



# A G E N D A



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

**IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

**MAY 2, 2012**

**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 PLANNING COMMISSION,  
PUBLIC FINANCING AUTHORITY, HOUSING AUTHORITY AND IMPERIAL BEACH  
REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

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

**CLOSED SESSION CALL TO ORDER**

**ROLL CALL BY CITY CLERK**

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a) (1 case)  
Charge No. 488-2012-00162

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

**REGULAR MEETING CALL TO ORDER**

**ROLL CALL BY CITY CLERK**

**PLEDGE OF ALLEGIANCE**

**AGENDA CHANGES**

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

**COMMUNICATIONS FROM CITY STAFF**

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

**PRESENTATIONS (1.1)**

- 1.1 PRESENTATION OF PROCLAMATION TO DAN MARTIN, SANDAG PROJECT IMPLEMENTATION PROGRAM MANAGER, IN RECOGNITION OF NATIONAL BIKE MONTH – MAY 2012. (0410-30)**

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

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

**2.1 MINUTES.**

City Manager's Recommendation: Approve the minutes of the Regular Meeting of April 18, 2012.

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

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 80326 through 80428 with a subtotal amount of \$308,967.19 and Payroll Checks 44572 through 44596 for a subtotal amount of \$145,254.71 for a total amount of \$454,221.90.

**2.3 RESOLUTION NO. 2012-7191 ADOPTING FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND CYNTHIA TITGEN FOR BENEFIT CONSULTANT SERVICES. (0530-60)**

City Manager's Recommendation: Adopt resolution.

**ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARINGS (3.1-3.2)**

**3.1 PUBLIC HEARING TO CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140 B. OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES. (0830-95)**

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive the report and public testimony;
3. Last call for written protests;
4. Motion to close the public hearing;
5. If necessary due to volume of written protests, take a break or call agenda item to give staff time to make the final tabulation on written protests;
6. Once staff tabulation is complete, continue on with agenda item (or recall agenda item if necessary) and make announcement regarding final tabulation of written protests. (per Council Policy No. 614, members of the public shall be permitted to observe the tabulation process, but shall not be entitled to actively participate in the tabulation process.)
  - a. If no majority protest, City Council has authority to adopt the proposed rates. City Council can discuss and deliberate on the proposed rate increases and take a vote. See steps 7 through 9 below.
  - b. If there is a majority protest, City Council does not have authority to adopt the proposed rates, and no further action should be taken.
7. If City Council chooses to adopt proposed increase, Mayor calls for Introduction of Ordinance No. 2012-1128;
8. City Clerk reads the title of Ordinance No. 2012-1128 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140 B. OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES"; and
9. Motion to dispense first reading of Ordinance No. 2012-1128 by title only and set the matter of adoption at the next regularly scheduled City Council meeting.

***Continued on Next Page***

## **ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARINGS (Continued)**

### **3.2 FIRST READING/INTRODUCTION OF ORDINANCE NO. 2012-1127 AND PUBLIC HEARING/ADOPTION OF RESOLUTION NO. 2012-7188: REX BUTLER FOR BIKEWAY VILLAGE LLC (APPLICANT) AND THE CITY OF IMPERIAL BEACH: DESIGN REVIEW (DRC) 100006, GENERAL PLAN AMENDMENT (GPA)/LOCAL COASTAL PROGRAM AMENDMENT (LCPA) 100007/ ZONING CODE AMENDMENT (ZCA) 100008/ SITE PLAN REVIEW (SPR) 100009 AND MITIGATED NEGATIVE DECLARATION (EIA 100010) FOR THE CONVERSION/ REDEVELOPMENT OF EXISTING WAREHOUSE BUILDINGS TO ECOTOURISM COMMERCIAL USES AT 536 13<sup>th</sup> STREET & 535 FLORENCE STREET AND AIRPORT PARCEL 616-021-10-00 @ 500 13<sup>TH</sup> STREET. MF 1034. (0610-95)**

