



A G E N D A

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY



JUNE 18, 2008

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 REDEVELOPMENT AGENCY, PLANNING COMMISSION, AND PUBLIC FINANCING AUTHORITY

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

REGULAR MEETING CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE & COMMUNITY ANNOUNCEMENTS

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

PRESENTATIONS (1.1 - 1.2)

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

City Manager's Recommendation: Present the Recycle All-Star Award Certificate, \$100.00 check, and used oil-recycling premiums to Mary Quinones.

1.2* NOAA NATIONAL WEATHER SERVICE PRESENTATION – RECOGNITION OF THE CITY OF IMPERIAL BEACH AS THE FIRST COMMUNITY IN SAN DIEGO COUNTY TO BE DECLARED "TSUNAMI AND STORM READY." (0220-05)

* No Staff Report.

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

CONSENT CALENDAR (2.1 - 2.11) - All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.

2.1. MINUTES.

City Manager's Recommendation: Approve the minutes of the Regular City Council Meeting of May 21, 2008 the Adjourned Regular Meeting of May 28, 2008, and the City Council Workshop Meeting of May 28, 2008.

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

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 66399 through 66542 with the subtotal amount of \$880,002.11; and Payroll Checks 39630 through 39735 for the pay period ending 05/22/08 with the subtotal amount of \$284,583.50; for a total amount of \$1,164,585.61.

2.3 RESOLUTION NO. 2008-6648 – AUTHORIZATION TO RENEW THE PARTNERSHIPS WITH INDUSTRY GROUP SERVICES AGREEMENT. (0920-20)

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolution.

2.4 RESOLUTION NO. 2008-6649 – AFFIRMATION OF LETTER OF AUTHORIZATION FOR FY 2008-09 USED OIL BLOCK GRANT (UBG14). (0390-86)

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolution.

2.5 ANNUAL FINANCIAL REPORT OF THE CITY OF IMPERIAL BEACH FOR THE YEAR ENDED JUNE 30, 2007. (0310-10)

City Manager's Recommendation: Receive and file the audited City of Imperial Beach Financial Statements for the year ending June 30, 2007.

2.6 RESOLUTION NO. 2008-6650 – SALE OF SURPLUS PROPERTY. (0380-45)

City Manager's Recommendation: Adopt resolution.

2.7 RESOLUTION NO. 2008-6646 – APPROVING THE FY 2008-09 SALARY AND COMPENSATION PLAN FOR CITY EMPLOYEES. (0520-75)

City Manager's Recommendation: Adopt resolution.

2.8 RESOLUTION NO. 2008-6647 – APPROVING REVISIONS TO THE JOB DESCRIPTION FOR ENVIRONMENTAL PROGRAM SPECIALIST. (0510-20)

City Manager's Recommendation: Adopt resolution.

2.9 RESOLUTION NO. 2008-6652 – APPROVING RENEWAL OF MICHAL PIASECKI CONSULTING CONTRACT FOR FISCAL YEAR 2008-09. (1110-05)

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolution.

2.10 RESOLUTION NO. 2008-6653 – AMENDMENT TO CITY MANAGER'S CONTRACT. (0530-60)

Mayor and City Attorney's Recommendation:

1. Receive report; and
2. Adopt resolution.

Continued on Next Page

CONSENT CALENDAR (Continued)

2.11 NOVEMBER 4, 2008 GENERAL MUNICIPAL ELECTION RESOLUTIONS. (0430-40)

City Manager's Recommendation: Adopt the following resolutions in connection with the November 4, 2008 General Municipal Election:

1. Resolution No. 2008-6642 - calling and giving notice of the holding of a General Municipal Election on Tuesday, November 4, 2008 for the election of certain officers of said city as required by the provisions of the laws of the State of California relating to general law cities;
2. Resolution No. 2008-6643 - requesting the Board of Supervisors of the County of San Diego to conduct and consolidate a General Municipal Election to be held on Tuesday, November 4, 2008, with the Statewide General Election to be held on the same date pursuant to §10403 of the Elections Code and authorizes the Registrar of Voters to provide services;
3. Resolution No. 2008-6644 - adopting regulations for candidates for elective office pertaining to candidate's statements submitted to the voters at an election to be held on Tuesday, November 4, 2008; and
4. Resolution No. 2008-6645 - adopting a procedure to resolve tie votes by lot.

ORDINANCES – INTRODUCTION/FIRST READING (3.1 - 3.2)

3.1 ORDINANCE NO. 2008-1071 – REPEALING CHAPTER 9.28 KNOWN AS THE “LOITERING ORDINANCE” AND ADDING CHAPTER 9.28 NOW KNOWN AS THE “OBSTRUCTING FREE MOVEMENT ORDINANCE.” (0240-27)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2008-1071, an Ordinance of the City Council of the City of Imperial Beach, California, repealing Chapter 9.28 known as the “Loitering Ordinance” and Sections 9.28.010 and 9.28.020 of Chapter 9.28 and adding Chapter 9.28 now known as the “Obstructing Free Movement Ordinance” with the Chapter and Section numbers to remain the same;
3. City Clerk to read title of the Ordinance No. 2008-1071; and
4. Motion to dispense the first reading of Ordinance No. 2008-1071, set the matter for adoption at the next regularly scheduled City Council meeting, and authorize the publication of the Ordinance in a newspaper of general circulation.

3.2 ORDINANCE 2008-1072 – AMENDING SECTION 9.04.035 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATING TO CONSUMPTION OF ALCOHOL ON THE MUNICIPAL PIER. (0240-07 & 0220-45)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2008-1072, an Ordinance of the City Council of the City of Imperial Beach, California, amending Section 9.04.035 of the Imperial Beach Municipal Code relating to consumption of alcohol on the Municipal Pier;
3. City Clerk to read title of the Ordinance No. 2008-1072; and
4. Motion to dispense the first reading of Ordinance No. 2008-1072, set the matter for adoption at the next regularly scheduled City Council meeting, and authorize the publication of the Ordinance in a newspaper of general circulation.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1-5.3)

- 5.1 RESOLUTION NO. 2008-6640 – APPROVING TENTATIVE MAP (TM 070078) FOR THE PROPOSED CONVERSION OF FIVE (5) ATTACHED RESIDENTIAL UNITS TO CONDOMINIUM OWNERSHIP AT 1044, 1046, 1048, 1050, 1052 FERN AVENUE (PREVIOUSLY 1192 11TH STREET), IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE. MF 960 (REF. MF 832). (0620-20)**

City Manager's Recommendation:

1. Declare public hearing open;
2. Receive public testimony;
3. Close public hearing; and
4. Adopt resolution.

- 5.2 RESOLUTION NO. 2008-6641 – APPROVING REGULAR COASTAL PERMIT (CP 060434) AND TENTATIVE MAP (TM 060435) FOR THE PROPOSED SEPARATION OF EIGHT (8) SHOPKEEPER UNITS (RESIDENTIAL UNIT ABOVE COMMERCIAL SPACE) INTO SIXTEEN (16) SEPARATE CONDOMINIUM OWNERSHIP UNITS (8 RESIDENTIAL UNITS ABOVE 8 COMMERCIAL SPACES) AT 700-708 SEACOAST DRIVE, IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 882 (REF. MF 381; MF 435; MF 491). (0620-20)**

City Manager's Recommendation:

1. Declare public hearing open;
2. Receive public testimony;
3. Close public hearing; and
4. Adopt resolution.

- 5.3 RESOLUTION NO. 2008-6639 – IB3D BY THE SEA/HARMON NELSON III (OWNER)/JANINE ROCELLE, WHITAKER INC. (APPLICANT/ARCHITECT); APPROVING REGULAR COASTAL DEVELOPMENT PERMIT (CP 070034), DESIGN REVIEW CASE (DRC 070035), SITE PLAN REVIEW (SPR 070036), AND TENTATIVE PARCEL MAP (TPM 070089) TO CONSTRUCT THREE NEW ATTACHED CONDOMINIUM UNITS LOCATED AT 1008 OCEAN LANE, IN THE R-1500/MU-2 (HIGH DENSITY RESIDENTIAL/SEACOAST MIXED USE OVERLAY) ZONE. MF 924. (0620-20)**

City Manager's Recommendation:

1. Declare the public hearing;
2. Receive public testimony;
3. Close the public hearing; and
4. Adopt resolution.

REPORTS (6.1 - 6.8)

- 6.1 SEWER SYSTEM MASTER PLAN/CAPACITY STUDY CIP; CONSULTANT'S REPORT. (0830-90)**

City Manager's Recommendation:

1. Receive presentation from staff and the Consultant; and
2. Accept the Study and direct staff to use the report for future capital improvements and compliance with the Water Discharge Requirements (WDR).

- 6.2 PAVEMENT CONDITION ASSESSMENT ANALYSIS PROJECT REPORT. (0720-90)**

City Manager's Recommendation:

1. Receive presentation from staff and the Consultant; and
2. Accept the Study and direct staff to use the report for GASB 34 purposes and for future capital street improvements.

Continued on Next Page

REPORTS (Continued)

Item No. 6.3 will be discussed at 7:30 p.m. – TIME SPECIFIC

- 6.3 INITIATIVE ENTITLED “THE PORT OF SAN DIEGO MARINE FREIGHT PRESERVATION AND BAYFRONT REDEVELOPMENT INITIATIVE.” (0150-70 & 0460-20)**
City Manager’s Recommendation:
1. Review the staff report and listen to initiative proponents and opponents who have been notified about this agenda item;
2. Decide if Council wishes to take a position on the initiative; and
3. If Council wishes to take a position, we recommend opposition to the initiative consistent with the Port Commission Resolution Number 2008-80.
- 6.4 DISCUSSION ON PET CHICKENS. (0200-95)**
City Manager’s Recommendation:
1. Receive report; and
2. Provide direction to staff.
- 6.5 DESIGN REVIEW BOARD APPOINTMENT. (0120-30)**
City Manager’s Recommendation:
1. Mayor recommend appointment to fill the one (1) vacancy on the Design Review Board with a term expiring on December 31, 2008; and
2. Approval of appointment by City Council.
- 6.6 RESOLUTION NOS. 2008-6651 AND R-08-154 – APPROVING ADOPTION OF ADJUSTMENTS TO FISCAL YEAR 2007-2009 OPERATING BUDGETS FOR THE CITY OF IMPERIAL BEACH AND THE IMPERIAL BEACH REDEVELOPMENT AGENCY, ADOPT CITY’S APPROPRIATION LIMIT, AND ADOPT BUDGET POLICES. (0330-30)**
City Manager’s Recommendation: Adopt resolutions.
- 6.7 UPDATE ON THE FINANCIAL STATUS OF THE CITY’S GENERAL FUND. (0330-30)**
City Manager’s Recommendation: Receive and file the report.
- 6.8 RESOLUTION NO. R-08-155 – APPROVING AUTHORIZATION TO SIGN A CHANGE ORDER TO THE PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING FOR ADDITIONAL WORK ON THE PUBLIC WORKS FACILITY MASTER PLAN (CIP F05-101). (0910-30)**
City Manager’s Recommendation:
1. Receive report; and
2. Adopt resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

MAYOR/COUNCIL REPORTS ON ASSIGNMENTS AND COMMITTEES

ADJOURNMENT

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

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

Copies of this notice were provided on June 13, 2008 to the City Council, San Diego Union-Tribune, I.B. Eagle & Times, and I.B. Sun.

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

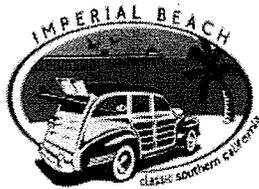
AFFIDAVIT OF POSTING

I, Jacqueline M. Hald, City Clerk of the City of Imperial Beach, hereby certify that the Agenda for the Regular Meeting as called by the City Council, Redevelopment Agency, Planning Commission, and Public Financing Authority of Imperial Beach was provided and posted on June 13, 2008. Said meeting to be held at 6:00 p.m. June 18, 2008, in the Council Chambers, 825 Imperial Beach Boulevard, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers on June 13, 2008 at 10:30 a.m.

Jacqueline M. Hald, CMC
City Clerk

RETURN TO AGENDA

AGENDA ITEM NO. 5.1



STAFF REPORT
CITY OF IMPERIAL BEACH

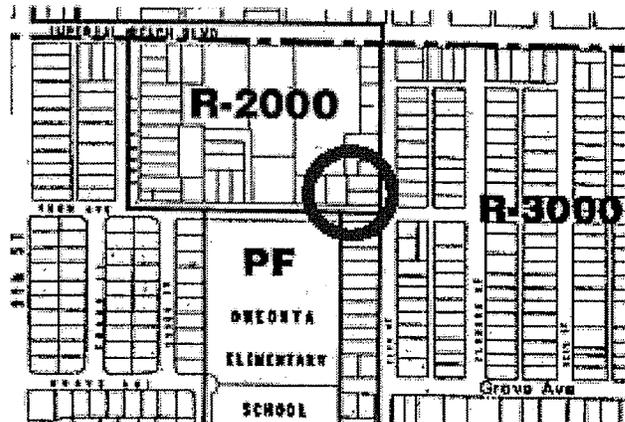
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: June 18, 2008
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER

SUBJECT: PUBLIC HEARING: TENTATIVE MAP (TM 070078) FOR THE PROPOSED CONVERSION OF FIVE (5) ATTACHED RESIDENTIAL UNITS TO CONDOMINIUM OWNERSHIP AT 1044, 1046, 1048, 1050, 1052 FERN AVENUE (PREVIOUSLY 1192 11TH STREET), IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE. MF 960 (REF. MF 832).

PROJECT DESCRIPTION/BACKGROUND:

This project is an application for the conversion of a two-story residential apartment building consisting of five (5) units. The building is currently under construction (ref. MF 832, approved by City Council on June 20, 2007). The tentative map application was filed on October 22, 2007. The development consists of five attached residential units, with 2-car garage parking on a 10,013 square-foot parcel located at 1044, 1046, 1048, 1050, 1052 Fern Avenue (previously 1192 11th Street (APN 632-013-37-00)). The property is designated R-2000 (Medium-Density Residential) on the Zoning Map. Conversion to condominiums will facilitate the individual sale of residential units.



PROJECT EVALUATION/DISCUSSION:

The applicant has submitted documentation required by the City's condominium conversion regulations (Chapter 18.84). The building is currently under construction and should be completed within the month of June 2008. The property's major systems, equipment, and components will be new and no repairs will be



necessary. Surrounding structures consist of multi-family and single-family residences/structures.

General Plan/Local Coastal Plan/Zoning Consistency: The project proposes a dedication of 10 feet of property on the east side facing 11th Street in order to include already existing public improvements. This dedication will result in a setback reduction of 10 feet on 11th Street. The building conforms to all other development standards in the R-2000 (Medium-Density Residential) zone.

Storm Water/Landscaping: The City is requiring new development to conform to the state water quality/urban runoff requirements (SDRWQCB Order 2001-01), final plans for new development show drainage patterns demonstrating how storm water will be directed to landscaped areas (bioswales) or to filters before it is discharged into the city's storm sewers. The applicant has submitted a Water Pollution Control Plan that has been approved by the City Engineer. Conformance to the Water Pollution Control Plan and Best Management Practices will be required prior to final approval of the project.

Property Improvements: The building is new and will not require property improvements. The property must be developed as approved by City Council on June 20, 2007.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This project may be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 as a Class 1(k) project (Existing Facilities).

COASTAL JURISDICTION: The project is not located in the Coastal Zone, and, therefore, the City will not need to consider evaluating the project with respect to conformity with coastal permit findings.

FISCAL IMPACT:

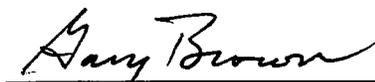
The applicant has deposited \$3,000.00 in Project Account Number 070078 to fund the processing of this application.

DEPARTMENT RECOMMENDATION:

1. Declare public hearing open,
2. Receive public testimony,
3. Close public hearing,
4. Consider adoption of Resolution No. 2008-6640, approving the Tentative Map (TM 070078), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2008-6640
2. Tentative Map

c: file MF 960
Roger and Dorothy Sandoval, 1210 5th Street, Imperial Beach, CA 91932
Richard Speare, 4455 Lamont Street #H, San Diego, CA 92109
DGB Survey and Mapping, 23 1/2 Naples Street, Chula Vista, CA 91911
Frank Sotelo, Public Safety
Hank Levien, Public Works Director
Ed Wilczak, Building Official
Jacque Hald, City Clerk

RETURN TO AGENDA

RESOLUTION NO. 2008-6640

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING TENTATIVE MAP (TM 070078) FOR THE PROPOSED CONVERSION OF 5 ATTACHED RESIDENTIAL UNITS TO CONDOMINIUM OWNERSHIP AT 1044, 1046, 1048, 1050, 1052 FERN AVENUE (PREVIOUSLY 1192 11TH STREET), IN THE R-2000 (MEDIUM DENSITY RESIDENTIAL) ZONE. MF 960 (REF. MF 832).

WHEREAS, on June 18, 2008, the City Council of the City of Imperial Beach held a duly advertised and noticed public hearing to consider the merits of approving or denying an application for Tentative Map (TM 070078) originally filed on October 22, 2007, for the proposed conversion of five (5) attached residential units with garage parking, on a 10,013 square-foot parcel located at 1044, 1046, 1048, 1050, 1052 Fern Avenue (previously 1192 11th Street) in the R-2000 (Medium-Density Residential) Zone to condominium ownership units; and legally described as follows:

Commencing at the southwest corner of the southeast quarter of the northeast quarter of the northeast quarter of the southwest quarter of Section 29, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of Imperial Beach, County of San Diego, State of California; thence easterly along the south line thereof, a distance of 180.00 feet to the southeasterly corner of land described in deed to Leon Elkin, et ux, recorded September 21, 1955 in Book 5800, Page 478 of Official Records, and the True Point of Beginning; thence easterly in a straight line to the southwest corner of the northerly 60.00 feet of easterly 150.00 feet of the south half of the southeast quarter of the northeast quarter of the northeast quarter of said southwest quarter; thence easterly along the southerly line of the northerly 60.00 feet of the southeast quarter of the northeast quarter of the northeast quarter of the southwest quarter, a distance of 150.00 feet to an intersection with the easterly line of said southwest quarter; thence southerly along said easterly line to the southeast corner of the northeast quarter of the northeast quarter of said southwest quarter; thence westerly along the southerly line of the northeast quarter of the northeast quarter of the southwest quarter of the True Point of Beginning.

Excepting therefrom the interest in the easterly 16.50 feet as conveyed to the City of Imperial Beach by deed recorded June 10, 1968 as File No. 96444 which recites: for municipal purposes; and,

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

WHEREAS, documentation has been submitted by the applicant that demonstrate compliance with the notification requirements of Map Act Section 66452.9; and

WHEREAS, the following tentative map findings are provided pursuant to Map Act Section 66474:

TENTATIVE MAP FINDINGS:

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

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

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

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

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

The subject site is a rectangular 10,013 square-foot parcel. The five (5) attached residential units are under construction and are suitable for this property. The Tentative Map will establish condominium ownership for five (5) units.

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

The project does not involve any new construction beyond what was approved by City Council on June 20, 2007 for the construction of five (5) attached dwelling units, and the existing development is in a developed urban area. Therefore, the proposed tentative map will not affect fish or wildlife habitat.

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

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

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

A Title Report submitted by the applicant, dated September 28, 2007, indicates that there are no easements on the site, which would conflict with the subdivision.

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that Tentative Map (TM 070078) filed on October 22, 2007, for the proposed conversion

to condominium ownership of five (5) residential units located 1044, 1046, 1048, 1050, 1052 Fern Avenue (previously 1192 11th Street) in the R-2000 (Medium-Density Residential) Zone are hereby approved subject to:

CONDITIONS OF APPROVAL:

A. PLANNING:

1. The site shall be developed according with the approved tentative map, dated December 7, 2007, and Water Pollution Control Plan, dated January 17, 2008, on file in the Community Development Department and the conditions herein. Final landscaping, storm water/drainage, façade improvement plans, parking layout and trash/recycling enclosure locations are subject to approval by the Community Development Department.
2. Approval of the Tentative Map (TM 070078) is valid for three years from the date of final action and would expire **June 18, 2011**. The conditions of approval must be satisfied and the Final Map recorded on or before June 18, 2011, unless the City grants an extension of time.
3. Applicant shall pay any outstanding negative balances in the project accounts (070078) prior to approval and recordation of the Final Map.
4. Approval of this request shall not waive compliance with any portion of the Uniform Building Code and Municipal Code in effect at the time building permits were issued for the original development.
5. Applicant shall provide the required documentation pursuant to Subdivision Map Act Section 66427.1.
6. Project shall dedicate 10 feet of property on the east side facing 11th Street in order to include already existing public improvements.
7. The applicant or applicant's representative shall read, understand and accept the conditions listed herein and shall within 30 days return a signed statement (Affidavit) accepting said conditions.
8. Applicant shall sign and return the Final Map Notification Agreement.
9. Applicant shall provide an updated Title Report dated within 60 days of the Final Map submittal.
10. Applicant shall comply with the requirements of the Condominium Conversion Ordinance 2005-1023.
11. Applicant shall comply with the approved Water Pollution Control Plan, dated January 17, 2008.
12. All drainage must be directed into on-site landscaping.
13. Applicant must comply with all conditions listed in Resolution 2007-6499.

B. CITY ENGINEER:

14. The Final Map shall be in substantial compliance with the approved tentative map dated December 7, 2007.

15. The Water Pollution Control Plan shall be in compliance with the approved plan dated January 17, 2008.

C. PUBLIC WORKS:

16. Ensure that the hot water tank P.T. discharge pipe is piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
17. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
18. Construct one new driveway approach on 11th Street in accordance with San Diego, Regional Standard Drawing G-14A (See attached). Asphalt cut for this installation is to be cut back enough to tie in the new lip of gutter with a maximum of 2% cross fall. Note that the driveway approach is to be a minimum of 3-feet from the property line. Maintain a minimum 3-foot-wide landscape strip between property line and driveway per I.B.M.C. 19.50.040.D. **Installation of the driveway will require applicant dedicate approximately 5-feet of their property at the driveway for this purpose.**
19. Remove one existing driveway approach on Fern Avenue and replace with new curb and gutter (regional standard drawing G-2) and new sidewalk (regional standard drawing G-7 non-contiguous).
20. Remove and replace the sidewalk on Fern Avenue between the handicap ramp at 11th Street / Fern Avenue west property line on Fern Avenue with a 5'6" parkway in accordance with I.B.M.C. 12.04.050.
21. Remove and replace the access ramp at the intersection of Fern Avenue and 11th Street with an ADA "Type A" compliant ramp in accordance with Regional Standard Drawing G-27. **Installation of the ramp will require applicant dedicate a small corner of their property at the intersection for this purpose.**
22. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5-feet. Where the distance from "Area to be removed", to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.
23. Install irrigation system in the new parkway between the curb and sidewalk and the property line.
24. Require the building foundation elevation be at least 1 foot the adjacent ground level to minimize flooding during storm conditions.
25. Install survey monument on northeast and southwest property line property lines in or adjacent to the sidewalk. Record same with county office of records.
26. Ensure construction design includes adequate storage (out of the front yard setback) for 3 trash barrels for each unit (regular trash, recycled waste, green waste). **Note: This is shown on the Construction Drawings but is not on the Tentative Parcel Map.**

27. Require applicant to provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and / or Conditional Use Permit.
28. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
29. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt placed in street trench. Asphalt shall be AR4000 ½ mix (hot).
30. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
31. Applicant shall underground all utilities in accordance with I.B.M.C. 13.08.030 - Subdivisions – Undergrounding Required (All privately owned public utility distribution systems and service facilities with the boundaries of any subdivision shall henceforth be placed underground.) and 13.08.040 Subdivision – Responsibility of subdivider to underground – Exempted facilities.
 - A. The subdivider shall be responsible for the requirements of this chapter and shall make the necessary arrangements with each of the public utility companies for the installation of underground facilities and the relocation of existing facilities. The subdivider shall provide the city with letters signed by said public utilities indicating that such arrangements have been made with the public utilities companies stipulating that the undergrounding of utilities facilities will be accomplished concurrent with the filing of the final map of any subdivision as required by this code and the state Subdivision Map Act and subject to the approval of the City....”
32. Property owner must institute “Best Management Practices” to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant must provide BMP practices shall include but are not limited to:
 - ◆ Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
 - ◆ All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - ◆ Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches, storm drain pipes).
 - ◆ All wastewater resulting from cleaning construction tools and equipment, must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
 - ◆ Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system.

Applicant is to cover disturbed and exposed soil areas of the project with visquien (or equivalent product) to prevent sediment removal into the storm drain system.

- 33. Any disposal/transportation of solid waste / construction waste in roll off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.

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 18th day of June, 2008, by the following roll call vote:

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

Jim Jannev

JIM JANNEY, MAYOR

ATTEST:

Jacqueline Hald

JACQUELINE HALD, CITY CLERK

APPROVED AS TO FORM:

James P. Lough

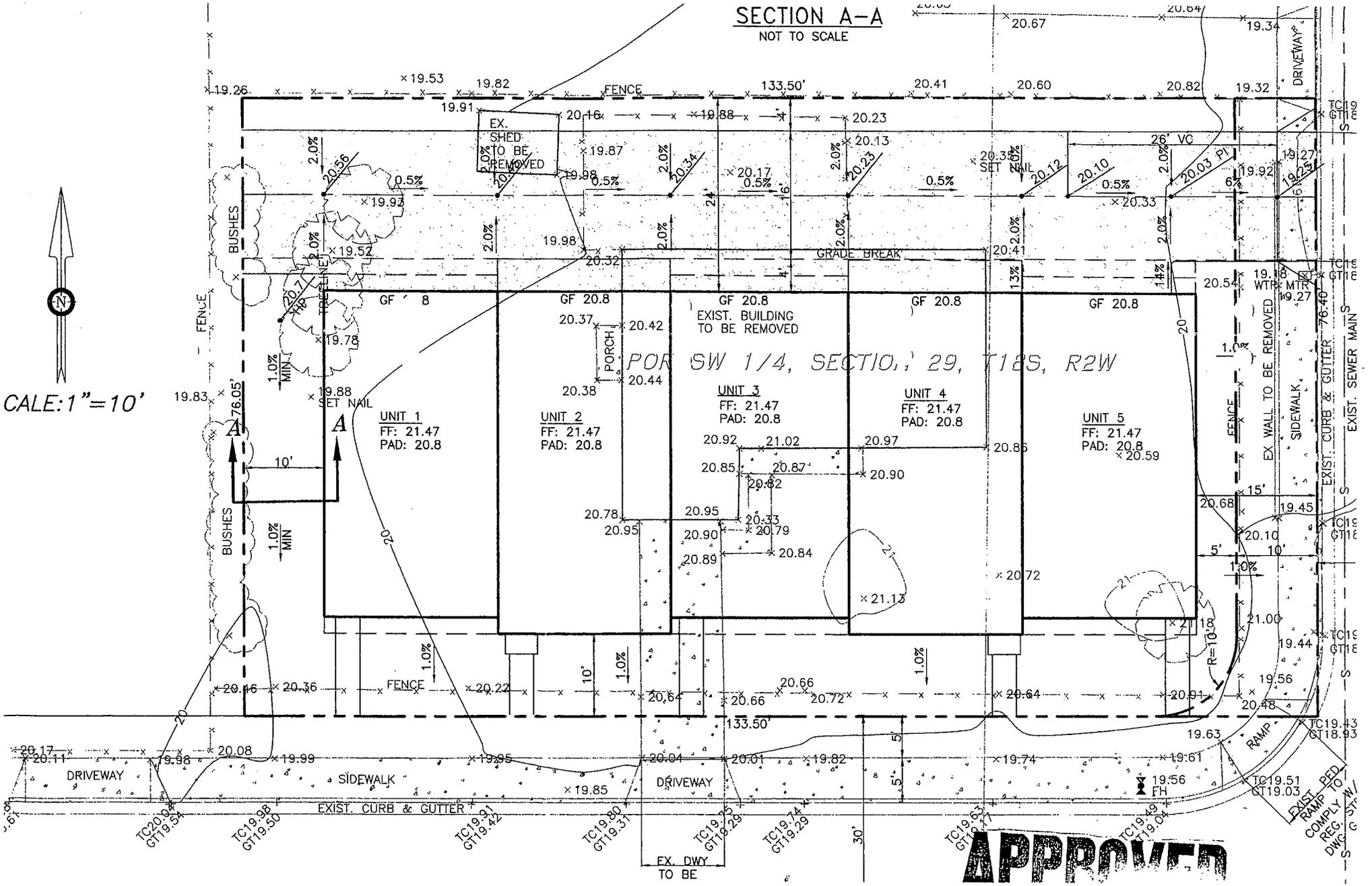
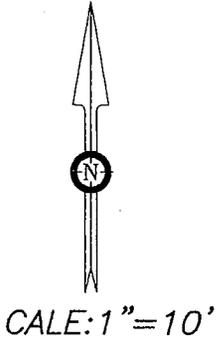
JAMES P. LOUGH, CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2008-6640 - A Resolution of the City of Imperial Beach approving Tentative Map (TM 070078) originally filed on October 22, 2007, for the proposed conversion to condominium ownership of five (5) attached residential units on a 10,013 square-foot parcel located at 1044, 1046, 1048, 1050, 1052 Fern Avenue (previously 1192 11th Street) (APN 632-130-37-00). The property is designated R-2000 (Medium-Density Residential) on the Zoning Map.

CITY CLERK

DATE

SECTION A-A
NOT TO SCALE



POR SW 1/4, SECTION 29, T18S, R2W

UNIT 3

FF: 21.47
PAD: 20.8

UNIT 4

FF: 21.47
PAD: 20.8

UNIT 5

FF: 21.47
PAD: 20.8

APPROVED

EXIST. RAMP TO COMPLY W/ DWG. ST. S



STAFF REPORT
CITY OF IMPERIAL BEACH

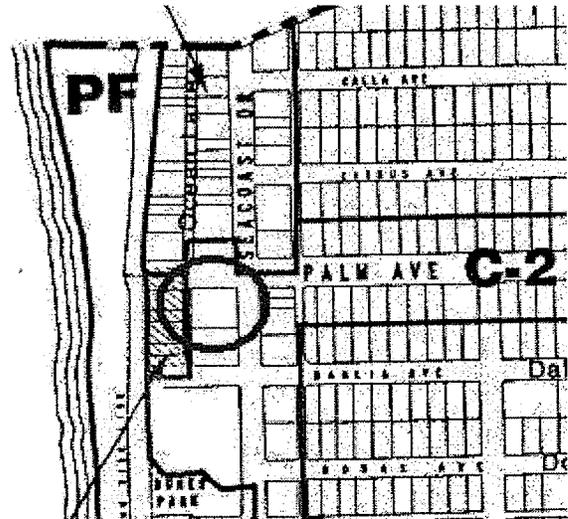
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: June 18, 2008
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER

SUBJECT: PUBLIC HEARING: REGULAR COASTAL PERMIT (CP 060434) AND TENTATIVE MAP (TM 060435) FOR THE PROPOSED SEPARATION OF EIGHT (8) SHOPKEEPER UNITS (RESIDENTIAL UNIT ABOVE COMMERCIAL SPACE) INTO SIXTEEN (16) SEPARATE CONDOMINIUM OWNERSHIP UNITS (8 RESIDENTIAL UNITS ABOVE 8 COMMERCIAL SPACES) AT 700-708 SEACOAST DRIVE, IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 882 (REF. MF 381; MF 435; MF 491).

PROJECT DESCRIPTION/BACKGROUND:

This project is an application for the separation of eight (8) shopkeeper units (residential unit above commercial space) into sixteen (16) separate condominium ownership units (8 residential units above 8 commercial spaces). The buildings were constructed in 1997. The tentative map application was filed on August 16, 2006. The development consists of eight (8) attached shopkeeper units, with 32 parking spaces off of Ocean Lane, and 16 spaces from the pool created under the zoning code credited for development in the C-2 Zone; 48 parking spaces total. The project is located on a 25,200 square-foot parcel located at 700-708 Seacoast Drive (APN 625-181-13-01 through 625-181-13-08). The property is designated C-2 (Seacoast Commercial) on the Zoning Map. Conversion to condominiums will facilitate the individual sale of each unit (8 residential units above 8 commercial units).



PROJECT EVALUATION/DISCUSSION:

The development was designed to accommodate both commercial and residential use in the provision of separate building entrances, parking in front and rear and private open space for each residence.

The applicant has submitted documentation required by the City's condominium conversion regulations (Chapter 18.84). The building has been in use for approximately ten (10) years. The property's major systems, equipment, and components need no repairs. Surrounding structures consist of multi-family, mixed-use, and commercial structures/uses. The project will comply with all original plans as approved by the City Council.

This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach. The applicant shall remove connecting doors between residential units and commercial spaces and adequate fire separation shall be provided between the residential and commercial uses where fire separation does not currently exist.

General Plan/Local Coastal Plan/Zoning Consistency: The subject site is designated "Seacoast Commercial", which 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. Residential use is permitted above first-floor commercial, subject to a Conditional Use Permit (CUP 97-01). Permitted first floor commercial uses in the C-2 zone range from hotels and retail shops to personal services. The commercial component of the project provides small commercial suites, and three commercial spaces are allowed to provide professional offices and/or financial institutions (CUP 98-01). The residential use is consistent with other residential uses to the north, south, and west. The project was designed to accommodate both commercial and residential use in the provision of separate building entrances, parking in the front and rear and private open space for each residence. Splitting the eight condominium (8) shopkeeper units into sixteen (16) common-interest ownership units will not impact the approved design or use of the project site.

The greatest potential impact would be to required parking. Each shopkeeper unit currently has four parking spaces off of Ocean Lane (one garage, one tandem space behind the garage, one carport, and one tandem space behind the carport); totaling 32 spaces off of Ocean Lane. Sixteen additional spaces were allotted from the Seacoast parking pool (12 spaces provide diagonal parking in front of the building), totaling 48 parking spaces for the project site. The separation of residential and commercial units would not impact parking. The residential parking requirement in the C-2 Zone is 1.5 spaces per dwelling unit resulting in 12 required parking spaces. However, the project proposes to provide two spaces per residential dwelling unit (one garage and one open tandem space behind the garage) totaling 16 parking spaces for the residential units and leaving a total of 32 spaces available for the 8 commercial spaces. While tandem spaces are not typically allowed by Imperial Beach Municipal Code (IBMC), a variance was originally approved to allow for tandem parking. Section 19.48.050.M of the IBMC also provides for lower parking standards for commercial development in the Seacoast Commercial zone, at one parking space for every 500 square feet of net floor area where one space for every 250 square feet (for retail) or 300 square feet (for professional office) is otherwise required, until 100 parking spaces from the Seacoast parking pool have been fully exhausted (31 spaces currently available). The net commercial floor area within each respective commercial unit is as follows: 700 (964 net sq. ft.), 700-A (898 net sq. ft.), 702 (789 net sq. ft.), 702-A (352 net sq. ft.), 704 (871 sq. ft.), 704-A (825 net sq. ft.), 706 (662 net sq. ft.), 708 (541 net sq. ft.). At one required parking space for every 500 sq. ft. of net floor area the

commercial parking requirement would total 15 spaces, leaving 17 extra parking spaces (this section makes no mention of reserving parking for employees). If the parking were to conform to the typical parking requirement (one space per 250 sq. ft. of net floor area for retail in units 700, 702, 702-A, 704-A, 706 and 300 sq. ft. of net floor area of professional office in units 700-A, 704, 708; plus one space for every two employees), then 25 commercial spaces would be required, leaving 7 spaces still available for employee parking.

Storm Water/Landscaping: The City requires all discretionary projects to conform to the state water quality/urban runoff requirements (SDRWQCB Order 2007-01). No building, roof, or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. The applicant will have to restore all landscaping to what was originally approved by City Council for construction of the building, and in conformance with the Palm Avenue Street End plans. Conformance with Best Management Practices will be required prior to final approval of the project.

Property Improvements: The property must restore all landscaping to what was originally approved by City Council for construction of the building, and in conformance with the Palm Avenue Street End plans.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This project may be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 as a Class 1(k) project (Existing Facilities).

COASTAL JURISDICTION: The project is located in the Appeal Jurisdiction of the California Coastal Commission, as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map, and, as such, is appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

FISCAL IMPACT:

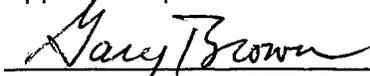
The applicant has deposited \$5,000.00 in Project Account Number 060434 to fund the processing of this application.

DEPARTMENT RECOMMENDATION:

1. Declare public hearing open,
2. Receive public testimony,
3. Close public hearing,
4. Consider adoption of Resolution No. 2008-6641, approving the Regular Coastal Permit (CP 060434) and Tentative Map (TM 060435), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2008-6641
 2. Tentative Map
- c: file MF 882
Site Design Associates, Inc., 1016 Broadway Suite A, El Cajon, CA 92021
Pacific Legacy Property Management, 702 Seacoast Drive, Imperial Beach, CA 91932
Diana Lilly, Coastal Program Analyst, California Coastal Commission – San Diego
District, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402
Frank Sotelo, Public Safety
Hank Levien, Public Works Director
Ed Wilczak, Building Official
Jacque Hald, City Clerk

RETURN TO AGENDA

RESOLUTION NO. 2008-6641

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING REGULAR COASTAL PERMIT (CP 060434) AND TENTATIVE MAP (TM 060435) FOR THE PROPOSED SEPARATION OF EIGHT (8) SHOPKEEPER UNITS (RESIDENTIAL UNIT ABOVE COMMERCIAL SPACE) INTO SIXTEEN (16) SEPARATE CONDOMINIUM OWNERSHIP UNITS (8 RESIDENTIAL UNITS ABOVE 8 COMMERCIAL SPACES) AT 700-708 SEACOAST DRIVE, IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 882 (REF. MF 381; MF 435; MF 491).

WHEREAS, on June 18, 2008, the City Council of the City of Imperial Beach held a duly advertised and noticed public hearing to consider the merits of approving or denying an application for Regular Coastal Permit (CP 060434) and Tentative Map (TM 060435) originally filed on August 16, 2006, for the proposed separation of eight (8) shopkeeper units (residential unit above commercial space) into sixteen (16) separate condominium ownership units (8 residential units above 8 commercial spaces) on a 25,200 square-foot parcel located at 700-708 Seacoast Drive in the C-2 (Seacoast Commercial) Zone; and legally described as follows:

Parcel 1: An undivided 1/8th fractional interest as tenant in common in and to Lot 1 of Shopkeepers at the Beach, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 13459, filed in the Office of the County Recorder of San Diego County on August 6, 1997 as document No. 1997-0376479 of official records.

Excepting from Parcel 1 all Shopkeepers units as shown upon the certain condominium plan for 700 Seacoast recorded May 4, 1998 as document No. 1998-0253766, Official Records of San Diego County, California, re-recorded July 10, 1998 as Document No. 1998-0428878, Official Records of San Diego County, California ("Condominium Plan").

Parcel 2: Shopkeeper Unit No. 2, as shown upon the condominium plan.

Parcel 3: The exclusive right to use, possess and occupy those portions of Parcel 1 described above, designated as exclusive use common areas as shown on the condominium plan referred to above to be appurtenant to Parcels 1 and 2 above described.

Parcel 4: A non-exclusive "Access Easement" for ingress and egress over the rear yard exclusive use common areas described in the declaration, which easement is appurtenant to parcels 1, 2, and 3 described above to provide access to and from the recycle bin and the trash bin located within the rear yard exclusive use common area. The rear yard exclusive use common areas referred to herein shall be as shown on the condominium plan; and,

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

WHEREAS, documentation has been submitted by the applicant that demonstrate compliance with the notification requirements of Map Act Section 66452.9; and

WHEREAS, the following tentative map findings are provided pursuant to Map Act Section 66474:

TENTATIVE MAP FINDINGS:

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

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

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

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

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

The subject site is a rectangular 25,200 square-foot parcel. The eight (8) attached shopkeeper units (residential above commercial) already exist and the site has been suitable for this development. The separation of residential and commercial ownership into sixteen (16) separate common-ownership units will not expand the existing building or use in any way. The Tentative Map will establish condominium ownership for sixteen (16).

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

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

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

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

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

A Title Report submitted by the applicant, dated October 12, 2006, indicates that there are no easements on the site, which would conflict with the subdivision.

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that Regular Coastal Permit (CP 060434) and Tentative Map (TM 060435) originally filed on August 16, 2006, for the proposed separation of eight (8) shopkeeper units (residential above commercial) into sixteen (16) separate condominium ownerships (eight residential above 8 commercial spaces) located 700-708 Seacoast Drive in the C-2 (Seacoast Commercial) Zone are hereby approved subject to:

CONDITIONS OF APPROVAL:

A. PLANNING:

1. The site shall be developed according with the approved plans, dated April 29, 2008 on file in the Community Development Department and the conditions herein. Final landscaping, storm water/drainage, façade improvement plans, parking layout and trash/recycling enclosure locations are subject to approval by the Community Development Department.
2. Approval of the Regular Coastal Permit (CP 060434) and Tentative Map (TM 060435) is valid for three years from the date of final action and would expire **June 18, 2011**. The conditions of approval must be satisfied and the Final Map recorded on or before June 18, 2011, unless the City grants an extension of time.
3. Applicant shall pay any outstanding negative balances in the project accounts (060434) prior to approval and recordation of the Final Map.
4. Approval of this request shall not waive compliance with any portion of the Uniform Building Code and Municipal Code in effect at the time building permits were issued for the original development.
5. Applicant shall provide the required documentation pursuant to Subdivision Map Act Section 66427.1.
6. The applicant or applicant's representative shall read, understand and accept the conditions listed herein and shall within 30 days return a signed statement (Affidavit) accepting said conditions.
7. Applicant shall sign and return the Final Map Notification Agreement.
8. Applicant shall provide an updated Title Report dated within 60 days of the Final Map submittal.
9. Applicant shall comply with the requirements of the Condominium Conversion Ordinance 2005-1023.
10. Applicant shall comply with approved plans and use permits for the project site. Restore all landscaping to match originally approved plans. Project must comply with Palm Avenue Street End plans.
11. All drainage must be directed into on-site landscaping.

12. Parking layout must match approved plans. Re-stripe and label all parking spaces as noted on the plans.
13. Per Resolution 2000-5186 (Conditional Use Permit 98-01 and Coastal Permit 98-07), units 700 A, 704 and 708 are the only units that can have the uses of professional offices and/or financial institutions. All other units should not be providing these services.

B. CITY ENGINEER:

14. The Final Map shall be in substantial compliance with the approved tentative map dated April 29, 2008.

C. BUILDING:

15. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach. This review is not intended to take the place of a Building Permit Plan Review. All comments and corrections required made during the Building Permit Plan Review process apply.
16. Applicant shall remove connecting doors between residential units and commercial spaces.
17. Adequate fire separation shall be provided between the residential and commercial uses if fire separation does not currently exist. Fire separation must be provided between residential units as well.

D. CALIFORNIA AMERICAN WATER:

18. Any submeters utilized for split ownership would be the responsibility of the Owner's Association. It would be the responsibility of the Owners Association to pay the eight (8) bi-monthly water billings, and to perform the annual backflow device testing for all sixteen backflow devices. Therefore, no new water services are needed to convert this building from eight to sixteen ownership units utilizing an Ownership Association managed by Pacific Legacy Property Management.

E. PUBLIC WORKS:

19. Install ADA truncated dome tile in the ADA access ramps on the southeast and southwest corner intersection ramps. If the truncated dome tile cannot be installed in the existing ramps, then the ramps will need to be rebuilt with the new truncated dome tiles - reference San Diego Region, Regional Standard Drawing G-30.
20. Ensure that the hot water tank P.T. discharge pipe is piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
21. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.

