



A G E N D A

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



APRIL 21, 2010

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

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

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

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

CLOSED SESSION CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(b)(3)(A)
No. of Cases: 1

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

REGULAR MEETING CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

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

COMMUNICATIONS FROM CITY STAFF

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

PRESENTATIONS (1.1)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION FOR ENVIRONMENTAL AWARENESS MONTH. (0270-30)

City Manager's Recommendation: Present the Recycle All-Star Award Certificate, \$100.00 check and other premiums to Michelle Edlin, Marc Ruggirello, Celia Aranda, and Allan Spotts.

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

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

- 2.1 ADMINISTRATIVE COASTAL PERMIT (ACP 060474) AND FINAL MAP (TM 060475) FOR A THIRTY-SIX (36) UNIT CONDOMINIUM CONVERSION LOCATED AT 740-798 FLORIDA STREET AND 1100-1114 DONAX AVENUE, IN THE R-1500/MU-1 (HIGH DENSITY RESIDENTIAL WITH A MIXED-USE OVERLAY) ZONE. MF 661. (0660-430)**
City Manager's Recommendation: Approve the Final Map for recordation along with the recordation of any required documents as security for the required improvements.
- 2.2 RESOLUTION NO. R-10-219 – DECLARING THAT THE IMPERIAL BEACH REDEVELOPMENT AGENCY'S PLANNING AND ADMINISTRATIVE EXPENSES USING LOW AND MODERATE INCOME HOUSING FUND ARE NECESSARY FOR THE PRODUCTION, IMPROVEMENT, OR PRESERVATION OF LOW AND MODERATE INCOME HOUSING. (0640-05)**
City Manager's Recommendation: Adopt resolution.
- 2.3 RESOLUTION NO. 2010-6879 – APPROVING A 3-YEAR EXTENSION TO THE ANNUAL 5-YEAR TREE TRIMMING SERVICES 2005 AGREEMENT. (0940-60)**
City Manager's Recommendation: Adopt resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3.1 - 3.2)

- 3.1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2010-1102 AMENDING SECTION 3.24.150 (AUDIT AND AUDIT EXPENSES) OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO COLLECTION OF TRANSIENT OCCUPANCY TAXES. (0390-80)**
City Manager's Recommendation:
1. Receive report;
 2. Mayor calls for the reading of the title of Ordinance No. 2010-1102, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 3.24.150 (AUDIT AND AUDIT EXPENSES) OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO COLLECTION OF TRANSIENT OCCUPANCY TAXES";
 3. City Clerk reads title of Ordinance No. 2010-1102; and
 4. Motion to waive further reading and dispense introduction by title only and set the matter for adoption at the next regularly scheduled City Council meeting.
- 3.2 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2010-1101 AMENDING THE IMPERIAL BEACH MUNICIPAL CODE RELATING TO USE OF VETERANS PARK YOUTH SOCCER FIELD IN THE CITY OF IMPERIAL BEACH BY AMENDING SECTION 12.56.010 AND ADDING SECTION 12.56.065 TO CHAPTER 12.56. (0920-40 & 0920-95)**
City Manager's Recommendation:
1. Receive report;
 2. Mayor calls for the reading of the title of Ordinance No. 2010-1101, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE IMPERIAL BEACH MUNICIPAL CODE RELATING TO USE OF VETERANS PARK YOUTH SOCCER FIELD IN THE CITY OF IMPERIAL BEACH BY AMENDING SECTION 12.56.010 AND ADDING SECTION 12.56.065 TO CHAPTER 12.56";
 3. City Clerk reads title of Ordinance No. 2010-1102; and
 4. Motion to waive further reading and dispense introduction by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 2010-1100 AMENDING SECTIONS 9.08.020 AND 9.08.050 PERTAINING TO JUVENILE CURFEW. (0240-95)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2010-1100, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTIONS 9.08.020 AND 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW";
3. City Clerk reads title of Ordinance No. 2010-1100; and
4. Motion to dispense second reading and adopt Ordinance No. 2010-1100 by title only.

PUBLIC HEARINGS (5.1)

5.1 T-MOBILE WEST CORPORATION (APPLICANT)/PREBYS CONRAD TRUST (OWNER); CONDITIONAL USE PERMIT (CUP 100003), DESIGN REVIEW CASE (DRC 100004), AND SITE PLAN REVIEW (SPR 100005) TO INSTALL A TELECOMMUNICATIONS FACILITY ON A MULTI-FAMILY RESIDENTIAL APARTMENT BUILDING LOCATED AT 1471 GROVE AVENUE IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE. MF 1033. (0600-20 & 0800-50)

City Manager's Recommendation:

1. Declare the public hearing open,
2. Receive report and public testimony;
3. Close the public hearing; and
4. Adopt Resolution No. 2010-6881 approving Conditional Use Permit (CUP 100003), Design Review Case (DRC 100004), and Site Plan Review (SPR 100005), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

REPORTS (6.1 - 6.7)

6.1 ADOPTION OF RESOLUTION NOS. R-10-216 AND 2010-6877 APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH IMPERIAL COAST LIMITED PARTNERSHIP RELATING TO CONCEPTUAL AGREEMENT AND AGENCY FINANCIAL PARTICIPATION IN THE DEVELOPMENT OF A NEW BEACH-FRONT HOTEL. (0660-43)

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolutions.

6.2 OUTLINE OF PROCESS TO REVIEW SEACOAST INN DEVELOPMENT AGREEMENT. (0660-43)

City Manager's Recommendation: Consider the process and provide direction to Staff to implement the periodic review process if appropriate.

6.3 MICHAEL AND SHANNON LEE (APPLICANT/OWNER); EMERGENCY COASTAL DEVELOPMENT PERMIT FOR REVETMENT REPAIR AT 1202 SEACOAST DRIVE. (0600-20).

City Manager's Recommendation: Receive and file report.

6.4 RESOLUTION NO. 2010-6880 – AFFIRMING THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE FOR FISCAL YEAR 2010-2011. (0270-40)

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolution.

Continued on Next Page

REPORTS (Continued)

6.5 MEDICAL MARIJUANA UPDATE. (0610-95)

City Manager's Recommendation:

1. Receive report;
2. Give direction to City Staff as the Council deems appropriate; and
3. Set the date for the next Interim Report to Council.

6.6 RESOLUTION NO. R-10-218 – AWARDING A CONTRACT AND AUTHORIZING A BUDGET AMENDMENT FOR CERTAIN PUBLIC WORKS PROJECT – VETERANS PARK MASTER PLAN – RDA (SOCCER FIELD PERIMETER FENCE) – CIP P03-502. (0920-70)

City Manager's Recommendation:

1. Receive report; and
2. Adopt resolution.

6.7 RESOLUTION NO. R-10-217 – AUTHORIZING THE THIRD CONTRACT AMENDMENT WITH EDAA/AECOM IN THE AMOUNT OF \$23,000 TO PREPARE ADDITIONAL DESIGN PROTOTYPES FOR THE COMMERCIAL ZONING REVIEW. (0610-95)

City Manager's Recommendation:

1. Receive report;
2. Approve the revised Scope of Work as proposed in Attachment 1 for the preparation of additional design prototypes for the Commercial Zoning Review; and
3. Adopt resolution

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

ADJOURNMENT

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

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

Copies of this notice were provided on April 16, 2010 to the City Council, San Diego Union-Tribune, and I.B. Eagle & Times.

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

AFFIDAVIT OF POSTING

I, Jacqueline M. Hald, City Clerk of the City of Imperial Beach, hereby certify that the Agenda for the Regular Meeting as called by the City Council, Redevelopment Agency, Planning Commission, and Public Financing Authority of Imperial Beach was provided and posted on April 16, 2010. Said meeting to be held at 5:30 p.m., April 21, 2010, in the Council Chambers, 825 Imperial Beach Boulevard, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers on April 16, 2010 at 3:30 p.m.

Jacqueline M. Hald, CMC
City Clerk



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: April 21, 2010
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: RECYCLE ALL STAR AWARD PRESENTATION FOR ENVIRONMENTAL AWARENESS MONTH

BACKGROUND:

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

DISCUSSION:

On multiple dates in April, City inspectors canvassed multiple neighborhoods in search of four Recycle All Stars. Four All Stars were selected this month in honor of Environmental Awareness Month. The following residents were selected as the Recycle All Stars for the month of April:

- Michelle Edlin
- Marc Ruggirello
- Celia Aranda
- Allan Spotts

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL ANALYSIS:

None

DEPARTMENT RECOMMENDATION:

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

- Michelle Edlin
- Marc Ruggirello
- Celia Aranda
- Allan Spotts

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

 Gary Brown, City Manager



**STAFF REPORT
CITY OF IMPERIAL BEACH**

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

MEETING DATE: APRIL 21, 2010
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR *GW*

SUBJECT: CONSENT AGENDA: ADMINISTRATIVE COASTAL PERMIT (ACP 060474) AND FINAL MAP (TM 060475) FOR A THIRTY-SIX (36) UNIT CONDOMINIUM CONVERSION LOCATED AT 740-798 FLORIDA STREET AND 1100-1114 DONAX AVENUE, IN THE R-1500/MU-1 (HIGH DENSITY RESIDENTIAL WITH A MIXED-USE OVERLAY) ZONE. MF 661.

PROJECT DESCRIPTION/BACKGROUND:

The Seacoast Inn project [MF 661: Specific Plan (GPA/LCPA 03-95, Coastal Development Permit (A-6-IMB-07-131), Design Review (DRC 03-094), Site Plan Review (SPR 03-093), Tentative Map (TM 03-091), and Environmental Impact Report (EIA 04-034)] proposed to demolish an



existing 3-story, 38-guest room hotel and construct a 4-story, 78-guest room full service condo hotel, 40-feet-high to roof level height with a new vertical seawall on a 1.39 acre lot at 800 Seacoast Drive in the C-2 (Seacoast Commercial) Zone. It was approved by the City Council on December 5, 2007. On appeal, the Coastal Commission eventually approved the coastal development permit (A-6-IMB-07-131) on April 10, 2008.

PROJECT EVALUATION/DISCUSSION:

The expiration date (December 5, 2010) for the tentative map was extended by SB 1185 to December 5, 2011. The Final Map substantially conforms to the approved Tentative Map and, pursuant to Map Act Section 66474.1, must be approved by the legislative body when all Tentative Map conditions have been met. The applicant is in the process of complying with the conditions of the Tentative Map as stipulated in Resolution 2007-6559. The Final Map shows the required dedication of the beach area west of the proposed seawall to the public. A Final Map may be approved if there is bond for the value of the required improvements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

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

FISCAL IMPACT:

The applicant's project account 03-95 is currently in deficit and additional deposits will be required to replenish the account to fund the continued processing of this application. The applicant has provided a security for the required improvements stipulated in the Tentative Map conditions.

**DEPARTMENT RECOMMENDATION:**

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

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.

Gary Brown

Attachments:

1. Final Map
2. Resolution No. 2010-6882

c: file MF 661

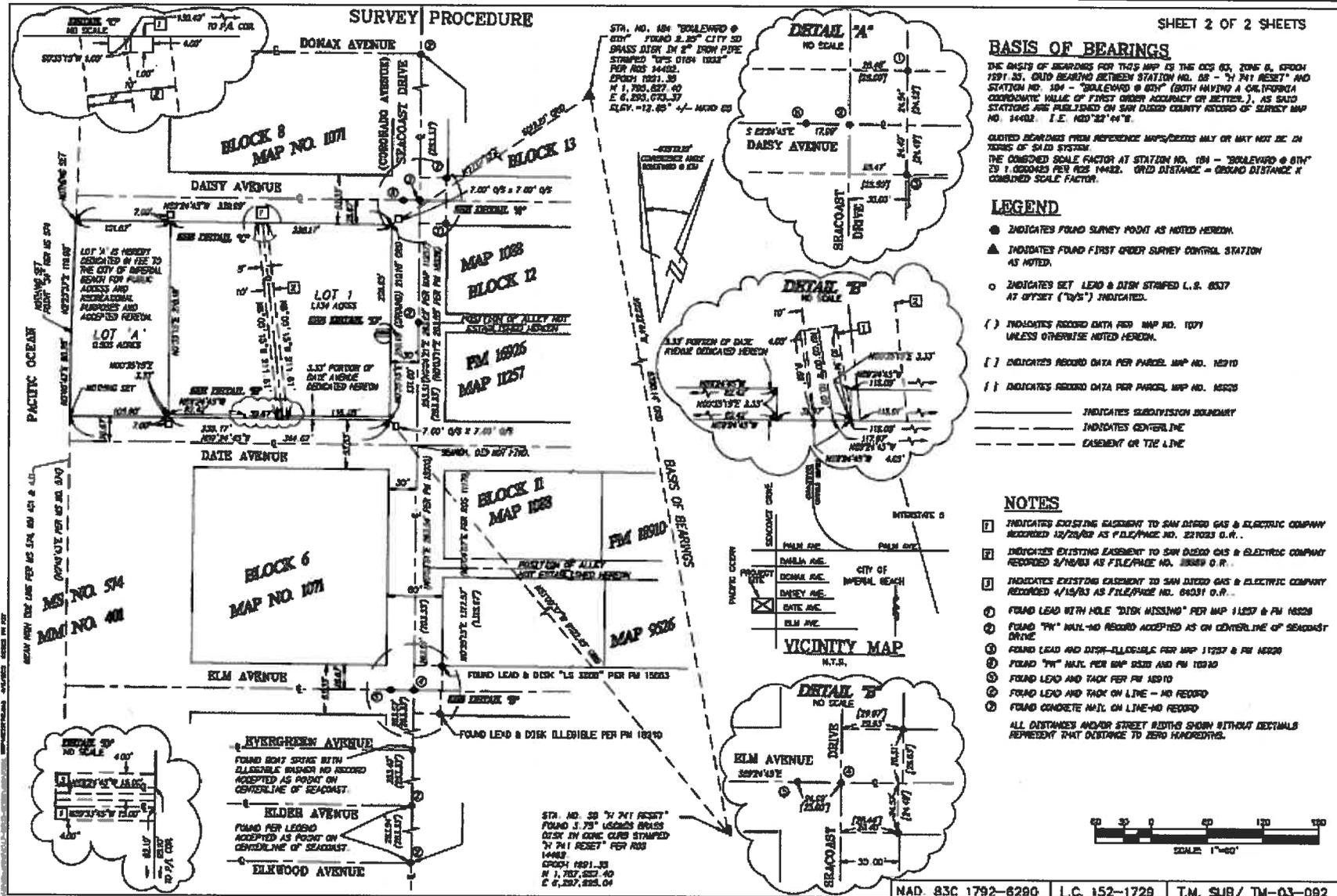
Allison Rolfe, Planning Director, Pacifica Companies, 1785 Hancock Street, Suite 100, San Diego, CA 92110 arolfe@pacificacompanies.com

Gary D. Mellom, PLS, Survey Field Supervisor, Construction Testing and Engineering, Inc., 1441 Montiel Road, Ste. 115, Escondido, CA 92026 gary@cte-inc.net

Thomas Jones, President, Bement, Dainwood & Sturgeon, 6859 Federal Boulevard, Lemon Grove, CA 91945-1315 tjones@bdsengineering.com

MAP NO.

SHEET 2 OF 2 SHEETS

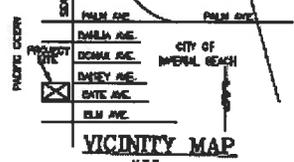


BASIS OF BEARINGS
 THE BASIS OF BEARINGS FOR THIS MAP IS THE OLD CO. ZONE 8, EPOCH 1991.35. GRID BEARING BETWEEN STATION NO. 08 - "N 741 RESET" AND STATION NO. 104 - "BOLLEWOLD @ 80th" (BOTH HAVING A CALIFORNIA COORDINATE VALUE OF FIRST ORDER ACCURACY OR BETTER.), AS SAID STATIONS ARE PUBLISHED ON SAN DIEGO COUNTY RECORD OF SURVEY MAP NO. 34402. I.E. NSD'32'04"0.

QUOTED BEARINGS FROM REFERENCE MAPS/ORDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.
 THE CORRECTED SCALE FACTOR AT STATION NO. 104 - "BOLLEWOLD @ 80th" IS 1.000025 PER RES 14482. GRID DISTANCE - GEODIC DISTANCE X COMBINED SCALE FACTOR.

- LEGEND**
- INDICATES FOUND SURVEY POINT AS NOTED HEREON.
 - ▲ INDICATES FOUND FIRST ORDER SURVEY CONTROL STATION AS NOTED.
 - INDICATES SET LEAD & DISK STAFFED L.S. 8537 AT OFFSET ("0/5") INDICATED.
 - () INDICATES RECORD DATA PER MAP NO. 1071 UNLESS OTHERWISE NOTED HEREON.
 - [] INDICATES RECORD DATA PER PARCEL MAP NO. 10210
 - [] INDICATES RECORD DATA PER PARCEL MAP NO. 10225
 - INDICATES SUBDIVISION BOUNDARY
 - - - INDICATES CENTERLINE
 - - - INDICATES CASEMENT OR TIE LINE

- NOTES**
- 1 INDICATES EXISTING EASEMENT TO SAN DIEGO GAS & ELECTRIC COMPANY RECORDED 12/28/82 AS FILE/PAGE NO. 221033 O.R..
 - 2 INDICATES EXISTING EASEMENT TO SAN DIEGO GAS & ELECTRIC COMPANY RECORDED 2/18/83 AS FILE/PAGE NO. 30889 O.R..
 - 3 INDICATES EXISTING EASEMENT TO SAN DIEGO GAS & ELECTRIC COMPANY RECORDED 4/15/83 AS FILE/PAGE NO. 84031 O.R..
 - 4 FOUND LEAD WITH HOLE "DISK MISSING" PER MAP 11257 & PM 10226
 - 5 FOUND "W" MARK-NO RECORD ACCEPTED AS ON CENTERLINE OF SEACOAST DRIVE
 - 6 FOUND LEAD AND DISK-ILLEGIBLE PER MAP 11257 & PM 10226
 - 7 FOUND "W" MARK PER MAP 10225 AND PM 10230
 - 8 FOUND LEAD AND TACK PER PM 10210
 - 9 FOUND LEAD AND TACK ON LINE - NO RECORD
 - 10 FOUND CONCRETE MARK ON LINE-NO RECORD
- ALL DISTANCES AND/OR STREET WIDTHS SHOWN WITHOUT DECIMALS REPRESENT THAT DISTANCE TO ZERO HUNDRETHS.



NAD. 83C 1792-6280 | L.C. 152-1729 | T.M. SUB/ TM-03-092

RESOLUTION NO. 2010-6882

**A RESOLUTION OF THE CITY OF IMPERIAL BEACH, CALIFORNIA,
APPROVING A FINAL MAP FOR THE SEACOAST INN DEVELOPMENT
PROJECT**

WHEREAS, Imperial Coast Limited Partnership, (“Developer”) and the City of Imperial Beach (“City”) entered into a development agreement (“DA”) on December 18, 2007, to provide for the development of a new beachfront hotel consisting of 78 rooms, approximately 114 parking spaces, a full-service restaurant, conference room, and ancillary amenities (“Project”); and

WHEREAS, on December 5, 2007, the City Council approved a tentative map with conditions for the Project to allow the subdivision of the property for hotel-condominium purposes; and

WHEREAS, under the terms of the tentative map approval, among other things, Developer is responsible for the construction of certain public improvements along Seacoast Drive including newly-constructed curb, gutter, sidewalk, driveways and landscaping (“Improvements”); and

WHEREAS, Developer and the City now desire to approve the Final Map for the project prior to construction of the required Improvements; and

WHEREAS, the cost for the required Improvements on Seacoast Drive have been estimated at \$165,202.00; and

WHEREAS, in order to provide for and ensure the construction of the required improvements, the City is requiring and Developer must secure a labor and materials and performance bond (“Surety Bond”) in the amount of \$165,202.00 to construct the required public Improvements; and

WHEREAS, the Final Map will be approved subject to the condition that the Developer submit the required Surety Bond within a specified time period.

NOW, THEREFORE, the City Council of the City of Imperial Beach, California, does hereby resolve that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The Final Map for the Project is hereby approved subject to the condition that Developer shall submit the above-described required Surety Bond prior to recordation of the Final Map and no later than April 26, 2010. If the Surety Bond is not submitted by April 26, 2010, this Resolution and the Final Map approval will be deemed null and void and the City will have no obligation to record the Final Map.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 21st day of April 2010, by the following roll call vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

Jacqueline M. Hald

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2010-6882 – **A RESOLUTION OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A FINAL MAP FOR THE SEACOAST INN DEVELOPMENT PROJECT**

CITY CLERK

DATE



AGENDA ITEM NO. 2.2

**STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY**

TO: CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GARY BROWN, EXECUTIVE DIRECTOR

MEETING DATE: APRIL 21, 2010

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR *GW*
GERARD SELBY, REDEVELOPMENT COORDINATOR *GS*

SUBJECT: DETERMINATION THAT THE IMPERIAL BEACH REDEVELOPMENT AGENCY'S ("AGENCY") PLANNING AND ADMINISTRATIVE EXPENSES USING LOW AND MODERATE INCOME HOUSING FUND ARE NECESSARY FOR THE PRODUCTION, IMPROVEMENT, OR PRESERVATION OF LOW-AND MODERATE-INCOME HOUSING.

BACKGROUND

Section 33334.2(e)(2) of the Health and Safety Code generally restricts an agency's use of monies from the low- and moderate-income housing fund to on-site or off-site improvements that result in the new construction or rehabilitation of affordable housing units for low- or moderate-income persons who directly benefit from those improvements.

Health and Safety Code sections 33334.3(d) and (e) also allow housing funds to be used for "Planning and General Administrative" costs. Paragraph (d) provides that such costs should "not be disproportionate to the rest of the expenditures within the redevelopment agency with the amount spent for the cost of production, improvement or preservation of that housing." Paragraph (e) provides that planning and general administrative costs should be "directly related" to the agency's housing programs, and are limited to:

- Salaries, wages and related costs of agency staff, or services provided through inter-agency agreements, and agreements with contractors; and
- Costs incurred by a nonprofit corporation, which are not directly attributed to a project.

DISCUSSION

To comply with Health and Safety Code sections 33334.3(d) and (e), the Agency is required annually to make the determination that the planning and administrative expenses are necessary for the production, improvement, or preservation of low-and moderate-income housing. The Agency uses Housing funds to pay salaries, wages and related costs of agency

housing. The Agency uses Housing funds to pay salaries, wages and related costs of agency staff. In addition, consultant services in support of affordable housing programs, production, and rehabilitation are paid for with housing funds. In Fiscal Year 2010-2011, the Agency will collect approximately \$1,500,000 of tax increment, \$1,251,941 of which will be available to support the Agency's efforts to rehabilitate, produce, and preserve affordable housing. The Agency has budgeted \$248,059 for planning and administrative costs to support the Agency's affordable housing activities. The uses of the housing funds are not disproportional to the rest of the expenditures within the redevelopment agency and are directly related to staff's efforts to produce, improve, or preserve affordable housing.

FISCAL IMPACT

Funds are budgeted and available in the Fiscal Year 2010-2011 Redevelopment Agency's Affordable Housing Programs Budget.

AGENCY RECOMMENDATION

Staff recommends that the Imperial Beach Redevelopment Agency adopt Resolution Number R-10-219 which finds and determines that the planning and administrative expenses to be paid from the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate income housing. And, that they are not disproportionate to the amounts budgeted for the costs of production, improvement, or preservation of that housing.



Gary Brown, Executive Director

Attachments:

- 1. Resolution No. R-10-219

A RESOLUTION OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY DECLARING THAT PLANNING AND ADMINISTRATIVE EXPENSES ARE NECESSARY FOR THE PRODUCTION, IMPROVEMENT, OR PRESERVATION OF LOW- AND MODERATE-INCOME HOUSING DURING THE FISCAL YEAR 2010-2011.

The Imperial Beach Redevelopment Agency ("Agency") does hereby resolve as follows:

WHEREAS, section 33334.2(e)(2) of the Health and Safety Code generally restricts an agency's use of monies from the housing fund to on-site or off-site improvements that result in the new construction or rehabilitation of affordable housing units for low or moderate-income persons who directly benefit from the improvements; and

WHEREAS, Health and Safety Code sections 33334.3(d) and (e) allow housing funds to be used for "Planning and General Administrative" costs; and

WHEREAS, paragraph (e) provides that planning and general administrative costs should be "directly related" to the agency's housing programs, and are limited to:

- Salaries, wages and related costs of agency staff, or services provided through inter-agency agreements and agreements with contractors.
- Costs incurred by a nonprofit corporation, which are not directly attributed to a project; and

WHEREAS, Health and Safety Code sections 33334.3(d) states that a determination (finding) be made by the Agency's governing board stating that planning and administrative expenses are necessary for the production, improvement, or preservation of low and moderate-income housing.

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

That a determination has been made by the Redevelopment Agency Board that administrative costs for the Housing fund are directly related to the said Fund's housing programs and are appropriately charged therein.

PASSED, APPROVED, AND ADOPTED by the Imperial Beach Redevelopment Agency at its meeting held on the 21th day of April 2010, by the following roll call vote:

**AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:**

**JAMES 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 exact copy of Resolution No. R-10-219, A Resolution of the Imperial Beach Redevelopment Agency DECLARING THAT PLANNING AND ADMINISTRATIVE EXPENSES ARE NECESSARY FOR THE PRODUCTION, IMPROVEMENT, OR PRESERVATION OF LOW AND MODERATE-INCOME HOUSING DURING THE FISCAL YEAR 2010-2011.

CITY CLERK

DATE



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: APRIL 21, 2010

ORIGINATING DEPT.: PUBLIC WORKS

SUBJECT: RESOLUTION APPROVING A 3-YEAR EXTENSION TO THE ANNUAL 5-YEAR TREE TRIMMING SERVICES 2005 AGREEMENT

BACKGROUND: In Resolution No. 2005-6154, City Council awarded the Annual 5-Year Tree Trimming Services 2005 contract to West Coast Arborists, Inc. The contract was for the purpose of providing annual palm tree trimming services of City palm trees for a 5-year period. The contract award was for a per tree cost of \$17.75 and an average annual cost of \$18,637.50 (1050 trees at \$17.75 per tree). The City received 6 bids for the project with bid amounts as follows:

- \$18,637.50
- \$29,400.00
- \$36,750.00
- \$41,748.00
- \$41,947.50
- \$57,645.00

In Resolution No. 2007-6479, City Council authorized a 3.5% increase in tree trimming rate due to the marked increase in fuel costs experienced in those years over that existing during the 2005 bid year. The new rate increased from \$17.75 per tree to \$18.35 per tree (annual cost for 1050 trees of \$19,267.50).

The contract was for City tree trimming services for the five years – May 2005 - May 2010. The Agreement expires May 18, 2010. However, the Agreement has the following provision included:

1.4 Project Duration

A. The terms of this agreement shall be five (5) years, commencing effective with the execution of the Agreement by both parties. The City shall have the sole option to extend this Agreement five times up to sixty (60) months in periods of at least 12 months each. If the City of Imperial Beach elects to exercise this option, it shall give written notice not later than ninety (90) days prior to the initial termination date, or, if an extension has been exercised, ninety (90) days prior to the next termination date.

City staff communicated to West Coast Arborists, Inc. that the City would consider an extension to the current agreement as provided in the provision written above. In the attached letter (attachment 2), West Coast Arborists, Inc. has responded that WCA will offer the following for a three (3) year contract extension:

"WCA offers the City a 5.0% discount on the current price effective July 1, 2010 and holding those prices the same for two (2) years until June 30, 2012. In exchange for the discount, we respectfully request a contract extension under the same terms and conditions for an additional three (3) years in one-year increments until June 30, 2013."

DISCUSSION: The City has had good service at a reasonable cost from West Coast Arborists, Inc. for the duration of the original contract. It appears that the extension of the current agreement for a 3-year period is a good use of public funds. If the terms of the proposal from West Coast Arborists, Inc. is accepted the tree trimming fee for the next two fiscal years will be \$17.45 per tree (1050 trees at \$17.45 per tree = \$18,322.50 per year).

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

- Estimated FY 2011 and FY 2012 cost of \$18,322.50 each year yielding an estimated Annual General Fund savings of \$945.00.
- Estimated FY 2013 annual tree trimming cost of \$19,267.50.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Authorize the City Manager to sign an Agreement extension with West Coast Arborists, Inc. for palm tree trimming services per the conditions noted in Attachment 2.
3. Adopt attached resolution approving a 3-year extension to the annual 5-Year Tree Trimming Services 2005 Agreement.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Resolution No. 2010-6879
2. West Coast Arborists, Inc. letter dated March 18, 2010.

RESOLUTION NO. 2010-6879

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A 3-YEAR EXTENSION TO THE ANNUAL 5-YEAR TREE TRIMMING SERVICES 2005 AGREEMENT

WHEREAS, in Resolution No. 2005-6154, City Council awarded the "Annual 5-Year Tree Trimming Services 2005" contract to West Coast Arborists, Inc; and

WHEREAS, the contract was for the purpose of providing annual palm tree trimming services of City palm trees for a 5-year period; and

WHEREAS, the contract award was for a per tree cost of \$17.75 and an average annual cost of \$18,637.50 (1050 trees at \$17.75 per tree); and

WHEREAS, in Resolution No. 2007-6479, City Council authorized a 3.5% increase in tree trimming rate to \$18.35 per tree due to the marked increase in fuel costs experienced in those years over that existing during the 2005 bid year; and

WHEREAS, the City has the sole option to extend this Agreement five times up to sixty(60) months in periods of at least 12 months each; and

WHEREAS, West Coast Arborists, Inc. offers the City a 5.0% discount on the current price effective July 1, 2010 and holding those prices the same for two (2) years until June 30, 2012 and in exchange for the discount, requests a contract extension under the same terms and conditions for an additional three (3) years in one-year increments until June 30, 2013; and

WHEREAS, the City has had good service at a reasonable cost from West Coast Arborists, Inc. for the duration of the original contract; and

WHEREAS, the extension of the current agreement for a 3-year period is a good use of public funds; and

WHEREAS, the tree trimming fee for the next two fiscal years would be \$17.45 per tree (1050 trees at \$17.45 per tree = \$18,322.50 per year); and

WHEREAS, the estimated FY 2013 annual tree trimming cost would be \$18.35 per tree (1050 trees at \$18.35 per tree = \$19,267.50 per year).

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

1. The above recitals are true and correct.
2. The City Manager is authorized to sign a three (3) agreement extension with West Coast Arborists, Inc. for palm tree trimming services per the conditions noted herein.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 21st day of April 2010, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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



Tree Care Professionals Serving Communities Who Care About Trees

www.WCAINC.com

March 18, 2010

City of Imperial Beach
ATTN: Peter Lau, Public Works Superintendent
825 Imperial Beach Blvd.
Imperial Beach, CA 91932

RE: Proposal for Contract Extension

Dear Mr. Lau,

West Coast Arborists, Inc. (WCA) appreciates the hard work that you and your staff have provided during the past 10 years to help make the tree maintenance program a success for the residents of Imperial Beach. We recognize that municipalities remain challenged by substantial reductions in revenue and increased operating costs. Understanding the current economic situation, we are offering the following proposal to help offset the City's expenses and financial strain.

WCA offers the City a 5.0% discount on the current unit price effective July 1, 2010 and holding these prices the same for two (2) years until June 30, 2012. In exchange for the discount, we respectfully request a contract extension under the same terms and conditions for an additional three (3) years in one-year increments until June 30, 2013.

Additionally, as part of a contract extension, we propose to offer the following services at no additional cost to the City of Imperial Beach:

- Complete a new GPS tree inventory and conduct a cursory review of City-owned trees (valued at approximately \$8,000)
- Continue to provide the use of our tree software program called ArborAccess On-Line (valued at \$4,800 annually)
- Unlimited software training and support.

The City, at its option and with our concurrence, may then renew this contract for additional three-year periods, in one-year increments, on the same terms and conditions as provided in the Agreement. We understand the City may terminate this contract with or without cause upon giving written notice.

We appreciate your consideration in this matter and look forward to continuing a successful business relationship with the City of Imperial Beach. Should you have any questions or require additional information, please do not hesitate to call me at (800) 521-3714.

Sincerely,

Victor M. Gonzalez
Vice President

West Coast Arborists, Inc.

2200 E. Via Burton Street • Anaheim, CA 92806 • 714.991.1900 • 800.521.3714 • Fax 714.956.3745



City of Imperial Beach

Schedule of Compensation

Palm Tree Maintenance Services

Item	Description	Unit	Current Prices	Proposed Prices for 2010	Proposed Prices for 2011	Proposed Prices for 2012	Proposed Prices for 2013
1	Palm Tree Trimming	Each	\$ 18.35	\$ 17.45	\$ 17.45	\$ 17.45	\$ 18.35



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: APRIL 21, 2010

**ORIGINATING DEPT.: GARY BROWN, CITY MANAGER
JENNIFER M. LYON, CITY ATTORNEY**

**SUBJECT: INTRODUCTION AND FIRST READING OF AN ORDINANCE
OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH,
CALIFORNIA AMENDING SECTION 3.24.150 (AUDIT AND
AUDIT EXPENSES) OF THE IMPERIAL BEACH MUNICIPAL
CODE RELATED TO COLLECTION OF TRANSIENT
OCCUPANCY TAXES**

BACKGROUND:

The City currently collects a Transient Occupancy Tax ("TOT") pursuant to Imperial Beach Municipal Code Chapter 3.24. The TOT revenue is used to pay for general municipal services out of the City's General Fund. The City Council established certain goals for the City Manager in 2009, one of which was to initiate measures to improve fiscal stability. On January 20, 2010, the City Manager updated the City Council on this goal and advised the City Council that the City would begin auditing of operators who collect the TOT. In order to implement a periodic auditing program, the existing Section 3.24.150 was reviewed by the City Manager and City staff and is now being proposed to be amended.

DISCUSSION:

Section 3.24.150 of the Imperial Beach Municipal Code currently states "[i]f the tax administrator is of the opinion that there is a likelihood that an operator has understated the amount of tax due on the report required to be filed pursuant to Section 3.24.080, he/she may require that the operator's books and records be audited to determine the accuracy of the report." This section arguably limits the City's ability to conduct an audit only when there is a good faith belief that an operator has failed to accurately report the amount of tax collected. However, Section 3.24.070 "Recordkeeping," states that an

operator has a duty to collect and remit payment to the City and to keep all records for three years, "which records the tax administrator shall have the right to inspect at all reasonable times."

In order to harmonize these sections, Section 3.24.150 is proposed to be amended as follows:

3.24.150. Audit and audit expenses.

~~If the tax administrator is of the opinion that there is a likelihood that an operator has understated the amount of tax due on the report required to be filed pursuant to Section 3.24.080, he/she or any authorized agent of the City may conduct periodic audits of the books and records of any operator require that the operator's books and records be audited in order to determine compliance with this Chapter.~~ determine the accuracy of the report. The audit shall be conducted upon the premises of the operator's place of business within the city, during normal business hours, and shall be conducted by a firm of independent public accountants selected by the tax administrator. The city council shall from time to time approve, by resolution, standard hourly fees to be charged by such public accountants. In the event the independent public accountants determine that the questioned report understated the tax due by more than ten percent, the cost of such audit shall be borne by the operator and paid to the city within ten days of the tax administrator billing the operator for such audit expense. Such audit expense shall be a debt owed to the city and subject to the provisions of Section 3.24.120. A finding that the report understated the tax due by more than ten percent shall constitute a conclusive finding of fraud pursuant to Section 3.24.140(D), and the operator shall be liable for the penalty provided for by said Section 3.24.140(D). The determination made by the independent public accountant shall be subject to an appeal by the operator pursuant to Section 3.24.100.

The amendment would not trigger the requirement for voter approval of taxes because it does not seek to impose the tax on a different class of individuals or increase the existing tax- it applies only to the manner in which the tax is administered and collected.

ENVIRONMENTAL DETERMINATION:

The proposed amendment to Chapter 3.24 is not a "project" as defined by CEQA Guidelines section 15378(b)(2) and 15378(b)(4). Therefore, no further environmental review is required under the California Environmental Quality Act pursuant to CEQA Guidelines section 15060(c)(3).

FISCAL IMPACT:

There are no fiscal impacts associated with adopting the proposed amendment.