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive report and entertain testimony;
3. Close public hearing;
4. Adopt Resolution No. 2012-7188 approving the proposed General Plan/Local Coastal Program Amendment (GPA 100007), finding and certifying that the proposed zoning amendment is consistent with the Coastal Act, approving the Design Review (DRC 100006) and Site Plan Review (SPR 100009) applications, and certifying the MND (SCH# 2012031034), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements;
5. Mayor calls for the first reading of the title of Ordinance No. 2012-1127 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 19.25 COMMERCIAL/RECREATION – ECOTOURISM (C/R-ET) ZONE AND APPLYING THE C/R-ET ZONE TO THE BIKEWAY VILLAGE SITE";
6. City Clerk to read title of Ordinance 2012-1127; and
7. Motion to waive further reading of Ordinance No. 2012-1127 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 ORDINANCE NO. 2012-1126 ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) TO THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES. (0750-95)**

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the second reading of the title of Ordinance No. 2012-1126 "AN ORDINANCE ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES IN PUBLIC PROPERTY) THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES";
3. City Clerk to read title of Ordinance 2012-1126; and
4. Motion to waive further reading and adopt Ordinance No. 2012-1126.

## **PUBLIC HEARINGS (5.1)**

### **5.1 PUBLIC HEARING RELATING TO THE LEVY OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 67M. (0345-10)**

City Manager's Recommendation:

1. Declare the public hearing open;
2. Receive public comment/protests;
3. If Council wishes to proceed, close the public hearing; and
4. Approve and adopt Resolution No. 2012-7189 confirming the diagram and assessment and providing for the levy of the annual assessment in a special maintenance district (AD 67M).

## **REPORTS (6.1-6.5)**

### **6.1 PROPOSED BSA EAGLE PROJECT PRESENTATION. (0940-10)**

City Manager's Recommendation:

1. Receive report;
2. Receive a presentation from Mr. Nichols regarding the proposed improvements;
3. Comment and direct staff and Mr. Nichols regarding the design of the proposed project; and
4. Authorize the City Manager to sign the Eagle Project plan for Mr. Nichols to continue the project development and construction as approved by City Council and City staff.

### **6.2 ACTIVE TRANSPORTATION GRANT APPLICATION FOR ECO BIKEWAY 7<sup>TH</sup> & SEACOAST (PALM AVENUE FROM 7<sup>TH</sup> STREET TO 3<sup>RD</sup> STREET) AND (7<sup>TH</sup> STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE) CIP CONSTRUCTION PROJECT (SO5-104). (0680-20)**

City Manager's Recommendation:

1. Receive report;
2. Discuss the merits of constructing the Eco Bikeway 7th & Seacoast Project (Palm Avenue from 7th Street to 3rd Street) as a Class 2 bike lane per the KOA Corporation drawings; and
3. Direct staff to either prepare an "Active Transportation Grant" application for the purpose of converting Palm Avenue consistent with the City's BTP or to forgo this grant cycle.

### **6.3 BUDGET IDEAS FOR SPORTS PARK RECREATION CENTER. (0390-55 & 0920-40)**

City Manager's Recommendation: For the Imperial Beach Sports Park to meet the needed revenue increases and savings for Fiscal Year 2012-2013, it is recommended that the City Council authorize staff to:

1. Revise Master Fee List – Return with a resolution to adopt the new Master Fee List; and
2. Café new raise of fee cost – Return with a resolution to adopt fees for the Getaway Café.

### **6.4 ADOPTION OF RESOLUTION 2012-7187, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICER SERVICES WITH THE SWEETWATER UNION HIGH SCHOOL DISTRICT. (0260-10 & 1010-20)**

City Manager's Recommendation: Adopt resolution. If the district chooses not to execute the contract with the City, the assigned SRO Deputy would either be cut from the Sheriff's contract or reassigned other duties based on the Public Safety budget for law enforcement.

### **6.5 RESOLUTION NO. 2012-7190 APPROVING CHANGE ORDER NO. 1 TO THE STREET IMPROVEMENT RDA PHASE 3B CIP (S04-108) PROJECT AND TRANSFERRING FUNDS FROM THE SEWER ENTERPRISE FUND RESERVE TO CIP S04-108. (0720-25)**

City Manager's Recommendation:

1. Receive report;
2. Approve the installation of an activated carbon filter system in Pump Station 1B per the drawings prepared by Tran Consulting Engineers, Inc.;
3. Approve change order no. 1 to Street Improvements RDA Phase 3B, contract with PAL General Engineering Inc.;
4. Approve the transfer of funds from the Sewer Enterprise Fund Reserve to the Street Improvements RDA Phase 3B (CIP S04-108); and
5. Adopt resolution.