22. Replace the broken Palm Tree in the front of the complex with a Palm Tree of the same specie as that broken and of a size equivalent with the adjacent Palm Trees in the front of the complex.
23. Applicant landscape maintenance agreement must be redrafted to clearly state that the plants and planters in the right-of-way are to be maintained by the Condominium Association and repair or replacement of damaged plants is the Condominium Association responsibility.
24. Existing drainage weep-holes under sidewalk shall be plugged and sealed to prevent any runoff from discharging directly into the storm drain conveyance system. Alternatively the applicant must install roof drain down spout inline filters as a BMP to reduce the pollutant discharge from the complex. Additionally the applicant must maintain a BMP maintenance program in accordance with the recommendations from the manufacturer and satisfactory to the City of Imperial Beach. The above applies to all building rain gutter downspouts.
25. Existing gutter drainage on the alley side of the complex must be drained to a treatment BMP before draining to the Storm Drain Conveyance system. Applicant must install a treatment BMP acceptable to the City.
26. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5-feet. Where the distance from "Area to be removed", to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.
27. If it is necessary to cut into the alley pavement as part of this project, all concrete cuts in the alley must be replaced with #4 rebar dowels positioned every 1 foot on center. Concrete specification must be 560-C-3250. Concrete cuts must also comply with item 7 above and cuts parallel to the alley drainage must be at least 1-foot from the alley drain line.
28. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
29. For any project that proposes work within the public right-of-way (i.e., driveway removal/construction, sidewalk removal/construction, street or alley demolition/reconstruction, landscaping and irrigation, fences, walls within the public right-of-way, etc.), a Temporary Encroachment Permit (TEP) shall be applied for and approved either prior to or concurrent with issuance of the building permit required for the project. Application for a Temporary Encroachment Permit shall be made on forms available at the Community Development Department Counter.
30. All street work construction requires a Class A contractor to perform the work. All pavement transitions shall be free of tripping hazards.
31. As of January 1, 2000, any disposal/transportation of solid waste / construction waste in roll off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.

32. The existing parcel impervious surfaces shall not increase beyond the current impervious services as a post-conversion condition in order to maximize the water runoff infiltration area on the parcel in compliance with Municipal Storm Water Permit – Order R9-2007-0001.
33. All landscape areas, including grass and mulch areas, must be improved to consist of at least 12-inches of loamy soil in order to maximize the water absorption during wet weather condition and minimize irrigation runoff.
34. Preserve survey monuments on southeast and northeast property lines in sidewalk. Record same with county office of records.
35. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
36. Applicant to provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and / or Conditional Use Permit. Agreement is provided through the Community Development Department.
37. Property owner must institute “Best Management Practices” to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant must provide BMP practices shall include but are not limited to:
 - ◆ Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
 - ◆ All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - ◆ Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches, storm drain pipes).
 - ◆ All wastewater resulting from cleaning construction tools and equipment, must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
 - ◆ Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with visquien (or equivalent product) to prevent sediment removal into the storm drain system.

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 18th day of June, 2008, by the following roll call vote:

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

Jim Janney

JIM JANNEY, MAYOR

ATTEST:

Jacqueline Hald

JACQUELINE HALD, CITY CLERK

APPROVED AS TO FORM:

James P. Lough

JAMES P. LOUGH, 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. 2008-6641 – A Resolution of the City Council of the City of Imperial Beach, California, approving Regular Coastal Permit (CP 060434) and Tentative Map (TM 060435) for the proposed separation of eight (8) shopkeeper units (residential unit above commercial space) into sixteen (16) separate condominium ownership units (8 residential units above 8 commercial spaces) at 700-708 Seacoast Drive, in the C-2 (Seacoast Commercial) Zone. MF 882 (Ref. MF 381; MF 435; MF 491).

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: JUNE 16, 2008
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR *GW*
JIM NAKAGAWA, AICP, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER *TF*

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

PROJECT DESCRIPTION/BACKGROUND:

This is an application (MF 924) originally filed on April 13, 2007, for a Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089) to demolish three existing residential units and construct three new attached condominium units, 26 feet high, with a vertical seawall on an approximately 6,000 square-foot lot at 1008 Ocean Lane. The property (APN 625-380-22-00) is designated R-1500/MU-2 (High Density Residential/Seacoast Mixed-Use Overlay Zone) by the General Plan/Local Coastal Plan. A courtesy/preliminary review of an application was shown to the City Council on January 16, 2008.

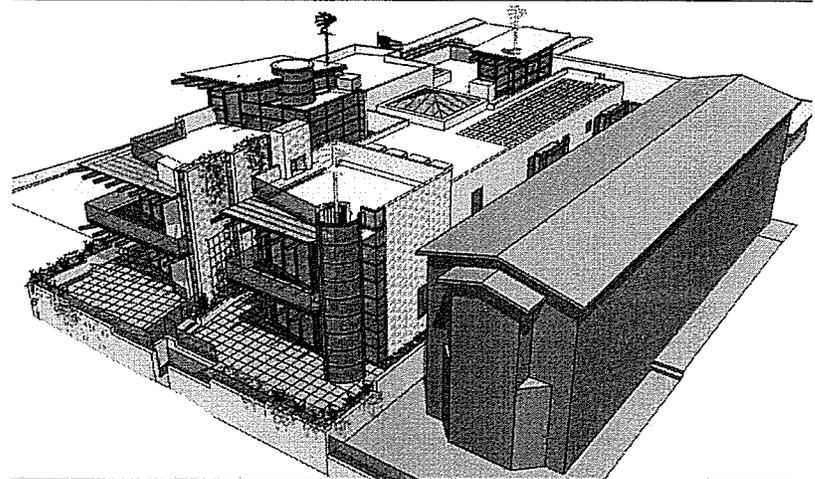
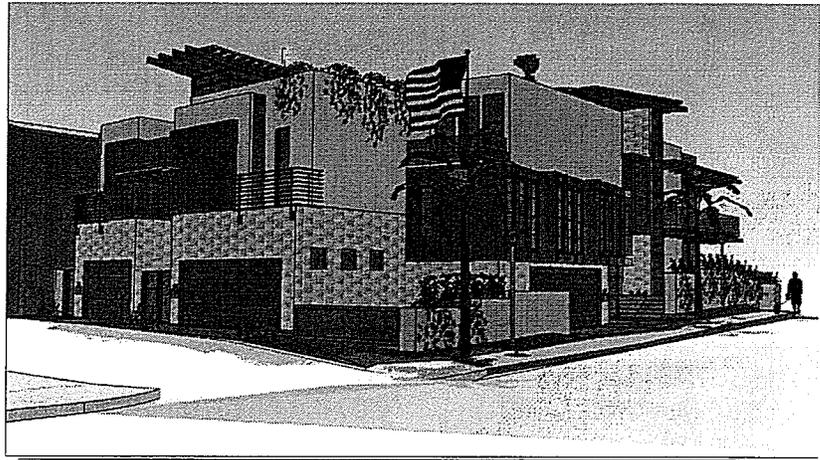


PROJECT EVALUATION/DISCUSSION:

This three unit residential project is adjacent to the approved and completed one unit residential project by Gerald Farrelly to the south (MF 597 CP 02-02/DRC 02-113). To the north across

Elkwood Avenue is a residence. To the east, across Ocean Lane, is a residential complex. To the west is the Pacific Ocean.

General Plan/Local Coastal Plan/Zoning Consistency: The proposed development is subject to the R-1500/MU-2 (High Density Residential/Seacoast Mixed-Use Overlay Zone) zoning requirements and the various elements, including the Coastal Policies, of the General Plan/Local Coastal Plan. The proposed project will provide three new attached condominium units at a density of one unit per 2,000 square feet of lot area, which meets the intent of the land use designation. The project proposes two two-car garages, one one-car garage, and one open space parking which meets the requirement of 1.5 spaces per unit.



Standards

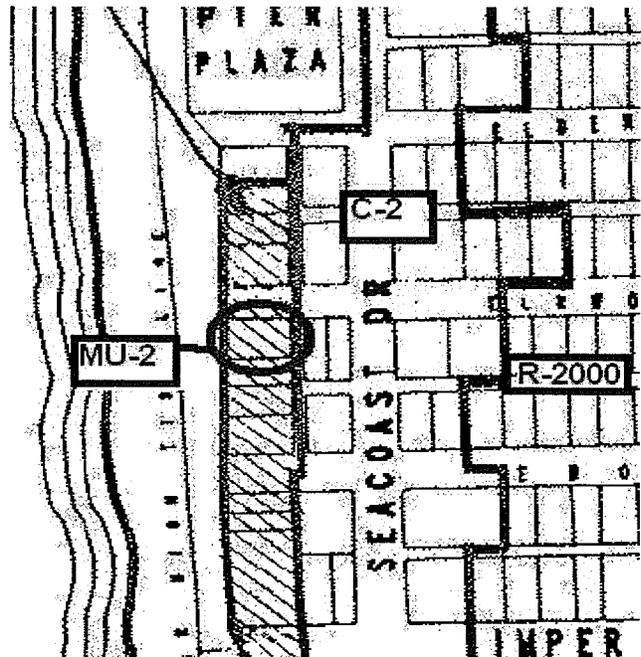
Provided/Proposed

One dwelling per 1,500 square feet	One dwelling per 2,000 square feet
Front Yard: Ocean Lane: 5 feet Side Yard: 5 feet Rear: Ocean Blvd (beach): 10 feet (Section 19.27.140.C.2.a)	Ocean Lane: 5 feet Side Yard: 5 feet Ocean Blvd (beach): 11'-6"
Minimum lot size of 3,000 square feet (Section 19.27.050)	6,001 square foot parcel.
Minimum street frontage of 30 feet (Section 19.27.060).	Ocean Lane frontage of 60 feet. Elkwood Avenue frontage of 100 feet.
Maximum building height of 2 stories or 26 feet (Section 19.27.070), with exception for chimney, elevator structure, stairway structures, utility towers (Section 19.40.020).	26 feet. Exceptions proposed for chimney, elevator/staircase structures, HVAC units, and wind turbines.
FAR: 100 % = 6,000 sf	6,177 sf = 103%
Lot coverage: 50% = 3,000 sf	3,300 sf = 55%
Minimum 300 square feet of usable open space per unit (Section 19.50.010).	2,296 square feet = 765 sf per unit
1.5 parking spaces per dwelling unit (Section 19.48.030.C).	Five garage spaces and one open space = 2 spaces per unit

Surrounding Land Use and Zoning

North:	R-1500/MU-2	Residential
South:	R-1500/MU-2	Residential
East:	C-2	Residential
West:	PF	Beach/Ocean

Design Review: This site fronts along the public beach which is not a designated Design Corridor but is a public venue. The City Council has previously expressed a desire to review all proposals along the oceanfront, although Zoning Ordinance Section 19.17.020.A permits the Community Development Department to approve residential projects of four units or less. The applicant's architect has proposed varied roof lines and interesting architectural detailing and relief through the incorporation of building recesses. This project should contribute positively in making an architectural statement along the beach and would be compatible with the surrounding developments.



The applicant proposes landscaping that includes accent trees/shrubs, small shade garden shrubs, medium shade garden shrubs, vines, trailing shrubs, ground cover plants, and accent plants throughout the property. The applicant also proposes to incorporate landscaping in the public right of way on Elkwood Avenue to remain consistent with the overall landscape plan.

Shore Protection: A seawall is proposed as a part of this project. The Local Coastal Program permits construction of a seawall in this area, provided it is vertical and entirely within the private property that it is protecting, and provided that payment of a sand loss mitigation fee for beach replenishment purposes is submitted if the wall encroaches onto the public beach. (19.87.050.D).

Storm Water Regulations. The City requires new development to conform to the state water quality/urban runoff requirements (SDRWQCB Order 2007-01). Plans for new development need to show drainage patterns to demonstrate how storm water will be directed to landscaped areas (bioswales) or to filters before it is discharged into the city's storm sewers or to the beach. A Storm Water Management Plan (SWMP) has been prepared by the applicant, and approved by the City Engineer.

ENVIRONMENTAL STATUS: A Mitigated Negative Declaration (MND) was prepared and routed for public review from April 24, 2008 to May 26, 2008 and through the State Clearinghouse (SCH #2008041143) for agency comments. The Clearinghouse reported that comments were received from the Native American Heritage Commission. Response to comments are provided for the Final MND. No public comments were received.

A certified check from the applicant in the amount of \$1,926.75 payable to the County Clerk for the California Fish and Game fee will be required in order to file the Notice of Determination.

Imperial Beach Municipal Code (IBMC) Section 19.84.150 allows Administrative Adjustments of up to 10% of development standards without a variance (except for density, parking and height). The applicant is requesting approval for a lot coverage maximum of 55%, and a maximum floor area ratio of 103%. A 10% administrative adjustment would allow for these requests.

A new curb cut is proposed on Elkwood Avenue that would provide access to the street for one of the units. The other two units will access from Ocean Lane. Zoning allows for curb cuts on local streets (Elkwood Avenue is not a collector or arterial road). While a twenty foot setback from a public street to a garage door is typically twenty feet, IBMC 19.48.100.F states that a lesser setback requirement may be allowed in a corresponding zone. The applicant is proposing a setback of five feet from the Elkwood Avenue property line to the face of the garage. Staff has determined that this is acceptable because the MU-2 zone does not specify a street side-yard setback; the code only states a five foot side yard setback. It should be noted that a public parking spot along Elkwood Avenue may be moved, or removed, because of this proposed driveway. There are three existing public parking spaces along the south side of Elkwood Avenue between Seacoast Drive and the beach. While one space would be removed because of the proposed project, this space may be relocated to a space on the southwest corner of Seacoast Drive and Elkwood Avenue where a red-curb is currently located. Removal of the red-curb would be consistent with other street-end curbs in the area where no red curbs exist. Staff does not know the origin of why this red-curb exists.

The height limit for the building is 26 feet, or 2 stories, whichever is less. The applicant proposes that the garage for unit three not be considered a "story" because IBMC 19.04.715 states that if the finished floor level directly above a usable or unused under-floor space (in this case the garage), is less than 6 feet above grade as defined by the Uniform Building Code for more than 50% of the total perimeter, such space (i.e., the garage) need not be considered a story. Plans showing conformity with this requirement have been provided and accepted by staff.

Per IBMC 19.40.020, roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to maintain and operate the building, skylights, chimneys, smokestacks, and utility towers may extend above the height limit. The project proposes an elevator enclosure, stairway enclosure, HVAC (heating/ventilating/air conditioning) unit, and power generating wind turbines to exceed the twenty-six feet limit. While the IBMC does not specify height restrictions for elevator/staircase enclosures, the applicant has worked with staff to provide an acceptable elevator and stairway enclosure design.

One energy generating wind turbine would be placed above each unit (for a total of three turbines). The turbines would be 6 feet high on units 2 and 3. The turbine above unit 1 would be 7'-8" to allow for a safer distance above anyone who may be walking up the spiral stairs. According to the applicant, an average household uses 24,000 kilowatts per year. The turbines provide 12,000 kilowatts per year (average wind of 24 miles per hour), which covers 50% of all electric costs.

COASTAL JURISDICTION: The project is located in the Appeal Jurisdiction of the California Coastal Commission, as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map, and, as such, is appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

FISCAL ANALYSIS:

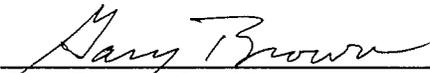
The applicant has deposited \$13,300.00 in Project Account 070034 to fund the processing of this application. Additional deposits will be required in order to continue processing this case.

DESIGN REVIEW BOARD (DRB) RECOMMENDATION:

On December 20, 2007, the DRB recommended approval of the project design based upon the plans dated December 19, 2007.

DEPARTMENT RECOMMENDATION:

1. Open the public hearing and entertain testimony.
2. Close the public hearing.
3. Adopt Resolution No. 2008-6639, approving Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2008-6639
2. Plans
3. Final Mitigated Negative Declaration
4. Mitigation Monitoring and Reporting Program
5. Stringline Map

c: file MF 924

Harmon Nelson, 1008 Ocean Lane, Imperial Beach, CA 91932

Matt Whitaker, Whitaker Architecture Inc., 3443 Ray Street, San Diego, CA 92104

Steve Bryant, Tri-Dimensional Engineering, Inc., 12527 Kirkham Ct., Poway, CA 92074

David Skelly, GeoSoils, Inc., 5741 Palmer Way, Carlsbad, CA 92008

California Coastal Commission, Diana Lilly, Coastal Program Analyst, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-1735

Greg Wade, Community Development Director

Hank Levien, Public Works Director

Ed Wilczak, Building Official

RESOLUTION NO. 2008-6639

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING REGULAR COASTAL DEVELOPMENT PERMIT (CP 070034), DESIGN REVIEW CASE (DRC 070035), SITE PLAN REVIEW (SPR 070036), AND TENTATIVE PARCEL MAP (TPM 070089) TO CONSTRUCT THREE NEW ATTACHED CONDOMINIUM UNITS LOCATED AT 1008 OCEAN LANE, IN THE R-1500/MU-2 (HIGH DENSITY RESIDENTIAL/SEACOAST MIXED USE OVERLAY) ZONE. MF 924.

APPLICANT/OWNER: IB3D BY THE SEA/HARMON NELSON III (OWNER)/JANINE ROCELLE, WHITAKER INC. (APPLICANT/ARCHITECT)

WHEREAS, on June 18, 2008, the City Council of the City of Imperial Beach held a duly advertised public hearing to consider the merits of approving or denying an application for a Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089) to demolish three existing residences and construct three new attached condominium units, 26 feet high, with a vertical seawall on an approximately 6,000 square-foot lot at 1008 Ocean Lane in the R-1500/MU-2 (High Density Residential/Seacoast Mixed-Use Overlay) Zone and legally described as follows:

Lot 6 and 7 in Block 2 of South San Diego Beach, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 1071, filed in the Office of the County Recorder of San Diego County, July 6, 1907; and,

WHEREAS, on December 20, 2007, the Design Review Board of the City of Imperial Beach held a duly noticed public meeting and recommended approval of this application for Design Review (DRC 070035) three new attached condominium units, 26 feet high, with a vertical seawall, in the R-1500/MU-2 (High Density Residential/Seacoast Mixed-Use Overlay) Zone, on a site at 1008 Ocean Lane; and

WHEREAS, the City Council finds that the project is consistent with the General Plan and the project design of the three attached 26 foot high residences is compatible in use with other residential developments in the vicinity which consist of multiple-story single-family residential developments to the north and south, and multiple-family development to the east, and, therefore, would be consistent with Policy D-8 of the Design Element of the General Plan which promotes project design harmonious with adjoining residential uses; and

WHEREAS, this project complies with the requirements of the California Environmental Quality (CEQA) as a Mitigated Negative Declaration had been prepared for this project and was routed for public review from April 24, 2008 to May 26, 2008 and submitted to the State Clearinghouse (SCH #2008041143) for agency review; and

WHEREAS, the City Council finds that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis; that the decision-making body has, pursuant to CEQA Guidelines Section 15074(b), reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; that revisions in the project plans or proposals made by or agreed to by the project applicant, pursuant to CEQA Guidelines Section 15070(b)(1), would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and that, on the

basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) there is no substantial evidence that the project as proposed, as conditioned, or as revised, will have a significant effect on the environment; and

WHEREAS, the City Council further offers the following findings in support of its decision to conditionally approve the project:

SITE PLAN REVIEW FINDINGS:

- 1. The proposed use does not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood, and is not detrimental or injurious to the value of property and improvements in the neighborhood.**

The applicant proposes the construction of three new attached condominium units, 26 feet high, with a vertical seawall and garage parking on an approximately 6,001 square-foot oceanfront building site. The project includes the placement of a seawall system that will be installed east of the applicant's west property line along the stringline of the existing seawall system to the south. The height of the building will be required to be no higher than 26 feet above existing grade. Coastal engineering reports prepared by David Skelly of GeoSoils, dated February 8, 2007, and seawall plans dated October 17, 2007, provide information regarding wave runup conditions, seawall design, beach sand erosion and the avoidance of adverse impacts on neighboring properties. Based on this engineering information, no adverse impacts to adjacent properties would occur.

The proposed residential use is similar to the other residential uses established nearby. The project is not expected to have a detrimental effect upon the health, welfare, safety and convenience of persons residing or working in the neighborhood. The on-site parking meets the number required for off-street parking.

The project footprint has been set back from its west property line on the beach along the stringline of the single-family residence to the south and, thereby, provides enhanced public lateral access along the coast.

- 2. The proposed use will not adversely affect the General Plan/Local Coastal Plan.**

The subject site is within the High-Density Residential/Seacoast Mixed-Use Overlay (R-1500/MU-2) Zone and designation. This zoning classification and land use designation provides for the development of attached multiple-family dwellings with a maximum density of one unit per every 1,500 square feet of land. This designation will permit as many as 29 units per net acre of land. This project proposes a density of one unit per 2,000 square feet of property and is, therefore, consistent with the plan designation.

The proposed project is compatible with the established residential beachfront developments north and south of the project site.

Policy S-11 of the Safety Element of the General Plan/Local Coastal Plan states that new development fronting on Ocean Boulevard north of Imperial Beach Boulevard shall incorporate an engineered vertical seawall in its design if it is determined that shoreline

protection is necessary. Such a seawall shall be located within the private property of the development and shall be sufficient to protect the development from flooding during combined design storm and high tide events. The need for a seawall has been documented in coastal engineering reports prepared by David Skelly of GeoSoils, dated February 8, 2007, and seawall plans dated October 17, 2007.

3. The proposed use is compatible with other existing and proposed uses in the neighborhood.

The project is surrounded by residential developments. Structural types and residential densities vary in character, bulk and scale. The proposed project is compatible with the established single-story development to the east and two-story developments to the south and north.

The project design relates in bulk, setback and scale to similar multiple-family residential projects developed along Ocean Lane, north of Imperial Beach Boulevard. The proposed building design provides a visual link with similar existing high-density residential beachfront developments which incorporate seawalls, beachfront decks, upper level balconies, stucco or wood exterior finish, glass and concrete tile roof materials in their designs. As such, the project is compatible with residential development along the City's developed beachfront.

4. The location, site layout and design of the proposed use properly orients the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.

One one-car garage and one two-car garage for two units will take direct access from Ocean Lane and one two-car garage will access off of Elkwood Avenue, and the window features are oriented toward the ocean for views. This project thereby demonstrates proper orientation.

5. The combination and relationship of one proposed use to another on the site is properly integrated.

The project represents infill development on a beachfront site that is predominantly residential in character. It is not a mixed-use project and this finding is, therefore, not applicable.

6. Access to and parking for the proposed use will not create any undue traffic problems.

There is adequate back-out area for the cars to maneuver into Ocean Lane and Elkwood Avenue. Ocean Lane and Elkwood Avenue are low volume local access roads. The project proposes to provide two parking spaces per unit (five garages parking and one open space parking). This meets the parking requirements of the city.

7. The project complies with all applicable provisions of Title 19.

The project is subject to compliance with the zoning standards per Chapter 19.17 of the

City of Imperial Beach Municipal Code, titled "High-Density Residential/Seacoast Mixed-Use Overlay (R-1500/MU-2) Zone". Reduced front yard setbacks are granted for this project in consideration for the increased beachfront setback by the property owner for coastal public access and conformance with the Coastal Commission's stringline development policy.

Standards	Provided/Proposed
One dwelling per 1,500 square feet	One dwelling per 2,000 square feet
Front Yard: Ocean Lane: 5 feet Side Yard: 5 feet Rear: Ocean Blvd (beach): 10 feet (Section 19.27.140.C.2.a)	Ocean Lane: 5 feet Side Yard: 5 feet Ocean Blvd (beach): 11'-6"
Minimum lot size of 3,000 square feet (Section 19.27.050)	6,001 square foot parcel.
Minimum street frontage of 30 feet (Section 19.27.060).	Ocean Lane frontage of 60 feet. Elkwood Avenue frontage of 100 feet.
Maximum building height of 2 stories or 26 feet (Section 19.27.070), with exception for chimney, elevator structure, stairway structures, utility towers (Section 19.40.020).	26 feet. Exceptions proposed for chimney, elevator/staircase structures, HVAC units, and wind turbines.
FAR: 100 % = 6,000 sf	6,177 sf = 103%
Lot coverage: 50% = 3,000 sf	3,300 sf = 55%
Minimum 300 square feet of usable open space per unit (Section 19.50.010).	2,296 square feet = 765 sf per unit
1.5 parking spaces per dwelling unit (Section 19.48.030.C).	Five garage spaces = 1.5 spaces per unit

Imperial Beach Municipal Code (IBMC) Section 19.84.150 allows Administrative Adjustments of up to 10% of development standards without a variance (except for density, parking and height).

The applicant is requesting approval for a lot coverage maximum of 55%, and a maximum floor area ratio of 103%. A 10% administrative adjustment would allow for these requests.

A new curb cut is proposed on Elkwood Avenue that would provide access to the street for one of the units. The other two units will access from Ocean Lane. Zoning allows for curb cuts on local streets (Elkwood Avenue is not a collector or arterial road). While a twenty foot setback from a public street to a garage door is typically twenty feet, IBMC 19.48.100.F states that a lesser setback requirement may be allowed in a corresponding zone. The applicant is proposing a setback of five feet from the Elkwood Avenue property line to the face of the garage. This has been determined to be acceptable because the MU-2 zone does not specify a street side-yard setback; the code only states a five foot side yard setback. It should be noted that a public parking spot along Elkwood Avenue may be moved, or removed, because of this proposed driveway. There are three existing public parking spaces along the south side of Elkwood Avenue between Seacoast Drive and the beach. While one space would be removed because of the proposed project, this space may be relocated to a space on the southwest corner of Seacoast Drive and Elkwood Avenue where a red-curb is currently located. Removal of the red-curb would be consistent with other street-end curbs in the area where no red curbs exist. Staff does not know the origin of why this red-curb exists.

COASTAL PERMIT FINDINGS:**1. The proposed development conforms to the Certified Local Coastal Plan including Coastal Land Use Policies.****Shore Processes and Shore Protection**

The subject site is situated within the Silver Strand Littoral Cell (SSLC), representing a coastal compartment which contains a complete cycle of littoral (beach) sedimentation, including sand sources, transport pathways and sediment sinks. Recent Army Corps of Engineers studies indicate that erosion problems are most noticeable in Imperial Beach and at Playas de Tijuana. A detailed description of coastal conditions and processes is provided in the coastal engineering reports prepared by David Skelly of GeoSoils, dated February 8, 2007, and seawall plans dated October 17, 2007.

The City of Imperial Beach has approximately 17,600 feet of shoreline, approximately 12,000 feet or 68% of which is either publicly owned or has direct vertical or lateral access. This includes 6,000 linear feet of sandy beach owned by the State of California within the Border Field State Park in the extreme southwest corner of the City. The project represents infill development where shore protection is provided by seawalls and rock revetment, both authorized and unauthorized. However, in 1994, the City of Imperial Beach incorporated new language in its Local Coastal Program that established the construction of vertical seawalls north of Imperial Beach Boulevard. Such shore protection must be shown to be necessary to protect the infill development and must not extend seaward of the western property limits.

The proposed project represents the material impact of this new language on infill development north of Imperial Beach Boulevard. A seawall is proposed to be constructed entirely on the subject site, in accordance with design standards described in the coastal engineering reports prepared by David Skelly of GeoSoils, dated February 8, 2007, and seawall plans dated October 17, 2007. The project is not expected to alter lateral beach access or any portion of beach area for public recreation uses consistent with the certified Local Coastal Plan.

Policy S-11 of the Safety Element of the General Plan/Local Coastal Plan states that new development fronting on Ocean Boulevard north of Imperial Beach Boulevard shall incorporate an engineered vertical seawall in its design if it is determined that shoreline protection is necessary. Such a seawall shall be located within the private property of the development and shall be sufficient to protect the development from flooding during combined design storm and high tide events. The coastal engineering study presents the justification for the seawall, designed to withstand the 1982-83 winter storms.

Public Access

The subject site is located between the ocean and the first public road, which, in most cases, is Seacoast Drive. Ocean Lane is a twenty-foot wide public street that runs in a north-south direction and parallel to Seacoast Drive and the beach. People reach the beach in the vicinity of the site at the unimproved Elkwood Avenue street end. The certified Local Coastal Program contains policies that address street-end improvement

standards designed to facilitate beach access. Given this, and the fact that improved beach street ends are programmed adjacent to the site, it can be found that there is adequate vertical access to the shoreline. Additionally, adequate on-site parking will be provided to serve the needs of the development.

The project is in conformity with the public access and public recreation policies in the certified Local Coastal Program and Chapter 3 of the Coastal Act, commencing with Section 30200, because:

- a) improved public access to the beach and shoreline is readily available adjacent and to the south of the site;
- b) improved lateral coastal access is being provided by having this project set back away from the beach in conformance with the Coastal Commission's stringline development policy;
- c) the new development will be located entirely on private property upland of the sandy beach;
- d) the project protects public access parking opportunities through the provision of 6 on-site parking spaces, as required by the certified Local Coastal Program.

Coastal View Access

The beach is not entirely visible from Seacoast Drive given some of the existing development to the south of the site and on the east side of Ocean Lane. Public viewing areas are provided at the street end to the north of the site. From a position on the beach seaward of the subject site, the proposed seawall, patio, and balconies appear similar to other buildings on this frontage. Additionally, enhanced lateral coastal access is being provided by having this project set back away from the beach in conformance with the Coastal Commission's stringline development policy.

The project site is located amongst existing single- and multi-family residential development. The site is currently developed with a two-story multi-family residence. Though the property is zoned to allow up to four units, the proposed project will consist of three units two-stories high consistent with the existing building. The proposed project would be consistent with the existing and approved residential development of the surrounding neighborhood.

- 2. For all development seaward of the nearest public highway to the shoreline, the proposed development meets standards for public access and recreation of Chapter Three of the 1976 Coastal Act and regulations promulgated thereunder.**

The subject site is located between the ocean and the first public road, which, in this case, is Seacoast Drive. Ocean Lane is a twenty-foot wide public street that runs parallel to Seacoast Drive and the beach. The subject site is currently occupied by a two-story multi-family residential building and people reach the beach at the adjacent Elkwood Avenue street-end. The property owner will provide lateral coastal access by having this project set back away from the beach in conformance with the Coastal Commission's stringline development policy. The certified Local Coastal Program contains policies that address street-end improvement standards designed to facilitate

beach access. Given this, and the fact that improved beach street-ends are programmed near the site, it can be found that there is adequate vertical and lateral access to the shoreline. Additionally, adequate on-site parking will be provided to serve the needs of the development.

Section 30252 of the Coastal Act addresses public access, and states in part "The location and amount of new development should maintain and enhance public access to the coast by (4) providing adequate parking facilities..." Six on-site parking spaces (five garage spaces and one open space) meet the minimum required by Chapter 19.48 of the City of Imperial Beach Municipal Code.

3. The proposed development meets the minimum relevant criteria set forth in Title 19, Zoning.

Refer to Site Plan Review finding No.7.

4. For all development involving the construction of a shoreline protective device, a mitigation fee shall be collected which shall be used for beach sand replenishment purposes. The mitigation fee shall be deposited in an interest bearing account designated by the Executive Director of the California Coastal Commission and the City Manager of Imperial Beach in lieu of providing sand to replace the sand and beach area that would be lost due to the impacts of any protective structures.

The project includes the construction of a vertical seawall. Therefore the project is conditioned to provide the fee in compliance with Section 19.87.050 of the City of Imperial Beach Municipal Code. However, due to an interpretation by the Coastal Commission, this project may not need to pay a fee since the seawall will be placed on private property.

DESIGN REVIEW FINDINGS:

1. The project is consistent with the City's Design Review Guidelines.

The design of the project and the landscaping improvements are consistent with the City's Design Review Guidelines as per Design Review Compliance checklist and the findings adopted by the Design Review Board per their Resolution No. 2007-11.

NOW, THEREFORE, BE IT RESOLVED, that Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089) to construct three new attached condominium units, 26 feet high, with a vertical seawall on an approximately 6,000 square-foot lot at 1008 Ocean Lane in the R-1500/MU-2 (High-Density Residential/Seacoast Mixed-Use Overlay) Zone, are hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

CONDITIONS OF APPROVAL:**A. PLANNING:**

1. Final building permit plans shall indicate and the site shall be developed substantially in accordance with the approved conceptual plans dated June 10, 2008 on file in the Community Development Department and with the conditions adopted herein.
2. The applicant shall submit a licensed surveyor's certificate upon completion of the foundation work that demonstrates proper placement of the structure relative to building setbacks from property lines and a certificate upon completion of framing that demonstrates and ensures that the building does not exceed the maximum permitted building height of 26 feet above existing grade.
3. Approval of this request shall not waive compliance with any portion of the Uniform Building Code and Municipal Code in effect at the time a building permit is issued.
4. Re-locate public parking space that is being removed to the southwest corner of Seacoast Drive and Elkwood Avenue. Relocation of parking space is subject to staff review of the origin of the red-curb.
5. Mechanical equipment, including solar collectors and panels or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, and shall be located so as not to be visible from any public way. (19.83).
6. No improvements, structural or non-structural, beyond what is on the approved plans may be placed on the roof deck. Only personal property, which does not obstruct views, is permitted on the roof deck while authorized person(s) are actually present on the roof deck.
7. All landscaped areas, including any in the public right-of-way, shall be maintained in a healthy condition, free from weeds, trash, and debris.
8. It shall be the applicant's responsibility to assure that shoreline protection structures on adjacent properties are not damaged during construction on the subject site, and to repair any damage to the adjacent property's shoreline protection structures that may be caused by the construction on the subject site. The construction of temporary slopes shall be shored in compliance with CAL-OSHA requirements.
9. Disturbances to sand and inter-tidal areas shall be minimized, and prohibited during the predicted grunion season. The applicant shall obtain the forecasted grunion runs from the California Department of Fish & Game. The grunion spawning season extends from March through August. If spawning grunion are observed seaward of the subject site construction activity must cease for a period of 17 days to allow for incubation of the eggs.
10. The applicant shall provide the City with a construction schedule prior to commencement of work. All construction activity on the beach shall be scheduled during low tides.
11. All sand excavated from the project site shall be analyzed for suitability as beach nourishment material. If determined to be suitable, any sand in excess of that required to provide berming along the first level wall shall be used for beach nourishment seaward of the project site. Local sand, cobbles or armor stones shall not be used for

backfill or construction materials. Additionally, the applicant shall remove from the beach and seawall area any and all debris that result from the construction period.

12. Prior to the issuance of a building permit, the applicant shall submit final plans for the shoreline protection device consistent with the recommendations contained in the Coastal Hazard Study and Shore Protection Design engineering report prepared by David Skelly of GeoSoils, dated February 8, 2007, and seawall plans dated October 17, 2007.
13. Within 60 days following project completion, the applicant shall submit certification by a registered civil engineer verifying that the seawall has been constructed in conformance with the final approved plans for the project.
14. Construction materials or equipment shall not be stored on the beach seaward of the western property line. Equipment shall be removed from the beach at the end of any given work day.
15. Prior to commencement of construction, the applicant shall submit plans showing the locations, both on and off site that will be used as staging or storage areas for materials and equipment during the construction phase of the project. The staging/storage plan shall be subject to review and written approval of the Community Development Director. The plan shall also note that no work requiring encroachment on the public beach shall be allowed on weekend days between Memorial Day and Labor Day, and during predicted grunion runs, of any year.
16. Ocean Lane shall remain open for vehicular traffic, including emergency vehicles during construction of the project. If traffic must be impeded, the applicant must submit a traffic control plan to the Public Works Director for approval at least 10 days prior to closure.
17. Prior to the issuance of the building permit, the landowner, if required, shall execute and record a deed restriction in a form and content that is acceptable to the Community Development Director which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from waves during storms and from erosion or flooding, and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the City of Imperial Beach and agrees to indemnify and hold harmless the City of Imperial Beach relative to its approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.
18. Prior to the issuance of a building permit, the applicant shall pay a sand mitigation fee if required which shall be used for beach sand replenishment purposes, in lieu of providing sand to replace the sand and beach area that would be lost due to the impacts of the proposed shoreline protection structure. The mitigation fee shall be deposited in an interest-bearing account designated by the Executive Director of the California Coastal Commission and the City Manager of the City of Imperial Beach. The mitigation fee shall be determined in accordance with Section 19.87.050 of the City of Imperial Beach Municipal Code, in consultation with the California Coastal Commission technical staff.
19. An engineer is required to supervise the construction of the seawall.
20. The property owner shall be responsible for maintenance of the permitted seawall. Any debris or other materials which become dislodged after completion through weathering and coastal processes, which impair public access, shall be removed from the beach.

Any future additions or reinforcements may require a coastal development permit. If after inspection it is apparent that repair and maintenance is necessary, the applicant shall contact the City to determine whether such a permit is necessary.

21. **Expiration Date.** Approval of Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089) to construct three new attached condominium units, 26 feet high, with a vertical seawall on an approximately 6,000 square-foot lot at 1008 Ocean Lane in the R-1500/MU-2 (High-Density Residential/Seacoast Mixed-use Overlay) Zone is valid for three years from the date of final action, to **expire on June 18, 2011**, unless an appeal is filed to or by the California Coastal Commission. Any such appeal will stay the expiration date until the case is resolved and the permit will expire 2 years from the date the Commission acts on the appeal. In the event that no appeal is filed, conditions of approval must be satisfied, building permits issued, and substantial construction must have commenced prior to the expiration date or a time extension is granted by the City pursuant to such a request for extension by the applicant.
22. The applicant or applicant's representative shall, pursuant to Section 711.4 of the California Fish and Game Code, pay by certified check payable to the San Diego County Clerk \$1,876.75 plus a \$50 documentary handling fee at the time the Notice of Determination is filed by the City, which is required to be filed with the County Clerk within five working days after project approval becomes final (Public Resources Code Section 21152).
23. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed affidavit accepting said conditions.
24. Applicant shall pay off any unpaid negative balances in the **Project Account 070034** prior to issuance of building permit and prior to final inspection/certificate of occupancy.

B. ENVIRONMENTAL MITIGATION MEASURES:

Air Quality:

Temporary impacts to air quality associated with construction activities are anticipated. Implementation of the following measures during construction operations shall reduce impacts to below a level of significance:

25. Water all active construction areas at least twice daily.
26. Cover all trucks hauling soil, sand, and other loose materials, or require trucks to maintain at least 2 feet of free board.
27. Pave/apply water three times daily, or apply nontoxic soil stabilizers, on all unpaved access roads, parking areas, and staging areas at the construction sites.
28. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction site.
29. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

30. Hydroseed or apply nontoxic soil stabilizers to inactive construction areas. Inactive construction areas are areas that have been previously graded and are inactive for 10 days or more.
31. Install sandbags, silt fences or other erosion control measures to prevent silt runoff to public roadways.
32. Replant vegetation in disturbed areas as quickly as possible.
33. Suspend excavation and grading activity when wind gusts exceed 25 MPH.

Biological Resources:

The following measures shall be implemented to reduce potential impacts to the pismo clam and grunion associated with construction activities:

34. Impacts to pismo clam shall be mitigated by avoiding vehicle use in the lower intertidal zone, and minimizing vehicle use in the middle intertidal zone (or conduct a survey at the time of construction to verify their absence); and
35. Impacts to grunion shall be mitigated by scheduling construction outside the spawning period (e.g., September 1 to March 1). Alternatively, significant impacts shall be avoided during construction by implementing a monitoring and avoidance protocol within the construction zone by a qualified biologist, who shall establish an appropriate buffer around any observed spawning locations to restrict vehicles and equipment for a period of 14 days to allow grunion eggs to hatch.

Geology:

The following geotechnical mitigation measures shall be required in the planning and implementation of the project:

36. A comprehensive geotechnical evaluation, including development-specific subsurface exploration and laboratory test, shall be conducted prior to design and construction, if prior studies need to be updated. The purpose of the subsurface evaluation would be to further evaluate the subsurface conditions in the area of the proposed structures and to provide information pertaining to the engineering characteristics of earth materials at the project site. From the data, recommendations for grading/earthwork, surface and subsurface drainage, foundations, pavement structure sections, and other pertinent geotechnical design considerations may be formulated.
37. Vibration induced settlement due to driving of sheet piles may occur during the construction of the seawalls. Nearby structures and pavement may experience distress due to the induced settlements. A vibration monitoring plan shall be implemented during construction of the sheet pile seawalls. The purpose of the plan would be to document construction induced vibrations.
38. A baseline geotechnical reconnaissance shall be performed at each of the nearby structures to document pre-construction distress features, if any. Such an evaluation may include manometer surveys, crack measurements, and photographic/video documentation.

39. During construction, nearby structures shall be monitored for distress and/or settlement that may occur as a result of construction. Upon completion, a final evaluation of the nearby structures shall be performed, and the results compared with the initial baseline findings.
40. Liquefiable soils may be present on the site. The confirmation of their presence (or absence) shall be done through subsurface exploration (e.g. drilling) and laboratory testing.
41. Loose surficial soils that are not suitable for structural support in their current state are present on the sites. The loose surficial soils shall be mitigated by their removal during site grading. Much of the soils should be suitable for reuse as compacted fill.
42. The project has a potential for strong ground motions due to earthquakes. Accordingly, the potential for relatively strong seismic accelerations shall be considered in the design of proposed improvements.

Hydrology and Water Quality:

The potential for impacts to water quality would primarily occur as a result of construction activities. The following measures shall be implemented prior to initiation of construction activities:

43. Prior to City approval of construction permits, the final grading and drainage plans will be reviewed for compliance with SUSMP.
44. Project shall adhere to the Water Pollution Control Plan (WPCP) prepared by Tri-Dimensional Engineering as conditioned and approved by the City of Imperial Beach including Construction and Permanent Best Management Practices (BMP) and other requirements pursuant to the City's Standard Urban Storm Water Mitigation Plan (SUSMP).

In order to provide the appropriate protection to the project site in case of a flood event, the applicant shall be required to meet the following measures:

45. Implementation of Flood Hazard Reduction Standards established for construction in order to assure protection from flooding (Imperial Beach Municipal Code 15.50.160).
46. In addition to building permits, a flood hazard area development permit shall be obtained from the City Engineer prior to commencement of any construction (Imperial Beach Municipal Code 19.32.020).

Noise:

It is anticipated that the project will create temporary noise impacts associated with construction activities. During construction, equipment and material transport will generate temporary noise, which could be a significant increase in levels for the adjacent residents. Therefore the following mitigation measures shall be implemented to reduce impacts to below a level of significance:

47. To further deter construction noise from adjacent properties, the applicant shall be responsible for notifying residents and businesses within a 300-foot radius prior to shoring activities.

48. Additionally, construction activities associated with implementation of sheet pile design shall be limited to the hours of 8 a.m. to 5 p.m., Monday through Friday.
49. The applicant shall notify all residents within 500 feet of the project site prior to pile driving activities. The applicant shall also incorporate the best available technology acoustical dampening features during pile driving or drilling.

C. BUILDING:

50. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach.

D. PUBLIC WORKS:

51. For any project that proposes work within the public right-of-way (i.e., driveway removal/construction, sidewalk removal/construction, street demolition/reconstruction, landscaping and irrigation, fences, walls within the public right-of-way, etc.), a Temporary Encroachment Permit (TEP) shall be applied for and approved either prior to or concurrent with issuance of the building permit required for the project. Application for a Temporary Encroachment Permit shall be made on forms available at the Community Development Department Counter.
52. Ensure that the hot water tank P.T. discharge pipe is piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
53. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
54. Require the building foundation elevation be at least 1 foot above gutter line to minimize flooding during storm conditions.
55. Show the sewer lateral plans for both the existing single family residence and the proposed new single family residence on one of the plans provided to the City.
56. Construct one new driveway approach on Elkwood Avenue in accordance with San Diego, Regional Standard Drawing G-14A. Asphalt cut for this installation is to be cut back enough to tie in the new lip of gutter with a maximum of 2% cross fall. **Note:** The construction of an ADA compliant driveway approach will require an easement agreement dedicating the necessary footage for the construction of the ADA compliant driveway to all be in the right-of-way – approximately 2-feet.
57. Restripe Elkwood Avenue as directed by the Public Works Director to accommodate the new driveway entrance off Elkwood Avenue.
58. Remove the concrete slab in Ocean Lane right-of-way adjacent to the current garages and replace with asphalt to match the remainder of Ocean Lane.
59. Install irrigation system in the public right of way between the sidewalk and the property line.
60. Ensure construction design includes adequate storage (out of the front yard setback) for 3 trash barrels for each unit (regular trash, recycled waste, green waste).

61. Ensure construction design include adequate access for each unit to Elkwood Avenue to allow for trash cart transport from each residence to street curb.
62. Install survey monuments on northeast and southeast property lines at or adjacent to the property line. Record same with county office of records.
63. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5-feet. Where the distance from "Area to be removed", to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.
64. Require applicant to provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and / or Conditional Use Permit. Agreement is provided through the Community Development Department.
65. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
66. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt placed in the street trench. Asphalt shall be AR4000 ½ mix (hot).
67. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
68. The adjacent streets to this development are within the utility underground district, thus all utilities for this project must be placed underground.
69. Property owner must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant BMP practices shall include but are not limited to:
 - Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
 - All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches, storm drain pipes).
 - All wastewater resulting from cleaning construction tools and equipment must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.

- Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with plastic-like material (or equivalent product) to prevent sediment removal into the storm drain system.

70. Any disposal/transportation of solid waste / construction waste in roll off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.

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 18th day of June, 2008, by the following roll call vote:

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

James C. Janney

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

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

APPROVED AS TO FORM:

James P. Lough

JAMES P. LOUGH, 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. 2008-6639 - A Resolution of the City of Imperial Beach approving a Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089) to construct three new attached condominium units, 26 feet high, with a vertical seawall on an approximately 6,000 square-foot lot at 1008 Ocean Lane. The property (APN 625-380-22-00) is designated R-1500/MU-2 (High

Density Residential/Seacoast Mixed-Use Overlay Zone) by the General Plan/Local Coastal Plan. MF 924.

CITY CLERK

DATE

Item No. 5.3

**Attachment 2: Plans
&
Attachment 3: Final Mitigated
Negative Declaration**

**Available for review in the
City Clerk's Department**



**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE
IB3D BY THE SEA THREE ATTACHED CONDOMINIUM PROJECT LOCATED
AT 1008 OCEAN LANE (MF 924)**

A Mitigated Negative Declaration (MND) for the ib3D by the Sea project at 1008, 1008A and 1008B Ocean Lane was prepared and released for public review from April 24, 2008 to May 26, 2008. The MND was also sent to the State Clearinghouse for review (SCH#2008041143) by state agencies from April 24, 2008 to May 23, 2008.

California Environmental Quality Act (CEQA) Guidelines Section 15074(d) requires that the lead agency adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

The attached Mitigation Monitoring Checklist provides a mechanism for monitoring the mitigation measures in compliance with the MND. This checklist is organized by categories of environmental impacts (e.g. air quality, biological resources, geology, hydrology and water quality, and noise). Potential impacts identified in the MND are summarized for each impact area and the required mitigation measures are listed. The checklist identifies the implementation schedule, who is responsible for implementing the measure, monitoring mechanism, and required monitoring and reporting frequency.

ADOPTION:

This Mitigation Monitoring Reporting Program was adopted as a component of Resolution No. 2008- 6639 by the Imperial Beach City Council on June 18, 2008.

James Nakagawa, AICP
Imperial Beach City Planner

Mitigation Measures	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification
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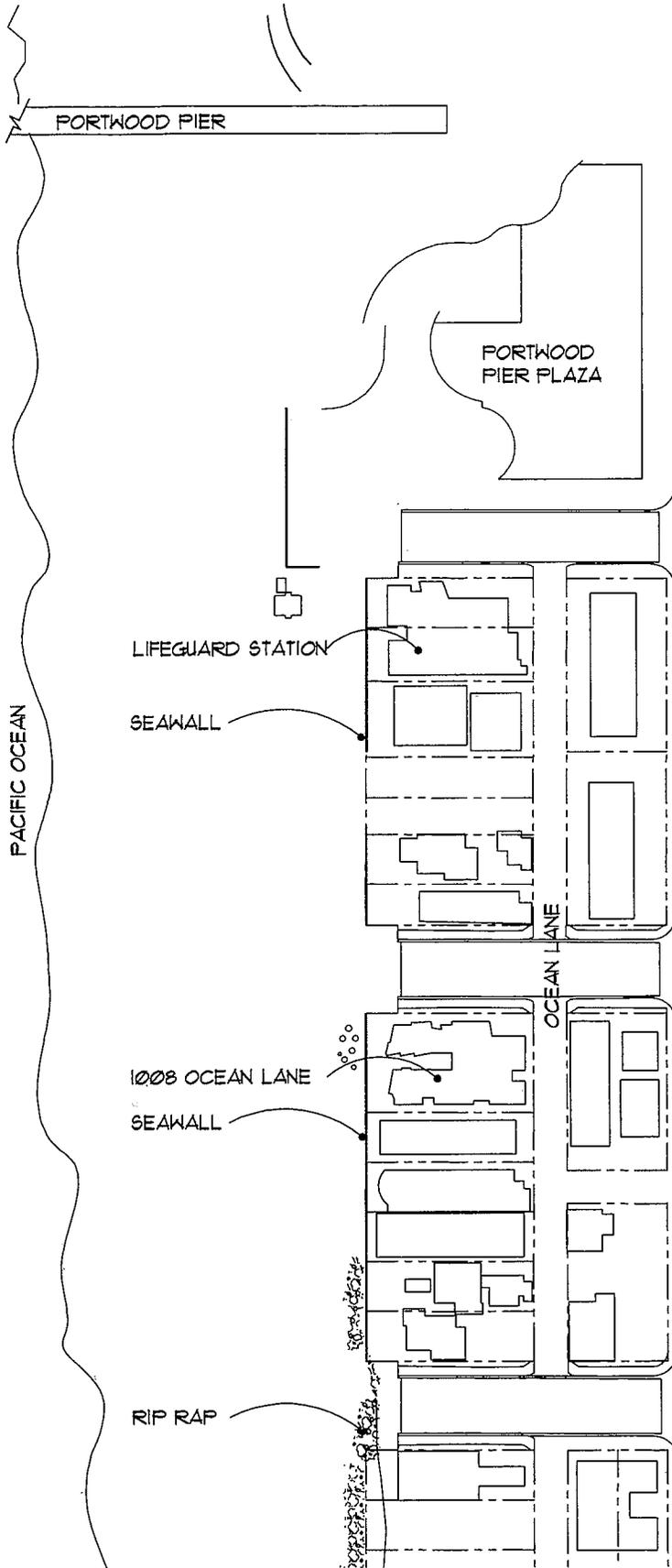
<p>Air Quality:</p> <p>Temporary impacts to air quality associated with construction activities are anticipated. Implementation of the following measures during construction operations shall be required to reduce impacts to below a level of significance:</p> <ol style="list-style-type: none"> 1. Water all active construction areas at least twice daily. 2. Cover all trucks hauling soil, sand, and other loose materials, or require trucks to maintain at least 2 feet of free board. 3. Pave/apply water three times daily, or apply nontoxic soil stabilizers, on all unpaved access roads, parking areas, and staging areas at the construction sites. 4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction site. 5. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. 6. Hydroseed or apply nontoxic soil stabilizers to inactive construction areas. Inactive construction areas are areas that have been previously graded and are inactive for 10 days or more. 7. Install sandbags or other erosion control measures to prevent silt runoff to public roadways. 8. Replant vegetation in disturbed areas as quickly as possible. 9. Suspend excavation and grading activity when wind gusts 	<p>Review building plans and specifications for inclusion of mitigation measures.</p>	<p>Applicant/Owner</p>	<p>Ongoing monitoring until construction is completed.</p>	<p>City of Imperial Beach/ Community Development/ APCD</p>
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Mitigation Measures	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification
<p>project site. From the data, recommendations for grading/earthwork, surface and subsurface drainage, foundations, pavement structure sections, and other pertinent geotechnical design considerations may be formulated.</p> <p>13. Vibration induced settlement due to driving of sheet piles may occur during the construction of the seawalls. Nearby structures and pavement may experience distress due to the induced settlements. A vibration monitoring plan shall be implemented during construction of the sheet pile seawalls. The purpose of the plan would be to document construction induced vibrations.</p> <p>14. A baseline geotechnical reconnaissance shall be performed at each of the nearby structures to document pre-construction distress features, if any. Such an evaluation may include manometer surveys, crack measurements, and photographic/video documentation.</p> <p>15. During construction, nearby structures shall be monitored for distress and/or settlement that may occur as a result of construction. Upon completion, a final evaluation of the nearby structures shall be performed, and the results compared with the initial baseline findings.</p> <p>16. Liquefiable soils may be present on the site. The confirmation of their presence (or absence) shall be done through subsurface exploration (e.g. drilling) and laboratory testing.</p> <p>17. Loose surficial soils that are not suitable for structural support in their current state are present on the sites. The loose surficial soils shall be mitigated by their removal during site grading. Much of the soils should be suitable for reuse as compacted fill.</p>				

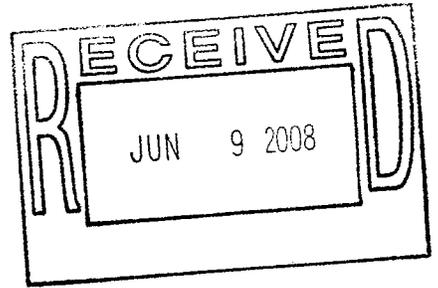
Mitigation Measures	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification
<p>18. The project has a potential for strong ground motions due to earthquakes. Accordingly, the potential for relatively strong seismic accelerations shall be considered in the design of proposed improvements.</p> <p>Hydrology and Water Quality:</p> <p>The potential for impacts to water quality would primarily occur as a result of construction activities. The following measures shall be implemented prior to initiation of construction activities:</p> <p>19. Prior to City construction permits, the final grading and drainage plans shall be reviewed for compliance with SUSMP.</p> <p>20. Project shall adhere to the Water Pollution Control Plan (WPCP) prepared by Tri-Dimensional Engineering as conditioned and approved by the City of Imperial Beach including Construction and Permanent Best Management Practices (BMP) and other requirements pursuant to the City's Standard Urban Storm Water Mitigation Plan (SUSMP).</p> <p>In order to provide the appropriate protection to the project site in case of a flood event, the applicant shall be required to meet the following measures:</p> <p>21. Implementation of Flood Hazard Reduction Standards established for construction in order to assure protection from flooding (Imperial Beach Municipal Code 15.50.160).</p> <p>22. In addition to building permits, a flood hazard area development permit shall be obtained from the City Engineer prior to commencement of any construction (Imperial Beach Municipal Code 19.32.020).</p> <p>Noise:</p>	<p>Review building plans and specifications for inclusion of mitigation measures.</p>	<p>Applicant/Owner</p>	<p>Ongoing monitoring until construction is completed.</p>	<p>City of Imperial Beach/ Community Development/ City Engineer</p>

Mitigation Measures	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification
<p>It is anticipated that the project will create temporary noise impacts associated with construction activities. During construction, equipment and material transport will generate temporary noise, which could be a significant increase in levels for the adjacent residents. Therefore the following mitigation measures shall be implemented to reduce impacts to below a level of significance:</p> <p>23. To further deter construction noise from adjacent properties, the applicant shall be responsible for notifying residents and businesses within a 300-foot radius of prior to shoring activities.</p> <p>24. Additionally, construction activities associated with implementation of sheet pile design shall be limited to the hours of 8 a.m. to 5 p.m., Monday through Friday.</p> <p>25. The applicant shall notify all residents within 500 feet of the project site prior to pile driving activities. The applicant shall also incorporate the best available technology acoustical dampening features during pile driving or drilling.</p>	<p>Review building plans and specifications for inclusion of mitigation measures.</p>	<p>Applicant/Owner</p>	<p>Ongoing monitoring until construction is completed.</p>	<p>City of Imperial Beach/ Community Development</p>

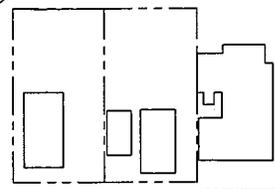
ATTACHMENT 5



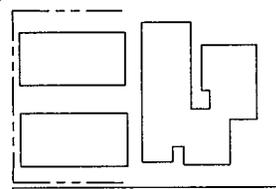
EVERGREEN AVE.



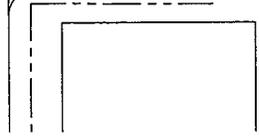
ELDER AVE.



ELKWOOD AVE



EBONY AVE



STRINGLINE MAP

NO SCALE



3014 Myrtle Ave.
San Diego, CA 92104

tel 619-640-811
fax 619-640-811



**STAFF REPORT
CITY OF IMPERIAL BEACH**

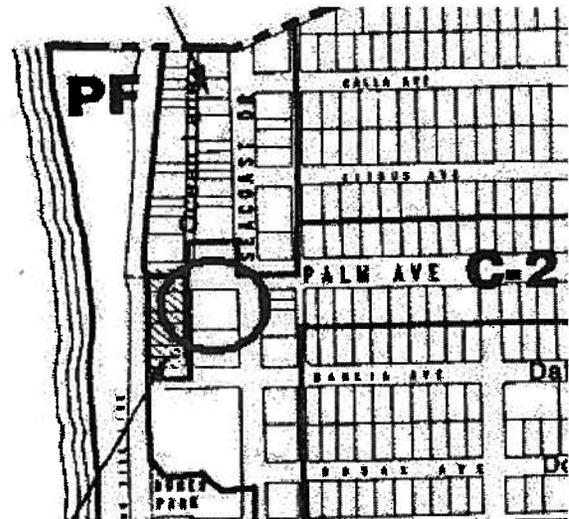
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: June 18, 2008
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER

SUBJECT: PUBLIC HEARING: REGULAR COASTAL PERMIT (CP 060434) AND TENTATIVE MAP (TM 060435) FOR THE PROPOSED SEPARATION OF EIGHT (8) SHOPKEEPER UNITS (RESIDENTIAL UNIT ABOVE COMMERCIAL SPACE) INTO SIXTEEN (16) SEPARATE CONDOMINIUM OWNERSHIP UNITS (8 RESIDENTIAL UNITS ABOVE 8 COMMERCIAL SPACES) AT 700-708 SEACOAST DRIVE, IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 882 (REF. MF 381; MF 435; MF 491).

PROJECT DESCRIPTION/BACKGROUND:

This project is an application for the separation of eight (8) shopkeeper units (residential unit above commercial space) into sixteen (16) separate condominium ownership units (8 residential units above 8 commercial spaces). The buildings were constructed in 1997. The tentative map application was filed on August 16, 2006. The development consists of eight (8) attached shopkeeper units, with 32 parking spaces off of Ocean Lane, and 16 spaces from the pool created under the zoning code credited for development in the C-2 Zone; 48 parking spaces total. The project is located on a 25,200 square-foot parcel located at 700-708 Seacoast Drive (APN 625-181-13-01 through 625-181-13-08). The property is designated C-2 (Seacoast Commercial) on the Zoning Map. Conversion to condominiums will facilitate the individual sale of each unit (8 residential units above 8 commercial units).



PROJECT EVALUATION/DISCUSSION:

The development was designed to accommodate both commercial and residential use in the provision of separate building entrances, parking in front and rear and private open space for each residence.

The applicant has submitted documentation required by the City's condominium conversion regulations (Chapter 18.84). The building has been in use for approximately ten (10) years. The property's major systems, equipment, and components need no repairs. Surrounding structures consist of multi-family, mixed-use, and commercial structures/uses. The project will comply with all original plans as approved by the City Council.

This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach. The applicant shall remove connecting doors between residential units and commercial spaces and adequate fire separation shall be provided between the residential and commercial uses where fire separation does not currently exist.

General Plan/Local Coastal Plan/Zoning Consistency: The subject site is designated "Seacoast Commercial", which 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. Residential use is permitted above first-floor commercial, subject to a Conditional Use Permit (CUP 97-01). Permitted first floor commercial uses in the C-2 zone range from hotels and retail shops to personal services. The commercial component of the project provides small commercial suites, and three commercial spaces are allowed to provide professional offices and/or financial institutions (CUP 98-01). The residential use is consistent with other residential uses to the north, south, and west. The project was designed to accommodate both commercial and residential use in the provision of separate building entrances, parking in the front and rear and private open space for each residence. Splitting the eight condominium (8) shopkeeper units into sixteen (16) common-interest ownership units will not impact the approved design or use of the project site.

The greatest potential impact would be to required parking. Each shopkeeper unit currently has four parking spaces off of Ocean Lane (one garage, one tandem space behind the garage, one carport, and one tandem space behind the carport); totaling 32 spaces off of Ocean Lane. Sixteen additional spaces were allotted from the Seacoast parking pool (12 spaces provide diagonal parking in front of the building), totaling 48 parking spaces for the project site. The separation of residential and commercial units would not impact parking. The residential parking requirement in the C-2 Zone is 1.5 spaces per dwelling unit resulting in 12 required parking spaces. However, the project proposes to provide two spaces per residential dwelling unit (one garage and one open tandem space behind the garage) totaling 16 parking spaces for the residential units and leaving a total of 32 spaces available for the 8 commercial spaces. While tandem spaces are not typically allowed by Imperial Beach Municipal Code (IBMC), a variance was originally approved to allow for tandem parking. Section 19.48.050.M of the IBMC also provides for lower parking standards for commercial development in the Seacoast Commercial zone, at one parking space for every 500 square feet of net floor area where one space for every 250 square feet (for retail) or 300 square feet (for professional office) is otherwise required, until 100 parking spaces from the Seacoast parking pool have been fully exhausted (31 spaces currently available). The net commercial floor area within each respective commercial unit is as follows: 700 (964 net sq. ft.), 700-A (898 net sq. ft.), 702 (789 net sq. ft.), 702-A (352 net sq. ft.), 704 (871 sq. ft.), 704-A (825 net sq. ft.), 706 (662 net sq. ft.), 708 (541 net sq. ft.). At one required parking space for every 500 sq. ft. of net floor area the

commercial parking requirement would total 15 spaces, leaving 17 extra parking spaces (this section makes no mention of reserving parking for employees). If the parking were to conform to the typical parking requirement (one space per 250 sq. ft. of net floor area for retail in units 700, 702, 702-A, 704-A, 706 and 300 sq. ft. of net floor area of professional office in units 700-A, 704, 708; plus one space for every two employees), then 25 commercial spaces would be required, leaving 7 spaces still available for employee parking.

Storm Water/Landscaping: The City requires all discretionary projects to conform to the state water quality/urban runoff requirements (SDRWQCB Order 2007-01). No building, roof, or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. The applicant will have to restore all landscaping to what was originally approved by City Council for construction of the building, and in conformance with the Palm Avenue Street End plans. Conformance with Best Management Practices will be required prior to final approval of the project.

Property Improvements: The property must restore all landscaping to what was originally approved by City Council for construction of the building, and in conformance with the Palm Avenue Street End plans.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This project may be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 as a Class 1(k) project (Existing Facilities).

COASTAL JURISDICTION: The project is located in the Appeal Jurisdiction of the California Coastal Commission, as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map, and, as such, is appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

FISCAL IMPACT:

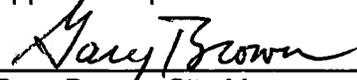
The applicant has deposited \$5,000.00 in Project Account Number 060434 to fund the processing of this application.

DEPARTMENT RECOMMENDATION:

1. Declare public hearing open,
2. Receive public testimony,
3. Close public hearing,
4. Consider adoption of Resolution No. 2008-6641, approving the Regular Coastal Permit (CP 060434) and Tentative Map (TM 060435), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2008-6641
2. Tentative Map

c: file MF 882
Site Design Associates, Inc., 1016 Broadway Suite A, El Cajon, CA 92021
Pacific Legacy Property Management, 702 Seacoast Drive, Imperial Beach, CA 91932
Diana Lilly, Coastal Program Analyst, California Coastal Commission – San Diego
District, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402
Frank Sotelo, Public Safety
Hank Levien, Public Works Director
Ed Wilczak, Building Official
Jacque Hald, City Clerk

RETURN TO AGENDA

RESOLUTION NO. 2008-6641

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING REGULAR COASTAL PERMIT (CP 060434) AND TENTATIVE MAP (TM 060435) FOR THE PROPOSED SEPARATION OF EIGHT (8) SHOPKEEPER UNITS (RESIDENTIAL UNIT ABOVE COMMERCIAL SPACE) INTO SIXTEEN (16) SEPARATE CONDOMINIUM OWNERSHIP UNITS (8 RESIDENTIAL UNITS ABOVE 8 COMMERCIAL SPACES) AT 700-708 SEACOAST DRIVE, IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 882 (REF. MF 381; MF 435; MF 491).

WHEREAS, on June 18, 2008, the City Council of the City of Imperial Beach held a duly advertised and noticed public hearing to consider the merits of approving or denying an application for Regular Coastal Permit (CP 060434) and Tentative Map (TM 060435) originally filed on August 16, 2006, for the proposed separation of eight (8) shopkeeper units (residential unit above commercial space) into sixteen (16) separate condominium ownership units (8 residential units above 8 commercial spaces) on a 25,200 square-foot parcel located at 700-708 Seacoast Drive in the C-2 (Seacoast Commercial) Zone; and legally described as follows:

Parcel 1: An undivided 1/8th fractional interest as tenant in common in and to Lot 1 of Shopkeepers at the Beach, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 13459, filed in the Office of the County Recorder of San Diego County on August 6, 1997 as document No. 1997-0376479 of official records.

Excepting from Parcel 1 all Shopkeepers units as shown upon the certain condominium plan for 700 Seacoast recorded May 4, 1998 as document No. 1998-0253766, Official Records of San Diego County, California, re-recorded July 10, 1998 as Document No. 1998-0428878, Official Records of San Diego County, California ("Condominium Plan").

Parcel 2: Shopkeeper Unit No. 2, as shown upon the condominium plan.

Parcel 3: The exclusive right to use, possess and occupy those portions of Parcel 1 described above, designated as exclusive use common areas as shown on the condominium plan referred to above to be appurtenant to Parcels 1 and 2 above described.

Parcel 4: A non-exclusive "Access Easement" for ingress and egress over the rear yard exclusive use common areas described in the declaration, which easement is appurtenant to parcels 1, 2, and 3 described above to provide access to and from the recycle bin and the trash bin located within the rear yard exclusive use common area. The rear yard exclusive use common areas referred to herein shall be as shown on the condominium plan; and,

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

WHEREAS, documentation has been submitted by the applicant that demonstrate compliance with the notification requirements of Map Act Section 66452.9; and

WHEREAS, the following tentative map findings are provided pursuant to Map Act Section 66474:

TENTATIVE MAP FINDINGS:

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

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

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

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

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

The subject site is a rectangular 25,200 square-foot parcel. The eight (8) attached shopkeeper units (residential above commercial) already exist and the site has been suitable for this development. The separation of residential and commercial ownership into sixteen (16) separate common-ownership units will not expand the existing building or use in any way. The Tentative Map will establish condominium ownership for sixteen (16).

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

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

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

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

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

A Title Report submitted by the applicant, dated October 12, 2006, indicates that there are no easements on the site, which would conflict with the subdivision.

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach that Regular Coastal Permit (CP 060434) and Tentative Map (TM 060435) originally filed on August 16, 2006, for the proposed separation of eight (8) shopkeeper units (residential above commercial) into sixteen (16) separate condominium ownerships (eight residential above 8 commercial spaces) located 700-708 Seacoast Drive in the C-2 (Seacoast Commercial) Zone are hereby approved subject to:

CONDITIONS OF APPROVAL:

A. PLANNING:

1. The site shall be developed according with the approved plans, dated April 29, 2008 on file in the Community Development Department and the conditions herein. Final landscaping, storm water/drainage, façade improvement plans, parking layout and trash/recycling enclosure locations are subject to approval by the Community Development Department.
2. Approval of the Regular Coastal Permit (CP 060434) and Tentative Map (TM 060435) is valid for three years from the date of final action and would expire **June 18, 2011**. The conditions of approval must be satisfied and the Final Map recorded on or before June 18, 2011, unless the City grants an extension of time.
3. Applicant shall pay any outstanding negative balances in the project accounts (060434) prior to approval and recordation of the Final Map.
4. Approval of this request shall not waive compliance with any portion of the Uniform Building Code and Municipal Code in effect at the time building permits were issued for the original development.
5. Applicant shall provide the required documentation pursuant to Subdivision Map Act Section 66427.1.
6. The applicant or applicant's representative shall read, understand and accept the conditions listed herein and shall within 30 days return a signed statement (Affidavit) accepting said conditions.
7. Applicant shall sign and return the Final Map Notification Agreement.
8. Applicant shall provide an updated Title Report dated within 60 days of the Final Map submittal.
9. Applicant shall comply with the requirements of the Condominium Conversion Ordinance 2005-1023.
10. Applicant shall comply with approved plans and use permits for the project site. Restore all landscaping to match originally approved plans. Project must comply with Palm Avenue Street End plans.
11. All drainage must be directed into on-site landscaping.

12. Parking layout must match approved plans. Re-stripe and label all parking spaces as noted on the plans.
13. Per Resolution 2000-5186 (Conditional Use Permit 98-01 and Coastal Permit 98-07), units 700 A, 704 and 708 are the only units that can have the uses of professional offices and/or financial institutions. All other units should not be providing these services.

B. CITY ENGINEER:

14. The Final Map shall be in substantial compliance with the approved tentative map dated April 29, 2008.

C. BUILDING:

15. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach. This review is not intended to take the place of a Building Permit Plan Review. All comments and corrections required made during the Building Permit Plan Review process apply.
16. Applicant shall remove connecting doors between residential units and commercial spaces.
17. Adequate fire separation shall be provided between the residential and commercial uses if fire separation does not currently exist. Fire separation must be provided between residential units as well.

D. CALIFORNIA AMERICAN WATER:

18. Any submeters utilized for split ownership would be the responsibility of the Owner's Association. It would be the responsibility of the Owners Association to pay the eight (8) bi-monthly water billings, and to perform the annual backflow device testing for all sixteen backflow devices. Therefore, no new water services are needed to convert this building from eight to sixteen ownership units utilizing an Ownership Association managed by Pacific Legacy Property Management.

E. PUBLIC WORKS:

19. Install ADA truncated dome tile in the ADA access ramps on the southeast and southwest corner intersection ramps. If the truncated dome tile cannot be installed in the existing ramps, then the ramps will need to be rebuilt with the new truncated dome tiles - reference San Diego Region, Regional Standard Drawing G-30.
20. Ensure that the hot water tank P.T. discharge pipe is piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
21. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.

22. Replace the broken Palm Tree in the front of the complex with a Palm Tree of the same specie as that broken and of a size equivalent with the adjacent Palm Trees in the front of the complex.
23. Applicant landscape maintenance agreement must be redrafted to clearly state that the plants and planters in the right-of-way are to be maintained by the Condominium Association and repair or replacement of damaged plants is the Condominium Association responsibility.
24. Existing drainage weep-holes under sidewalk shall be plugged and sealed to prevent any runoff from discharging directly into the storm drain conveyance system. Alternatively the applicant must install roof drain down spout inline filters as a BMP to reduce the pollutant discharge from the complex. Additionally the applicant must maintain a BMP maintenance program in accordance with the recommendations from the manufacturer and satisfactory to the City of Imperial Beach. The above applies to all building rain gutter downspouts.
25. Existing gutter drainage on the alley side of the complex must be drained to a treatment BMP before draining to the Storm Drain Conveyance system. Applicant must install a treatment BMP acceptable to the City.
26. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5-feet. Where the distance from "Area to be removed", to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.
27. If it is necessary to cut into the alley pavement as part of this project, all concrete cuts in the alley must be replaced with #4 rebar dowels positioned every 1 foot on center. Concrete specification must be 560-C-3250. Concrete cuts must also comply with item 7 above and cuts parallel to the alley drainage must be at least 1-foot from the alley drain line.
28. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
29. For any project that proposes work within the public right-of-way (i.e., driveway removal/construction, sidewalk removal/construction, street or alley demolition/reconstruction, landscaping and irrigation, fences, walls within the public right-of-way, etc.), a Temporary Encroachment Permit (TEP) shall be applied for and approved either prior to or concurrent with issuance of the building permit required for the project. Application for a Temporary Encroachment Permit shall be made on forms available at the Community Development Department Counter.
30. All street work construction requires a Class A contractor to perform the work. All pavement transitions shall be free of tripping hazards.
31. As of January 1, 2000, any disposal/transportation of solid waste / construction waste in roll off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.

32. The existing parcel impervious surfaces shall not increase beyond the current impervious services as a post-conversion condition in order to maximize the water runoff infiltration area on the parcel in compliance with Municipal Storm Water Permit – Order R9-2007-0001.
33. All landscape areas, including grass and mulch areas, must be improved to consist of at least 12-inches of loamy soil in order to maximize the water absorption during wet weather condition and minimize irrigation runoff.
34. Preserve survey monuments on southeast and northeast property lines in sidewalk. Record same with county office of records.
35. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
36. Applicant to provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and / or Conditional Use Permit. Agreement is provided through the Community Development Department.
37. Property owner must institute “Best Management Practices” to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant must provide BMP practices shall include but are not limited to:
 - ◆ Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
 - ◆ All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - ◆ Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches, storm drain pipes).
 - ◆ All wastewater resulting from cleaning construction tools and equipment, must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
 - ◆ Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with visquien (or equivalent product) to prevent sediment removal into the storm drain system.

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 18th day of June, 2008, by the following roll call vote:

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

Jim Janney

JIM JANNEY, MAYOR

ATTEST:

Jacqueline Hald

JACQUELINE HALD, CITY CLERK

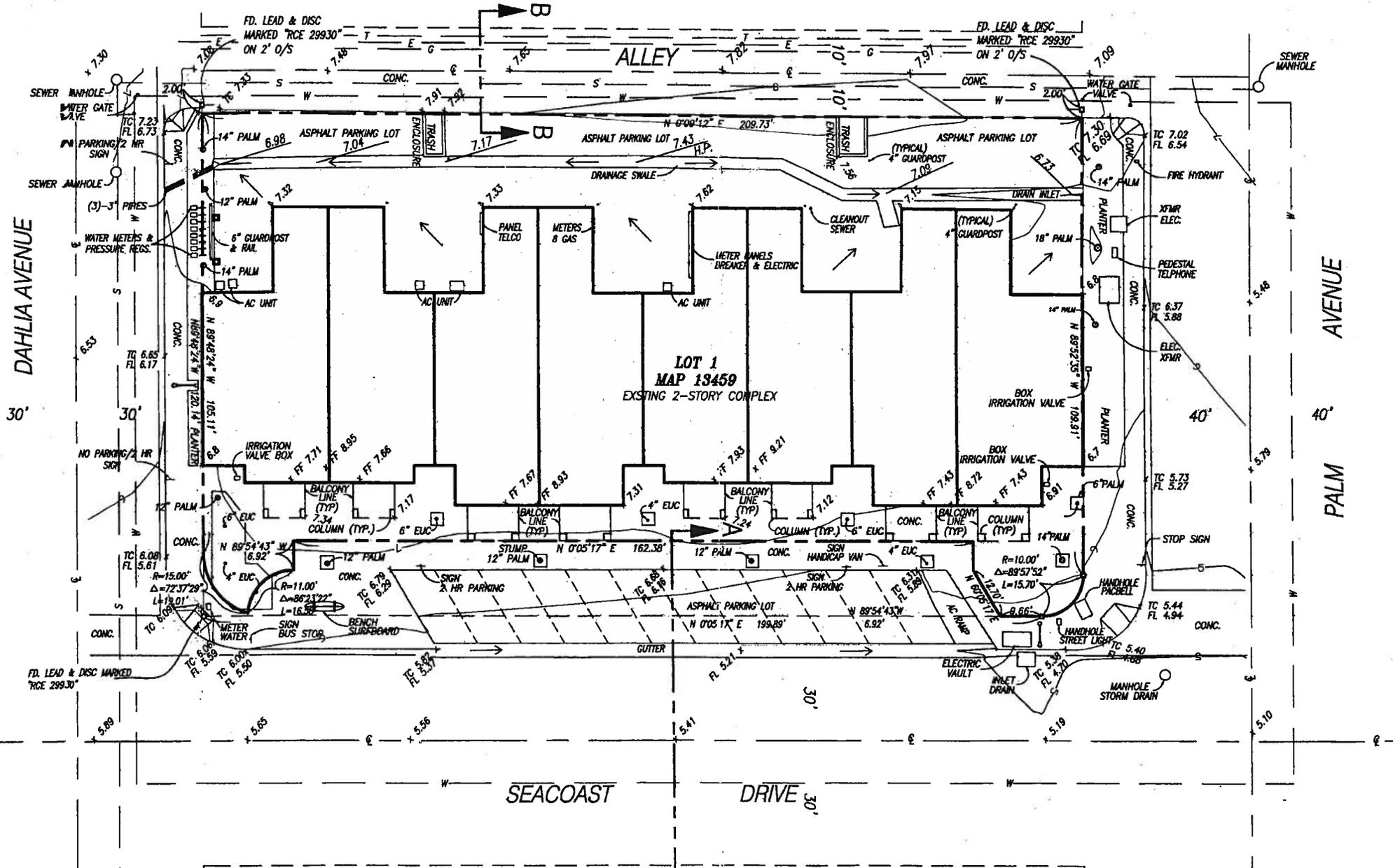
APPROVED AS TO FORM:

James P. Lough

JAMES P. LOUGH, 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. 2008-6641 – A Resolution of the City Council of the City of Imperial Beach, California, approving Regular Coastal Permit (CP 060434) and Tentative Map (TM 060435) for the proposed separation of eight (8) shopkeeper units (residential unit above commercial space) into sixteen (16) separate condominium ownership units (8 residential units above 8 commercial spaces) at 700-708 Seacoast Drive, in the C-2 (Seacoast Commercial) Zone. MF 882 (Ref. MF 381; MF 435; MF 491).

CITY CLERK _____
DATE





**STAFF REPORT
CITY OF IMPERIAL BEACH**

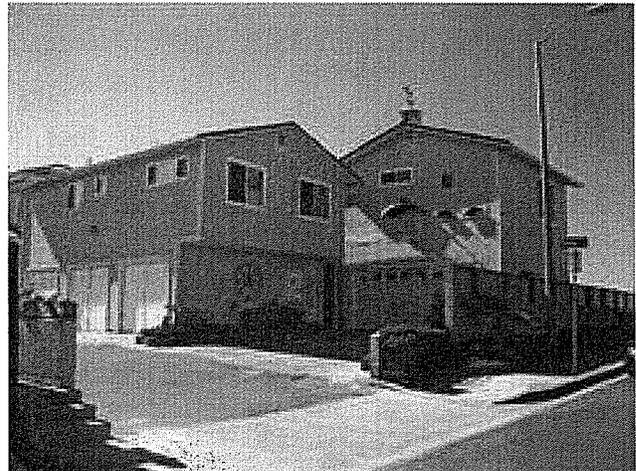
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 16, 2008
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR *GW*
JIM NAKAGAWA, AICP, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER *TF*

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

PROJECT DESCRIPTION/BACKGROUND:

This is an application (MF 924) originally filed on April 13, 2007, for a Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089) to demolish three existing residential units and construct three new attached condominium units, 26 feet high, with a vertical seawall on an approximately 6,000 square-foot lot at 1008 Ocean Lane. The property (APN 625-380-22-00) is designated R-1500/MU-2 (High Density Residential/Seacoast Mixed-Use Overlay Zone) by the General Plan/Local Coastal Plan. A courtesy/preliminary review of an application was shown to the City Council on January 16, 2008.

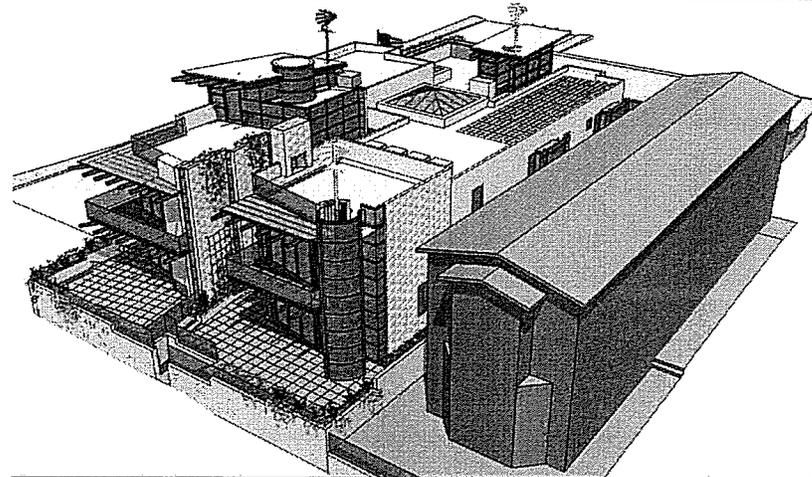
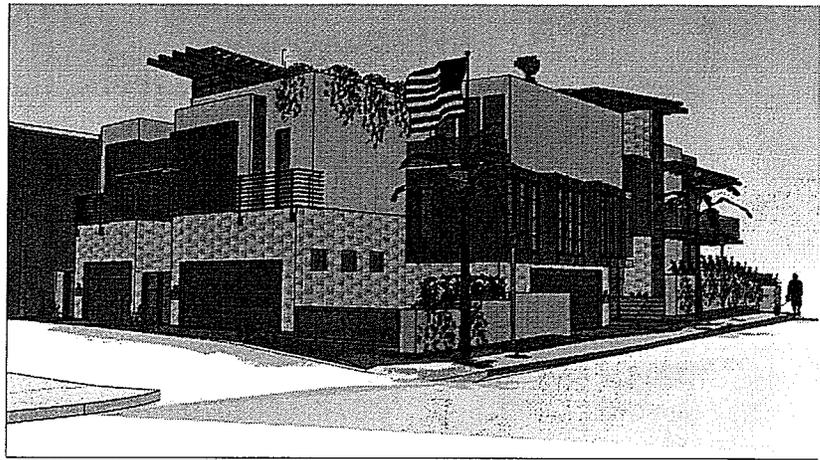


PROJECT EVALUATION/DISCUSSION:

This three unit residential project is adjacent to the approved and completed one unit residential project by Gerald Farrelly to the south (MF 597 CP 02-02/DRC 02-113). To the north across

Elkwood Avenue is a residence. To the east, across Ocean Lane, is a residential complex. To the west is the Pacific Ocean.

General Plan/Local Coastal Plan/Zoning Consistency: The proposed development is subject to the R-1500/MU-2 (High Density Residential/Seacoast Mixed-Use Overlay Zone) zoning requirements and the various elements, including the Coastal Policies, of the General Plan/Local Coastal Plan. The proposed project will provide three new attached condominium units at a density of one unit per 2,000 square feet of lot area, which meets the intent of the land use designation. The project proposes two two-car garages, one one-car garage, and one open space parking which meets the requirement of 1.5 spaces per unit.



Standards

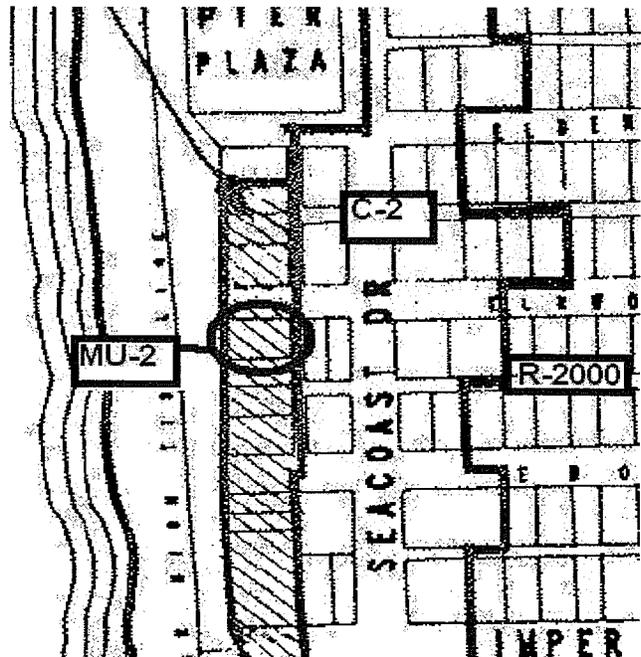
Provided/Proposed

One dwelling per 1,500 square feet	One dwelling per 2,000 square feet
Front Yard: Ocean Lane: 5 feet Side Yard: 5 feet Rear: Ocean Blvd (beach): 10 feet (Section 19.27.140.C.2.a)	Ocean Lane: 5 feet Side Yard: 5 feet Ocean Blvd (beach): 11'-6"
Minimum lot size of 3,000 square feet (Section 19.27.050)	6,001 square foot parcel.
Minimum street frontage of 30 feet (Section 19.27.060).	Ocean Lane frontage of 60 feet. Elkwood Avenue frontage of 100 feet.
Maximum building height of 2 stories or 26 feet (Section 19.27.070), with exception for chimney, elevator structure, stairway structures, utility towers (Section 19.40.020).	26 feet. Exceptions proposed for chimney, elevator/staircase structures, HVAC units, and wind turbines.
FAR: 100 % = 6,000 sf	6,177 sf = 103%
Lot coverage: 50% = 3,000 sf	3,300 sf = 55%
Minimum 300 square feet of usable open space per unit (Section 19.50.010).	2,296 square feet = 765 sf per unit
1.5 parking spaces per dwelling unit (Section 19.48.030.C).	Five garage spaces and one open space = 2 spaces per unit

Surrounding Land Use and Zoning

North:	R-1500/MU-2	Residential
South:	R-1500/MU-2	Residential
East:	C-2	Residential
West:	PF	Beach/Ocean

Design Review: This site fronts along the public beach which is not a designated Design Corridor but is a public venue. The City Council has previously expressed a desire to review all proposals along the oceanfront, although Zoning Ordinance Section 19.17.020.A permits the Community Development Department to approve residential projects of four units or less. The applicant's architect has proposed varied roof lines and interesting architectural detailing and relief through the incorporation of building recesses. This project should contribute positively in making an architectural statement along the beach and would be compatible with the surrounding developments.



The applicant proposes landscaping that includes accent trees/shrubs, small shade garden shrubs, medium shade garden shrubs, vines, trailing shrubs, ground cover plants, and accent plants throughout the property. The applicant also proposes to incorporate landscaping in the public right of way on Elkwood Avenue to remain consistent with the overall landscape plan.

Shore Protection: A seawall is proposed as a part of this project. The Local Coastal Program permits construction of a seawall in this area, provided it is vertical and entirely within the private property that it is protecting, and provided that payment of a sand loss mitigation fee for beach replenishment purposes is submitted if the wall encroaches onto the public beach. (19.87.050.D).

Storm Water Regulations. The City requires new development to conform to the state water quality/urban runoff requirements (SDRWQCB Order 2007-01). Plans for new development need to show drainage patterns to demonstrate how storm water will be directed to landscaped areas (bioswales) or to filters before it is discharged into the city's storm sewers or to the beach. A Storm Water Management Plan (SWMP) has been prepared by the applicant, and approved by the City Engineer.

ENVIRONMENTAL STATUS: A Mitigated Negative Declaration (MND) was prepared and routed for public review from April 24, 2008 to May 26, 2008 and through the State Clearinghouse (SCH #2008041143) for agency comments. The Clearinghouse reported that comments were received from the Native American Heritage Commission. Response to comments are provided for the Final MND. No public comments were received.

A certified check from the applicant in the amount of \$1,926.75 payable to the County Clerk for the California Fish and Game fee will be required in order to file the Notice of Determination.

Imperial Beach Municipal Code (IBMC) Section 19.84.150 allows Administrative Adjustments of up to 10% of development standards without a variance (except for density, parking and height). The applicant is requesting approval for a lot coverage maximum of 55%, and a maximum floor area ratio of 103%. A 10% administrative adjustment would allow for these requests.

A new curb cut is proposed on Elkwood Avenue that would provide access to the street for one of the units. The other two units will access from Ocean Lane. Zoning allows for curb cuts on local streets (Elkwood Avenue is not a collector or arterial road). While a twenty foot setback from a public street to a garage door is typically twenty feet, IBMC 19.48.100.F states that a lesser setback requirement may be allowed in a corresponding zone. The applicant is proposing a setback of five feet from the Elkwood Avenue property line to the face of the garage. Staff has determined that this is acceptable because the MU-2 zone does not specify a street side-yard setback; the code only states a five foot side yard setback. It should be noted that a public parking spot along Elkwood Avenue may be moved, or removed, because of this proposed driveway. There are three existing public parking spaces along the south side of Elkwood Avenue between Seacoast Drive and the beach. While one space would be removed because of the proposed project, this space may be relocated to a space on the southwest corner of Seacoast Drive and Elkwood Avenue where a red-curb is currently located. Removal of the red-curb would be consistent with other street-end curbs in the area where no red curbs exist. Staff does not know the origin of why this red-curb exists.

The height limit for the building is 26 feet, or 2 stories, whichever is less. The applicant proposes that the garage for unit three not be considered a "story" because IBMC 19.04.715 states that if the finished floor level directly above a usable or unused under-floor space (in this case the garage), is less than 6 feet above grade as defined by the Uniform Building Code for more than 50% of the total perimeter, such space (i.e., the garage) need not be considered a story. Plans showing conformity with this requirement have been provided and accepted by staff.

Per IBMC 19.40.020, roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to maintain and operate the building, skylights, chimneys, smokestacks, and utility towers may extend above the height limit. The project proposes an elevator enclosure, stairway enclosure, HVAC (heating/ventilating/air conditioning) unit, and power generating wind turbines to exceed the twenty-six feet limit. While the IBMC does not specify height restrictions for elevator/staircase enclosures, the applicant has worked with staff to provide an acceptable elevator and stairway enclosure design.

