ANNUAL	49384.61

CITY OF IMPERIAL BEACH
Appointive Management and Confidential Benefits Summary
FY 2013-15 Salary & Compensation Plan
Adopted on November 20, 2013 by Resolution No. 2013-7422

This is a summary of available benefits and it is not intended to provide full details of all programs. Individual employment contracts, policies and procedures will govern any discrepancies and provide program specifics.

Appointive Management

Appointive Management employees are those employees designated by the City Manager as meeting established criteria under the Fair Labor Standards Act compliance provisions for white collar exemptions. Generally, positions in this class are salaried positions and exempt from overtime and special compensation provisions pursuant to FLSA regulations.

Appointive Management classifications have the terms and conditions of employment established by an employment agreement as approved by the City Manager. Appointive Management positions are classified into two categories: Department Head and Mid-Management. Appointive Management positions are subject to at-will provisions as designated by the City Manager with specialized duties and responsibilities.

As of July 1, 2013, the following positions have been so designated:

Department Head

- Administrative Service Director/Finance Director
- Assistant City Manager
- City Clerk
- Community Development Director
- Human Resources Manager
- Public Safety Director/Fire Chief
- Public Works Director

Mid-Management

- Building Official
- City Planner
- Environmental Program Manager
- Finance Supervisor
- GIS Administrator
- Human Resources Analyst
- Information Systems Manager
- Lifeguard Captain
- Management Analyst
- Public Works Superintendent

Appointive Confidential:

Confidential employees are those employees designated by the City Manager based on responsibilities which are considered confidential to management with regard to labor relations, personnel services or complex payroll functions. All designated confidential positions receive all benefits that presently accrue to regular miscellaneous classified full-time employees. All existing salary and fringe benefits remain in force unless re-designated by the City Manager.

CITY OF IMPERIAL BEACH
Appointive Management and Confidential Benefits Summary
FY 2013-15 Salary & Compensation Plan
Adopted on November 20, 2013 by Resolution No. 2013-7422

All Confidential employees are subject to the Personnel Rules, just are not represented by Service Employees International Union. Confidential employees are precluded from participation in any bargaining unit. Employer may terminate the employment relationship for cause or advance notice subject to the City of Imperial Beach Personnel Rules in effect at this time and subsequently amended.

As of July 1, 2013, the following appointive confidential positions have been so designated:

- Administrative Secretary II (City Manager's Office)
- Financial Services Assistant
- Human Resources Technician

Compensation and Benefits:

All designated Appointive Management and Confidential positions receive all benefits that presently accrue to regular miscellaneous classified full-time employees except as otherwise stated herein or under each employment agreement.

The City Manager desires to provide alternative benefits to Confidential employees except for, annual physical examination, severance agreement, relocation assistance, uniform allowance, cellular allowance and use of City vehicle/auto allowance. The City Manager may negotiate and set the terms to provide these benefits for certain Confidential personnel.

Appointive Management and Confidential positions may receive up to the following benefits:

1. Salary Adjustments: All designated Appointive Management and Confidential employees shall receive salary adjustments to be set within the salary range/band for each classification based on the performance of the incumbent. Effective July 1, 2013, all designated Appointive Management and Confidential employees, except the Public Safety Director/Fire Chief, will receive a 3% cost of living adjustment, retroactive to July 1, 2013, and a 3% cost of living adjustment on July 1, 2014. The Public Safety Director/Fire Chief will receive the same cost of living adjustment as the Fire Group.
2. Administrative Leave: On July 1 of each fiscal year, designated Appointive Management employees may receive up to sixty (60) hours of Administrative Leave and may accrue a maximum of sixty (60) hours of Administrative Leave each fiscal year. Mid-Management employees may receive up to forty (40) hours of Administrative Leave and may accrue a maximum of forty (40) hours of Administrative Leave each fiscal year. Confidential employees may receive up to thirty (30) hours of Administrative Leave and may accrue a maximum of thirty (30) hours of Administrative Leave each fiscal year. Accrued Administrative Leave may be cashed-out when an employee terminates employment with the City.
3. Health Benefits: All Appointive Management and Confidential classifications shall receive City payment of the employee's health care benefits and other cafeteria plan selection benefits to a maximum payment of \$930 per month per employee (\$11,160 per year) effective January 1, 2014, and \$980 per month per employee (\$11,760 per year)

CITY OF IMPERIAL BEACH
Appointive Management and Confidential Benefits Summary
FY 2013-15 Salary & Compensation Plan
Adopted on November 20, 2013 by Resolution No. 2013-7422

effective January 1, 2015. Department Heads who elect not to be covered under the city's health plan may cash out a taxable cash benefit at maximum of \$460 dollars per month. If a person elects to take single health coverage and dental they would still receive up to \$460 cash out per month. Mid-management and Confidential employees who elect not to be covered under the city's health plan may cash out a taxable cash benefit at maximum of \$450 dollars per month. If a Mid-management and Confidential employee elects to take single health coverage and dental they would still receive up to \$450 cash out per month.

4. Use of City Vehicle or Auto Allowance: The City Manager shall set the terms of use of City vehicles and may provide auto allowances to designated Appointive Management personnel. Designated Appointive Management may receive \$150 to \$440 a month. Department Heads will receive \$440 a month in lieu of using City vehicles for local business travel. The Public Safety Director/Fire Chief and the Public Works Director have City vehicles assigned.
5. Cellular Telephone Allowance: The City Manager shall set the terms of use and may provide a cellular telephone allowance of fifty (\$50) dollars to certain Appointive Management personnel or provided City cell phone.
6. Annual Physical Examination: Department Head personnel are eligible to receive City payment for an annual physical examination by the City's selected health care provider or up to \$420 dollars that would otherwise qualify under IRS regulations for Flexible Spending Accounts or for approved health club membership fees.
7. Severance Agreement: The City Manager may negotiate and set the terms to provide severance pay compensation for Appointive Management personnel.
8. Relocation Assistance: The City Manager may negotiate and set the terms to provide relocation assistance for certain Appointive Management personnel.
9. Uniform Allowance: The City Manager may negotiate and set the terms to provide uniform allowance for certain Appointive Management personnel.
10. Group Term Life and Accidental Death & Dismemberment Insurance: Department Head personnel shall receive City paid Group Life Insurance and Accidental Death & Dismemberment Insurance equivalent to 1.5 the annual salary up to a maximum of \$200,000 rounded to the next higher \$1,000 and additionally \$2,000 for spouse or qualifying domestic partner and children including those of your qualified domestic partner.