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

None.

**ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

**ADJOURNMENT**

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

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

\_\_\_\_\_/s/\_\_\_\_\_  
Jacqueline M. Hald, MMC  
City Clerk

**DRAFT**

**MINUTES**

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

**APRIL 18, 2012**

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

***CLOSED SESSION MEETING – 5:15 P.M.  
REGULAR MEETING – 6:00 P.M.***

**CLOSED SESSION CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:19 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present: Bragg, King  
Councilmembers absent: Bilbray  
Mayor present: Janney  
Mayor Pro Tem present: Spriggs  
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**CLOSED SESSION**

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

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (1 CASE)**  
Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b)(3)(A)
- 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (1 CASE)**  
Initiation of Litigation pursuant to Govt. Code Section 54956.9(c)
- 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (1 CASE)**  
Pursuant to Govt. Code §54956.9(a)  
Case No. 11CV0984 BTM (WMc)

**MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, JANNEY  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: BILBRAY**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:20 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Closed Session Item Nos. 1 thru 3. Direction was given and no reportable action was taken.

**REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present: King, Bragg  
Councilmembers absent: Bilbray  
Mayor present: Janney  
Mayor Pro Tem present: Spriggs  
Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

None.

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

COUNCILMEMBER KING reported the South County Economic Development Council is promoting the south county with a “South County Rocks” marketing campaign.

MAYOR JANNEY thanked Councilmember Bilbray for attending the Imperial Beach History Walk ribbon cutting ceremony at Veterans Park.

**COMMUNICATIONS FROM CITY STAFF**

None.

**PUBLIC COMMENT**

None.

**PRESENTATIONS (1)**

None.

**CONSENT CALENDAR (2.1-2.7)**

**MOTION BY SPRIGGS, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.7. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: BILBRAY**

**2.1 MINUTES.**

Approved the minutes of the Regular Meeting of February 15, 2012.

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

Ratified the following registers: Accounts Payable Numbers 80265 through 80325 with a subtotal amount of \$97,212.98 and Payroll Checks 44550 through 44571 for a subtotal amount of \$142,931.69 for a total amount of \$240,144.67.

**2.3 RESOLUTION NO. 2012-7179 IN SUPPORT OF SAN DIEGO COUNTY WATER AUTHORITY'S LEGAL BATTLE AGAINST METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA. (0150-20)**

Adopted resolution.

*Continued on Next Page*

**CONSENT CALENDAR (Continued)**

- 2.4 RESOLUTION NO. 2012-7182 AUTHORIZING PARTICIPATION IN THE REGIONAL COOPERATIVE CARE PROGRAM (RCCP) JOINT POWERS AUTHORITY AGREEMENT ESTABLISHING PERMANENT GOVERNANCE OF THE RCCP. (0250-20)**  
Adopted resolution.
- 2.5 RESOLUTION NO. 2012-7183 ADOPTING UPDATED CONFLICT OF INTEREST CODE. (0420-30)**  
Adopted resolution.
- 2.6 RESOLUTION NO. 2012-7181 ADOPTING A COUNCIL POLICY SETTING PROCEDURES FOR IMPOSING OR INCREASING A FEE OR CHARGE UNDER PROPOSITION 218. (0390-95)**  
Adopted resolution.
- 2.7 RESOLUTION NO. 2012-7186 APPROVING A COMMITMENT TO THE MINIMUM REQUIRED 10 PERCENT MATCH FOR BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT APPLICATION FOR THE 13<sup>TH</sup> STREET CLASS 2 BIKE LANE DESIGN AND CONSTRUCTION PROJECT. (0390-86)**  
Adopted resolution.

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

- 3.1 ADOPTION OF URGENCY ORDINANCE NO. 2012-1125 AND ORDINANCE NO. 2012-1126 ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) TO THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES. (0750-95)**

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR CLARK reported on the item and responded to questions from City Council.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2012-1125.

CITY CLERK HALD read the title of Ordinance No. 2012-1125 “AN URGENCY ORDINANCE ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES.”