One energy generating wind turbine would be placed above each unit (for a total of three turbines). The turbines would be 6 feet high on units 2 and 3. The turbine above unit 1 would be 7'-8" to allow for a safer distance above anyone who may be walking up the spiral stairs. According to the applicant, an average household uses 24,000 kilowatts per year. The turbines provide 12,000 kilowatts per year (average wind of 24 miles per hour), which covers 50% of all electric costs.

COASTAL JURISDICTION: The project is located in the Appeal Jurisdiction of the California Coastal Commission, as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map, and, as such, is appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

FISCAL ANALYSIS:

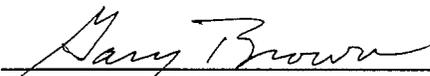
The applicant has deposited \$13,300.00 in Project Account 070034 to fund the processing of this application. Additional deposits will be required in order to continue processing this case.

DESIGN REVIEW BOARD (DRB) RECOMMENDATION:

On December 20, 2007, the DRB recommended approval of the project design based upon the plans dated December 19, 2007.

DEPARTMENT RECOMMENDATION:

1. Open the public hearing and entertain testimony.
2. Close the public hearing.
3. Adopt Resolution No. 2008-6639, approving Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2008-6639
2. Plans
3. Final Mitigated Negative Declaration
4. Mitigation Monitoring and Reporting Program
5. Stringline Map

c: file MF 924

Harmon Nelson, 1008 Ocean Lane, Imperial Beach, CA 91932
Matt Whitaker, Whitaker Architecture Inc., 3443 Ray Street, San Diego, CA 92104
Steve Bryant, Tri-Dimensional Engineering, Inc., 12527 Kirkham Ct., Poway, CA 92074
David Skelly, GeoSoils, Inc., 5741 Palmer Way, Carlsbad, CA 92008
California Coastal Commission, Diana Lilly, Coastal Program Analyst, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-1735
Greg Wade, Community Development Director
Hank Levien, Public Works Director
Ed Wilczak, Building Official

RESOLUTION NO. 2008-6639

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING REGULAR COASTAL DEVELOPMENT PERMIT (CP 070034), DESIGN REVIEW CASE (DRC 070035), SITE PLAN REVIEW (SPR 070036), AND TENTATIVE PARCEL MAP (TPM 070089) TO CONSTRUCT THREE NEW ATTACHED CONDOMINIUM UNITS LOCATED AT 1008 OCEAN LANE, IN THE R-1500/MU-2 (HIGH DENSITY RESIDENTIAL/SEACOAST MIXED USE OVERLAY) ZONE. MF 924.

APPLICANT/OWNER: IB3D BY THE SEA/HARMON NELSON III (OWNER)/JANINE ROCELLE, WHITAKER INC. (APPLICANT/ARCHITECT)

WHEREAS, on June 18, 2008, the City Council of the City of Imperial Beach held a duly advertised public hearing to consider the merits of approving or denying an application for a Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089) to demolish three existing residences and construct three new attached condominium units, 26 feet high, with a vertical seawall on an approximately 6,000 square-foot lot at 1008 Ocean Lane in the R-1500/MU-2 (High Density Residential/Seacoast Mixed-Use Overlay) Zone and legally described as follows:

Lot 6 and 7 in Block 2 of South San Diego Beach, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 1071, filed in the Office of the County Recorder of San Diego County, July 6, 1907; and,

WHEREAS, on December 20, 2007, the Design Review Board of the City of Imperial Beach held a duly noticed public meeting and recommended approval of this application for Design Review (DRC 070035) three new attached condominium units, 26 feet high, with a vertical seawall, in the R-1500/MU-2 (High Density Residential/Seacoast Mixed-Use Overlay) Zone, on a site at 1008 Ocean Lane; and

WHEREAS, the City Council finds that the project is consistent with the General Plan and the project design of the three attached 26 foot high residences is compatible in use with other residential developments in the vicinity which consist of multiple-story single-family residential developments to the north and south, and multiple-family development to the east, and, therefore, would be consistent with Policy D-8 of the Design Element of the General Plan which promotes project design harmonious with adjoining residential uses; and

WHEREAS, this project complies with the requirements of the California Environmental Quality (CEQA) as a Mitigated Negative Declaration had been prepared for this project and was routed for public review from April 24, 2008 to May 26, 2008 and submitted to the State Clearinghouse (SCH #2008041143) for agency review; and

WHEREAS, the City Council finds that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis; that the decision-making body has, pursuant to CEQA Guidelines Section 15074(b), reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; that revisions in the project plans or proposals made by or agreed to by the project applicant, pursuant to CEQA Guidelines Section 15070(b)(1), would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and that, on the

basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) there is no substantial evidence that the project as proposed, as conditioned, or as revised, will have a significant effect on the environment; and

WHEREAS, the City Council further offers the following findings in support of its decision to conditionally approve the project:

SITE PLAN REVIEW FINDINGS:

- 1. The proposed use does not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood, and is not detrimental or injurious to the value of property and improvements in the neighborhood.**

The applicant proposes the construction of three new attached condominium units, 26 feet high, with a vertical seawall and garage parking on an approximately 6,001 square-foot oceanfront building site. The project includes the placement of a seawall system that will be installed east of the applicant's west property line along the stringline of the existing seawall system to the south. The height of the building will be required to be no higher than 26 feet above existing grade. Coastal engineering reports prepared by David Skelly of GeoSoils, dated February 8, 2007, and seawall plans dated October 17, 2007, provide information regarding wave runup conditions, seawall design, beach sand erosion and the avoidance of adverse impacts on neighboring properties. Based on this engineering information, no adverse impacts to adjacent properties would occur.

The proposed residential use is similar to the other residential uses established nearby. The project is not expected to have a detrimental effect upon the health, welfare, safety and convenience of persons residing or working in the neighborhood. The on-site parking meets the number required for off-street parking.

The project footprint has been set back from its west property line on the beach along the stringline of the single-family residence to the south and, thereby, provides enhanced public lateral access along the coast.

- 2. The proposed use will not adversely affect the General Plan/Local Coastal Plan.**

The subject site is within the High-Density Residential/Seacoast Mixed-Use Overlay (R-1500/MU-2) Zone and designation. This zoning classification and land use designation provides for the development of attached multiple-family dwellings with a maximum density of one unit per every 1,500 square feet of land. This designation will permit as many as 29 units per net acre of land. This project proposes a density of one unit per 2,000 square feet of property and is, therefore, consistent with the plan designation.

The proposed project is compatible with the established residential beachfront developments north and south of the project site.

Policy S-11 of the Safety Element of the General Plan/Local Coastal Plan states that new development fronting on Ocean Boulevard north of Imperial Beach Boulevard shall incorporate an engineered vertical seawall in its design if it is determined that shoreline

protection is necessary. Such a seawall shall be located within the private property of the development and shall be sufficient to protect the development from flooding during combined design storm and high tide events. The need for a seawall has been documented in coastal engineering reports prepared by David Skelly of GeoSoils, dated February 8, 2007, and seawall plans dated October 17, 2007.

3. The proposed use is compatible with other existing and proposed uses in the neighborhood.

The project is surrounded by residential developments. Structural types and residential densities vary in character, bulk and scale. The proposed project is compatible with the established single-story development to the east and two-story developments to the south and north.

The project design relates in bulk, setback and scale to similar multiple-family residential projects developed along Ocean Lane, north of Imperial Beach Boulevard. The proposed building design provides a visual link with similar existing high-density residential beachfront developments which incorporate seawalls, beachfront decks, upper level balconies, stucco or wood exterior finish, glass and concrete tile roof materials in their designs. As such, the project is compatible with residential development along the City's developed beachfront.

4. The location, site layout and design of the proposed use properly orients the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.

One one-car garage and one two-car garage for two units will take direct access from Ocean Lane and one two-car garage will access off of Elkwood Avenue, and the window features are oriented toward the ocean for views. This project thereby demonstrates proper orientation.

5. The combination and relationship of one proposed use to another on the site is properly integrated.

The project represents infill development on a beachfront site that is predominantly residential in character. It is not a mixed-use project and this finding is, therefore, not applicable.

6. Access to and parking for the proposed use will not create any undue traffic problems.

There is adequate back-out area for the cars to maneuver into Ocean Lane and Elkwood Avenue. Ocean Lane and Elkwood Avenue are low volume local access roads. The project proposes to provide two parking spaces per unit (five garages parking and one open space parking). This meets the parking requirements of the city.

7. The project complies with all applicable provisions of Title 19.

The project is subject to compliance with the zoning standards per Chapter 19.17 of the

City of Imperial Beach Municipal Code, titled "High-Density Residential/Seacoast Mixed-Use Overlay (R-1500/MU-2) Zone". Reduced front yard setbacks are granted for this project in consideration for the increased beachfront setback by the property owner for coastal public access and conformance with the Coastal Commission's stringline development policy.

Standards	Provided/Proposed
One dwelling per 1,500 square feet	One dwelling per 2,000 square feet
Front Yard: Ocean Lane: 5 feet Side Yard: 5 feet Rear: Ocean Blvd (beach): 10 feet (Section 19.27.140.C.2.a)	Ocean Lane: 5 feet Side Yard: 5 feet Ocean Blvd (beach): 11'-6"
Minimum lot size of 3,000 square feet (Section 19.27.050)	6,001 square foot parcel.
Minimum street frontage of 30 feet (Section 19.27.060).	Ocean Lane frontage of 60 feet. Elkwood Avenue frontage of 100 feet.
Maximum building height of 2 stories or 26 feet (Section 19.27.070), with exception for chimney, elevator structure, stairway structures, utility towers (Section 19.40.020).	26 feet. Exceptions proposed for chimney, elevator/staircase structures, HVAC units, and wind turbines.
FAR: 100 % = 6,000 sf	6,177 sf = 103%
Lot coverage: 50% = 3,000 sf	3,300 sf = 55%
Minimum 300 square feet of usable open space per unit (Section 19.50.010).	2,296 square feet = 765 sf per unit
1.5 parking spaces per dwelling unit (Section 19.48.030.C).	Five garage spaces = 1.5 spaces per unit

Imperial Beach Municipal Code (IBMC) Section 19.84.150 allows Administrative Adjustments of up to 10% of development standards without a variance (except for density, parking and height).

The applicant is requesting approval for a lot coverage maximum of 55%, and a maximum floor area ratio of 103%. A 10% administrative adjustment would allow for these requests.

A new curb cut is proposed on Elkwood Avenue that would provide access to the street for one of the units. The other two units will access from Ocean Lane. Zoning allows for curb cuts on local streets (Elkwood Avenue is not a collector or arterial road). While a twenty foot setback from a public street to a garage door is typically twenty feet, IBMC 19.48.100.F states that a lesser setback requirement may be allowed in a corresponding zone. The applicant is proposing a setback of five feet from the Elkwood Avenue property line to the face of the garage. This has been determined to be acceptable because the MU-2 zone does not specify a street side-yard setback; the code only states a five foot side yard setback. It should be noted that a public parking spot along Elkwood Avenue may be moved, or removed, because of this proposed driveway. There are three existing public parking spaces along the south side of Elkwood Avenue between Seacoast Drive and the beach. While one space would be removed because of the proposed project, this space may be relocated to a space on the southwest corner of Seacoast Drive and Elkwood Avenue where a red-curb is currently located. Removal of the red-curb would be consistent with other street-end curbs in the area where no red curbs exist. Staff does not know the origin of why this red-curb exists.

COASTAL PERMIT FINDINGS:**1. The proposed development conforms to the Certified Local Coastal Plan including Coastal Land Use Policies.****Shore Processes and Shore Protection**

The subject site is situated within the Silver Strand Littoral Cell (SSLC), representing a coastal compartment which contains a complete cycle of littoral (beach) sedimentation, including sand sources, transport pathways and sediment sinks. Recent Army Corps of Engineers studies indicate that erosion problems are most noticeable in Imperial Beach and at Playas de Tijuana. A detailed description of coastal conditions and processes is provided in the coastal engineering reports prepared by David Skelly of GeoSoils, dated February 8, 2007, and seawall plans dated October 17, 2007.

The City of Imperial Beach has approximately 17,600 feet of shoreline, approximately 12,000 feet or 68% of which is either publicly owned or has direct vertical or lateral access. This includes 6,000 linear feet of sandy beach owned by the State of California within the Border Field State Park in the extreme southwest corner of the City. The project represents infill development where shore protection is provided by seawalls and rock revetment, both authorized and unauthorized. However, in 1994, the City of Imperial Beach incorporated new language in its Local Coastal Program that established the construction of vertical seawalls north of Imperial Beach Boulevard. Such shore protection must be shown to be necessary to protect the infill development and must not extend seaward of the western property limits.

The proposed project represents the material impact of this new language on infill development north of Imperial Beach Boulevard. A seawall is proposed to be constructed entirely on the subject site, in accordance with design standards described in the coastal engineering reports prepared by David Skelly of GeoSoils, dated February 8, 2007, and seawall plans dated October 17, 2007. The project is not expected to alter lateral beach access or any portion of beach area for public recreation uses consistent with the certified Local Coastal Plan.

Policy S-11 of the Safety Element of the General Plan/Local Coastal Plan states that new development fronting on Ocean Boulevard north of Imperial Beach Boulevard shall incorporate an engineered vertical seawall in its design if it is determined that shoreline protection is necessary. Such a seawall shall be located within the private property of the development and shall be sufficient to protect the development from flooding during combined design storm and high tide events. The coastal engineering study presents the justification for the seawall, designed to withstand the 1982-83 winter storms.

Public Access

The subject site is located between the ocean and the first public road, which, in most cases, is Seacoast Drive. Ocean Lane is a twenty-foot wide public street that runs in a north-south direction and parallel to Seacoast Drive and the beach. People reach the beach in the vicinity of the site at the unimproved Elkwood Avenue street end. The certified Local Coastal Program contains policies that address street-end improvement

standards designed to facilitate beach access. Given this, and the fact that improved beach street ends are programmed adjacent to the site, it can be found that there is adequate vertical access to the shoreline. Additionally, adequate on-site parking will be provided to serve the needs of the development.

The project is in conformity with the public access and public recreation policies in the certified Local Coastal Program and Chapter 3 of the Coastal Act, commencing with Section 30200, because:

- a) improved public access to the beach and shoreline is readily available adjacent and to the south of the site;
- b) improved lateral coastal access is being provided by having this project set back away from the beach in conformance with the Coastal Commission's stringline development policy;
- c) the new development will be located entirely on private property upland of the sandy beach;
- d) the project protects public access parking opportunities through the provision of 6 on-site parking spaces, as required by the certified Local Coastal Program.

Coastal View Access

The beach is not entirely visible from Seacoast Drive given some of the existing development to the south of the site and on the east side of Ocean Lane. Public viewing areas are provided at the street end to the north of the site. From a position on the beach seaward of the subject site, the proposed seawall, patio, and balconies appear similar to other buildings on this frontage. Additionally, enhanced lateral coastal access is being provided by having this project set back away from the beach in conformance with the Coastal Commission's stringline development policy.

The project site is located amongst existing single- and multi-family residential development. The site is currently developed with a two-story multi-family residence. Though the property is zoned to allow up to four units, the proposed project will consist of three units two-stories high consistent with the existing building. The proposed project would be consistent with the existing and approved residential development of the surrounding neighborhood.

- 2. For all development seaward of the nearest public highway to the shoreline, the proposed development meets standards for public access and recreation of Chapter Three of the 1976 Coastal Act and regulations promulgated thereunder.**

The subject site is located between the ocean and the first public road, which, in this case, is Seacoast Drive. Ocean Lane is a twenty-foot wide public street that runs parallel to Seacoast Drive and the beach. The subject site is currently occupied by a two-story multi-family residential building and people reach the beach at the adjacent Elkwood Avenue street-end. The property owner will provide lateral coastal access by having this project set back away from the beach in conformance with the Coastal Commission's stringline development policy. The certified Local Coastal Program contains policies that address street-end improvement standards designed to facilitate

beach access. Given this, and the fact that improved beach street-ends are programmed near the site, it can be found that there is adequate vertical and lateral access to the shoreline. Additionally, adequate on-site parking will be provided to serve the needs of the development.

Section 30252 of the Coastal Act addresses public access, and states in part "The location and amount of new development should maintain and enhance public access to the coast by (4) providing adequate parking facilities..." Six on-site parking spaces (five garage spaces and one open space) meet the minimum required by Chapter 19.48 of the City of Imperial Beach Municipal Code.

3. The proposed development meets the minimum relevant criteria set forth in Title 19, Zoning.

Refer to Site Plan Review finding No.7.

4. For all development involving the construction of a shoreline protective device, a mitigation fee shall be collected which shall be used for beach sand replenishment purposes. The mitigation fee shall be deposited in an interest bearing account designated by the Executive Director of the California Coastal Commission and the City Manager of Imperial Beach in lieu of providing sand to replace the sand and beach area that would be lost due to the impacts of any protective structures.

The project includes the construction of a vertical seawall. Therefore the project is conditioned to provide the fee in compliance with Section 19.87.050 of the City of Imperial Beach Municipal Code. However, due to an interpretation by the Coastal Commission, this project may not need to pay a fee since the seawall will be placed on private property.

DESIGN REVIEW FINDINGS:

1. The project is consistent with the City's Design Review Guidelines.

The design of the project and the landscaping improvements are consistent with the City's Design Review Guidelines as per Design Review Compliance checklist and the findings adopted by the Design Review Board per their Resolution No. 2007-11.

NOW, THEREFORE, BE IT RESOLVED, that Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089) to construct three new attached condominium units, 26 feet high, with a vertical seawall on an approximately 6,000 square-foot lot at 1008 Ocean Lane in the R-1500/MU-2 (High-Density Residential/Seacoast Mixed-Use Overlay) Zone, are hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

CONDITIONS OF APPROVAL:**A. PLANNING:**

1. Final building permit plans shall indicate and the site shall be developed substantially in accordance with the approved conceptual plans dated June 10, 2008 on file in the Community Development Department and with the conditions adopted herein.
2. The applicant shall submit a licensed surveyor's certificate upon completion of the foundation work that demonstrates proper placement of the structure relative to building setbacks from property lines and a certificate upon completion of framing that demonstrates and ensures that the building does not exceed the maximum permitted building height of 26 feet above existing grade.
3. Approval of this request shall not waive compliance with any portion of the Uniform Building Code and Municipal Code in effect at the time a building permit is issued.
4. Re-locate public parking space that is being removed to the southwest corner of Seacoast Drive and Elkwood Avenue. Relocation of parking space is subject to staff review of the origin of the red-curb.
5. Mechanical equipment, including solar collectors and panels or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, and shall be located so as not to be visible from any public way. (19.83).
6. No improvements, structural or non-structural, beyond what is on the approved plans may be placed on the roof deck. Only personal property, which does not obstruct views, is permitted on the roof deck while authorized person(s) are actually present on the roof deck.
7. All landscaped areas, including any in the public right-of-way, shall be maintained in a healthy condition, free from weeds, trash, and debris.
8. It shall be the applicant's responsibility to assure that shoreline protection structures on adjacent properties are not damaged during construction on the subject site, and to repair any damage to the adjacent property's shoreline protection structures that may be caused by the construction on the subject site. The construction of temporary slopes shall be shored in compliance with CAL-OSHA requirements.
9. Disturbances to sand and inter-tidal areas shall be minimized, and prohibited during the predicted grunion season. The applicant shall obtain the forecasted grunion runs from the California Department of Fish & Game. The grunion spawning season extends from March through August. If spawning grunion are observed seaward of the subject site construction activity must cease for a period of 17 days to allow for incubation of the eggs.
10. The applicant shall provide the City with a construction schedule prior to commencement of work. All construction activity on the beach shall be scheduled during low tides.
11. All sand excavated from the project site shall be analyzed for suitability as beach nourishment material. If determined to be suitable, any sand in excess of that required to provide berming along the first level wall shall be used for beach nourishment seaward of the project site. Local sand, cobbles or armor stones shall not be used for

backfill or construction materials. Additionally, the applicant shall remove from the beach and seawall area any and all debris that result from the construction period.

12. Prior to the issuance of a building permit, the applicant shall submit final plans for the shoreline protection device consistent with the recommendations contained in the Coastal Hazard Study and Shore Protection Design engineering report prepared by David Skelly of GeoSoils, dated February 8, 2007, and seawall plans dated October 17, 2007.
13. Within 60 days following project completion, the applicant shall submit certification by a registered civil engineer verifying that the seawall has been constructed in conformance with the final approved plans for the project.
14. Construction materials or equipment shall not be stored on the beach seaward of the western property line. Equipment shall be removed from the beach at the end of any given work day.
15. Prior to commencement of construction, the applicant shall submit plans showing the locations, both on and off site that will be used as staging or storage areas for materials and equipment during the construction phase of the project. The staging/storage plan shall be subject to review and written approval of the Community Development Director. The plan shall also note that no work requiring encroachment on the public beach shall be allowed on weekend days between Memorial Day and Labor Day, and during predicted grunion runs, of any year.
16. Ocean Lane shall remain open for vehicular traffic, including emergency vehicles during construction of the project. If traffic must be impeded, the applicant must submit a traffic control plan to the Public Works Director for approval at least 10 days prior to closure.
17. Prior to the issuance of the building permit, the landowner, if required, shall execute and record a deed restriction in a form and content that is acceptable to the Community Development Director which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from waves during storms and from erosion or flooding, and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the City of Imperial Beach and agrees to indemnify and hold harmless the City of Imperial Beach relative to its approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.
18. Prior to the issuance of a building permit, the applicant shall pay a sand mitigation fee if required which shall be used for beach sand replenishment purposes, in lieu of providing sand to replace the sand and beach area that would be lost due to the impacts of the proposed shoreline protection structure. The mitigation fee shall be deposited in an interest-bearing account designated by the Executive Director of the California Coastal Commission and the City Manager of the City of Imperial Beach. The mitigation fee shall be determined in accordance with Section 19.87.050 of the City of Imperial Beach Municipal Code, in consultation with the California Coastal Commission technical staff.
19. An engineer is required to supervise the construction of the seawall.
20. The property owner shall be responsible for maintenance of the permitted seawall. Any debris or other materials which become dislodged after completion through weathering and coastal processes, which impair public access, shall be removed from the beach.

Any future additions or reinforcements may require a coastal development permit. If after inspection it is apparent that repair and maintenance is necessary, the applicant shall contact the City to determine whether such a permit is necessary.

21. **Expiration Date.** Approval of Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089) to construct three new attached condominium units, 26 feet high, with a vertical seawall on an approximately 6,000 square-foot lot at 1008 Ocean Lane in the R-1500/MU-2 (High-Density Residential/Seacoast Mixed-use Overlay) Zone is valid for three years from the date of final action, to **expire on June 18, 2011**, unless an appeal is filed to or by the California Coastal Commission. Any such appeal will stay the expiration date until the case is resolved and the permit will expire 2 years from the date the Commission acts on the appeal. In the event that no appeal is filed, conditions of approval must be satisfied, building permits issued, and substantial construction must have commenced prior to the expiration date or a time extension is granted by the City pursuant to such a request for extension by the applicant.
22. The applicant or applicant's representative shall, pursuant to Section 711.4 of the California Fish and Game Code, pay by certified check payable to the San Diego County Clerk \$1,876.75 plus a \$50 documentary handling fee at the time the Notice of Determination is filed by the City, which is required to be filed with the County Clerk within five working days after project approval becomes final (Public Resources Code Section 21152).
23. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed affidavit accepting said conditions.
24. Applicant shall pay off any unpaid negative balances in the **Project Account 070034** prior to issuance of building permit and prior to final inspection/certificate of occupancy.

B. ENVIRONMENTAL MITIGATION MEASURES:

Air Quality:

Temporary impacts to air quality associated with construction activities are anticipated. Implementation of the following measures during construction operations shall reduce impacts to below a level of significance:

25. Water all active construction areas at least twice daily.
26. Cover all trucks hauling soil, sand, and other loose materials, or require trucks to maintain at least 2 feet of free board.
27. Pave/apply water three times daily, or apply nontoxic soil stabilizers, on all unpaved access roads, parking areas, and staging areas at the construction sites.
28. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction site.
29. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

30. Hydroseed or apply nontoxic soil stabilizers to inactive construction areas. Inactive construction areas are areas that have been previously graded and are inactive for 10 days or more.
31. Install sandbags, silt fences or other erosion control measures to prevent silt runoff to public roadways.
32. Replant vegetation in disturbed areas as quickly as possible.
33. Suspend excavation and grading activity when wind gusts exceed 25 MPH.

Biological Resources:

The following measures shall be implemented to reduce potential impacts to the pismo clam and grunion associated with construction activities:

34. Impacts to pismo clam shall be mitigated by avoiding vehicle use in the lower intertidal zone, and minimizing vehicle use in the middle intertidal zone (or conduct a survey at the time of construction to verify their absence); and
35. Impacts to grunion shall be mitigated by scheduling construction outside the spawning period (e.g., September 1 to March 1). Alternatively, significant impacts shall be avoided during construction by implementing a monitoring and avoidance protocol within the construction zone by a qualified biologist, who shall establish an appropriate buffer around any observed spawning locations to restrict vehicles and equipment for a period of 14 days to allow grunion eggs to hatch.

Geology:

The following geotechnical mitigation measures shall be required in the planning and implementation of the project:

36. A comprehensive geotechnical evaluation, including development-specific subsurface exploration and laboratory test, shall be conducted prior to design and construction, if prior studies need to be updated. The purpose of the subsurface evaluation would be to further evaluate the subsurface conditions in the area of the proposed structures and to provide information pertaining to the engineering characteristics of earth materials at the project site. From the data, recommendations for grading/earthwork, surface and subsurface drainage, foundations, pavement structure sections, and other pertinent geotechnical design considerations may be formulated.
37. Vibration induced settlement due to driving of sheet piles may occur during the construction of the seawalls. Nearby structures and pavement may experience distress due to the induced settlements. A vibration monitoring plan shall be implemented during construction of the sheet pile seawalls. The purpose of the plan would be to document construction induced vibrations.
38. A baseline geotechnical reconnaissance shall be performed at each of the nearby structures to document pre-construction distress features, if any. Such an evaluation may include manometer surveys, crack measurements, and photographic/video documentation.

39. During construction, nearby structures shall be monitored for distress and/or settlement that may occur as a result of construction. Upon completion, a final evaluation of the nearby structures shall be performed, and the results compared with the initial baseline findings.
40. Liquefiable soils may be present on the site. The confirmation of their presence (or absence) shall be done through subsurface exploration (e.g. drilling) and laboratory testing.
41. Loose surficial soils that are not suitable for structural support in their current state are present on the sites. The loose surficial soils shall be mitigated by their removal during site grading. Much of the soils should be suitable for reuse as compacted fill.
42. The project has a potential for strong ground motions due to earthquakes. Accordingly, the potential for relatively strong seismic accelerations shall be considered in the design of proposed improvements.

Hydrology and Water Quality:

The potential for impacts to water quality would primarily occur as a result of construction activities. The following measures shall be implemented prior to initiation of construction activities:

43. Prior to City approval of construction permits, the final grading and drainage plans will be reviewed for compliance with SUSMP.
44. Project shall adhere to the Water Pollution Control Plan (WPCP) prepared by Tri-Dimensional Engineering as conditioned and approved by the City of Imperial Beach including Construction and Permanent Best Management Practices (BMP) and other requirements pursuant to the City's Standard Urban Storm Water Mitigation Plan (SUSMP).

In order to provide the appropriate protection to the project site in case of a flood event, the applicant shall be required to meet the following measures:

45. Implementation of Flood Hazard Reduction Standards established for construction in order to assure protection from flooding (Imperial Beach Municipal Code 15.50.160).
46. In addition to building permits, a flood hazard area development permit shall be obtained from the City Engineer prior to commencement of any construction (Imperial Beach Municipal Code 19.32.020).

Noise:

It is anticipated that the project will create temporary noise impacts associated with construction activities. During construction, equipment and material transport will generate temporary noise, which could be a significant increase in levels for the adjacent residents. Therefore the following mitigation measures shall be implemented to reduce impacts to below a level of significance:

47. To further deter construction noise from adjacent properties, the applicant shall be responsible for notifying residents and businesses within a 300-foot radius prior to shoring activities.

48. Additionally, construction activities associated with implementation of sheet pile design shall be limited to the hours of 8 a.m. to 5 p.m., Monday through Friday.
49. The applicant shall notify all residents within 500 feet of the project site prior to pile driving activities. The applicant shall also incorporate the best available technology acoustical dampering features during pile driving or drilling.

C. BUILDING:

50. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach.

D. PUBLIC WORKS:

51. For any project that proposes work within the public right-of-way (i.e., driveway removal/construction, sidewalk removal/construction, street demolition/reconstruction, landscaping and irrigation, fences, walls within the public right-of-way, etc.), a Temporary Encroachment Permit (TEP) shall be applied for and approved either prior to or concurrent with issuance of the building permit required for the project. Application for a Temporary Encroachment Permit shall be made on forms available at the Community Development Department Counter.
52. Ensure that the hot water tank P.T. discharge pipe is piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
53. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order 2001-01.
54. Require the building foundation elevation be at least 1 foot above gutter line to minimize flooding during storm conditions.
55. Show the sewer lateral plans for both the existing single family residence and the proposed new single family residence on one of the plans provided to the City.
56. Construct one new driveway approach on Elkwood Avenue in accordance with San Diego, Regional Standard Drawing G-14A. Asphalt cut for this installation is to be cut back enough to tie in the new lip of gutter with a maximum of 2% cross fall. **Note:** The construction of an ADA compliant driveway approach will require an easement agreement dedicating the necessary footage for the construction of the ADA compliant driveway to all be in the right-of-way – approximately 2-feet.
57. Restripe Elkwood Avenue as directed by the Public Works Director to accommodate the new driveway entrance off Elkwood Avenue.
58. Remove the concrete slab in Ocean Lane right-of-way adjacent to the current garages and replace with asphalt to match the remainder of Ocean Lane.
59. Install irrigation system in the public right of way between the sidewalk and the property line.
60. Ensure construction design includes adequate storage (out of the front yard setback) for 3 trash barrels for each unit (regular trash, recycled waste, green waste).

61. Ensure construction design include adequate access for each unit to Elkwood Avenue to allow for trash cart transport from each residence to street curb.
62. Install survey monuments on northeast and southeast property lines at or adjacent to the property line. Record same with county office of records.
63. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [must be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks must be a minimum of 5-feet. Where the distance from "Area to be removed", to existing joint, edge or score mark is less than the minimum shown, "Area to be removed" shall be extended to that joint, edge or score mark.
64. Require applicant to provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and / or Conditional Use Permit. Agreement is provided through the Community Development Department.
65. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Director a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
66. All street work construction requires a Class A contractor to perform the work. Street repairs must achieve 95% sub soil compaction. Asphalt repair must be a minimum of four (4) inches thick asphalt placed in the street trench. Asphalt shall be AR4000 ½ mix (hot).
67. In accordance with I.B.M.C. 12.32.120, applicant must place and maintain warning lights and barriers at each end of the work, and at no more than 50 feet apart along the side thereof from sunset of each day until sunrise of the following day, until the work is entirely completed. Barriers shall be placed and maintained not less than three feet high.
68. The adjacent streets to this development are within the utility underground district, thus all utilities for this project must be placed underground.
69. Property owner must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant BMP practices shall include but are not limited to:
 - Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
 - All recyclable construction waste must be properly recycled and not disposed in the landfill.
 - Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches, storm drain pipes).
 - All wastewater resulting from cleaning construction tools and equipment must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.

- Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with plastic-like material (or equivalent product) to prevent sediment removal into the storm drain system.

70. Any disposal/transportation of solid waste / construction waste in roll off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.

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 18th day of June, 2008, by the following roll call vote:

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

James C. Janney

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

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

APPROVED AS TO FORM:

James P. Lough

JAMES P. LOUGH, 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. 2008-6639 - A Resolution of the City of Imperial Beach approving a Regular Coastal Permit (CP 070034), Design Review Case (DRC 070035), Site Plan Review (SPR 070036), and Tentative Parcel Map (TPM 070089) to construct three new attached condominium units, 26 feet high, with a vertical seawall on an approximately 6,000 square-foot lot at 1008 Ocean Lane. The property (APN 625-380-22-00) is designated R-1500/MU-2 (High

Density Residential/Seacoast Mixed-Use Overlay Zone) by the General Plan/Local Coastal Plan. MF 924.

CITY CLERK

DATE

Item No. 5.3

**Attachment 2: Plans
&
Attachment 3: Final Mitigated
Negative Declaration**

**Available for review in the
City Clerk's Department**



**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE
IB3D BY THE SEA THREE ATTACHED CONDOMINIUM PROJECT LOCATED
AT 1008 OCEAN LANE (MF 924)**

A Mitigated Negative Declaration (MND) for the ib3D by the Sea project at 1008, 1008A and 1008B Ocean Lane was prepared and released for public review from April 24, 2008 to May 26, 2008. The MND was also sent to the State Clearinghouse for review (SCH#2008041143) by state agencies from April 24, 2008 to May 23, 2008.

California Environmental Quality Act (CEQA) Guidelines Section 15074(d) requires that the lead agency adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

The attached Mitigation Monitoring Checklist provides a mechanism for monitoring the mitigation measures in compliance with the MND. This checklist is organized by categories of environmental impacts (e.g. air quality, biological resources, geology, hydrology and water quality, and noise). Potential impacts identified in the MND are summarized for each impact area and the required mitigation measures are listed. The checklist identifies the implementation schedule, who is responsible for implementing the measure, monitoring mechanism, and required monitoring and reporting frequency.

ADOPTION:

This Mitigation Monitoring Reporting Program was adopted as a component of Resolution No. 2008- 6639 by the Imperial Beach City Council on June 18, 2008.

James Nakagawa, AICP
Imperial Beach City Planner

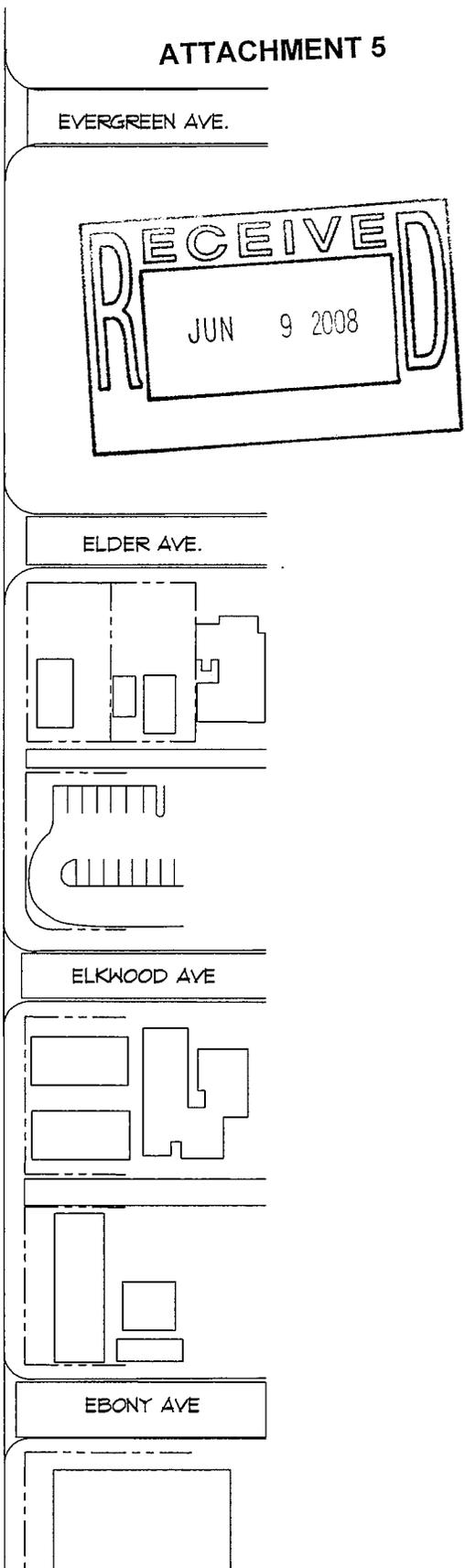
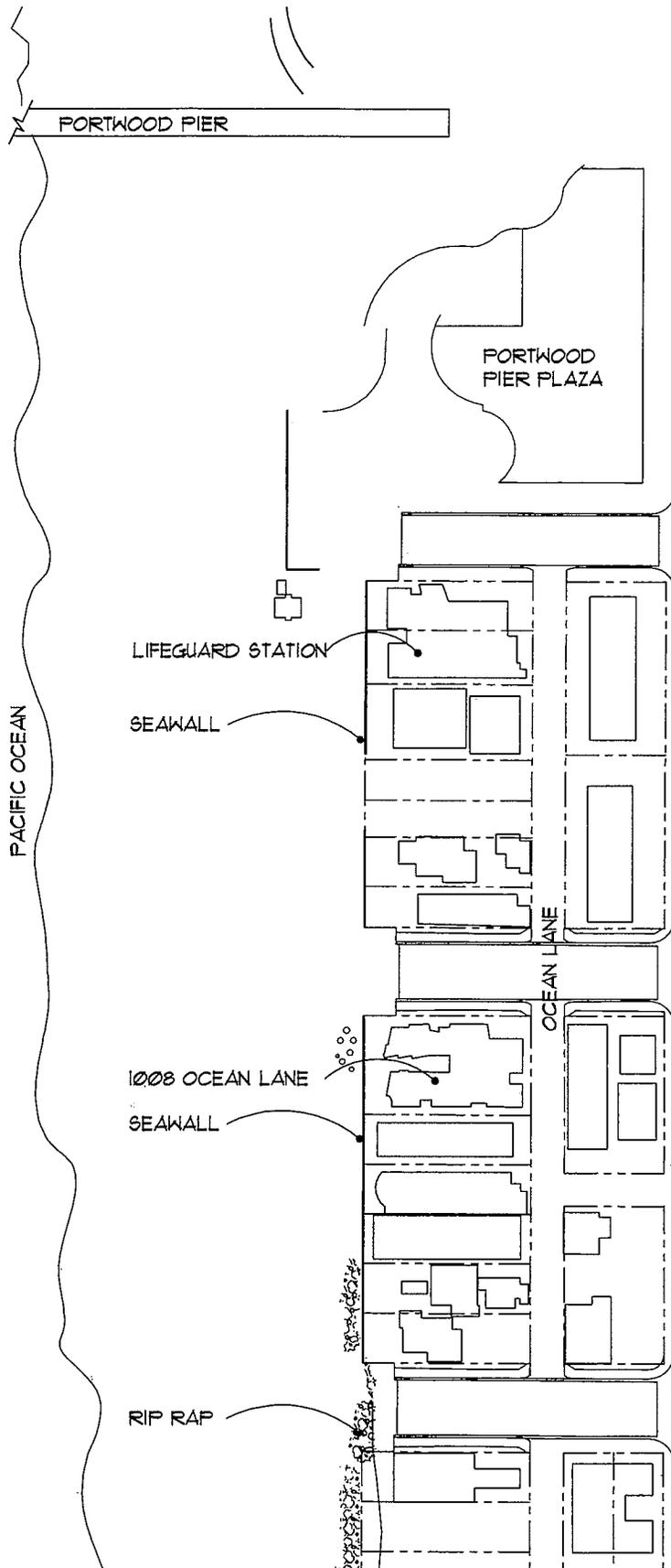
Mitigation Measures	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification
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<p>Air Quality:</p> <p>Temporary impacts to air quality associated with construction activities are anticipated. Implementation of the following measures during construction operations shall be required to reduce impacts to below a level of significance:</p> <ol style="list-style-type: none"> 1. Water all active construction areas at least twice daily. 2. Cover all trucks hauling soil, sand, and other loose materials, or require trucks to maintain at least 2 feet of free board. 3. Pave/apply water three times daily, or apply nontoxic soil stabilizers, on all unpaved access roads, parking areas, and staging areas at the construction sites. 4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction site. 5. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. 6. Hydroseed or apply nontoxic soil stabilizers to inactive construction areas. Inactive construction areas are areas that have been previously graded and are inactive for 10 days or more. 7. Install sandbags or other erosion control measures to prevent silt runoff to public roadways. 8. Replant vegetation in disturbed areas as quickly as possible. 9. Suspend excavation and grading activity when wind gusts 	<p>Review building plans and specifications for inclusion of mitigation measures.</p>	<p>Applicant/Owner</p>	<p>Ongoing monitoring until construction is completed.</p>	<p>City of Imperial Beach/ Community Development/ APCD</p>
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Mitigation Measures	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification
<p>project site. From the data, recommendations for grading/earthwork, surface and subsurface drainage, foundations, pavement structure sections, and other pertinent geotechnical design considerations may be formulated.</p> <p>13. Vibration induced settlement due to driving of sheet piles may occur during the construction of the seawalls. Nearby structures and pavement may experience distress due to the induced settlements. A vibration monitoring plan shall be implemented during construction of the sheet pile seawalls. The purpose of the plan would be to document construction induced vibrations.</p> <p>14. A baseline geotechnical reconnaissance shall be performed at each of the nearby structures to document pre-construction distress features, if any. Such an evaluation may include manometer surveys, crack measurements, and photographic/video documentation.</p> <p>15. During construction, nearby structures shall be monitored for distress and/or settlement that may occur as a result of construction. Upon completion, a final evaluation of the nearby structures shall be performed, and the results compared with the initial baseline findings.</p> <p>16. Liquefiable soils may be present on the site. The confirmation of their presence (or absence) shall be done through subsurface exploration (e.g. drilling) and laboratory testing.</p> <p>17. Loose surficial soils that are not suitable for structural support in their current state are present on the sites. The loose surficial soils shall be mitigated by their removal during site grading. Much of the soils should be suitable for reuse as compacted fill.</p>				

Mitigation Measures	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification
<p>18. The project has a potential for strong ground motions due to earthquakes. Accordingly, the potential for relatively strong seismic accelerations shall be considered in the design of proposed improvements.</p> <p>Hydrology and Water Quality:</p> <p>The potential for impacts to water quality would primarily occur as a result of construction activities. The following measures shall be implemented prior to initiation of construction activities:</p> <p>19. Prior to City construction permits, the final grading and drainage plans shall be reviewed for compliance with SUSMP.</p> <p>20. Project shall adhere to the Water Pollution Control Plan (WPCP) prepared by Tri-Dimensional Engineering as conditioned and approved by the City of Imperial Beach including Construction and Permanent Best Management Practices (BMP) and other requirements pursuant to the City's Standard Urban Storm Water Mitigation Plan (SUSMP).</p> <p>In order to provide the appropriate protection to the project site in case of a flood event, the applicant shall be required to meet the following measures:</p> <p>21. Implementation of Flood Hazard Reduction Standards established for construction in order to assure protection from flooding (Imperial Beach Municipal Code 15.50.160).</p> <p>22. In addition to building permits, a flood hazard area development permit shall be obtained from the City Engineer prior to commencement of any construction (Imperial Beach Municipal Code 19.32.020).</p> <p>Noise:</p>	<p>Review building plans and specifications for inclusion of mitigation measures.</p>	<p>Applicant/Owner</p>	<p>Ongoing monitoring until construction is completed.</p>	<p>City of Imperial Beach/ Community Development/ City Engineer</p>

Mitigation Measures	Monitoring Requirement	Responsible for Mitigation Implementation	Completion Requirement	Agency Responsible for Verification
<p>It is anticipated that the project will create temporary noise impacts associated with construction activities. During construction, equipment and material transport will generate temporary noise, which could be a significant increase in levels for the adjacent residents. Therefore the following mitigation measures shall be implemented to reduce impacts to below a level of significance:</p> <p>23. To further deter construction noise from adjacent properties, the applicant shall be responsible for notifying residents and businesses within a 300-foot radius of prior to shoring activities.</p> <p>24. Additionally, construction activities associated with implementation of sheet pile design shall be limited to the hours of 8 a.m. to 5 p.m., Monday through Friday.</p> <p>25. The applicant shall notify all residents within 500 feet of the project site prior to pile driving activities. The applicant shall also incorporate the best available technology acoustical dampening features during pile driving or drilling.</p>	<p>Review building plans and specifications for inclusion of mitigation measures.</p>	<p>Applicant/Owner</p>	<p>Ongoing monitoring until construction is completed.</p>	<p>City of Imperial Beach/ Community Development</p>



STRINGLINE MAP
NO SCALE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 18, 2008

ORIGINATING DEPT.: PUBLIC WORKS

**SUBJECT: SEWER SYSTEM MASTER PLAN/CAPACITY STUDY CIP;
CONSULTANT'S REPORT**

BACKGROUND: On February 21, 2007, City Council awarded a contract to RBF Consulting for services to conduct "Sewer System Master Plan/Capacity Study. The study was to provide the City:

- An accurate account of the sanitary sewer system condition and any capital improvement work there from.
- Accurate estimation of construction costs for proposed projects.
- Develop components of the Sewer System Master Plan (SSMP) to meet the requirements of the Water Discharge Requirements (WDR).
- Provide a collection system model that can be utilized to determine the impacts of proposed developments and assess fees based on the system capacity required to handle flows from the developments and any additional system components that will be required to service them.
- Examine the potential fee impacts from an EPA decision to require secondary treatment at the Point Loma Waste Water Treatment Plan.
- Televise a statistical sample of pipelines in order to be 95% confident that the sample is an accurate representation of the system with a 5% margin of error.
- Study and recommend a City-wide FOG (Fats, Oil, Grease) treatment program in accordance with the statewide WDR.
- Integrate the system data and collection model into the City's HTE program.