DEPARTMENT RECOMMENDATION:

Staff Recommends the Mayor and City Council:

1. Receive this report;
2. Mayor calls for the first reading of the title of Ordinance No. 2010-1102 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING SECTION 3.24.150 (AUDIT AND AUDIT EXPENSES) OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO COLLECTION OF TRANSIENT OCCUPANCY TAXES"
3. City Clerk to read title of Ordinance 2010-1102;
4. Motion to waive further reading and dispense introduction by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Ordinance No. 2010-1102

ORDINANCE NO. 2010-1102

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING SECTION 3.24.150 (AUDIT AND AUDIT EXPENSES) OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO COLLECTION OF TRANSIENT OCCUPANCY TAXES

WHEREAS, the City of Imperial Beach, pursuant to Chapter 3.24 of the Imperial Beach Municipal Code, collects a Transient Occupancy Tax from persons staying in hotels and other transient lodging facilities in the City; and,

WHEREAS, operators of transient lodging facilities are, pursuant to Section 3.24.050, required to collect the appropriate amount of Transient Occupancy Tax from those persons staying in their facilities; and,

WHEREAS, the current Section 3.24.150 permits the City to audit the records of operators under certain circumstances; and,

WHEREAS, the City desires to clarify the audit requirements in order to ensure that the Transient Occupancy Tax is being accurately collected and remitted to the City.

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

Section 1: Existing Section 3.24.150 (Audit and audit expenses) is repealed and replaced with the following:

“3.24.150. Audit and audit expenses.

The tax administrator or any authorized agent of the City may conduct periodic audits of the books and records of any operator to determine compliance with this Chapter. The audit shall be conducted upon the premises of the operator’s place of business within the city, during normal business hours, and shall be conducted by a firm of independent public accountants selected by the tax administrator. The city council shall from time to time approve, by resolution, standard hourly fees to be charged by such public accountants. In the event the independent public accountants determine that the questioned report understated the tax due by more than ten percent, the cost of such audit shall be borne by the operator and paid to the city within ten days of the tax administrator billing the operator for such audit expense. Such audit expense shall be a debt owed to the city and subject to the provisions of Section 3.24.120. A finding that the report understated the tax due by more than ten percent shall constitute a conclusive finding of fraud pursuant to Section 3.24.140(D), and the operator shall be liable for the penalty provided for by said Section 3.24.140(D). The determination made by the independent public accountant shall be subject to an appeal by the operator pursuant to Section 3.24.100.”

Section 2: Effective Date: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Imperial Beach shall cause a summary of this Ordinance to be published pursuant to the provisions of Government Code section 36933.

Section 3: Severability: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason declared to be void, unconstitutional or invalid for any reason by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The city council hereby declares that it would have enacted this ordinance regardless of the invalid or proscribed section, subsection, sentence, clause or phrase.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 21st day of April 2010;

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 4th day of May 2010, by the following vote:

AYES:
NAYS:
ABSENT:

Jim Janney, Mayor

ATTEST:

Jacqueline Hald, City Clerk

APPROVED AS TO FORM:

Jennifer M. Lyon, City Attorney

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2010-____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING SECTION 3.24.150 (AUDIT AND AUDIT EXPENSES) OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO COLLECTION OF TRANSIENT OCCUPANCY TAXES"

JACQUELINE HALD, CITY CLERK

DATE



AGENDA ITEM NO. 3.2

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: APRIL 21, 2010
ORIGINATING DEPT.: HANK LEVIEN, PUBLIC WORKS DIRECTOR *HL*
JENNIFER M. LYON, CITY ATTORNEY
SUBJECT: INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE IMPERIAL BEACH MUNICIPAL CODE RELATING TO USE OF VETERANS PARK YOUTH SOCCER FIELD IN THE CITY OF IMPERIAL BEACH BY AMENDING SECTION 12.56.010 AND ADDING SECTION 12.56.065 TO CHAPTER 12.56

BACKGROUND:

The City of Imperial Beach ("City") has created the Veterans Park Youth Soccer Field ("Soccer Field") utilizing synthetic turf for the playing surface. This synthetic turf is the same as that utilized on professional and collegiate playing fields. The city invested nearly \$400,000 to design, purchase and install the turf. Due to the properties of this artificial turf, special care must be taken that the surface of the field is not damaged as a result of misuse.

On March 3, 2010, the City Council approved an agreement with Boys & Girls Club to provide for the management and scheduling of the Soccer Field. The agreement provides that the Boys and Girls Club will schedule sports activities and otherwise provide specified management services related to the use of the Soccer Field. Under this agreement, the City is required to develop and establish user policies and applicable fees for the Soccer Field.

The City Council has already set fees and established deposits to be used to repair potential damage and to maintain the field. In order to help further minimize maintenance and repair costs, the City is proposing regulations to be applied to the Soccer Field. These use policies and regulations are primarily directed at prohibiting certain activities and/or certain sports equipment, including some types of shoes, that are known to damage or cause unnecessary wear to synthetic turf. The City intends to post signs containing these policies and regulations at the Soccer Field.

DISCUSSION:

The City is directed to set fees and establish use policies and regulations pursuant to the agreement between the City and the Boys and Girls Club. In order to regulate the use of the

Soccer Field to keep it safe, clean and in good repair, the IBMC will need to be amended to set out these policies and regulations aimed primarily at preserving the surface of the field. The proposed ordinance will also set out policies regarding the use of the field by the general public when the field is not reserved for use in league sports activities.

FISCAL IMPACT:

Costs associated with the posting of signs containing the policies and regulations at the Soccer Field

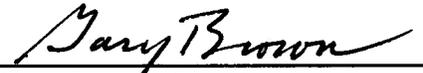
DEPARTMENT RECOMMENDATION:

Staff Recommends the Mayor and City Council:

1. Receive this report;
2. Mayor calls for the first reading of the title of Ordinance No. 2010-1101 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE IMPERIAL BEACH MUNICIPAL CODE RELATING TO USE OF VETERANS PARK YOUTH SOCCER FIELD IN THE CITY OF IMPERIAL BEACH BY AMENDING SECTION 12.56.010 AND ADDING SECTION 12.56.065 TO CHAPTER 12.56"
3. City Clerk to read Ordinance 2010-1101;
4. Motion to waive further reading and dispense introduction by title only and set the matter for adoption at the next regularly scheduled City Council meeting.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachment:

1. Ordinance 2010 -1101.

ORDINANCE NO. 2010-1101

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH,
CALIFORNIA, AMENDING THE IMPERIAL BEACH MUNICIPAL CODE
RELATING TO USE OF VETERANS PARK YOUTH SOCCER FIELD IN THE
CITY OF IMPERIAL BEACH BY AMENDING SECTION 12.56.010 AND ADDING
SECTION 12.56.065 TO CHAPTER 12.56**

WHEREAS, the City of Imperial Beach ("City") has created Veterans Park Youth Soccer Field to better serve the recreational interests of its citizens; and

WHEREAS, the City of Imperial Beach intends to promulgate use policies and regulations for the Veterans Park Youth Soccer Field.

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

SECTION 1. Section 12.56.010, of Chapter 12.56 of the Imperial Beach Municipal Code (Use of Public Parks and Facilities) is hereby amended to read as follows:

"12.56.010. Definitions.

For the purpose of this chapter, the following definitions shall apply:

"Camp" shall mean to reside in or use a park for living accommodation purposes, as exemplified by remaining for prolonged or repetitious periods of time not associated with ordinary recreational use of a park with one's personal possessions (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material), sleeping or making preparations to sleep, storing personal belongings as above defined, regularly cooking or consuming meals, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

"Public building" means any building owned or leased by the city.

"Public facility" means any place, structure, area or other facility, owned, maintained or controlled by the city, not including public streets and sidewalks.

"Public parking lot" means any place, structure or area owned or leased by the city and operated as an off-street parking facility.

"Public park" means and includes all dedicated parks and traffic islands maintained by the city, including the Sports Park and Veterans Park Youth Soccer Field as defined herein.

"Public playground" means a place, structure, area, or other facility under the jurisdiction of the government body of the city used for community recreation purposes such as playing fields or courts, swimming pools, gymnasiums, auditoriums and meeting places.

"Sports Park" means the city's Sports Park located at 425 Imperial Beach Boulevard.

"Soccer Field" means the city's Veterans Park Youth Soccer Field located at 1075 8th Street."

SECTION 2. Section 12.56.065 is added to Chapter 12.56 (Use of Public Parks and Facilities) of the Imperial Beach Municipal Code to read as follows:

"12.56.065. Soccer Field – Use and regulations.

In addition to the rules and regulations found in this Chapter 12.56 and Section 8.84.030(12) of Chapter 8.84, the following policies and restrictions shall also apply to use of the Soccer Field:

A. The Boys & Girls Club of Imperial Beach ("Club") shall be responsible for scheduling the use of the Soccer Field for organized sporting events pursuant to provisions of the Memorandum of Understanding Between the Boys and Girls Club of Imperial Beach and the City of Imperial Beach approved by the City Council as that document may be amended from time to time (the "MOU").

B. The City shall, from time to time by resolution, establish applicable fees for use of the Soccer Field.

C. Unless the Soccer Field is reserved for use in an organized sporting event coordinated by the Club by a sports league as provided in the MOU, the Soccer Field shall be available for use by members of the general public on a first come – first served basis.

D. It is unlawful for any person or group of persons, who have not reserved the Soccer Field as provided in the MOU, to fail or refuse to promptly leave the Soccer Field following a request to do so by a representative of the Club, other City representative, or law enforcement officer.

E. Golfing is prohibited on the field.

F. Every player using the Soccer Field shall clean his or her footwear prior to accessing the field to avoid soiling or staining the field from dirt or mud.

G. Users must wear molded cleats or other athletic shoes only, metal cleats or "V" cleats are prohibited.

H. Sharp objects, including tent stakes, corner flags, or other objects that can penetrate the surface of the field, are prohibited.

I. Only freestanding field markers and sports equipment may be used on the field.

J. Food items are prohibited on the field, including but not limited to, chewing gum, sunflower seeds, chewing tobacco, cigarettes, and sports drinks. Water is allowed.

K. No pets are allowed on the field.

L. Bicycles or other unapproved vehicles are prohibited on the field.

- M. Only approved athletic equipment may be used on the field.
- N. All trash and refuse must be deposited in a park trash receptacle.
- O. Only the gates shall be utilized to enter and exit the field. "Fence hopping," or sitting on the fence is prohibited.

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

SECTION 4. The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

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

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 21st day of April, 2010; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 4th day of May, 2010, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2010-1101, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE IMPERIAL BEACH MUNICIPAL CODE RELATING TO USE OF VETERANS PARK YOUTH SOCCER FIELD IN THE CITY OF IMPERIAL BEACH BY AMENDING SECTION 12.56.010 AND ADDING SECTION 12.56.065 TO CHAPTER 12.56

JACQUELINE HALD, CITY CLERK

DATE



AGENDA ITEM NO. 4.1

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: APRIL 21, 2010
ORIGINATING DEPT.: CITY ATTORNEY
**SUBJECT: ADOPTION OF ORDINANCE NO. 2010-1100 AMENDING
SECTIONS 9.08.020 AND 9.08.050 PERTAINING TO
JUVENILE CURFEW**

BACKGROUND:

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

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

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

The City Council adopted an urgency ordinance and conducted the first reading of this ordinance at their meeting of April 7, 2010.

DISCUSSION:

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

In order to make the City's juvenile curfew law similar to the laws in the City and County of San Diego, the attached ordinances would change the start time for the juvenile curfew from 11:00 p.m. to 10:00 p.m. These ordinances also eliminate an exception authorizing minors to be in private buildings open to the public.

Ordinance No. 2010-1100 is a non-urgency ordinance and will take effect in the normal course of the law, which is 30 days after adoption. Section 2 of this ordinance provides that once it takes effect, it will supersede Ordinance No. 2010-1099, the urgency ordinance.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

Staff Recommends the Mayor and City Council:

1. Receive this report;
2. Mayor calls for the second reading of the title of Ordinance No. 2010-1100 "AN ORDINANCE AMENDING SECTIONS 9.08.020 AND 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW";
3. City Clerk to read Ordinance No. 2010-1100;
4. Motion to dispense second reading and adopt Ordinance No. 2010-1100 by title only.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

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

ORDINANCE NO. 2010-1100

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTIONS 9.08.020 AND 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE, PERTAINING TO JUVENILE CURFEW

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

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

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

SECTION 1. Section 9.08.020 is amended to read as follows:

9.08.020. Definitions.

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

- A. "Curfew hours" means the hours between ten p.m. and five a.m. of the following day.
- B. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, without limitation, fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- C. "Guardian" means (1) a person who, under court order, is the guardian of the person of a minor; or (2) a public or private agency with which the court has placed a minor.
- D. "Minor" means any person under the age of eighteen.
- E. "Parent" means a person who is a natural parent, adoptive parent, or step-parent of a minor.
- F. "Public place" means any place to which any member of the public has access, including, without limitation, public rights-of-ways, public grounds, dedicated open or trail space, or any privately owned unsupervised land that is open and generally available to the public including, without limitation, vacant lots, school parking lots and common areas, hospitals, apartment houses, office buildings, housing complexes, shopping centers, and malls.

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

SECTION 2. Section 9.08.050 is amended to read as follows:

"9.08.050. Exceptions.

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

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

SECTION 3. Upon its effective date, this ordinance supersedes Ordinance No. 2010-1099.

SECTION 4. The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION 5. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of any other portion of this Ordinance and, to that end, the provisions of this Ordinance are severable.

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

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 7th day of April, 2010; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 21st day of April, 2010, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON
CITY ATTORNEY

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be an exact copy of Ordinance No. 2010-1100 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTIONS 9.08.020 AND 9.08.050 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO JUVENILE CURFEW.

CITY CLERK

DATE

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

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

9.08.020. Definitions.

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

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

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

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

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

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

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

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

9.08.030. Prohibition—Minor.

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

9.08.040. Prohibition—Adult.

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

9.08.050. Exceptions.

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

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

9.08.060. Enforcement—Penalty.

- A. Each violation of this chapter constitutes a separate offense;
- B. A charge under this chapter may be prosecuted either as a misdemeanor or an infraction. Minors shall be prosecuted in accordance with juvenile court law and procedure.
- C. Any person convicted of an infraction for violating this chapter may be by a fine not exceeding two hundred fifty dollars or by a requirements to perform county or city approved work projects or community service or both.
- D. Any person convicted of a misdemeanor for violating this chapter may be punished by imprisonment in the county jail for a period of time not exceeding six months, or by a fine not exceeding one thousand dollars, or both. (Ord. 97-914 § 2, 1997)



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

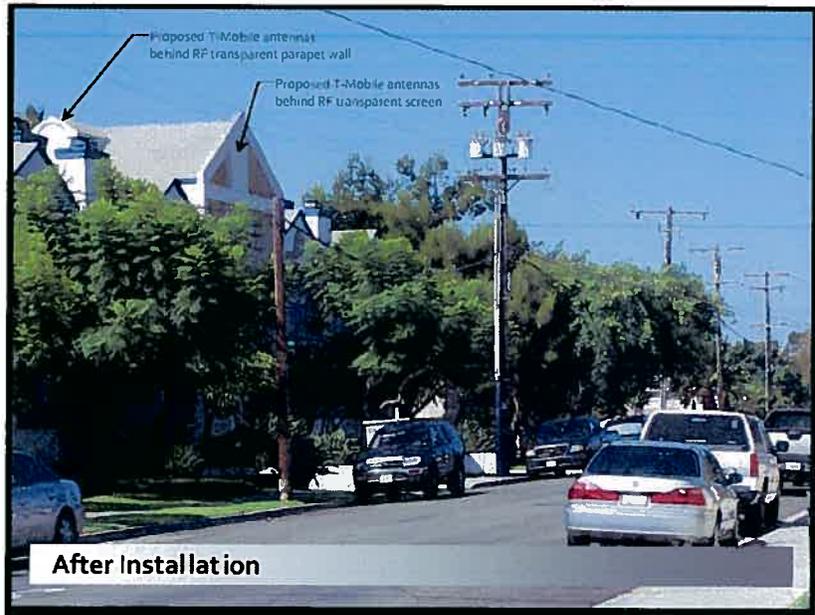
MEETING DATE: APRIL 21, 2010

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

**SUBJECT: PUBLIC HEARING: T-MOBILE WEST CORPORATION
(APPLICANT)/PREBYS CONRAD TRUST (OWNER);
CONDITIONAL USE PERMIT (CUP 100003), DESIGN REVIEW
CASE (DRC 100004), AND SITE PLAN REVIEW (SPR 100005)
TO INSTALL A TELECOMMUNICATIONS FACILITY ON A
MULTI-FAMILY RESIDENTIAL APARTMENT BUILDING
LOCATED AT 1471 GROVE AVENUE IN THE R-2000 (MEDIUM-
DENSITY RESIDENTIAL) ZONE. MF 1033.**

PROJECT DESCRIPTION/BACKGROUND:

This is an application (MF 1033) originally submitted on February 11, 2010 for a Conditional Use Permit (CUP 100003), Design Review Case (DRC 100004), and Site Plan Review (SPR 100005) to install a telecommunications facility on a multi-family residential apartment building located at 1471 Grove Avenue (APN 633-171-32-00) in the R-2000 (Medium-Density Residential) Zone. This project design had been reviewed and approved by the City Council, acting as the Planning Commission, on August 20, 2008 (ref. MF 961 – CUP 070079, DRC 070080, SPR 070080); however, the permits expired prior to commencement of any construction. The applicant must obtain new approvals for the project. Installation and/or modification of wireless



facilities per Ordinance 2002-983 are subject to approval of a conditional use permit (I.B.M.C.19.90.040). Per the Development and Design Standards, installation and/or modification of wireless facilities must meet specific design criteria as outlined in Chapter 19.90. The project was subject to design review by the Design Review Board because the project requires a conditional use permit (IBMC 19.83.020).

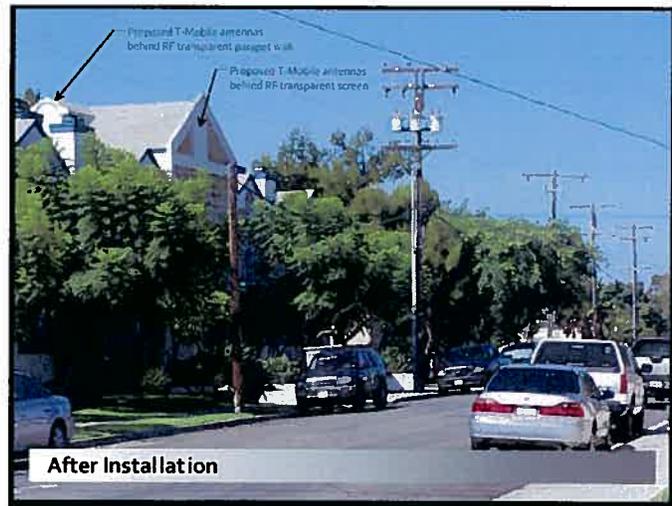
PROJECT EVALUATION/DISCUSSION:

VISUAL QUALITY ISSUES

The proposed telecommunications facility will consist of six panel antennas mounted on an existing residential apartment building and an equipment room in an underground garage. Two antennas will be located within a screened area below the north gable. Four antennas will be located within new dormers to be constructed on the existing roof. The base station equipment will be located within the existing underground parking garage. The base station equipment will not remove any existing parking. Electric and telephone services will be extended to the project area via underground conduits.



The gable and dormer screens concealing the antennae would be the most conspicuous aspects of this proposal. The gable screen would be located beneath the north gable and would be built to match the existing color and textures of the existing gable support. The dormer screens would be located on top the existing gable roof (one dormer on each side of the gabled roof), and would be built to match the existing colors, textures, and roof materials on the building. The dormers would be located on the existing roof and would not surpass the existing height of 37'-6". Imperial Beach Municipal Code (IBMC) 19.90.070.C states that wireless facilities must meet the height requirement of the underlying zone (R-2000), which would require a maximum height limit of twenty-six (26) feet. However, the code also states that a greater height may be permitted through the conditional use permit; the applicant is requesting such a deviation. IBMC 19.90.070.B also states that the minimum setback in a residential zone for antennae or equipment is twenty (20) feet from any property line. The applicant is requesting a deviation from this requirement through the conditional use permit because the proposed equipment area in the underground garage will be located within twenty (20) feet of the west property line. Wireless facilities use transmitting antennae to communicate with mobile handsets and other wireless devices. The height of the antenna is critical to the facilities performance because the signal must be elevated above ground level at a height that provides



a clear line-of-sight to clear any topographical barriers and existing natural and building environment. The antennas would not be functional at a lower height because the signal would be significantly reduced. The gable and dormer screens would conceal the antennae and would blend in with the surrounding area, and is designed for co-location for a separate provider.

The location of the telecommunication facility was also examined. T-Mobile is working to install wireless communication facilities in three areas in Imperial Beach that lack sufficient coverage. Two other proposed locations near 13th Street and Palm Avenue and along Seacoast Drive were approved in 2008, though all permits have expired because no construction work has commenced and no time extensions were requested or granted. Site justification maps were provided to justify the locations for each respective project. IBMC 19.90.030 states that wireless communication facilities may not be located in a residential zone unless doing so is necessary to avoid a significant gap in wireless communications coverage. The applicant claims that the proposed project at 1471 Grove Avenue is optimal because it falls within a coverage area that is severely lacking in service, and is the only site that has the potential to complete T-Mobile's wireless network coverage within Imperial Beach.

GENERAL PLAN/ZONING CONSISTENCY

The proposed development is subject to Chapter 19.88, "Wireless Communications Facilities," Ordinance 2002-983 and Ordinance 2003-997. The purpose of the chapter is to establish standards for the siting, development and maintenance of wireless communications facilities and antenna throughout the city. The chapter is also intended to protect and promote the public health, safety and welfare, as well as the aesthetic quality of the city as set forth in the goals, objectives and policies of the General Plan. The proposed development meets the Development and Design Standards as outlined in Chapter 19.88. The project is located in the R-2000 (Medium-Density Residential) Zone. The purpose of the R-2000 Zone is to allow for residential dwellings. However, wireless facilities are allowed when necessity compels placement to avoid a significant gap in wireless communications coverage.

DESIGN REVIEW

Standards	Provided/Proposed
The installation of wireless communications facilities may not reduce the number of required parking spaces on a proposed site.	No parking spaces will be removed.
Wireless communications facilities and accessory equipment must meet the required setbacks of the underlying zone, except that in a residential zone, the minimum setback for an antenna or equipment building from any property line is twenty feet.	The minimum setback for any antenna within a residential area is 20 feet. The applicant is requesting that a deviation be provided through the CUP process to allow for the antennas to encroach no further into the setbacks than where the existing building envelope is located.
Wireless communications facilities must meet the height requirement of the underlying zone, unless a greater height is approved through the conditional use permit.	There is a 26 foot height limit in the R-2000 zone. The applicant has requested a deviation through the CUP process to allow for the antennas to exceed no taller than the existing 37'-6" height of the building.
A service provider with a wireless communications facility in the city must obtain a city business license.	This will be a condition of approval for the CUP.

<p>The visual impact of wireless communications facilities must be minimized to the maximum extent feasible, taking into consideration technological requirements, through the use of placement, screening, camouflage, and landscaping, so that the facility is compatible with adjacent uses, existing architectural elements, topography, neighborhood landscaping, building materials, and other site characteristics.</p>	<p>The housing for the antennae below the north roof will be concealed behind a screen matching the existing colors and materials of the gable support. The roof antennas will be screened by new dormers that will match the existing roof and materials. The base equipment will be located, and fenced, in the underground garage, not in view.</p>
<p>The colors and materials of wireless communications facilities must blend into their backgrounds.</p>	<p>The housing for the antennae below the north roof will be concealed behind a screen matching the existing colors and materials. The roof antennas will be screened by new dormers that will match the existing roof and materials.</p>
<p>Facade-mounted antennae must be integrated architecturally into the style and character of the structure to which they are attached; they must be painted and textured to match the existing structure; and they may not project more than eighteen inches from the face of the building or other support structure unless approved by a conditional use permit.</p>	<p>The proposed antennas below the north face roof shall be painted and textures to match the existing materials and colors. The screening does not project beyond the existing building projections.</p>
<p>Roof-mounted antennae may not exceed the minimum height necessary to serve the operator's service area, while complying with the building height requirements of this title; they must be designed to minimize their visibility from surrounding areas; and they must be painted and textured to match the existing structure or building.</p>	<p>The proposed roof mounted antennae will not extend beyond the existing roof-line. There will be no increase to the existing building height.</p>
<p>Freestanding facilities, including towers, lattice towers, and monopoles, are discouraged unless no reasonable alternative is possible. If a freestanding facility is necessary, it may not exceed the minimum functional height and width required to support the proposed wireless facility.</p>	<p>There are no proposed freestanding facilities.</p>
<p>Proposed freestanding facilities must be stealth facilities; they must be painted and designed to blend in with the surrounding area; and they must be landscaped, if necessary, to minimize visual impacts.</p>	<p>There are no proposed freestanding facilities.</p>
<p>Wireless facility support structures, such as equipment buildings, cabinets, cables, air conditioning units, and fencing, must be painted and textured to match the surrounding physical area and screened with landscaping in order to minimize visual impacts</p>	<p>The equipment area will be located within the underground garage, screened from the public.</p>
<p>No advertising signs may be placed on any facility or equipment.</p>	<p>There are no proposed advertising signs.</p>

SURROUNDING ZONING AND LAND USE

North: R-3000 Residential
South: R-2000 Residential
East: City of San Diego Residential
West: R-2000 Residential

ENVIRONMENTAL STATUS:

This project may be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302(c) (Replacement of reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity).

COASTAL JURISDICTION:

The project is not located in the Coastal Zone; the City will not need to consider evaluating the project with respect to conformity with coastal permit findings.

FISCAL ANALYSIS:

The applicant has deposited \$6,500.00 in Project Account Number 100004 to fund the processing of this application.

DESIGN REVIEW BOARD (DRB) RECOMMENDATION:

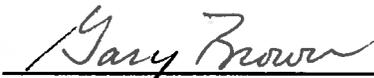
On March 11, 2010, the Design Review Board recommended approval of the project as proposed (Five (5) Ayes, Zero (0) Noes).

DEPARTMENT RECOMMENDATION:

1. Open the public hearing and entertain testimony.
2. Close the public hearing.
3. Adopt Resolution No. 2010-6881, approving Conditional Use Permit (CUP 100003), Design Review Case (DRC 100004), and Site Plan Review (SPR 100005), 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. 2010-6881
2. Plans
3. Photo simulations
4. Coverage Maps

c: file MF 1033
DePratti Inc., Agent for T-Mobile, 10180 Telesis Court, #333, San Diego, CA 92121
Prebys Conrad Trust, 5847 El Cajon Boulevard, San Diego, CA 92115
Hank Levien, Public Works Director
Ed Wilczak, Building Official
Frank Sotelo, Public Safety

Return to Agenda

RESOLUTION NO. 2010-6881

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 100003), DESIGN REVIEW CASE (DRC 100004), AND SITE PLAN REVIEW (SPR 100005) TO INSTALL A TELECOMMUNICATIONS FACILITY ON A MULTI-FAMILY RESIDENTIAL APARTMENT BUILDING LOCATED AT 1471 GROVE AVENUE; APN 633-171-32-00) IN THE R-2000 (MULTI-FAMILY RESIDENTIAL) ZONE. MF 1033.

APPLICANT: T-MOBILE WEST CORPORATION

WHEREAS, on April 21, 2010, the City Council of the City of Imperial Beach held a duly noticed public meeting to consider the merits of approving or denying an application for a Conditional Use Permit (CUP 100003), Design Review Case (DRC 100004), and Site Plan Review (SPR 100005) to install a telecommunications facility on a multi-family residential apartment building located at 1471 Grove Avenue (APN 633-171-32-00) in the R-2000 (Medium-Density Residential Facility) Zone, a site legally described as follows:

Lot 1 of Grove Avenue Condominiums in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 11618, filed in the Office of the County Recorder of San Diego County; and

WHEREAS, on March 11, 2010, the Design Review Board adopted DRB Resolution No. 2010-02, with a vote of five (5) ayes and zero (0) noes, recommending conditional approval of the project design; and

WHEREAS, the project design of six antennas screened on the north façade of the existing building is compatible in use and appearance with other structures in the vicinity because they would be hidden by gable and dormer screens; and, therefore, would be consistent with Policy D-8 of the Design Element of the General Plan and with Ordinance Nos. 2002-983 and 2003-997; and,

WHEREAS, this project complies with the Application Requirements of Section 19.90.050, the Development and Design Standards of Section 19.90.070 and will be required to comply with the Operations and Maintenance Standards of Section 19.90.080 of Chapter 19.90 "Wireless Communication Facilities" of the zoning ordinance; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that necessity compels placement of this facility in this location to avoid a significant gap in wireless communications coverage; and

WHEREAS, the City Council of the City Of Imperial Beach hereby finds that the proposed conditions are consistent with the Federal Telecommunications Act of 1996; and

WHEREAS, this project complies with the requirements of the California Environmental Quality Act (CEQA) as this project shall be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302(c) (Replacement of reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity); and

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

CONDITIONAL USE PERMIT FINDINGS:

- 1. The proposed use at the particular location is necessary or desirable to provide a service or facility, which will contribute to the general well being of the neighborhood or community.**

The proposed wireless telecommunication facility at 1471 Grove Avenue will provide expanded communication services to the City of Imperial Beach commercial and residential development, avoiding gaps in wireless communications coverage and therefore contribute to the general well being of the neighborhood or community. The structure will be disguised on an existing residential apartment building. The project is subject to Chapter 19.90, "Wireless Communications Facilities," Ordinance No. 2002-983 and Ordinance No. 2003-997, which establishes the standards for siting, development and maintenance of wireless communications facilities and antenna throughout the city.

- 2. The proposed use will not, under any circumstances, of the particular use, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The proposed development, installation of a telecommunications facility on an existing apartment building at 1471 Grove Avenue, will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity as it will be required to comply with Chapter 19.90, "Wireless Communications Facilities," which is to provide for the public safety, health and welfare, as well as for the aesthetic quality as set forth in the goals, objectives and policies of the General Plan. In the Conditions of Approval, specific conditions have been set forth by the Community Development Department and the Public Works Department to mitigate the concerns such a development project may create. The 1996 Federal Telecommunications Act preempts local jurisdictions from addressing any health effects of the facilities.

- 3. The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses in the same zone.**

The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses for wireless communication facilities (Chapter 19.90). Compliance is demonstrated by the following:

Standards	Provided/Proposed
The installation of wireless communications facilities may not reduce the number of required parking spaces on a proposed site.	No parking spaces will be removed.
Wireless communications facilities and accessory equipment must meet the required setbacks of the underlying zone, except that in a residential zone, the minimum setback for an antenna or equipment building from any property line is twenty feet.	The minimum setback for any antenna within a residential area is 20 feet. The applicant will receive a deviation through the CUP process to allow for the antennas to encroach no further into the setbacks than where the existing building envelope is located.

<p>Wireless communications facilities must meet the height requirement of the underlying zone, unless a greater height is approved through the conditional use permit.</p>	<p>There is a 26 foot height limit in the R-2000 zone. The applicant will receive a deviation through the CUP process to allow for the antennas to exceed no taller than the existing 37'-6" height of the building.</p>
<p>A service provider with a wireless communications facility in the city must obtain a city business license.</p>	<p>This will be a condition of approval for the CUP.</p>
<p>The visual impact of wireless communications facilities must be minimized to the maximum extent feasible, taking into consideration technological requirements, through the use of placement, screening, camouflage, and landscaping, so that the facility is compatible with adjacent uses, existing architectural elements, topography, neighborhood landscaping, building materials, and other site characteristics.</p>	<p>The housing for the antennae below the north roof will be concealed behind a screen matching the existing colors and materials of the gable support. The roof antennas will be screened by new dormers that will match the existing roof and materials. The base equipment will be located, and fenced, in the underground garage, not in view.</p>
<p>The colors and materials of wireless communications facilities must blend into their backgrounds.</p>	<p>The housing for the antennae below the north roof will be concealed behind a screen matching the existing colors and materials. The roof antennas will be screened by new dormers that will match the existing roof and materials.</p>
<p>Facade-mounted antennae must be integrated architecturally into the style and character of the structure to which they are attached; they must be painted and textured to match the existing structure; and they may not project more than eighteen inches from the face of the building or other support structure unless approved by a conditional use permit.</p>	<p>The proposed antennas below the north face roof shall be painted and textures to match the existing materials and colors. The screening does not project beyond the existing building projections.</p>
<p>Roof-mounted antennae may not exceed the minimum height necessary to serve the operator's service area, while complying with the building height requirements of this title; they must be designed to minimize their visibility from surrounding areas; and they must be painted and textured to match the existing structure or building.</p>	<p>The proposed roof mounted antennae will not extend beyond the existing roof-line. There will be no increase to the existing building height.</p>
<p>Freestanding facilities, including towers, lattice towers, and monopoles, are discouraged unless no reasonable alternative is possible. If a freestanding facility is necessary, it may not exceed the minimum functional height and width required to support the proposed wireless facility.</p>	<p>There are no proposed freestanding facilities.</p>

Proposed freestanding facilities must be stealth facilities; they must be painted and designed to blend in with the surrounding area; and they must be landscaped, if necessary, to minimize visual impacts.	There are no proposed freestanding facilities.
Wireless facility support structures, such as equipment buildings, cabinets, cables, air conditioning units, and fencing, must be painted and textured to match the surrounding physical area and screened with landscaping in order to minimize visual impacts	The equipment area will be located within the underground garage, screened from the public.
No advertising signs may be placed on any facility or equipment.	There are no proposed advertising signs.

4. The granting of such conditional use permit will be in harmony with the purpose and intent of this code, the adopted general plan and the adopted local coastal program.

The granting of the conditional use permit to install a telecommunications facility on a multi-family residential apartment building at 1471 Grove Avenue, will be in harmony with the purpose and intent of the zoning code (Chapter 19.90) and with the adopted general plan as the potential visual impacts of the proposal have been mitigated by design; i.e. the antennae shall be screened, and the proposed equipment shall be located in an underground garage, and the applicant claims that the site is optimal because it falls within a coverage area that is severely lacking in service, and is the only site that has the potential to complete T-Mobile’s wireless network coverage within Imperial Beach.

NOW, THEREFORE, BE IT RESOLVED that Conditional Use Permit (CUP 100004), Design Review Case (DRC 100005), and Site Plan Review (SPR 100006), install a telecommunications facility on a multi-family residential apartment building located at 1471 Grove Avenue in the R-2000 (Medium-Density Residential) Zone is hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

CONDITIONS OF APPROVAL

PLANNING

1. Final building plans and project development shall be in substantial accordance with the plans dated February 11, 2010 on file in the Community Development Department and with the conditions required herein.
2. Project shall provide for co-location for a separate provider.
3. Colors and materials shall match the existing structure, subject to staff approval.
4. Appropriate BMP’s shall be in place during any maintenance of base station equipment to prevent any materials to enter storm drain conveyance system.
5. Noise from the equipment shall not have a negative effect on the existing neighborhood. If the facility receives any noise complaints, the applicant shall investigate said complaint and mitigate any issues to meet Imperial Beach Municipal Code noise requirements.

6. Any electric and telephone services shall be connected via underground conduits extended to the project area.
7. Applicant shall obtain a city business license prior to issuance of building permit.
8. Approval of this request shall not waive compliance with any portion of the California Building Code, International Building Code, and Municipal Code in effect at the time a building permit is issued.
9. All negative balances in the project account (100004) shall be paid prior to building permit issuance and final inspection.
10. Approval of Conditional Use Permit (CUP 100003), Design Review Case (DRC 100004), and Site Plan Review (SPR 100005) for this project is valid for a one-year **vesting** period from the date of approval, to **expire** on **April 21, 2010**. Conditions of approval must be satisfied, building permits issued, and substantial construction must have commenced prior to this date, or a time extension is granted by the City prior to expiration. This expiration date is separate from the sunset expiration date of 10 years for the life of the conditional use permit.
11. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed statement accepting said conditions.
12. Conditional use permits for wireless communication facilities have a maximum term of ten (10) years, with an automatic review in five (5) years at a public hearing (IBMC 19.90.090). The applicant will be required to renew the Conditional Use Permit (060382) prior to the **expiration** date, **April 21, 2020**, in accordance with Chapter 19.82.