**MOTION BY KING, SECOND BY SPRIGGS, TO WAIVE FURTHER READING, DISPENSE INTRODUCTION BY TITLE ONLY AND ADOPT ORDINANCE NO. 2012-1125. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: BILBRAY**

CITY ATTORNEY LYON reported the date of adoption for Ordinance No. 2012-1126 should be corrected to May 2, 2012. She explained the adoption of Urgency Ordinance No. 2012-1125, which is now in effect, was necessary because it relates to public safety and welfare. Ordinance No. 2012-1126 goes through the normal ordinance process and takes effect in 45 days. By having both ordinances, the whole time period is covered from tonight and into the future.

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2012-1126.

CITY CLERK HALD read the title of Ordinance No. 2012-1126 “AN ORDINANCE ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES IN PUBLIC PROPERTY) THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES.”

**MOTION BY SPRIGGS, SECOND BY BRAGG, TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 2012-1126 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: BILBRAY**

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

None.

**PUBLIC HEARINGS (5.1)**

**5.1 RESOLUTION NO. 2012-7180 SETTING THE ANNUAL SEWER CAPACITY FEE. (0390-55)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN reported the sewer capacity fee is unchanged from the past year.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

**MOTION BY KING, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2012-7180 SETTING THE ANNUAL SEWER CAPACITY FEE. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: BILBRAY**

**REPORTS (6.1-6.3)**

**6.1 PRESENTATION AND REPORT ON WATER QUALITY. (0230-70)**

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a Power Point presentation on the types of water monitoring programs and the quality of the receiving waters in the area. He also spoke about the Border 2020 Program which will address environmental and public health problems in the border region.

MAYOR JANNEY suggested contacting Steve Smullen of IBWC about the issues relating to the operation of the diverters.

**6.2 RESOLUTION NO. 2012-7184 APPROVING A VOLUNTARY SEPARATION INCENTIVE PROGRAM. (0520-60)**

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY MANAGER WADE gave a Power Point presentation on the item.

FINANCE DIRECTOR MCGRANE reported it would take approximately 3.5 months to recover the costs for the severance payout and the proposed a cap of \$250,000 to limit the separation incentive, health insurance, and related leave balance payments.

**MOTION BY KING, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7184 APPROVING A VOLUNTARY SEPARATION INCENTIVE PROGRAM.**

COUNCILMEMBER KING expressed appreciation for a phased approach rather than making cuts all at once.

**VOTES WERE NOW CAST ON ORIGINAL MOTION BY KING, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2012-7184 APPROVING A VOLUNTARY SEPARATION INCENTIVE PROGRAM. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: KING, BRAGG, SPRIGGS, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: BILBRAY**

MAYOR JANNEY noted with less staff there will be reduced services for the community.

**6.3 LONG TERM VISION. (0330-30)**

Information from the California Association for Economic Development was submitted as last minute agenda information.

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY reviewed the long term actions listed on the staff report and stated contracting out city services is not a significant item. He also stated he was not in support of increasing taxes at this time and that staff should continue to pursue grant opportunities. He stated City revenues are comprised of sales, property, and transient occupancy taxes and fees, and spoke in support of increasing density which could lead to an increase in property and sales taxes. He also suggested considering 13th Street, the Bayfront area, and the west side of 7th Street for increased density while preserving the single family residential areas.

MAYOR PRO TEM SPRIGGS spoke in favor of considering the areas of the city that can support higher density. He spoke about the need for a broader tax base, for more businesses that generate sales tax, for property improvements that generate property tax increases, and for promoting tourism. Referring to the information submitted as last minute agenda information, he said the government's role is to influence business investment through local decision making as it pertains to zoning, incentives, marketing, quality of government services, regulations, taxes, spending and adding value to community assets. It is fundamental to have an economic growth strategy and have a focus based on core assets. Investments should take place around core industries that can help the community grow, with tourism and ecotourism being the keys to Imperial Beach's growth. He spoke about the need for a strategy, to build consensus on where

to go, to take action rather than react, not to take a scattered gun approach and to focus efforts in areas with the highest potential for return, specifically in areas that support the visitor and ecotourism industries.

COUNCILMEMBER BRAGG supported the comments made by Mayor Janney and Mayor Pro Tem Spriggs. She noted that time is of the essence and supported immediate sources of revenue such as vacation rentals, and decreasing costs by reducing Sheriff staffing.