The total amount of this contract was \$254,054.

DISCUSSION: The Study data collection was completed in February 2008. The data has been analyzed and relevant data entered into a collection system model. The City's maintenance and capital improvement programs have been evaluated. The report findings are as follows:

- Closed Circuit Television (CCTV) inspections were performed on 273 pipelines out of the 942 in the system, which equates to about 70,000 feet of inspections or one third of the system. From the 273 inspected, pipes there are 21 that are in need of repair. The estimated repair costs are provided in Attachment (1).
- Five of the City's 11 pump stations were found to have wet wells that do not provide sufficient volume to provide five minutes of pumping time at low flow conditions. These are pump stations 1A, 1B, 5, 6, and 8.

- Sewer main flows that exceed recommended flow capacities are:
 - Imperial Beach Blvd (4th Street to Connecticut Street)
 - Connecticut Street (Oneonta Avenue to Imperial Beach Blvd.)
 - Imperial Beach Blvd (Florida Street to 9th Street)
 - Alley bounded by Seacoast Drive, Palm Avenue, Second Street, and Dahlia Avenue)
 - Section from Rainbow Drive west on Bonita and south on 5th Street to Dahlia Avenue.
 - For a 10-year capacity storm, in addition to the above section limitations, there are 4 other pipe sections that exceed the recommended flow capacities.
- The City's FOG program was found to be in compliance with the State requirements, thus there is no need for additional regulations.
- The contractor has provided the City with the data to enter into the City's H.T.E. program.
- The contractor has developed components of the SSMP to meet the requirements of the State of California Waste Discharge Requirements (WDR). There remains the actual adoption of the legal authority elements. These will be drafted and completed as necessary through the City Attorney's office.
- A collection system model was prepared but will be retained by the consultant for the City's use. The Model operation requires operator training that is not cost effective to retain in-house.

The consultant is prepared to provide a short presentation on their work and results and recommendations. They will be available for Council questions during their presentation.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The cost of this project was estimated at \$275,000 from the Sewer Enterprise Fund. We are currently within budget.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Receive an oral and power point presentation from staff and the Consultant.
3. Accept the Study and direct staff to use the report for future capital improvements and compliance with the WDR.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



 Gary Brown, City Manager

Attachments:

1. Specific Recommended Repairs – Site specific recommendations and engineer's estimate of probable construction costs.

SPECIFIC RECOMMENDED REPAIRS

SITE SPECIFIC RECOMMENDATIONS AND ENGINEER'S ESTIMATE OF PROBABLE CONSTRUCTION COSTS

Executive Summary

This report has been developed to provide final recommendations for the sewer pipelines that were inspected by RBF Consulting in 2007. The pipelines inspected represent approximately one third of the total pipelines in the system and were chosen as a representative sample for the entire system. It can be expected that further investigations will reveal other similar conditions that will need to be addressed in consecutive capital improvement budgets. The following tables summarize the recommendations for a three-year CIP schedule:

YEAR 1 CIP

PIPE	GENERAL RECOMMENDATION	ESTIMATED COST
579	JACK AND BORE REPLACEMENT	\$49,250
429	CIPP LINING	\$33,850
578	CIPP LINING	\$42,100
353	CIPP LINING	\$54,750
365	CIPP LINING	\$17,800
343	CIPP PATCH AT 2 LOCATIONS	\$24,200
YEAR 1 CIP TOTAL		\$221,950

PIPE	GENERAL RECOMMENDATION	ESTIMATED COST
548	CIPP LINING	\$13,200
549	CIPP LINING	\$1,320
55	CIPP LINING	\$21,800
401	CIPP LINING	\$37,050
108	CIPP LINING	\$58,750
109	CIPP LINING	\$16,800
410	CIPP PATCH AT 1 LOCATION	\$15,200
286	CIPP PATCH AT 2 LOCATIONS	\$20,200
YEAR 2 CIP TOTAL		\$184,320

YEAR 3 CIP

PIPE	GENERAL RECOMMENDATION	ESTIMATED COST
669	CIPP LINING	\$74,250
526	CIPP LINING	\$49,400
724	CIPP LINING	\$55,650
690	CIPP PATCH AT 1 LOCATION	\$8,750
524	CIPP PATCH AT 1 LOCATION	\$8,750
YEAR 3 CIP TOTAL		\$196,800





**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: JUNE 18, 2008
ORIGINATING DEPT.: PUBLIC WORKS
SUBJECT: PAVEMENT CONDITION ASSESSMENT ANALYSIS PROJECT REPORT

BACKGROUND: On December 5, 2007, City Council awarded a contract for Pavement Condition Assessment project for the purpose of complying with GASB 34 and for compliance with Federal Transportation Efficiency Act (TEA) Funded projects. The GASB (Government Accounting Standards Board) issues statements describing the rules that state and local governments must follow to receive an unqualified (clean) audit opinion on their annual financial report. GASB 34 (also known as the "financial reporting model") describes significant changes in the content and format for the annual financial report. The contract was awarded to IMS Infrastructure Management for a project cost of \$27,025. IMS Infrastructure Management completed the survey work in February 2008. The survey analysis was completed in May 2008 and has been submitted to the City in a composite report. The Consultant is prepared to provide a verbal report to City Council on the results of their study.

DISCUSSION: All City streets and improved alleys were included in the survey. The streets and alleys were each provided a composite pavement condition value between 0 and 100. The scoring is evaluated as follows:

100-85	Excellent
85-80	Very Good
80-70	Good
70-60	Fair
60-40	Poor
40-below	Very Poor

The following street sections were evaluated at "Very Poor"

- Palm Avenue Delaware Ave. east to S.R. 75 (**CALTRANS right-of-way**)

The following street sections were evaluated at "Poor"

- Adelpa Ct Hemlock Ave to Oneonta Ave.
- Delaware Street Grove Ave. to Imperial Beach Blvd.
- Elder Avenue 4th Street to Ocean Lane
- Seacoast Drive Imperial Beach Blvd south to Boca Rio (**Street over-layed after this survey work conducted**)
- Arriba Avenida 9th Street to east cul de sac
- 3rd Street Imperial Beach Blvd. to West View School cul de sac (**part of**)

- **Street Improvement Phase 3 CIP)**
- 5th Street Palm Ave. to Elm Ave. **(CIP project approved for FY 2008-2009)**
- 7th Street Encina Ave. to Imperial Beach Blvd.
- 2nd Street Palm Ave. to Elm Ave. **(part of Street Improvement Phase 3 CIP)**
- Palm Avenue Delaware St. to Ocean Lane **(part of Eco-Bikeway Project CIP, Old Palm Street Scape Improvement Project CIP, and Palm Avenue Street-end Plaza Project CIP)**

The following street sections were evaluated as "Fair"

- Dahlia Avenue 5th St. to Carolina St. **(CIP project approved for FY 2008-2009)**
- Elder Avenue 9th St. to East City Limits
- Elm Avenue 7th St. to East City Limits
- Hemlock Avenue 10th St. to Adelfa Court
- Daisy Avenue Corvina Ave. to Seacoast Drive
- 7th Street Imperial Beach Blvd. to Grove Ave.
- Ocean Lane Elder Ave. to Ebony Ave.
- Bonito Ave. Corvina Ave. to Rainbow Dr.
- Ocean Lane Date Ave. to Mel Portwood Plaza
- 9th Street NOLF to Bayside School
- Grove Avenue Connecticut St. to California St.
- Silver Strand Blvd. Palm Ave. to Naval Comm. Station **(part of Street Improvement Phase 3 CIP)**
- 2nd Street Elm Ave. to Imperial Beach Blvd. **(part of Street Improvement Phase 3 CIP)**
- Boulevard Ave. 7th St. to 8th St.
- Hickory Court Holly Ave. to Holly Ave.
- 10th Street Palm Ave. to Fern Ave.
- Bonito Avenue Alabama St. to cul de sac
- Calla Avenue Rainbow Dr. to 3rd St.

All other City streets were evaluated as "Good" or better.

Many alleys were identified in the "Very Poor" to "Fair" condition categories. These were not listed herein but are available within the study for interested parties to review.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

The cost of the Pavement Condition Assessment project was shared equally between the Finance Department and the Street Division operating and maintenance budgets as follows:

• Finance Dept.	101-1210-413-2006	\$13,512.50
• Street Division	101-5010-431-2006	<u>\$13,512.50</u>
○ TOTAL		\$27,025.00

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Receive an oral and power point presentation from staff and the Consultant.
3. Accept the Study and direct staff to use the report GASB 34 purposes and for future capital street improvements.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

LAST MINUTE AGENDA INFORMATION

06/18/08 Regular Meeting

(Agenda Related Writings/Documents provided to a majority of the City Council after distribution of the Agenda Packet for the June 18, 2008 Regular meeting.)

ITEM NO. **DESCRIPTION**

6.3	INITIATIVE ENTITLED "THE PORT OF SAN DIEGO MARINE FREIGHT PRESERVATION AND BAYFRONT REDEVELOPMENT INITIATIVE." (0150-70 & 0460-20) a. Union Tribune article dated June 13, 2008
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Signatures submitted for marine terminal deck

Port opposes plans for development

By Ronald W. Powell
STAFF WRITER

June 13, 2008

SAN DIEGO – A hotel or sports stadium could be built over a port terminal on San Diego's downtown waterfront under an initiative whose supporters have submitted 62,000 signatures to force a ballot measure Nov. 4.

A development group wants to build a massive privately-funded deck over the San Diego Unified Port District's 10th Avenue Marine Terminal, southeast of the San Diego Convention Center.

While the group has not identified what would sit atop the structure, one of its members had proposed a similar deck for a Padres ballpark back in 1998.

The 96-acre cargo shipping facility is owned by the Port District which rejected the plan in 1998 and opposes the current plan.

Yesterday, the county's Registrar of Voters Office began sifting through the petitions to see if they contain the 34,462 valid signatures required for the measure.

If the initiative qualifies, the Port District would have to pay the county as much as \$540,000 for printing, labor and other election costs – even though it is vehemently against it.

“Having to spend upwards of a half-million dollars in public money that is badly needed for public work is a total waste,” said Michael Bixler, chairman of the Port Commission.

Backers of the initiative, who call themselves San Diego Community Solutions, could not be reached for comment yesterday. The group includes Richard and Nancy Chase, who have been trying for several years to get permission to build a new landfill in Gregory Canyon near North County's Pala Indian Reservation.

Richard Chase proposed building the deck in 1998.

The group began circulating petitions in February in the port's five member cities: San Diego, National City, Coronado, Chula Vista and Imperial Beach. San Diego has three representatives on the port board, and the other cities each have one.

The initiative promises to protect waterfront jobs. But the Port Commission voted unanimously last month to oppose it, saying the initiative would destroy good-paying maritime jobs and hamper shipping commerce at the terminal. Backers of the plan were invited to attend the commission's meeting, but did not do so.

Port Commissioner Laurie Black of San Diego said the wording of the initiative is misleading. She said a friend recently told her she signed “the port's petition,” thinking the plan was endorsed by the agency.

"I don't think the initiative process is the right way to plan a waterfront," Black said.

The Registrar's office has 30 working days to verify the signatures, and as many as 12 workers will handle the task, said Deborah Seiler, county registrar. She expects to know whether the plan qualifies by July 24.

The Port operates cargo terminals at 10th Avenue in San Diego and 24th Street in National City. It also operates a cruise ship terminal on San Diego's Embarcadero and is landlord to more than 600 businesses on San Diego Bay.

■ Ronald W. Powell: (619) 293-1258; ron.powell@uniontrib.com

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**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 18, 2008

ORIGINATING DEPT.: OFFICE OF THE CITY MANAGER

**SUBJECT: INITIATIVE ENTITLED "THE PORT OF SAN DIEGO MARINE
FREIGHT PRESERVATION AND BAYFRONT
REDEVELOPMENT INITIATIVE"**

BACKGROUND:

On May 7th, Adrian Kwiatkowski told Council about the Port Tenants Association opposition to the subject initiative and gave Council a copy of the April 14, 2008 letter from Ed Plant to Mayor Janney. (Letter is attached.) Council asked staff to return with an agenda item and recommendation.

On May 6th, the Port Commissioners adopted a resolution in opposition to the proposed initiative. (See Mr. Cushman's letter of May 14, 2008 and accompanying materials.)

DISCUSSION:

From information obtained from the Port, it appears the initiative proposed for the November ballot would, among other things, allow private development of the Tenth Avenue Marine Terminal (TAMT) in the form of hotels and other commercial development incompatible with waterfront cargo operations. The non-maritime uses would be allowed by amending the Port Master Plan to require the preparation and implementation of a redevelopment plan for the TAMT. More specifically, the initiative would establish maritime (marine) freight as the "priority" use on the site while simultaneously permitting other uses. This could include the potential use of air rights of the TAMT to provide maritime uses on one level and hotels, a sports venue, or other public amenities on another level.

In 2004, the Port Commissioners adopted the policy that TAMT could be used only for maritime cargo purposes and operations. The Port District Staff Report of May 6, 2008, noted defects in the proposed initiative including land use incompatibility, security and engineering issues, and lack of clarity in the initiative language.

The maritime operations at TAMT are increasingly important to the region and nation for commercial and military purposes. Staff believes that any initiative that may threaten the conduct of maritime business and operations is not in the region's best interest.

ENVIRONMENTAL DETERMINATION:

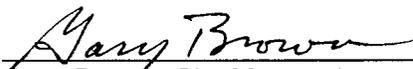
Not a project as defined by CEQA.

FISCAL IMPACT:

None directly on Imperial Beach, but the Port believes that if the initiative were approved it would have a deleterious effect on the regional economy.

CITY MANAGER'S RECOMMENDATION:

1. Review the attached materials and listen to initiative proponents and opponents who have been notified about this agenda item.
2. Decide if Council wishes to take a position on the initiative.
3. If Council wishes to take a position, we recommend opposition to the initiative consistent with the Port Commission Resolution number 2008-80.



Gary Brown, City Manager

Attachments:

1. Letter dated April 14, 2008 from Ed Plant
2. Letter dated May 14, 2008 from Stephen P. Cushman
3. Port of San Diego Presentation
4. Port of San Diego Agenda Item 26
5. Port of San Diego Certification of Vote
6. Letter dated May 7, 2008 from Bruce Hollingsworth
7. Port of San Diego News Release dated May 6, 2008
8. Letter dated May 16, 2008 from Mary Ann Liner

BOARD OF DIRECTORS
Edward Plant, Chairman
SAN DIEGO REFRIGERATION SERVICES
Lee Wilson, Vice Chairman
NORRTRUP GRUMMAN
CONTINENTAL MARITIME



ATTACHMENT 1

Ray Ashley
MARITIME MUSEUM
Mark Bailey
CHESAPEAKE FISH COMPANY
Chris Barnes
GENERAL DYNAMICS NASSCO
Richard Bartell
BARTELL HOTELS
Capt. Bill Bartsch
S.D. BAY PILOTS
Susan Baumann
BALI HAI RESTAURANT
Sampson A. Brown, Esq.
KNIGHT & CARVER

* **R.A. Carpenter**
R.E. STAYTE ENGINEERING
Robert Cartwright
SHERATON SAN DIEGO HOTEL & MARINA
Randy Dick
FIVE STAR PARKING
Ted Eldredge
MANCHESTER RESORTS
Uri Feldman
SUNROAD ENTERPRISES
Victor Fresca
DIXIELINE LUMBER

* **Rick Ghio**
ANTHONY'S FISH GROTTO
Barrett Jung
DOLE FRESH FRUIT
Ted Kanas
MANCHESTER GRAND HYATT RESORT
Eric Leslie
HARBOR ISLAND WEST MARINA
Dick Luther
DLA PIPER US LLP
Milke McDowell
ATLAS KONA KAI
Jack Monger
The Monger Company
Steve Pagano
San Diego Marriott Hotel & Marina

* **George Palermo**
San Diego Harbor Excursions
* **H.P. "Sandy" Purdon**
SHELTER COVE MARINA
Todd Roberts
MARINE GROUP BOATWORKS
Ahmad Solomon
SDG&E
Gary Sullivan
GOODRICH
Jim Unger
HORNBLOWER CRUISES & EVENTS
Bruce Walton
SEAPORT VILLAGE OPERATING CO., LLC
Perry Wright
CONSIDINE & CONSIDINE
Donn Yover
BAE SYSTEMS SAN DIEGO SHIP REPAIR

DIRECTOR EMERITUS
* **Arthur E. Engel**
Tom Fetter
Thomas A. Driscoll
* **Pete Litrenta**
Douglas Manchester
Karen McElliott

STAFF
Sharon Bernie-Cloward
PRESIDENT
Kristin Peterson
DIRECTOR OF OPERATIONS

* SDPTA Past Chairmen

SAN DIEGO PORT TENANTS ASSOCIATION

April 14, 2008

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

Dear Mayor Janney and Councilmembers:

I am contacting you on behalf of a broad coalition of businesses and organizations including members of the San Diego Port Tenants Association and the Working Waterfront Group, to announce our opposition to the Land Grab being proposed by developers and out of town investors.

These developers are circulating an Initiative for the November ballot that requires the Redevelopment of the Tenth Avenue Marine Terminal.

We believe this Initiative is bad for the region because:

- It will replace maritime operations at the Tenth Avenue Marine Terminal with hotels, office towers and retail development
- it will allow commercial development along the entire length of the Terminal that faces San Diego Bay
- it will eliminate thousands of good-paying, waterfront jobs
- it will threaten the future of the waterfront businesses and ship repair businesses with gentrification.

Further more, there already is a Plan for Tenth Avenue Marine Terminal. In 2004, after much public discussion and debate that included a day-long public workshop, Port Commissioners adopted a policy dedicating the Tenth Avenue Marine Terminal exclusively to maritime operations. Since then, the Port has worked painstakingly to develop a Maritime Business Plan for Tenth Avenue. That plan is currently undergoing public outreach with stake holders that include Port Tenants, Working Waterfront businesses, labor, and the

5/7/08 Public Comm.

Submitted by
Adrian Kwiatkowski

Mayor Janney & City of Imperial Beach Councilmembers

April 14, 2008

Page 2

Environmental Health Coalition and will result in a long-term Maritime Plan for Tenth Avenue. The Maritime business plan, already in the work, will preserve San Diego's maritime terminal and thousands of waterfront jobs, prevent gentrification, and protect air quality. This developer initiative proposes to scrap those planning efforts.

We are calling this initiative a "land grab" because it mandates private development of the Tenth Ave. Terminal in the form of hotels, and other commercial development, most of which is not compatible with waterfront cargo operations.

In summary:

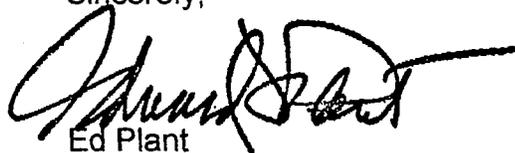
- This initiative is bad for the region and upsets the economic diversity of our regional economy by replacing maritime businesses with more hotels and retail businesses
- This Initiative is nothing more than a land grab by developers and out-of-town investors
- We already have a process for developing a plan for Tenth Avenue Marine Terminal.

We vigorously oppose this Land Grab, and we ask that the City of Imperial Beach Mayor and City Council do two things:

- Consider a resolution to support the Port District's policy, established in 2004, dedicating the Tenth Avenue Marine Terminal exclusively to Maritime cargo operations
- Consider a resolution opposing the SDCS Initiative

Thank you for your concern and for your support of maritime jobs in the San Diego region.

Sincerely,



Ed Plant

Chairman, San Diego Port Tenants Association



PORT OF SAN DIEGO

BOARD OF PORT COMMISSIONERS

May 14, 2008

The Honorable Jim Janney
Mayor, City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Dear Mayor Janney,

An initiative petition is being circulated for signatures for placement on the November ballot. This initiative is entitled "The Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative." Although the title seems to imply that this is a Port of San Diego sponsored Initiative, nothing could be further from the truth.

On May 6, 2008, the Board of Port Commissioners of the San Diego Unified Port District adopted a Resolution in opposition to the proposed Initiative. This opposition is based on concerns that the proposed ballot initiative threatens the very vitality of the San Diego Unified Port District's maritime operations and the many waterfront businesses and industry that are within the Port's jurisdiction.

In order to make you aware of this proposed Initiative, we have enclosed a package of information that we believe is informative and will help to educate you about this Initiative and the concerns the Port has with this Initiative going forward.

Please let us know if you would like to hear more about this important matter. We would be happy to arrange a Port presentation at your convenience. If you have any questions or comments, please contact Port President/CEO, Bruce Hollingsworth at (619)686-6201 or myself at (858)549-2874.

Sincerely,

A handwritten signature in cursive script that reads "Stephen P. Cushman".

Stephen P. Cushman
Vice Chairman
Board of Port Commissioners

Enclosures

Docs: 295245



PRESENTATION
THE PORT OF SAN DIEGO MARINE FREIGHT
PRESERVATION AND BAY FRONT
REDEVELOPMENT INITIATIVE

AGENDA ITEM NO. 26

Dirk Mathiasen
Vice President

May 6, 2008

OVERVIEW OF PRESENTATION

- **Description of the Initiative**
- **Report on Maritime Activity**
- **Description of Maritime and Maritime Industrial Protections**
- **Review of Operations at Tenth Avenue Marine Terminal (TAMT)**
- **Request the Board consider Action regarding the Initiative**

THE INITIATIVE

- **The intent is to place the Initiative on the November ballot**
- **“The Port of San Diego Marine Freight Preservation and Bay Front Redevelopment Initiative”**
- **Would allow for non-maritime uses at TAMT by amending the Port Master Plan**

THE INITIATIVE — Continued...

- **Requires freight labor organizations and marine freight tenants participate in a “process” to prepare for and implement the redevelopment of TAMT.**
- **Allowable uses not completely specified - - but include an aquarium, parks, bike paths and pedestrian walkways, amphitheater or arenas for concerts and sports events, and visitor-serving accommodations such as, hotels, restaurants, and specialty shopping areas.**

THE INITIATIVE — Continued...

- **The Initiative refers to “air rights” above the TAMT. It is not clear if the proponents intend to ‘double-deck’ any, all or a portion of the Terminal.**
- **The Initiative allows for commercial uses on the grade-level of the Terminal.**
- **The Initiative states it will preserve and protect maritime activities and jobs. It is not clear how this would be accomplished.**

QUESTIONS

1. Does the Initiative protect Tenth Avenue Marine Terminal?
2. Is Tenth Avenue Marine Terminal “...currently aging and underutilized...”?
3. Should visitor-serving commercial uses be allowed at the Tenth Avenue Marine Terminal?

MARITIME ACTIVITY

GLOBAL MARITIME ACTIVITY

- **Global Tonnage 2006 – 7.2 billion tons – up 48% from 1996**
- **Up 9.5% from 2005 to 2006 alone**

* Source: Institute of shipping Economics and Logistics

U.S. PORTS MARITIME ACTIVITY

- U.S. Ports move 99% of our overseas cargo
- International trade accounts for 25% of our Gross Domestic Product (GDP) today
- Trade volume expected to double within 15 years
- MARAD estimates 60% of GDP from international trade by 2030

* Source: American Association of Port Authorities

U.S. WEST COAST PORTS

- **Total U.S. West Coast Tonnage 2007 – 369 million tons**
- **Tonnage up 68% from 10 years ago (20% greater than global growth)**
- **Average growth 7% over last 5 years**
- **U.S. West Coast Ports support 8 million U.S. jobs**

***Source: Pacific Maritime Association**

TENTH AVENUE MARINE TERMINAL ACTIVITY

- **87% growth over 5 years from FY03 to FY07**
- **Maritime Business Plan Update – Anticipates robust growth through 2020**
- **Areas of growth include: tropical fruit, windmills, project cargo, steel, cement, aggregates and other building materials**

CONGESTION & SAVINGS

MARINE HWY

1 Barge = 456 40' Containers



ENERGY



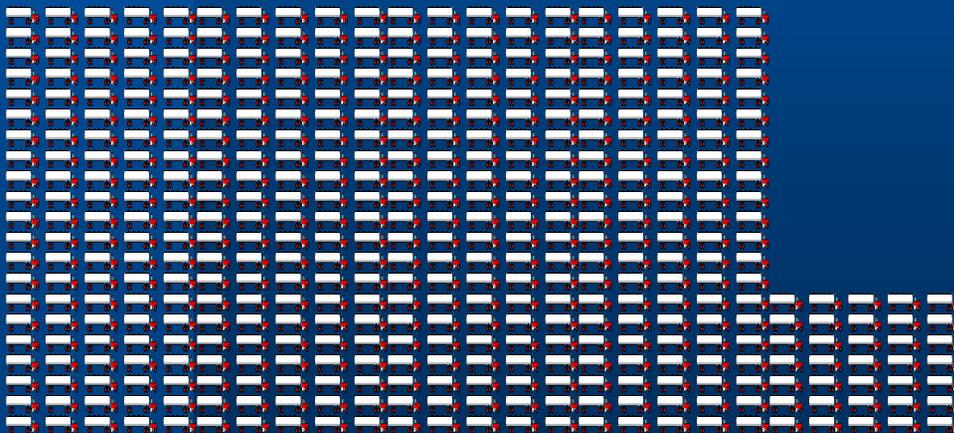
RAIL

228 Railcars DBL Stacked = 456 40' Containers



TRUCK

456 Trucks = 456 40' Containers



= 15 Barrels

FUTURE GROWTH REQUIRES STRATEGIC THINKING

- **Trade corridor enhancements**
- **Efficiency improvements**
- **Greater through-put**
- **All intended to make the most of the existing facilities**
- **A system of ports**

STRATEGIC PORT

- **Military - San Diego is a Strategic Port for the military. These sensitive cargos require elevated security.**
- **Over flights and photography are actively discouraged.**
- **San Diego has performed well as a Strategic Port and anticipates retaining this designation.**

SYSTEM OF PORTS

- **Marine Terminal can not be replaced today.**
- **Use of a system of ports reduces impacts of cargo movement on roadways, rail and the environment.**
- **Punta Colonet – Intended to accept overflow cargo volumes from Los Angeles/ Long Beach.**

MARITIME & INDUSTRIAL PROTECTIONS

MARITIME PROTECTION

- **Port Act of 1962 – One entity to manage San Diego Bay – Commerce, navigation, fisheries and recreation.**
- **Public Trust Doctrine – Grounded in State Constitution – State Legislature delegated oversight of the Tidelands grant to the State Lands Commission.**

MARITIME PROTECTION - Continued...

CALIFORNIA COASTAL ACT – 5 GOALS

1. Protect, maintain and enhance environment.
2. Orderly, balanced use and conservation of resources.
3. Maximize public access and recreational opportunities.
4. **Assure priority for coastal-dependent and coastal-related development over other development.**
5. Encourage initiatives to implement planning and development.

MARITIME PROTECTION - Continued...

CALIFORNIA COASTAL ACT – CONTINUED...

- **Section 30708:** Requires ports to “give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigation facilities, shipping industries, and necessary support and access facilities.”

MARITIME PROTECTION - Continued...

- **Port Master Plan – Intentionally segregates marine-related heavy industrial and marine terminal uses from incompatible uses such as commercial.**

BENEFITS OF PROTECTION

- **Reserves land for maritime and marine-related industrial uses**
- **Provides customers a sense of commitment and certainty**
- **Provides “balance” between industrial and commercial uses elsewhere on San Diego Bay**

CUSTOMERS

- **Current and prospective customers are expressing concerns about committing to future business in San Diego due to media accounts of the Initiative.**
- **This is similar to the reaction of customers to the proposed football stadium at TAMT.**

OPERATIONS

OPERATIONS

- It is not clear how much, if any, of TAMT might be “double-decked”.
- The impact on existing equipment and operations is not clear.
- It is not clear what impact the Initiative would have on needed flexibility for future growth.









OPERATIONS - Continued...

- Gottwald crane requires 220-feet of vertical clearance
- Support columns for deck and structures above make it impossible to move large objects – windmill blades are 145-feet



OPERATIONS – Continued...

- **Larger cranes used to unload engines for NASSCO require over 400-feet of vertical clearance.**
- **Ships gantry cranes extend up to 120-feet from the side of a ship (conflict with double-deck).**
- **Cargos such as containers require stacking to be efficient. The stacking height would be limited under a double-deck.**

HEAVY MARINE –RELATED INDUSTRIAL USES

- **Require segregation from other uses for safety.**
- **Fuel Farm and Cold Storage – These facilities are safely and efficiently operated; however, wise land use planning would not mingle these industrial uses with commercial uses.**

SECURITY AND SAFETY

- **Primary security tenet is to isolate sensitive activities from the general public.**
- **Transportation Workers Identification Credential (TWIC) is latest enhancement to federally mandated procedures.**
- **The construction of a deck above the existing Terminal will make surveillance more difficult to do line of sight issues.**
- **Multiple decks would inhibit First Responders access.**

WATER-DEPENDENT

- Parks, bike paths, pedestrian walkways, amphitheater, arenas for concerts and sports events, aquarium and visitor-serving accommodations such as, hotels, restaurants, and specialty shopping areas are not Water-Dependent.
- Deepwater Marine Terminal is Water-Dependent

REVIEW OF QUESTIONS

- Does the Initiative protect Tenth Avenue Marine Terminal?

NO

- Is Tenth Avenue Marine Terminal “...currently aging and underutilized...”?

NO

- Should visitor serving commercial uses be allowed at the Tenth Avenue Marine Terminal?

NO

RECOMENDATION

**Staff recommends that the Board
oppose the Initiative.**

SAN DIEGO UNIFIED PORT DISTRICT

DATE: May 6, 2008

SUBJECT: DISCUSSION REGARDING INITIATIVE ENTITLED "THE PORT OF SAN DIEGO MARINE FREIGHT PRESERVATION AND BAY FRONT REDEVELOPMENT INITIATIVE", DIRECTION TO STAFF AND/OR ADOPTION OF RESOLUTION CONCERNING INITIATIVE

EXECUTIVE SUMMARY:

The Port was presented with a "Notice of Intention to Circulate an Initiative Petition". The Initiative sponsors are circulating this petition to address future land-use issues at the Tenth Avenue Marine Terminal.

The Port, as a public agency, is prohibited by state law from expending public funds to influence the outcome of this election. Notwithstanding that fact, it is lawful and appropriate for the Board to develop a policy position with regard to this Initiative. The position could be either to support, oppose or remain neutral.

For the reasons indicated in the discussion section below, Staff recommends that the Board take a position of opposition to this Initiative.

RECOMMENDATION:

Staff recommends that the Board oppose the Initiative.

FISCAL IMPACT:

None with this Board action.

DISCUSSION:

The Port has been presented with a "Notice of Intention to Circulate an Initiative Petition," which if it garnered approximately 75,000 signatures from registered voters residing in the five member cities, would place on the November 2008 general election ballot an Initiative entitled "The Port of San Diego Marine Freight Preservation and Bay Front Redevelopment Initiative." The Initiative would allow for non-maritime uses at the Tenth Avenue Marine Terminal (TAMT) by amending the Port Master Plan to require the participation of marine freight tenants and marine freight labor organizations in a "process" that would involve the preparation and implementation of a redevelopment plan for the TAMT. The Initiative states that it would establish maritime (marine) freight as the "priority" use on the site while simultaneously permitting other uses that "will support marine activities" while fostering a "redevelopment" of the TAMT to create "new recreational and visitor-serving activities that will significantly increase public access to the San Diego Bay Front and will transform this underutilized site into a valuable

commercial and public attraction. The Initiative language is not specific about the uses generally described as recreational and visitor-serving. However, the Initiative suggests, and media reports (which have not been clarified by the proponents) have described, a concept of “double-decking” the TAMT to “preserve” marine uses on the bottom deck while exploiting approximately 96-acres of “air rights” with non-marine uses including hotels, a sports venue and other public amenities on the top portion.

This Initiative is not sponsored by the Port or the San Diego Port Tenants Association. The Initiative sponsors have had sporadic communication with officials of the Port and in those communications; they have simply stated that they were proceeding with the Initiative. The proponents have not asked the Board to consider, under its authority, an amendment to the Port Master Plan. Instead, they are invoking the power of Initiative to effect the revisions they seek. The Board has three possible positions it can adopt if it chooses to adopt a policy position on the Initiative at this stage:

1. Support the Initiative
2. Oppose the Initiative
3. Remain neutral—neither support nor oppose the Initiative

Changing or broadening the land use of the TAMT is not a new concept. In July of 2004, after a lengthy and vigorous public hearing, the Board of Port Commissioners by formal vote adopted the policy that the TAMT could only be used for maritime cargo purposes and operations. This policy position was in response to proposals to utilize all or a part of the TAMT for the site of a football stadium and other non-maritime cargo uses.

The issue of using the TAMT for some other purpose rather than the maritime cargo terminal that is called for in the Port’s Master Plan continues to be proposed in the media and in other venues. Pursuant to the San Diego Port District Act, the State Legislature has designated the Board of Port Commissioners as the policy-making body with sole responsibility for determining what land uses are appropriate for the TAMT, and the remainder of the state-owned land granted to the Port by the State of California. The Board acts as trustee for the State in all matters it considers.

Staff Analysis and Recommended Action:

Staff recommends the Board oppose the Initiative because, but not limited to the following:

1. The proposed non-marine industrial uses are inherently incompatible with the operations of the TAMT. Among other things, the introduction of non-industrial uses could impose undue burdens on existing industrial uses to reduce potential environmental impacts. Additionally, operational requirements for existing marine industrial uses militate against any incursion into the air space above the TAMT or at grade-level. By some estimates, approximately 220-feet of

- clearance would be necessary to allow existing cargo cranes to operate effectively beneath a deck constructed above the TAMT. The incursion of non-industrial uses at the TAMT actually threatens the continued viability of marine-industrial uses at the TAMT, and would undermine the major thrust of the Port Master Plan's vision for the TAMT.
2. Introduction of non-marine land uses appears to present major challenges to the Port's ability to comply with federally mandated maritime security standards and requirements. Security at the TAMT is being enhanced pursuant to federal law following the events of September 11, 2001. Controlled access, much like secure areas at an airport, is required of all Ports by the Department of Homeland Security. If the areas above or below the "double-deck are by definition "uncontrolled" to allow access to hotels, sports venues or open space, the Port's ability to maintain a secure TAMT appears problematic. Moreover, the TAMT is a federally designated "Strategic Port Facility" that is actively utilized by the United States Department of Defense for military cargo shipment handling. Security during these shipments is even more stringent than the normal maritime security conditions noted above and required by federal law.
 3. The Initiative's "deck" concept appears to be infeasible from an engineering perspective. A massive structure spanning all or part of the Terminal would require support columns spaced throughout the TAMT. Such columns could impact the at-grade space and thereby impact marine freight operations. For example, support struts or columns would result in a net reduction in space at the TAMT and introduce structural elements that restrict movement and storage of cargo. For that reason, the Initiative deck structure envisioned by the Initiative would appear to impact -- not enhance -- the viability of the TAMT and lessen the Port's ability to meet the maritime cargo needs of our region, state and nation.
 4. The Initiative language is unclear. The title and much of the Initiative text appear to convey the message that the Initiative would "protect" the TAMT. Given the above considerations, however, it is not certain that the Initiative would result in the protection of maritime freight operations at the TAMT. Staff's review of the potential effects of the Initiative leads to a conclusion that the Initiative could threaten marine freight uses at the TAMT and thereby impact the continued viability of the Port.
 5. The Initiative rests on the premise that the TAMT is underutilized and requires protection. The facts do not support that premise. In fact, the TAMT is not an "underutilized site in need being transformed into a valuable commercial and public attraction." The TAMT is a maritime cargo facility through which much of the region's construction related materials flow (sand, cement, etc). Over the past five (5)-years, the TAMT has processed 12.6 million tons of maritime cargo. The economic impact of the maritime cargo activities in San Diego adds \$1.6 billion to our region's economy. This influences into 14,400 direct jobs. Average

compensation of \$54,000.00 per year. Projections for future year's maritime cargo growth at the TAMT remain in line with past year's growth. The Port Master Plan, in its current form, carries out the legislative mandate to the Port District to administer the tidelands for the public trust. As part of that trust, the Port -- through the Port Master Plan -- has designated the TAMT for marine freight uses. In short, both the Port District Act and the Port Master Plan are sufficient to protect marine freight uses at the TAMT without this Initiative.

6. There are concerns as to the legal efficacy of the Initiative and its attempts to amend the Port Master Plan. The Initiative raises concerns of State pre-emption and inconsistency relative to the Port Master Plan. The Initiative stakeholder process for amending the Port Master Plan also raises potential issues as to whether the Initiative constitutes a valid legislative action.

For the above reasons, the Staff recommends that the Board oppose the Initiative and that such opposition be conveyed in writing to every elected and appointed office holder in San Diego County, the California State Lands Commission, the California Coastal Commission, members of the California Legislature, the Governor, Lt. Governor, Controller, and Attorney General of the State of California, as well as other parties as may be appropriate in the discretion of the Chair of the Board.

Port Attorney's Comments:

The Port is restricted from using public funds to advocate for or against the subject Initiative. However, the law does afford a legislative body to take a formal position on a measure to be presented to the electorate. The Board of Port Commissioners may legally adopt a resolution to state its formal position on the Initiative, if desired.

Environmental Review:

Not applicable.

Equal Opportunity Program:

Not applicable.

PREPARED BY: Dan E. Wilkens
Executive Vice President

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

To the Honorable Board of Commissioners of the San Diego Unified Port District:

We, the undersigned and qualified voters of the San Diego Unified Port District, hereby propose an initiative measure as set forth below to amend the Port Master Plan and to provide for the redevelopment of the Tenth Avenue Marine Terminal and surrounding area. We request that the proposed measure immediately be adopted by the Board of Port Commissioners without change, or that it be submitted to the voters of the San Diego Unified Port District at the earliest regular or special election for which this petition qualifies pursuant to the California Elections Code and other applicable laws.

The text of the proposed measure is set forth below and on subsequent pages.

THE PORT OF SAN DIEGO MARINE FREIGHT PRESERVATION AND BAYFRONT REDEVELOPMENT INITIATIVE

The People of the San Diego Unified Port District do ordain as follows:

Section 1. Title

This initiative shall be known and may be cited as "The Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative."

Section 2. Findings and Purposes

The People of the San Diego Unified Port District find and declare:

A. Summary of Measure. The San Diego Bay tidelands under the jurisdiction of the San Diego Unified Port District constitute a unique and valuable resource for the citizens of our community. The approximately 100-acre Tenth Avenue Marine Terminal and the surrounding area are currently aging and underutilized, threatening the long-term survival of maritime freight activities. In order to preserve the marine freight facilities and related employment opportunities, as well as to maximize the commercial, recreational, environmental, and financial benefits of this property for residents, businesses, and visitors, this initiative amends the Port Master Plan to establish maritime freight as a priority use on the site, permits other uses that support marine freight activities, and establishes a framework for the redevelopment of this area through a cooperative partnership of public and private entities affected by the project.

B. No New Taxes. This initiative prohibits the use of any existing general tax revenues and the imposition of any new taxes upon the general public.

C. Increase Public Access. This initiative will significantly increase public access to the Port and to the San Diego bayfront for residents and visitors.

D. Protect Environmental Quality, Promote Sustainable Design. This initiative requires that redevelopment of the Tenth Avenue Marine Terminal will incorporate renewable and sustainable designs, will provide environmental safeguards, and will protect air and water quality.

E. Create New Jobs and Tax Revenues. The redevelopment project will create thousands of new jobs and generate millions of dollars in new tax revenues. The measure will encourage new investment in the modernization of marine freight facilities and the development of new marine freight business, and will provide new recreational and visitor-serving activities that will transform this underutilized site into a commercial and public attraction.

F. Increase Parking and Improve Traffic Circulation. The redevelopment project will add acres of new parking and will include improvements to the existing road and highway infrastructure, easing traffic congestion in the area. It will provide parking for the new activities at the Tenth Avenue Marine Terminal and provide additional parking for nearby activity centers such as the San Diego Convention Center.

G. Permit New Recreational and Cultural Attractions. Uses supportive of the priority marine freight operations may include, but would not be limited to, recreational and visitor-serving facilities. Supported uses under the measure could include an aquarium, a cruise ship terminal, parks and other open-space facilities -- including bike paths and pedestrian walkways -- an amphitheater or arena for large meetings, concerts and sports events, and other entertainment and visitor-serving accommodations such as hotels, restaurants, and specialty shopping areas.

H. Advance Port Safety and Security. The safety and security of the Port and its users will be a paramount consideration in the redevelopment of the Tenth Avenue Marine Terminal. The initiative mandates that the project be designed in consultation with federal, state, and local law enforcement authorities and that it comply with all applicable maritime security requirements.

Section 3. Amendment of Port Master Plan

The Unified Port of San Diego Port Master Plan is hereby amended as described below. Added language is underscored; deleted language is in strikeout; no changes are made to language that is in regular typeface or is not set forth in the text below.

1. Amendments to Section III, Master Plan Interpretation

a. Table 4, titled "Port Master Plan Land and Water Use Allocation Summary," found on page 12 of the Port Master Plan, is amended to add "Multi-Use Maritime District" as a distinct "Industrial" land use classification and to make the corresponding acreage adjustments in the land use allocation summary, as shown in the amended Table 4 attached hereto as Exhibit 1.

b. The "Master Plan Interpretation" subsection of the "Commercial Uses" section, found on page 17 of the Port Master Plan, is amended to read as follows:

Commercial areas, occupying approximately 360 acres of land and 415 acres of water, have been designated in the Land and Water Use Master Plan Map in a total of seven major land and water use classifications. These classifications and map delineations include land area for airport oriented commercial activities; land area for commercial fishery operations along with commercial fishing fleet berthing in water areas; land based commercial-recreation areas; water areas for sportfishing berthing and recreational marinas including boat repair facilities. Existing and proposed commercial areas are delineated on the Map to define the general location of commercial areas. More definitive delineations of the exact limits of commercial areas are provided on Planning District maps. Although not formally designated and delineated as a commercial area, the Tenth Avenue Marine Terminal Multi-Use Maritime District also permits and encourages commercial-recreational activities as supportive uses to the priority marine related industrial uses authorized for that area.

c. The "Master Plan Interpretation" subsection of the "Industrial Uses" section, found on page 23 of the Port Master Plan, is amended to read as follows:

Industrial areas have been designated on the overall Master Plan Land and Water Use Element Map in four classifications; land area for Marine Related Industry, and corresponding water areas for Specialized Berthing; land areas for Aviation Related Industrial activities; and land area for Industrial-Business Park development. Marine Terminals, as a distinct use classification, have been delineated in the Precise Plans; however, in the overall plan, terminals are grouped into the Marine Related Industry category. Similarly, the Tenth Avenue Marine Terminal Multi-Use Maritime District has been delineated as a distinct use classification in the Precise Plan for Planning District 4, but is included within the Marine Related Industry category in the overall plan. The Land and Water Use Element Map illustrates the allocation of industrial areas consisting of approximately 186 acres of water and 1,181 acres of land.

d. The "Marine Related Industry" subsection of the "Industrial Uses" section, found on pages 23-24 of the Port Master Plan, is amended to read as follows:

Marine Related Industry requires sites within close proximity to water bodies due to functional dependencies on the industrial activity for direct access or for linkages to waterborne products, processes, raw materials or large volumes of water. Prime waterfront industrial sites are in relatively short supply and it is the intent of this Plan to reserve these sites for Marine Related Industry.