Mid-Management and Confidential personnel shall receive City paid Group Life Insurance and Accidental Death & Dismemberment Insurance equivalent to 1.5 the annual salary up to a maximum of \$100,000 rounded to the next higher \$1,000 and additionally \$2,000 for spouse or qualifying domestic partner and children including those of your qualified domestic partner.

CITY OF IMPERIAL BEACH
Appointive Management and Confidential Benefits Summary
FY 2013-15 Salary & Compensation Plan
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11. Vacation Sell Back: As determined by the City Manager, Department Heads shall have the option to sell back accumulated vacation at a maximum of 160 hours per calendar year contingent on a minimum of 80 hours of vacation being maintained by the employee as of the pay period designated for the sell back. Mid-Management and Confidential employees shall have the option to sell back accumulated vacation at a maximum of 100 hours per calendar year contingent on a minimum of 80 hours of vacation being maintained by the employee as of the pay period designated for the sell back. Vacation Sell Back will be processed the first pay period in December.

12. Floating Holidays:

On July 1 of each fiscal year, designated Appointive Management and Confidential employees will receive two (2) floating holidays at 9 hours per floating holiday for a total of 18 hours. Appointive Management and Confidential employees may accrue a maximum of 18 hours of floating holidays each fiscal year. Accrued floating holiday may be cashed-out when employee terminates employment with the City. Floating holidays will be prorated as follows for new employees:

- a. A new employee with a hire date in July through December will receive eighteen (18) hours of floating holiday time in the fiscal year during which the employee is hired;
- b. A new employee with a hire date in January and February will receive nine (9) hours of floating holiday time in the fiscal year during which the employee is hired;
- c. A new employee with a hire date in March and April will receive four and one-half (4.5) hours of floating holiday time in the fiscal year during which the employee is hired;
- d. A new employee with a hire date in May and June will not receive any floating holiday leave in the fiscal year during which the employee is hired.

13. Holiday Furlough Program:

Confidential employees have the option of participating in the Holiday Furlough Program. A maximum number of 40 hours is authorized for employee payroll deduction per fiscal year period between designated hard holidays of December 24 (Christmas Eve) and January 1 (New Year's Day). Prior to each calendar year, the City Manager designates the holiday furlough period for the preceding holiday period. Appointive Management personnel are not eligible to participate in this program.

14. Vacation Accrual: Appointive Management and Mid-Management will receive vacation credits earned on a monthly basis. Department Heads will accrue vacation credits at 7.70 hours per pay period beginning on hire date and may accumulate up to a maximum of twice their annual accrual rate of vacation time.

Mid-Management and Confidential employees will receive vacation credits accrue on a bi-weekly basis beginning on hire date. Employees may accumulate up to a maximum of twice their annual accrual rate of vacation time. The amount of credits earned is based on years of service:

CITY OF IMPERIAL BEACH
Appointive Management and Confidential Benefits Summary
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<u>0-5 Year's Service</u>	<u>Over 5 to 10 yrs</u>	<u>Over 10 to 15 yrs</u>	<u>Over 15 yrs</u>
12 days/year	15 days/year	20 days/year	25 days/year

15. Sick Leave Accrual: Appointive Management and Confidential employees shall accrue sick leave with pay at the rate of 8.334 hours for each full month of service for a total of 100 hours for each full twelve (12) months of service. Sick leave credits accrue on a bi-weekly basis beginning on hire date. A maximum of 1,000 hours may be accrued for Appointive Management and Confidential employees.
16. Sick Leave Usage for Family Bonding Time: Employees are permitted to use up to 132 hours of sick leave for bonding time after the birth or adoption of a child, in accordance with Federal or State laws, provided that the employee maintains a minimum sick leave balance of 44 sick leave hours after the use of the sick leave for bonding time.
17. Educational Reimbursement: All criteria and tuition reimbursement procedures are determined by the City Manager through the Tuition Reimbursement Program Administrative Policy. Reimbursements are available for tuition, registration fees, laboratory fees, software, parking permits and books only. Appointive Management employees are eligible for \$1,500 per fiscal year.
18. Social Security: The City also participates in the Federal Social Security Administration program.
19. Retirement: The City participates in the California Public Employees Retirement System (CalPERS). For employees hired *prior* to July 1, 2011, the benefit provided is 2.7%@55 with employee paying the full 8% contribution. For employees hired *after* July 1, 2011, the benefit provided is 2%@60 with employee paying the full 8% contribution. For employees hired *after* January 1, 2013, the benefit provided is 2%@62 with employee paying 50% of the normal cost contribution; however currently serving CalPERS members and those members with less than 6 month break in service would be eligible to participate in the city's 2%@60 plan.
20. Short Term Disability (STD) and Long Term Disability (LTD): Each employee will participate in the City's STD and LTD Plans. Employees are required to file for STD or LTD after fourteen (14) consecutive days of absence due to illness, contagious disease, injury or an authorized absence for medical care and/or appointments. STD and LTD premiums are paid by the employee as an after-tax deduction.
21. Employee Assistance Program: The City continues to implement and fund an Employee Assistance Program for all City employees.
22. Computer Loan: Each employee is eligible to borrow up to a maximum of \$2,000 per a 24-month period and may apply once every 12-month period.
23. Bilingual-Pay: Employees may receive up to \$50 a month after successfully passing both oral and written tests.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER *AA*
MEETING DATE: NOVEMBER 20, 2013
ORIGINATING DEPT.: PUBLIC WORKS *HAZ*
SUBJECT: 10TH STREET (BETWEEN S.R. 75 TO DONAX AVENUE)
DESIGN OPTIONS

EXECUTIVE SUMMARY:

This report is to present a recommended street design for the 700 block of 10th Street (between S.R. 75 to Donax Avenue). This street block is an unimproved C-1 commercial zone street with missing sections of sidewalk, curb & gutter and paved parking areas. The proposed design concept if approved would establish how the City and adjacent businesses and residents will construct public improvements to this block of 10th Street.

BACKGROUND:

The 700 block of 10th Street between S.R. 75 and Donax Avenue is mostly unimproved with missing sections of sidewalk, curb & gutter, and paved parking areas. This street is a primary feeder street onto and from S.R. 75 and is in the C-1 Commercial Zone and in the Palm Avenue Corridor Master Plan area. This block of 10th Street is in need of a master plan for street improvements. Now that there are two new developments proposed in this block of 10th Street, it is necessary that the City proceed with establishing a public improvements design to accommodate these new and future developments.