PUBLIC WORKS

13. Ensure that the hot water tank P.T. discharge pipes are 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.
14. 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.
15. Replace the sidewalk section adjacent to the power pole where the new T-Mobile power line will run down the pole before going underground to the building/project installation in accordance with Regional Standard Drawing G-7.
16. 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.

17. 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.
18. 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).
19. 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.
20. All street work construction requires a Class A contractor to perform the work. All pavement transitions shall be free of tripping hazards.
21. Any disposal/transportation of solid waste / construction waste in roll off containers must be contracted through the City's waste removal and recycling provider unless the hauling capability exists integral to the prime contractor performing the work.
22. The existing parcel impervious surfaces shall be required to 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 2001-01.
23. Install survey monuments on northwest property line in or adjacent to the sidewalk. Record same with county office of records.
24. 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.
25. Applicant must 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.
26. 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.
27. Applicant must underground all T-Mobile utility wiring from the street side utility pole to the project site. The plans submitted do show these facilities to be placed underground.

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 21ST day of April 2010, by the following roll call vote:

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

JIM JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2010-6881 - A Resolution of the City Council of the City of Imperial Beach, California, APPROVING A CONDITIONAL USE PERMIT (CUP 100003), DESIGN REVIEW CASE (DRC 100004), AND SITE PLAN REVIEW (SPR 100005) TO INSTALL A TELECOMMUNICATION FACILITY ON A MULTI-FAMILY RESIDENTIAL APARTMETNT BUILDING LOCATED AT 1471 GROVE AVENUE (APN 633-171-32-00) IN THE R-2000 (MEDIUM-DENSITY RESIDENTIAL) ZONE. MF 1033.

CITY CLERK

DATE

T-Mobile

THE GROVE SD06825A

**TELECOMMUNICATION INSTALLATION W/ ANTENNAS LOCATED
WITHIN PROPOSED DORMERS ON ROOFTOP & EQUIPMENT ROOM
LOCATED WITHIN BASEMENT GARAGE OF BUILDING**

**1471 GROVE AVENUE
IMPERIAL BEACH, CA 91932**

ATTACHMENT 2

DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS OR OMISSIONS. NO VARIATIONS OR MODIFICATIONS TO WORK SHOWN SHALL BE IMPLEMENTED WITHOUT PRIOR WRITTEN APPROVAL. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF MORRISON HERSHFIELD CORPORATION. NEITHER MORRISON HERSHFIELD NOR THE ARCHITECT WILL BE PROVIDING CONSTRUCTION REVIEW OF THIS PROJECT.



ROBERT JERRY LARA
LICENSED ARCHITECT
STATE OF CALIFORNIA
Lic. # C-30334

5	.	.
4	.	.
3	.	.
2	.	.
1	01/21/08	ZONING COMMENTS
0	10/30/07	100% ZONING SUBMITAL
A	04/12/07	90% ZONING REVIEW SET
No.	Date	Action

MORRISON HERSHFIELD
5994 w. Las Positas Blvd, Suite 123,
Pleasanton, CA 94588
Tel: 925.460.3750
www.morrisonhershfield.com

Implementation Team:
PARSONS
110 WEST A STREET, SUITE 1050
SAN DIEGO, CA, 92101
Tel:(619) 687-0400 Fax:(619) 687-0401

Client:
T-Mobile
10180 TELESIS COURT, SUITE 333
SAN DIEGO, CA 92121-2741

Project:
**THE GROVE
SD06825A
1471 GROVE AVENUE
IMPERIAL BEACH, CA 91932**

Drawing Title:
COVER SHEET

Project No.
6073111

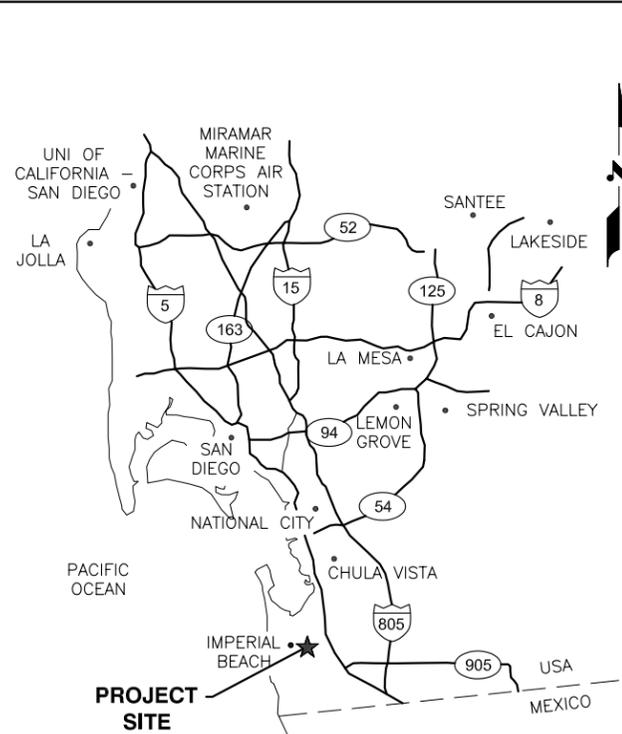
Designer: RL
Date: 04/12/07

Drawn By: WL
Checked By: RL, EG

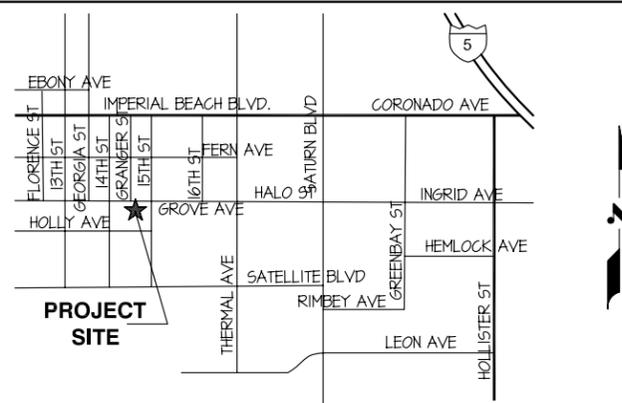
PM Review: EG
Client Approval:

Issue No. 1
Drawing No. G-1

OVERVIEW MAP



LOCATION SKETCH



SITE DIRECTIONS

FROM DOWNTOWN SAN DIEGO TAKE INTERSTATE 5 (SAN DIEGO FWY) SOUTH. EXIT OFF AT CORONADO AVE WEST. MAKE A LEFT TURN ONTO 15th STREET & A RIGHT TURN AT HALO STREET. CONTINUE ON ROAD SITE IS ON LEFT (EAST) SIDE OF ROAD.

CONTACT INFORMATION

PROPERTY OWNER: PREBYS CONRAD TRUST
5847 EL CAJON BLVD
SAN DIEGO, CA 92115

APPLICANT: T-MOBILE USA, INC.
10180 TELESIS COURT, SUITE 333
SAN DIEGO, CA 92121-2741

CONSULTANT REPRESENTATIVE: EDDY GARCIA (954) 232-6727
MORRISON HERSHFIELD CORP.

IMPLEMENTATION TEAM: MARK CULLEN
SITE ACQUISITION REP. 1
(619) 719-6324

ARCHITECT: MR. ROBERT JERRY LARA
CA LIC. # C-30334
PH: (954) 577-4655
MORRISON HERSHFIELD CORP.

SITE INFORMATION

- LATITUDE (GPS): 32.57276
- LONGITUDE (GPS): -117.1021
- TYPE OF STRUCTURE: 2 STORY CONDO BUILDING W/ BASEMENT PARKING
- GROUND ELEVATION: N/A (A.M.S.L IN FEET)
- SETBACK REQUIREMENTS: F-15'-0" 55-10'-0"
R-10'-0" 5-5'-0"
- EASEMENT: N/A-ALL PROJECT ELEMENTS CONTAINED WITHIN EXIST. BUILDING

LIST OF DRAWINGS

GENERAL	ISSUE
G-1 COVER SHEET	
G-2 GENERAL NOTES	
LS-1 SURVEY (BY CALVADA SURVEYING INC.)	
ARCHITECTURE	ISSUE
A-1 SITE PLAN	
A-2 ENLARGED ROOF PLAN	
A-3 ENLARGED GARAGE (BASEMENT), PARKING, & FLOOR PLAN	
A-4 NORTH & EAST ELEVATIONS	
A-5 ANTENNA DETAILS	
A-6 EQUIPMENT CABINET DETAIL	

BUILDING DATA

- OCCUPANCY EXISTING BUILDING: R2
- OCCUPANCY PROPOSED PROJECT: B
- TYPE OF CONSTRUCTION (EXISTING): TYPE V, 1-HOUR
- STORIES: TWO OVER GARAGE AT BASEMENT

APPROVALS

APPROVED BY:	INITIALS:	DATE:
O.P.E./OPS:		
LEASING:		
RF:		
ZONING:		
CONSTRUCTION:		
POWER/TELCO:		
SITE DEVELOPMENT:		

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT CONDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

- CALIFORNIA BUILDING CODE CBC-2001
- CALIFORNIA ADMINISTRATIVE CODE (INCL TITLES 24 & 25) 2001
- ANSI/EIA/TIA-222-G
- LIFE SAFETY CODE (NFPA-101-2003)
- CALIFORNIA ELECTRICAL CODE CEC-2001
- CALIFORNIA MECHANICAL CODE CMC-2001
- CALIFORNIA PLUMBING CODE CPC-2001
- LOCAL BUILDING CODE(S)
- CITY AND/OR COUNTY ORDINANCES

ANTENNA NOTE:

POWER OUTPUT = 10 WATTS PER CHANNEL
FREQUENCY- UPLINK 1870-1885 MHZ
DOWN LINK 1960-1975 MHZ

BATTERY NOTE:

8 LEAD ACID BATTERIES-ELECTROLYTE VOLUME = 9.6 GRAMS (NO PERMANENT STAND BY GENERATOR ON SITE)

ZONING DATA

- ZONING CLASSIFICATION: R-2000
- JURISDICTION: CITY IMPERIAL BEACH
- LEASE AREA: TBD
- PARCEL #: 633-171-32
- LEGAL DESCRIPTION: (REFER TO 2/A-1)
- PERMIT TYPE#: PROCESS 4 CUP

HANDICAP REQUIREMENTS

FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS AND REQUIREMENTS NOT REQUIRED, IN ACCORDANCE WITH CALIFORNIA STATE ADMINISTRATIVE CODE, PART 2, TITLE 24, SECTION 11D58.3.42, EXCEPTION 1

PROJECT SUMMARY

- INSTALLATION OF WIRELESS COMMUNICATIONS FACILITY CONSISTING OF NEW PANEL-TYPE ANTENNAS LOCATED BEHIND DORMERS AT ROOFTOP & T-MOBILE EQUIPMENT CABINETS INSIDE FENCED IN AREA WITHIN BUILDING BASEMENT GARAGE
- INSTALLATION OF A NEW 200 AMP ELECTRICAL SERVICE
- INSTALLATION OF A NEW TELCO SERVICE
- INSTALLATION OF COAXIAL CABLE FROM ANTENNAS TO EQUIPMENT CABINETS
- NOTE: NO EXISTING PARKING SPACES TO BE ELIMINATED

EXISTING FACILITIES

- NO EXISTING TELECOMMUNICATIONS FACILITIES LOCATED ON PROJECT SITE.

V:\Project\607 Series\6073111 T-Mobile-Parsons San Diego NEW BUILDS\Sites\SD06825 - The Grove Condos_Zone_Rev.1.dwg 01/29/2008 9:01am WJegentus

GENERAL NOTES

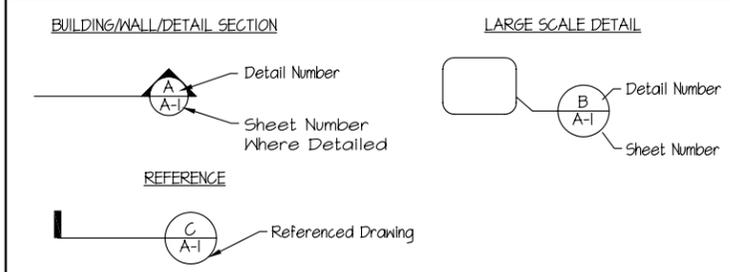
- WORK SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, AND REGULATIONS. ALL NECESSARY LICENSES, CERTIFICATES, ETC., REQUIRED BY THE AUTHORITY HAVING JURISDICTION SHALL BE PROCURED AND PAID FOR BY THE CONTRACTOR.
- MORRISON HERSHFIELD CORPORATION HAS NOT CONDUCTED, NOR DOES IT INTEND TO CONDUCT ANY INVESTIGATION AS TO THE PRESENCE OF HAZARDOUS MATERIAL, INCLUDING, BUT NOT LIMITED TO, ASBESTOS WITHIN THE CONFINES OF THIS PROJECT. MORRISON HERSHFIELD CORPORATION DOES NOT ACCEPT RESPONSIBILITY FOR THE INDENIFICATION, THE REMOVAL, OR ANY EFFECTS FROM THE PRESENCE OF THESE MATERIALS. IF EVIDENCE OF HAZARDOUS MATERIALS IS FOUND, WORK IS TO BE SUSPENDED AND THE OWNER NOTIFIED. THE CONTRACTOR IS NOT TO PROCEED WITH FURTHER WORK UNTIL INSTRUCTED BY THE OWNER IN WRITING.
- ALL MATERIAL FURNISHED UNDER THIS CONTRACT SHALL BE NEW, UNLESS OTHERWISE NOTED. ALL WORK SHALL BE GUARANTEED AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP. THE CONTRACTOR SHALL REPAIR OR REPLACE AT HIS EXPENSE ALL WORK THAT MAY DEVELOP DEFECTS IN MATERIALS OR WORKMANSHIP WITHIN SAID PERIOD OF TIME OR FOR ONE YEAR AFTER THE FINAL ACCEPTANCE OF THE ENTIRE PROJECT, WHICHEVER IS GREATER.
- THE GENERAL CONTRACTOR AND EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS AND UTILITIES AT THE JOB SITE BEFORE WORK IS STARTED. NO CLAIMS FOR EXTRA COMPENSATION FOR WORK WHICH COULD HAVE BEEN FORESEEN BY AN INSPECTION, WHETHER SHOWN ON THE CONTRACT DOCUMENTS OR NOT, WILL BE ACCEPTED OR PAID.
- THE GENERAL CONTRACTOR AND EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING DIMENSIONS AND CONDITIONS AT THE JOB SITE WHICH COULD AFFECT THE WORK UNDER THIS CONTRACT. ALL MANUFACTURERS RECOMMENDED SPECIFICATIONS, AND THOSE SPECIFICATIONS HEREIN, WHICH EVER IS THE MOST STRINGENT, SHALL BE COMPLIED WITH.
- THE CONTRACTOR SHALL VERIFY AND COORDINATE SIZE AND LOCATION OF ALL OPENINGS FOR STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, CIVIL, OR ARCHITECTURAL WORK.
- THE CONTRACTOR SHALL VERIFY THAT NO CONFLICTS EXIST BETWEEN THE LOCATIONS OF ANY AND ALL MECHANICAL, ELECTRICAL, PLUMBING, OR STRUCTURAL ELEMENTS, AND THAT ALL REQUIRED CLEARANCES FOR INSTALLATION AND MAINTENANCE ARE MET. NOTIFY MORRISON HERSHFIELD CORP. OF ANY CONFLICTS. MORRISON HERSHFIELD CORP. HAS THE RIGHT TO MAKE MINOR MODIFICATIONS IN THE DESIGN OF THE CONTRACT WITHOUT THE CONTRACTOR GETTING ADDITIONAL COMPENSATION.
- DO NOT SCALE THE DRAWINGS. DIMENSIONS ARE EITHER TO THE FACE OF FINISHED ELEMENTS OR TO THE CENTER LINE OF ELEMENTS, UNLESS NOTED OTHERWISE. CRITICAL DIMENSIONS SHALL BE VERIFIED WITH MORRISON HERSHFIELD CORP..
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DAILY CLEAN UP OF ALL TRADES AND REMOVAL OF DEBRIS FROM THE CONSTRUCTION SITE. AT THE COMPLETION OF THE PROJECT, THE CONTRACTOR SHALL THOROUGHLY CLEAN THE BUILDING, SITE, AND ANY OTHER SURROUNDING AREAS TO A LIKE NEW CONDITION.
- THE CONTRACTOR IS RESPONSIBLE FOR ADEQUATELY BRACING AND PROTECTING ALL WORK DURING CONSTRUCTION AGAINST DAMAGE, BREAKAGE, COLLAPSE, ETC. ACCORDING TO APPLICABLE CODES, STANDARDS, AND GOOD CONSTRUCTION PRACTICES.
- THE CONTRACTOR SHALL MEET ALL OSHA REQUIREMENTS FOR ALL INSTALLATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGES TO THE EXISTING CONSTRUCTION AND REPAIR ALL DAMAGES TO LIKE NEW CONDITION. THE CONTRACTOR SHALL NOTIFY MORRISON HERSHFIELD CORP. OF ANY DAMAGE TO THE BUILDING SITE OR ANY ADJACENT STRUCTURES AROUND THE PROJECT. MORRISON HERSHFIELD CORP. SHALL BE SOLE AND FINAL JUDGE AS TO THE QUALITY OF THE REPAIRED CONSTRUCTION. ANY ADDITIONAL MODIFICATIONS WHICH MUST BE MADE SHALL BE MADE AT THE CONTRACTOR'S EXPENSE.
- WHERE ONE DETAIL IS SHOWN FOR ONE CONDITION, IT SHALL APPLY FOR ALL LIKE OR SIMILAR CONDITIONS, EVEN THOUGH NOT SPECIFICALLY MARKED ON THE DRAWINGS OR REFERRED TO IN THE SPECIFICATIONS, UNLESS NOTED OTHERWISE.
- WHERE NEW PAVING, CONCRETE SIDEWALKS OR PATHS MEET EXISTING CONSTRUCTION, THE CONTRACTOR SHALL MATCH THE EXISTING PITCH, GRADE, AND ELEVATION SO THE ENTIRE STRUCTURE SHALL HAVE A SMOOTH TRANSITION.
- VERIFY ALL EXISTING DIMENSIONS PRIOR TO PERFORMING WORK.
- VERIFY LOCATION OF ALL BURIED UTILITIES PRIOR TO ANY EXCAVATION.

- THE CONTRACTOR SHALL MODIFY THE EXISTING FLOORS, WALL, CEILING, OR OTHER CONSTRUCTION AS REQUIRED TO GAIN ACCESS TO AREAS FOR ALL MECHANICAL, PLUMBING, ELECTRICAL, OR STRUCTURAL MODIFICATIONS. WHERE THE EXISTING CONSTRUCTION DOORS, PARTITIONS, CEILING, ETC., ARE TO BE REMOVED, MODIFIED, OR REARRANGED OR WHERE THE EXPOSED OR HIDDEN MECHANICAL, ELECTRICAL, SYSTEMS ARE ADDED OR MODIFIED, THE GENERAL CONTRACTOR SHALL REPAIR, PATCH AND MATCH ALL EXISTING CONSTRUCTION AND FINISHES OF ALL FLOORS WALLS AND CEILINGS
- WHERE CONCRETE MASONRY CONSTRUCTION IS MODIFIED, THE CONTRACTOR SHALL TOOTH IN ALL NEW CONSTRUCTION TO MATCH THE EXISTING BOND. WHERE CONCRETE CONSTRUCTION IS MODIFIED, THE CONTRACTOR SHALL VERIFY THE EXACT DETAILS TO BE USED FOR CONSTRUCTION. ALL WORK SHALL BE COVERED UNDER THE GENERAL CONTRACT.
- IN RAWLAND CONDITIONS, TOWER FOUNDATION STRUCTURAL STEEL SHALL BE GROUNDED PRIOR TO CONCRETE POUR. TOWER FOUNDATION STRUCTURAL STEEL SHALL BE CONNECTED TO PERMANENT GROUND ROD PRIOR TO TOWER ERECTION. TOWER GROUND MUST BE MAINTAINED AT ALL TIMES.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR APPLYING FOR COMMERCIAL POWER IMMEDIATELY UPON AWARD OF CONTRACT. THE GENERAL CONTRACTOR IS REQUIRED TO KEEP ALL DOCUMENTATION RECEIVED FROM THE POWER COMPANY, ACKNOWLEDGING APPLICATION FOR POWER, WRITTEN AND VERBAL DISCUSSIONS WITH THE POWER COMPANY, ETC.
- THE GENERAL CONTRACTOR SHALL OBTAIN WRITTEN CONFIRMATION OF THE EXPECTED DATE OF COMPLETION OF THE POWER CONNECTION FROM THE POWER COMPANY.
- IF THE POWER COMPANY IS UNABLE TO PROVIDE THE POWER CONNECTION BY OWNER'S REQUIRED DATE, THE GENERAL CONTRACTOR SHALL PROVIDE AND MAINTAIN A TEMPORARY GENERATOR UNTIL THE POWER COMPANY CONNECTION IS COMPLETED. COSTS ASSOCIATED WITH THE TEMPORARY GENERATOR TO BE APPROVED BY THE OWNER.
- PLANS PART OF THIS SET ARE COMPLIMENTARY. INFORMATION IS NOT LIMITED TO ONE PLAN. DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF MORRISON HERSHFIELD CORP., WHETHER THE PROJECT FOR WHICH THEY ARE MADE IS EXECUTED OR NOT. THEY ARE NOT TO BE USED BY THE OWNER ON OTHER PROJECTS OR EXTENSION TO THIS PROJECT EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO MORRISON HERSHFIELD CORP.. THESE PLANS WERE PREPARED TO BE SUBMITTED TO GOVERNMENTAL BUILDING AUTHORITIES FOR REVIEW FOR COMPLIANCE WITH APPLICABLE CODES AND IT IS THE SOLE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO BUILD ACCORDING TO APPLICABLE BUILDING CODES.
- IF CONTRACTOR OR SUB-CONTRACTOR FIND IT NECESSARY TO DEVIATE FROM ORIGINAL APPROVED PLANS, THEN IT IS THE CONTRACTOR'S AND THE SUB-CONTRACTOR'S RESPONSIBILITY TO PROVIDE MORRISON HERSHFIELD CORP. WITH 4 COPIES OF THE PROPOSED CHANGES FOR HIS APPROVAL BEFORE PROCEEDING WITH THE WORK. IN ADDITION THE CONTRACTOR AND SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR PROCURING ALL NECESSARY APPROVALS FROM THE BUILDING AUTHORITIES FOR THE PROPOSED CHANGES BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR AND SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR PROCURING ALL NECESSARY INSPECTIONS AND APPROVALS FROM BUILDING AUTHORITIES DURING THE EXECUTION OF THE WORK.
- IN EVERY EVENT, THESE CONSTRUCTION DOCUMENTS AND SPECIFICATIONS SHALL BE INTERPRETED TO BE A MINIMUM ACCEPTABLE MEANS OF CONSTRUCTION. THIS SHALL NOT RELIEVE THE CONTRACTOR, SUB-CONTRACTOR, AND/OR SUPPLIER/MANUFACTURER FROM PROVIDING A COMPLETE AND CORRECT JOB WHEN ADDITIONAL ITEMS ARE REQUIRED TO THE MINIMUM SPECIFICATION. IF ANY ITEMS NEED TO EXCEED THESE MINIMUM SPECIFICATIONS TO PROVIDE A COMPLETE, ADEQUATE AND SAFE WORKING CONDITION, THEN IT SHALL BE DEEMED AND UNDERSTOOD THAT THESE ITEMS ARE TO BE INCLUDED IN THE DRAWINGS. FOR EXAMPLE, IF AN ITEM AND/OR PIECE OF EQUIPMENT REQUIRES A LARGER WIRE SIZE (I.E. ELECTRICAL WIRE), STRONGER OR LARGER PIPING, INCREASED QUANTITY (I.E. STRUCTURAL ELEMENTS), REDUCED SPACING, AND/OR INCREASED LENGTH (I.E. BOLT LENGTHS, BAR LENGTHS) THEN IT SHALL BE DEEMED AND UNDERSTOOD THAT THESE ITEMS ARE TO BE INCLUDED IN THE BID/PROPOSAL.
- THESE DOCUMENTS ARE MEANT AS A GUIDE AND ALL ITEMS REASONABLY INFERRED SHALL BE DEEMED TO BE INCLUDED. THESE CONTRACT DOCUMENTS AND SPECIFICATIONS SHALL NOT BE CONSTRUED TO CREATE A CONTRACTUAL RELATIONSHIP OF ANY KIND BETWEEN MORRISON HERSHFIELD CORP. AND THE CONTRACTOR.

ABBREVIATIONS

A/C	AIR CONDITIONER	LA.	LAYER
ACP	ACOUSTICAL CEILING PANEL	LAM.	LAMINATED
A.F.F.	ABOVE FINISHED FLOOR	L.F.	LINEAL FOOT
ALT.	ALTERNATE	MANUF.	MANUFACTURER
A.M.S.L.	ABOVE MEAN SEA LEVEL	MATER.	MATERIAL
ALUM.	ALUMINUM	MAX.	MAXIMUM
ANC.	ANCHOR	MECH.	MECHANICAL
ARCH.	ARCHITECTURAL	MH	MANHOLE
AT	AT	MM.	MILLIMETER
BD.	BOARD	MIN.	MINIMUM
BFF	BELOW FINISH FLOOR	MISC.	MISCELLANEOUS
BLDG.	BUILDING	M.O.	MASONRY OPENING
BLK.	BLOCK	MPH	MILES PER HOUR
BM.	BEAM	M.S.L.	MEAN SEA LEVEL
BOT.	BOTTOM	MTL.	METAL
BUR	BUILT-UP ROOF	N.&V.D.	NAT. GEODETIC VERT. DATUM
CER.	CERAMIC	N.I.C.	NOT IN CONTRACT
C-J	CONTROL JOINT	NOM.	NOMINAL
C.L.	CENTER LINE	N.T.S.	NOT TO SCALE
CLG.	CEILING	O.C.	ON CENTER
CLR.	CLEAR	O.D.	OUTSIDE DIAMETER
CMU	CONCRETE MASONRY UNIT	OH.	OVERHEAD
CPT.	CARPET	OPNG.	OPENING
COL.	COLUMN	OPP.	OPPOSITE
CONG.	CONCRETE	OZ.	OUNCE
CONST.	CONSTRUCTION	P.L.	PLATE
CONT.	CONTINUOUS	RTU	ROOF TOP UNIT
DIA/Ø	DIAMETER	R/W	RIGHT OF WAY
DN.	DOWN	SCHED.	SCHEDULE
D.S.	DOWNSPOUT	SECT.	SECTION
DTL.	DETAIL	S.F.	SQUARE FOOT
EA.	EACH	SIM.	SIMILAR
EI/F.S.	EXTERIOR INSULATION FINISH SYSTEM EXPANSION JOINT	S.P.	SPLICE POINT
ELEC.	ELECTRIC/ELECTRICAL	SQ.FT.	SQUARE FOOT
EL.	ELEVATION	S.S.	STAINLESS STEEL
E.P.	ELECTRICAL PANEL	STD.	STANDARD
EQ.	EQUAL	STL.	STEEL
E.W.	EACH WAY	STOR.	STORAGE
EXP.	EXPANSION	STRUC.	STRUCTURAL
EXT.	EXTERIOR	SUSP.	SUSPENDED
F.D.	FLOOR DRAIN	TEMP.	TEMPORARY
F.E.G.	FIRE EXTINGUISHER SHELTER	THK.	THICK
F.H.G.	FIRE HOSE EQUIPMENT	THICKN.	THICKNESS
FIN.	FINISH	T.O.	TOP OF
FIN.FLR.	FINISH FLOOR	T.O.S.	TOP OF STEEL
FLR.	FLOOR	TYP.	TYPICAL
FTG.	FOOTING	U.N.O.	UNLESS NOTED OTHERWISE
GA.	GAUGE	VCT	VINYL COMPOSITION TILE
GALV.	GALVANIZED	VIF	VERIFY IN FIELD
GEN.	GENERAL	VERT.	VERTICAL
GYP.	GYP/SUM	W/	WITH
GB.	GYP/SUM BOARD	WD.	WOOD
H.C.	HANDICAPPED	WNM	WELDED WIRE MESH
HK.	HOOK		
H.M.	HOLLOW METAL		
HOR.	HORIZONTAL		
HR.	HOUR		
HT.	HEIGHT		
INSUL.	INSULATION		
INT.	INTERIOR		
JT.	JOINT		

LEGEND



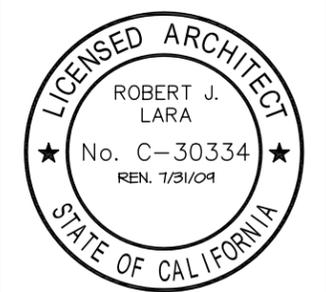
IMPORTANT NOTICE

THE EXISTING CONDITIONS REPRESENTED HEREIN ARE BASED ON VISUAL OBSERVATIONS AND INFORMATION PROVIDED BY OTHERS. MORRISON HERSHFIELD CORPORATION CANNOT GUARANTEE THE CORRECTNESS NOR COMPLETENESS OF THE EXISTING CONDITIONS SHOWN AND ASSUMES NO RESPONSIBILITY THEREOF. THE CONTRACTOR AND HIS SUB-CONTRACTORS SHALL VISIT THE SITE AND VERIFY ALL EXISTING CONDITIONS AS REQUIRED FOR PROPER EXECUTION OF THE PROJECT. REPORT ANY CONFLICTS OR DISCREPANCIES TO MORRISON HERSHFIELD CORPORATION PRIOR TO CONSTRUCTION.

PROJECT INFORMATION

- THIS IS AN UNMANNED AND RESTRICTED ACCESS TELECOMMUNICATION SITE AND WILL BE USED FOR THE TRANSMISSION OF RADIO SIGNALS FOR THE PURPOSE OF PROVIDING PUBLIC CELLULAR SERVICE.
- T-MOBILE CERTIFIES THAT THIS TELEPHONE EQUIPMENT FACILITY WILL BE SERVICED ONLY BY T-MOBILE EMPLOYEES AND THE WORK ASSOCIATED WITH ANY EQUIPMENT CANNOT BE PERFORMED BY HANDICAPPED PERSONS. THIS FACILITY WILL BE FREQUENTED ONLY BY SERVICE PERSONNEL FOR REPAIR PURPOSES. PURSUANT TO CHAPTER 553 PART 5A OF THE CALIFORNIA STATUTES, THIS FACILITY IS EXEMPT FROM THE REQUIREMENTS OF THAT STATUTE. PURSUANT TO THE AMERICANS WITH DISABILITIES ACT (ADA), APPENDIX B, SECTION 4.II. (5)(b), THIS FACILITY IS EXEMPT FROM THAT ACT.
- THIS FACILITY WILL CONSUME NO UNRECOVERABLE ENERGY AND IS EXEMPT FROM THE CALIFORNIA ENERGY REVIEW CODE.
- NO POTABLE WATER SUPPLY IS TO BE PROVIDED AT THIS LOCATION.
- NO WASTE WATER WILL BE GENERATED AT THIS LOCATION.
- NO SOLID WASTE WILL BE GENERATED AT THIS LOCATION.
- T-MOBILE MAINTENANCE CREW (TYPICALLY ONE PERSON) WILL MAKE AN AVERAGE OF ONE TRIP PER MONTH AT ONE HOUR PER VISIT.

DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS OR OMISSIONS. NO VARIATIONS OR MODIFICATIONS TO WORK SHOWN SHALL BE IMPLEMENTED WITHOUT PRIOR WRITTEN APPROVAL. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF MORRISON HERSHFIELD CORPORATION. NEITHER MORRISON HERSHFIELD NOR THE ARCHITECT WILL BE PROVIDING CONSTRUCTION REVIEW OF THIS PROJECT.



ROBERT JERRY LARA
LICENSED ARCHITECT
STATE OF CALIFORNIA
Lic. # C-30334

5.	.	.
4.	.	.
3.	.	.
2.	.	.
1	01/21/08	ZONING COMMENTS
0	10/30/07	100% ZONING SUBMITAL
A	04/12/07	90% ZONING REVIEW SET
No.	Date	Action

MORRISON HERSHFIELD

5994 w. Las Positas Blvd, Suite 123,
Pleasanton, CA 94588
Tel: 925.460.3750
www.morrisonhershfield.com

Implementation Team:

PARSONS
110 WEST A STREET, SUITE 1050
SAN DIEGO, CA 92101
Tel:(619) 687-0400 Fax:(619) 687-0401

Client:

T-Mobile

10180 TELESIS COURT, SUITE 333
SAN DIEGO, CA 92121-2741

Project:

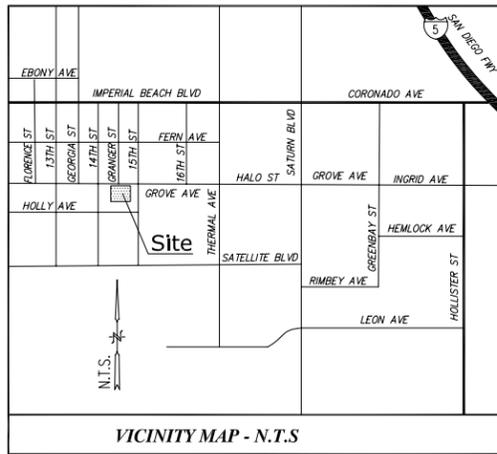
THE GROVE
SD06825A
1471 GROVE AVENUE
IMPERIAL BEACH, CA 91932

Drawing Title:

GENERAL NOTES

Project No. 6073111	
Designer: RL	Date: 09/12/07
Drawn By: WL	Checked By: RL, EG
PM Review: EG	Client Approval
Issue No. 1	Drawing No. G-2

V:\Project\607 Series\6073111 T-Mobile-Parsons San Diego NEW BUILD\Drawings\6073111_S006825 The Grove Condos_Zone_Rev.1.dwg 01/29/2008 8:41am Wegentus

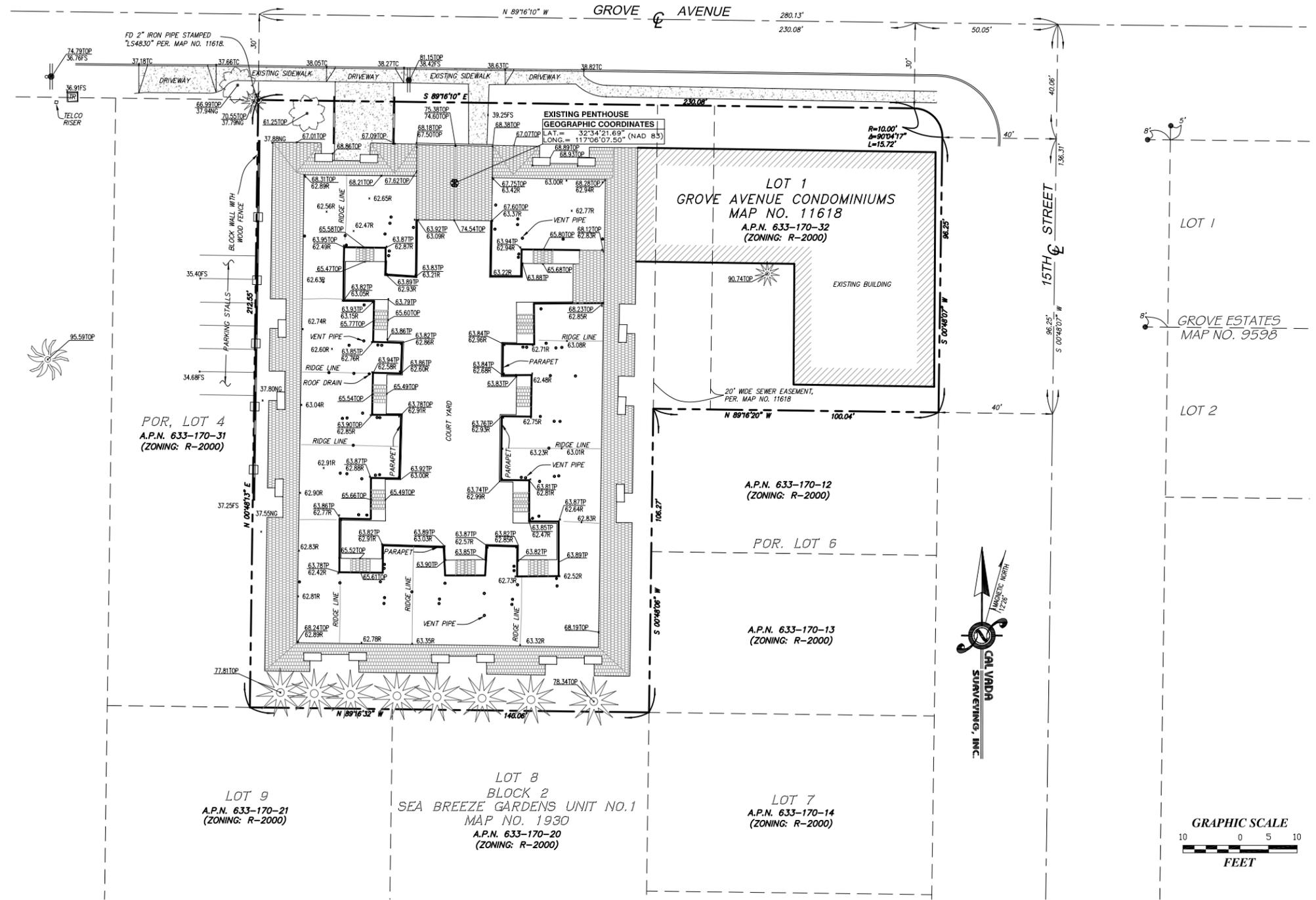
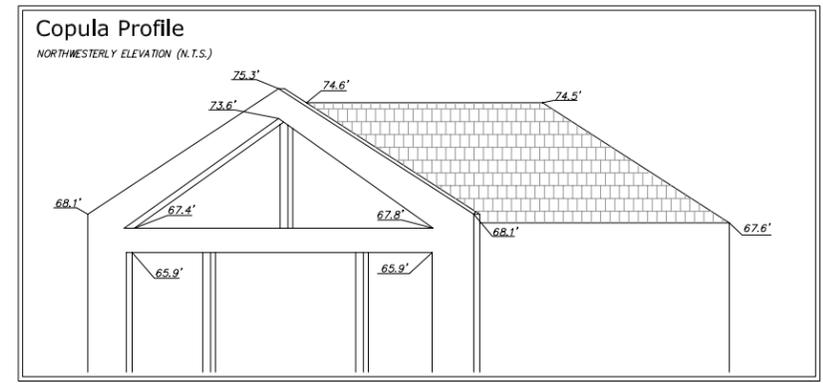


Basis of Bearings
 THE STATE PLANE COORDINATE SYSTEM OF 1983 (NAD 83), CALIFORNIA ZONE 6.