The primary users of marine related industrial areas are dependent upon large ships, deep water and

specialized loading and unloading facilities, typically associated with shipbuilding and repair, processing plants and marine terminal operations. Industries linked to these primary industrial activities can be clustered together to capitalize on the benefits of reduced material handling costs, reduced onsite storage requirements, faster deliveries, and a reduction of industrial traffic on public roads.

Existing, established marine-oriented industrial areas that have been devoted to transportation, commerce, industry and manufacturing are encouraged to modernize and to construct necessary facilities within these established areas in order to minimize or eliminate the necessity for future dredging and filling in new areas. However, expansion into new areas can be accommodated if existing sites are pre-empted by other uses, alternative locations are infeasible, and a curtailment of the project would adversely affect the public welfare.

Activities suitable for the marine related industrial area include, but are not limited to, marine terminals; passenger terminals; railroad switching and spur tracks; cargo handling equipment such as bulkloader and container crane; berthing facilities; warehouses, silos, fueling facilities; bulk liquid storage tanks and pipelines; shipping offices and custom facilities; power generation plants; ship building, repair and conversion yards; marine rails, lifts and graving docks; steel fabrication and foundry; storage, repair and maintenance of marine machinery and construction equipment; kelp and seafood processing, canning and packaging; aquaculture; and marine related support and transportation facilities.

Although commercial mariculture uses relating to seafood production are not presently established on the bay, research and experimentation, which has been conducted in the region as well as on the bay, indicates that warm water stimulates the growth rate of certain marine organisms, such as shrimp and lobster. Assuming that economic viability of mariculture will be achieved, future sites for mariculture activities could be located within close proximity to the existing thermal discharge areas of power generation plants to take advantage of the available warm water. There seems to be some likelihood that future aquaculture activities could be conducted in man-made tanks located in enclosed buildings and in converted salt ponds. Areas of the bay designated on the Master Plan Map as Estuary and Salt Ponds also include aquaculture and resource-dependent uses.

Due to the fact that public access to the bay is necessarily limited in established industrial sectors, it is the intent of this Plan that, whenever feasible, industrial land and water users are encouraged to invite the public to view their operations and to share with the public that shoreline area not actually used for industrial purposes by permitting visual access to the bay. The development and redevelopment of marine related industrial areas requires careful consideration involving a balancing of the peculiar needs of the development with the concurrent need for shoreline access.

The Tenth Avenue Marine Terminal Multi-Use Maritime District is included within the Marine Related Industry use classification in order to reflect the priority that must be given within that district to the preservation, modernization and expansion of marine-related industrial uses, including the existing marine freight and storage activities at and around the Tenth Avenue Marine Terminal. All uses that would otherwise be permitted in the Marine Related Industry land area classification are likewise permitted in the Multi-Use Maritime District. In addition, by authorizing the development of the air rights over the marine terminal facility and the adjacent grounds, the Multi-Use Maritime District also permits and supports a variety of public and commercial recreational uses that are compatible with the priority marine-related industrial activities. The Multi-Use Maritime District further contemplates the incorporation of an off-street parking facility to serve the existing marine terminal, any new public and commercial recreational activities, and other visitor-serving attractions in the area. The specific uses that are permitted and contemplated in the Tenth Avenue Marine Terminal Multi-Use Maritime District are detailed in the Precise Plan for Planning District 4.

e. The "Master Plan Interpretation" subsection of the "Public Recreation Uses" section, found on page 27 of the Port Master Plan, is amended to read as follows:

A growing population, greater discretionary incomes and more leisure time all contribute significantly to the increasing demand for both active and passive outdoor recreational opportunities. The public recreation opportunities developed on tidelands by the Port District along with the commercial recreation opportunities developed by private investment provide a balanced recreation resource for San Diego Bay. When thoughtfully planned, both public recreational developments and commercial recreational developments benefit from each other as off-site improvements, although as a matter of planning policy, commercial activities within public recreation areas will be limited. Recreational areas must be of the

appropriate type and size to be efficiently developed, administered and maintained by the Port District at a reasonable cost. This Plan places primary emphasis on the development of public facilities for marine oriented recreational activities for the purposes of fishing, boating, beach use, walking and driving for pleasure, nature observation, picnicking, children's playing, bicycling and viewing.

Recreation Area/Open Space is a category illustrated on the Land and Water Use Element Map to portray a wide array of active and passive recreational areas allocated around the bay. In addition to those areas specifically allocated and delineated for Public Recreation, public recreational uses are also permitted and encouraged in the Tenth Avenue Marine Terminal Multi-Use Maritime District. More specific information on public recreational areas is provided at the Planning District level under the following use categories.

2. Amendments to Section IV, Precise Plans

a. The Precise Plan for the Tenth Avenue Marine Terminal: Planning District 4, found in Section IV, pages 70-75, of the Port Master Plan, is amended to read as follows. Table 12 and Figures 13 and 14 therein are also amended to reflect the reclassification of the Tenth Avenue Marine Terminal and the adjacent grounds as the Tenth Avenue Multi-Use Maritime District, the renaming and redrawing of the planning district subarea boundaries, and the corresponding acreage adjustments that have been made in the land use allocation summary, as shown in the attached Exhibits 2, 3, and 4. No amendments are made to the subsections of the Precise Plan addressing the Belt Street Industrial and Harbor Drive Industrial Planning District Subareas.

TENTH AVENUE MARINE TERMINAL: Planning District 4

Introduction

The Tenth Avenue Marine Terminal Planning District is a developed, marine-related industrial area of great importance to the region's economic base. ~~Currently over 50,000 jobs are provided on the tidelands and uplands of this industrial area. More important,~~ This is the only area in the entire San Diego region providing established waterfront industrial sites with railroad service, close freeway access, commercial port-related support functions, and deep water berthing. With a water depth alongside the berths ranging from 30 to 42 feet of 40 feet near the marine terminal and 35 feet in the industrial area, ~~the Tenth Avenue Marine Terminal~~ can accommodate a wide array of maritime vessels all standard cargo ships. Such deep water berthing cannot easily be created or replaced, so the value of this waterfront industrial land is inestimable.

In 2008, the voters enacted the Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative, adopting a comprehensive plan to create a multi-use maritime district that includes both modernized and improved industrial marine freight facilities and new commercial and public recreational opportunities at the Tenth Avenue Marine Terminal. The most important element of the redevelopment plan is its incorporation of a creative architectural and engineering design for the Tenth Avenue Marine Terminal that allows for the development of approximately 96 acres of air rights above the marine terminal and the adjacent grounds in order to accommodate port-related industrial and commercial uses, while simultaneously permitting new public recreational, cultural, and visitor-serving commercial uses.

~~Policies of the nearby Barrio Logan Community Plan and L.C.P. threaten the port-related tideland uses with encroachment of residential, public park and commercial uses in an area almost totally industrial. The basic incompatibility of these uses places more of a burden on the industrial uses to reduce potential environmental impacts. The Port Master Plan seeks to preserve and protect this unique coastal resource by limiting uses to strictly marine-oriented industrial ones.~~

Precise Plan Concept

The area adjacent to the Port tidelands has been zoned for manufacturing since the 1930's and older industrial activities now dominate. On the tidelands, the identifiable land use problems stem from a critical shortage of space into which existing port-related industries can expand and new marine-related industries can be accommodated, a need for more automobile parking areas, demands by upland residents for replacing port-related industrial sites with park use, and complications arising from efforts to clear and redevelop incompatible uses.

The Precise Plan, as modified by the Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative, continues the existing marine-oriented industrial uses and supports the development of available vacant lands with similar uses, in order to provide a homogeneous industrial climate with an assured, reasonable long-term growth potential creates new open space, recreational, cultural, and waterfront-related commercial opportunities. Preservation of the existing marine freight activities remains the highest priority for this Planning District through the implementation of policies that expand and improve marine freight facilities both to handle existing tenants and to attract additional activities and tenants, including new and expanded cruise ship activities. The Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative is also intended to be in compliance with the Goods Movement Action Plan, an initiative of the Schwarzenegger Administration to improve and expand California's goods movement industry and infrastructure in a manner that will generate jobs, increase mobility and relieve traffic congestion, improve air quality and protect public health, enhance public and port safety, and improve California's quality of life.

Infrastructure improvements are called for to facilitate the movement of vehicles entering and exiting the Terminal and to increase parking. Renewable and sustainable design measures will be implemented to reduce air, noise, and water pollution impacts at or related to the Terminal.

At the same time, the Marine Freight Preservation and Bayfront Redevelopment Initiative proposes to revitalize the Planning District by supporting substantial new public access opportunities and waterfront-dependent recreational and commercial uses for this area by authorizing the development of the air rights above the existing marine terminal facility and its adjacent grounds. A new public promenade will extend public access to the San Diego Bay. Other specific project components could include open-space and designated commercial recreational activities, new restaurants, lodging and retail shopping establishments, and cultural and entertainment facilities, such as a downtown aquarium or professional sports venue. Additional parking and transportation improvements will both facilitate access to the new commercial and recreational activities, as well as provide relief for other nearby activity centers, including the San Diego Convention Center.

Land and Water Use Allocations

The Planning District consists of approximately 250 257-acres of land and 114 acres of submerged land for an overall total of 364 371-acres. The thrust of the use allocations is to retain and continue marine related, water dependent industrial uses as the priority use for this Planning District, while simultaneously creating new supportive public access and commercial recreational opportunities in the Tenth Avenue Marine Terminal Multi-Use Maritime District planning subarea. Use allocations are listed in Table 12, graphically shown on the Precise Plan Map (Figure 13), and discussed in the text. The acreage allocations are approximate, and the figures are for illustrative purposes only and are subject to change. The land area acreage totals and allocations listed in Table 12 also do not include the additional acreage that is effectively created in the Multi-Use Maritime District by authorizing the development of the air rights over the Tenth Avenue Marine Terminal and adjacent grounds.

Tenth Avenue Marine Terminal Planning District Subareas

To facilitate description of the existing and proposed uses, the Planning District has been divided into planning subareas (see Figure 14).

Railroad Yard

This small planning subarea, to the north and east of the Tenth Avenue Multi-Use Maritime District and adjacent to the existing marine terminal facility, is restricted to marine-related industrial uses that are supportive of the Port's activities. The principal uses of this subarea are predominately heavy-rail related. For example, Burlington Northern Santa Fe Railway (BNSF) utilizes this area for passenger and freight car marshalling, storage, and right-of-way activities for freight trains serving the Port's two marine terminals.

Tenth Avenue Marine Terminal Multi-Use Maritime District

This subarea contains the various industries that relate to the marine terminal. As described in the April 2007 San Diego Unified Port District Maritime Business Plan Update submitted by TBC, Inc., the Tenth Avenue Marine Terminal ("TAMT") is an approximately 96-acre maritime cargo complex located near downtown San Diego, south of the Convention Center and north of the San Diego-Coronado Bay Bridge. Tenants at the TAMT, which opened in 1958, handle containerized and breakbulk fruit, dry bulk cargos including sand and cement, petroleum products, and various breakbulk and project cargos. TAMT presently has 8 operating berths totaling some 4,620 feet on three separate water fronts.

The Tenth Avenue Marine Terminal has roughly one million total square feet (sf) of warehouse space and transit sheds, which includes nearly 300,000 sf of refrigeration and cold storage facilities. The covered storage is used for newsprint, dry bulk cement, and breakbulk cargos requiring covered storage. The terminal offers dry bulk storage in a 32,900 metric ton storage complex consisting of 12 concrete silos and two large steel 'Butler' tanks. An open storage area, of roughly 1.3 acres, adjacent to the storage complex is used to store dry bulk sand. Additionally, dry bulk cargos were once stored in rail cars and the terminal has 8,536 linear feet (lf) of track (space for roughly 196 railcars) for this purpose.

The largest open storage area at TAMT is a 20.5 acre container facility for Dole Fresh Fruit Company. There are roughly 10 to 12 additional acres available at TAMT for open-air storage, most of which are fully occupied at one time or another. Open storage areas at TAMT are also used for temporary lay-down of cargo that is offloaded but not stored at the terminal.

There are two separate liquid bulk storage facilities on the terminal, one active and one inactive. The total storage capacity of the operating tanks is between 161,000 and 211,000 barrels (bbls). The tanks are used for storing jet fuel, diesel fuel, and fuel oil. The tanks on the inactive tank farm site are no longer useful, and Searles Valley Minerals Operations, Inc., which holds the lease on the storage complex, has an option to lease the land currently occupied by this inactive tank farm.

In accordance with the Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative, a modernized and expanded Tenth Avenue Marine Terminal facility will be the central component of the new Multi-Use Maritime District created by the Initiative, as shown on Figure 13. Redevelopment of the Tenth Avenue Marine Terminal shall give priority to the following marine-related industrial uses: preserving existing marine freight activities and employment; attracting new marine freight by modernizing or constructing new marine freight and storage facilities; developing a new cruise ship terminal to replace or supplement existing facilities; and implementing infrastructure improvements to ameliorate access to the terminal and the waterfront.

Priority shall also be given to the following uses in the Multi-Use Maritime District: creation of a new off-street parking facility to serve the marine terminal, the cruise ship terminal, and the nearby Convention Center; and establishing additional public recreational facilities, including pedestrian walkways, bicycle paths, parks and other open space adjacent to the waterfront.

In order to provide the revenues to support the implementation of these priority uses, as well as to allow the public to take full advantage of the waterfront and its benefits, the Multi-Use Maritime District also permits and encourages the development of the air rights above the marine terminal and its adjacent grounds for various visitor-serving commercial recreational supportive uses that are compatible with the priority uses designated for this area. Among the supportive uses contemplated for the Multi-Use Maritime District are: a downtown aquarium; an amphitheater, arena, or other venue for large meetings, concerts and sports events; hotels, restaurants, and specialty retail establishments to accommodate convention visitors and cruise ship passengers; and other entertainment, community, and commercial activities consistent with the maritime character of the area.

The intent of the redevelopment plan for the Multi-Use Maritime District is to retain flexibility for consideration of a wide array of development options consistent with the above principles. Although it is anticipated that the new public and commercial recreational supportive uses, as well as the additional parking facility, will be located primarily in the new development that is authorized for the air rights above the marine terminal facility and its adjacent grounds, the grade-level acreage need not be used exclusively for the existing marine related industrial activities, as long as those activities are still given priority in the overall design and allocation of acreage in the redeveloped district. The specific priority

and supportive uses selected for inclusion in the redevelopment project, and their respective locations, will be determined through a collaborative and consultative process that includes participation by public and private entities affected by redevelopment of the Tenth Avenue Marine Terminal, including existing and prospective port tenants, labor organizations, environmental and local community groups, business representatives, and visitor or convention groups.

It also is the location of a large amount of transportation related uses such as streets and railroad switching yards. The Master Plan calls for continuing the marine oriented industrial activities, including railroads. The Harbor Services maintenance yard will be removed and the remaining acreage in Planning District 4 will revert to Marine Related Industrial Use.

The Tenth Avenue Marine Terminal, completed in 1958, is a paved landfill with concrete bulkheads and rubber or timber fenders along each berth face. There are 4,348 feet of lighted usable berthing space at the terminal, 387,528 square feet of cargo space in two transit sheds, and 475,000 square feet of storage space in one warehouse and ancillary sheds. Access to the terminal is from Harbor Drive onto a newly constructed entry road called Crosby Road. Railroad tracks provide access on Berths 3 through 8, all transit sheds, and the warehouses. Stevedore equipment is available as needed.

Berths 1 and 2, located on the north side of the complex, contain 1,118 feet of usable berthing space alongside a water depth of 30 feet MLLW. Fuel, water, and electricity are available. These berths are used not only for general trade items but also for cargoes of fish, molasses (in steel storage tanks having a 2,468,000 gallon capacity), and the receipt of petroleum products. Oil handling and oil bunkering storage tanks have a capacity of 165,000 barrels.

Berths 3, 4, 4A, 5 and 6, located on the west side of the terminal, provide 2,580 feet of usable berthing space at an alongside water depth of 36 feet MLLW. These berths are used for general cargo. A chemical fertilizer bulk storage and bagging plant occupies the north section shed adjacent to Berth 3.

Berths 7 and 8, located on the south side of the terminal, provide 650 feet of usable berthing space with an alongside water depth in some areas of 36 feet MLLW. Berths 7 and 8 are used primarily for the loading of bulk export cargoes utilizing the Port's bulkloader. This elevated conveyor system extends from a rail car unloading building which houses rail car bottom dump and rotary dump facilities. Also connected to the bulkloader is a 15,000 short ton bulk storage silo complex, completely automated, for the storage and handling of either grains or chemicals. It is provided with an inert gas explosion protection system. A bagging plant equipped with an under track railroad car pit and two bagging machines is used for bagging chemicals and other commodities. In this vicinity, a second privately owned molasses handling and storage facility is located close to Berths 7 and 8.

Rail facilities serving the Tenth Avenue Marine Terminal will be expanded to meet current operation needs. The Santa Fe rail storage yard adjacent to the terminal is capable of storing a total of 285 rail cars, adequate to service the loading and unloading of shipments up to 18,000 tons per vessel. Depending on operational considerations, the Santa Fe Railroad utilizes storage yards in other locations to handle shipments up to at least 30,000 tons per vessel. The rail car capacities of these yards are: Carlsbad (100), Oceanside (120), Sorrento Valley (80), and National City (189). All transit sheds and warehouses at the Tenth Avenue Marine Terminal are served by rail spurs.

The present bulk loading facility was constructed in 1962. It consists of a rail car unloading building, 42 inch wide belt conveyors, a shiploader alongside the southeast face of the terminal, a rail car marshalling yard, and miscellaneous ancillary structures and equipment. Use of the bulkloader is still increasing. Waterfront cargo equipment such as this has a high maintenance factor; also, it appears likely that periodic modifications must be made to comply with changing air quality regulations.

Bulk cargo, particularly fertilizer and other chemicals, constitutes the largest export item of the Port of San Diego. In recent years, increasingly larger bulk vessels with drafts greater than 36 feet have made appearances at the port and there is every indication that the trend toward greater capacity in bulk vessels will continue. Similarly, greater depth will become necessary at some of the general cargo berths.

The Master Plan foresees continuation and intensification of the cargo operations at the Tenth Avenue Marine Terminal. Expansion of land area is not considered imminent but may be accommodated in the future by utilizing nearby leased parcels. Physical improvements to the terminal are detailed in the Project List.

Crosby Street Corridor

To provide for public access to the waterfront, the development concept proposes to redivide a 5.4-acre site to facilitate the construction of a 3.2-acre public recreational area adjacent to the bay and a 2.2-acre deepwater channel related industrial facility.

The public area will offer active and passive recreational opportunities in a landscaped setting. Proposed facilities may include a kiosk, entry arbor, restrooms, concession stand, benches, picnic tables and barbecues, lawn expanse, and a recreational pier. On-site parking for the area is proposed. The public area will be shielded from the adjacent industrial site by landscaping and a masonry wall, and from the street by landscaping and fencing.

The marine related industrial portion of the site will be preserved to take advantage of adjacent deepwater access for a multi purpose facility for repair, servicing, berthing, and cargo handling of fishing, commercial and military vessels. It is advantageous, for Navy security reasons, that this facility is north of the San Diego Coronado Bay Bridge; that it is available to the majority of deep draft vessels using the Bay's main channel; that the site has superior truck and rail access; and that it is well located with respect to a multitude of industrial and commercial support facilities in the near vicinity.

Among the facilities which may be provided for at the marine industrial site may be a pier to allow maritime servicing and repair. The pier may have boat fenders, fresh water, and security lighting. No marine railways or other devices to lift boats from the water are planned. Remedial dredging to minus 30 feet MLLW will allow adequate water depth for the above variety of uses, including ship repair.

Ship refitting and repair work will be performed while the boats are tied to the pier and all exterior work will be performed above the water line in accordance with the air and water quality standards. Support activities and on-site parking will be located on the land portion of the site. Space for storage of construction materials and equipment is provided in some buildings and on the land. Specific implementation proposals will be evaluated by the San Diego Air Pollution Control District, the San Diego Water Quality Control Board, and the San Diego Noise Abatement Office for compliance with all applicable regulations.

Section 4. Coastal Commission Certification

Upon the adoption of this measure, the amendment of the Unified Port of San Diego Port Master Plan set forth in Section 3 shall be submitted to the California Coastal Commission for certification in accordance with Chapter 8 of Division 20 of the California Public Resources Code (commencing with Section 30700). The Board of Port Commissioners is authorized and directed to take all actions necessary to secure the certification of the Port Master Plan amendment by the Coastal Commission, including making any revisions or alterations to the Port Master Plan amendment that may be required by the Coastal Commission in order to obtain certification, provided that any such revision or alteration must be consistent with the purposes and intent of this measure.

Section 5. Redevelopment Project for Tenth Avenue Marine Terminal

In order to implement the policies adopted in Section 3 of this measure, the Board of Port Commissioners of the San Diego Unified Port District, no later than 60 days after the effective date of this measure, shall enter into an Exclusive Negotiating Agreement (ENA) with a private development entity for the purpose of negotiating the terms and conditions of a comprehensive Master Cooperative Development Agreement for the redevelopment of the Tenth Avenue Marine Terminal Multi-Use Maritime District in accordance with the priority and supportive policies and uses set forth in the Port Master Plan, as amended by this measure. The ENA shall require that within 180 days of the execution of the ENA, unless that time period is further extended by the mutual agreement of both the Port District and the selected private development entity, the Port District and the selected private development entity shall prepare a redevelopment plan for the Tenth Avenue Marine Terminal Multi-Use Maritime District, including design themes, building footprints, elevations, location of parking facilities, vehicular and pedestrian access ways, and other factors fully descriptive of the proposed redevelopment project. The purpose of the ENA is to allow the Port District to work with the selected private development entity to finalize the terms of a Master Cooperative Development Agreement, conditional upon the Coastal Commission's certification of the Port Master Plan's amendment, that addresses, among other matters: (1) a specific site design and plan for the redevelopment of the Tenth Avenue Marine Terminal Multi-Use Maritime District, (2) the preparation and processing of the environmental documentation necessary for the redevelopment project, (3) a financing mechanism for the redevelopment project, and (4) the terms and conditions of an option and lease agreement with the selected private

development entity for redevelopment of the site.

A. Participation By Cooperative Agreements and Joint Development Agreements. In order to ensure that the concerns of marine freight tenants and employees are incorporated into the redevelopment plan and its implementation, the development entity selected by the Port District for the ENA and Master Cooperative Development Agreement shall have entered into cooperative agreements, joint development agreements, non-disclosure and non-circumvention agreements, or similar agreements with existing tenants of the Tenth Avenue Marine Terminal and with a labor organization or organizations representing a majority of the employees handling marine freight on the site. Prior to its entry into the ENA or Master Cooperative Development Agreement with the Port District, the development entity selected by the Port District shall also have offered to enter into cooperative agreements or joint development agreements with representatives of the other major tenants or establishments proposed for inclusion in the redevelopment plan.

B. Consultation and Public Participation. In addition to establishing cooperative agreements and joint development agreements as set forth above, in order to ensure, to the maximum extent feasible, that the concerns of entities affected by the redevelopment of the Tenth Avenue Marine Terminal have been incorporated into the proposed redevelopment plan, the private development entity selected by the Port District for the ENA and Master Cooperative Development Agreement shall demonstrate that it has consulted with and encouraged participation in the planning process by public and private entities affected by the proposed redevelopment plan, including but not limited to labor and environmental organizations, interested community groups and individuals, waterfront-related businesses and community-improvement organizations, and the San Diego Convention Center and the San Diego Sports Arena.

C. Preserving Maritime Security. In order to ensure the safety and security of the Port and its users, in preparing the redevelopment plan for the Tenth Avenue Marine Terminal Multi-Use Maritime District, the selected private development entity shall consult with the United States Coast Guard and other law enforcement agencies with jurisdiction over the facility. The Master Cooperative Development Agreement shall provide that the final redevelopment project must incorporate necessary and appropriate security measures and must comply with all applicable maritime security requirements.

D. Prohibition on Use of Existing General Fund Revenues. The Master Cooperative Development Agreement shall provide that redevelopment of the Tenth Avenue Marine Terminal shall be privately financed, without the use of any existing general fund or tax revenues of the Port or of any of the constituent Port Cities. However, any new incremental tax revenues generated by the implementation of the redevelopment activities may be dedicated to the implementation of the master plan.

Section 6. Effective Date

In accordance with California Elections Code section 9320, this initiative shall be considered as adopted upon the date that the vote is declared by the Board of Port Commissioners, and it shall go into effect ten (10) days thereafter. Upon the effective date of this initiative, the amendments made in Section Three are hereby inserted into the Unified Port of San Diego Port Master Plan, and all actions of the Board of Port Commissioners shall be consistent with the policies and provisions of this initiative.

Section 7. Interim Amendments to Port Master Plan

The Unified Port of San Diego Port Master Plan in effect at the time the Notice of Intention to propose this initiative measure was filed with the Port of San Diego constitutes an integrated, internally consistent and compatible statement of policies and implementation provisions for the Port of San Diego. In order to ensure that the Port Master Plan, as amended by the provisions of this initiative, remains an integrated, internally consistent, and compatible statement of policies and implementation provisions for the Port, the provisions adopted by this initiative shall prevail over any conflicting revisions to the Port Master Plan that may have been adopted or implemented between the date of the Notice of Intention and the date the amendments adopted by this initiative measure are inserted into the Port Master Plan. To this end, any conflicting revisions to the Port Master Plan adopted between the date of the Notice of Intention and the date the amendments adopted by this initiative measure are inserted into the Port Master Plan shall be null and void in their entirety and without any legal effect.

Section 8. Construction

To the maximum extent authorized by law, this initiative shall be interpreted in a manner consistent with the right of initiative reserved to the people by the California Constitution. Without limiting the generality of the foregoing, nothing in this initiative is intended to diminish or otherwise alter applicable requirements of any state or federal law.

Section 9. Severability

This initiative shall be liberally and broadly construed to achieve the purposes stated in the initiative. If any provision or portion of this initiative is for any reason declared to be invalid by a court, the remaining provisions and portions shall be deemed severable and shall nonetheless remain in full force and be given full effect to the extent that they can be made applicable, and the People hereby direct and authorize the court to correct, interpret, and add words to this initiative as necessary to effectuate the intent of the remaining provisions or portions of this initiative.

Section 10. Enforcement

A. This initiative is intended to impose a mandatory duty upon the Board of Port Commissioners of the San Diego Unified Port District to redevelop the Tenth Avenue Marine Terminal Multi-Use Maritime District in accordance with the terms and conditions of this initiative and applicable state law. To that end, the duties imposed upon the Board of Port Commissioners pursuant to Sections 4 and 5 herein shall be enforceable by an action for writ of mandate filed in the Superior Court of the County of San Diego by any qualified elector of the Port District or by any other aggrieved party.

B. Time is of the essence in the implementation of this initiative. Unless specifically enjoined from proceeding with the implementation of this initiative by a court of competent jurisdiction, the Board of Port Commissioners shall comply with the terms and conditions of this initiative notwithstanding any threatened or existing legal challenge to the validity of this initiative or to any portion thereof.

Section 11. Conflict with Other Measures

If a conflict exists between this initiative and any other measure approved by the voters at the same election, the provisions of this initiative shall take effect except to the extent that they are in direct conflict with the provisions of such other measure and the other measure receives a greater number of affirmative votes.

Section 12. Corrections and Implementing Actions

The Board of Port Commissioners of the Unified Port of San Diego is hereby directed to reprint the Port Master Plan and all corresponding figures and tables to reflect the adoption of this initiative. The Board is hereby authorized and directed to make any corrections in the language, pagination, paragraph numbering, tables, maps, figures and other aspects of the Port Master Plan as may be necessary to ensure that the Port Master Plan, as amended by this initiative, accurately and completely reflects the amendments adopted by this initiative. The Board is further authorized and directed to take any and all actions that may be deemed necessary to implement and give effect to the amendments of the Port Master Plan adopted by this initiative, including such actions as may be necessary to provide consistency between these amendments and other Port planning documents. Notwithstanding Section 13 of this initiative, the Board of Port Commissioners is specifically authorized to amend the Port Master Plan by updating the Project List for the Tenth Avenue Marine Terminal Planning District 4 (Table 13) to incorporate therein the specific redevelopment projects selected for the Tenth Avenue Marine Terminal Multi-Use Maritime District and to make any other Port Master Plan amendments necessary to implement the Master Cooperative Development Agreement adopted pursuant to Section 5 of this initiative.

Section 13. Amendment

Except as provided in Section 12 herein, this initiative may be amended only by a vote of the people at a regular or special election held in accordance with the requirements of the California Elections Code.

EXHIBIT 1

TABLE 4: Port Master Plan Land and Water Use Allocation Summary

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRES	% of TOTAL
COMMERCIAL	373.5	COMMERCIAL	383.0	756.5	14%
Marine Sales and Services.....	18.8	Marine Services Berthing.....	17.7		
Airport Related Commercial.....	38.0				
Commercial Fishing.....	8.3	Comm Fishing Berthing.....	18.8		
Commercial Recreation.....	304.1	Rec Boat Berthing.....	335.4		
Sportfishing.....	4.3	Sportfishing Berthing.....	11.1		
INDUSTRIAL	1206.4	INDUSTRIAL	217.7	1424.1	26%
Aviation Related Industrial.....	152.9	Specialized Berthing	170.5		
Industrial Business Park.....	113.7	Terminal Berthing.....	47.2		
Marine Related Industrial.....	322.4 284.8				
Marine Terminal.....	449.6				
Multi-Use Maritime District.....	96.0				
International Airport.....	468.1				
PUBLIC RECREATION	280.5	PUBLIC RECREATION	681.0	981.5	18%
Open Space	19.0	Open Bay/Water.....	681.0		
Park/Plaza.....	146.4				
Golf Course	97.8				
Promenade.....	17.3				
CONSERVATION	399.2	CONSERVATION	1058.6	1457.8	27%
Wetlands.....	304.9	Estuary.....	1058.6		
Habitat Replacement.....	94.3				
PUBLIC FACILITIES	222.9	PUBLIC FACILITIES	394.3	617.2	12%
Harbor Services.....	2.7	Harbor Services	10.5		
City Pump Station.....	0.4	Boat Navigation Corridor.....	284.6		
Streets.....	219.8	Boat Anchorage.....	25.0		
		Ship Navigation Corridor.....	50.0		
		Ship Anchorage.....	24.2		
MILITARY	25.9	MILITARY	125.6	151.5	3%
Navy Fleet School	25.9	Navy Small Craft Berthing.....	6.2		
		Navy Ship Berthing	119.4		
TOTAL LAND AREA	2508.4	TOTAL WATER AREA	2860.2		
MASTER PLAN LAND AND WATER ACREAGE TOTAL				5368.6	100%

EXHIBIT 2

TABLE 12: Precise Plan Land and Water Use Allocation

TENTH AVENUE MARINE TERMINAL – PLANNING DISTRICT 4

LAND USE	ACRES	WATER USE	ACRES	TOTAL ACRES	% of TOTAL
INDUSTRIAL.....	228.7	INDUSTRIAL.....	113.9	342.6	94%
Marine Terminal.....	58.7	Terminal Berthing.....	15.3		
Marine Related Industrial.....	132.7 170.0	Specialized Berthing.....	98.6		
Multi-Use Maritime District.....	98.0				
PUBLIC RECREATION.....	3.5			3.5	1%
Park/Plaza.....	3.5				
PUBLIC FACILITIES.....	17.6			17.6	5%
Streets.....	17.6				
TOTAL LAND AREA.....	249.8	TOTAL WATER AREA ...	113.9		
PRECISE PLAN LAND AND WATER ACREAGE TOTAL.....				363.7	100%

San Diego Unified Port District

Office of the Clerk

ATTACHMENT 5

CERTIFICATION OF VOTE

Passed and adopted by the Board of Port Commissioners of the San Diego Unified Port District on May 6, 2008, by the following vote:

<u>Commissioners</u>	<u>Yeas</u>	<u>Nays</u>	<u>Excused</u>	<u>Absent</u>	<u>Abstained</u>
Michael Bixler	X				
Laurie J. Black	X				
Stephen P. Cushman	X				
Michael Najera	X				
Sylvia C. Rios	X				
Robert J. Spane	X				
Robert Valderrama	X				

AUTHENTICATED BY:

Alphonse Chuska
Vice-Chairman of the Board of Port Commissioners

MARY ANN LINER
Clerk of the San Diego Unified Port District

By: *Mary Ann Liner*
District Clerk

(Seal)

Resolution Number: 2008-80

OR

Ordinance Number: _____

Adopted: May 6, 2008

Re Opposition of San Diego Unified]
Port District to "The Port of San Diego]]
Marine Freight Preservation and]
Bayfront Redevelopment Initiative . . .]
_____]

RESOLUTION 2008-80

WHEREAS, an Initiative entitled "The Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative" (Initiative) has been noticed and circulated by an entity known as "San Diego for Community Solutions, LLC" to amend the Master Plan of the San Diego Unified Port District (District); and

WHEREAS, said Initiative proposes the redevelopment of the Tenth Avenue Marine Terminal by possibly utilizing air space and by incorporating commercial, recreational and non-marine industrial uses; and

WHEREAS, the District was established in 1962 by the California State Legislature by the enactment of the San Diego Unified Port District Act (Act); and

WHEREAS, the Tenth Avenue Marine Terminal is under the jurisdiction of the District and is included in the District's Master Plan; and

WHEREAS, at the meeting of the Board of Port Commissioners (Board) of the District held on May 6, 2008, a publicly noticed discussion was held regarding said Initiative; and

WHEREAS, the non-marine industrial uses proposed by the Initiative are inherently incompatible with the operations of the Tenth Avenue Marine Terminal, and the introduction of non-industrial uses could impose undue burdens on existing industrial uses; and

WHEREAS, operational requirements for existing marine industrial uses militate against any incursion into the air space above the Tenth Avenue Marine Terminal or at grade-level in that approximately 220 feet of clearance would be necessary to allow

existing cargo cranes to operate effectively beneath a deck constructed above the Tenth Avenue Marine Terminal; and

WHEREAS, the incursion of non-industrial uses at the Tenth Avenue Marine Terminal actually threatens the continued viability of marine-industrial uses at the Tenth Avenue Marine Terminal, and would undermine the Master Plan's vision for the Tenth Avenue Marine Terminal; and

WHEREAS, the introduction of non-marine land uses presents major challenges to the District's ability to comply with federally-mandated maritime security standards and requirements; and

WHEREAS, security at the Tenth Avenue Marine Terminal is continually being enhanced pursuant to Federal law and Homeland Security Regulations following the events of September 11, 2001; and

WHEREAS, enhanced controlled access is required of all ports by the Department of Homeland Security; and

WHEREAS, the Initiative proposes commercial and recreational uses with uncontrolled public access to hotels, sports venues or open space which would severely impair the District's ability to maintain a secure Tenth Avenue Marine Terminal; and

WHEREAS, the Tenth Avenue Marine Terminal is a federally designated "Strategic Port Facility" that is actively utilized by the United States Department of Defense for military cargo shipment handling, and security during these shipments is even more stringent than the normal maritime security conditions noted above and required by Federal law; and

WHEREAS, the Initiative proposes a deck concept that appears to be infeasible from an engineering perspective and would require support columns spaced throughout the Tenth Avenue Marine Terminal, which could impact the at-grade space and thereby impact marine freight operations, i.e., result in a net reduction in space at the Tenth Avenue Marine Terminal and introduce structural elements that restrict movement and storage of cargo; and

WHEREAS, the deck structure envisioned by the Initiative would negatively impact the viability of the Tenth Avenue Marine Terminal and lessen the District's ability to meet the maritime cargo needs of our region, State and nation; and

WHEREAS, the Initiative language is vague and unclear, conveying a message that the Initiative would "protect" the Tenth Avenue Marine Terminal, while simultaneously conveying contrary messages indicating that the Initiative would result in competing and conflicting uses at the Tenth Avenue Marine Terminal; and

WHEREAS, review of the potential effects of the Initiative leads to a conclusion that the Initiative would actually threaten marine freight uses at the Tenth Avenue Marine Terminal and thereby impact the continued viability of the District; and

WHEREAS, the Initiative rests on the incorrect premise that the Tenth Avenue Marine Terminal is underutilized; and

WHEREAS, the Tenth Avenue Marine Terminal is not an underutilized site in need of being transformed into a commercial and public attraction; and

WHEREAS, the Tenth Avenue Marine Terminal is a maritime cargo facility through which much of the region's construction-related materials flow; and

WHEREAS, since 2003 the Tenth Avenue Marine Terminal has processed 12.6 million tons of maritime cargo; and

WHEREAS, the economic impact of the maritime cargo activities in San Diego adds \$1.6 Billion to the region's economy, influencing 14,400 direct jobs and average compensation of \$54,000.00 per year; and

WHEREAS, projections for future years' maritime cargo growth at the Tenth Avenue Marine Terminal remain in line with past years' growth; and

WHEREAS, the District's Master Plan, in its current form, carries out the legislative mandate to the District to administer the tidelands for the public trust; and

WHEREAS, as part of that trust, the District, through the Master Plan, has designated the Tenth Avenue Marine Terminal for marine freight uses; and

WHEREAS, the District Act and the District Master Plan are sufficient to protect marine freight uses at the Tenth Avenue Marine Terminal without this Initiative; and

WHEREAS, there are concerns as to the legal efficacy of the Initiative and its attempts to amend the District Master Plan; and

WHEREAS, the Initiative raises concerns of State preemption and inconsistency relative to the District Master Plan; and

WHEREAS, the Initiative stakeholder process for amending the District Master Plan also raises potential legal issues as to whether the Initiative constitutes a valid legislative action; and

WHEREAS, in view of the above, the Board desires to oppose said Initiative,
NOW, THEREFORE,

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Board hereby opposes the Initiative known as "The Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative".

BE IT FURTHER RESOLVED that copies of this Resolution be delivered to every elected and appointed office holder in San Diego County, and to the California State Lands Commission and the California Coastal Commission, Members of the California Legislature, the Governor, Lieutenant Governor, Controller and Attorney General of the State of California, as well as other interested parties.

ADOPTED this 6th day of May, 2008

5/6/08

The following letter from Port President/CEO Bruce Hollingsworth was sent out to the Media Outlets in San Diego on May 7, 2008.

ATTACHMENT 6

Dear Editor:

As President/CEO of the Port of San Diego, I want to bring to your attention a significant action taken this week by the Board of Port Commissioners, a policy decision that went virtually unreported by most of the media outlets in the city.

In a unanimous decision, the commissioners took a strong stand against a proposed ballot initiative that threatens the very vitality of the San Diego Unified Port District's maritime operations and the many waterfront businesses and industry that are within the Port's jurisdiction.

Had media been at the Board meeting on Tuesday, May 6th they would have heard the persuasive arguments of a diverse group of leaders from business, industry and labor whose very businesses and livelihoods are threatened by this vague and misleading initiative. They also would have noted the conspicuous absence of the initiative's proponents, although they were invited to the meeting.

Just by its very name, "The Port of San Diego Marine Freight Preservation and Bay Front Redevelopment Initiative," the proponents would have you believe this initiative has the stamp of approval from the Port. Nothing could be further from the truth.

To sum up the sentiment of our commissioners and many of the businesses and industry interests that we represent, this is a misleading plan to build hotels, restaurants and even a sports stadium at the Tenth Avenue Marine Terminal, a land grab pure and simple.

This initiative not only threatens the economic vitality of the Port of San Diego's maritime operations but it threatens the economic vitality of the region.

In the past five years, the Port has processed tens of millions of tons of cargo. Much of the region's building material, including sand, cement and lumber, come through the Port. In all, this represents \$1.6 billion to the region's economy. More than 14,400 jobs are tied to the cargo operation. The average pay is \$54,000.

Before signing any petition or casting a ballot, I would ask your readers, viewers and prospective voters to educate themselves about the Port and its region-wide importance.

Sincerely,

Bruce B. Hollingsworth
President/CEO
San Diego Unified Port District
(619) 686-6201



News Release

portofsandiego.org

Contact: John Gilmore (619) 686-7206
(619) 341-5684
Irene McCormack (619) 686-6222
(619) 990-3576

Port of San Diego Board Opposes Initiative to Redevelop the Tenth Avenue Marine Terminal

May 6, 2008 – The Board of Port Commissioners voted unanimously today to oppose a proposed ballot initiative that seeks to amend the San Diego Unified Port District’s master plan to allow hotels, restaurants and possibly a sports stadium at the Tenth Avenue Marine Terminal cargo facility.

The Board unanimously agreed that the initiative threatens the viability of the terminal by allowing non-maritime uses.

“I’m one thousand percent opposed to this initiative,” Commissioner Stephen Cushman said.

The Board along with its outside legal counsel questioned the legality of the initiative while raising a concern the proposed changes could compromise security at the Tenth Avenue maritime terminal.

“There is no question, I believe this initiative is misleading,” Commissioner Sylvia Rios said.

Commissioner Michael Najera said he had first-hand knowledge of the misleading nature of the signature-gathering effort. While attending a Cinco de Mayo event over the weekend, he saw a sign encouraging people to sign the petition so the Port of San Diego can create thousands of jobs. For a moment, he thought the Port might be recruiting, until he saw that the sign was carried by one of the signature-gatherers for the initiative.

“People are being deceived,” Commissioner Najera said. “I was even misled.”

The proponents of the initiative were invited to attend today’s meeting but no one was in attendance.

“I am disheartened not to hear the other side,” said Commissioner Robert “Dukie” Valderrama.

Commissioners left the door open for the proponents to address the board at a future board meeting.

In taking today’s action, Board members expressed concern that the initiative would harm the Tenth Avenue terminal and actually jeopardize maritime uses.

“Although the initiative title pretends to preserve maritime trade in San Diego, closer analysis reveals something quite different,” Sharon Cloward, the president of the San Diego Port Tenants Association, told the board. “The initiative mandates private development of the Tenth Avenue Terminal in the form of hotels, and other commercial development, most of which is not compatible with waterfront cargo operations.”

The initiative, “The Port of San Diego Marine Freight Preservation and Bay Front Redevelopment Initiative,” was proposed by a group known as San Diego Community Solutions, LLC. The sponsors must obtain at least 75,000 signatures of valid registered voters to qualify the measure for the ballot in November.

The Port of San Diego is considered a strategic port by the military, which often uses the Tenth Avenue terminal for classified operations. Removing the Port from the military system of ports would be problematic for the military.

Additionally, the San Diego Unified Port District is part of a network of Ports across the country and world, particularly in the Far East and Europe. Reconfiguring the way cargo is delivered to the Port of San Diego and others could complicate cargo handling at other ports, particularly along the West Coast.

Besides today’s action, the Board will express its opposition in letters to virtually every elected and appointed office holder in the county, members of the state Legislature, the Governor, Lieutenant Governor, Attorney General and the state Lands Commission and the California Coastal Commission.

The proposed initiative, whose language commissioners believe is vague, confusing and ambiguous, also states that the Tenth Avenue terminal is under used, a claim they argue is unsupported.

Pete Litrenta, executive director of the Ship Repair Association, characterized the initiative as nothing more than a land grab by developers and out of town investors.

“This is bad for the region and upsets the economic diversity of our regional economy by replacing maritime businesses with more hotels and retail business,” he said to the board.

Much of the region’s building material, for example, sand and cement, come through the Port’s Tenth Avenue terminal. In the past five years, the terminal has processed 12.6 million tons of maritime cargo. That represents \$1.6 billion to the region’s economy. More than 14,400 jobs are tied to the cargo operation, and the average pay is roughly \$54,000 a year. Despite the current economic downturn, the Port is projecting future growth.

That growth is based on the upswing in the global market. Imports to the United States, due in part to the off-shoring of U.S. manufacturers and the increased output of the China market, are expected to grow by upwards of 60 percent by 2020. The Port expects to see double-digit growth as well.

The Port also questions the legality of the initiative because it seeks to amend the Port Master Plan. The initiative’s language, commissioners believe, appears to be inconsistent with the state’s mandate and the master plan, which is a guide for Port operations and development. The Port of San Diego was created by the state Legislature in 1962 to manage San Diego Bay and the waterfront property and the initiative raises questions over state pre-emption.

While the Port is prohibited from spending public money to influence an election's outcome, the law permits the board, which is a legislative body, to take a position on a Port-related ballot measure.

Docs #293751v2



May 16, 2008

The Honorable Jim Janney
Mayor City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Subject: Correction to Attached San Diego Unified Port District News Release
dated May 6, 2008

Dear Mayor Janney:

Earlier this week, a letter and package of information was mailed to you from the Port regarding the proposed initiative "The Port of San Diego Marine Freight Preservation and Bayfront Redevelopment Initiative."