Nasland Engineering, Inc. (with Parterre Landscape Architecture) submitted a proposal for the design of three (3) possible concepts for the 700 block of 10th Street. The concepts were to be drawn up and presented to Council and staff at a cost of \$9,200. Staff accepted this proposal and directed Nasland Engineering to proceed with the concept drawings. The concepts prepared are provided herewith as Attachments 2 through 4 – Plans A, B and C. Attachment 1 is the existing condition of the 700 block of 10th Street.

ANALYSIS:

The proposed plan options were presented to staff in mid-October 2014. Staff reviewed these initial concept plans and provided feedback to the consultants. It was staff's opinion that Plan A provided the best visual and functional use of the 80-foot wide right of way in this block. It provided a comfortable transition from the commercial use on the north end to the residential use towards the south. It provided a very walkable, pedestrian friendly atmosphere while retaining the necessary vehicle space for the commercial uses near S.R. 75. Plan A also most closely mirrors the 700 block of 12th Street (between S.R. 75 and Donax Avenue).

Staff recommends that the consultant present concept plan A to City Council for discussion and modifications as may be suggested by Council members. Alternate plans B and C (attachments

3 and 4 respectively) are included in this report for reference and if Council chooses, as possible preferences over the staff recommended Plan A (attachment 2). This project is currently only funded for the concept plans as presented herewith.

If City Council directs, staff will:

- Proceed with the preparation of construction drawings that will be used for public improvements as directed in the 700 block of 10th Street.
- Return to City Council at a subsequent Council meeting with a resolution to appropriate funds for the construction design work.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

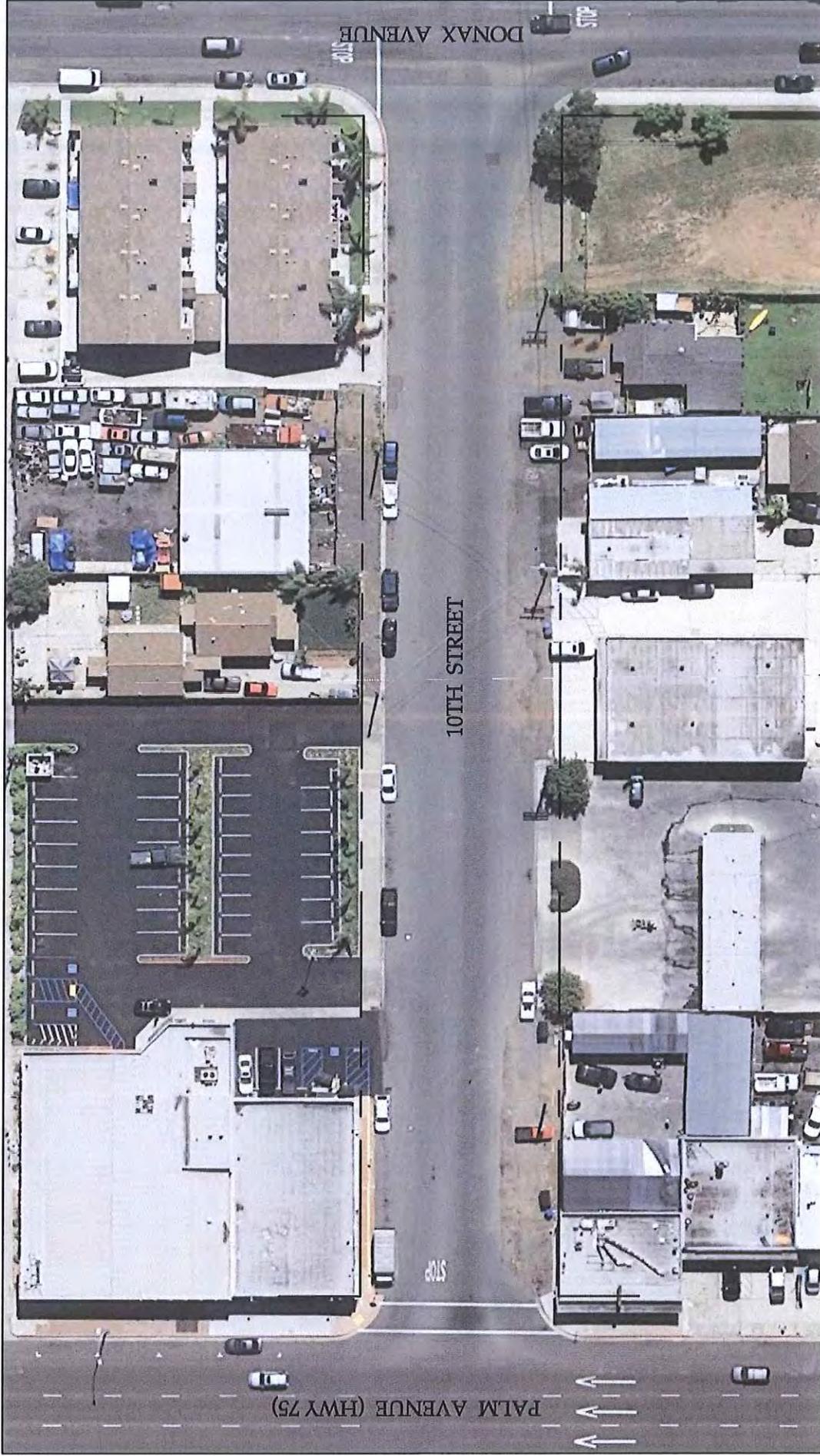
Concept Plans consultant cost was funded from 2010 Bonds \$9,200

RECOMMENDATION:

1. Receive this report.
2. Receive a presentation from Nasland Engineering / Parterre Landscape Architecture consultants on the 700 Block of 10th Street concept plans.
3. Direct staff to proceed with the construction drawings for the 700 Block of 10th Street per the concept plan approved by City Council
4. Direct staff to return to City Council for an appropriation of funds necessary to design the approved concept plan for the 700 block of 10th Street.