MAYOR JANNEY explained that City Council reviewed short term goals at the previous City Council meeting and that the focus tonight is only on long term ideas. He spoke in opposition to changing the zoning on Seacoast Drive due to public outcry during the commercial zoning review workshops. He questioned how to encourage the Port to utilize two pieces of their property for more than just parking lots. He encouraged the pursuit of improvements along Palm Avenue to encourage new retail/commercial and residential projects. He noted that visitor serving uses are limited to a small area.

MAYOR PRO TEM SPRIGGS spoke about the need for an agreement on where we put our investments and the need for a strategic approach to attract investors and visitors. He supported a review of the City's internal processes (Item 4 on the staff report) as some business owners have expressed concern over the permitting process and the desire to make it faster. He also spoke about making it a more investor friendly place and improving street lighting on Seacoast Drive to help businesses.

COUNCILMEMBER KING stated that there are a lot of priorities in the city such as public safety, streets, sewer, water, and infrastructure necessary to allow residents to live in a safe and sanitary manner. He stated that Imperial Beach is a popular destination in spite of the shortage of lighting on Seacoast Dr. On most issues, City Council has been unified.

MAYOR JANNEY called a recess at 7:36 p.m. and called the meeting to order at 7:44 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present:	King, Bragg
Councilmembers absent:	Bilbray
Mayor present:	Janney
Mayor Pro Tem present:	Spriggs
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

MAYOR JANNEY asked City Manager Brown to return to City Council with further information on long term ideas. He requested information on revenues in relation to zoning, and what might be possible if we built out the City in terms of revenue generation, and where might the revenue streams come from. He stressed that raising taxes is not an option and asked for other options within the City's available revenue streams.

MAYOR PRO TEM SPRIGGS suggested a review of the City's internal processes, to review the big picture and economic development plan, to contact the SCEDC to give a presentation on what other south county communities have done to increase economic activity, property values and revenue, and to get moving toward medium and long term revenue enhancement. He suggested staff provide additional information on these suggestions at a future meeting.

COUNCILMEMBER KING stated that the city has always had structural issues in terms of how it was developed and have has some exceptional planning more recently. He spoke in support for activating the 13<sup>th</sup> Street area.

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

None.

**ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

None.

**ADJOURNMENT**

Mayor Janney adjourned the meeting at 7:51 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, MMC  
City Clerk





STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL  
 FROM: GARY BROWN, CITY MANAGER  
 MEETING DATE: May 2, 2012  
 ORIGINATING DEPT.: Michael McGrane *MM*  
 Finance Director  
 SUBJECT: RATIFICATION OF WARRANT REGISTER

**BACKGROUND:**

None

**DISCUSSION:**

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

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
80326-80387	04/13/12	\$ 246,125.33
80388-80428	04/19/12	62,841.86
	<b>Sub-Total</b>	<b><u>\$ 308,967.19</u></b>

**PAYROLL CHECKS:**

44572-44596	P.P.E. 04/05/12	\$ 145,254.71
	<b>Sub Total</b>	<b>\$ 145,254.71</b>
	<b>TOTAL</b>	<b><u>\$ 454,221.90</u></b>

**FISCAL IMPACT:**

Warrants are issued from budgeted funds.

**DEPARTMENT RECOMMENDATION:**

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

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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Gary Brown, City Manager

Attachments:

1. Warrant Registers

FROM 04/06/2012 TO 04/19/2012

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
04/13/2012	80326	AGRICULTURAL PEST CONTROL	123				95.00
101-6020-452.21-04	03/27/2012	MAR 2012		269753	120242	09/2012	95.00
04/13/2012	80327	AMERICAN MESSAGING	1759				80.58
601-5060-436.27-04	04/01/2012	APR-JUN 2012		L1252241MD	120187	10/2012	80.58
04/13/2012	80328	AT&T	2430				3,015.70
503-1923-419.27-04	03/20/2012	3372571583448		3235755		09/2012	355.49
503-1923-419.27-04	03/20/2012	3393431504727		3234147		09/2012	177.75
503-1923-419.27-04	03/20/2012	3393439371447		3236845		09/2012	177.75
503-1923-419.27-04	03/20/2012	3393442323406		3237154		09/2012	177.75
101-1210-413.27-04	03/17/2012	6194235034		3226573		09/2012	16.23
101-3020-422.27-04	03/17/2012	6194237246664		3225792		09/2012	.76
101-5020-432.27-04	03/15/2012	6194238311966		3222586		09/2012	4.81
101-3030-423.27-04	03/15/2012	6194238322966		3222587		09/2012	5.17
503-1923-419.27-04	03/11/2012	6194243481712		3203088		09/2012	15.99
101-1010-411.27-04	03/17/2012	6196281352138		3225794		09/2012	1.35
101-1230-413.27-04	03/17/2012	6196281356950		3225795		09/2012	31.07
101-3040-424.27-04	03/17/2012	6196281357370		3225796		09/2012	.74
101-3070-427.27-04	03/17/2012	6196281359503		3225797		09/2012	.77
101-1920-419.27-04	03/17/2012	6196282018442		3225801		09/2012	.10
601-5060-436.27-04	03/15/2012	C602221236777		3222578		09/2012	16.42
101-1920-419.27-04	03/15/2012	C602224829777		3223650		09/2012	197.39
101-1110-412.27-04	03/15/2012	C602224831777		3223652		09/2012	130.91
101-1020-411.27-04	03/15/2012	C602224832777		3223653		09/2012	58.03
101-1230-413.27-04	03/15/2012	C602224833777		3223654		09/2012	272.99
101-1130-412.27-04	03/15/2012	C602224834777		3223655		09/2012	58.30
101-6030-453.27-04	03/15/2012	C602224836777		3223657		09/2012	78.42
101-6010-451.27-04	03/15/2012	C602224837777		3223658		09/2012	209.13
101-3020-422.27-04	03/15/2012	C602224838777		3223659		09/2012	293.02
101-3030-423.27-04	03/15/2012	C602224839777		3223660		09/2012	293.61
101-5020-432.27-04	03/15/2012	C602224840777		3223661		09/2012	292.29
601-5060-436.27-04	03/15/2012	C602224841777		3223662		09/2012	149.46
04/13/2012	80329	BICKMORE RISK SERVICES	1				2,250.00
502-1922-419.20-06	07/20/2011	W/C ACTUARIAL STUDY 2011-		BRS-0006535		10/2012	2,250.00
04/13/2012	80330	CALIF ELECTRIC SUPPLY	609				152.54
101-5010-431.21-23	03/27/2012	MEDIAN UPLIGHT KITS		1069-636368	120036	09/2012	152.54
04/13/2012	80331	CALIFORNIA AMERICAN WATER	612				286.87
101-3030-423.27-02	04/06/2012	05-0155019-8 03/01-04/04		04-25-2012		09/2012	21.15
405-5030-433.27-02	04/06/2012	05-0155037-0 03/02-04/04		04-25-2012		09/2012	23.15
601-5060-436.27-02	04/06/2012	05-0505362-9 03/02-04/04		04-25-2012		09/2012	226.47
601-5060-436.27-02	04/06/2012	05-0392478-9 03/02-04/04		04-25-2012		09/2012	16.10
04/13/2012	80332	CA BUILDING STANDARDS COMMISSI	2127				117.90
101-0000-221.01-07	04/04/2012	JAN-MAR 2012 STATE GREEN		03-31-2012		10/2012	117.90
04/13/2012	80333	CHICAGO TITLE INSUR CO	779				2,500.00