Included in the package was a news release issued by the Port District. There was an inadvertent error contained in the news release regarding the number of signatures required to qualify the measure for the ballot in November. I am forwarding another copy of the news release with an attached notice of correction.

We apologize for any inconvenience to you.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Liner".

Mary Ann Liner
District Clerk

Attachment

Docs:296757

Please Note Following Correction to Attached News Release:

Page 2 of attached news release specifies *"The sponsors must obtain at least 75,000 signatures of valid registered voters to qualify the measure for the ballot in November."*

This number was an original estimation of signatures required and is incorrect due to the current calculation of the County of San Diego Registrar of Voters Office. The correct number can be obtained from the County of San Diego Registrar of Voters.

We apologize for any inconvenience caused by this inadvertent error.



News Release

portofsandiego.org

Contact: John Gilmore (619) 686-7206
(619) 341-5684
Irene McCormack (619) 686-6222
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Much of the region's building material, for example, sand and cement, come through the Port's Tenth Avenue terminal. In the past five years, the terminal has processed 12.6 million tons of maritime cargo. That represents \$1.6 billion to the region's economy. More than 14,400 jobs are tied to the cargo operation, and the average pay is roughly \$54,000 a year. Despite the current economic downturn, the Port is projecting future growth.

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Docs #293751v2



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: JUNE 18, 2008
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
 GREG WADE, DIRECTOR
 DAVID GARCIAS, CODE COMPLIANCE OFFICER

SUBJECT: DISCUSSION ON PET CHICKENS

BACKGROUND:

On March 20, 2008, staff received a citizen complaint about four full-grown chickens in the back yard of a residence in the 800 block of 5th Street. Staff opened a code compliance investigation, and later contacted the resident involved. Staff explained to the resident that chickens as pets are prohibited within the City of Imperial Beach.

At the April 23, 2008 City Council meeting, the resident involved in the code compliance investigation spoke about her history of owning chickens on the property, the environmental benefits and the importance of having self-sustaining backyards, and requested that the municipal code be amended to allow poultry. The City Council directed staff to review other cities ordinances. This report discusses the possible impacts involved with allowing poultry within the city, how other cities ordinances allow or prohibit poultry, and possible implementation options if the City Council decided to entertain ideas of amending our municipal code to allow for legal possession of poultry.

DISCUSSION:

In 1994, Chapter 19.04 of the Municipal Code established a definition for "Household Pets" within all zones of the City of Imperial Beach. "Household Pets" means any domesticated animal generally accepted as a pet, such as dogs, cats, rabbits and fish, but not including hens, roosters, ducks, geese, goats, sheep and hogs.

In 2006, Chapter 6.04 of the Municipal Code established that no owner/guardian shall own, keep, harbor, or maintain livestock, poultry, or fowl within the City in violation of the provisions of this code. Further, owner/guardians of animals must comply with the following conditions of animal ownership:

- A. Animals shall be restrained or confined as required by law.
- B. Animals shall be humanely treated at all times.
- C. Vaccinations, licenses, and permits shall be obtained as required by law.
- D. Animal premises shall be kept sanitary and shall not constitute a fly breeding reservoir, a source of offensive odors or of human or animal disease.
- E. Animal and animal premises shall not be permitted to disturb the peace or constitute a public nuisance or hazard.

Code Compliance Division: Complaints log

2006	Chicken/Rooster Complaints Received	4
2007	Chicken/Rooster Complaints Received	2

The complaints received do not include complaints received and handled by Chula Vista Animal Control. Common complaints reported are:

- Roosters crowing
- Odors / Unsanitary conditions
- Attraction of rodents
- Poultry flying to neighboring yards

Attached to this staff report is a survey of other local jurisdictions and their ordinances that either allow or prohibit poultry and fowl. All other local jurisdictions, with the exception of Coronado, allow the ownership of poultry and fowl in residential zones with varying restrictions. Four jurisdictions do not allow roosters, and all jurisdictions limit the number of animals and provide other restrictions regarding the following:

1. Minimum lot size.
2. Whether the animals are allowed to roam free, or must be confined.
3. Distance of the animals from neighboring properties or residential dwellings, either the dwelling for the owner of the animals or of the neighbors.
4. Allowing or prohibiting roosters exclusively.

Potential options for the City Council to consider in allowing for the maintaining or keeping of poultry and fowl are:

- Number of animals per lot, or per square feet.
- Minimum lot size.
- Whether the animals are allowed to roam free, or must be confined.
- Distance of the animals from neighboring properties or residential dwellings, either the dwelling for the owner of the animals or neighbors.
- Allowing or prohibiting roosters exclusively.
- Requiring neighbor approval.
- Maintaining a hygienic and odor free environment.

Some potential health risks to consider which are created by the maintaining or keeping of poultry and fowl are possible spread of exotic Newcastle disease, avian flu, salmonella, bacterial diseases, and West Nile virus.

CONCLUSION:

The City Council may consider whether to amend the Municipal Code allowing poultry, with conditions, or allow the code to remain the same.

FISCAL ANALYSIS / STAFF IMPACT:

If the ordinance is modified to allow for poultry and fowl within residential zones, this may create additional staff service calls beyond our current levels, and may impact service response times.

DEPARTMENT RECOMMENDATION:

It is respectfully requested that the Mayor and City Council:

1. Receive this report; and
2. Provide Direction to Staff;

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachment: 1. Survey

Jurisdiction	Allowed	Prohibited	Confined	Conditions
1 Coronado		All Poultry	n/a	n/a
2 National City	Chickens	Roosters		Four (4) hen chickens on any property zoned single-family residential that is greater than 20,000 square feet in area.
3 Chula Vista	Chickens	Roosters		Twelve (12) hen chickens may be kept by one family on a tract of land, providing it has a minimum of 7,000 square feet therein and contains not more than one single-family dwelling unit. The total number of all fowls and rabbits shall not exceed 25.
4 La Mesa	Chickens	Roosters		Up to twenty (20) hen chickens are permitted on certain residential lots that are greater than 15,000 square feet in area.
5 Carlsbad	Poultry			Hen chickens are permitted in rural residential areas
6 Del Mar	Chickens			Up to twenty-five (25) hen chickens are permitted in certain residential areas.
7 El Cajon	Chickens			Up to twenty-four (24) hen chickens are permitted on single-family lots of at least 20,000 square feet in certain residential areas.
8 Encinitas	Chickens			Up to ten (10) hen chickens are permitted in all residential areas, and up to twenty-five (25) in certain residential zones.
9 Escondido	Chickens		Yes	Up to twenty-five (25) hen chickens are permitted in certain residential areas with lots of at least 20,000 square feet and shall be confined in an animal enclosure. Animal enclosures shall be set back from any residence twenty (20) feet.
10 Lemon Grove	Chickens		Yes	One chicken per 1,000 square feet, up to twenty-five (25), is permitted in residential areas. Not more than one rooster per full ten thousand square feet of lot area. Chickens shall be properly caged or housed and must be kept in their enclosures. Enclosures shall not be within forty feet of any dwelling other than that occupied by the owner of the animals.
11 Oceanside	Chickens		Yes	Up to six (6) hen chickens are permitted in certain residential areas, they must be confined, and must be five (5) feet away from any property line.
12 Poway	Chickens		Yes	<u>Chickens are permitted, see table below</u> 6,000 to 20,000 6 chickens allowed 20,001 to 30,000 9 chickens allowed 30,001 to 35,000 12 chickens allowed 35,001 to 1 acre 15 chickens allowed Greater than 1 acre 25 plus 12 additional per acre up to a max of 100 Chickens must be in a confined in a pen shall not be kept closer than 35 feet to an adjoining dwelling.
13 San Diego	Fowl			Up to twenty-five (25) hen chickens are permitted in certain residential areas. Chickens must be no closer than 50 feet of residential buildings.
14 San Marcos	Poultry			Up to twenty-five (25) hen chickens are permitted in certain residential areas.
15 Santee	Poultry			Chickens permitted residential areas.
16 Solana Beach	Chicken		Yes	One chicken permitted per 2,000 sq feet, up to 25, with a minimum 20,000 square foot lot in certain residential zones. Chickens must be in enclosures thirty-five (35) feet away from residential dwelling.
17 Vista	Chickens	Roosters		Two (2) chickens are permitted in single family residential zones only.



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: June 18, 2008
ORIGINATING DEPT.: Jacqueline M. Hald, City Clerk Dept.

SUBJECT: DESIGN REVIEW BOARD APPOINTMENT

BACKGROUND

On August 6, 1997, Council adopted Ordinance No. 97-915 establishing the Design Review Board. Members of the Design Review Board investigate, review and evaluate the design, layout and other features of proposed developments. The Design Review Board consists of five (5) members. Appointments to the Design Review Board are for four years and members shall not be City Council Members, officers, or employees of the City.

Meetings are held on the third Thursday of each month or as frequently as needed as determined by the Community Development Director.

DISCUSSION:

A letter of resignation was received from Troy Wilson on April 28, 2008, resigning his position as a member of the Design Review Board. City Council was promptly advised of the unscheduled vacancy and a special notice of vacancy was published in the Eagle and Times and posted within the City. The term ends on December 31, 2008. Five applications were received and are attached for consideration.

Pursuant to Section 2.18.040 of the Imperial Beach Municipal Code, all members of commissions, boards and committees of the City shall be residents of the City. The Mayor, with the approval of the City Council, shall make appointments to all commissions, boards, and committees.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL IMPACT:

None associated with this report.

DEPARTMENT RECOMMENDATION:

1. Mayor recommend appointment, to fill the one (1) vacancy on the Design Review Board with a term expiring on December 31, 2008 and
2. Approval of appointment by City Council.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:
1. Applications

APPLICATION FOR APPOINTMENT TO CITY OF IMPERIAL BEACH BOARDS, COMMITTEES & COMMISSIONS

DESIGN REVIEW BOARD

APPLICANT MUST RESIDE WITHIN THE CORPORATE LIMITS OF THE CITY OF IMPERIAL BEACH

I hereby submit the following résumé for consideration for appointment to the
IMPERIAL BEACH DESIGN REVIEW BOARD.

NAME: STEVE FUTERMAN

ADDRESS: _____

E-MAIL ADDRESS: _____

TELEPHONE: (Home) _____ (Business) _____ ext. _____

EDUCATION: HIGH SCHOOL GRADUATE / NEW YORK CITY 1974

OCCUPATION/PROFESSION: PROJECT MANAGER

EMPLOYMENT: COX COMMUNICATIONS

2006 JUN - 2 2:12
 CITY MANAGER / PERSONNEL
 CITY CLERK OFFICES

MEMBERSHIP IN CIVIC ORGANIZATIONS, SERVICE CLUBS, ETC.:

- 1- CEO / SOUTH COUNTY DENASSANCE PROJECT / IMPERIAL BEACH FILM FESTIVAL
- 2- FORMER BOARD MEMBER COX KIDS FOUNDATION.
- 3- IMPERIAL BEACH CHAMBER OF COMMERCE
- 4 DOGS AT PLAY / VICE PRESIDENT

ACHIEVEMENTS AND AWARDS (CIVIC, SCHOLASTIC OR OTHER): MOST RECENT AWARDS.

- 1- COX COMMUNICATIONS - PEOPLE CONNECTION AWARD 4th QTR 2006 FOR MANAGING THE COX POST KATRINA REBUILD IN NEW ORLEANS (SAN DIEGO TEAM)
- 2- COX COMMUNICATIONS - INNOVATION AWARD (TECHNICAL AWARD) 3rd QTR 2007
- 3- AWARDED CERTIFICATE OF SPECIAL CONGRESSIONAL RECOGNITION FOR CONTRIBUTION TO CULTURE + ART IN THE CITY OF SANTA ANA. 11/2/07 - CONGRESSWOMAN LORRETTA SANCHEZ
- 4- AWARDED CERTIFICATE OF RECOGNITION FOR HELPING TO ORGANIZE THE SANTA ANA FILM FESTIVAL. 11/3/07 - ASSEMBLY MEMBER OF THE CALIFORNIA LEGISLATURE / JOSE SOLERIO

QUALIFICATIONS OR TRAINING YOU FEEL YOU POSSESS THAT WILL AID YOU IN SERVING ON THE COMMISSION, BOARD OR COMMITTEE, AND THE PEOPLE OF IMPERIAL BEACH:

AS A PROJECT MANAGEMENT PROFESSIONAL WITH 18 YEARS OF EXPERIENCE IN TELECOMMUNICATIONS, I CAN OFFER OUR COMMUNITY THE PROFESSIONAL EXPERTISE IN ANALYSIS AND EVALUATION NEEDED IN UNDERSTANDING THE MULTIDISCIPLINARY NATURE OF PROPOSED DEVELOPMENTS. MY PROFESSIONAL KNOWLEDGE APPLYING PROJECT MANAGEMENT PROCESSES AND METHODOLOGIES WILL PROVIDE OTHER BOARD MEMBERS AND THE COMMUNITY DEVELOPMENT DIRECTOR WITH A COMPREHENSIVE ANALYSIS OF PROPOSED DEVELOPMENTS.

STATE BRIEFLY WHY YOU ARE INTERESTED IN SERVING:

I STRONGLY BELIEVE IN THE PRINCIPLES THAT WHEN CITIZENS ENGAGE AND SERVE THEY CAN HELP TRANSFORM THEIR COMMUNITIES FOR THE BENEFIT OF ALL OUR CITIZENS. HOW CITIES DEVELOP, SPECIFICALLY THE COMPLEX DYNAMICS OF OURS IS AN AREA THAT I HAVE SPENT MANY HOURS OF RESEARCH AND DISCUSSION WITH PROFESSIONALS REGARDING SMART GROWTH PRINCIPLES AND OTHER CONCEPTS IN DESIGN, ARCHITECTURE AND STRATEGIC DECISION-MAKING USED BY SUCCESSFUL MUNICIPALITIES. IMPERIAL BEACH IS THE PLACE MY WIFE AND I PLAN TO SPEND THE REST OF OUR LIVES IN. I CARE DEEPLY FOR OUR COMMUNITY AND BELIEVE SERVING ON THIS BOARD IS A WAY I CAN CONTRIBUTE IN PROVIDING OUR CITIZENS WITH AN IMPROVED QUALITY OF LIFE.

I understand that my application will be kept on file for one year from the date it is submitted, and that I may be considered for appointment to fill any vacancies, either scheduled or unscheduled, during that time.



SIGNATURE

6/2/2008
DATE OF FILING

Please complete and return this application by 5:30 P.M. on Monday, June 2, 2008 to:

Office of the City Clerk
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Should you require additional space, please attach additional sheets to this application.

**APPLICATION FOR APPOINTMENT
TO CITY OF IMPERIAL BEACH
BOARDS, COMMITTEES & COMMISSIONS**

DESIGN REVIEW BOARD

APPLICANT MUST RESIDE WITHIN THE CORPORATE LIMITS OF THE CITY OF IMPERIAL BEACH

I hereby submit the following résumé for consideration for appointment to the
IMPERIAL BEACH DESIGN REVIEW BOARD.

NAME: DONN HALL

ADDRESS: _____

E-MAIL ADDRESS: _____

TELEPHONE: (Home) 1119 CELL _____

EDUCATION: BACHELOR OF ARCHITECTURE

OCCUPATION/PROFESSION: ARCHITECT

EMPLOYMENT: SELF: DONN HALL - ARCHITECT

RECEIVED
2008 MAR -7 P 3:54
CITY CLERK'S OFFICE

MEMBERSHIP IN CIVIC ORGANIZATIONS, SERVICE CLUBS, ETC.:

- ① CITY COUNCILMAN IS '94-'98
- ② IS PLANNING COMMISSIONER
- ③ FORMER MEMBER ARCHITECTURAL DESIGN REVIEW ADVISORY COMMITTEE
- ④ REPRESENTED IS ON METROPOLITAN TRANSIT DEVEL. BOARD '94-'91
- ⑤ CURRENT MEMBER OF KIWANIS
- ⑥ CURRENT BOYS & GIRLS CLUB BOARD MEMBER

ACHIEVEMENTS AND AWARDS (CIVIC, SCHOLASTIC OR OTHER):

VOLUNTEER OF THE YEAR - BOYS & GIRLS CLUB;
SEVERAL AS CITY COUNCILMAN
KIWANIAN OF THE YEAR

QUALIFICATIONS OR TRAINING YOU FEEL YOU POSSESS THAT WILL AID YOU IN SERVING ON THE COMMISSION, BOARD OR COMMITTEE, AND THE PEOPLE OF IMPERIAL BEACH:

PREVIOUS EXPERIENCE AS COUNCILMAN, PLANNING
COMMISSIONER TAKING TESTIMONY IN PUBLIC HEARINGS
& 30 YEARS EXP. AS AN ARCHITECT PRESENTING
PROJECTS TO COUNCIL, COMMISSION & BOARDS

STATE BRIEFLY WHY YOU ARE INTERESTED IN SERVING:

TO CONTINUE TO MAKE CONTRIBUTIONS TO OUR
COMMUNITY THAT WILL ENHANCE OUR ENVIRONMENT

I understand that my application will be kept on file for one year from the date it is submitted, and that I may be considered for appointment to fill any vacancies, either scheduled or unscheduled, during that time.


SIGNATURE

5-7-08
DATE OF FILING

Please complete and return this application by 5:30 P.M. on Monday, June 2, 2008 to:

Office of the City Clerk
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Should you require additional space, please attach additional sheets to this application.

**APPLICATION FOR APPOINTMENT
TO CITY OF IMPERIAL BEACH
BOARDS, COMMITTEES & COMMISSIONS**

DESIGN REVIEW BOARD

APPLICANT MUST RESIDE WITHIN THE CORPORATE LIMITS OF THE CITY OF IMPERIAL BEACH

I hereby submit the following résumé for consideration for appointment to the
IMPERIAL BEACH DESIGN REVIEW BOARD.

CITY MANAGER/PERSONNEL
CITY CLERK OFFICES
JUN 2 10:28

NAME: John Perno

ADDRESS: _____

E-MAIL ADDRESS: _____

TELEPHONE: (Home) _____ (Business) _____ ext. _____

EDUCATION: Mar Vista High School
Southwestern College

OCCUPATION/PROFESSION: Business Management / Consultant

EMPLOYMENT: Ye Olde Plank Inn / Various NYC Investment Banks

MEMBERSHIP IN CIVIC ORGANIZATIONS, SERVICE CLUBS, ETC.:
Imperial Beach Cert Team

ACHIEVEMENTS AND AWARDS (CIVIC, SCHOLASTIC OR OTHER):

QUALIFICATIONS OR TRAINING YOU FEEL YOU POSSESS THAT WILL AID YOU IN SERVING ON THE COMMISSION, BOARD OR COMMITTEE, AND THE PEOPLE OF IMPERIAL BEACH:

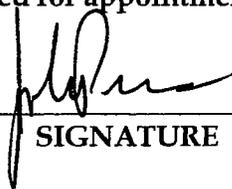
No formal training in building/architecture etc. I do have a general working understanding of planning and building construction, as well as an understanding of zoning and why it is needed. Common sense is a great qualification that I feel I can bring with me and use on the DRB

STATE BRIEFLY WHY YOU ARE INTERESTED IN SERVING:

I attend most city council meetings which is more than 99.5 % of the residents in IB, and show more involvement than most.

I'd like to become more involved and assist in positive changes for Imperial Beach.

I understand that my application will be kept on file for one year from the date it is submitted, and that I may be considered for appointment to fill any vacancies, either scheduled or unscheduled, during that time.


SIGNATURE

5/22/08
DATE OF FILING

Please complete and return this application by 5:30 P.M. on Monday, June 2, 2008 to:

Office of the City Clerk
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Should you require additional space, please attach additional sheets to this application.

Jacque Hald

From: Harold Phelps
Sent: Wednesday, May 28, 2008 11:52 AM
To: Jacque Hald
Cc: ibcclerk
Subject: Request to Resubmit DRB Application

Dear Jackie:

As I have on file a previous application for the Design Review Board that was submitted on April 3, 2008, I would like to be able to use this application for the new special vacancy posted April 28, 2008 and due June 2, 2008.

Please let me know if this will be accepted.

Thank You,

Harold E. Phelps, III AICP

2008 MAY 28 11:57

**APPLICATION FOR APPOINTMENT
TO CITY OF IMPERIAL BEACH
BOARDS, COMMITTEES & COMMISSIONS**

DESIGN REVIEW BOARD

APPLICANT MUST RESIDE WITHIN THE CORPORATE LIMITS OF THE CITY OF IMPERIAL BEACH

I hereby submit the following résumé for consideration for appointment to the
IMPERIAL BEACH DESIGN REVIEW BOARD.

NAME: HAROLD E. PHELPS

ADDRESS: _____

E-MAIL ADDRESS: _____

TELEPHONE: (Home) _____ (Business) _____

CITY OF IMPERIAL BEACH
2008 APR - 3 P 12: 4
ext.

EDUCATION: Master of City & Regional Planning Cal Poly, SLO
Bachelor of Architecture, University of Southern California

OCCUPATION/PROFESSION: City Planner

EMPLOYMENT: City of Chula Vista

MEMBERSHIP IN CIVIC ORGANIZATIONS, SERVICE CLUBS, ETC.:

American Institute of Certified Planners (AICP)
American Planning Association (APA)
Congress for the New Urbanism (CNU)
Imperial Beach Elementary School PTA

ACHIEVEMENTS AND AWARDS (CIVIC, SCHOLASTIC OR OTHER):

Supervisors Academy San Diego Regional Training Center
4 Roles of Leadership / 7 Habits for Managers Certification
10 years of Service Chula Vista Cert of Appreciation
Eagle Scout Boy Scouts Scoutmaster Troop 872

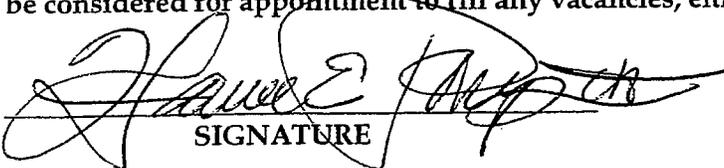
QUALIFICATIONS OR TRAINING YOU FEEL YOU POSSESS THAT WILL AID YOU IN SERVING ON THE COMMISSION, BOARD OR COMMITTEE, AND THE PEOPLE OF IMPERIAL BEACH:

Resident of Imperial Beach since January 1999
City Planner/Staff for the City of Chula Vista
Design Review Committee since November 1998
Prepare Staff Reports, Analysis of Design Compliance
w/ Design Manuals, Specific Plans, Master Plan Development Studies

STATE BRIEFLY WHY YOU ARE INTERESTED IN SERVING:

I want to play a role in ensuring that I. B. receives high quality architectural design, site planning, landscaping, general overall aesthetics in future redevelopment/urban infill projects that will shape and pave the way towards the future beautification and hoped for revitalization of Imperial Beach's commercial residential and mixed-use districts/neighborhoods

I understand that my application will be kept on file for one year from the date it is submitted, and that I may be considered for appointment to fill any vacancies, either scheduled or unscheduled, during that time.


SIGNATURE

4/3/08
DATE OF FILING

Please complete and return this application by 5:30 P.M. on Monday, April 7, 2008 to:

Office of the City Clerk
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Should you require additional space, please attach additional sheets to this application.

**APPLICATION FOR APPOINTMENT
TO CITY OF IMPERIAL BEACH
BOARDS, COMMITTEES & COMMISSIONS**

DESIGN REVIEW BOARD

APPLICANT MUST RESIDE WITHIN THE CORPORATE LIMITS OF THE CITY OF IMPERIAL BEACH

I hereby submit the following résumé for consideration for appointment to the
IMPERIAL BEACH DESIGN REVIEW BOARD.

NAME: Mary Teresa

ADDRESS: _____

E-MAIL ADDRESS: _____

TELEPHONE: (Home) _____ (Business) _____

EDUCATION: High School graduate

OCCUPATION/PROFESSION: Recordable Document Spec II

EMPLOYMENT: San Diego County - Recorder's Office

MEMBERSHIP IN CIVIC ORGANIZATIONS, SERVICE CLUBS, ETC.:
Church of Jesus Kingdom

ACHIEVEMENTS AND AWARDS (CIVIC, SCHOLASTIC OR OTHER):

RECEIVED
2008 MAY -5 P 4: 38
CITY MANAGER
CITY CLERK OF FILES

QUALIFICATIONS OR TRAINING YOU FEEL YOU POSSESS THAT WILL AID YOU IN SERVING ON THE COMMISSION, BOARD OR COMMITTEE, AND THE PEOPLE OF IMPERIAL BEACH:

12 years living in I.B. - I have worked in the County Assessor's office for 4½ years and the Recorder's Office for 6½ years. I am a practical, down-to-earth ^{person} who would be a voice for all citizens of I.B.

STATE BRIEFLY WHY YOU ARE INTERESTED IN SERVING:

I am interested in helping this city be the perfect place to live and raise a family.
I am concerned about affordable housing and environmental issues.
I want to give back to my community!

I understand that my application will be kept on file for one year from the date it is submitted, and that I may be considered for appointment to fill any vacancies, either scheduled or unscheduled, during that time.


SIGNATURE

5/5/08
DATE OF FILING

Please complete and return this application by 5:30 P.M. on Monday, June 2, 2008 to:

Office of the City Clerk
City of Imperial Beach
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

Should you require additional space, please attach additional sheets to this application.



STAFF REPORT CITY OF IMPERIAL BEACH

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

MEETING DATE: JUNE 18, 2008

ORIGINATING DEPT.: FINANCE DEPARTMENT

SUBJECT: ADOPT ADJUSTMENTS TO FISCAL YEAR 2007-2009 OPERATING BUDGETS FOR THE CITY OF IMPERIAL BEACH AND THE IMPERIAL BEACH REDEVELOPMENT AGENCY, ADOPT CITY'S APPROPRIATION LIMIT, AND ADOPT BUDGET POLICES

BACKGROUND:

Since Fiscal Year 2002/2003, the City has adopted two-year operating budgets for the City and the Redevelopment Agency. This report suggests modifications to update the operating budgets for items such as revenue fluctuations, increased fuel costs, and corrections to the approved Fiscal Year 2007-2009 Budget. The attached resolution also adopts the City's Gann appropriation limit for Fiscal Year 2008-2009 and recommends adoption of budget authorization policies.

DISCUSSION:

The City approved the Fiscal Year 2007-2009 budget in June 2007. This report recommends adjustments to the budget to more accurately reflect current conditions and eliminate inconsistencies. The attached resolution also defines the budget authority of the Council and the City Manager. The budget authority policies state that the City Council approves the original budget, all capital improvement projects, and all changes in staffing levels. The City Manager can adjust a fund budget by up to \$25,000 for a single transaction but no more than \$50,000 total. Any adjustment above \$25,000 must be approved by the City Council.

The attached resolution also sets the City's appropriation limit. Each year the City adopts the "Gann" appropriation limit in accordance with Article XIIB of the California Constitution. This voter approved proposition limits the growth in tax related proceeds to population growth, inflation, and/or non-residential assessed value growth. The City of Imperial Beach appropriations subject to the limit is \$7,834,586, well under the Gann tax limit of \$18,330,903.

FISCAL IMPACT:

Fiscal Year 2008-2009: The changes for fiscal year 2008-09 are listed on Attachment 1. The majority of the changes are minor such as: transfers to move tax increment proceeds from debt service funds to redevelopment operations; adjustments to match JURMP offsets with JURMP expenses; and updates to transfers from Prop A and Gas Tax Funds into the City's Street Maintenance program. More substantive changes relate to the changes in the economy. These changes include: lower projected document transfer taxes due to lower volume of property sales; an adjustment to the Vehicle Fund's fuel budget; and adjustments to Sewer revenues matching recent rate adjustments.

Fiscal Year 2007-2008: The following items are requested adjustments to "clean up" the current year budget:

Army Corp Sand Grant (\$50,000): The City has received additional funding related to this project. The action would formally approve the additional grant revenues and expense budgets.

RDA Revenue/Debt Transfers - Proceeds from redevelopment tax increment collections are first placed in the redevelopment debt fund to pay any debt obligations. Years of accumulated revenues are in the debt fund and need to be transferred to the redevelopment operating and capital programs.

Façade Improvement Budget (\$100,000) – The approved 5 Year Capital Improvement Program increases this program by \$100,000 for Fiscal Year 2008-2009. Staff is requesting that Council approve the \$100,000 in the current fiscal year to avoid delays to a number of projects.

Original Sewer Budget (\$189,665) – The employee costs in the originally Adopted FY 2007-2008 Sewer Budget were misstated. This resulted in approving about half the employee cost from the prior year. This adjustment would correct the budget.

Truck Purchase (\$275,600): City Council approved the purchase of a sewer truck in Fiscal Year 2006-2007. The truck was delivered well into Fiscal Year 2007-08. This adjustment approves the appropriations to be carried over from the prior fiscal year.

Sewer Treatment Costs (\$60,000) – Sewer treatment costs from the City of San Diego have risen sharply from the previous year. The cost for sewer treatment in Fiscal Year 2007-2008 totals \$2.2 million, causing an overrun of \$60,000.

Junior Lifeguard Program (\$30,000) – The Junior Lifeguard Programs is supported from fee revenues. The program has not been formally budgeted in the current year. Staff is requesting a budget be formally adopted to offset salary costs, supply costs, and equipment costs.

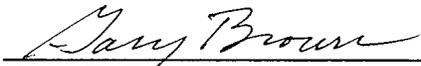
Other (\$20,000): Staff is requesting that the Finance Department Budget be adjusted to offset the cost of the street condition report and temporary staffing costs. Also, the Mayor/Council budget needs to be adjusted due to a benefit correction related to prior years. These onetime costs will be funded from existing resources in the non-departmental budget.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution Nos. 2008-6651 and R-08-154 approving the adjustments to the Fiscal Year 2007-2009 City of Imperial Beach Operating Budgets and the Imperial Beach Redevelopment Agency Budgets.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary R. Brown, City Manager

Attachments:

Attachment 1: Resolution No. 2008-6651

Attachment 2: Resolution No. R-08-154

Attachment 3: Exhibit A - Summary of Changes

Exhibit B- Appropriation Limit Pursuant to Article XIIB

RESOLUTION NO. 2008-6651

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH,
CALIFORNIA, AMENDING FISCAL YEAR 2007-2009 BUDGETS, ESTABLISHING THE
GANN LIMIT, AND ESTABLISHING BUDGET AUTHORIZATION POLICIES**

WHEREAS, the City Council on June 20, 2007 approved Resolution 2007-6502 adopting a Two Year Budget including Fiscal Year 2008-09; and

WHEREAS, new and updated information is now available; and

WHEREAS, the City Council desires to establish budget controls to assure financial accountability; and

WHEREAS, Prop 4 (commonly known as the Gann Spending Initiative) created Article XIII B of the State Constitution placing limits on the amount of revenue which can be spent by the City; and

WHEREAS, the City is annually required to calculate their Spending Limit and their appropriations subject to that limit; and

WHEREAS, the City recalculated the Gann Spending Limit and the Calculation of Proceeds of Taxes from the 1978/1979 "base year" through the 2007/2008 fiscal year as shown in attachment to this resolution.

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

- A. The changes to the FY2007-2009 Budgets as shown on Exhibit A are hereby approved
- B. Sections 1 through 7 below, which define the authority and responsibilities of the City Manager in implementing the Amended Budget, are hereby approved.
- C. Sections 8 establishing the City of Imperial Beach's appropriation limit is hereby approved.

SECTION 1. SCOPE

- 1.1 This resolution defines the authority and responsibilities of the City Manager in implementing the Approved Budget of the City of Imperial Beach.

SECTION 2. DEFINITIONS

2.1 "Approved Budget" includes the following documents:

- (1) The Adopted Fiscal Year 2007-2009 Approved Budget as amended by the City Council

2.2 "City Manager" means the City Manager or, if so designated, the Director of Finance

SECTION 3. AUTHORIZED STAFFING APPROPRIATIONS

- 3.1 The City Manager is authorized to make any expenditure and resource adjustments to the Approved Budget based on final City Council action to adopt the Budget.
- 3.2 The City Manager is authorized to establish the appropriations and staffing as shown in schedules contained in the Updated Budget document.
- 3.3 All increases or decreases in excess of \$25,000 to operating or capital appropriations shall be approved by the City Council by resolution. No increase in appropriations shall be made which would create a negative undesignated fund balance in any fund.
- 3.4 The City Council approves all capital improvement projects
- 3.5 Operating appropriation transfers within the same department and fund must be approved by the City Manager.

SECTION 4. STAFFING INCREASES/DECREASES

- 4.1 Any increase or decrease, by department by fund, in staffing must be approved by the City Council.

SECTION 5. UNSPENT APPROPRIATIONS AND ENCUMBRANCES

- 5.1 All appropriations in the operating budget, which remain unencumbered or unexpended on June 30, 2008, shall revert to the fund balance of the respective funds.
- 5.2 All purchase order commitments outstanding on June 30, 2008 and associated appropriations are hereby continued.

SECTION 6. MIDYEAR FINANCIAL REPORT

- 6.1 The City Council shall be provided a Midyear Financial Report including a revised estimate of the financial condition of all funds, prior year actual fund balances, revised estimated revenues and expenditures, projected ending fund balances or deficits, and recommendations for eliminating any projected fund deficits.

SECTION 7. MISCELLANEOUS CONTROLS/CONSIDERATIONS

- 7.1 No expenditures at the department level shall exceed the Approved or Amended Budget, by fund
- 7.2 The City Manager is authorized to adjust budgets for changes to Grant funded programs.

SECTION 8. APPROPRIATION LIMITS

- 8.1 The appropriation limit and the appropriations subject to the limit are hereby amended pursuant to Article XIII B of the California Constitution detailed on Exhibit B.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 18th day of June 2008, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. 2008-6651 – A Resolution of the City Council of the City of Imperial Beach, California, AMENDING FISCAL YEAR 2007-2009 BUDGETS, ESTABLISHING THE GANN LIMIT, AND ESTABLISHING BUDGET AUTHORIZATION POLICIES

CITY CLERK

DATE

**RESOLUTION NO. R-08-154
A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL
BEACH, CALIFORNIA, AMENDING THE FISCAL YEAR 2007-09 BUDGETS**

WHEREAS, the City Council on June 20, 2007 approved Resolution 2007-6502 adopting a Two Year Budget including Fiscal Year 2008-09; and

WHEREAS, new and updated information is now available;

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Imperial Beach as follows: the changes to the FY2008-2009 Budget relating to the Imperial Beach Redevelopment Agency, as shown on Exhibit A, are hereby approved

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 18th day of June 2008, by the following roll call vote:

**AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:**

**JAMES C. JANNEY
CHAIRPERSON**

ATTEST:

**JACQUELINE M. HALD, CMC
SECRETARY**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and correct copy of Resolution No. R-08-154 – A Resolution of the Redevelopment Agency of the City of Imperial Beach, California, AMENDING THE FISCAL YEAR 2007-09 BUDGETS.

CITY CLERK

DATE

Exhibit A: Summary of Changes

Summary of Revenue Changes to Fiscal Year 2008-09

Ty	Fu	Account	Original FY 2008-09	Revised FY 2008-09	Change	
Revenue						
GENERAL FUND						
		315.60-03 DOCUMENTARY TRANSFER TX	108,200	68,200	(40,000)	Lower Property Turnover
		336.40-01 BOOKING FEES	70,000	0	(70,000)	Revenues now go to County
		343.30-02 SWEETWATER (SUHSD)	68,616	58,000	(10,616)	Adj to Contract
		381.90-01 ABC CHARGES	1,960,422	1,988,077	27,655	Corrects Revenue Schedule
		391.90-02 TRANSFER IN-GAS TAX FUND	578,700	499,575	(79,125)	Corrects Revenue Schedule
		391.90-03 TRANSFER IN-PROP "A" FUND	230,250	224,000	(6,250)	Corrects Revenue Schedule
		GENERAL FUND Total	3,016,188	2,837,852	(178,336)	
RDA PA#1 CIP-OPERATIONS						
		391.90-06 TRANSFER IN-RDA FUNDS	0	7,200,000	7,200,000	Moves TI Rev to RDA Oper.
		RDA PA#1 CIP-OPERATIONS Total	0	7,200,000	7,200,000	
RDA PA#1 DEBT SERVICE						
		391.90-06 TRANSFER IN-RDA FUNDS	0	1,350,750	1,350,750	Transfer from PA#2
		RDA PA#1 DEBT SERVICE Total	0	1,350,750	1,350,750	
RESIDENTIAL CONSTRUCTION						
		322.73-05 RESIDENTIAL CONSTRUCTION	47,400	27,400	(20,000)	Lower anticipated Revenue
		RESIDENTIAL CONSTRUCTION Total	47,400	27,400	(20,000)	
RISK MANAGEMENT FUND						
		345.70-02 SELF-INSURANCE/RISK MGMT	560,899	555,880	(5,019)	Corrects Revenue Schedule
		361.80-01 ALLOCATED INTEREST	0	50,000	50,000	
		RISK MANAGEMENT FUND Total	560,899	605,880	44,981	
SEWER ENTERPRISE FUND						
		346.70-01 SEWER-BLDG PERMIT FEES	8,000	2,000	(6,000)	Adjusts to Actual Results
		346.70-02 NOLF-REAM FLD- SEWER FEES	38,400	50,000	11,600	Adjusts to Actual Results
		346.70-03 COUNTY SEWER COLLECTIONS	4,120,000	3,433,000	(687,000)	Adjusts to Actual Results
		346.70-04 SEWER FEES-SPECIAL BILLED	169,000	135,000	(34,000)	Adjusts to Actual Results
		346.70-05 SEWER CAPACITY FEES	23,800	15,000	(8,800)	Adjusts to Actual Results
		SEWER ENTERPRISE FUND Total	4,359,200	3,635,000	(724,200)	
TECHNOLOGY/COMMUNICATIONS						
		345.70-03 TECHNOLOGY/COMM REPLACE	336,964	335,479	(1,485)	Corrects Revenue Schedule
		TECHNOLOGY/COMMUNICATIONS Total	336,964	335,479	(1,485)	
VEHICLE REPLACEMENT/MAINT						
		345.70-01 FMP VEH REPLACE/MAINT	241,695	360,063	118,368	Corrects Revenue Schedule
		VEHICLE REPLACEMENT/MAINT Total	241,695	360,063	118,368	
		Revenue Total	8,562,346	16,352,424	7,790,078	
		Grand Total	8,562,346	16,352,424	7,790,078	

Summary of Expense Changes to Fiscal Year 2008-09

DE	Dept	Original FY 2008-09	Revised FY 2008-09	Change	Description
Expense					
Employee Costs					
	101-1010 GENERAL FUND MAYOR/CITY COUNCIL	5,300	27,300	22,000	Health Benefit Change
	101-1110 GENERAL FUND CITY MANAGER	175,900	126,311	(49,589)	Position Transfer
	101-1130 GENERAL FUND PERSONNEL	107,600	132,050	24,450	Position Transfer
	101-3040 GENERAL FUND BUILDING AND HOUSING INSP	157,500	180,830	23,330	Midyear Adjustment
	245-1240 RDA PA#1 LOW/MOD HOUSING LOW/MOD HOUSING PA#1	18,500	34,729	16,229	Adj for Intern Costs
	601-5060 SEWER ENTERPRISE FUND FACILITIES - SEWER/STORM	116,700	316,511	199,811	Corrects Error
	Employee Costs Total	681,600	817,731	236,231	
Other Costs					
	101-1010 GENERAL FUND MAYOR/CITY COUNCIL	(1,769)	(1,815)	(46)	JURMP Correction
	101-1020 GENERAL FUND CITY CLERK	(3,366)	(3,423)	(57)	JURMP Correction
	101-1130 GENERAL FUND PERSONNEL	(333)	(335)	(2)	JURMP Correction
	101-1210 GENERAL FUND ADMINISTRATIVE SERVICES	(25,549)	(6,049)	19,500	JURMP Correction
	101-1920 GENERAL FUND NON DEPARTMENTAL	105,000	654,874	549,874	Correct Transfers
	101-3010 GENERAL FUND LAW ENFORCEMENT CONTRACT	105,394	0	(105,394)	Remove Booking Fees
	101-3020 GENERAL FUND FIRE PROTECTION	(102,646)	(99,657)	2,989	JURMP Correction
	201-5015 GAS TAX FUND STREET/GAS TAX FUNDING	578,700	499,575	(79,125)	Correct Transfers
	202-5016 PROP "A" (TRANSNET) FUND STREET/PROP A FUNDING	755,250	224,000	(531,250)	Correct Transfers
	302-1251 RDA PA#2 DEBT SERVICE RDA DEBT SERVICE PA#2	0	8,550,750	8,550,750	Move TI Revenue to Funds
	501-1921 VEHICLE REPLACEMENT/MAINT VEHICLE REPLACEMENT	185,000	226,000	41,000	Fuel Cost Increase
	Other Costs Total	1,596,681	10,043,920	8,448,239	
	Total Expense Changes	2,177,181	10,861,651	8,684,470	

Summary of Changes to Fiscal Year 2007-2008

	Current FY 2007-08	Proposed FY 2007-08	Change
Army Corp Sand Grant			
101-1230-561-20-08	\$ 339,000	\$ 389,000	\$ 50,000
101-0000-Revenue	\$ 339,000	\$ 389,000	\$ 50,000
RDA Revenue/Debt Transfers			
Transfers In:			
301-0000-391-90-06	\$ 158,000	\$ 3,918,064	\$3,760,064
405-0000-391-90-06	\$ 12,760	\$ 2,076,469	\$2,063,709
2450000-391-90-05	\$ -	\$ 979,516	\$ 979,516
	\$ 170,760	\$ 6,974,049	\$6,803,289
Transfers Out:			
302-1251-413-90-01	\$ -	\$ 5,579,239	\$5,579,239
246-1241-413-90-01	\$ -	\$ 979,516	\$ 979,516
301-1250-413-90-01	\$ -	\$ 415,294	\$ 415,294
	\$ -	\$ 6,974,049	\$6,974,049
Façade Improvement			
405-1260-513-20-06	\$ 350,000	\$ 450,000	\$ 100,000
(Appropriations from FY 2008-09 CIP)			
Original Sewer Budget			
601-5060-436-xx-xx	\$ 143,216	\$ 332,881	\$ 189,665
Truck Purchase			
501-1921-419-50-04	\$ 43,700	\$ 319,300	\$ 275,600
Sewer Treatment Costs			
601-5060-436-21-04	\$ 2,179,043	\$ 2,239,043	\$ 60,000
Junior Lifeguard Program			
101-xxxx-xxx-xx-xx	\$ -	\$ 30,000	\$ 30,000
Mayor Council			
101-1010-411-11-03	\$ 6,725	\$ 16,725	\$ 10,000
101-1920-419-29-04	\$ 85,530	\$ 75,530	\$ (10,000)
Finance Department			
101-1920-419-29-04	\$ 35,000	\$ 45,000	\$ 10,000
	\$ 75,530	\$ 65,530	\$ (10,000)

Exhibit B: Appropriation Limit Pursuant to Article XIII B

	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09
LAST YEAR'S LIMIT	14,850,594	15,694,262	16,469,123	17,283,044
ADJUSTMENT FACTORS				
1. Population %	1.0040	1.0094	1.0050	1.0170
2. Per Capita Income %	1.0526	1.0396	1.0442	1.0429
Total Adjustment %	1.0568	1.0494	1.0494	1.0606
ANNUAL ADJUSTMENT \$	843,668	774,861	813,921	1,047,859
OTHER ADJUSTMENTS:				
Lost Responsibility (-)	-	-	-	-
Transfer to private (-)	-	-	-	-
Transfer to fees (-)	-	-	-	-
Assumed Responsibility (+)	-	-	-	-
Sub Total	-	-	-	-
TOTAL ADJUSTMENTS	843,668	774,861	813,921	1,047,859
THIS YEAR'S LIMIT	15,694,262	16,469,123	17,283,044	18,330,903
Appropriations Subject to Limit	7,288,628	7,997,027	7,758,993	7,834,586
<Under Appropriation Limit>	(8,405,635)	(8,472,097)	(9,524,051)	(10,496,317)



STAFF REPORT CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 18, 2008

ORIGINATING DEPT.: FINANCE DEPARTMENT

SUBJECT: UPDATE ON THE FINANCIAL STATUS OF THE CITY'S
GENERAL FUND

BACKGROUND:

The City Council has requested that staff provide quarterly financial updates. This report is a summary of the status of the City's General Fund as of June 1, 2008. More comprehensive reports will be developed for the Council's review for the first fiscal quarter of 2008-2009.