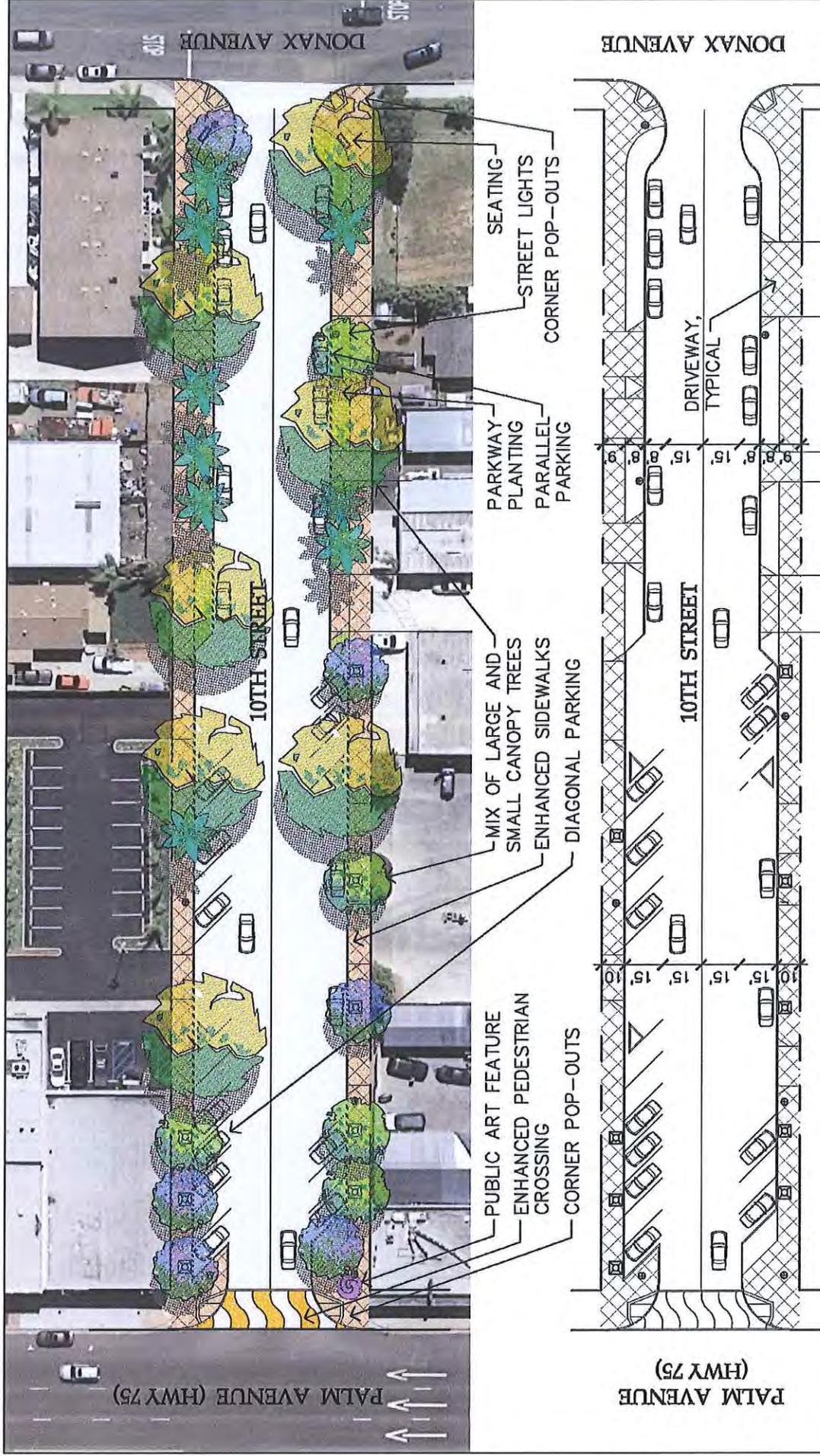
Attachments:

1. 10th Street Concept Plan - Existing Conditions
2. 10th Street Concept Plan A (5 pages)
3. 10th Street Concept Plan B
4. 10th Street Concept Plan C



10TH STREET CONCEPT PLAN Existing Conditions SC: 1"=40'
City of Imperial Beach, CA. Nasland Engineering Parterre