Bench Mark
 THE CSRC GPS MONUMENT "NSSS" ELEVATION = 520.97 FEET (NAVD 88).

Date of Survey
 SEPTEMBER 11, 2007

- Legend**
- FS FINISH SURFACE
 - NG NATURAL GROUND
 - PP POWER POLE
 - TR RETAINING/BLOCK WALL
 - TR TRANSFORMER
 - CP CONCRETE PAVEMENT
 - EP EDGE OF PAVEMENT
 - TR TREE
 - TC TOP OF CURB
 - PL PROPERTY LINE
 - VP VENT PIPE
 - WF WOOD FENCE
 - CLF CHAIN LINK FENCE
 - L LIGHT
 - WV WATER VALVE
 - TS TOP OF STRUCTURE
 - GC GEODETIC COORDINATES
 - TP TOP OF PARAPET
 - FDH FIRE HYDRANT/FIRE
 - RD ROOF DRAIN
 - R ROOF
 - FL FD LEAD & TACK, TAGGED "RCE19073" PER. MAP NO. 9598



Title Report
 THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT.
 PREPARED BY:
 ORDER NO.:
 DATE:

Legal Description
 LOT 1 OF GROVE AVENUE CONDOMINIUMS IN THE CITY OF IMPERIAL BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AS MAP NO. 11618 OF TRACT MAPS, RECORDS OF SAID COUNTY.

Assessor's Parcel No.
 633-170-32

Easements
 NOT AVAILABLE

Access Easement/Lease Area
 TO BE DETERMINED

Geographic Coordinates at Existing Copula
 1983 DATUM: LATITUDE 32° 34' 21.69" LONGITUDE 117° 06' 07.50"

T-Mobile
 Get more from life
 3 IMPERIAL PROMENADE, SUITE 1100
 SANTA ANA, CA 92707

PLANS PREPARED BY:
PARSONS
 DELIVERING Innovative Solutions
 110 W. "A" STREET, SUITE 1050
 SAN DIEGO, CA 92101
 PHONE: (619) 857-2400
 FAX: (619) 857-0401

CONSULTANT:
CALVADA SURVEYING, INC.
 411 Jenks Cir., Suite 205, Corona, CA 92880
 Phone: 951-280-9960 Fax: 951-280-9746
 Toll Free: 800-CALVADA www.calvada.com
 JOB NO. 07602

NO.	DATE	DESCRIPTION	BY
	09/14/07	PRELIMINARY	AL

SITE INFORMATION:
SD06825A
THE GROVE
 1471 GROVE STREET
 IMPERIAL BEACH, CA 91932
 SAN DIEGO COUNTY

SEAL:

SHEET TITLE:
ROOF SURVEY

SHEET NUMBER:
LS-1
 SHEET 1 OF 1



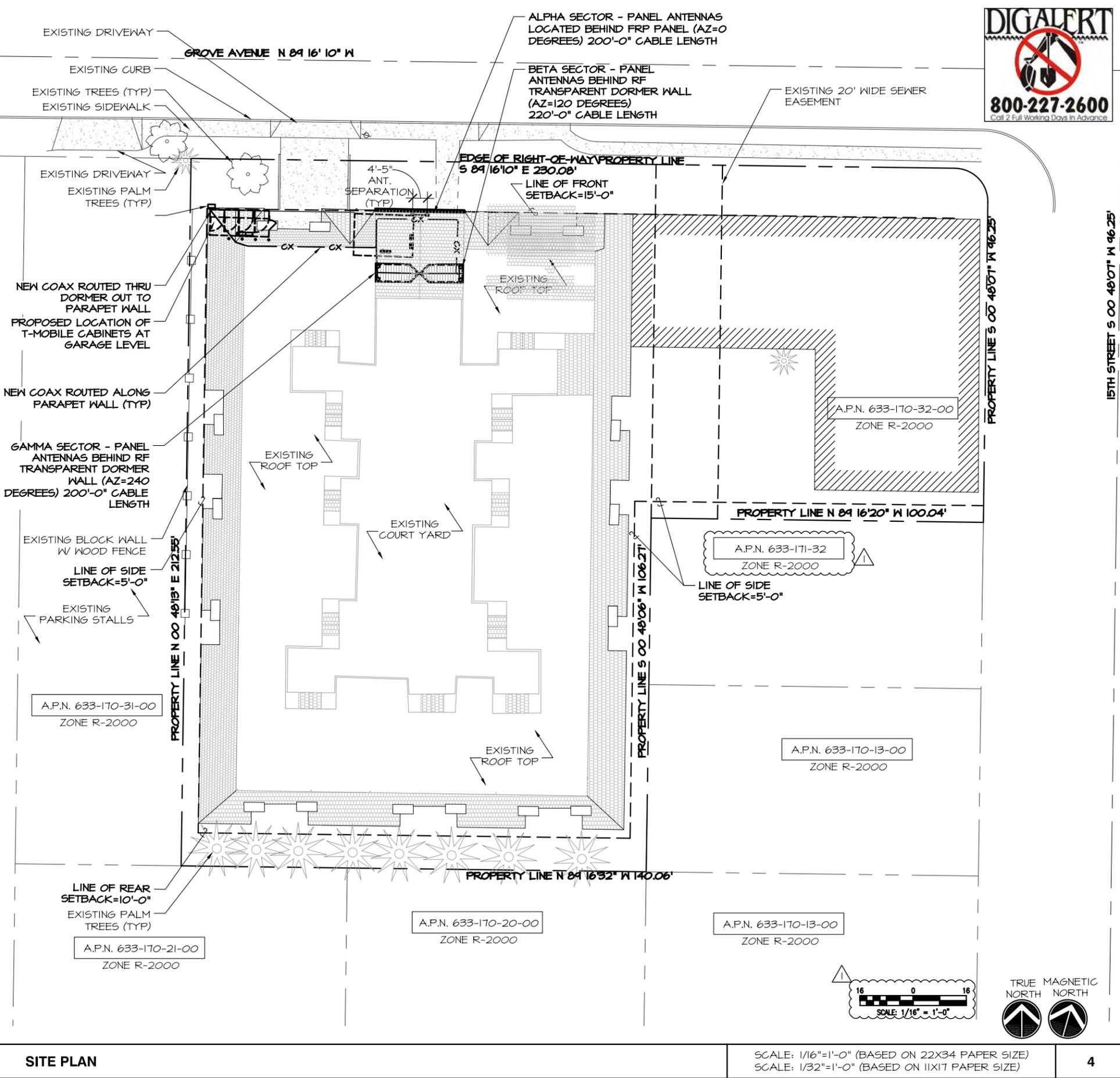
V:\Project\607 Series\6073111 T-Mobile-Parsons San Diego NEW BUILD\Drawings\6073111_SD06825 The Grove Condos_Zone_Rev.1.dwg 01/29/2008 8:41am WJegentus

FLOOD PANEL		
FIPS CODE:	6	
PANEL FULL:	2153F	
FIS DATE:	JUNE 19,1997	
FLOOD ZONE		
FEMA CODE:	161	
FEMA ZONE:	X	

FLOOD INFORMATION		
SCALE	NTS	1
N/A		

PROPERTY LINE & CURVE TABLE		
SCALE	NTS	2
<p>LOT 1 OF GROVE AVENUE CONDOMINIUMS IN THE CITY OF IMPERIAL BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED AS MAP NO. 11618 OF TRACT MAPS, RECORDS OF SAID COUNTY.</p>		

LEGAL DESCRIPTION		
SCALE	NTS	3



DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS OR OMISSIONS. NO VARIATIONS OR MODIFICATIONS TO WORK SHOWN SHALL BE IMPLEMENTED WITHOUT PRIOR WRITTEN APPROVAL. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF MORRISON HERSHFIELD CORPORATION. NEITHER MORRISON HERSHFIELD NOR THE ARCHITECT WILL BE PROVIDING CONSTRUCTION REVIEW OF THIS PROJECT.



ROBERT JERRY LARA
LICENSED ARCHITECT
STATE OF CALIFORNIA
Lic. # C-30334

5	.	.
4	.	.
3	.	.
2	.	.
1	01/21/08	ZONING COMMENTS
0	10/30/07	100% ZONING SUBMITAL
A	09/12/07	90% ZONING REVIEW SET
No.	Date	Action

MORRISON HERSHFIELD
5994 w. Las Positas Blvd, Suite 123,
Pleasanton, CA 94588
Tel: 925.460.3750
www.morrisonhershfield.com

Implementation Team:
PARSONS
110 WEST A STREET, SUITE 1050
SAN DIEGO, CA, 92101
Tel:(619) 687-0400 Fax:(619) 687-0401

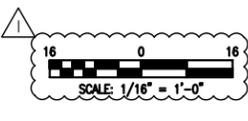
Client:
T-Mobile
10180 TELESIS COURT, SUITE 333
SAN DIEGO, CA 92121-2741

Project:
THE GROVE
SD06825A
1471 GROVE AVENUE
IMPERIAL BEACH, CA 91932

Drawing Title:
SITE PLAN

Project No. 6073111	
Designer: RL	Date: 09/12/07
Drawn By: WL	Checked By: RL, EG
PM Review: EG	Client Approval:
Issue No. 1	Drawing No. A-1

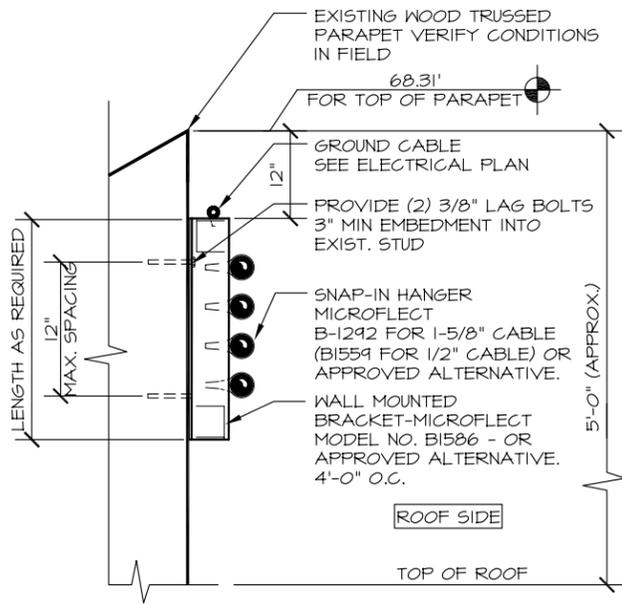
SCALE: 1/16"=1'-0" (BASED ON 22X34 PAPER SIZE)
SCALE: 1/32"=1'-0" (BASED ON 11X17 PAPER SIZE)



- WORK OUTSIDE OF THE PROPERTY LINE INCLUDED IN THIS SET OF DRAWINGS SHALL BE, BUT NOT LIMITED TO, REPAIR OF DAMAGED DRIVEWAYS, SODDING, ROADS, LANDSCAPING AND UTILITY CONNECTIONS.
- CONTRACTOR AND SUB-CONTRACTORS SHALL VERIFY ALL UTILITY SERVICE CONNECTION LOCATIONS PRIOR TO SUBMITTING BID AND PROCEEDING WITH WORK. IT IS RECOMMENDED THAT THE CONTRACTOR VISIT THE SITE AND VERIFY ALL DIMENSIONS AND NOTES BEFORE SUBMITTING BID AND PROCEEDING WITH WORK.
- SOIL AT THIS SITE IS UNDISTURBED SAND ADEQUATE OF SUPPORTING THE DESIGN LOAD OF 2000 P.S.F. IF OTHER CONDITIONS ARE ENCOUNTERED, NOTIFY ARCHITECT BEFORE PROCEEDING WITH WORK. THIS VALUE IS CONSIDERED SAFE WITH RESPECT TO ACTUAL FAILURE OF THE SUPPORTING GROUND, BUT DOES NOT NECESSARILY ENSURE THE PREVENTION OF EXCESSIVE FOUNDATION MOVEMENTS.
- BURY PHONE, AND ELECTRIC SERVICE NO LESS THAN 24" BELOW FINISH GRADE WITH 1'-0" RADIUS SAND BACKFILL AROUND PIPES. COORDINATE W/ ELECTRICAL DRAWINGS.
- IN ORDER TO AVOID ANY CONFLICTS, CONTRACTOR SHALL COORDINATE ALL HIS PRACTICAL TRADES.
- WARNING SIGNS (SEE BELOW) TO BE POSTED AT EVERY ACCESS POINT TO THE EQUIPMENT AREA.
- ACCESS TO COMMUNICATION EQUIPMENT IS RESTRICTED TO AUTHORIZED USERS ONLY.
- CONTRACTOR TO FIELD VERIFY CLEARANCES FOR THE COAX ROUTING AND SUPPORTS.

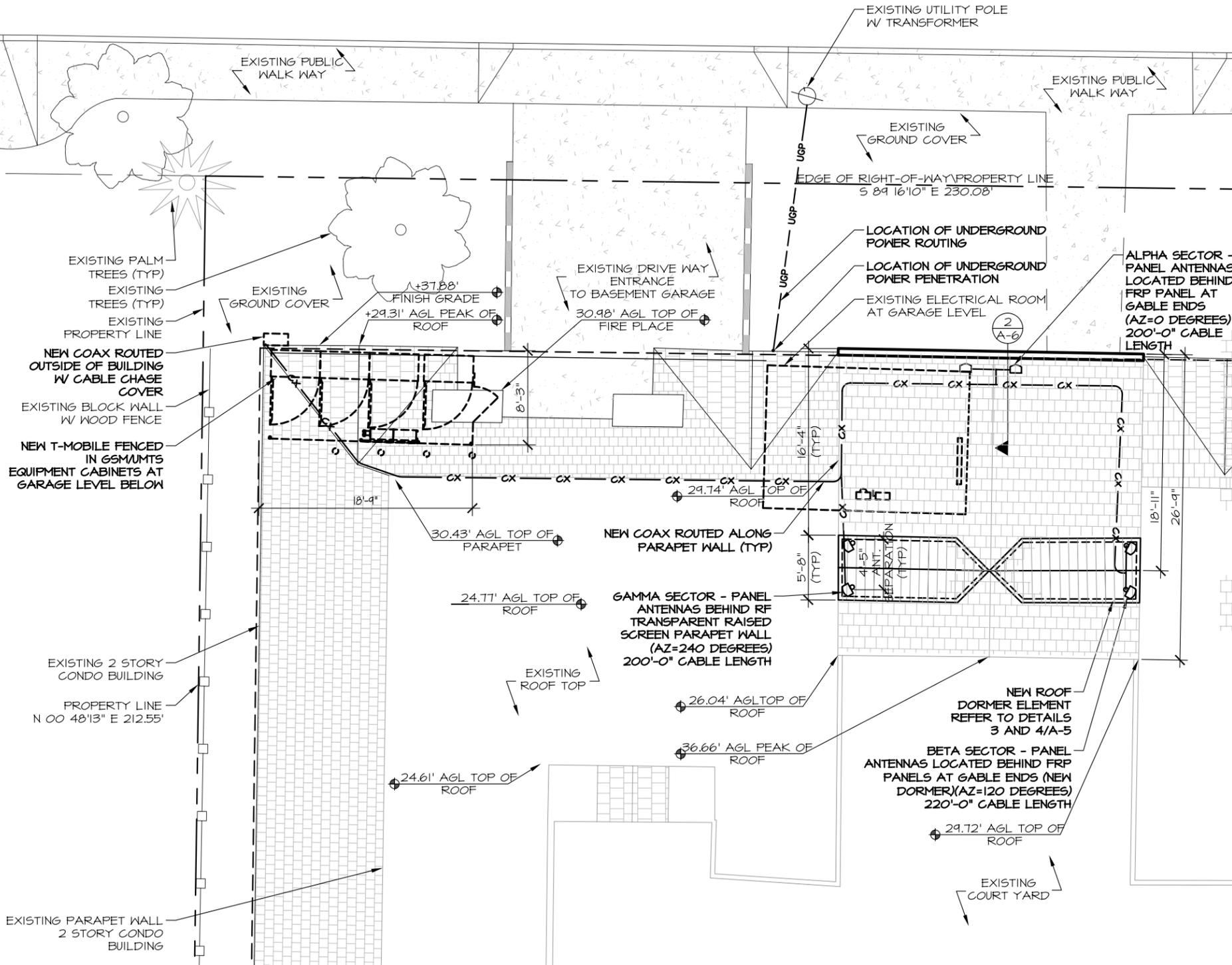
COMPOUND NOTES

SCALE
NTS 1



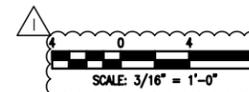
COAX SUPPORT DETAIL

SCALE
NTS 2



ENLARGED ROOF PLAN

SCALE: 3/16"=1'-0" (BASED ON 22X34 PAPER SIZE)
SCALE: 1/8"=1'-0" (BASED ON 11X17 PAPER SIZE)



DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS OR OMISSIONS. NO VARIATIONS OR MODIFICATIONS TO WORK SHOWN SHALL BE IMPLEMENTED WITHOUT PRIOR WRITTEN APPROVAL. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF MORRISON HERSHFIELD CORPORATION. NEITHER MORRISON HERSHFIELD NOR THE ARCHITECT WILL BE PROVIDING CONSTRUCTION REVIEW OF THIS PROJECT.



ROBERT JERRY LARA
LICENSED ARCHITECT
STATE OF CALIFORNIA
Lic. # C-30334

5	.	.
4	.	.
3	.	.
2	.	.
1	01/21/08	ZONING COMMENTS
0	10/30/07	100% ZONING SUBMITTAL
A	04/12/07	90% ZONING REVIEW SET
No.	Date	Action

MORRISON HERSHFIELD
5994 w. Las Positas Blvd, Suite 123,
Pleasanton, CA 94588
Tel: 925.460.3750
www.morrisonhershfield.com

Implementation Team:

PARSONS
110 WEST A STREET, SUITE 1050
SAN DIEGO, CA 92101
Tel:(619) 687-0400 Fax:(619) 687-0401

Client:

T-Mobile
10180 TELESIS COURT, SUITE 333
SAN DIEGO, CA 92121-2741

Project:

THE GROVE
SD06825A
1471 GROVE AVENUE
IMPERIAL BEACH, CA 91932

Drawing Title:

ROOF PLAN

Project No.

6073111

Designer:

RL

Drawn By:

WL

PM Review:

EG

Date:

09/12/07

Checked By:

RL, EG

Client Approval

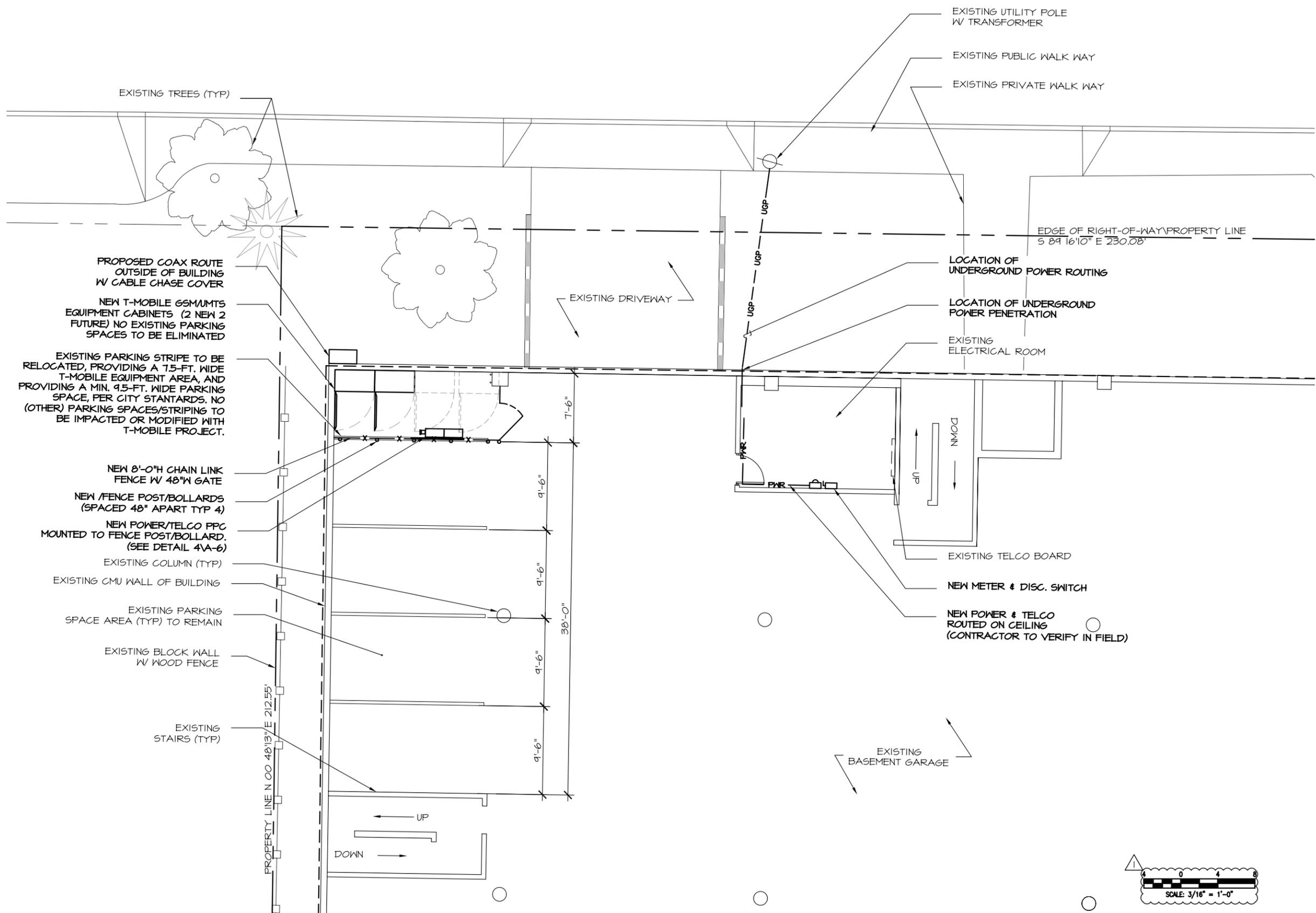
Issue No.

1

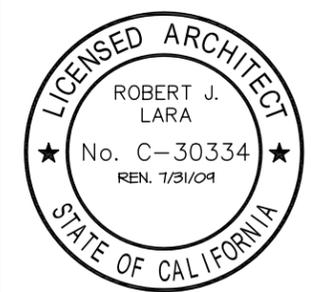
Drawing No.

A-2

W:\Project\607 Series\6073111 T-Mobile-Parsons San Diego NEW BUILD\SD\Drawings\6073111_SD06825 The Grove Condos_Zone_Rev_1.dwg 01/29/2008 8:41am WJegentus



DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS OR OMISSIONS. NO VARIATIONS OR MODIFICATIONS TO WORK SHOWN SHALL BE IMPLEMENTED WITHOUT PRIOR WRITTEN APPROVAL. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF MORRISON HERSHFIELD CORPORATION. NEITHER MORRISON HERSHFIELD NOR THE ARCHITECT WILL BE PROVIDING CONSTRUCTION REVIEW OF THIS PROJECT.



ROBERT JERRY LARA
LICENSED ARCHITECT
STATE OF CALIFORNIA
Lic. # C-30334

5	.	.
4	.	.
3	.	.
2	.	.
1	01/21/08	ZONING COMMENTS
0	10/30/07	100% ZONING SUBMITTAL
A	09/12/07	90% ZONING REVIEW SET
No.	Date	Action

MORRISON HERSHFIELD
5994 w. Las Positas Blvd, Suite 123,
Pleasanton, CA 94588
Tel: 925.460.3750
www.morrisonhershfield.com

Implementation Team:
PARSONS
110 WEST A STREET, SUITE 1050
SAN DIEGO, CA, 92101
Tel:(619) 687-0400 Fax:(619) 687-0401

Client:
T-Mobile
10180 TELESIS COURT, SUITE 333
SAN DIEGO, CA 92121-2741

Project:
THE GROVE
SD06825A
1471 GROVE AVENUE
IMPERIAL BEACH, CA 91932

Drawing Title:
ENLARGED GARAGE
(BASEMENT), PARKING,
& FLOOR PLAN

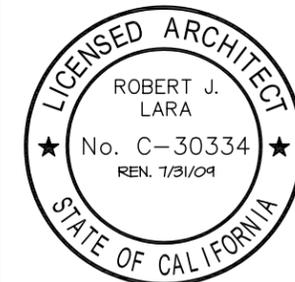
Project No. 6073111	
Designer: RL	Date: 09/12/07
Drawn By: WL	Checked By: RL, EG
PM Review: EG	Client Approval:

Issue No. 1	Drawing No. A-3
-----------------------	---------------------------

ENLARGED GARAGE (BASEMENT) FLOOR PLAN

SCALE: 3/16"=1'-0" (BASED ON 22x34 PAPER SIZE)
SCALE: 3/32"=1'-0" (BASED ON 11x17 PAPER SIZE)

DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS OR OMISSIONS. NO VARIATIONS OR MODIFICATIONS TO WORK SHOWN SHALL BE IMPLEMENTED WITHOUT PRIOR WRITTEN APPROVAL. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF MORRISON HERSHFIELD CORPORATION. NEITHER MORRISON HERSHFIELD NOR THE ARCHITECT WILL BE PROVIDING CONSTRUCTION REVIEW OF THIS PROJECT.



ROBERT JERRY LARA
LICENSED ARCHITECT
STATE OF CALIFORNIA
Lic. # C-30334

5.	.	
4.	.	
3.	.	
2.	.	
1	01/21/08	ZONING COMMENTS
0	10/30/07	100% ZONING SUBMITTAL
A	04/12/07	90% ZONING REVIEW SET
No.	Date	Action

MORRISON HERSHFIELD
5994 w. Las Positas Blvd, Suite 123,
Pleasanton, CA 94588
Tel: 925.460.3750
www.morrisonhershfield.com

Implementation Team:
PARSONS
110 WEST A STREET, SUITE 1050
SAN DIEGO, CA, 92101
Tel:(619) 687-0400 Fax:(619) 687-0401

Client:
T-Mobile
10180 TELESIS COURT, SUITE 333
SAN DIEGO, CA 92121-2741

Project:
THE GROVE
SD06825A
1471 GROVE AVENUE
IMPERIAL BEACH, CA 91932

Drawing Title:
NORTH & SOUTH ELEVATIONS

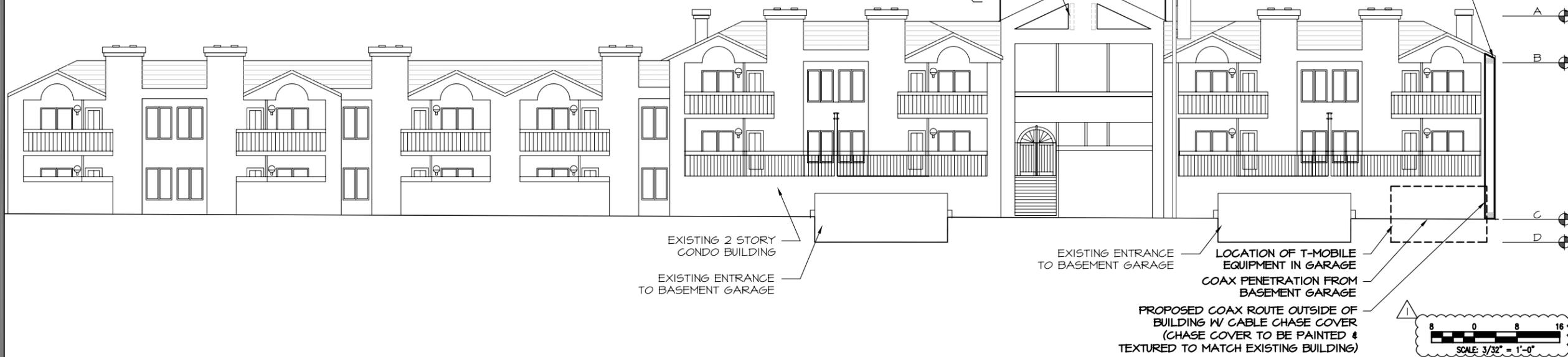
Project No. 6073111	
Designer: RL	Date: 04/12/07
Drawn By: WL	Checked By: RL, EG
PM Review: EG	Client Approval:
Issue No. 1	Drawing No. A-4

ELEVATION CHART	
POINTS	ELEVATION READING & LOCATION
A	30.43' AGL TOP OF ROOF PEAK
B	24.62' AGL TOP OF ROOF @ ROOF DRAINS
C	+ 37.88' (0.00') GRADE LEVEL
D	+ 34.25' GARAGE LEVEL

ALPHA SECTOR - PANEL ANTENNAS LOCATED BEHIND FRP PANEL AT GABLE ENDS (GABLE END CLOSED)(AZ=0 DEGREES) 200'-0" CABLE LENGTH (FRP TO BE PAINTED & TEXTURED TO MATCH EXISTING BUILDING)

BETA SECTOR-PANEL ANTENNAS BEHIND RF TRANSPARENT DORMER GABLE END (AZ=120 DEGREES) 220'-0" CABLE LENGTH (FRP TO BE PAINTED & TEXTURED TO MATCH EXISTING BUILDING)

GAMMA SECTOR-PANEL ANTENNAS BEHIND RF TRANSPARENT DORMER GABLE END (AZ=240 DEGREES) 200'-0" CABLE LENGTH (FRP TO BE PAINTED & TEXTURED TO MATCH EXISTING BUILDING)



NORTH ELEVATION

SCALE: 3/32"=1'-0" (BASED ON 22X34 PAPER SIZE)
SCALE: 3/64"=1'-0" (BASED ON 11X17 PAPER SIZE)

1

37.5' AGL TOP OF DORMER
36.72' AGL TOP OF NEW DORMER
30.43' AGL TOP OF ROOF PEAK
24.62' AGL TOP OF ROOF @ ROOF GRAINS
EXISTING 2 STORY CONDO BUILDING W/ BASEMENT GEARAGE
+ 37.88' FINISH GROUND



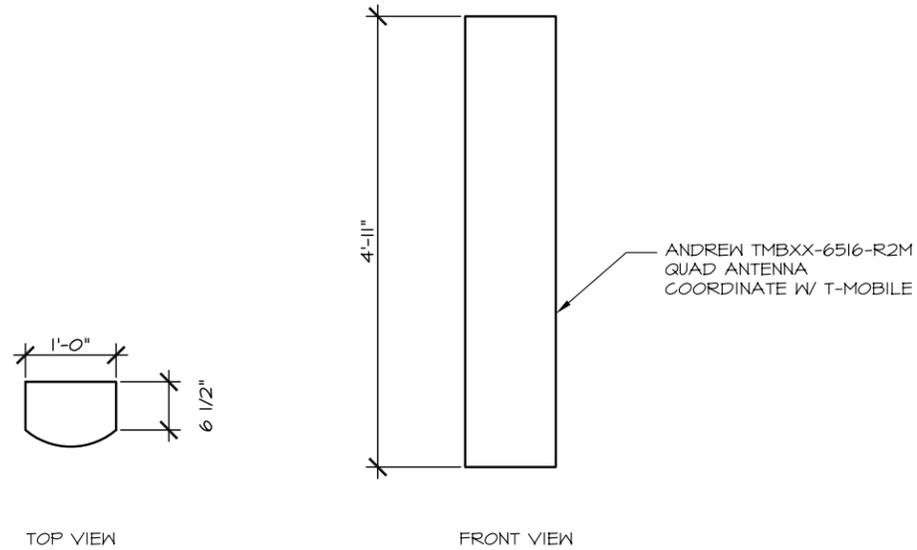
WEST ELEVATION

SCALE: 3/32"=1'-0" (BASED ON 22X34 PAPER SIZE)
SCALE: 3/64"=1'-0" (BASED ON 11X17 PAPER SIZE)

2

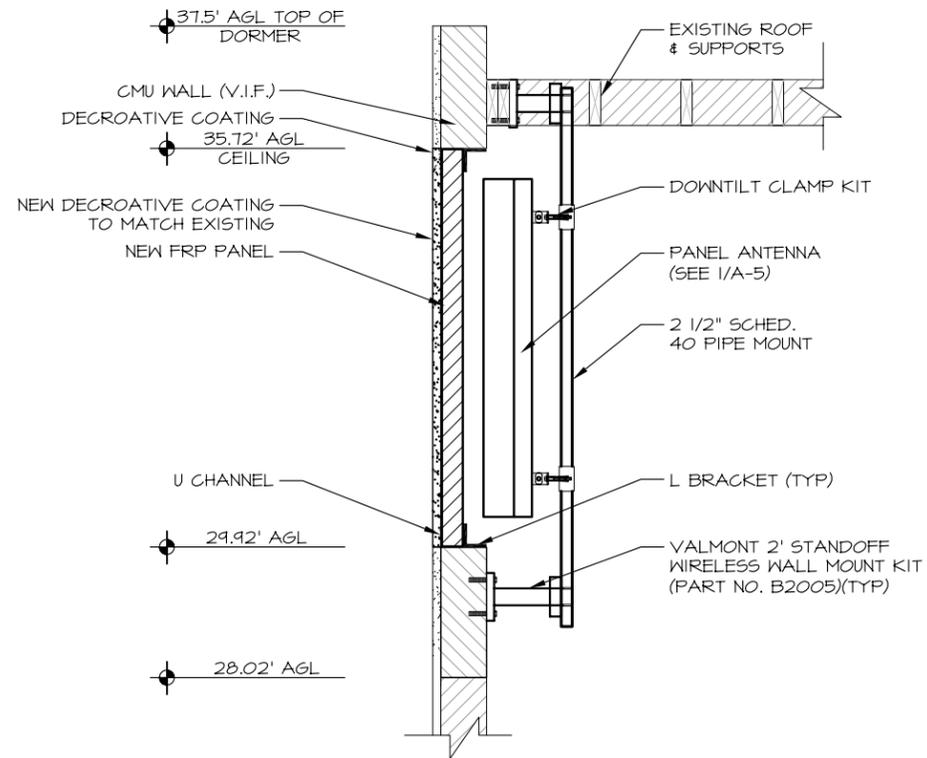
V:\Project\607 Series\6073111 T-Mobile-Parsons San Diego NEW BUILD\SD06825 - The Grove Condos\Drawings\6073111_SD06825 The Grove Condos_Zone_Rev. 1.dwg 01/29/2008 8:41am WJegentus