FISCAL ANALYSIS:

Attached are a series of financial reports that recap the financial condition of the City's General Fund. In summary, the current year is relatively in balance in that savings in expenditures will offset lower revenue collections. The five year forecast projects that inflationary expense growth will outpace tax rate growth and will erode current operating margins within 3 years. State Budget hits would further strain General Fund resources.

Attachment 1 General Fund Expenditures: This report compares the current Fiscal Year 2007-2008 Budget with all expenditures posted into the accounting system as of June 1, 2008. The report shows the potential of savings relative to labor costs. Approximately 89% of the labor year has elapsed whereas actual labor costs represent only 85.2% of the budget. The City is running slightly under budget and it is projected that there will be a potential savings of \$0.2 million.

All other non-labor costs are at 58% of the current budget as of June 1. Additional costs will be posted in June. The largest posting will be for law enforcement services (\$2.5 million, 6 months). It is projected that a savings in other costs could total \$1.0 million.

Attachment 2 General Fund Revenues: This report compares the current Fiscal Year 2007-2008 Revenue Budget with actual booked revenue as of June 1, 2008. This report

states that actual revenues total 84% of the revenue budget. Additional posting will be made in June. The largest of the postings will be for the final quarter of service billings to the Port of San Diego (\$0.8 million) and the General Funds portion of the Property Tax pass-thru revenues (\$0.4 million). It is projected that the General Fund revenues will be under budget by approximately \$1.0 million. This is due to primarily to an unrealistic budget for transfers from the Gas Tax and Prop A funds to offset General Fund costs related to Street Maintenance (\$0.6 million).

Attachment 3 General Fund Expenditures by Department: This report compares operating department budgets with actual expenses through June 1, 2008.

Attachment 4 General Fund 5 Year Forecast: This report provides an estimate of the financial status of the General Fund over the next five years. The purpose of this projection is to identify trends and an "order of magnitude" to fund existing levels of service. It is based on a set of assumptions, some of which will assuredly change in the future. Thus, the forecast should be used as a guide as to the financial direction the City is headed and not as an absolute prediction.

This projection assumes limited tax growth potential. This is due to the fact that our General Fund Property Tax is frozen (due to the formation of the RDA) and sales tax per capita is one of the lowest in the state. Two tax sources have the potential for some growth: VLF in Lieu and Transient Occupancy Tax. Growth in the VLF in Lieu revenues is dependent on assessed value growth. Later this month we will know the actual change in assessed value. The County Assessor has projected a 3.5% growth for Imperial Beach. Given today's housing market, it is difficult to project what will be the growth in assessed value in the future years. Transient Occupancy Tax will grow with the new hotel.

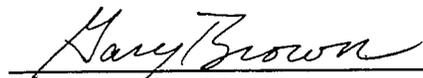
The forecast projects that the General Fund tax revenues will not be sufficient to keep up with inflationary increases in expenditures. Law enforcement costs are projected to increase at a faster pace than tax revenues. This projection is also before any potential "hits" due to the State budget problems. This will further exacerbate the problem.

DEPARTMENT RECOMMENDATION:

It is respectfully requested that the City Council receive and file this report.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

- Attachment 1: General Fund Expenditures
- Attachment 2: General Fund Revenues
- Attachment 3: General Fund Expenditures by Department
- Attachment 4: General Fund 5 Year Forecast

General Fund Expenditures

Transactions Entered Into H.T.E as of June 1, 2008, 89.3% Labor Year Elapsed

Fiscal YR

Fund Description

Fund	Expense Type	Object Description	Budget	Actual	Difference	% Used	
101	Employee Costs	SALARIES FULL-TIME	2,839,424	2,437,877	401,547	86%	
		SALARIES PART-TIME	745,200	617,210	127,990	83%	
		COUNCIL/RDA BOARD PAY	13,800	14,034	(234)	102%	
		OVERTIME	108,350	92,579	15,771	85%	
		PERS-CITY PORTION	496,616	401,795	94,821	81%	
		PERS-EMPLOYEE PORTION	121,246	114,155	7,091	94%	
		SECTION 125 CAFETERIA	424,783	361,334	63,449	85%	
		FICA	305,728	246,980	58,748	81%	
		FLSA WAGES	-	13,673	(13,673)	#DIV/0!	
		LIFE INSURANCE	5,600	5,611	(11)	100%	
		MGT MEDICAL REIMBURSEMENT	2,940	2,590	350	88%	
		AUTO ALLOWANCE	20,283	18,384	1,899	91%	
		CELL PHONE ALLOWANCE	2,800	1,903	898	68%	
		UNEMPLOYMENT INSURANCE	51,583	46,934	4,649	91%	
		WORKER'S COMP INSURANCE	12,480	12,480	-	100%	
	Employee Costs Total		5,150,833	4,387,538	763,295	85%	89.3% Labor Year Elapsed
	Other Costs	ABC-CHARGES	1,869,523	1,869,523	-	100%	
		ADMINISTRATION CHARGES	2,742	218	2,524	8%	
		ADVERTISING	23,200	8,742	14,458	38%	
		ATTORNEY SERVICES	100,250	90,545	9,705	90%	
		ATTORNEY SERVICES-OTHER	100,000	-	100,000	0%	No cost, County pays
		BOOKING FEES	102,324	(14,172)	116,496	-14%	
		BUILDING CONSTRUCTION	6,000	5,527	474	92%	
		COMMUNITY PROGRAMS	5,100	5,000	100	98%	
		CONTRACTS-ELECTIONS	1,000	531	469	53%	
		CONTRACTS-POSTAGE MACHINE	7,000	-	7,000	0%	
		COPIER LEASES	11,700	15,476	(3,776)	132%	
		COROVAN STORAGE	1,500	-	1,500	0%	
		DESIGN SERVICES	468	-	468	0%	
		EMPLOYEE RECOGNITION AWRD	8,700	7,124	1,576	82%	
		EQUIPMENT	108,451	53,096	55,355	49%	
		FEES & LICENSES	1,600	354	1,246	22%	
		FIRE EXTINGUISHER SERVICE	1,750	25	1,725	1%	
		GAS & ELECTRIC (SDG&E)	190,900	144,312	46,588	76%	
		INSURANCE PREMIUM/DEPOSIT	41,475	-	41,475	0%	
		JURMP COSTS	(25)	(25)	-	100%	
		MAINTENANCE & REPAIR	74,020	38,628	35,392	52%	
		MEMBERSHIP DUES	37,480	21,798	15,682	58%	
		MILEAGE REIMBURSEMENT	1,950	607	1,343	31%	
		NUISANCE ABATEMENT CHARGE	1,500	-	1,500	0%	
		OES/DOJ FEDERAL PROGRAM	15,000	128	14,872	1%	
		OFFICE SUPPLIES	31,964	23,662	8,302	74%	
		OPERATING SUPPLIES	195,948	127,723	68,225	65%	
		OTHER SERVICES & CHARGES	130,250	23,075	107,175	18%	
		PEST CONTROL SERVICE	4,525	2,714	1,811	60%	
		PLAN CHECK SERVICES	8,000	410	7,590	5%	
		POSTAGE & FREIGHT	8,700	13,256	(4,556)	152%	
		PRINTING SERVICES	22,044	9,942	12,102	45%	
		PROFESSIONAL SERVICES	5,565,640	2,685,600	2,880,040	48%	1/2 yr Law Enf. billings posted
		PUBLIC WORKS ADMIN	142,001	142,001	-	100%	
		RCS PROGRAM	122,821	89,543	33,278	73%	
		REIMBURSE JURMP COSTS	(426,115)	(426,115)	-	100%	
		RENT-EQUIPMENT	5,200	612	4,588	12%	
		RENT-FACILITIES	-	2,264	(2,264)	#DIV/0!	
		RENT-UNIFORMS	32,075	17,441	14,634	54%	
		SECURITY & ALARM	1,600	2,335	(735)	146%	
		SMALL TOOLS/NON-CAPITAL	8,100	2,617	5,483	32%	
		STREET SWEEPING SERVICE	2,100	-	2,100	0%	
		SUBSCRIBE & PUBLICATIONS	8,946	3,781	5,165	42%	
		TECHNICAL SERVICES	752,451	366,909	385,542	49%	Animal Control, Fire Communications
		TEMPORARY STAFFING	154,188	133,936	20,252	87%	
		THIRD PARTY ADMIN (W/C)	-	1,733	(1,733)	#DIV/0!	
		TRAFFIC CONTROL	27,500	25,136	2,364	91%	
		TRAINING & EDUCATION-MOU	20,200	6,061	14,139	30%	
		TRANSFER OUT	(15,168)	(2,096)	(13,072)	14%	
		TRAVEL, TRAINING, MEETING	65,590	43,083	22,507	66%	
		UTILITIES-CELL PHONES	14,955	9,987	4,968	67%	
		UTILITIES-SEWER	3,600	-	3,600	0%	
		UTILITIES-TELEPHONE	45,840	25,146	20,694	55%	
		UTILITIES-WATER	43,975	43,599	376	99%	
		VEHICLE ABATEMENT CHARGES	1,500	-	1,500	0%	
		VEHICLE OPERATE-FUEL/OIL	25,000	-	25,000	0%	
		WORKORDER MATERIALS	-	-	-	#DIV/0!	
		DOT-CALTRANS	-	64,353	(64,353)	#DIV/0!	Grant Related
		PROP 50 COASTAL NON POINT	150,000	83	149,917	0%	Grant Related
		B and WW Sand Replen	-	54,000	(54,000)	#DIV/0!	Grant Related
		WORKORDER EQUIPMENT	-	-	-	#DIV/0!	Grant Related
		PARK CIP	17,865	-	17,865	0%	
	Other Costs Total		9,884,903	5,740,227	4,144,676	58%	
101	Total General Fund Expenses		15,035,736	10,127,765	4,907,971	67%	

Fiscal 2008
 Fund D GENERAL FUND REVENUE

Fund	Balance Sheet	Account	Budget	Actual	Difference	% Used	
101	Revenue	311.60-01 1% GENERAL PURPOSE TAX	(1,803,048)	(1,721,487)	(81,561)	95%	Add'l amount will be received
		311.60-02 AB1290 RDA PASS-THRU	(363,024)	-	(363,024)	0%	Will be received at yr end
		311.60-03 TIJUANA SLOUGH	(7,000)	-	(7,000)	0%	Will be received at yr end
		311.60-04 VLF ADJ- R & T CODE 97.70	(2,100,000)	(2,190,075)	90,075	104%	
		311.60-05 SALES TAX ADJ-PROP 57	(179,742)	(208,869)	29,127	116%	
		313.40-01 7.75% SALES TAX (1% CITY)	(680,300)	(551,632)	(128,668)	81%	Additional month to be posted
		313.60-02 PROP 172: .5% SALES TAX	(126,700)	(109,300)	(17,400)	86%	
		315.60-03 DOCUMENTARY TRANSFER TX	(105,000)	(32,564)	(72,436)	31%	Will not make budget
		316.70-49 TRANSIENT OCCUPANCY TAX	(254,800)	(163,993)	(90,807)	64%	Will not make budget
		318.10-05 SOLID WASTE (EDCO)	(197,700)	(185,948)	(11,752)	94%	
		318.10-10 GAS & ELECTRIC (SDG&E)	(159,300)	(149,628)	(9,672)	94%	
		318.10-15 CABLE (COX CABLE)	(285,800)	(292,139)	6,339	102%	
		318.10-20 WATER (CAL AMERICAN)	(74,300)	(70,383)	(3,917)	95%	
		318.10-25 SEWER (I.B. ENTERPRISE)	(212,400)	(212,400)	-	100%	
		321.72-10 BUSINESS LICENSE	(265,200)	(268,192)	2,992	101%	
		322.73-01 BUILDING PERMITS	(204,300)	(124,642)	(79,658)	61%	
		322.73-02 PLUMBING PERMITS	(18,400)	(15,544)	(2,856)	84%	
		322.73-03 ELECTRICAL PERMITS	(22,500)	(16,528)	(5,972)	73%	
		322.73-04 MECHANICAL PERMITS	(6,700)	(5,678)	(1,022)	85%	
		323.71-01 INSPECTION FEE	(165,000)	(181,007)	16,007	110%	
		324.72-20 ANIMAL LICENSES	(13,000)	(12,774)	(226)	98%	
		324.72-30 BICYCLE LICENSES	-	(40)	40	#DIV/0!	
		324.73-01 MISCELLANEOUS PERMITS	-	(12,649)	12,649	#DIV/0!	
		324.73-05 BUILDING-GRADING PERMITS	(800)	-	(800)	0%	
		325.73-06 SPECIAL EVENT PERMIT FEES	(50,000)	(28,078)	(21,922)	56%	
		332.40-01 VLF REVENUE	(180,000)	(111,744)	(68,256)	62%	State will pay in September
		333.40-01 OFF-HIGHWAY VEHICLE LIC	(700)	-	(700)	0%	
		334.40-01 STATE OF CALIFORNIA GRANT	(14,989)	(81,791)	66,802	546%	
		334.40-02 DEPT OF BOATING/WATERWAYS	-	(54,000)	54,000	#DIV/0!	
		334.40-05 CLEAN BEACH GRANT	-	-	-	#DIV/0!	
		334.40-06 CALTRANS	-	(24,162)	24,162	#DIV/0!	
		335.40-01 STATE MANDATED COST REIMB	(60,000)	(55,595)	(4,405)	93%	
		336.40-01 BOOKING FEES	(70,000)	-	(70,000)	0%	County now receives State funding
		337.50-01 FEDERAL GRANTS	(152,815)	(77,701)	(75,114)	51%	
		338.60-02 VEHICLE ABATEMENT (AVA)	(51,000)	(32,606)	(18,394)	64%	
		338.60-03 VEHICLE IMPOUND FEE	(25,000)	(8,172)	(16,828)	33%	
		341.74-01 BUILDING PLAN CHECK	(102,490)	(67,125)	(35,365)	65%	
		341.74-02 PLANNING PLAN CHECK FEE	(2,034)	-	(2,034)	0%	
		341.74-03 PLANNING & ZONING	(119,101)	(172,412)	53,311	145%	
		342.20-01 OTHER PORT REIMBURSE	(30,000)	(30,430)	430	101%	
		342.20-02 LAW ENFORCEMENT (21%)	(1,223,117)	(917,338)	(305,779)	75%	one more quarterly billing
		342.20-03 FIRE SERVICES (8%)	(167,424)	(125,568)	(41,856)	75%	one more quarterly billing
		342.20-04 OCEAN BEACH (100%)	(1,192,668)	(899,778)	(292,890)	75%	one more quarterly billing
		342.20-05 TIDELANDS (100%)	(802,000)	(636,983)	(165,017)	79%	one more quarterly billing
		342.20-06 ANIMAL CONTROL (12.7%)	(25,616)	(19,212)	(6,404)	75%	one more quarterly billing
		343.30-02 SWEETWATER (SUHSD)	(68,616)	(43,545)	(25,071)	63%	
		344.75-02 CITY CLERK MAPS/PUB.	(300)	(894)	594	298%	
		344.75-03 BUILDING MAPS/PUBLICATION	(1,030)	(621)	(409)	60%	
		344.75-04 COMM DEV MAPS/PUB.	(100)	(50)	(50)	50%	
		344.76-01 COMM DEV ADMIN FEES	(500)	-	(500)	0%	
		344.76-03 FINANCE ADMIN FEES	(12,528)	(6,907)	(5,622)	55%	
		344.76-04 BUILDING ADMIN FEES	(867)	(2,025)	1,158	234%	
		344.77-01 PICNIC SHELTER FEE	(900)	(835)	(65)	93%	
		344.77-02 BALL FIELD RENTAL FEES	-	(3,350)	3,350	#DIV/0!	
		344.77-03 AIR JUMP FEES	(1,722)	(1,296)	(426)	75%	
		344.77-04 AFTER-SCHOOL RECREATION	-	(25)	25	#DIV/0!	
		344.77-05 ADULT SPORTS PROGRAMS	(1,632)	(840)	(792)	51%	
		344.77-06 SPORTS PARK PROGRAM FEES	(1,407)	(1,044)	(363)	74%	
		344.77-07 BEVERAGE VENDOR SERVICES	(122)	-	(122)	0%	
		345.77-01 SENIOR CENTER PROGRAMS	(442)	(442)	-	100%	
		351.78-01 PARKING CITATIONS	(148,000)	(122,249)	(25,751)	83%	
		351.78-02 ORDINANCE CIVIL PENALTY	(114,094)	(57,263)	(56,831)	50%	
		352.78-01 TRAFFIC FINES	(139,672)	(133,447)	(6,225)	96%	
		353.78-01 FALSE ALARMS	-	(1,625)	1,625	#DIV/0!	
		361.80-01 ALLOCATED INTEREST	(187,000)	(214,452)	27,452	115%	
		361.80-02 NON-ALLOCATED INTEREST	(448,572)	(448,572)	-	100%	
		362.82-01 RENT LAND	(240,500)	(135,280)	(105,220)	56%	
		362.82-02 RENT BUILDINGS	(32,600)	(47,635)	15,035	146%	
		371.83-01 CASH OVER/SHORT	-	(6)	6	#DIV/0!	
		371.83-02 CONTRIBUTIONS	(20,000)	(7,500)	(12,500)	38%	
		371.83-03 MISCELLANEOUS REVENUE	(14,000)	(5,667)	(8,333)	40%	
		371.83-06 SKATEPARK ELEMENT CONTRIB	-	(437)	437	#DIV/0!	
		371.83-07 SENIOR CENTER MEMBERSHIPS	(895)	(930)	35	104%	
		371.83-08 MERCHANDISE SALES 50 ANNI	-	(1,954)	1,954	#DIV/0!	
		374.85-01 OTHER COST REIMBURSEMENT	(35,000)	(40,201)	5,201	115%	
		374.85-02 DUI COST REIMBURSEMENT	(20,000)	(5,829)	(14,171)	29%	
		374.85-03 A.I.S. PARAMEDIC BILLING	-	(7,471)	7,471	#DIV/0!	
		374.85-04 AMR PARAMEDIC BILLING	(140,000)	(145,250)	5,250	104%	
		375.88-01 SALES OF I.B. T-SHIRTS	-	(1,116)	1,116	#DIV/0!	
		376.88-02 PAYMENT IN LIEU OF TAX	(64,100)	(64,100)	-	93%	
		381.90-01 ABC CHARGES	(1,988,077)	(1,854,290)	(133,787)	93%	
		391.90-02 TRANSFER IN-GAS TAX FUND	(561,800)	(242,000)	(319,800)	43%	Transfers match Street Mnt.
		391.90-03 TRANSFER IN-PROP "A" FUND	(714,092)	(442,913)	(271,179)	62%	Transfers match Street Mnt.
101	Total General Fund		(16,472,536)	(13,910,229)	(2,562,307)	84%	

General Fund Expenditures by Department

Transactions Entered Into H.T.E as of June 1, 2008, 89.3% Labor Year Elapsed

Fiscal YR		2008			
Fund Dept	Budget	Actual	Difference	% Used	
101-1010 GENERAL FUND MAYOR/CITY COUNCIL	83,600	75,611	7,989	90%	
101-1020 GENERAL FUND CITY CLERK	235,377	199,515	35,862	85%	
101-1110 GENERAL FUND CITY MANAGER	266,900	220,302	46,598	83%	
101-1130 GENERAL FUND PERSONNEL	226,970	194,611	32,359	86%	
101-1210 GENERAL FUND ADMINISTRATIVE SERVICES	625,600	576,893	48,707	92%	
101-1220 GENERAL FUND CITY ATTORNEY	268,125	100,669	167,456	38%	
101-1230 GENERAL FUND COMMUNITY DEVELOPMENT	267,772	204,448	63,324	76%	
101-1260 GENERAL FUND RDA CIP/OPERATIONS PA#1	-	1,321	(1,321)	#DIV/0!	
101-1910 GENERAL FUND FACILITIES MAINTENANCE	248,049	198,395	49,654	81%	
101-1920 GENERAL FUND NON DEPARTMENTAL	254,546	141,795	112,751	104%	
101-3010 GENERAL FUND LAW ENFORCEMENT CONTRACT	5,932,318	2,823,750	3,108,568	48%	
101-3020 GENERAL FUND FIRE PROTECTION	1,856,573	1,588,128	268,445	86%	
101-3030 GENERAL FUND OCEAN/BEACH SAFETY	1,192,668	956,451	236,217	80%	
101-3040 GENERAL FUND BUILDING AND HOUSING INSP	310,676	238,147	72,529	77%	
101-3050 GENERAL FUND ANIMAL CONTROL	201,700	110,068	91,632	55%	
101-3060 GENERAL FUND DISASTER PREPAREDNESS	46,722	39,492	7,230	85%	
101-3070 GENERAL FUND CODE ENFORCEMENT	45,890	41,610	4,280	91%	
101-3080 GENERAL FUND AVA	36,761	31,285	5,476	85%	
101-5010 GENERAL FUND STREET MAINTENANCE	694,913	541,837	153,076	78%	
101-5020 GENERAL FUND ADMINISTRATION	421,864	316,091	105,773	75%	
101-5030 GENERAL FUND GRAFFITI REMOVAL	-	6,771	(6,771)	#DIV/0!	
101-5040 GENERAL FUND SOLID WASTE MANAGEMENT	107,824	81,144	26,680	75%	
101-5060 GENERAL FUND GRANTS	150,000	83	149,917	0%	
101-6010 GENERAL FUND RECREATION	296,679	205,260	91,419	70%	
101-6020 GENERAL FUND PARK MAINTENANCE	385,294	286,883	98,411	75%	
101-6030 GENERAL FUND SENIOR SERVICES	27,431	22,484	4,947	82%	
101-6040 GENERAL FUND TIDELANDS MAINTENANCE	851,484	676,154	175,330	79%	
101-xxxx GENERAL FUND CAPITAL EXPENSES*	-	248,568	(248,568)	#DIV/0!*	
Grand Total	15,035,736	10,127,765	4,907,971	67%	

* Funding for Capital spending is reflected in the CIP Project Budget

City of Imperial Beach
General Fund Five Year Forecast
As of 6-01-08

ATTACHMENT 4

Fund	101
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Type	Category	Group	Fiscal Year									
			2005	2006	2007	2008	2009	2010	2011	2012	2013	
Revenue	Taxes	PROPERTY TAX	1,656,294	1,733,670	1,839,079	1,803,048	1,875,200	1,875,200	1,875,200	1,875,200	1,875,200	
		PROPERTY TAX RELATED	237,029	313,549	392,617	363,024	363,024	370,284	377,690	385,244	392,949	
		SALES TAX	897,583	877,876	891,141	986,742	1,016,300	1,016,300	1,016,300	1,016,300	1,016,300	
		TRANSIENT OCCUPANCY TAX	279,826	265,355	236,136	254,800	249,700	249,700	249,700	249,700	249,700	
		OTHER TAXES	180,445	108,423	65,292	176,100	139,300	139,300	139,300	139,300	139,300	
		VLF PROPERTY TAX	1,485,732	1,884,683	2,009,955	2,100,000	2,163,000	2,163,000	2,163,000	2,163,000	2,163,000	
	Taxes Total			4,736,909	5,183,555	5,434,221	5,683,714	5,806,524	5,813,784	5,821,190	5,828,744	5,836,449
	Other Revenues	FRANCHISE FEES		836,367	709,394	882,758	929,500	943,900	972,217	1,001,384	1,031,425	1,062,368
		INTEREST INCOME		173,558	140,389	108,859	635,572	635,572	635,572	629,216	622,924	616,695
		RENTAL INCOME		149,142	199,758	153,046	273,100	277,900	277,900	277,900	277,900	277,900
		FINE REVENUE		372,655	350,562	530,471	401,766	409,900	409,900	409,900	409,900	409,900
		OTHER REVENUE		68,553	38,335	16,912	34,000	34,000	34,000	34,000	34,000	34,000
	Other Revenues Total			2,249,267	1,619,289	1,842,092	2,454,638	2,487,372	2,515,689	2,538,500	2,562,249	2,586,963
	Cost Reimburse	PORT DISTRICT REVENUE		2,978,285	3,019,877	3,225,856	3,440,825	3,595,960	3,703,839	3,814,954	3,929,403	4,047,285
		ABC REVENUE		2,367,403	2,399,843	2,499,088	1,988,077	1,988,077	2,067,600	2,150,304	2,236,316	2,325,769
		TRANSFERS IN		980,800	917,625	970,000	1,275,892	723,575	745,282	767,641	790,670	814,390
		BUILDING/DEVELOPMENT FEES		437,425	773,020	850,818	644,122	642,600	655,452	668,561	681,932	695,571
		BUSINESS LICENSE		252,976	291,840	296,369	265,200	275,800	281,316	286,942	292,681	298,535
		LICENSE/PERMITS/FEES		146,846	112,172	103,079	151,311	83,200	85,696	88,267	90,915	93,642
		GRANT REVENUE		(1,925)	39,098	145,233	167,804	-	-	-	-	-
		COST OFFSET REVENUE		60,522	91,455	69,211	111,000	112,000	115,360	118,821	122,385	126,057
		SCHOOL DISTRICT REIMBURSE		131,036	73,183	55,894	68,616	58,000	59,740	61,532	63,378	65,280
		OTHER REIMBURSEMENTS		279,272	195,183	367,072	220,000	220,000	220,000	220,000	220,000	220,000
Cost Reimbursement Total			7,632,639	7,913,297	8,582,620	8,332,847	7,699,212	7,934,285	8,177,022	8,427,681	8,686,528	
Revenue Total			14,618,815	14,716,141	15,858,932	16,471,199	15,993,108	16,263,759	16,536,712	16,818,674	17,109,940	
Expense	Employee Costs	SALARIES	3,524,589	3,747,221	3,705,179	3,729,857	3,952,346	4,110,440	4,274,857	4,445,852	4,623,686	
		FRINGE BENEFITS	1,001,304	1,130,384	1,123,032	996,193	1,073,011	1,115,931	1,160,569	1,206,991	1,255,271	
		HEALTH BENEFIT	321,779	369,612	384,628	424,783	481,563	515,272	551,341	589,935	631,231	
	Employee Costs Total			4,847,672	5,247,217	5,212,839	5,150,833	5,506,920	5,741,644	5,986,768	6,242,779	6,510,188
	Other Costs	SHERIFF CONTRACT		4,462,045	4,534,088	4,636,329	5,201,560	5,461,700	5,734,785	6,050,198	6,382,959	6,734,022
		INTER-DEPT CHARGES		1,928,096	1,753,661	2,153,426	2,052,999	2,091,014	2,174,655	2,261,641	2,352,106	2,446,191
		CONTRACT SERVICES		830,295	793,772	656,659	854,573	592,226	609,993	628,293	647,141	666,556
		TECHNICAL SERVICES		672,325	549,131	508,453	758,051	768,201	791,247	814,984	839,434	864,617
		SUPPLIES AND SERVICES		561,233	438,910	513,659	623,300	596,779	614,682	633,123	652,117	671,680
		UTILITIES		268,981	289,976	313,337	299,270	301,009	310,039	319,340	328,921	338,788
		MAINTENANCE		75,525	60,939	50,434	74,020	81,341	83,781	86,295	88,884	91,550
		LEGAL SERVICES		248,457	178,041	141,582	200,250	200,250	206,258	212,445	218,819	225,383
		CAPITAL		107,901	48,528	35,219	260,851	132,695	136,676	140,776	144,999	149,349
		JURMP		(335,200)	-	(350,700)	(426,140)	(406,745)	(423,015)	(439,935)	(457,533)	(475,834)
		TRANSFERS OUT		1,327,502	151,132	538,280	593,000	593,000	18,720	19,469	20,248	21,057
		Other Costs Total			10,147,163	8,798,178	9,196,677	10,491,734	10,411,470	10,257,821	10,726,629	11,218,094
	Expense Total			14,994,835	14,045,395	14,409,516	15,642,567	15,918,390	15,999,464	16,713,396	17,460,873	18,243,547
	Net Balance			(376,020)	670,746	1,449,416	828,632	74,718	264,294	(176,684)	(642,199)	(1,133,607)



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL/REDEVELOPMENT AGENCY

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JUNE 18, 2008

ORIGINATING DEPT.: PUBLIC WORKS *HAL*

SUBJECT: AUTHORIZATION TO SIGN A CHANGE ORDER TO THE PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING FOR ADDITIONAL WORK ON THE PUBLIC WORKS FACILITY MASTER PLAN (CIP F05-101)

BACKGROUND:

At the March 2, 2005, City Council/Redevelopment Agency meeting, City Council/Redevelopment Agency adopted Resolution No. 2005-6089 allocating \$41,080,700 to initiate city-wide physical improvements under a Five-Year Capital Improvement Program. Several projects within the Five-Year CIP addressed improvements to existing City facilities. In particular, one of the projects addressed was miscellaneous improvements to the Public Works Facility. The adopted Public Works Facility Project budget was \$676,000. Staff initiated a search for an experienced consultant with the qualifications to provide professional engineering services for the work of this Project.

On September 21, 2005, Council awarded a contract to Hirsch and Company, since renamed RBF Consulting, for \$85,035. The work authorized was provided in Attachment 2.

On August 1, 2006, a Professional Services Agreement was awarded to RBF Consulting to furnish environmental services for the preparation of an Environmental Initial Study for the Public Works Facility improvement less the office building expansion. This contract was for \$9,860.00.

On October 3, 2007, a Professional Services Agreement was awarded to RBF Consulting to furnish environmental services for the preparation of an Environmental Initial Study for the Public Works Building improvement for the office building expansion. This contract was for \$14,085.00 (Resolution R-07-132)

On January 9, 2008 a change order to the RBF Consulting Services Agreement was approved to furnish environmental services for the preparation of a Preliminary Storm Water Management Plan (SWMP), Best Management Plan (BMP) and Revisions to Environmental Initial Study for the Public Works Facility Improvement. This contract was for \$9,500.00

DISCUSSION:

In the winter of 2007, staff requested RBF Consulting to split the project design into 2 phases since the environmental review for the Public Works Facility improvement less the office building expansion was being delayed due to protests against the use of the railroad right-of-way. The decision to split the project resulted in unanticipated additional costs to Task 4 and Task 5. RBF Consulting has submitted a revised fee schedule to design the two phases at a cost of \$18,385.00 (See Attachment 3).

ENVIRONMENTAL DETERMINATION:

The project has been determined by the City of Imperial Beach Municipal Code Section 19.87.040(B) to qualify for an environmental determination. There are two studies authorized, one for the open space improvements and the second is for the building expansion.

FISCAL IMPACT:

Project Construction	\$473,200
Project Delivery	<u>\$ 202,800</u>
Total Project Budget (RDA Tax Increment non-housing)	\$ 676,000

Project Delivery Breakdown

• Hirsch and Company (Project Design)	\$ 85,035
• RBF Consulting (P.W. Facility Environmental Initial Study)	\$ 9,860
• RBF Consulting (P.W. Building Environmental Initial Study)	\$ 14,085
• RBF Consulting (Preparation of the SWMP and BMP Plan)	\$ 9,500
• RBF Consulting (Change to Task 4 and Task 5)	\$ 18,385
• Misc. Services/Staff Labor/ Construction Inspection.	<u>\$ 65,935</u>
Total Project Delivery Cost	\$202,800

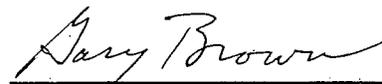
There are sufficient CIP project funds budgeted to cover the additional cost of the project design work and this change order request.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Approve the attached resolution R-08-155
3. Authorize the City Manager to approve a change order to the professional services agreement with RBF Consulting at a cost of \$18,385.00.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



 Gary Brown, City Manager

Attachments:

1. Resolution R-08-155
2. Original Fee Proposal 25-Aug-05
3. RBF Consulting Proposal Revised July 7, 2007

RESOLUTION NO. R-08-155

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZATION TO SIGN A CHANGE ORDER TO THE PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING FOR ADDITIONAL WORK ON THE PUBLIC WORKS FACILITY MASTER PLAN (CIP F05-101)

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

WHEREAS, at the March 2, 2005, City Council/Redevelopment Agency meeting, City Council/Redevelopment Agency adopted Resolution No. 2005-6089 allocating \$41,080,700 to initiate city-wide physical improvements under a Five-Year Capital Improvement Program; and

WHEREAS, one of the included projects was miscellaneous improvements to the Public Works Facility; and

WHEREAS, on September 21, 2005, Council awarded a contract to Hirsch and Company, since renamed RBF Consulting, for \$85,035 for the purpose of preparing the construction drawings and specifications; and

WHEREAS, the adopted Public Works Facility Master Plan Project (F05-101) budget was \$676,000; and

WHEREAS, subsequent change orders and professional services agreements have brought the total budget obligations with RBF Consulting to \$118,480; and

WHEREAS, additional work necessary to complete the project design by RBF Consulting is \$18,385; and

WHEREAS, the project delivery cost was budgeted at \$202,800; and

WHEREAS, there are sufficient CIP F05-101 project funds budgeted to cover the additional cost of the project design work and this change order request.

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

1. The above recitals are true and correct.
2. The City Manager is authorized to sign a change order with RBF Consulting for the additional work necessary to complete the Public Works Facility Master Plan design and bid package - \$18,385.

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 18th day of June 2008, by the following roll call vote:

AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, CMC
SECRETARY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Resolution No. R-08-155 – A Resolution of the Redevelopment Agency of the City of Imperial Beach, California, AUTHORIZATION TO SIGN A CHANGE ORDER TO THE PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING FOR ADDITIONAL WORK ON THE PUBLIC WORKS FACILITY MASTER PLAN (CIP F05-101).

CITY CLERK

DATE

MISCELLANEOUS IMPROVEMENTS to the PUBLIC WORKS YARD

FEE PROPOSAL
HIRSCH & COMPANY

Date: 25-Aug-05

TASK DESCRIPTION	PRINCIPAL		PROJECT MANAGER		ASSOCIATE ENGINEER		CAD TECHNICIAN		CLERICAL		2-MAN SURVEY CREW		SUBTOTAL	SUB- CONSULTANT	REIM- BURSABLE	MARK UP	TASK TOTAL
	\$140.00		\$125.00		\$105.00		\$75.00		\$55.00		\$180.00		LABOR	TOTAL	EXPENSE	5%	
	HR	D.L.	HR	D.L.	HR	D.L.	HR	D.L.	HR	D.L.	HR	D.L.					
TASK 1 Records Research and Utility Coordination																	
1.1 Utility Coordination	0	0	2	250	0	0	8	600	0	0	0	0	850	0	0	-	850
1.2 Records Research	0	0	2	250	0	0	8	600	0	0	0	0	850	0	0	-	1,280
1.3 Coordination Meetings	2	280	8	1,000	0	0	0	0	0	0	0	0	1,280	0	0	-	2,980
TOTAL Task 1													2,980	0	0	0	2,980
TASK 2 Field Investigation and Land Surveying																	
2.1 Field Investigations	0	0	4	500	8	840	0	0	0	0	0	0	1,340	0	0	-	1,340
2.2 Land Surveying	0	0	8	1,000	8	840	0	0	0	0	16	2,880	4,720	0	0	-	4,720
2.3 Site Plan Development	0	0	2	250	0	0	8	600	0	0	0	0	850	0	0	-	850
TOTAL Task 2													6,910	0	0	0	6,910
TASK 3 Design Development																	
3.1 Concept Design Report	2	280	16	2,000	12	1,260	0	0	12	660	0	0	4,200	0	0	-	4,200
3.2 Programming Meeting	4	560	4	500	0	0	0	0	0	0	0	0	1,060	1,500	0	75	2,635
TOTAL Task 3													5,260	1,500	0	75	6,835
TASK 4 Preliminary and Final Design																	
Civil Design Drawings	2	280	24	3,000	0	0	60	4,500	0	0	0	0	7,780	12,000	200	610	12,810
- Architectural Design														4,000	200	210	4,410
- Structural Design														8,000	200	410	8,610
- Landscape and Irrigation Design														12,000	200	610	12,810
- Electrical Design	0	0	24	3,000	0	0	0	0	32	1,760	0	0	4,760	0	0	-	4,760
Specifications	0	0	4	500	16	1,680	0	0	0	0	0	0	2,180	0	0	-	2,180
Cost Estimate	0	0	4	500	0	0	0	0	0	0	0	0	1,120	0	0	-	1,120
QA/QC Review	8	1,120	0	0	0	0	0	0	0	0	0	0	2,200	0	0	-	2,200
Bid Phase Services	0	0	8	1,000	0	0	16	1,200	0	0	0	0	2,200	0	0	-	2,200
TOTAL Task 4													18,040	35,000	1,800	1,890	57,730
TASK 5 Construction Phase Services																	
5.1 Pre-Construction Meeting	0	0	4	500	0	0	0	0	0	0	0	0	500	0	0	-	500
5.2 Review RFI's and Submittals	0	0	4	500	16	1,680	0	0	0	0	0	0	2,180	0	0	-	2,180
5.3 Design Changes	0	0	8	1,000	0	0	16	1,200	0	0	0	0	2,200	0	0	-	2,200
5.4 Construction Meetings	0	0	16	2,000	0	0	12	900	0	0	0	0	2,900	0	0	-	2,900
5.5 As-Built Drawings	0	0	8	1,000	0	0	24	1,800	0	0	0	0	2,800	0	0	-	2,800
TOTAL Task 5													10,580	0	0	0	10,580
TOTALS																	
			2,520	18,250	36	3,600	76	5,700	32	2,200	30	2,700	43,720	37,500	1,800	1,965	85,035
TASK 6 Construction Inspection Services (Optional)																	
6.1 Construction Management	0	0	60	7,500	0	0	0	0	40	2,200	0	0	9,700	0	0	-	9,700
6.2 Periodic Inspection for 4 month Construction Period	0	0	0	0	320	33,600	0	0	0	0	0	0	33,600	0	0	-	33,600
TOTAL Task 6 (Optional)													43,300	0	0	0	43,300

HIRSCH & COMPANY

CONSULTING ENGINEERS • Since 1965 • Planning • Civil Engineering • Surveying • Construction Management

July 12, 2007

Mr. H.A. (Hank) Levien
 Public Works Director
 City of Imperial Beach
 Public Works Department
 495 10th St
 Imperial Beach, CA 91932

Subject: Final Design For Improvements To The Public Works Yard

Dear Hank:

Pursuant to your meeting with Mark Hill of our office last week, we are pleased to submit the revised fee proposal to divide this project into two separate projects. Project 1 will include all the site improvements, landscaping, and work associated with the railroad tracks. Project 2 will include the building addition and improvements.

The enclosed fee proposal reflects the changes to Task 4 – Preliminary and Final Design and Task 5 – Construction Support Services and is based on contract hourly rates.

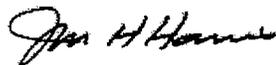
A summary of the proposed revision is as follows:

	Original Fee	Revision	
Task 4:	\$57,730.00	\$70,235.00	
Task 5:	\$10,580.00	\$16,460.00	
Totals:	\$68,310.00	\$86,695.00	Difference: \$18,385.00

Thank you for your consideration and we look forward to our continued service to your Department.

Sincerely,

HIRSCH & COMPANY



John H. Harris, P.E.
 Vice President

ATTACHMENT 3

MISCELLANEOUS IMPROVEMENTS to the PUBLIC WORKS YARD

ORIGINAL FEE PROPOSAL HIRSCH & COMPANY

Date: 25-Aug-05

TASK DESCRIPTION	PRINCIPAL		PROJECT MANAGER		ASSOCIATE ENGINEER		CAD TECHNICIAN		CLERICAL		2-MAN SURVEY CREW		SUBTOTAL	SUB-	REIM-	MARK	TASK
	\$140.00		\$125.00		\$105.00		\$75.00		\$55.00		\$180.00		DIRECT	CONSULTANT	BURSABLE	UP	TOTAL
	HR	D.L.	HR	D.L.	HR	D.L.	HR	D.L.	HR	D.L.	HR	D.L.	LABOR	TOTAL	EXPENSE	5%	
TASK 4 Preliminary and Final Design																	
Civil Design Drawings	2	280	24	3,000	0	0	60	4,500	0	0	0	0	7,780		1,000	50	8,830
- Architectural Design														12,000	200	610	12,810
- Structural Design														4,000	200	210	4,410
- Landscape and Irrigation Design														8,000	200	410	8,610
- Electrical Design														12,000	200	610	12,810
Specifications	0	0	24	3,000	0	0	0	0	32	1,760	0	0	4,760		0	-	4,760
Cost Estimate	0	0	4	500	16	1,680	0	0	0	0	0	0	2,180		0	-	2,180
QA/QC Review	8	1,120	0	0	0	0	0	0	0	0	0	0	1,120		0	-	1,120
Bid Phase Services	0	0	8	1,000	0	0	16	1,200	0	0	0	0	2,200		0	-	2,200
TOTAL - Task 4	10	1,400	60	7,500	16	1,680	76	5,700	32	1,760	0	0	18,040	36,000	1,800	1,890	57,730
TASK 5 Construction Phase Services																	
5.1 Pre-Construction Meeting	0	0	4	500	0	0	0	0	0	0	0	0	500		0	-	500
5.2 Review RFI's and Submittals	0	0	4	500	16	1,680	0	0	0	0	0	0	2,180		0	-	2,180
5.3 Design Changes	0	0	8	1,000	0	0	16	1,200	0	0	0	0	2,200		0	-	2,200
5.4 Construction Meetings	0	0	16	2,000	0	0	12	900	0	0	0	0	2,900		0	-	2,900
5.5 As-Built Drawings	0	0	8	1,000	0	0	24	1,800	0	0	0	0	2,800		0	-	2,800
TOTAL - Task 5	0	0	40	5,000	16	1,680	52	3,900	0	0	0	0	10,580	0	0	0	10,580
TOTALS		1,400		12,500		3,360		9,600		1,760		0	28,620	36,000	1,800	1,890	68,310

MISCELLANEOUS IMPROVEMENTS to the PUBLIC WORKS YARD

FEE PROPOSAL TO SPLIT WORK INTO 2 PHASES

HIRSCH & COMPANY

Date: 24-Jul-06

TASK DESCRIPTION	PRINCIPAL		PROJECT MANAGER		ASSOCIATE ENGINEER		CAD TECHNICIAN		CLERICAL		2-MAN SURVEY CREW		SUBTOTAL	SUB-	REIM-	MARK	TASK
	\$140.00		\$125.00		\$105.00		\$75.00		\$55.00		\$180.00		DIRECT	CONSULTANT	BURSABLE	UP	TOTAL
	HR	D.L.	HR	D.L.	HR	D.L.	HR	D.L.	HR	D.L.	HR	D.L.	LABOR	TOTAL	EXPENSE	5%	
TASK 4 Preliminary and Final Design																	
Civil Design Drawings	4	560	40	5,000	0	0	80	6,000	0	0	0	0	11,560		1,500	75	13,135
- Architectural Design														12,000	200	610	12,810
- Structural Design														4,000	200	210	4,410
- Landscape and Irrigation Design														8,000	200	410	8,610
- Electrical Design														12,000	200	610	12,810
Specifications	0	0	40	5,000	0	0	0	0	60	3,300	0	0	8,300		0	-	8,300
Cost Estimate	0	0	8	1,000	24	2,520	0	0	0	0	0	0	3,520		0	-	3,520
QA/QC Review	16	2,240	0	0	0	0	0	0	0	0	0	0	2,240		0	-	2,240
Bid Phase Services	0	0	16	2,000	0	0	32	2,400	0	0	0	0	4,400		0	-	4,400
TOTAL - Task 4	20	2,800	104	13,000	24	2,520	112	8,400	60	3,300	0	0	30,020	36,000	2,300	1,915	70,235
TASK 5 Construction Phase Services																	
5.1 Pre-Construction Meeting	0	0	4	500	0	0	0	0	0	0	0	0	500	0	0	-	500
5.2 Review RFI's and Submittals	0	0	4	500	32	3,360	0	0	0	0	0	0	3,860	0	0	-	3,860
5.3 Design Changes	0	0	16	2,000	0	0	32	2,400	0	0	0	0	4,400	0	0	-	4,400
5.4 Construction Meetings	0	0	32	4,000	0	0	12	900	0	0	0	0	4,900	0	0	-	4,900
5.5 As-Built Drawings	0	0	8	1,000	0	0	24	1,800	0	0	0	0	2,800	0	0	-	2,800
TOTAL - Task 5	0	0	64	8,000	32	3,360	68	5,100	0	0	0	0	16,460	0	0	0	16,460
TOTALS		2,800		21,000		5,880		13,500		3,300		0	46,480	36,000	2,300	1,915	86,695