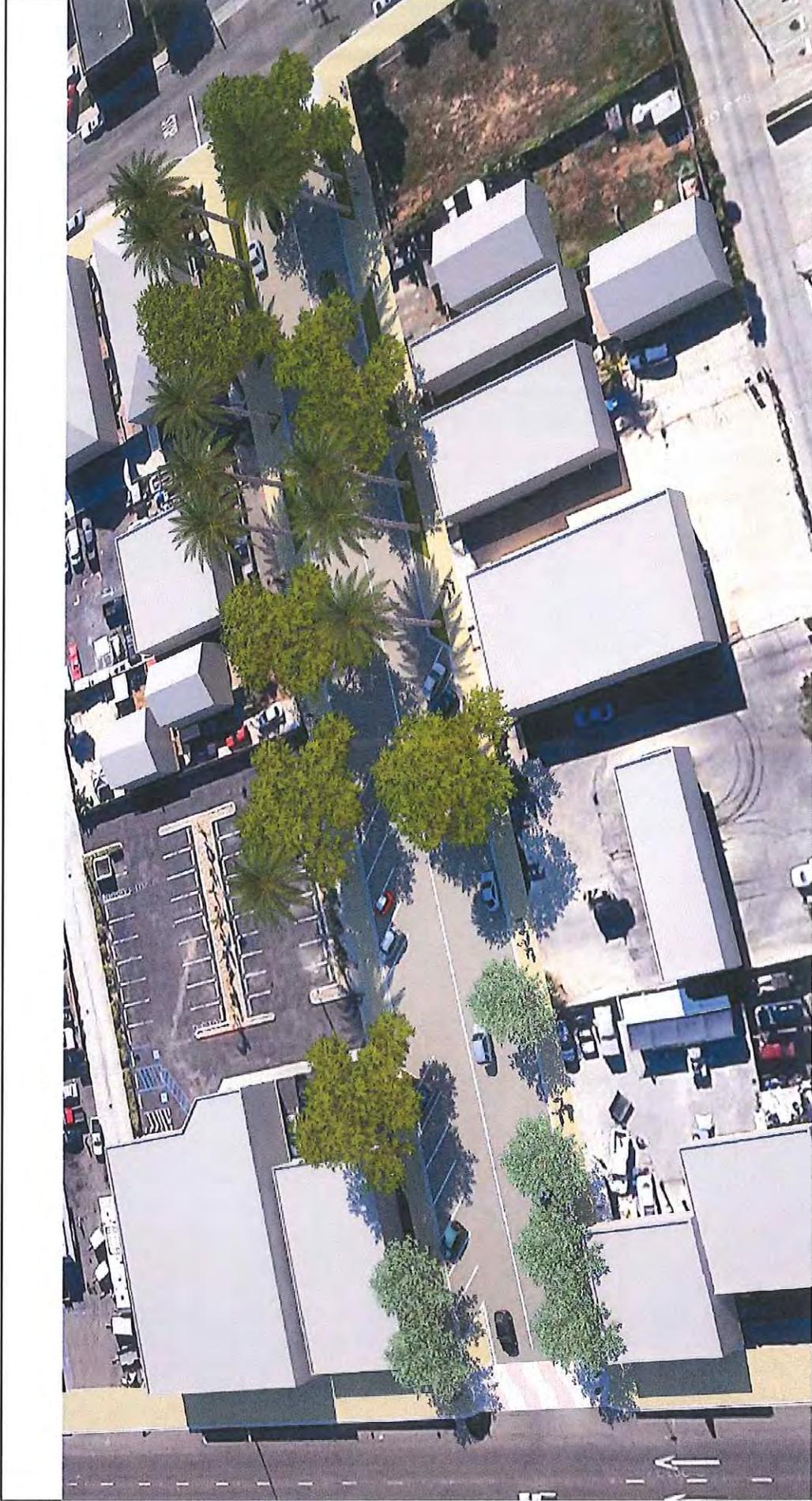




SC: 1"=40'

10TH STREET CONCEPT PLAN A

City of Imperial Beach, CA. Nasland Engineering Parterre



VILLAGE AND NEIGHBORHOOD STYLE PARKING

10TH STREET CONCEPT PLAN A IMAGES
City of Imperial Beach, CA. Nasland Engineering Parterre



VILLAGE STYLE PARKING (DIAGONAL)

10TH STREET CONCEPT PLAN A IMAGES
City of Imperial Beach, CA. Nasland Engineering Parterre



NEIGHBORHOOD STYLE PARKING (PARALLEL)

10TH STREET CONCEPT PLAN A IMAGES
City of Imperial Beach, CA. Nasland Engineering Parterre



PARALLEL/PARKWAY



DIAGONAL/ANGLED



90 DEGREE

PARKING OPTIONS



MIX OF LARGE AND SMALL CANOPY TREES

STREETSCAPE



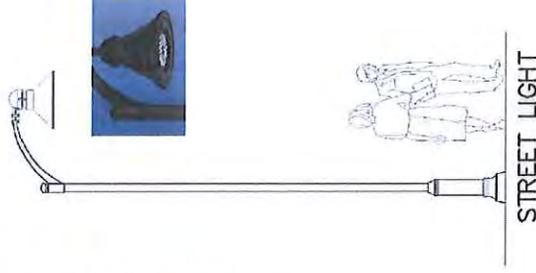
ENHANCED PEDESTRIAN CROSSING WITH CORNER POP-OUTS