V:\Project\607 Series\6073111 T-Mobile-Parsons San Diego NEW BUILD\SD\Drawings\6073111_S006825 The Grove Condos_Zone_Rev. 1.dwg 01/29/2008 8:41am Wlegentus



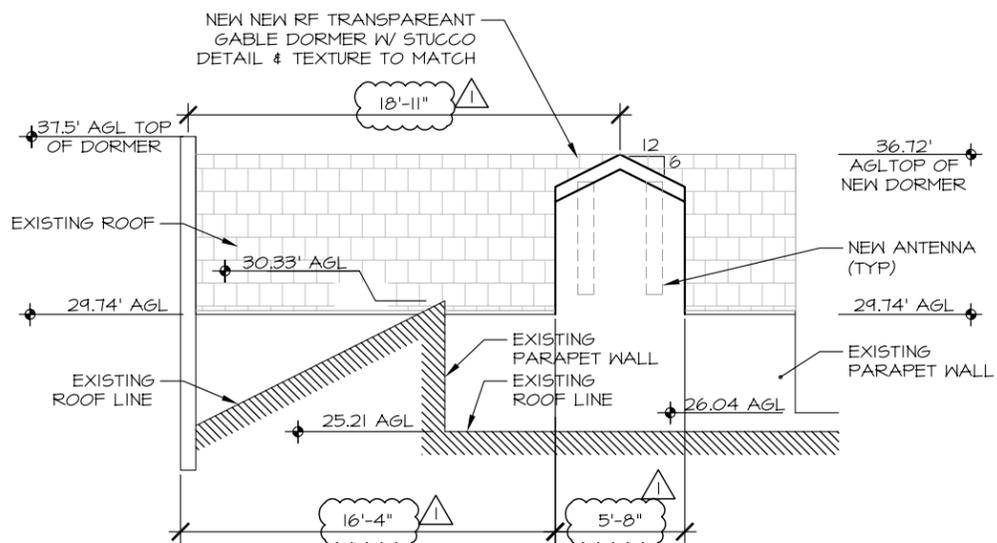
ANTENNA ELEVATION

SCALE
NTS 1



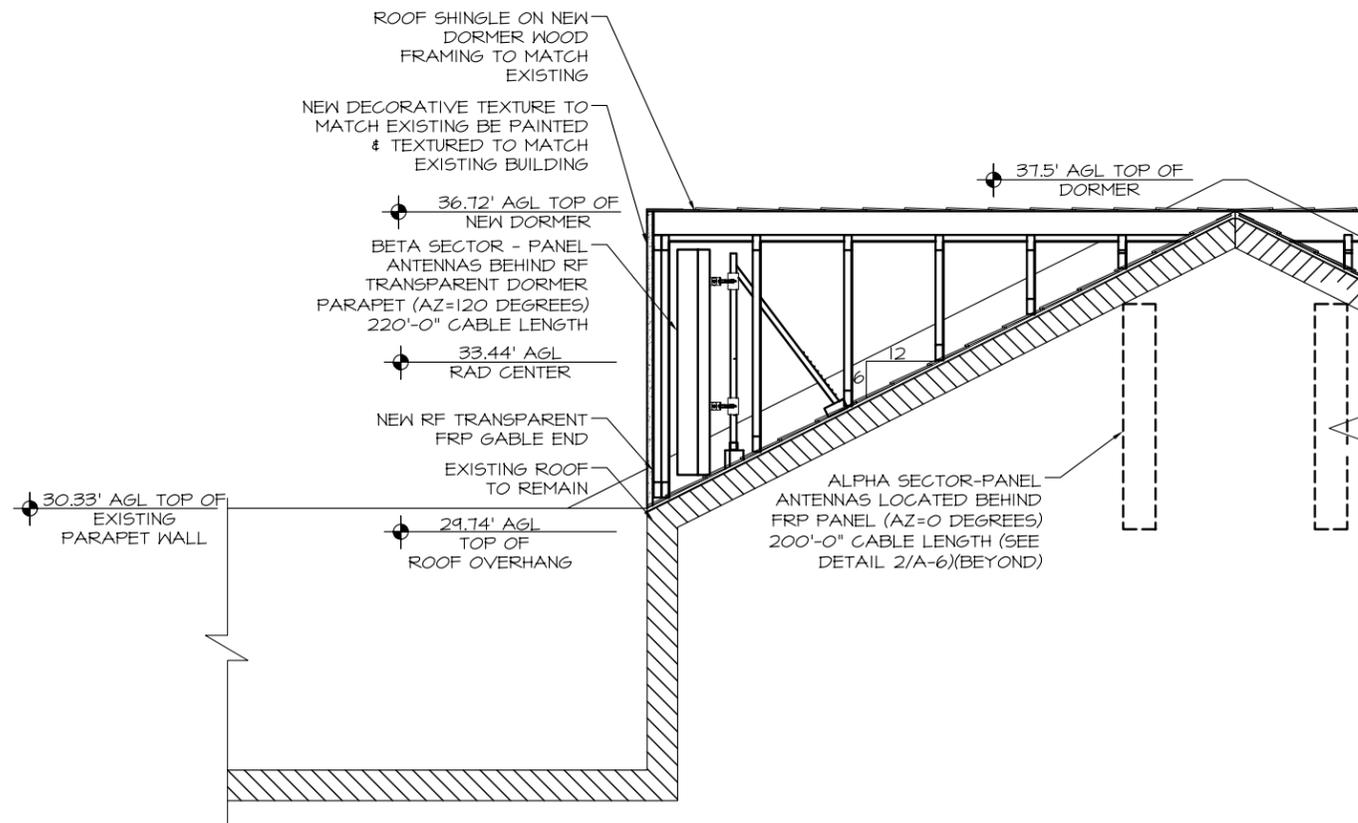
WALL SECTION

SCALE
NTS 2



ELEVATION OF GABLE DORMER

SCALE
NTS 3



DORMER SECTION

SCALE
NTS 4

DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS OR OMISSIONS. NO VARIATIONS OR MODIFICATIONS TO WORK SHOWN SHALL BE IMPLEMENTED WITHOUT PRIOR WRITTEN APPROVAL. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF MORRISON HERSHFIELD CORPORATION. NEITHER MORRISON HERSHFIELD NOR THE ARCHITECT WILL BE PROVIDING CONSTRUCTION REVIEW OF THIS PROJECT.



ROBERT JERRY LARA
LICENSED ARCHITECT
STATE OF CALIFORNIA
Lic. # C-30334

5	.	.
4	.	.
3	.	.
2	.	.
1	01/21/08	ZONING COMMENTS
0	10/30/07	100% ZONING SUBMITAL
A	09/12/07	90% ZONING REVIEW SET
No.	Date	Action

MORRISON HERSHFIELD
5994 w. Las Positas Blvd, Suite 123,
Pleasanton, CA 94588
Tel: 925.460.3750
www.morrisonhershfield.com

Implementation Team:
PARSONS
110 WEST A STREET, SUITE 1050
SAN DIEGO, CA, 92101
Tel:(619) 687-0400 Fax:(619) 687-0401

Client:
T-Mobile
10180 TELESIS COURT, SUITE 333
SAN DIEGO, CA 92121-2741

Project:
THE GROVE SD06825A
1471 GROVE AVENUE
IMPERIAL BEACH, CA 91932

Drawing Title:
ANTENNA DETAILS

Project No. 6073111	
Designer: RL	Date: 09/12/07
Drawn By: WL	Checked By: RL, EG
PM Review: EG	Client Approval

Issue No. 1	Drawing No. A-5
----------------	--------------------

V:\Project\607 Series\6073111 T-Mobile-Parsons San Diego NEW BUILDS\Sites\SD06825 - The Grove Condos\Drawings\6073111_SD06825 The Grove Condos_Zone_Rev. 1.dwg 01/29/2008 8:41am Mlegentus

DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS OR OMISSIONS. NO VARIATIONS OR MODIFICATIONS TO WORK SHOWN SHALL BE IMPLEMENTED WITHOUT PRIOR WRITTEN APPROVAL. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF MORRISON HERSHFIELD CORPORATION. NEITHER MORRISON HERSHFIELD NOR THE ARCHITECT WILL BE PROVIDING CONSTRUCTION REVIEW OF THIS PROJECT.



ROBERT JERRY LARA
LICENSED ARCHITECT
STATE OF CALIFORNIA
Lic. # C-30334

5	.	.
4	.	.
3	.	.
2	.	.
1	01/21/08	ZONING COMMENTS
0	10/30/07	100% ZONING SUBMITAL
A	09/12/07	90% ZONING REVIEW SET
No.	Date	Action

MORRISON HERSHFIELD
5994 w. Las Positas Blvd, Suite 123,
Pleasanton, CA 94588
Tel: 925.460.3750
www.morrisonhershfield.com

Implementation Team:
PARSONS
110 WEST A STREET, SUITE 1050
SAN DIEGO, CA, 92101
Tel:(619) 687-0400 Fax:(619) 687-0401

Client:
T-Mobile
10180 TELESIS COURT, SUITE 333
SAN DIEGO, CA 92121-2741

Project:
THE GROVE
SD06825A
1471 GROVE AVENUE
IMPERIAL BEACH, CA 91932

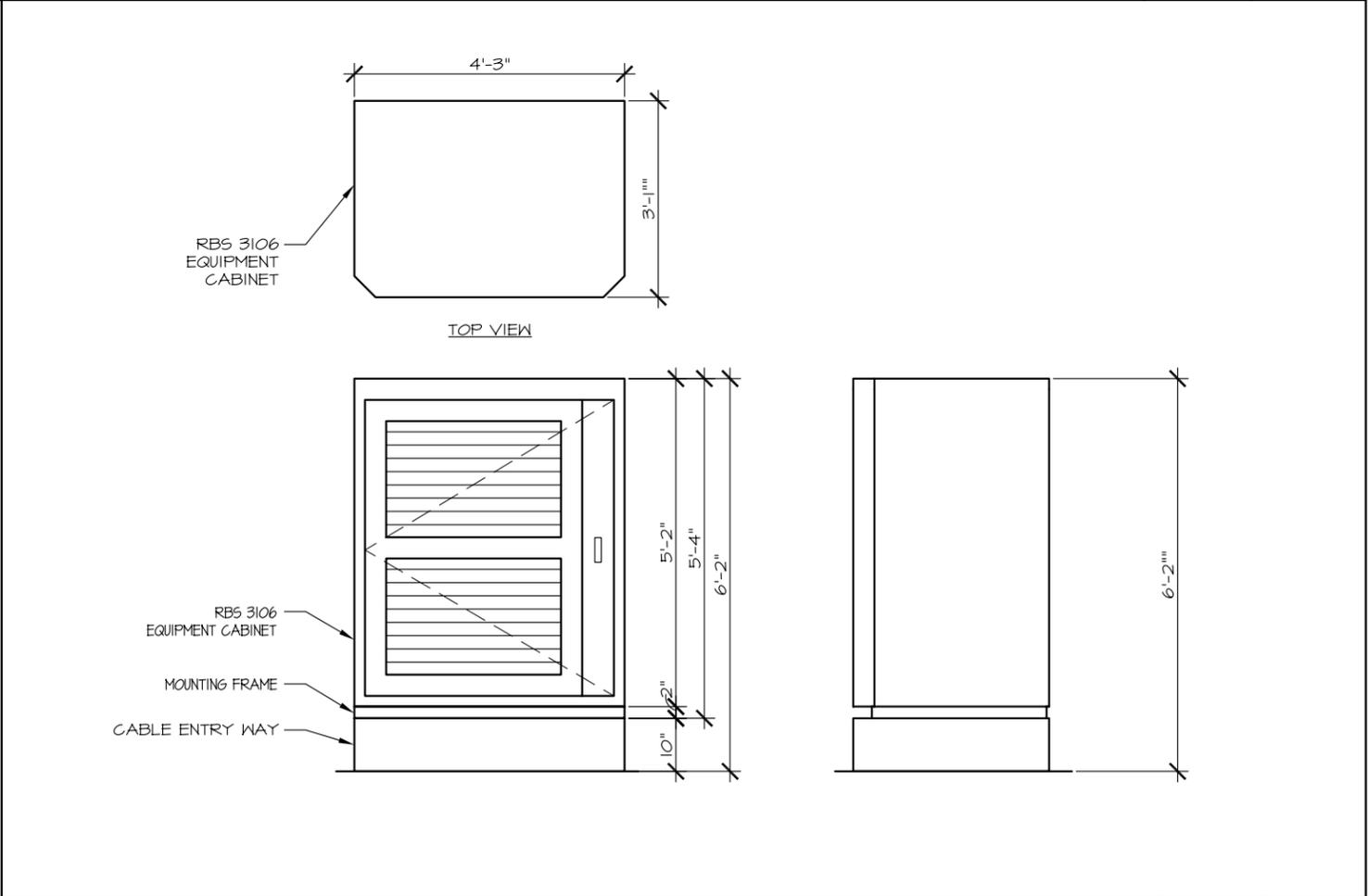
Drawing Title:
**EQUIPMENT CABINET
DETAIL**

Project No. 6073111	
Designer: RL	Date: 09/12/07
Drawn By: WL	Checked By: RL, EG
PM Review: EG	Client Approval:

Issue No. 1	Drawing No. A-6
-----------------------	---------------------------

NOT USED SCALE NTS 1

NOT USED SCALE NTS 2

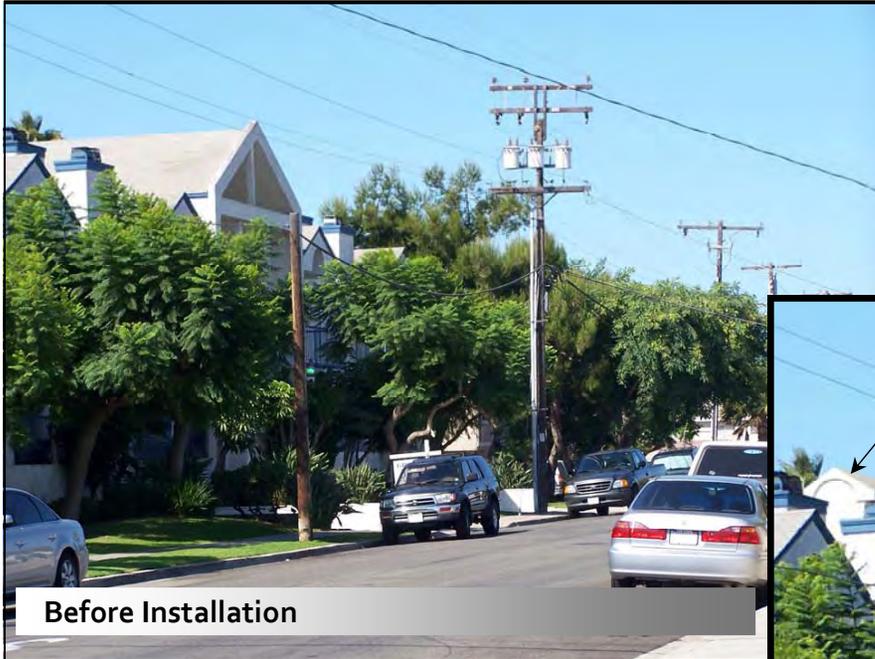


NOT USED SCALE NTS 3

EQUIPMENT CABINET DETAIL SCALE NTS 4

ATTACHMENT 3
The Grove — View 1

1471 Grove Ave. Imperial Beach, CA 91932
T-Mobile Site ID: SD6825A



Before Installation



After Installation



10180 Telesis Court
Suite 333
San Diego, CA 92121-2741



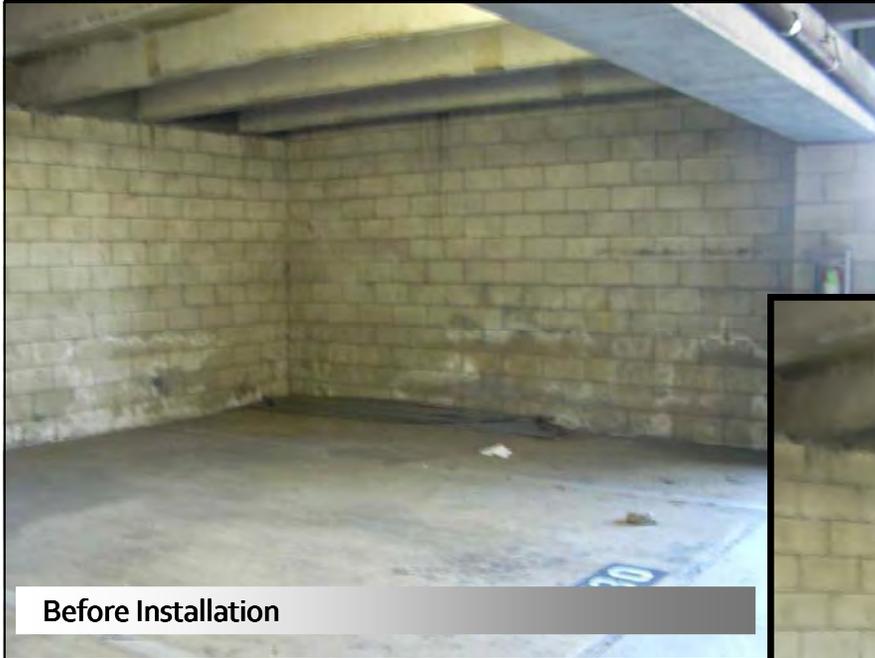
110 West A Street
Suite 1050
San Diego, CA 92101



5994 W. Las Positas Blvd.
Suite 123
Pleasanton, CA 94588

The Grove — View 2

1471 Grove Ave. Imperial Beach, CA 91932
T-Mobile Site ID: SD6825A



10180 Telesis Court
Suite 333
San Diego, CA 92121-2741



110 West A Street
Suite 1050
San Diego, CA 92101



5994 W. Las Positas Blvd.
Suite 123
Pleasanton, CA 94588

The Grove — View 3

1471 Grove Ave. Imperial Beach, CA 91932
T-Mobile Site ID: SD6825A



Before Installation



After Installation



10180 Telesis Court
Suite 333
San Diego, CA 92121-2741



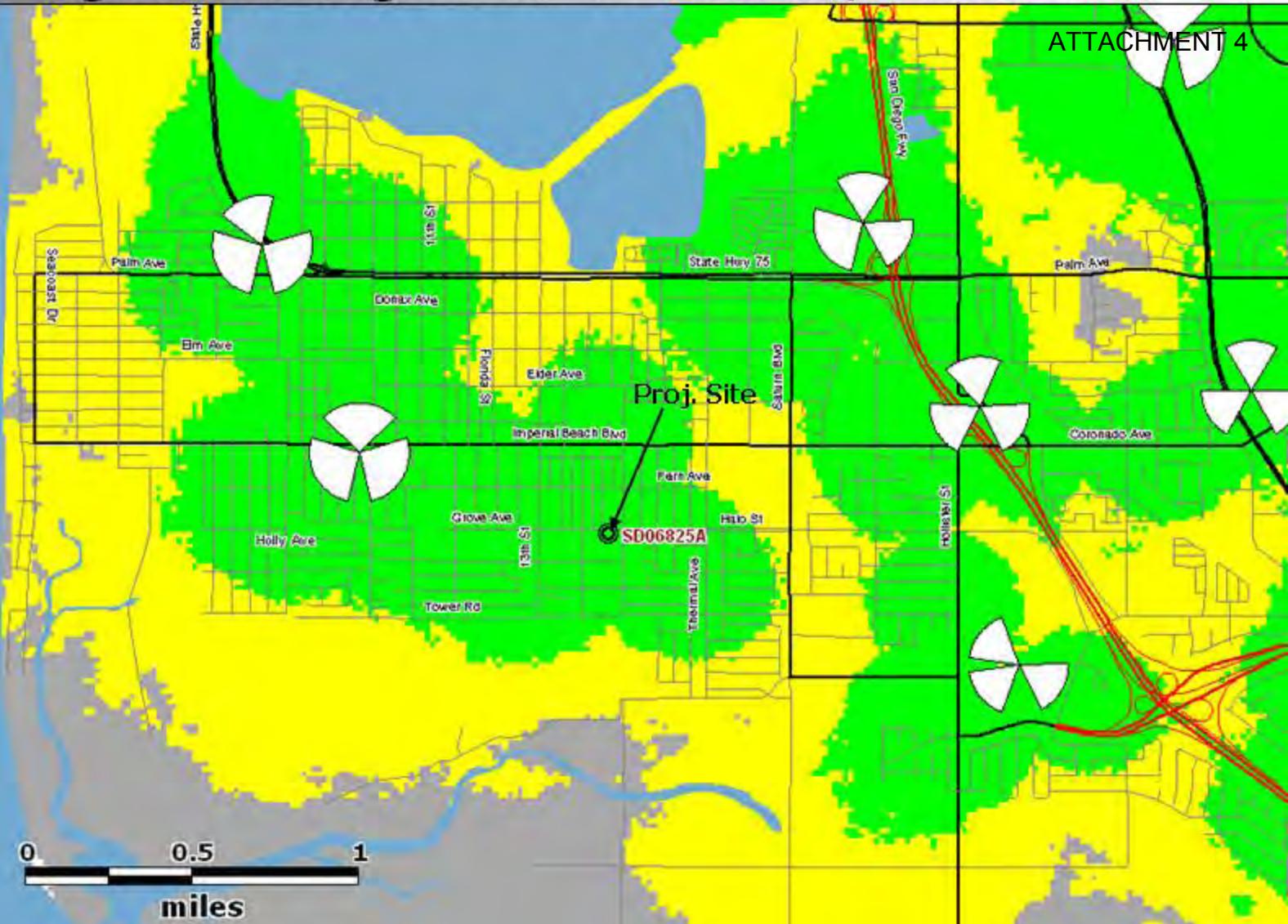
110 West A Street
Suite 1050
San Diego, CA 92101



5994 W. Las Positas Blvd.
Suite 123
Pleasanton, CA 94588

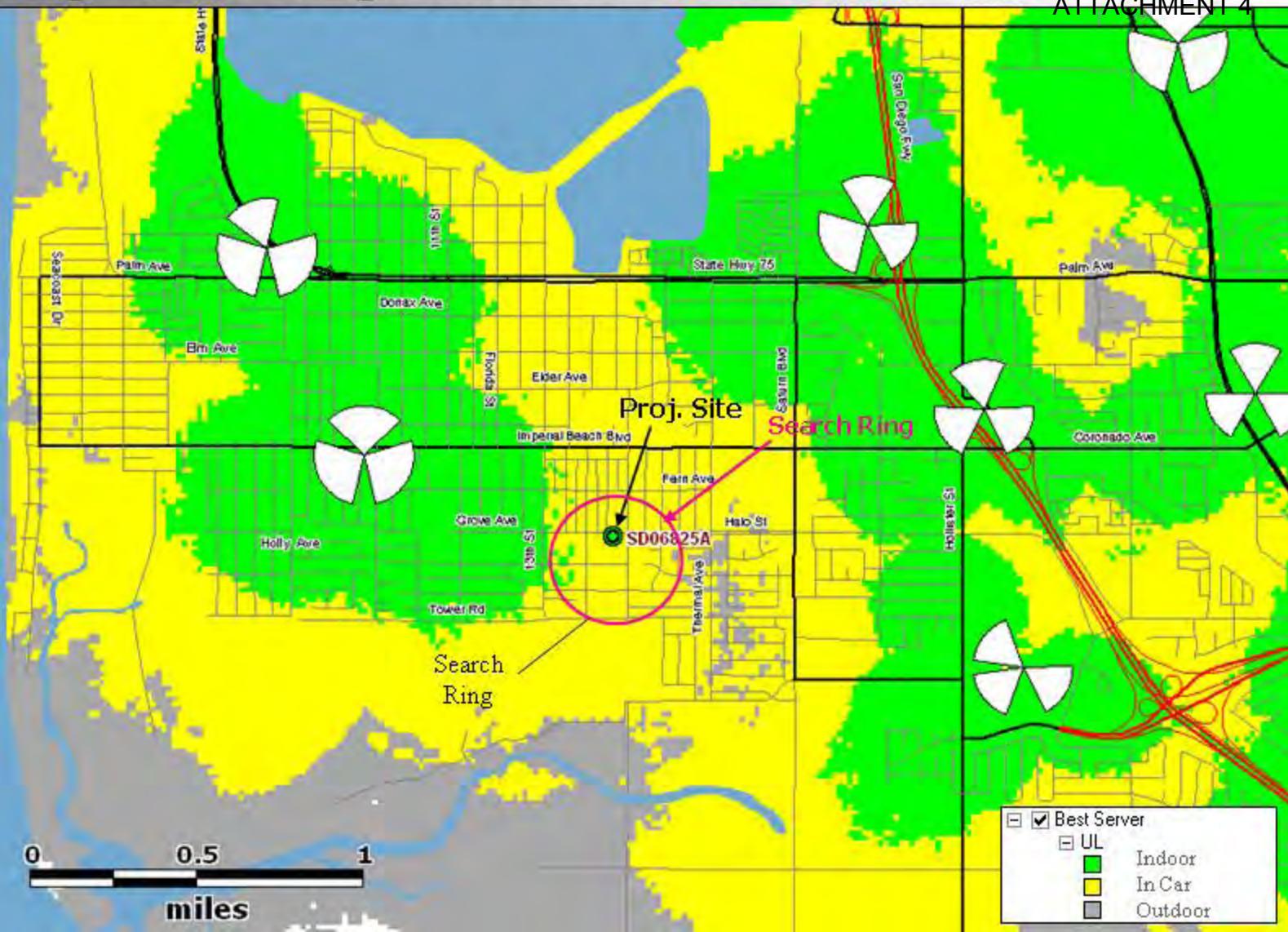
Signal Coverage With SD06825A / "The Grove"

ATTACHMENT 4



Signal Coverage Without SD06825A / "The Grove"

ATTACHMENT 4





AGENDA ITEM NO. 6.1

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL AND CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR

MEETING DATE: APRIL 21, 2010

**ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
FINANCE DEPARTMENT
MICHAEL MCGRANE, FINANCE DIRECTOR**

SUBJECT: ADOPTION OF RESOLUTION NOS. R-10-216 AND 2010-6877 APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH IMPERIAL COAST LIMITED PARTNERSHIP RELATING TO CONCEPTUAL AGREEMENT AND AGENCY FINANCIAL PARTICIPATION IN THE DEVELOPMENT OF A NEW BEACH-FRONT HOTEL

BACKGROUND:

This report requests the City Council approve a memorandum of understanding (MOU) relating to the conceptual agreement with Imperial Coast Limited Partnership for the development of a new hotel located at 800 Seacoast. This MOU will be the basis for the development of an Owner Participation Agreement (OPA) for the development of a new beach front hotel on the site of the Seacoast Inn. An OPA is a formal agreement detailing specific development and contractual obligations and responsibilities of both the City of Imperial Beach/Redevelopment Agency and the Developer.

DISCUSSION:

City and Agency staff has been working with the hotel owner to develop an appropriate MOU sufficient to set forth the proposed financial participation by the Agency in the hotel project subject to preparation, approval and execution of an OPA. The terms of the draft MOU are contained in Attachment 3.

Development Agreement Periodic Review

Pursuant to Section 19.89.060 of the Imperial Beach Municipal Code and Section 5 of the approved Development Agreement for the Seacoast Inn, a periodic review of the Development Agreement is required every twelve months from the date on which the agreement was executed. The Development Agreement was signed on December 18, 2007 and the first

periodic review occurred on February 4, 2009. Although the periodic review is again over-due, staff has been concentrating its efforts on securing an agreement that would make development of the hotel possible. It is staff's intention and recommendation, therefore, that the City Council/Agency waive this periodic review in lieu of approval of the proposed MOU in order to effectuate development of the hotel in accordance with the terms of the Development Agreement. Should an agreement as outlined in the MOU not be reached, however, staff recommends that the periodic review of the Development Agreement be scheduled for further direction from the City Council/Agency.

FISCAL ANALYSIS:

The potential construction of the new Seacoast Inn project has been stalled due to the economy's impact in the debt markets. Originally the hotel was to be privately financed with no assistance from the City. However, currently there is no market for condo hotels or highly leveraged projects. The City has been working with a team of financial consultants and the developer to ascertain if options are available to get the hotel built.

The City commissioned HVS Consulting & Valuation to do a feasibility study relative to a new 78 room hotel on the existing Seacoast Inn site at 800 Seacoast Drive. The report analyzes if a 78 room hotel is financially feasible. The analysis concluded that the new hotel could achieve a 67% occupancy rate at an average of \$164 per room per night. The hotel would generate approximately \$2 million after operating expenses (excluding debt service). The net income is approximately halved if the hotel is 65% debt financed at an interest rate of 8%. The study concludes that given such a low return relative to the investment needed and corresponding financial risk, a hotel is not feasible in today's market.

The study and other financial consultant input, provide parameters that would need to be achieved to make this project viable:

1. Debt financing no more than 40% of the project
2. A minimum rate of return on equity of 6%
3. An internal rate of return of the project, 13% and above

To meet the above parameters, the Redevelopment Agency would need to contribute \$6.7 million to the project to make the project feasible in the current market. At this contribution level, the conditions of the economy are neutralized and the parameter hurdles are overcome.

For its contribution, the City would benefit by the elimination of a blighted area, add a modern eco-friendly hotel, provide for increased public beach access, enhance our efforts to attract other development projects, and provide for an increased tax base. Based on projections, the City would receive approximately \$200,000 in transient occupancy taxes and \$200,000 in other taxes. The City could also realize increase tax revenues if this project is a catalyst for other future developments. The developer would receive a contribution from the Redevelopment Agency that would allow for a fair return given their investment and associated business risk.

Redevelopment Bond Capacity: The contribution would be from the Redevelopment Agency (no contribution from the City's General Fund). The City's Redevelopment Agency's additional bond capacity was recently updated. It states that the bonding capacity of the Redevelopment agency is from \$15 million to \$20 million depending if the debt is to be used for tax exempt or

taxable projects. The hotel contribution, though a significant share of any new bond, would leave the Agency with financial capacity to address other high priority redevelopment projects.

ENVIRONMENTAL REVIEW

The Draft EIR (SCH # 2005101113) was prepared for the project in accordance with CEQA Guidelines section 15161 and routed on August 16, 2007 for a required forty-five (45) day public review period that terminated on October 1, 2007. The Final EIR containing written responses to the written and pertinent public workshop comments and the Mitigation Monitoring and Reporting Program was adopted and certified by the City Council on December 5, 2007. A Notice of Determination was filed with the County Clerk after project approval. By providing financial assistance from the Agency, the proposed MOU implements the project that was analyzed in the Final EIR for the project. Under CEQA Guidelines section 15162, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the City determines, based on substantial evidence, one of the following triggering events have occurred:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

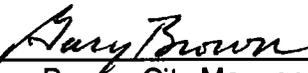
Staff has reviewed the proposed MOU and the existing conditions under which the project is proposed to be developed. Based on staff's review, staff has determined that the approved project analyzed in the 2007 EIR has not changed nor have any of the other triggering events under CEQA Guidelines section 15162 occurred so as to require additional environmental review. Therefore, pursuant to CEQA Guidelines section 15162, the City is not required to prepare a subsequent EIR, Addendum or Negative Declaration for the project.

Statement of Overriding Consideration:

Pursuant to CEQA Guidelines Section 15093, A Statement of Overriding Considerations for short-term noise related impacts was also adopted and certified for the project EIR.

CITY MANAGER'S RECOMMENDATION

It is respectfully requested that the City Council/Redevelopment Agency adopt Resolution Numbers R-10-216 and 2010-6877 approving a Memorandum of Understanding with Imperial Coast Limited Partnership relating to the conceptual agreement and Agency financial participation in the development of a new beach-front hotel.



Gary Brown, City Manager/Executive Director

Attachments:

1. Redevelopment Resolution R-10-216
2. City Council Resolution 2010-6877
3. Draft Memorandum of Understanding
4. Information Provided by Pacifica

RESOLUTION NO. R-10-216

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING AND AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH IMPERIAL COAST LIMITED PARTNERSHIP RELATING TO CONCEPTUAL AGREEMENT AND AGENCY FINANCIAL PARTICIPATION IN THE DEVELOPMENT OF A NEW BEACH-FRONT HOTEL

WHEREAS, Imperial Coast Limited Partnership ("Developer") has obtained the necessary land-use entitlements from the City of Imperial Beach ("City") and the California Coastal Commission to build an expanded visitor serving hotel facility with a minimum of 78 guest rooms and ancillary uses, such as a full service fine dining restaurant and conference center open to the public and hotel guests ("Project"), located at 800 Seacoast Drive ("Site") in the City of Imperial Beach; and

WHEREAS, Developer and City entered into a development agreement on December 18, 2007 pursuant to Government Code sections 65864 *et. seq.* to secure such entitlements related to the Project; and

WHEREAS, the City certified an environmental impact report (EIR) on December 5, 2007, for the Project in accordance with the California Environmental Quality Act and the Memorandum of Understanding (MOU) attached contains terms that are within the scope of the EIR; and

WHEREAS, the City and Redevelopment Agency ("Agency") desire to implement a primary goal of the Redevelopment Plan through the elimination of blight and substandard structures; and

WHEREAS, the Developer is seeking financial assistance from the Agency to develop the hotel; and

WHEREAS, the Developer has submitted project cost estimates indicating that the construction of a new hotel consistent with the Development Agreement of December 18, 2007 will cost at least \$20.5 million; and

WHEREAS, the City/Agency find the estimated costs to be reasonable; and

WHEREAS, the project complies with and will implement the goals and objectives of the General Plan and Local Coastal Program, the Redevelopment Plan and the Eco-Tourism Program of the City and Agency; and

WHEREAS, the Parties have reached a conceptual agreement about the potential for City and/or Agency funding to be used for the Project and wish to enter into this MOU while the Parties negotiate a more detailed Owner Participation Agreement ("OPA") related to the provision of any City/Agency funding for the Project.

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

1. The above-listed recitals are true and correct.
2. The terms of the attached Memorandum of Understanding (MOU) are approved and the City Manager/Executive Director is hereby authorized to

- enter into the MOU with Developer outlining a conceptual agreement for the development of a beach-front hotel.
3. The terms of the MOU will be further negotiated and formalized in a subsequent Owner Participation Agreement (OPA) to be approved by the City/Agency.

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 21st day of April 2010, by the following vote:

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

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, CMC
SECRETARY

RESOLUTION NO. 2010-6877

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING AND AUTHORIZING THE CITY MANAGER/EXECUTIVE DIRECTOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH IMPERIAL COAST LIMITED PARTNERSHIP RELATING TO CONCEPTUAL AGREEMENT AND AGENCY FINANCIAL PARTICIPATION IN THE DEVELOPMENT OF A NEW BEACH-FRONT HOTEL

WHEREAS, Imperial Coast Limited Partnership (“Developer”) has obtained the necessary land-use entitlements from the City of Imperial Beach (“City”) and the California Coastal Commission to build an expanded visitor serving hotel facility with a minimum of 78 guest rooms and ancillary uses, such as a full service fine dining restaurant and conference center open to the public and hotel guests (“Project”), located at 800 Seacoast Drive (“Site”) in the City of Imperial Beach; and

WHEREAS, Developer and City entered into a development agreement on December 18, 2007 pursuant to Government Code sections 65864 *et. seq.* to secure such entitlements related to the Project; and

WHEREAS, the City certified an environmental impact report (EIR) on December 5, 2007, for the Project in accordance with the California Environmental Quality Act and the Memorandum of Understanding (MOU) attached contains terms that are within the scope of the EIR; and

WHEREAS, the City and Redevelopment Agency (“Agency”) desire to implement a primary goal of the Redevelopment Plan through the elimination of blight and substandard structures; and

WHEREAS, the Developer is seeking financial assistance from the Agency to develop the hotel; and

WHEREAS, the Developer has submitted project cost estimates indicating that the construction of a new hotel consistent with the Development Agreement of December 18, 2007 will cost at least \$20.5 million; and

WHEREAS, the City/Agency find the estimated costs to be reasonable; and

WHEREAS, the project complies with and will implement the goals and objectives of the General Plan and Local Coastal Program, the Redevelopment Plan and the Eco-Tourism Program of the City and Agency; and

WHEREAS, the Parties have reached a conceptual agreement about the potential for City and/or Agency funding to be used for the Project and wish to enter into this MOU while the Parties negotiate a more detailed Owner Participation Agreement (“OPA”) related to the provision of any City/Agency funding for the Project.