248-1920-519.20-06	02/09/2012	425 8TH STREET		12001033 P11	120878	08/2012	500.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	CHECK AMOUNT	TRN AMOUNT
	248-1920-519.20-06				02/09/2012	707 GROVE AVE	12001034 P11	120878	08/2012	500.00	
	248-1920-519.20-06				02/09/2012	362 ELM AVE	12001035 P11	120878	08/2012	500.00	
	248-1920-519.20-06				02/09/2012	1134 14TH STREET	12001036 P11	120878	08/2012	500.00	
	248-1920-519.20-06				02/09/2012	636 IMPERIAL BEACH BLVD	12001186 P11	120878	08/2012	500.00	
04/13/2012	80334	CVA SECURITY	797							70.00	
	101-1910-419.30-02				04/01/2012	APR 2012 EOC	21609	120079	10/2012	30.00	
	101-1910-419.20-23				04/01/2012	APR 2012 PW	21703	120079	10/2012	10.00	
	101-1910-419.30-02				04/01/2012	APR 2012 PW	21703	120079	10/2012	30.00	
04/13/2012	80335	CITY OF CHULA VISTA	823							35,032.00	
	101-3050-425.20-06				03/28/2012	FEB 2012 A/C SERVICES	AR132076		10/2012	17,601.00	
	101-3050-425.20-06				03/28/2012	JAN 2012 A/C SERVICES	AR132075		10/2012	17,431.00	
04/13/2012	80336	CITY OF SAN DIEGO	896							62,405.49	
	601-5060-436.40-01				02/16/2012	PALM CITY TRUNK SEWER	1000047418		10/2012	59,302.38	
	601-5060-436.40-02				02/16/2012	PALM CITY TRUNK SEWER	1000047418		10/2012	3,103.11	
04/13/2012	80337	CORODATA MEDIA STORAGE, INC.	2334							135.47	
	503-1923-419.20-06				03/31/2012	MAR 2012	DS1249788	120105	09/2012	135.47	
04/13/2012	80338	COUNTY OF SAN DIEGO	1055							2,025.50	
	101-3010-421.21-04				03/28/2012	FEB 2012 PARKING PENALTY	02/12		10/2012	2,025.50	
04/13/2012	80339	COUNTY OF SAN DIEGO	1791							77.35	
	216-1240-413.20-06				03/23/2012	CITY SHARE/2010 MCC APPLI	03-23-2012	F12075	09/2012	77.35	
04/13/2012	80340	COX COMMUNICATIONS	1073							789.93	
	503-1923-419.21-04				03/26/2012	03/25-04/24 3110039780701	04-15-2012	120188	09/2012	600.00	
	503-1923-419.29-04				04/02/2012	04/01-04/30 3110015533201	04-22-2012	120188	10/2012	10.93	
	601-5050-436.21-04				04/05/2012	04/04-05/03 3110091187001	04-25-2012	120188	10/2012	179.00	
04/13/2012	80341	DEPT. OF CONSERVATION	1158							131.81	
	101-0000-211.01-01				04/04/2012	JAN-MAR 2012 SMIPS FEES	03-31-2012		10/2012	131.81	
04/13/2012	80342	DKC ASSOCIATES, INC.	2187							940.00	
	101-1110-412.20-06				04/05/2012	03/22/12-04/04/12	246	120117	10/2012	319.60	
	405-1260-413.20-06				04/05/2012	03/22/12-04/04/12	246	120117	10/2012	310.20	
	502-1922-419.20-06				04/05/2012	03/22/12-04/04/12	246	120117	10/2012	310.20	
04/13/2012	80343	DUNN EDWARDS CORPORATION	1197							183.86	
	405-5030-433.30-02				03/16/2012	RED BARN PAINT	2068084413	120041	09/2012	183.86	
04/13/2012	80344	EAGLE NEWSPAPER	1204							1,170.25	
	402-5000-432.20-06				02/01/2012	LEGAL ADVERTISING	69451	120031	08/2012	50.00	
	101-5040-434.28-07				03/28/2012	DISPLAY AD-CITYWIDE SALE	70393	120031	09/2012	75.00	
	101-1020-411.28-07				03/01/2012	LEGAL/PUBLIC NOTICE	69966	120219	09/2012	40.00	
	101-1020-411.28-07				03/07/2012	DISPLAY AD	70043	120219	09/2012	168.00	
	101-1020-411.28-07				03/21/2012	LEGAL NOTICES	70274	120219	09/2012	85.00	
	101-1020-411.28-07				03/28/2012	DISPLAY ADS/LEGAL ADVERTI	70393	120219	09/2012	264.25	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT		