PUBLIC ART

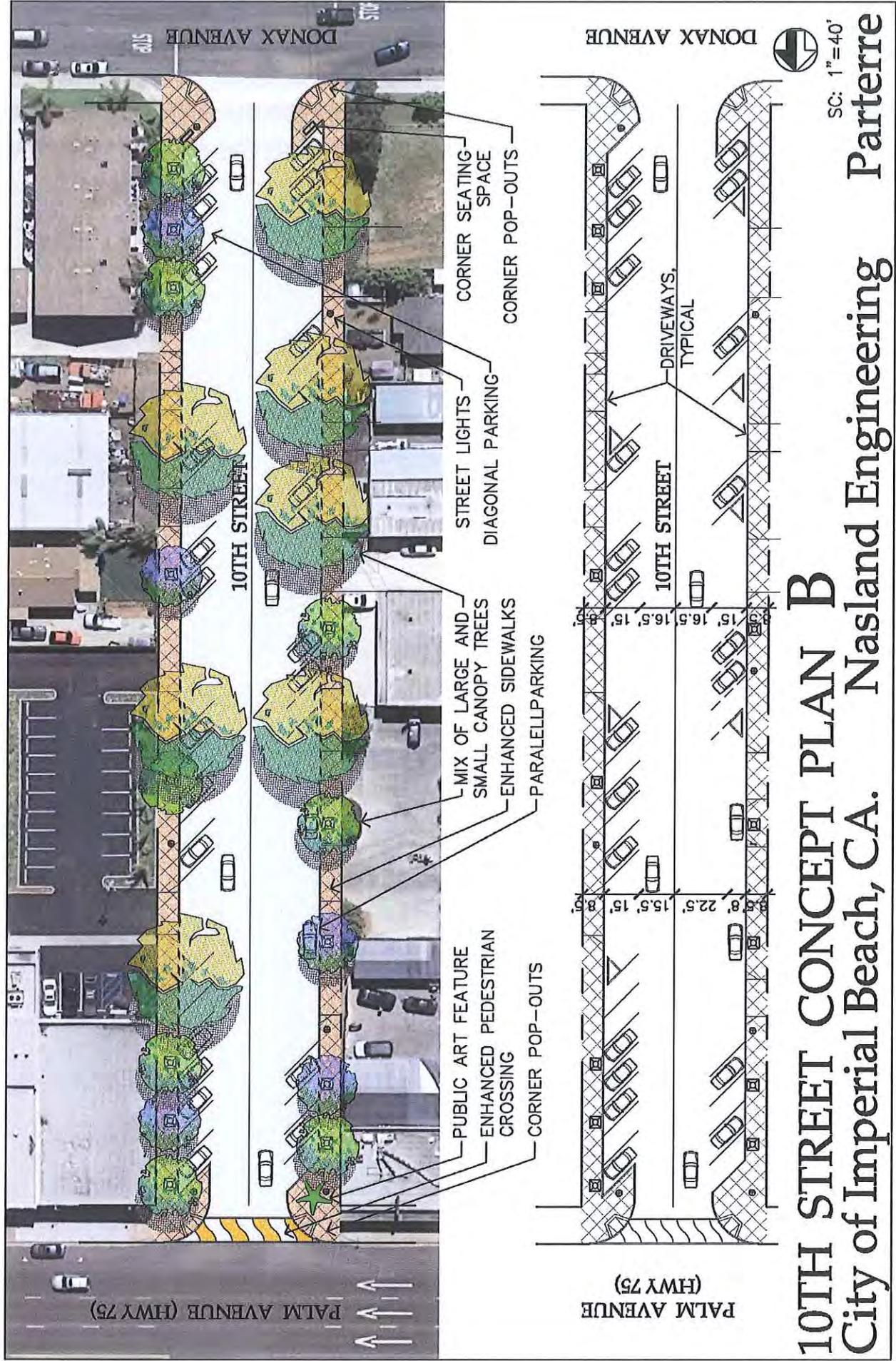


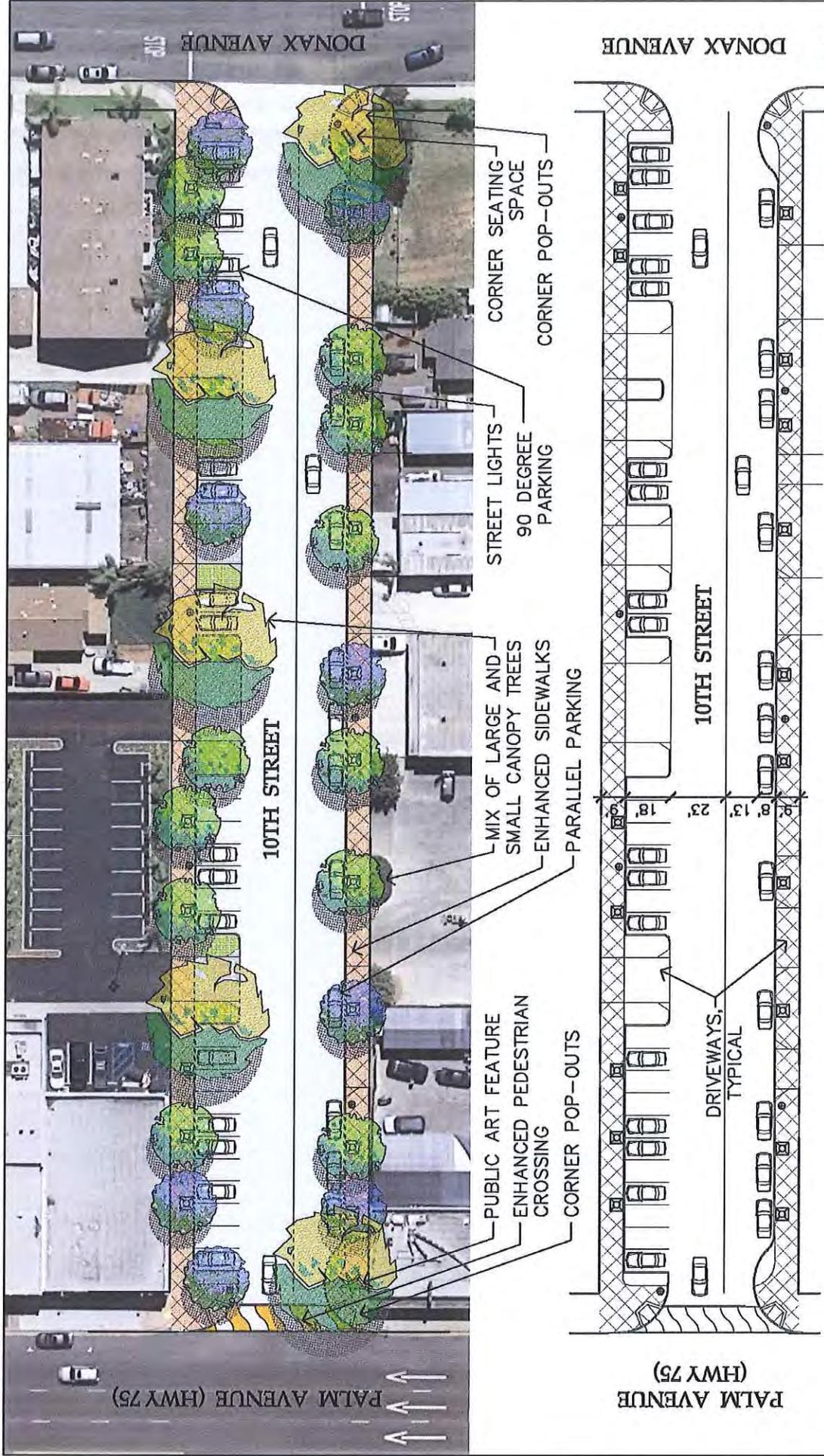
FURNITURE AND PAVING



STREET LIGHT

10TH STREET CONCEPT PLAN A IMAGES
City of Imperial Beach, CA. Nasland Engineering Parterre





10TH STREET CONCEPT PLAN C

City of Imperial Beach, CA. Nasland Engineering Parterre



STAFF REPORT
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER *BA*
MEETING DATE: NOVEMBER 20, 2013
ORIGINATING DEPT.: CITY ADMINISTRATION
SUBJECT: PERSONNEL STATUS UPDATE, EMPLOYEE FURLOUGH SCHEDULE AND CONSIDERATION OF RESOLUTION NO. 2013-7425 APPROVING A ONE-TIME RETENTION INCENTIVE STIPEND FOR ALL NON-DEPARTMENT HEAD LEVEL EMPLOYEES

EXECUTIVE SUMMARY:

Due to several current personnel related activities, staff would like to provide the City Council with a status update providing information about new hires, current recruiting efforts, and other personnel adjustments. It is also important to inform the City Council and the public about the December furlough schedule to avoid confusion regarding office hours during the holiday period. Finally, in nearly every division of every department in the City, the employees have been compensating for vacant positions or assuming new duties as a result of recent layoffs associated with the dissolution of the Redevelopment Agency. In concert with the City Council, the Department Heads would like to issue a one-time retention incentive stipend for all non-department head employees.

BACKGROUND:

Staff would like to provide the members of the City Council with an update on Personnel related matters. Although personnel issues are primarily an administrative function, it is important for the Mayor and members of the City Council to be informed about major personnel concerns in order to make effective policy decisions.

Staffing for Imperial Beach is established by the City Council through the adoption of the municipal budget and various other policies approved by the elected officials. Budget reductions together with employee layoffs associated with the dissolution of the Redevelopment Agency have resulted in a challenging year for the employees. However, without question, they have performed their duties admirably and for the most part, with little negative impact on the residents of Imperial Beach.