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

1. The above-listed recitals are true and correct.
2. The terms of the attached Memorandum of Understanding (MOU) are

approved and the City Manager/Executive Director is hereby authorized to enter into the MOU with Developer outlining a conceptual agreement for the development of a beach-front hotel.

3. The terms of the MOU will be further negotiated and formalized in a subsequent Owner Participation Agreement (OPA) to be approved by the City/Agency.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 21st day of April 2010, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

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

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is made this 21st day of April, 2010 (“Effective Date”), by and between the City of Imperial Beach (“City”), a municipal corporation, the Imperial Beach Redevelopment Agency (“Agency”), and Imperial Coast Limited Partnership, (“Developer”) a California limited partnership, hereinafter also referred to as a “Party,” or jointly, “Parties.”

WHEREAS, Developer has obtained the necessary land-use entitlements from the City and the California Coastal Commission to build an expanded visitor serving hotel facility with a minimum of 78 guest rooms and ancillary uses, such as a full service fine dining restaurant and conference center open to the public and hotel guests (“Project”), located at 800 Seacoast Drive (“Site”) in the City of Imperial Beach; and

WHEREAS, Developer and City entered into a development agreement on December 18, 2007 pursuant to Government Code sections 65864 *et. seq.* to secure such entitlements related to the Project; and

WHEREAS, the City certified an environmental impact report on December 5, 2007, for the Project in accordance with the California Environmental Quality Act; and

WHEREAS, the City and Agency desire to implement a primary goal of the Redevelopment Plan through the elimination of blight and substandard structures; and

WHEREAS, the development of the Project will benefit the City and Agency and the citizens of Imperial Beach by providing a newly-constructed, Leadership in Energy and Environmental Design (“LEED”)-certified, destination hotel that will provide much-needed visitor accommodations, improved lateral and vertical coastal access, and transient occupancy, property and retail sales taxes; and

WHEREAS, the Developer has submitted project cost estimates indicating that the construction of a new hotel consistent with the Development Agreement of December 18, 2007 will cost at least \$20.5 million; and

WHEREAS, the City/ Agency find the estimated costs to be reasonable; and

WHEREAS, the project complies with and will implement the goals and objectives of the General Plan and Local Coastal Program, the Redevelopment Plan and the Eco-Tourism Program of the City and Agency; and

WHEREAS, the local, regional, state, national, and world economy have suffered the worst recession in the last 50 years and development of hotels has been almost impossible; and

WHEREAS, the Parties have reached a conceptual agreement about the potential for City and/or Agency funding to be used for the Project and wish to enter into this MOU while the Parties negotiate a more detailed Owner Participation Agreement (“OPA”) related to the provision of any City/Agency funding for the Project.

NOW THEREFORE, in consideration of the mutual covenants listed herein, the Parties agree as follows:

1. **City/Agency Obligations.** The City/Agency agrees to provide a grant to the Developer in an amount not to exceed \$6.7 million subject to the following:
 - a. Confirmation satisfactory to the City/Agency that construction costs will be at least \$20.5M.
 - b. Depending upon the nature of the proposed financial assistance, the City and/or Agency will hold any legally required public hearings prior to committing to the assistance.
 - c. Full compliance with the Conditions of Funding and Developer Obligations listed in Sections 2 and 3 below.
 - d. Any financial assistance will be consistent with applicable federal and state laws and will be subject to the completion of an OPA. City/Agency will submit a draft OPA to Developer within 60 days of City/Agency’s adoption of this MOU.

2. **Conditions of Funding.** The provision of funding by the City and/or Agency will be conditioned upon the following:
 - a. The total grant by the City and/or Agency will not exceed \$6.7 million.
 - b. Use of any grant funds committed to the Project will be limited to direct project related costs. “Project Related Costs” shall mean all construction costs and soft costs related to construction such as architectural design and engineering work.. Project Related Costs shall not include Developer’s overhead. Developer shall keep a detailed report of any Project Costs incurred

for the construction of the Project during the term of this MOU so that consideration can be given to allow the grant to be used for eligible costs.

- c. The schedule and method of distribution of grant funds will be set forth in greater detail in the OPA. The City/Agency's funds will be disbursed by a designated private sector financial agency after all private sector funds including Developer's equity have been disbursed..
- d. The City/Agency's agreement to provide a grant will be contingent upon the City/Agency securing the appropriate bonds or other financial instruments, the Developer demonstrating that it has secured the necessary non-City financing for the Project, and Developer submitting to the City/Agency its detailed construction budget to the City. City/Agency will pursue the financial instrument(s) in good faith and in a timely manner.
- e. The amount contributed by the City/Agency, will be dependent upon the actual construction costs for the Project. If construction costs are less than \$20.5 million, the City's/Agency's contribution will be decreased by an amount equal to the difference between \$20.5M and the actual construction costs.
- f. The City/Agency will pursue and negotiate the OPA with Developer in good faith and complete it as soon as possible.
- g. The provision of grant funds will be the City's/Agency's total contribution for the construction of the Project and all required on-site and off-site public improvements, including but not limited to, access to Dunes Park, installation of landscaping along Seacoast Drive, a new Date Avenue seawall, all improvements on the surface of Date Avenue, and installation of all utilities necessary to serve the new hotel and landscaping associated with the new hotel except that the City/Agency will budget \$240,000 in its Capital Improvements Program for improvements to the Date Avenue street end.

3. **Developer's Obligations.** Developer shall use its best efforts to achieve the following::

- a. Obtain the necessary extension of the Coastal Commission Project permits for the Project.
- b. Undertake all actions and meet the submittal or Completion Dates in Exhibit A, Project Schedule;
- c. Developer shall submit evidence to the reasonable satisfaction of the City/ Agency that it is pursuing construction financing for the project in compliance with Exhibit A. Developer shall also submit its construction budget and supporting bid documents evidencing construction costs of at least \$20.5 million;
- d. Pursue and negotiate the OPA in good faith and in a timely manner;

- e. Seek the necessary private financing for the Project to the best of its ability and provide equity financing as necessary to ensure the project can be built;
- f. Pay the City's/Agency's staff, consultant, and legal fees to draft and process the OPA. Developer shall submit a deposit in the amount of \$10,000 to the City to be used for such costs by the deadline included in Exhibit A. Thereafter, Developer agrees to reimburse the deposit within 10 days after receiving notification by the City/Agency that the deposit is \$1,000 or less.

4. Standard Provisions.

- a. Severability. Should any section, clause, or provision of this MOU be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of any other portion of this MOU and, to that end, the provisions of this MOU are severable.
- b. Termination. If Developer fails to complete any of the obligations under Section 3 above or if the City/Agency is unable to secure the necessary financing to provide the grant, the City/Agency reserves the right to terminate this Agreement with 10 days notice to Developer. If Developer has completed all of its obligations under Section 3 above, the conditions in Section 2 have been fulfilled, and City/Agency has defaulted, Developer's exclusive remedy for an uncured City/Agency default is to terminate this MOU with 10 days notice, and to receive a refund of any of the unused funds that Developer has on deposit with the City/Agency pursuant to this MOU. If an OPA has not been entered into within 6 months of the Effective Date of this MOU, City/Agency may terminate this MOU with 10 days notice to Developer. This MOU can also be terminated at any time upon mutual agreement of the parties.
- c. Hold Harmless. Developer hereby agrees to, and shall defend, save and hold City and Agency and its elected and appointed boards, commissions, officers, agents, and employees harmless from, any and all claims, costs and liability for any damages, personal injury or death, which may arise, directly or indirectly, from Developer's or Developer's contractors', subcontractors', agents or employees' operations under this MOU, whether such negligent operations be by Developer or by any of Developer's contractors, subcontractors, agents or employees. City shall retain the right to select the attorney of its choice to defend any action requiring a defense under this section.
- d. Indemnification. Developer shall defend, indemnify and hold harmless City and Agency and its agents, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity, adequacy, or performance of the obligations of any of the following:

(i) this MOU; (ii) the environmental impact report prepared in connection with the adoption of the Project; and (iii) the proceedings undertaken in connection with the adoption or approval of any of the above. City shall retain the right to select the attorney of its choice to defend any action requiring a defense under this section.

- e. Entire Agreement. This MOU constitutes the complete and exclusive statement of Agreement between the City, Agency and Developer with respect to the provision of any City and/or Agency assistance to the Project. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in total by this MOU. This MOU may be modified or amended only by a written document executed by both parties.
- f. Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder.
- g. Authority to Sign. Developer represents that the person(s) executing this MOU on behalf of Developer has full authority to do so and to bind Developer to perform pursuant to the terms and conditions of this MOU.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed as of the dates written above.

Executed at Imperial Beach, California on _____

City of Imperial Beach/
Redevelopment Agency

*[Developer] *see notes below*

By: _____
Gary Brown, City Manager/Executive
Director

By: _____
[Name of Officer, Title]

By: _____

[Name of Officer, Title]

City of Imperial Beach

By: _____
Jennifer M. Lyon,
City Attorney/General Counsel

ATTEST:

By: _____
Jacque Hald, City Clerk

*Notes: If the Developer is a Corporation, then this document must be executed by the Corporation's Chief Executive Officer, President or Vice-President, on the one hand, and the Corporations' Chief Financial Officer, Treasurer, Assistant Treasurer or Secretary on the other hand. Developer's signature must be notarized.

EXHIBIT A

PROJECT SCHEDULE

TASK	DESCRIPTION OF TASK (PACIFICA'S OBLIGATION UNLESS OTHERWISE NOTED)	DATE	COMMENT
1	Submit complete demolition permit application to City with all timely completion of all required coordination with APCD, SDG&E, etc. as necessary to accommodate City issuance of demolition permit	4/27/10	
2	City issues demolition permit	4/30/10	
3	Compliance with "prior to issuance conditions"		
3.1	Submit CC&Rs to Dept. of Real Estate.	4/9/10	Complete
3.2	Submit CC&Rs to Coastal Commission	4/23/10	
3.3	Record deed restriction with County.	4/23/10	
3.4	Submit final map to City with tax clearance certificate and bond	4/20/10	
3.5	Final Map approved by City Council	4/21/10	
3.6	Final Map recorded	4/23/10	
3.7	Submit recorded Final Map to Coastal Commission	4/26/10	
4	Submit payment for City's/Agency's staff and consultant	4/14/10	Complete
5	Submit payment for OPA legal fees	4/22/10	
6	Submit payment to replenish deficient account	4/14/10	Complete
7	Submit evidence to reasonable satisfaction of City (i.e., copies of materials and list of lenders contacted/to be contacted) that it is pursuing construction financing for the project	4/19/10	
8	Submit construction budget and supporting bid documents evidencing construction costs	4/14/10	Complete
9	Submit pro formas to City	4/14/10	Complete
10	Submit all documentation to Coastal Commission necessary for approval of "prior to issuance conditions"	4/27/10	
11	Coastal Commission approves "prior to issuance conditions"	5/14/10	
12	Coastal Commission extends CDP	5/14/10	
13	Hazardous Materials abatement completed	6/1/10	

EXHIBIT A

14	Commence demolition	6/1/10 with 1 day extension for each day completion of Tasks 11 and 12 are delayed	
15	Completes demolition	6/30/10 with 1 day extension for each day completion of Tasks 14 is delayed	
16	Submit revised building permit plans (and fee) to City	5/16/10	
16.1	Submit MEP plans to City	6/30/10	
17	Correction and resubmission to City of building permit application and portions thereof	Best efforts to resubmit within 15 days	
18	City/Agency submits draft OPA to Pacifica	6/22/10	
19	City/Agency approves OPA	10/22/10	
20	City issues building permit	5 days after plans are approved by Building Safety	
21	City issues redevelopment bonds	TBD by City	
22	Pacifica commences construction of project	45 days after completion of Tasks 19, 20 and 21	
23	Pacifica completes construction	18 months following completion of Task 22	

Attachment 4
Information Provided by Pacifica

April 14, 2010

Mr. Sushil Israni
PACIFICA COMPANIES
1775 Hancock Street, Suite 110
San Diego, California 92110

Re: **SEACOAST INN**

Dear Enrique:

Thank you for the opportunity to be a part of your SEACOAST INN project. Per your request we have included in this package our cost breakdown totaling \$ 17,630,745 based upon the plans and specifications prepared by Deutsch Architects, plus a line item budget for owner supplied items totaling \$ 1,969,584. Our timeline for construction is 15-months with an anticipated start date of June 3, 2010.

We have included resumes for our key personnel, pertinent company information, and a company profile illustrating our unique building capabilities.

We are pleased to be a part of your team and have all of our resources prepared to start work immediately at your direction. Please do not hesitate to contact us if you have any questions.

Yours very truly,


SCOTT FREE
CEO

LUSARDI CONSTRUCTION COMPANY

PROJECT: SEACOAST INN
 CLIENT: PACIFICA COMPANIES
 CONTACT: SUSHIL ISRANI
 PHONE #: (619) 296-9000
 LOCATION: IMPERIAL BEACH

RE: PRELIMINARY BREAKDOWN
 WITH VE ITEMS
 EST: CMF
 DATE: 25-Jan-10

VERSION # 1
 PRINT DATE 14-Apr-10

P-DATE ARCHITECTURAL 1/14/2010 CIVIL 5/28/2009
 STRUCTURAL 5/20/2009 LANDSCAP UNDATED
 MPE & T 5/20/2009

COST CODE	DESCRIPTION	GRAND TOTAL	SF =
1000	GENERAL CONDITIONS	\$612,063	\$6.96
1220	PRECONSTRUCTION SERVICES	\$35,229	\$0.40
2100	DEMOLITION/ TRAFFIC CONTROL/ UTILITY CONNECTION @ STREET	\$29,048	\$0.33
2150	SHORING	\$982,074	\$11.18
2200	EARTHWORK / DEWATERING	\$480,734	\$5.46
2210	OFFSITE IMPROVEMENTS	\$0	\$0.00
2220	ONSITE UTILITIES	\$0	\$0.00
2500	ASPHALT PAVING	\$0	\$0.00
2273	KEYSTONE RETAINING WALLS	\$0	\$0.00
2580	STRIPING	\$5,582	\$0.06
2700	SITE CONCRETE	\$0	\$0.00
2710	MANUAL TRASH GATES	\$5,500	\$0.06
2800	LANDSCAPING & IRRIGATION	\$129,941	\$1.48
3000	BUILDING CONCRETE	\$1,901,319	\$21.61
3200	REINFORCING	\$695,227	\$8.78
	REBAR INCREASE SINCE LAST QUOTE	\$52,100	\$0.59
4200	MASONRY	\$200,394	\$2.28
5100	STRUCTURAL & MISCELLANEOUS STEEL	\$711,700	\$8.09
	STRUCTURAL STEEL INCREASE	\$0	\$0.00
5300	GLASS/ STAINLESS RAILING SYSTEM	\$412,912	\$4.89
	ROOF BAR STAINLESS GLASS RAILING	\$40,552	\$0.46
6100	CARPENTRY	\$1,288,804	\$14.65
	USE TRUSSES AT ROOF FRAMING IN LIEU OF DOUBLE SHEATHING SYSTEM	(\$49,450)	(\$0.56)
	LUMBER INCREASE SINCE LAST QUOTE	\$53,345	\$0.61
6110	FINISH CARPENTRY	\$333,910	\$3.79
	OWNER FURNISHED UPPERS & LOWERS WITH LIGHT, SINK, FAUCET AT GUEST ROOMS	(\$75,333)	(\$0.86)
7100	WATERPROOFING	\$699,071	\$7.94
	UPGRADED FLOORING AT EXTERIOR PODIUM DECK	\$105,486	\$0.00
7200	INSULATION	\$49,250	\$0.56
7250	FIREPROOFING & FIRESTOPPING	\$10,000	\$0.11
7500	ROOFING	\$72,507	\$0.82
	CONCRETE AT TERRACE DECK	\$30,928	\$0.35
	UPGRADE FLOORING AT TERRACE DECK	\$20,520	\$0.23
	UPGRADE FLOORING AT ROOF TOP BAR	\$80,320	\$0.91
7600	SHEET METAL	\$118,420	\$1.35
7810	SKYLIGHTS	\$10,000	\$0.11
7900	CAULKING	\$8,000	\$0.09
8100	DOORS, FRAMES & HARDWARE	\$487,735	\$5.68
8300	WATER FEATURES (ALLOWANCE)	\$78,000	\$0.89
8800	GLASS & GLAZING	\$796,847	\$9.06
	USE JELD WEN DOORS AND WINDOWS FOR ALL EXTERIOR ALUMINUM/ WOOD DOORS AND WINDOW	(\$25,000)	(\$0.28)
9200	LATH & PLASTER	\$501,835	\$5.70
9250	DRYWALL	\$716,346	\$8.14
	QUIET ROCK 525 AT GUEST SUITES (4 EXTERIOR WALLS)	\$130,936	\$1.49
9300	TILE WORK	\$362,516	\$4.12
9510	ACOUSTICAL	\$23,760	\$0.27
9680	FLOORING	\$92,602	\$1.05
	TERRAZO AS SHOWN ON PLANS (LOBBY ONLY) IN LIEU OF CERAMIC TILE	\$88,200	\$1.00
9900	PAINTING & WALLCOVERING	\$246,431	\$2.80
	INSTALL OF OWNER SUPPLIED WALL COVERING AT GUEST ROOMS AND PUBLIC AREAS	\$50,000	\$0.57
10800	TOILET PARTITIONS AND ACCESSORIES	\$38,727	\$0.44
11420	KITCHEN EQUIPMENT (ALLOWANCE)	\$0	\$0.00
11870	DOCK EQUIPMENT	\$0	\$0.00
13000	MISCELLANEOUS SPECIALTIES	\$70,158	\$0.80
13152	POOLS & SPAS	\$173,300	\$1.97
14200	ELEVATORS	\$266,000	\$3.02
15300	FIRE SPRINKLERS	\$202,330	\$2.30
15400	PLUMBING	\$864,616	\$9.83
	USE CAST IRON PIPING AT VERTICAL PIPING ONLY	\$22,160	\$0.25
	USE GERBER FIXTURES IN LIEU OF SPECIFIED	INCLUDED	\$0.00
15800	HYAC - INCLUDES MITSUBISHI CITY MULTI SYSTEM	\$1,200,583	\$13.64
16000	ELECTRICAL	\$1,193,688	\$13.57
	INSURANCE	\$144,435	\$1.64
	SUBTOTAL	\$16,886,554	\$189.84
	FEE	\$647,709	\$7.36
	CONTINGENCY	\$500,000	\$5.68
	LCC BUYOUT CREDIT FROM SUBCONTRACTORS	(\$150,000)	(\$1.70)
	GRAND TOTAL	\$17,684,262	\$200.98

ITEMS TO BE BUDGETED BY OWNER

COST CODE	DESCRIPTION	GRAND TOTAL	SF =
	OFFSITE CONSTRUCTION (WATER, STORM, SEWER)	\$129,800	\$1.48
	SURVEYING	\$15,000	\$0.17
	TESTING AND INSPECTION	\$50,000	\$0.57
	DEMOLITION OF BUILDING	\$123,000	\$1.40
	FFE - BY OWNER	\$1,200,000	\$13.84
	UPPER/ LOWER WITH SINK AND LIGHT AT GUEST SUITES	IN ABOVE	\$0.00
	WINDOW COVERINGS - BY OWNER	IN ABOVE	\$0.00
	CARPET - MATERIAL BY OWNER	IN ABOVE	\$0.00
	WALL COVERING - MATERIAL BY OWNER	IN ABOVE	\$0.00
	SITE FURNISHINGS - BY OWNER	IN ABOVE	\$0.00
	TILE - FURNISH AND INSTALL BY GC (\$2/SF MATERIAL ALLOWANCE)	INCLUDED	\$0.00
	HVAC VTAC UNITS	CITY MULTI SYSTEM INCLUDED IN BASE	\$0.00
	HVAC LEED IAQ CREDIT PER SCORECARD	\$28,729	\$0.30
	HVAC LEED COMMISSIONING WITH OWNER AGENT	\$18,352	\$0.21
	KITCHEN EQUIPMENT - BY OWNER	\$50,000	\$0.57
	LAUNDRY EQUIPMENT - BY OWNER	\$60,000	\$0.68
	ROOM CARD ACCESS SYSTEM - BY OWNER	\$20,000	\$0.23
	TELEPHONE SYSTEM - BY OWNER	\$70,000	\$0.80
	SECURITY SYSTEM - BY OWNER	\$15,000	\$0.17
	PARKING CONTROL - BY OWNER	\$25,000	\$0.28
	PHOTOVOTALIC PANELS/ SOLAR WATER HEATING (TOTAL ITEMS BELOW)	\$168,703	\$1.89
	PV SOLAR PANELS - PER QUOTE OBTAINED BY PACIFICA	\$184,000	IN ABOVE
	SOLAR WATER - PER QUOTE OBTAINED BY PACIFICA	\$228,472	IN ABOVE
	SOLAR WATER REBATES - ESTIMATED	(\$108,741)	IN ABOVE
	ELECTRIC REBATES (FEDERAL GOVT & LOCAL UTILITY) - ESTIMATED	(\$115,028)	IN ABOVE
	OTHER	\$0	\$0.00
	SUBTOTAL	\$1,969,584	\$22.38
	FEE	\$0	\$0.00
	GRAND TOTAL	\$1,969,584	\$22.38

EXCLUSIONS:

PERMITS & FEES	PREDRILLING OF STONE COLUMNS	FIRE PUMP OR PUMP HOUSE
PLANS & ENGINEERING	BOND	COURSE OF CONSTRUCTION INSURANCE
SEWER FEES	ICE MACHINES AND APPLIANCES	UTILITY COMPANY AND TELEPHONE HOOK UP FEES

CLARIFICATIONS:

GENERIC CLARIFICATIONS:

- 1 WE HAVE INCLUDED ONE BICYCLE RACK TO STORE 12 BICYCLES.
THE PROJECT TEAM
- 2 WE HAVE EXCLUDED ALL MOSAIC AT COLUMNS. FOR THE COLUMNS AT PORTE COCHRE AND INTERIOR LOBBY WE HAVE INCLUDED STAINLESS STEEL ACM PANELS, SIMILAR TO THE PORTE COCHRE FASCIA. ALL OTHER COLUMNS TO BE PLASTER
- 3 WE HAVE INCLUDED MOSAIC TILE AT OUTDOOR SHOWER AND LOBBY WATERFALL.
- 4 METAL CLAD WOOD WINDOWS ARE NOT BY "PELLA", WINDOWS TO BE BY ANDERSON, MILGUARD OR EQUAL.
- 5 WE HAVE INCLUDED AN ALTERNATE GLASS RAILING SYSTEM. SEE ATTACHED DETAIL.
- 6 WE HAVE INCLUDED DRYWALL AT THE LOWER LEVEL OF FLOOR JOIST FOR FIRE RATING.
- 7 WE DO NOT HAVE EXPLOSION CAPS AS LISTED ON KEYNOTE 1, A2 5.0. NONE FOUND.
- 8 WE HAVE INCLUDED EXTERIOR WOOD SHEATHING AT SHEAR WALL ONLY
- 9 WE HAVE NOT INCLUDED A CONCRETE TOPPING SLAB IN THE POND AREA. AREA TO BE WATERPROOFED WITH ALLOWANCE ABOVE.
- 10 WE HAVE INCLUDED SLOPING THE ROOF WITH PREFAB TRUSSES
- 11 WE HAVE INCLUDED AN ALLOWANCE OF \$20,000 FOR ELEVATED PLANTERS (NOT SHOWN ON LANDSCAPE PLANS)
- 12 WE HAVE INCLUDED LOUVERED TRASH GATES SIMILAR TO AMECO.
- 13 WE HAVE EXCLUDED THE GLASS ENCLOSURE AT THE GARAGE ELEVATOR.
- 14 WE HAVE NOT INCLUDED STONE ON THE INTERIOR OR EXTERIOR OF THE BUILDING.

DEWATERING:

- 1 WE ANTICIPATE TO ENCOUNTER GROUND WATER AT 8' BELOW FINISH GRADE AND HAVE INCLUDED UP TO 800 GPM OF PUMPING.
- 2 WE HAVE INCLUDED DEWATERING TO THE SEWER. WE HAVE NOT INCLUDED ANY FEE'S FOR DEWATERING

FOUNDATION & STABILIZATION:

- 1 THE SOIL STABILIZATION IS BASED ON A "PERFORMANCE" SPECIFICATION. DESIGN BY CONTRACTOR WILL MEET THE CRITERIA FOR MITIGATING LIQUEFACTION BASED ON OUR CONVERSATION WITH SANJAY.
- 2 OUR SOLDIER PILE NUMBER IS BASED ON CHANGING THE CURRENT DESIGN, BASED ON OUR CONVERSATION WITH SANJAY.
- 3 WE HAVE INCLUDED A FOUNDATION AT WESTERLY SEAWALL. WE HAVE EXCLUDED ANGLE PILE AT SAME CONDITION
- 4 STRUCTURAL SLAB WILL SLOPE TO DRAIN AT THE EXTERIOR.
- 5 WE HAVE NOT INCLUDED TEMPORARY SHOTCRETE PER THE CURRENT DESIGN. WE DO HAVE PERMANENT SHOTCRETE WALLS

ROOFING:

- 1 WE HAVE ASSUMED CHANGING THE ROOF FRAMING TO SLOPE IN ONE DIRECTION

PAINTING & EPOXY FLOORS

- 1 WALL COVERING MATERIAL IS TO BE PROVIDED BY OWNER AND INSTALLED BY GC.
- 2 WE HAVE INCLUDED DOUBLE BROADCAST EPOXY FLOOR SYSTEM WITH COVE BASE AT KITCHEN, WALK IN COOLER, AND BAR AREA.
- 3 WE HAVE INCLUDED SEALED CONCRETE AT ROOMS 140,132,143,118,102,202,302,402.
- 4 WE HAVE INCLUDED PRIME AND PAINTED STEEL AT STAIR WELLS. WE HAVE NOT INCLUDED POWDER COATING.

DRYWALL:

- 1 WE ARE INTENDING TO USE GYP BOARD TYPE X "QUIET ROCK 525 & 528" PER PLANS AT ROOMS ONLY.
- 2 WE HAVE INCLUDED DRYWALL WRAP AT ALL EXTERIOR OPENINGS. WE HAVE NOT INCLUDED ANY CUSTOM WOOD WRAP.

LATH & PLASTER:

- 1 ALL STUCCO IS TO HAVE AN INTEGRAL COLOR. NO PAINT IS INCLUDED OVER STUCCO.
- 2 PER KEYNOTE 1 & 2 ON SHEET A-4.0, WE HAVE INCLUDED 1 LAYER OF TYVEK WRAP UNDER ALL PLASTER
- 3 WE HAVE INCLUDED PLASTER WITH SAND FINISH AND LIGHT GAUGE REINFORCING
- 4 WE HAVE EXCLUDED STAINLESS STEEL WEEP SCREED.

FINISH CARPENTRY:

- 1 WE HAVE GRANITE TRANSACTION TOPS AT ALL FINISH CARPENTRY, IN LIEU OF "SEASTONE".
- 2 WE HAVE INCLUDED GRANITE COUNTER TOPS AT ALL BATHROOMS.
- 3 WE HAVE INCLUDED GRANITE COUNTER TOPS AT GUEST ROOMS.

CERAMIC TILE & FLOORING:

- 1 WE HAVE INCLUDED 1.5" 2000 PSI GYPCRETE AT FLOORS 2,3 & 4, AND LIGHTWEIGHT CONCRETE AT EXTERIOR BALCONIES AND CORRIDORS.
- 2 SHOWERS ARE TO RECEIVE 6" TILE, PER THE ALLOWANCE.
- 3 WE HAVE INCLUDED TERRAZO IN THE LOBBY AREA, ROOM 127.
- 4 WE HAVE INCLUDED TILE IN 121 & 147, AND IN ELEVATOR LOBBY 122 AND AROUND THE RESTAURANT
- 5 WE HAVE INCLUDED ACOUSTIMAT II IN ALL BATHROOM AND ROOM TILE AREAS.
- 6 WE HAVE NOT INCLUDED ANY WATERPROOFING BETWEEN FLOOR AT THE INTERIOR. EXTERIOR IS INCLUDED.

GLASS & GLAZING:

- 1 WE HAVE NOT INCLUDED THE GLASS ENCLOSURE AT GARAGE ELEVATOR.
- 2 WE HAVE INCLUDED GLASS AT SHOWERS.

PLUMBING:

- 1 THIS SCOPE INCLUDES SUPPLY WATER TO THE POINT OF CONNECTION FOR ALL WATER FEATURES (NOT SHOWN ON PLANS).

HVAC:

- 1 HVAC INCLUDES USING WIRE FLEX DUCT AT ALL GUEST ROOMS AND ALUMAFLEX DUCT FOR EXHAUST AT GUESTROOMS
- 2 WE HAVE EXCLUDED KITCHEN EQUIPMENT INCLUDING HOODS AND FIRE PROTECTION FOR HOODS

ELECTRICAL:

- 1 WE HAVE INCLUDED C4 COVE LIGHTING WITH TRANSFORMER AT RESTAURANT THAT WAS NOT SHOWN
- 2 WE HAVE ELIMINATED ONE DOWN LIGHT AT THE BATHROOM - FIXTURE S3
- 3 WE HAVE ELIMINATED THE PORTABLE FIXTURE S7 AS WE BELIEVE THIS IS A FFE ITEM



April 6th 2010

Banker's Name
Company
Address
Address

RE: Beachfront Hotel Construction Financing

To Whom It May Concern:

In 1995, Pacifica Companies purchased a hotel about 20 minutes south of downtown San Diego. The Seacoast Inn Hotel is located on the sands of Imperial Beach at 800 Seacoast Drive. The hotel was originally constructed in the 1950s and has played host to many guests over the years that have enjoyed the beach, weather, ocean, entertainment in Imperial Beach, and participants/attendees of the U.S. Open Sandcastle Competition hosted on Imperial Beach.

Pacifica Companies has been evaluating a major renovation of the hotel for a few years. The City of Imperial Beach would like to see us go through with a newly built and slightly larger upscale boutique hotel on this site. The hotel would consist of 78 rooms with a large 650 SqFt layout, ocean views, a restaurant, lounge, roof deck patio with bar and restaurant services, 2,500 SqFt of meeting space, outdoor pool, outdoor whirlpool, spa, fitness center, business center, and gift shop. The land equity we have built up, development costs, demo costs, and other miscellaneous costs totaled \$29.9 million for this proposed beachfront development. Though we have a desire to bring a first class destination to the community of Imperial Beach, it was not a feasible project for us as a developer if we are required to put up \$17.9 million in cash and equity.

The City of Imperial Beach has a strong desire to see this project go through and is willing to offer a \$6.7 million subsidy which is nearing the final stages of approval. The subsidy leaves us requiring only a \$12.0 million construction/bridge loan with the remaining \$11.2 of equity to be put up by Pacifica Companies. The large sums being put up by Pacifica Companies and the City of Imperial Beach result in a 60% equity contribution for this deal based on total costs.

Along with this letter, we have attached an excel analysis, a study prepared by HVS supporting the proforma numbers, a recent HVS appraisal on the land, and a marketing package for the to be built Sandisol Beachfront Hotel.

Regards,

John Cunningham
Director of Finance
Pacifica Companies
1785 Hancock Street Suite 100
San Diego, CA 92110
P: 619-296-9000 ext 157
F: 619-296-9090
jcunningham@pacificacompanies.com

CITY OF IMPERIAL BEACH INCREMENTAL REVENUE PROJECTIONS

TRANSIENT OCCUPANCY TAX

<i>(Based on HVS Financial Projections)</i>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>	<u>Total</u>
Projected Room Revenue (in \$1,000's)	\$2,978	\$3,372	\$3,694	\$3,804	\$3,919	\$4,036	\$4,157	\$4,282	\$4,410	\$4,543	
Projected TOT	\$297,800	\$337,200	\$369,400	\$380,400	\$391,900	\$403,600	\$415,700	\$428,200	\$441,000	\$454,300	\$3,919,500
<i>(Based on last 12 months of operation 9/08-8/09)</i>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>	<u>Total</u>
Room Revenue 2008 (+3% annual growth)	\$639	\$658	\$678	\$698	\$719	\$741	\$763	\$786	\$809	\$834	
Projected TOT	\$63,891	\$65,808	\$67,782	\$69,816	\$71,910	\$74,068	\$76,290	\$78,578	\$80,936	\$83,364	\$732,442
Incremental Transient Occupancy Tax Growth	\$233,909	\$271,392	\$301,618	\$310,584	\$319,990	\$329,532	\$339,410	\$349,622	\$360,064	\$370,936	\$3,187,058

TAX INCREMENT - PROPERTY TAX

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>	<u>Total</u>
Current Assessed Land Value	\$1,548	\$1,548	\$1,548	\$1,548	\$1,548	\$1,548	\$1,548	\$1,548	\$1,548	\$1,548	
Proposed Hard Construction Costs	\$17,684	\$17,684	\$17,684	\$17,684	\$17,684	\$17,684	\$17,684	\$17,684	\$17,684	\$17,684	
Total Proposed Assessed Value	\$19,232	\$19,232	\$19,232	\$19,232	\$19,232	\$19,232	\$19,232	\$19,232	\$19,232	\$19,232	
Projected Property Tax	\$192,323	\$192,323	\$192,323	\$192,323	\$192,323	\$192,323	\$192,323	\$192,323	\$192,323	\$192,323	\$1,923,233
Existing Property Tax	\$18,896	\$18,896	\$18,896	\$18,896	\$18,896	\$18,896	\$18,896	\$18,896	\$18,896	\$18,896	\$188,960
Tax Increment - Incremental Property Tax	\$173,427	\$173,427	\$173,427	\$173,427	\$173,427	\$173,427	\$173,427	\$173,427	\$173,427	\$173,427	\$1,734,273

SALES TAX

<i>(Based on HVS Financial Projections)</i>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>	<u>Total</u>
Projected Food & Beverage Revenue (in \$1,000's)	\$1,028	\$1,113	\$1,187	\$1,222	\$1,259	\$1,297	\$1,335	\$1,376	\$1,417	\$1,460	
Sales Tax @ 1% (Local jurisdiction)	\$10,280	\$11,130	\$11,870	\$12,220	\$12,590	\$12,970	\$13,350	\$13,760	\$14,170	\$14,600	\$126,940
TOTAL INCREMENTAL TAX GROWTH	\$417,616	\$455,949	\$486,915	\$496,232	\$506,007	\$515,930	\$526,188	\$536,809	\$547,662	\$558,964	\$5,048,270

With Date Street

SOURCES OF FUNDS		USES OF FUNDS	
City Subsidy:	\$ 6,700,000.00	Construction Costs:	\$ 20,280,846.00
Bank Loan:	\$ 12,000,000.00	Other Project Costs:	\$ 1,875,375.00
Pacifica Cash:	\$ 7,763,721.00	Pacifica's Loan Interest Reserve:	\$ 1,000,000.00
Other:	\$ -	Pacifica's Loan Closing Costs:	\$ 307,500.00
Other:	\$ -	Loan Payoff:	\$ 3,000,000.00
Total Sources of Funds	\$ 26,463,721.00	Total Use Of Funds:	\$ 26,463,721.00

Address:	Seacoast Inn Resort
Lot Size:	1.63 Acres
No. of Buildings:	1
No. of Stories:	4
Parking Spaces:	113
Meeting Rms/Space:	2500 sqft
Total Rooms:	78

Table 1: Property Details

Loan Amount:	\$12,000,000
Stabilized Year 3 NOI	\$1,818,686
Stabilized Year 3 DSC	1.64
Stabilized Year 3 Value	\$20,207,625
Mkt. Cap Rate:	9.00%
IRR With Subsidy:	8.0%
IRR No Subsidy:	2.2%
Proposed LTV:	59%

Table 2: Loan Summary

Seacoast Resort and Spa

YEAR 1-10

STABILIZED

		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
REVENUE											
ROOMS		2,977,973	3,371,847	3,693,607	3,804,423	3,918,611	4,036,169	4,157,309	4,282,030	4,410,333	4,542,639
FOOD		707,000	765,000	816,000	840,000	866,000	892,000	918,000	946,000	974,000	1,004,000
BEVERAGE		321,000	348,000	371,000	382,000	393,000	405,000	417,000	430,000	443,000	456,000
TELEPHONE		11,000	11,550	12,000	13,000	13,000	14,000	14,000	14,000	15,000	15,000
OTHER		85,000	93,500	99,000	102,000	105,000	108,000	111,000	115,000	118,000	122,000
TOTAL REVENUE		4,101,973	4,589,897	4,991,607	5,141,423	5,295,611	5,455,169	5,617,309	5,787,030	5,960,333	6,139,639
DEPARTMENTAL EXPENSES											
ROOMS		702,802	741,806	775,657	798,929	822,908	847,596	873,035	899,226	926,170	953,954
FOOD & BEVERAGE		754,552	794,682	830,900	855,400	881,300	907,900	934,500	963,200	991,900	1,022,000
TELEPHONE		11,616	11,781	12,000	13,000	13,000	14,000	14,000	14,000	15,000	15,000
OTHER		18,105	19,168	19,800	20,400	21,000	21,600	22,200	23,000	23,600	24,400
TOT DEPT EXPENSES		1,487,075	1,567,437	1,638,357	1,687,729	1,738,208	1,791,096	1,843,735	1,899,426	1,956,670	2,015,354
		36.3%	34.1%	32.8%	32.8%	32.8%	32.8%	32.8%	32.8%	32.8%	32.8%
DEPARTMENTAL PROFIT		2,614,899	3,022,460	3,353,249	3,453,694	3,557,403	3,664,074	3,773,574	3,887,604	4,003,663	4,124,285
		63.7%	65.9%	67.2%	67.2%	67.2%	67.2%	67.2%	67.2%	67.2%	67.2%
UNDISTRIBUTED EXP											
ADMIN & GEN		393,789	413,091	429,278	442,162	455,423	469,145	483,089	497,685	512,589	528,009
MARKETING		141,518	149,172	154,740	159,384	164,164	169,110	174,137	179,398	184,770	190,329
UTILITIES		141,518	146,877	157,236	161,955	166,812	171,838	176,945	182,291	187,750	193,399
REPAIRS & MAINTENANCE		149,722	158,351	164,723	169,667	174,755	180,021	185,371	190,972	196,691	202,608
TOT UNDIST EXP		826,548	867,491	905,977	933,168	961,153	990,113	1,019,542	1,050,346	1,081,800	1,114,344
GROSS OPERATING PROFIT		1,788,351	2,154,970	2,447,273	2,520,526	2,596,249	2,673,960	2,754,033	2,837,258	2,921,863	3,009,940
		44%	47%	49%	49%	49%	49%	49%	49%	49%	49%
FIXED CHARGES											
MANAGEMENT FEES	4.0%	119,119	134,874	147,744	152,177	156,744	161,447	166,292	171,281	176,413	181,706
PROPERTY TAX		213,000	216,195	219,438	222,729	226,070	229,461	232,903	236,397	239,943	243,542
INSURANCE		56,000	58,800	61,740	64,827	68,068	71,472	75,045	78,798	82,738	86,874
RENOVATION HOLD	4.0%	164,079	183,596	199,664	205,657	211,824	218,207	224,692	231,481	238,413	245,586
TOT FIXED EXPENSES		552,198	593,465	628,586	645,390	662,708	680,587	698,933	717,957	737,507	757,708
NET OPERATING INCOME		1,236,153	1,561,505	1,818,686	1,875,136	1,933,542	1,993,374	2,055,099	2,119,301	2,184,356	2,252,233
Debt Service		(1,111,415)	(1,111,415)	(1,111,415)	(1,111,415)	(1,111,415)	(1,111,415)	(1,111,415)	(1,111,415)	(1,111,415)	(1,111,415)
	\$ (12,000,000)	-1,111,415	-1,111,415	-1,111,415	-1,111,415	-1,111,415	-1,111,415	-1,111,415	-1,111,415	-1,111,415	-1,111,415
Hotel Sale Proceeds - 3% Cost of Sale - Debt Repayment											14,418,276
Net Income	\$ (11,578,421)	124,738	450,090	707,271	763,720	822,126	881,958	943,684	1,007,886	1,072,940	15,559,094
ROOMS AVAILABLE		28,470	28,470	28,470	28,470	28,470	28,470	28,470	28,470	28,470	28,470
ROOMS OCCUPIED		22,443	22,892	23,350	23,817	24,293	24,779	25,274	25,780	26,296	26,821
OCCUPANCY %		67.0%	71.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%	74.0%
AVERAGE RATE		\$ 156.12	\$ 166.81	\$ 175.32	\$ 180.58	\$ 186.00	\$ 191.58	\$ 197.33	\$ 203.25	\$ 209.34	\$ 215.62
RevPAR		\$ 104.60	\$ 118.44	\$ 129.74	\$ 133.63	\$ 137.64	\$ 141.77	\$ 146.02	\$ 150.41	\$ 154.91	\$ 159.56
VALUE	9.00%	13,735,035	17,350,056	20,207,625	20,834,841	21,483,795	22,148,596	22,834,434	23,547,788	24,270,619	25,024,809
LTV		87%	69%	59%	58%	56%	54%	53%	51%	49%	48%
DSC		1.11	1.40	1.84	1.69	1.74	1.79	1.85	1.91	1.97	2.03

Equity Infusion

Net Income No Subsidy	\$ (18,518,421)	124,738	450,090	707,271	763,720	822,126	881,958	943,684	1,007,886	1,072,940	15,559,094
------------------------------	------------------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	------------------	------------------	-------------------

Seacoast Resort and Spa

4/15/2010

With Date Street Cost	Total	Per Room
Land Costs:		
Land	\$ 7,100,000	\$ 91,026
Total Land	\$ 7,100,000	\$ 91,026
Construction:		
Sitework & Parking	\$ 1,737,192	\$ 22,272
Demolition	\$ 150,000	\$ 1,923
Relocation of Utilities - Pacifica	\$ 115,000	\$ 1,474
Date Street Improvements - Pacifica Share	\$ 387,000	\$ 4,962
Date Street Improvements - City's Share	\$ 240,000	\$ 3,077
Shoring/Dewatering	\$ 1,462,808	\$ 18,754
Building	\$ 11,982,559	\$ 153,623
Labor - Prevailing Wage Premium	\$ 1,500,000	\$ 19,231
Solar Energy Upgrade for LEED Certification	\$ 166,703	\$ 2,137
FF&E - Owner Furnished Items	\$ 1,969,584	\$ 25,251
Signage	\$ 70,000	\$ 897
Construction Contingency	\$ 500,000	\$ 6,410
Total Construction	\$ 20,280,846	\$ 260,011
Soft Costs:		
Design & Engineering	\$ 886,500	\$ 11,365
Permits & Fees	\$ 218,875	\$ 2,806
Pre-Opening	\$ 50,000	\$ 641
Property Taxes	\$ 120,000	\$ 1,538
Prop Mang Fee	\$ 75,000	\$ 962
Mortgage/Prop Tax/Swap Cost During Shut Down	\$ 350,000	\$ 4,487
TOT	\$ 150,000	\$ 1,923
Soft Contingency	\$ 25,000	\$ 321
Total Soft Costs	\$ 1,875,375	\$ 24,043
Interest Reserve:		
Pacifica's Construction Loan Interest Reserve ****	\$ 960,000	\$ 12,308
Total Reserve Costs	\$ 960,000	\$ 12,308
Closing Costs:		
Legal Fees	\$ 25,000	\$ 321
Appraisal/Feasibility	\$ 12,000	\$ 154
Environmental	\$ 3,000	\$ 38
Loan Fee	\$ 120,000	\$ 1,538
Escrow	\$ 2,500	\$ 32
Title Insurance	\$ 7,200	\$ 92
Course of Construction Insurance	\$ 50,000	\$ 641
Other	\$ 82,500	\$ 1,068
Total Closing Costs	\$ 302,200	\$ 3,874
Total Project Cost:	\$ 30,518,421	\$ 391,262
City Subsidy:	\$ 6,940,000	\$ 88,974
Bank Loan:	\$ 12,000,000	\$ 153,846
Pacifica:	\$ 11,578,421	\$ 148,441

*** This is the maximum amount Pacifica would pay given estimated cost of utility construction trade off with City

**** This is the estimated amount Pacifica will need to make Interest Only payments on our Construction/Bridge Loan while the hotel is under construction and 6 months after completion while the hotel ramps up operations

Loan Payment Month	ID											
Principal Payment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00						\$0.00
	1	2	3	4	5	6	7	8	9	10	11	12
	(\$12,617.95)	(\$12,702.07)	(\$12,786.75)	(\$12,871.99)	(\$12,957.80)	(\$13,044.19)	(\$13,131.15)	(\$13,218.69)	(\$13,306.82)	(\$13,395.53)	(\$13,484.83)	(\$13,574.73)
	13	14	15	16	17	18	19	20	21	22	23	24
	(\$13,665.23)	(\$13,756.33)	(\$13,848.04)	(\$13,940.36)	(\$14,033.30)	(\$14,126.85)	(\$14,221.03)	(\$14,315.84)	(\$14,411.28)	(\$14,507.35)	(\$14,604.07)	(\$14,701.43)
	25	26	27	28	29	30	31	32	33	34	35	36
	(\$14,799.44)	(\$14,898.10)	(\$14,997.42)	(\$15,097.40)	(\$15,198.05)	(\$15,299.37)	(\$15,401.37)	(\$15,504.04)	(\$15,607.40)	(\$15,711.45)	(\$15,816.20)	(\$15,921.64)
	37	38	39	40	41	42	43	44	45	46	47	48
	(\$16,027.78)	(\$16,134.63)	(\$16,242.20)	(\$16,350.48)	(\$16,459.48)	(\$16,569.21)	(\$16,679.67)	(\$16,790.87)	(\$16,902.81)	(\$17,015.50)	(\$17,128.93)	(\$17,243.13)
	49	50	51	52	53	54	55	56	57	58	59	60
	(\$17,358.06)	(\$17,473.80)	(\$17,590.29)	(\$17,707.56)	(\$17,825.61)	(\$17,944.45)	(\$18,064.08)	(\$18,184.51)	(\$18,305.74)	(\$18,427.78)	(\$18,550.63)	(\$18,674.30)
	61	62	63	64	65	66	67	68	69	70	71	72
	(\$18,798.79)	(\$18,924.12)	(\$19,050.28)	(\$19,177.28)	(\$19,305.13)	(\$19,433.83)	(\$19,563.39)	(\$19,693.81)	(\$19,825.10)	(\$19,957.27)	(\$20,090.32)	(\$20,224.26)
	73	74	75	76	77	78	79	80	81	82	83	84
	(\$20,359.06)	(\$20,494.81)	(\$20,631.44)	(\$20,768.99)	(\$20,907.45)	(\$21,046.83)	(\$21,187.14)	(\$21,328.39)	(\$21,470.58)	(\$21,613.72)	(\$21,757.81)	(\$21,902.86)
	85	86	87	88	89	90	91	92	93	94	95	96
	(\$22,048.85)	(\$22,195.87)	(\$22,343.84)	(\$22,492.80)	(\$22,642.75)	(\$22,793.71)	(\$22,945.66)	(\$23,098.63)	(\$23,252.63)	(\$23,407.64)	(\$23,563.69)	(\$23,720.79)
	97	98	99	100	101	102	103	104	105	106	107	108
	(\$23,878.92)	(\$24,038.12)	(\$24,198.37)	(\$24,359.69)	(\$24,522.09)	(\$24,685.57)	(\$24,850.14)	(\$25,015.81)	(\$25,182.56)	(\$25,350.47)	(\$25,519.47)	(\$25,689.60)
	109	110	111	112	113	114						
	(\$25,860.86)	(\$26,033.27)	(\$26,206.82)	(\$26,381.54)	(\$26,557.41)	(\$26,734.46)						

Total Principal Payment: (\$2,144,211.79)

**Seacoast Resort and Spa
With Date Street Cost**

4/15/2010

Total

Construction:

Sitework & Parking	\$	1,737,192
Demolition	\$	150,000
Relocation of Utilities	\$	115,000
Date Street Improvements - Pacifica's Share	\$	387,000
Date Street Improvements - City's Share	\$	240,000
Shoring/Dewatering	\$	1,462,808
Building	\$	11,982,559
Labor - Prevailing Wage Premium	\$	1,500,000
Solar Energy Upgrade for LEED Certification	\$	166,703
FF&E - Owner Furnished Items	\$	1,969,584
Signage	\$	70,000
Construction Contingency	\$	500,000
Total Construction	\$	20,280,846

Soft Costs:

Design & Engineering	\$	886,500
Permits & Fees	\$	218,875
Pre-Opening	\$	50,000
Property Taxes	\$	120,000
Prop Mang Fee	\$	75,000
Soft Contingency	\$	25,000
Total Soft Costs	\$	1,375,375

Total Project Cost: \$ 21,656,221



AGENDA ITEM NO. 6.2

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: APRIL 21, 2010

ORIGINATING DEPT.: JENNIFER M. LYON, CITY ATTORNEY

**SUBJECT: OUTLINE OF PROCESS TO REVIEW SEACOAST INN
DEVELOPMENT AGREEMENT**

BACKGROUND:

On December 18, 2007, the City of Imperial Beach entered into a Development Agreement ("Agreement") with Imperial Coast Limited Partnership ("Developer") related to the development of a new resort hotel and meeting facility at 800 Seacoast Drive. The City has the authority to review the Agreement each year to determine if the Developer has demonstrated good faith compliance with the terms of the Agreement. After the City's approval of this Agreement, the Coastal Commission filed an appeal and the decision of the Coastal Commission was given on April 10, 2008. The first periodic review of this Agreement occurred on February 4, 2009. Staff and the Developer have been working on a Memorandum of Understanding ("MOU") related to the City's/Agency's possible financial participation in the development of the hotel. However, the MOU has not been executed yet. The Council can consider proceeding at this point with the periodic review.

DISCUSSION:

A. Periodic Review: Pursuant to Section 5 of the Agreement and Imperial Beach Municipal Code ("IBMC") Chapter 19.89, the City shall conduct a periodic review of the Agreement to review the extent of good faith compliance by the Developer. The City must provide 30 days written notice to the property owner (and Developer, if different) of the public hearing to conduct the review and must provide 10 days written notice to any owners of mineral rights on the property. At the public hearing, the Developer has the burden of proof to demonstrate good faith compliance with the terms and conditions of the Agreement. At the conclusion of the hearing, the City Council shall determine if the Developer has complied in good faith with the Agreement. If good faith compliance has been shown, the City shall send notice of the Council's decision to the Developer. If good faith compliance has not been shown, the Council can set the Agreement for

modification or termination.

B. Default: If the Council finds that the Developer has not complied with the conditions of the Agreement in good faith at the periodic review hearing, the City can proceed under the default provisions in Section 12 of the Agreement. Pursuant to the Agreement, the Developer must be given a "Notice of Default" which specifies the alleged default and then the Developer would have 30 days to remedy the default, or to begin to remedy the default if it is something that cannot be reasonable cured within 30 days. If the Developer does not cure the default within the time specified, the City could seek to terminate the Agreement as described below or to seek judicial remedies such as mandamus, specific performance, injunctive or declaratory relief.

C. Amendment: Under the Agreement, the parties could mutually agree to an amendment and would need to follow certain notice and hearing procedures pursuant to state law depending upon the type of modification.

D. Termination: If after the periodic review is conducted and Notice of Default has been given and the Developer has not cured the default, the City can proceed to terminate the Agreement. The City would need to provide the property owner/Developer with 10 days written notice of the date at which the City Council will consider termination of the Agreement. The notice shall also contain a statement of whether or not the City proposes to modify or terminate the Agreement. The City must further provide written notice to all property owners within 300 feet of property and must publish notice of the hearing in the newspaper at least 10 days prior to the hearing. At the City Council hearing, the Developer shall be given an opportunity to be heard. The Council can take action to terminate the Agreement if the Council finds and determines that the Developer has not complied in good faith.

FISCAL IMPACT:

N/A

DEPARTMENT RECOMMENDATION:

Staff recommends that Council consider the above process and provide direction to Staff to implement the periodic review process if appropriate.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager



STAFF REPORT
CITY OF IMPERIAL BEACH

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

MEETING DATE: APRIL 21, 2010
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
JIM NAKAGAWA, AICP, CITY PLANNER
TYLER FOLTZ, ASSOCIATE PLANNER TF

SUBJECT: REPORTS: MICHAEL AND SHANNON LEE
(APPLCIANT/OWNER): EMERGENCY COASTAL
DEVELOPMENT PERMIT FOR REVETMENT REPAIR AT 1202
SEACOAST DRIVE.

PROJECT DESCRIPTION/BACKGROUND:

A request for emergency revetment repair was submitted to the Community Development Department on March 24, 2010 by Michael and Shannon Lee, owners of 1202 Seacoast Drive. Imperial Beach Municipal Code 19.87.310 – “Report to the Planning Commission and to the Coastal Commission” requires that the emergency coastal development permit be reported to the Planning Commission at the next meeting.



PROJECT EVALUATION/DISCUSSION:

The applicant’s engineer submitted a coastal engineering report and, based upon that report along with recent weather events, it appeared likely that damage to the subject property would occur without the requested repairs, which includes repositioning stones that are improperly oriented or dislodged and importing approximately three (3) to five new (5) stones. An emergency coastal permit was issued contingent upon the applicant following up on required permits and fees. The following conditions of approval were provided for the project:

- Emergency shoreline protection measures must correspond to the Revetment Inspection & Emergency Maintenance Plans, dated March 23, 2010, prepared by David W. Skelly, MS, of GeoSoils, Inc. Conditions of approval must be satisfied, necessary building permits issued, and substantial construction in reliance on this approval must have commenced prior to **April 25, 2010**. If an appeal is filed within 10 days of the Decision, the expiration date will be held until final action is taken on the project.

- An application for a Regular Coastal Permit shall be submitted to the City when it is determined that the emergency conditions no longer exist. The Regular Coastal Permit submittal shall include a report and plans prepared by a coastal engineer describing necessary shoreline protection measures and historical review of permit history.
- It shall be the applicant's responsibility to assure that shoreline protection structures on adjacent properties are not damaged during construction or maintenance on the subject site.
- The applicant shall submit certification by a registered coastal engineer verifying that the shoreline protection measures have been constructed in conformance with the approved plans/report for the project.
- A coastal engineer is required to supervise the construction/maintenance of the shoreline protection measures.
- Impacts to grunion shall be mitigated by scheduling construction outside the spawning period (closed season).
- Applicant shall obtain all required building permits.
- Applicant and/or contractor shall coordinate with Public Works Department to determine necessity of an encroachment permit and Best Management Practices.
- Applicant and/or contractor shall coordinate with the Imperial Beach Lifeguard Service and Public Works Department for appropriate beach access of construction equipment and to ensure that equipment on the beach is operated safely when other beach patrons are present.
- A licensed contractor with a valid Imperial Beach business license shall perform the repair work pursuant to the coastal engineer's report.
- Photographs of the revetment and adjacent properties before and after installation of the shoreline protection measures shall be submitted to the City upon completion of the work.
- Contractor shall submit proof of insurance with the City of Imperial Beach named as an additional insured.
- Contractor shall obtain permission of property owner for use of property.
- Contractor shall describe access to the beach and hours of operation.
- Contractor is responsible for any damage to public property.
- All repair work shall observe and maintain the existing string line.



- Applicant shall pay all fees and deposits required for the permits.
- This permit is appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice.

ENVIRONMENTAL STATUS: This project may be statutorily exempted from the requirements of the California Environmental Quality Act (CEQA) as an emergency pursuant to CEQA Guidelines Section 15269.

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. The emergency coastal development permit and Notice of Final Action was forwarded to the California Coastal Commission on March 25, 2010.

FISCAL ANALYSIS:

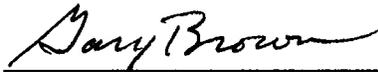
The applicant has paid a \$200 fee for the permit.

DEPARTMENT RECOMMENDATION:

Receive and file report.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown

Attachments:

1. Emergency Coastal Development Permit/Notice of Final Action
2. Coastal Engineer Report
3. Coastal Engineer Plans
4. Site Photos

c: file

Michael and Shannon Lee, 1202 Seacoast Drive, Imperial Beach, CA 91932
Skelly Engineering, GeoSoils, Inc., 5741 Palmer Way, Ste. D, Carlsbad, CA 92010
Hank Levien, Public Works Director

Return to Agenda

*The City of
Imperial
Beach*

ATTACHMENT 1

(619) 628-1356
FAX: (619) 429-9770

COMMUNITY DEVELOPMENT DEPARTMENT
825 IMPERIAL BEACH BOULEVARD • IMPERIAL BEACH, CALIFORNIA 91932



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

**EMERGENCY COASTAL DEVELOPMENT PERMIT
NOTICE OF FINAL ACTION**

March 25, 2010

The following project is located within the City of Imperial Beach coastal zone. A coastal permit application for the project has been acted upon.

APPLICANT/ADDRESS: Michael Lee, 1202 Seacoast Drive, Imperial Beach, CA 91932

ACTION: Approved
 Approved with conditions
 Denied

APPLICATION: Emergency Coastal Development Permit to provide shoreline repair measures by repositioning stones which are oriented improperly or dislodged, and importing 3 to 5 new stones to complete the maintenance. No seaward encroachment shall be permitted.

ASSESSOR'S PARCEL NO: 632-010-11-00

PROPERTY LOCATION: 1202 Seacoast Drive, Imperial Beach, CA 91932

CONDITIONS OF APPROVAL:

1. Emergency shoreline protection measures must correspond to the Revetment Inspection & Emergency Maintenance Plans, dated March 23, 2010, prepared by David W. Skelly, MS, of GeoSoils, Inc. Conditions of approval must be satisfied, necessary building permits issued, and substantial construction in reliance on this approval must have commenced prior to **April 25, 2010**. If an appeal is filed within 10 days of the Decision, the expiration date will be held until final action is taken on the project.
2. An application for a Regular Coastal Permit shall be submitted to the City when it is determined that the emergency conditions no longer exist. The Regular Coastal Permit submittal shall include a report and plans prepared by a coastal engineer describing necessary shoreline protection measures and historical review of permit history.
3. It shall be the applicant's responsibility to assure that shoreline protection structures on adjacent properties are not damaged during construction or maintenance on the subject site.
4. The applicant shall submit certification by a registered coastal engineer verifying that the shoreline protection measures have been constructed in conformance with the approved plans/report for the project.

5. A coastal engineer is required to supervise the construction/maintenance of the shoreline protection measures.
6. Impacts to grunion shall be mitigated by scheduling construction outside the spawning period (closed season).
7. Applicant shall obtain all required building permits.
8. Applicant and/or contractor shall coordinate with Public Works Department to determine necessity of an encroachment permit and Best Management Practices.
9. Applicant and/or contractor shall coordinate with the Imperial Beach Lifeguard Service and Public Works Department for appropriate beach access of construction equipment and to ensure that equipment on the beach is operated safely when other beach patrons are present.
10. A licensed contractor with a valid Imperial Beach business license shall perform the repair work pursuant to the coastal engineer's report.
11. Photographs of the revetment and adjacent properties before and after installation of the shoreline protection measures shall be submitted to the City upon completion of the work.
12. Contractor shall submit proof of insurance with the City of Imperial Beach named as an additional insured.
13. Contractor shall obtain permission of property owner for use of property.
14. Contractor shall describe access to the beach and hours of operation.
15. Contractor is responsible for any damage to public property.
16. All repair work shall observe and maintain the existing string line.
17. Applicant shall pay all fees and deposits required for the permits.
18. This permit is appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice.

FINDINGS:

The Community Development Department finds, based upon recent and forecasted weather events, site photos, and the information provided in the coastal engineering report, that an emergency exists, that immediate temporary remedial action is necessary to mitigate loss or damage to life, health, property or essential public services, that this project is statutorily exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15269(b) Emergency Projects, and that the prescribed work is consistent with the certified Land Use Plan.

This coastal development permit is:

- Not appealable to the Coastal Commission
- Appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Applicants will be notified by the Coastal Commission as to the date the Commission's appeal period will conclude. Appeals must be in writing to the appropriate Coastal Commission office.



Gregory Wade
Community Development Director

Attachments:

1. Coastal Engineering Report
2. Site Photos

C: file

Michael Lee, 1202 Seacoast Drive, 1202 Seacoast Drive, Imperial Beach, CA
David Skelly, GeoSoils Inc., 5741 Palmer Way, Suite D, Carlsbad, CA 92010
City Council via Jacque Hald, City Clerk
Greg Wade, Community Development Director
Jim Nakagawa, City Planner
Frank Sotelo, Public Safety
Rafael Adame, Building Official
Hank Levien, Public Works Director

GeoSoils Inc.

March 23, 2010

Dr. Michael Lee
1202 Seacoast Drive
Imperial Beach, CA 91932

SUBJECT: Retevment Inspection & Emergency Maintenance Plans, 1202 Seacoast Drive, Imperial Beach, CA.

Dear Dr. Lee:

At your request, GeoSoils Inc. (GSI) is pleased to present the following letter report summarizing our two inspections of the quarry stone revetment fronting 1202 Seacoast Drive in Imperial Beach. Photograph 1, downloaded from the Coastal Records Project website, shows the site and adjacent properties in September 2008. In addition to the summary of our inspection, recommendations for emergency maintenance are provided.



Photograph 1. Subject site and revetment in September 2008.

GeoSoils Inc.

A visual inspection of the existing shore protection for the building and the adjacent quarry stone revetments was performed on February 8, 2010 and again on March 17, 2010. The inspection was necessary due to the extreme wave and tide conditions over this winter. The structure was damaged and is in need of immediate repair. It appears that in an attempt to protect your property a cobble and cement low height wall was added to the top of the structure in a failed area. The revetment is part of a continuous revetment fronting the properties to the north, and properties to the south. The revetment is composed of meta-volcanic quarry stones that range in size from less than 1 ton to about 7 tons. The average stone size is about 4 tons. The top of the revetment varies with an average elevation of about +17.0 feet MSL. The slope/face of the revetment varies from 3/1 (H/V) to 1/1. A quarry stone revetment slope steeper than 1.5/1 is considered too steep and stones on a steeper slope are unstable (perched) and will roll down slope under wave action. Some stones have rolled seaward off of the structure. Photographs 2 show the over steepened sections of the revetment and the rolled out rocks.



Photograph 2. Subject site and revetment looking south.

GeoSoils Inc.

The existing revetment is in need of immediate maintenance at this time to insure its proper performance protecting the residence, to insure protection of the beach going public from falling rocks, and to prevent further over steepening. While the stone size is generally adequate for protection of the site, some of the stones are not oriented properly. Maintenance should consist of repositioning of stones which are oriented improperly or have become dislodged. The stones which may have rolled down the slope, should be collected and placed back onto the face and locked into place. Stones should be placed such that the longest dimension is perpendicular to the shoreline. It appears that it may be necessary to import a few (~3 to 5 stones) new stones to complete maintenance. The imported stones should be about 5 tons in weight and angular, not round. The new stones should be placed at the toe of the revetment with smaller armor stones placed higher up on the revetment in an effort to increase the effective height. The repairs should include the removal of the non-permitted low height cobble and cement wall at the southern half of the property. The repaired structure will negate the need for this wall.

The emergency maintenance should be performed under the direction of a coastal engineer. No further seaward encroachment of the structure is necessary for the maintenance and proper functioning of the revetment. The revetment, when properly maintained, represents the minimum shore protection necessary to protect the property. It is anticipated that the work can be completed in just a few days.

Under the combined effects of high waves and high tides the revetment will be overtopped. The current use of sturdy landscaping and hardscaping behind the revetment minimizes the potential for damage from overtopping waters. It is important for the overtopping waters to have a drainage path through the property back to Seacoast Drive or back through the revetment. There are currently clear paths on both the south and north sides of the building. In some extreme cases, the overtopping waters can reach the principal structure. Under these conditions the deployment of flood shields is recommended. Flood shields can be constructed from sand bags, 1 inch marine plywood, or even metal roll down awnings. The shields should be placed in front of windows, doors or any water/wave vulnerable portion of the structure. The shields should extend up to about 4 feet above the patio slab.

Any structure along the shoreline requires periodic inspection and maintenance. The inspection should be performed by a licensed engineer with experience in coastal structures. In addition, coastal structures should be inspected by the property owners after any major storm wave attack. If the structure has changed in any way such as stones rolling off of a revetment, an engineer should be consulted to determine the nature and extent of necessary maintenance. Maintenance on a quarry stone revetment includes reshaping the revetment to the design profile, addition of new armor stones due to settling

GeoSoils Inc.

and decomposition, and repositioning of stones that have rolled down slope. It is recommended that the maintenance of the revetment be undertaken in a manner that will improve the quality of the profile, as well as the contact and orientation of the individual stones. The rehabilitation of a revetment should be supervised and inspected by a coastal engineer.

LIMITATIONS

Coastal engineering is characterized by uncertainty. Professional judgements presented herein are based partly on our evaluation of the technical information gathered, partly on our understanding of the proposed construction, and partly on our general experience. Our engineering work and judgements have been prepared in accordance with current accepted standards of engineering practice; we do not guarantee the performance of the project in any respect. This warranty is in lieu of all other warranties express or implied.

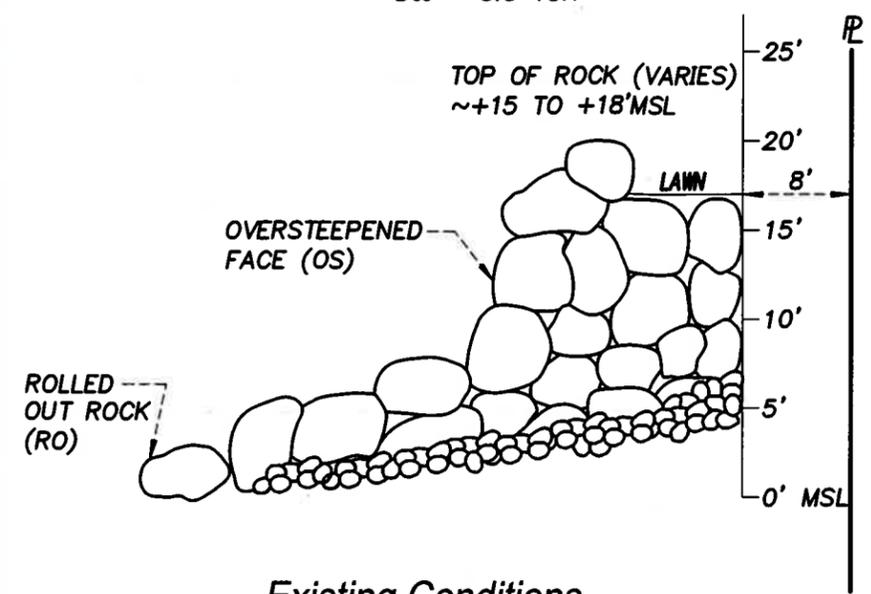
If you of the City of Imperial Beach have any questions we can be contacted at the number below.