Given the current workload of the staff, the savings realized from the current employee vacancies, but more importantly in recognition of an effective work force during challenging times, the Department Heads are seeking to join the Mayor and City Council in providing a one-time retention incentive stipend for the municipal employees in an effort to maintain these well trained employees.

ANALYSIS:

Personnel

Mr. Doug Bradley has been selected as the new Administrative Services Director. Mr. Bradley will join us from Somerton, Arizona which is located just south of Yuma. He brings with him not only a solid financial background, but skills in Information Technology. This is critical at a time when we are exploring the replacement of our current phone system and computer software program. It is anticipated that Mr. Bradley will begin work in early December and he will be presented to the City Council at their December meeting.

Chief Clark is conducting testing for Fire Engineers who are on the Engineer's promotional list in the Fire Department. The testing will allow the department to have an active list of Engineers for positions to be open in the near future. The active list also allows Firefighters to be eligible to potentially advance to the rank of Captain when those positions are available. In addition to the testing in the Fire Department, the recruiting period for a new Lifeguard Sergeant and two Lifeguard II positions is wrapping up.

In the near future, the recruitment for custodial services will commence along with the efforts to fill the Deputy City Clerk and Clerk Typist positions in Administration. Two firefighter positions will also be filled in the Fire Department which will bring the department up to currently budgeted staffing levels. These are budgeted positions that are included in the municipal budget.

Furloughs

A number of years ago, a furlough program was implemented during the holiday season in the month of December intended to reduce energy and maintenance costs during a traditionally low customer service period of the year. For informational purposes, the municipal offices will be closed for furloughs on December 26, 2013 and December 30, 2013 in addition to the traditional holidays including the 24, 25 and 31 of December, 2013 and January 1, 2014. Therefore, the municipal offices will be open on Monday, December 23 and closed until January 2, 2014.

One-Time Retention Incentive Stipend

Imperial Beach employees are a unique breed. In an amicable fashion, over the years our employees agreed to significant employee cost related savings that in most cases far exceed the concessions in surrounding communities. These agreements were reached because our employees are highly dedicated to the community and recognized that reductions in employee costs were necessary to maintain fiscal stability. City employees are well trained, possess important institutional knowledge, and continue to produce high quality work during a season of change including layoffs, and staff vacancies. Therefore, the Department Heads would like to join with the City Council in providing a one-time employee retention incentive stipend in an effort to maintain these well trained employees. The retention incentive stipend would be equal to \$250 for full time employees and \$125 for part time employees, exclusive of Department Heads and elected officials.

The funding for the retention incentive stipend would come from each individual department associated with current vacancies, savings from anticipated overtime and other departmental savings. There are approximately 63 full time staff members and 70 part time employees resulting in a total cost of \$24,500.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The personnel related items in this staff report are budgeted items and will not impact the municipal budget. However, the provision of a one-time employee retention incentive stipend was not previously discussed with the Mayor and City Council and should therefore be noted as a fiscal impact of \$24,500

RECOMMENDATION:

Staff is recommending that the City Council accept and file the personnel status update and information about the furlough schedule. Staff is further recommending that the City Council approve Resolution No. 2013-7425 providing a one-time employee retention incentive stipend of \$250 per full time employee and \$125 per part employee

Attachment:

1. Resolution 2013-7425

RESOLUTION NO. 2013-7425

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ASSIGN ONE-TIME RETENTION INCENTIVE STIPENDS TO NON-DEPARTMENT HEAD EMPLOYEES

WHEREAS, City employees are well trained, possess important institutional knowledge, and continue to provide a high level of service to the residents of Imperial Beach City during a season of change including layoffs, and staff vacancies; and

WHEREAS, over the years, City employees agreed to significant employee cost related savings that in most cases far exceeded the concessions in surrounding communities; and

WHEREAS, the City desires to stay competitive with the local employment market, minimize turnover, and retain City employees to provide future services for the City; and

WHEREAS, the City Manager should have the authority to assign retention stipends for non-Department Head employees as an incentive to the employees for their future City service which will benefit the City of Imperial Beach by retaining long-term qualified personnel.

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

1. The foregoing recitals are true and correct.
2. The City Council of the City of Imperial Beach hereby grants the City Manager the authority to assign retention incentive stipends to non-Department Head employees for their future City service. Exclusive of Department Heads and elected officials, each full time employee shall receive a one-time retention incentive stipend in the amount of \$250, and each part-time employee shall receive a retention incentive stipend in the amount of \$125.
3. The City Council hereby authorizes the appropriation and expenditure of \$24,500 for the one-time retention incentive stipend to be distributed to the applicable accounts.
4. This Resolution shall be effective on the date of approval.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 20th day of November 2013, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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



AGENDA ITEM NO. 6.4

STAFF REPORT – POLICY ITEM
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ANDY HALL, CITY MANAGER ^{AH}
MEETING DATE: NOVEMBER 20, 2013
ORIGINATING DEPT.: ADMINISTRATIVE SERVICES ^{AS}
SUBJECT: RECOMMENDATION FOR ADOPTION OF A GENERAL FUND
FUND BALANCE POLICY

EXECUTIVE SUMMARY: (Policy Item)

Staff is presenting, for City Council review and comment, a policy governing the General Fund (GF) Fund Balances. The policy is intended to establish a minimum unassigned fund balance (proposed 30% of annual GF expenditures) in the GF, and an assigned Economic Uncertainty Fund Balance (proposed 10% of annual GF expenditures). The proposed policy also indicates that in an instance when the combined balances of the unassigned reserve and the Economic Uncertainty reserve exceed a certain percentage (proposed 50% of annual GF expenditures) of GF expenditures, the Council will discuss whether to use the excess balance for one-time expenditures. However, the City Council would not be required to spend the excess reserve.

The proposed policy also establishes a minimum fund balance (\$1 million proposed) for the Public Works reserve account. The remaining balance in the Public Works reserve account would be eligible for appropriation for capital projects. The proposed policy also provides potential funding sources for on-going replenishment of the Public Works reserve account.

BACKGROUND:

It is essential for government agencies to establish adequate fund balances to protect the community from current and future fiscal risks including revenue shortfalls, economic recessions, reductions in taxes, reductions in service levels, and any potential effects resulting from action by the State of California Legislature.