Respectfully Submitted,



GeoSoils, Inc.
David W. Skelly, MS
RCE #47857

ROCK SIZE VARIES 500 lbs. TO 10 TON
 $D_{50} = 3.5$ TON



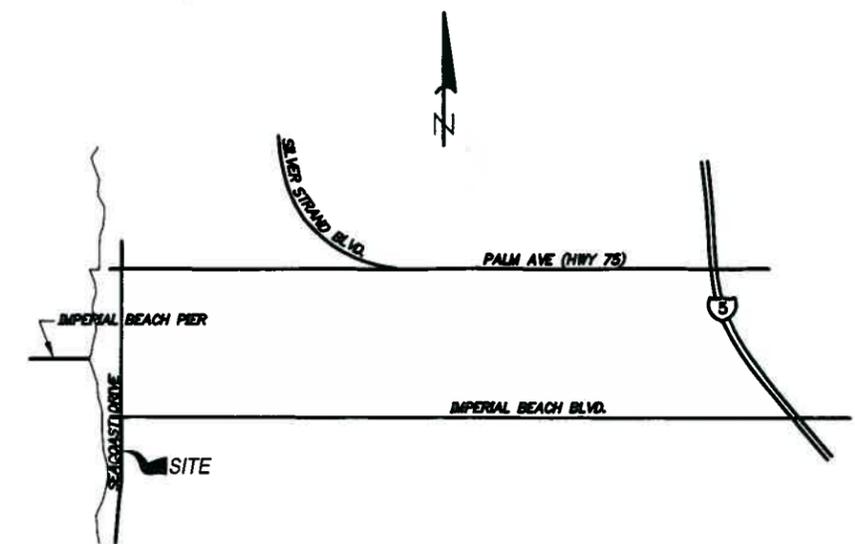
Existing Conditions

SCALE AS SHOWN



Existing Conditions - Plan View

NO SCALE



Vicinity Map

NO SCALE

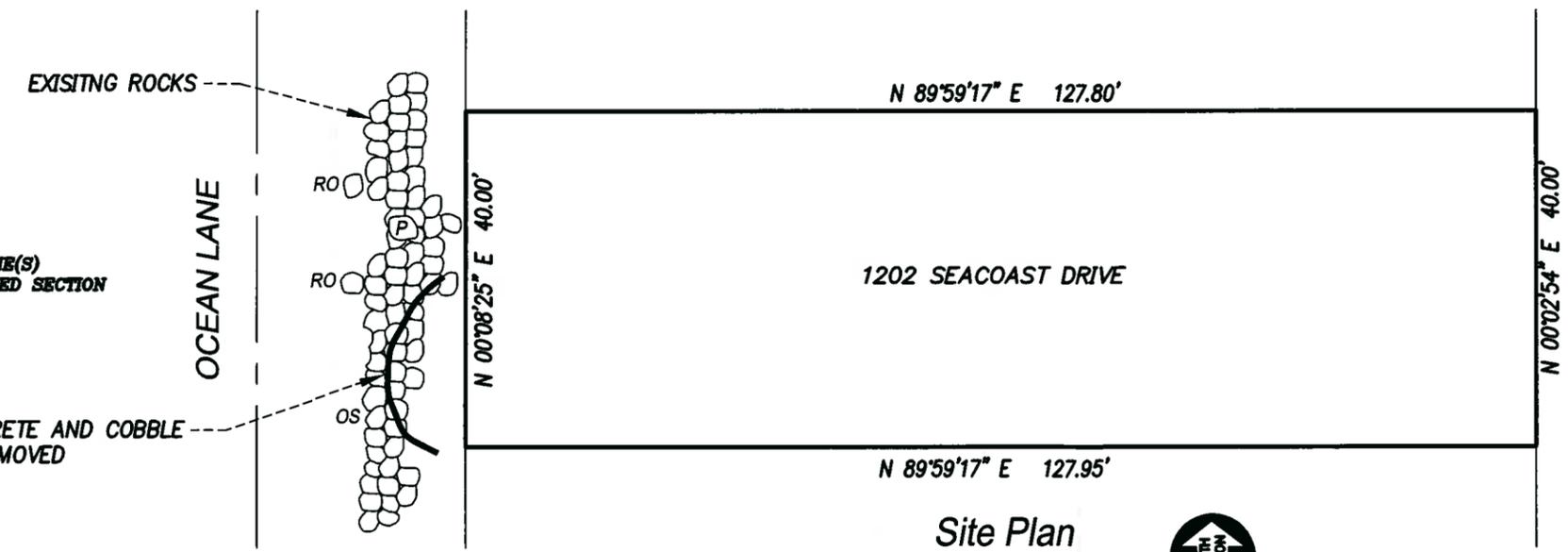
NOTES

- P = PERCHED STONE(S)
- OS = OVER STEEPENED SECTION
- RO = ROLLED OUT

NOTES

- P = PERCHED STONE(S)
- OS = OVER STEEPENED SECTION
- RO = ROLLED OUT

EXISTING CONCRETE AND COBBLE WALL TO BE REMOVED



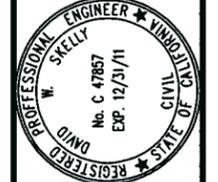
Site Plan

SCALE: 1" = 20'



REVISION	BY

DRAFTING BY:
 SCHMAHL DRAFTING
 DAVE SCHMAHL
 (760)414-3978

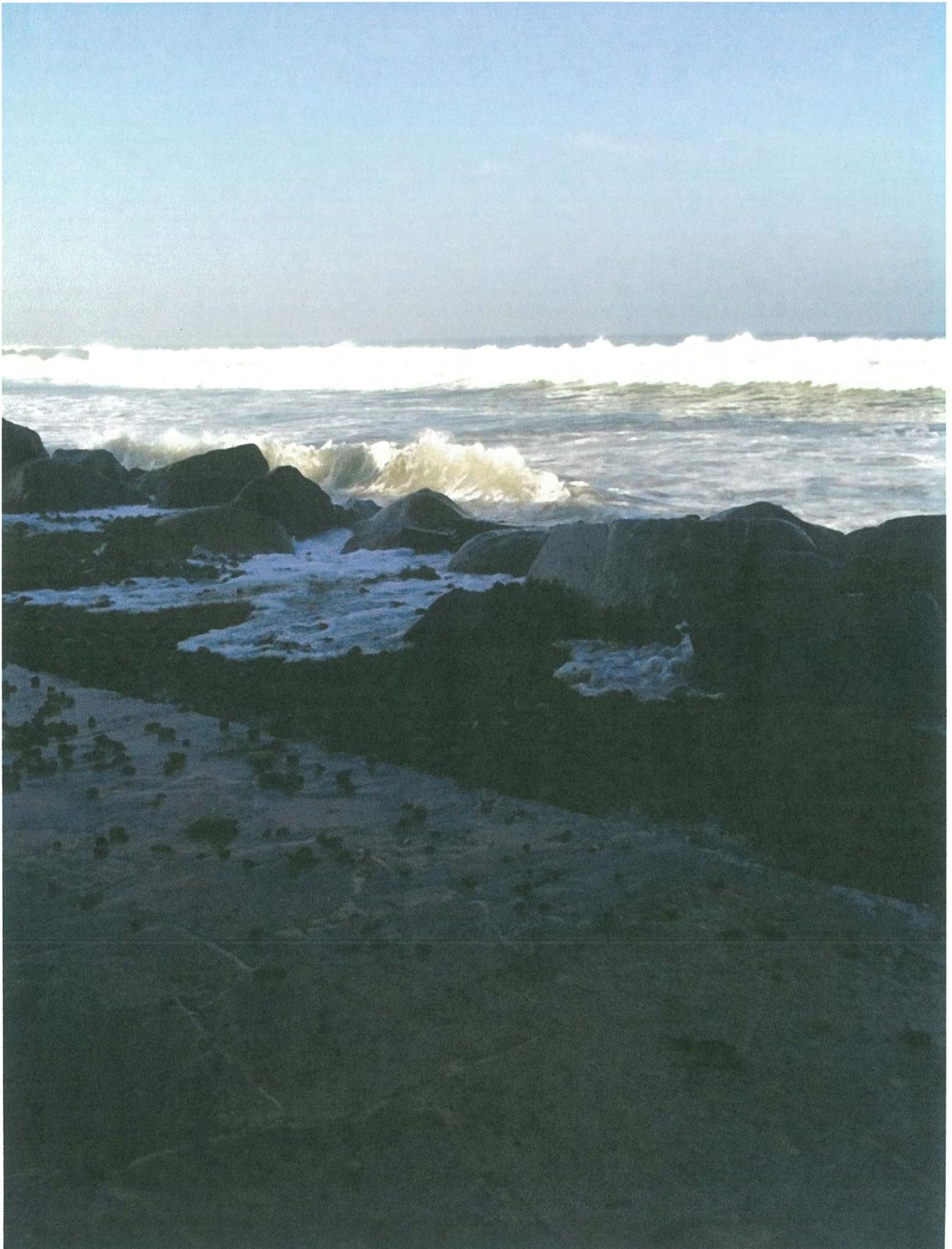


GeoSoils, Inc.
 Geotechnical • Geologic • Coastal • Environmental
 5741 Palmer Way, Carlsbad, CA 92010
 760-438-3155

TITLE: **Emergency Revetment Maintenance**
1202 Seacoast Drive
 CLIENT: Dr. and Mrs. Lee
 1202 Seacoast Drive
 Imperial Beach, CA 91932
 W.O. 98017

DRAWN
CHECKED
DATE 3/22/10
SCALE
JOB NO.
SHEET S1
2 SHEETS









**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: APRIL 21, 2010
ORIGINATING DEPT.: PUBLIC WORKS *HB*
SUBJECT: RESOLUTION AFFIRMING THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE FOR FISCAL YEAR 2010-2011

BACKGROUND: On June 16, 1999, City Council adopted Resolution No. 99-5080 selecting EDCO Disposal Corporation as the City's provider of integrated waste management services. EDCO commenced services for the City on January 1, 2000. There have been three amendments to the Agreement since Resolution No. 99-5080 was adopted. The EDCO Agreement with amendments provides for an annual rate adjustment beginning the third year of the Agreement and continuing through all subsequent years. If a rate adjustment is to be requested for the succeeding year, EDCO must submit the request to the City no later than March 1st. Otherwise, the annual rate adjustment is forgone until the following fiscal year. The EDCO Agreement also specifies the method and formula to be used in calculating the maximum allowable rate adjustment. The formula is applied to three customer rate categories: 1) single family residential, 2) commercial and multifamily residential and 3) roll-off services.

On February 26, 2010, EDCO Vice President, John Snyder, left the City a message that EDCO would not be seeking a Solid Waste Fee increase in the maximum allowable service fee because the 12-month average CPI for the 12-months ending, December 31, 2009 was negative relative to the previous 12-month period.

In Resolution 2009-6743 adopted on May 6, 2009, City Council resolved and approved future rate adjustments based on an increase of the franchise fee of 20 percent for fiscal year 2009-2010 and an additional six percent each for the subsequent two fiscal years. Thus if the City follows the direction provided in Resolution 2009-6743, the franchise fee for Fiscal Year 2010-2011 will be 36%.

DISCUSSION: Since resolution 2009-6743 and the associated public hearing notice included the 6 percentage point increase in the Solid Waste Management Services franchise fee, there is no requirement to publish or hold a public hearing for the increase to go into effect. EDCO has provided the City with the new maximum allowable billing rate for Integrated Solid Waste Management Services using a 6 percentage point increase in the Franchise fee. The following table shows the existing and the proposed FY 2010-2011 maximum allowable rate adjustment. This rate adjustment does not include a CPI increase for the reason explained above.

	CURRENT MAX. MONTHLY SOLID WASTE FRANCHISE SERVICE RATE	REQUESTED MAX. MONTHLY SOLID WASTE FRANCHISE SERVICE RATE (beg. 7/1/10)
35-gallon cart	\$ 22.62	\$ 24.74
64-gallon cart	\$ 23.32	\$ 25.51
90-gallon cart	\$ 24.11	\$ 26.37
Additional 64-gallon cart	\$ 5.70	\$ 6.23
Additional 90-gallon cart	\$ 6.08	\$ 6.65
3-yard bin once per week	\$ 128.96	\$ 141.05
3-yard bin twice per week	\$ 235.36	\$ 257.43
3-yard bin three times per week	\$ 341.75	\$ 373.79
3-yard bin four times per week	\$ 448.17	\$ 490.20
3-yard bin five times per week	\$ 554.57	\$ 606.57
3-yard bin six times per week	\$ 660.98	\$ 722.96
Standard roll-off charge per load	\$ 195.72	\$ 214.07
Compactor charge per load	\$ 293.58	\$ 312.10
Delivery or relocation charge	\$ 56.04	\$ 61.29
Charge per ton over weight limit	\$ 65.29	\$ 71.41

Staff proposes to mail out to all City integrated solid waste management service customers the attached advisory (Attachment 2) notifying the customers of the new maximum allowable solid waste management services fee for 12-months starting July 1, 2010.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

- Approximately 9.4% increase in customers' Integrated Solid Waste Management Services fee.
- Estimated \$175,000 increase in City franchise revenue.

DEPARTMENT RECOMMENDATION:

1. Receive this report.
2. Affirm Council's intent to increase the Solid Waste Management Services Fee by 6 percentage points for Fiscal Year 2010/2011 as provided in Resolution No. 2009-6743.
3. Approve the Attachment 2 advisory notice and direct that this advisory notice be mailed to all customers at least 30 days before the new maximum allowable solid waste management services fee becomes effective.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



 Gary Brown, City Manager

Attachments:

1. Resolution No. 2010-6880
2. Draft Advisory – Notice of Refuse Rate Increase

RESOLUTION NO. 2010-6880**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AFFIRMING THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE FOR FISCAL YEAR 2010-2011**

WHEREAS, on June 16, 1999, City Council adopted Resolution No. 99-5080 selecting EDCO Disposal Corporation as the City's provider of integrated waste management services. EDCO commenced services for the City on January 1, 2000; and

WHEREAS, the EDCO Agreement with amendments provides for an annual rate adjustment beginning the third year of the Agreement and continuing through all subsequent years; and

WHEREAS, on February 26, 2010, EDCO Vice President, John Snyder, left the City a message that EDCO would not be seeking an Integrated Solid Waste Services Fee increase in the maximum allowable service fee because the 12-month average CPI for the 12-months ending, December 31, 2009 was negative relative to the previous 12-month period; and

WHEREAS, in Resolution 2009-6743 adopted on May 6, 2009, City Council resolved and approved future rate adjustments based on an increase of the franchise fee of 20 percent for fiscal year 2009-2010 and an additional six percent each for the subsequent two fiscal years; and

WHEREAS, from the direction provided in Resolution 2009-6743, the franchise fee for Fiscal Year 2010-2011 will be 36%.; and

WHEREAS, since resolution 2009-6743 and the associated public hearing notice included the 6 percentage point increase in the Integrated Solid Waste Management Services franchise fee, there is no requirement to publish or hold a public hearing for the increase to go into effect; and

WHEREAS, EDCO has provided the City with the new maximum allowable billing rate for Integrated Solid Waste Management Services using a 6 percentage point increase in the Franchise fee; and

WHEREAS, staff proposes to mail out to all City integrated solid waste management service customers an advisory notifying the customers of the new maximum allowable solid waste management services fee for the 12-months starting July 1, 2010; and

WHEREAS, there will be approximately a 9.4% increase in customers' maximum allowable Integrated Solid Waste Management Services fee.

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

1. The above recitals are true and correct.
2. This legislative body affirms the intent of Resolution 2009-6743 to increase the Integrated Solid Waste Management Services franchise fee to 36% for the 12-month period beginning July 1, 2010.
3. This legislative body authorizes the City Manager to mail out an advisory notice to all City customers of the Integrated Solid Waste Management Services of the maximum allowable services fee for the 12-month period beginning July 1, 2010.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 21st day of April 2010, by the following vote:

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

JAMES C. JANNEY, MAYOR

ATTEST:

JACQUELINE M. HALD, CMC
CITY CLERK

**City of Imperial Beach
 Notice of
 Refuse Rate Increase**

If you are the owner of this property but have a tenant who is responsible for the refuse collection bill related to this property, please forward this notice to the tenant.

NOTICE IS HEREBY GIVEN that the City Council of the City of Imperial Beach authorized on May 6, 2009 by Resolution No. 2009-6743, and affirmed by Resolution No. 2010-6880 on April 21, 2010, a maximum refuse rate increase consistent with the notice mailed to each property owner in March of 2009. The maximum authorized rate increase will be effective beginning July 1, 2010. The table provided below presents the current year (FY 2009/2010) maximum authorized refuse rate and the maximum authorized refuse rate beginning Fiscal Year 2010/2011. Both the current year and next year's adjustments are the result of an increase in City fees which are a component of the Solid Waste Franchise Service Rates and yield no increase to EDCO.

The amount of your refuse bill is determined by the quantity and size of your refuse containers and the frequency of collection.

Additional information pertaining to this matter may be obtained from the Public Works Department, 495 10th Street, Imperial Beach, California 91932.

	CURRENT MAX. MONTHLY SOLID WASTE FRANCHISE SERVICE RATE	APPROVED MAX. MONTHLY SOLID WASTE FRANCHISE SERVICE RATE (beg. 7/1/10)
35-gallon cart	\$ 22.62	\$ 24.74
64-gallon cart	\$ 23.32	\$ 25.51
90-gallon cart	\$ 24.11	\$ 26.37
Additional 64-gallon cart	\$ 5.70	\$ 6.23
Additional 90-gallon cart	\$ 6.08	\$ 6.65
3-yard bin once per week	\$ 128.96	\$ 141.05
3-yard bin twice per week	\$ 235.36	\$ 257.43
3-yard bin three times per week	\$ 341.75	\$ 373.79
3-yard bin four times per week	\$ 448.17	\$ 490.20
3-yard bin five times per week	\$ 554.57	\$ 606.57
3-yard bin six times per week	\$ 660.98	\$ 722.96
Standard roll-off charge per load	\$ 195.72	\$ 214.07
Compactor charge per load	\$ 293.58	\$ 312.10
Delivery or relocation charge	\$ 56.04	\$ 61.29
Charge per ton over weight limit	\$ 65.29	\$ 71.41



AGENDA ITEM NO. 6.5

**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: Gary Brown, City Manager
DATE: April 21, 2010
ORIGINATING DEPT.: Jennifer M. Lyon, City Attorney
SUBJECT: Medical Marijuana Update

BACKGROUND:

The City of Imperial Beach currently has a moratorium on medicinal marijuana dispensaries. The moratorium is set to expire on August 18, 2010, but may be extended for up to one more year.

DISCUSSION:

This report addresses the current status of medical marijuana related issues and developments since the last update submitted to the Council.

(1) The Marijuana Legalization Initiative.

Initiative #1377 will appear on the November 2010 ballot. If passed, it would dramatically change California's marijuana laws. The initiative would allow any person 21 years old or older – even without a medical reason – to possess up to one ounce of marijuana and to consume marijuana at a residence or, if a city decides to license marijuana distribution or consumption, in licensed premises. The initiative would not permit consumption on public property or where minors are present. The initiative would also permit people to cultivate up to 25 square feet of marijuana at their residence, subject to landlord approval on leased or rented property.

The initiative would also give local government regulatory authority over places where marijuana could be consumed. If a city decides not to pass regulations, the initiative's rules on possession and cultivation would still remain in effect. Under the initiative, cities could regulate establishments where marijuana may be sold or consumed through land use, zoning, licensing, and other ordinances. Cities also could tax marijuana sales both for cost recovery purposes and for revenue generation. However, the State Legislature would be empowered under the initiative to create laws to set parameters on

a local agency's use of this power, so the scope of a city's regulatory and tax authority would not be clear until implementing legislation has been approved.

There does not appear to be any information about how the federal government would react if this initiative passes. Marijuana possession and sale will remain illegal under federal law even if the initiative passes. The federal government has recently softened its stand toward enforcement of federal marijuana laws against medical marijuana dispensaries. How aggressively the federal government will enforce its drug laws if the initiative passes, remains to be seen.

The initiative does not address medical marijuana. If it were to pass, it would not clarify the authority of the cities to regulate or tax medical marijuana dispensaries.

If the initiative were to pass, the City's ability to regulate even non-medical marijuana establishments would also be an open question for two reasons. First, any effort to tax marijuana would still likely be subject to state Constitutional limits like Propositions 13 and 218 which require voter approval. Second, the State Legislature would still need to pass implementing legislation, and it could also control how much cities could regulate and tax marijuana consumption and sales establishments. Further, the Legislature could change these limits over time, so valid ordinances passed by cities could become invalid at the Legislature's whim.

If the initiative does not pass, the City will still need to consider what approach it intends to take toward medical marijuana dispensaries, whether the approach should be to ban them or to attempt to permit and regulate them.

(2) The Anaheim Case.

The *Anaheim* case, which addresses the issue of a local agency completely banning medical marijuana establishments, shows no significant developments. The day before the deadline for filing its decision, the court ordered additional briefing. Parties and *amicus curiae* have submitted the requested briefs. It is unclear whether additional briefing will be submitted in response, but it is less and less likely that we will know whether the case will be heard by the California Supreme Court by August, when the City would need to extend the medical marijuana moratorium.

(3) Other Developments.

A committee from the San Diego City Council has made recommendations that an ordinance be prepared imposing certain (mostly land-use) regulations on medical marijuana dispensaries. The ordinance would limit hours of operation, set minimum security guard requirements, require dispensaries to be non-profit groups registered with the Secretary of State, and limit dispensary locations. The ordinance is anticipated to go to the Council sometime in the next two months or so. Further regulations may also be created to cover licensing and other regulatory aspects of marijuana dispensaries.

There have been other minor developments involving other cases. The most significant of these is a California Supreme Court case, *People v. Kelly*, which says that the state cannot set an arbitrary amount of marijuana that it believes is "reasonable" for a medical marijuana user to possess. Some cities have also seen success getting injunctions against dispensaries acting without business licenses or in prohibited zones. The City Attorney continues to monitor other legal developments involving medical marijuana as well.

POTENTIAL ACTIONS:

The City Attorney's Office will look at all possibilities from a ban to full regulation depending upon Council direction. If the regulatory path is chosen, there are several issues the ordinance will have to address. The first issue will be to draft an ordinance which follows the guidance of the law. The second issue is how to establish a regulatory program that does not place too large a burden on existing staff. Finally, the third issue deals with what form the City's rules will take (*i.e.* land use based regulations, health & safety oriented permit process or a combination of both). This third issue will determine whether Coastal Commission approval is necessary.

There are several options the City Council can take at this point. These are listed as follows:

1. The Council could direct Staff to take actions necessary to extend the moratorium set to expire in August 2010, so that the City will have more time to monitor and review the range of issues related to the city's authority to regulate medical marijuana and the potential legalization of marijuana pursuant to the voter initiative in November 2010.
2. The Council could direct Staff to pursue a particular course of conduct (*i.e.* full regulation allowing for the establishment of collectives, a partial or full ban, or other alternatives);
3. Give other direction as deemed appropriate.

ENVIRONMENTAL DETERMINATION:

This project is exempt from the California Environmental Quality Act (CEQA) because it is not a project as defined in Section 15378.

FISCAL IMPACT:

This issue has an unknown fiscal impact on the City.

DEPARTMENT RECOMMENDATION:

Staff Recommends the Mayor and City Council:

1. Receive this report;
2. Give direction to City Staff as the Council deems appropriate.
3. Set the date for the next Interim Report to the Council.

CITY MANAGER'S RECOMMENDATION:

Please choose option 1 under "Potential Actions," that is to direct staff to return to Council with the necessary actions to extend the current moratorium for one year.



Gary Brown, City Manager

Attachments:

1. Article dated April 14, 2010, CaliforniaCityNews.org

CaliforniaCityNews.org

April 14, 2010

Cities, Counties May Have Final Say on Marijuana Legalization

By Erica Ball from Burke, Williams and Sorensen, LLP

On March 24, 2010, the “Regulate, Control and Tax Cannabis Act of 2010” (the “Act”) qualified for inclusion on the November 2010 statewide election ballot. The Act legalizes the cultivation and possession of marijuana for personal consumption by persons 21 years of age or older within certain parameters. Specifically, an adult may possess, process, and transport up to one ounce of cannabis and cultivate up to twenty-five square feet of marijuana plants on private property for personal use only. The Act makes it legal for an individual to “share” his or her marijuana with another individual for his or her personal use, but surprisingly does not legalize the buying and selling of marijuana. Instead, the Act authorizes cities and counties to “adopt ordinances, regulations, or other acts having the force of law to control, license, regulate, permit or otherwise authorize” the business of buying and selling marijuana and to impose “appropriate general, special or excise, transfer or transaction taxes, benefit assessments, or fees” on the activities authorized by the city or county. Thus, if the Act passes, cities and counties will be empowered under State law to decide whether the retail sale of marijuana will be legal within their borders and will have the sole authority to set the regulations governing the operation of such businesses within their boundaries.

Under the Act, local governments may authorize and regulate:

- The cultivation, processing, distribution, transportation, sale and possession for sale of marijuana;
- The retail sale of marijuana in licensed premises to persons at least 21 years old;
- The consumption of marijuana within a licensed premises; and
- The transportation of marijuana from a licensed premises for cultivation and/or processing to a licensed premises for sale and/or on-premise consumption;

Cities and counties may impose taxes, penalties and fees on any of these activities, as well as fines and other penalties on individuals who obtain marijuana from unauthorized sources.

Regulations that local governments may adopt include regulations to ensure that minors do not have access to marijuana and are not involved in the operation of a licensed premises, regulations to address environmental and public health and welfare concerns, restrictions on public displays and public consumption of cannabis, and “appropriate controls on licensed premises for sale, cultivation, processing, or sale and on-premises consumption, of cannabis, including limits on zoning and land use, locations, size, hours of operation, occupancy, protection of adjoining and

nearby properties and persons from unwanted exposure, advertising, signs and displays, and other controls necessary for protection of the public health and welfare.”

If passed, there are a couple of issues that may arise in attempting to interpret the Act. Though it is probably safe to assume that cities and counties that do decide to legalize the sale of marijuana will adopt strict regulations on the activity, nothing in the Act actually requires cities and counties to do so. This is surprising given that in its statement of purpose the Act states that it seeks to “ensure that if a city decides it does want to tax and regulate the buying and selling of cannabis (to and from adults only), that a strictly controlled legal system is implemented to oversee and regulate cultivation, distribution, and sales.” Despite this statement of purpose, under the terms of the Act there is no guarantee that marijuana sales will be subject to a “strictly controlled legal system.” Thus, there appears to be a potential for conflict between the plain language of the Act and the drafter’s intent.

A second issue that may arise if the Act passes is the problem of transportation of marijuana across city and county lines. The Act provides that it “shall be construed to permit a person to transport cannabis in a safe and secure manner from a licensed premises in one city or county to a licensed premises in another city or county pursuant to any ordinances adopted in such cities or counties, notwithstanding any other state law or the lack of any such ordinance in the intervening cities or counties.” However, if each city and county has the authority to devise its own regulations on the transportation of marijuana it is foreseeable that conflicts will arise that make transportation from one city to another impossible. For example, if City A says that marijuana must be transported in a clearly marked vehicle and City B says that marijuana must be transported in an unmarked vehicle, transportation of marijuana between City A and City B in accordance with both ordinances will be impossible. Moreover, if there are intervening cities between City A and City B that have adopted ordinances regulating the transportation of marijuana, the individuals transporting the marijuana would have to comply with each and every ordinance in every intervening city.

In sum, if passed the Act will give cities and counties free reign to decide whether and to what extent the sale of marijuana will be legal within their borders, and to adopt regulations on such activities as it sees fit. However, this will likely result in numerous and drastically different regulations on the sale of marijuana across the state and may limit the transportation of marijuana for commercial purposes across city and county lines.



**STAFF REPORT
IMPERIAL BEACH REDEVELOPMENT AGENCY**

TO: CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY
FROM: GARY BROWN, EXECUTIVE DIRECTOR
MEETING DATE: APRIL 21, 2010
ORIGINATING DEPT.: PUBLIC WORKS *HCB*
SUBJECT: RESOLUTION AWARDING A CONTRACT AND AUTHORIZING A BUDGET AMENDMENT FOR CERTAIN PUBLIC WORKS PROJECT – VETERANS PARK MASTER PLAN – RDA (SOCCER FIELD PERIMETER FENCE) - (CIP P03-502)

BACKGROUND: On October 21, 2009, City Council / Redevelopment Agency approved Resolution No. 2009-6819 awarding a contract to Hellas Construction, Inc. for the construction of a new Youth Soccer Field on Veterans Park adjacent to Encina Avenue and Resolution R-09-197 authorizing a budget amendment to transfer \$180,000 of RDA Tax Increment (non-housing) undesignated reserve funds to the Veterans Park Master Plan – RDA – Youth Soccer Filed Project (P03-502). The Veterans Park Youth Soccer Field was completed March 19, 2010 with a coincident ribbon cutting ceremony.

DISCUSSION: As the Youth Soccer Field was nearing completion, concern was raised about the soccer field being left open – unfenced - on the west and south sides. Left as an open field some of the keys to preserving the turf system was likely to be compromised. The keys to preserving the turf system include:

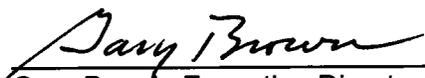
- Keep it clean and cross brush the field frequently
- Keep wheeled instruments off the field with tire pressures 35 psi or greater
- Control access to the field
- Keep adjacent areas free of litter, debris, mud, dirt and oil spillage
- Provide trash and litter cans
- Prohibiting smoking and carrying food or drinks on to the field
- Repairing minor damage immediately

It was suggested that the open soccer field would be more subject to vandalism and other turf damaging activities including use as an off-leash dog run. Hellas Construction, Inc. advised City staff that bicycles, automobiles, path driven pedestrian traffic and other non-athletic activities diminish the life of the artificial turf. Dog waste left on the artificial turf would have an adverse health and safety affect on field users because of the artificial turf does not self clean as natural grass does.

Because of this advice, City staff decided to immediately advertise for the construction and installation of a perimeter fence that enclosed the remainder (west and south sides) of the new field. The project was advertised for bids starting March 18, 2010. The bid opening was scheduled for April 8, 2010.

EXECUTIVE DIRECTOR'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, Executive Director

Attachments:

1. Resolution No. R-10-218

RESOLUTION NO. R-10-218

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, RESOLUTION AWARDED A CONTRACT AND AUTHORIZING A BUDGET AMENDMENT FOR CERTAIN PUBLIC WORKS PROJECT: TO WIT – VETERANS PARK MASTER PLAN – RDA (SOCCER FIELD PERIMETER FENCE) - (CIP P03-502)

WHEREAS, on October 21, 2009, City Council / Redevelopment Agency approved Resolution No. 2009-6819 awarding a contract to Hellas Construction, Inc. for the construction of a new Youth Soccer Field on Veterans Park adjacent to Encina Avenue and Resolution R-09-197 authorizing a budget amendment to transfer \$180,000 of RDA Tax Increment (non-housing) undesignated reserve funds to the Veterans Park Master Plan – RDA – Youth Soccer Field Project (P03-502); and

WHEREAS, the Veterans Park Youth Soccer Field was completed March 19, 2010 with a coincident ribbon cutting ceremony; and

WHEREAS, as the Youth Soccer Field was nearing completion, concern was raised about the soccer field being left open – unfenced - on the west and south sides; and

WHEREAS, City staff decided to immediately advertise for the construction and installation of a perimeter fence that enclosed the remainder (west and south sides) of the new field; and

WHEREAS, the project was advertised for bids starting March 18, 2010; and

WHEREAS, the Veterans Park Master Plan – RDA (Soccer Field Perimeter Fence) public bid opening was held April 8, 2010 at 2:00 p.m. in the City Council Chambers; and

WHEREAS, the lowest responsive and qualified bidder for the “Veterans Park Master Plan – RDA (Soccer Field Perimeter Fence)” project was from Fence Corp, Inc. for \$16,526.40 (Sixteen Thousand Five Hundred twenty six Dollars and forty cents); and

WHEREAS, an additional \$20,000.00 is recommended to be transferred to the Veterans Park Master Plan – RDA – Youth Soccer Field project (CIP P03-501) to provide sufficient funds to complete the Soccer Field Perimeter Fence project.

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 legislative body hereby rejects all proposals for bids except that identified as the lowest responsive and qualified bid. The bid of the lowest, responsive qualified bidder will be on file with the transcript of these proceedings and open for public inspection in the City Clerk Department on file as Contract No. 2390.
3. The City Manager is authorized to enter into an agreement with the lowest, responsive qualified bidder.
4. The Contractor shall not commence construction or order equipment until he/she has received a Notice to Proceed.
5. The works of improvement shall be constructed in the manner and form and in compliance with the requirements as set forth in the plans and specifications for the project.

6. The City Manager is authorized to transfer \$20,000.00 of undesignated reserve RDA Tax Increment (non-housing) funds to the Veterans Park Master Plan – RDA – Youth Soccer Field (P03-502) project.

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 21st day of April 2010, by the following vote:

AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, CMC
SECRETARY



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL/CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GARY BROWN, CITY MANAGER/EXECUTIVE DIRECTOR

MEETING DATE: APRIL 21, 2010

ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR *GW*

SUBJECT: ADOPTION OF RESOLUTION NO. R-10-217 AUTHORIZING THE THIRD CONTRACT AMENDMENT WITH EDAW/AECOM IN THE AMOUNT OF \$23,000 TO PREPARE ADDITIONAL DESIGN PROTOTYPES FOR THE COMMERCIAL ZONING REVIEW

BACKGROUND:

On January 17, 2007, the Redevelopment Agency and City Council authorized a contract with EDAW/AECOM to conduct a review of the City's Commercial Zones. On May 20, 2009, the Redevelopment Agency and City Council authorized a contract amendment in the amount of \$24,759 to provide additional funds to continue this extensive effort.

On July 16, 2009, with contract budget nearing depletion and in an effort to keep the project moving forward, the City Manager authorized a contract amendment not to exceed \$15,000. On October 7, 2009, the City Council and Redevelopment Agency adopted Resolution No. R0-09-196 which authorized a second contract amendment in the amount of \$50,000 to allow the consultant team (formerly EDAW now AECOM) to continue and complete their tasks associated with the Commercial Zoning Review. On February 17, 2010, the City Council/Redevelopment Agency reviewed and approved the revised scope of work for the tasks associated with the second contract amendment.

At this time, the summary of project budget including all amendments is as follows:

Original Budget	First Budget Amendment	City Manager Amendment	Second Budget Amendment	Total Budget
\$250,000	\$24,759	\$15,000	\$50,000	\$339,759

Staff believes that this budget amount will be sufficient to complete the effort for the preparation of recommended amendments to the City's Commercial Zoning Regulations.

DISCUSSION:

During the recent focus discussions on recommendations of the Commercial Zoning Review, the City Council requested additional design prototypes to illustrate the impacts of some of the development regulations being considered including setbacks, stepbacks and building height. Staff advised the City Council that the development of these additional prototypes would require another contract amendment. Staff then requested a proposed scope of service from EDAW/AECOM for this additional work. The following are the proposed additional services:

Scope of Work:

EDAW/AECOM proposes to explore 3-4 development scenarios to illustrate their potential under existing and proposed zoning code. These explorations will be conducted on prototypical parcels that best represent existing conditions and capture the issues needing to be addressed in the study areas.

We do not foresee the need to conduct additional site visits as part of this work effort.

The final deliverable will be packaged and submitted electronically in pdf format.

Scenario Explorations - \$4,400 each (*\$13,200 for 3 explorations*)

Tasks conducted under each exploration will include:

1. Research existing zoning code and proposed changes.
2. Draw up draft schematic 2D plans and sections of scenario that maximizes the as-of-right development opportunity under existing code.
3. Draw up draft schematic 2D plans and sections of scenario that maximizes development potential under proposed revisions to code.
4. Review draft explorations with client over a web meeting.
5. Refine and finalize explorations based on client feedback.

Optional 3D Visualization - \$3,000 for each exploration (*\$9,000 for 3 explorations*)

Illustrate scenarios (under both existing and proposed code) in 3D electronic form (utilizing Sketchup software).

Optional Photo-Simulation Task - \$800 (*\$800 for 1 before-after set*)

Create a before-and-after simulation of the spatial impact of raising internal floor-to-ceiling height from 8 feet to 10 feet.

Total for 3 explorations + 3D's + photo-simulation: \$23,000

The proposed Scope of Work is included as Attachment 1 to this staff report.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This proposed Scope of Work is not subject to CEQA.

FISCAL IMPACT:

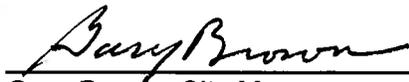
Redevelopment Agency (RDA) funds for the requested second contract amendment of \$23,000 are available from the RDA professional services budget and can be transferred into Capital Improvement Program (CIP) budget Project Number R05-203.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council/Redevelopment Agency approve the revised Scope of Work as proposed in Attachment 1 for the preparation of additional design prototypes for the Commercial Zoning Review.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Proposed Scope of Work for the Third Contract Amendment
2. Resolution No. R-10-217

IMPERIAL BEACH DEVELOPMENT PROTOTYPE ANALYSIS – DRAFT SCOPE AND BUDGET

Scope of Work

We propose to explore 3-4 development scenarios to illustrate their potential under existing and proposed zoning code. These explorations will be conducted on prototypical parcels that best represent existing conditions and capture the issues needing to be addressed in the study areas.

We do not foresee the need to conduct additional site visits as part of this work effort.

The final deliverable will be packaged and submitted electronically in pdf format.

Scenario Explorations - \$4,400 each (*\$13,200 for 3 explorations*)

Tasks conducted under each exploration will include:

1. Research existing zoning code and proposed changes.
2. Draw up draft schematic 2D plans and sections of scenario that maximizes the as-of-right development opportunity under existing code.
3. Draw up draft schematic 2D plans and sections of scenario that maximizes development potential under proposed revisions to code.
4. Review draft explorations with client over a web meeting.
5. Refine and finalize explorations based on client feedback.

Optional 3D visualization - \$3,000 for each exploration (*\$9,000 for 3 explorations*)

1. Illustrate scenarios (under both existing and proposed code) in 3D electronic form (utilizing Sketchup software).

Optional photo-sim task - \$800 (*\$800 for 1 before-after set*)

1. Create a before-and-after simulation of the spatial impact of raising internal floor-to-ceiling height from 8 feet to 10 feet.

Total for 3 explorations + 3Ds + photo-sim: \$23,000

RESOLUTION NO. R-10-217

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE EXECUTIVE DIRECTOR/CITY MANAGER TO EXECUTE A THIRD AMENDMENT TO A CONTRACT FOR PROFESSIONAL SERVICES WITH EDAW/AECOM INC. TO PREPARE ADDITIONAL DESIGN PROTOTYPES FOR THE CITY'S COMMERCIAL ZONING REVIEW

WHEREAS, the Redevelopment Agency and City of Imperial Beach (the "AGENCY/CITY") desired to conduct a Review of the City's Commercial Zoning and Development Regulations to maximize commercial/retail development opportunities within the City and to provide for better design and functionality of mixed use development projects; and

WHEREAS, on January 17, 2007, by Resolution No. R-07-115 the AGENCY/CITY authorized the Executive Director/City Manager to enter into a contract for consultant services with EDAW Inc. (the "CONSULTANT") to provide professional services for this effort; and

WHEREAS, the AGENCY/CITY previously allocated a total of \$250,000.00 to carry out this effort; and

WHEREAS, on May 20, 2009, the AGENCY/CITY authorized additional funds in the amount of \$24,759.00 for the CONSULTANT to complete this effort; and

WHEREAS, on October 7, 2009, the AGENCY/CITY authorized a second contract amendment in the amount of \$50,000 for additional workshops and public review; and

WHEREAS, the AGENCY/COUNCIL have determined that additional funds in the amount of \$23,000 are needed to prepare additional design prototypes for AGENCY/COUNCIL and public review.

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

1. Redevelopment Agency Resolution No. R-10-217 is hereby adopted transferring \$23,000.00 of undesignated RDA funds (Tax Increment, non-housing) to CIP Project No. R05-203 and authorizing the Executive Director/City Manager to AMEND the contract with EDAW Inc. in an amount not to exceed \$23,000.00 to prepare additional design prototypes to illustrate recommended amendments to the City's Commercial Zoning and Development Regulations.
2. Funds in the amount of \$23,000.00 are hereby transferred from Fund 405-0000-253.00-00 to Fund 407-1262-413-20-06.

PASSED, APPROVED, AND ADOPTED by the Redevelopment Agency of the City of Imperial Beach at its meeting held on the 21st day of April, 2010, by the following roll call vote:

AYES: BOARDMEMBERS:
NOES: BOARDMEMBERS:
ABSENT: BOARDMEMBERS:

JAMES C. JANNEY
CHAIRPERSON

ATTEST:

JACQUELINE M. HALD, CMC
SECRETARY