The Government Finance Officer's Association (GFOA), the national standard-setting organization for governments, recommends that governments establish a formal policy on the level of unrestricted fund balance that should be maintained in the General Fund. Additionally, The National Advisory Council on State and Local Budgeting Practice states that, "Governments should maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one-time expenditures." Staff agrees with the findings of these organizations and has prepared some information about the current status of the Imperial Beach General Fund balances for consideration by the City Council.

ANALYSIS:

Fund balance is the net of assets and liabilities (revenues and expenditures) and represents a measure of the financial resources available to the City. The current fund balance policy of Imperial Beach, adopted in 1991, indicates that the City should always maintain at least a 15% fund balance reserve. Staff would suggest that the current policy does not reflect the necessary reserve needed to address the current challenges facing the community including a more volatile economic climate and the recent elimination of Redevelopment Agencies in California.

GFOA recommends a **minimum** fund balance in the General Fund of two months of expenditures, or 17% of the annual budget. For Imperial Beach, using the fiscal year 2013/14 adopted General Fund operating budget of \$17,553,619, 17%, or two months, of expenditures would total \$2,925,604. However, the GFOA minimum is based on communities and budgets of all sizes. In a small community, with limited fiscal resources from which to draw in an emergency, staff is suggesting that the Imperial Beach fund balance reserve should be increased. As of June 30, 2013, the City has an unassigned fund balance reserve of \$5,609,186 or 32% of the City's annual expenditures.

A survey of 73 California cities completed by the California Municipal Finance Officer's Organization (CSMFO) identified an average of 28% of the annual General Fund in unassigned reserve. The percentages in the survey ranged from a high of 125% to a low of 5%. Staff is recommending that Imperial Beach maintain its current General Fund unassigned balance reserve and establish a minimum reserve balance of 30% of annual General Fund Expenditures.

In addition to the General Fund reserve, the City Council took the prudent and necessary step of establishing an Economic Uncertainty Reserve equal to 10% of the annual General Fund budgeted expenditures, or \$1.8 million. Staff highly recommends that the Economic Uncertainty Reserve remain in place and that the City Council establish a minimum Economic Uncertainty Reserve of 10% of annual General Fund Expenditures.

There are also some unknowns related to the current reserve accounts. For example, it is anticipated that we will receive at least a portion, if not all, of the loan to the Redevelopment Agency from the General Fund. However, we are unlikely to receive the repayment in a lump sum. Therefore, staff is not including this amount in the General Fund unassigned balance reserve or the Economic Uncertainty Reserve.

The City Council has also established two Public Works reserve accounts. In the creation of the current year budget, the City Council established a Strategic Capital Reserve which currently maintains a balance of \$1.6 million. The other Public Works Reserve account is dedicated to the anticipated shortfall between the funding the City receives from Transnet and the gas tax, and the cost of properly maintaining the roadways in the City. The streets reserve account presently has a balance of just over \$2 million. Staff is suggesting that the City Council establish a minimum Public Works Fund Reserve equal to \$1 million.

The table below represents the current General Fund Balances of the City:

Reserve	Amount	Percent of Gen. Fund Expenditures
Unassigned	5,609,186	32%
Economic Uncertainty	1,800,000	10%
Strategic Capital	1,600,000	
Public Works	2,013,541	
Public Safety Communications	<u>100,000</u>	
Total	11,122,727	

In addition to the balances indicated in the table, there is the potential of collecting \$3.7 million from the Department of Finance for the repayment of a loan from the General Fund to the Redevelopment Agency.

Policy Discussion

- Based primarily on a review of the City’s revenues and expenditures over a period of ten years, and in conjunction with the effects of the unanticipated dissolution of the Redevelopment Agency, staff is recommending maintaining a minimum 30% unassigned fund balance in the General Fund and a 10% balance in the Economic Uncertainty Reserve. Should the combination of those two reserves exceed 50% of General Fund expenditures at the end of each fiscal year, the City Council will discuss the excess amount and may determine to retain the amount in the reserves or expend the excess on one-time expenditures.
- In fiscal 2012/13, as part of the adoption of the fiscal 2013-2015 two year budget, the Council set aside additional reserves for public works maintenance and construction projects. The Strategic Capital will used for general capital projects throughout the City. The Public Works Reserve will be used to close the gap between Transnet and gas tax funding and the actual cost of maintaining the roads. Because unanticipated capital needs can occur at any time, maintenance of these reserves is critical. Staff recommends that the City Council establish a minimum Public Works Fund Reserve equal to \$1 million. Additionally, staff recommends that the Council explore options for replenishment of the reserves. Potential sources for that replenishment could include the following:
 - Increase in property tax resulting from residual tax increment money distributed to cities and special districts;
 - A portion of the increase in Transient Occupancy Tax (TOT) resulting from the opening of the Hotel;
 - Any funds received from the Department of Finance for repayment of the loan granted from

the City to the Redevelopment Agency.

Internal Service Funds

Staff determined that it is important to inform the City Council about some additional funds set aside for City functions. The City maintains four internal service funds. These funds are run much like a business in that they must take in enough in revenue to cover the expenses and maintain sufficient reserves. Each department that uses the services is charged a prorated amount which then becomes revenue in the internal service fund. Those funds are as follows:

- Vehicle and Equipment Replacement and Maintenance – This fund not only builds up reserves to pay for the replacement of vehicles and equipment, it also must generate funds sufficient to maintain those vehicles and equipment. For example, because of the annual accumulation of funds, the City was able to replace the fire engine without the need for borrowing. This reserve currently stands at \$1.3 million which staff believes is adequate.
- Risk Management – This fund accumulates money to pay for liability insurance premiums, worker's compensation premiums, and claims. The City's policy is to reserve three times the self-insurance retention or co-pay (\$125,000 times 3) per claim, plus the actuarially determined amount for worker's compensation, \$825,000. The recommended reserve total is \$1,200,000. The reserve in Risk currently stands at \$2,200,000, or \$1million over what is needed. Council may wish to allocate these funds elsewhere.
- Technology – This fund accumulates resources for both the replacement of computer related equipment, and systems maintenance. The reserve currently stands at \$490,000 which staff believes is adequate.
- Facilities Maintenance – This fund pays for the maintenance and cleaning of all City facilities employing a combination of City staff and outside contracts. This reserve currently stands at \$200,000 which staff believes is adequate.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA. .

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

That the City Council review and consider a General Fund Fund Balance Policy that will allow staff to return at a future Council meeting for review and adoption of a resolution formally approving the policy.