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-0000-221.01-02	03/01/2012	DISPLAY AD-HABITAT	69966		10/2012	120.00
101-0000-221.01-02	03/07/2012	DISPLAY AD-BIKEWAY VILLAG	70043		10/2012	368.00
04/13/2012	80345	EL TAPATIO INC	1407			76.93
101-1010-411.28-04	03/31/2012	04/04/2012 COUNCIL DINNER	7360	F12076	09/2012	76.93
04/13/2012	80346	ERIKA N. CEJA	1491			134.17
101-1130-412.28-04	03/29/2012	MILEAGE REIMBURSEMENT	04-02-2012		10/2012	123.42
101-1130-412.28-04	03/29/2012	TOLL FEES REIMBURSEMENT	04-02-2012		10/2012	10.75
04/13/2012	80347	EYE/COMM	1891			1,167.49
601-5060-436.29-04	03/16/2012	MAILING-SEWER RATE	43345		10/2012	1,167.49
04/13/2012	80348	FERGUSON ENTERPRISES INC.	#108 915			141.85
601-5060-436.28-01	04/06/2012	SADDLE TEE-4	0403374	120063	10/2012	141.85
04/13/2012	80349	CHE	2422			1,250.00
101-1920-419.20-06	04/01/2012	APRIL 2012	4126	120729	10/2012	1,250.00
04/13/2012	80350	GROUND SERVICE TECHNOLOGY, INC	2255			205.00
503-1923-419.30-22	03/28/2012	CABLING TECH LABOR	24042	120886	09/2012	205.00
04/13/2012	80351	I B FIREFIGHTERS ASSOCIATION	214			300.00
101-0000-209.01-08	04/12/2012	PR AP PE 04/05/2012	20120412		10/2012	300.00
04/13/2012	80352	ICMA RETIREMENT TRUST 457	242			6,186.03
101-0000-209.01-10	04/12/2012	PR AP PE 04/05/2012	20120412		10/2012	6,186.03
04/13/2012	80353	IKON OFFICE SOLUTIONS, INC.	2392			1,930.89
101-1110-412.28-01	04/04/2012	APR 2012	86757334	120374	10/2012	275.79
101-1210-413.28-01	04/04/2012	APR 2012	86757334	120374	10/2012	275.85
101-1230-413.28-01	04/04/2012	APR 2012	86757334	120374	10/2012	275.85
101-3020-422.28-01	04/04/2012	APR 2012	86757334	120374	10/2012	275.85
101-3030-423.28-01	04/04/2012	APR 2012	86757334	120374	10/2012	275.85
101-5020-432.28-01	04/04/2012	APR 2012	86757334	120374	10/2012	275.85
101-6010-451.28-01	04/04/2012	APR 2012	86757334	120374	10/2012	275.85
04/13/2012	80354	JOHN DEERE LANDSCAPES	1986			183.31
101-6040-454.30-02	03/09/2012	PVC CEMENT/PRIMER/SPRINKL	60445401	120040	09/2012	122.32
101-6020-452.30-02	03/13/2012	POUNDUP QUIKPRO	60475870	120040	09/2012	172.11
101-6040-454.30-02	03/29/2012	AMMONIUM SULFATE	60685472	120040	09/2012	16.03
101-6020-452.30-02	02/01/2012	INV PAID TWICE-	60020178		10/2012	127.15-
04/13/2012	80355	KANE, BALLMER & BERKMAN	1828			14,427.38
402-5000-532.20-06	03/06/2012	FEB 2012-9TH/PALM-DDA	17788	120880	09/2012	6,737.50
402-5000-532.20-06	03/06/2012	FEB 2012-BIKEWAY VILLAGE	17790	120880	09/2012	1,149.88
217-5000-532.20-06	03/06/2012	FEB 2012-HABITAT AHA	17792	120880	09/2012	4,040.00
405-1260-413.20-06	03/07/2012	FEB 2012 RDA MATTERS	17818	120881	09/2012	2,500.00
04/13/2012	80356	KEYSER MARSTON ASSOC INC	620			6,298.13
217-5000-532.20-06	03/06/2012	FEB 2012-10TH/DONAX	0024876	120879	09/2012	6,298.13

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
04/13/2012	80357	KIWANIS CLUB OF IMPERIAL BEACH	639				162.00
101-1110-412.28-12	03/27/2012	BROWN,GARY-OCT 2011-MAR 2		670	F12073	09/2012	162.00
04/13/2012	80358	LEAGUE OF CALIF CITIES	761				30.00
101-1010-411.28-12	03/16/2012	ADDITIONAL ATTENDEE BALAN		1337	F12074	09/2012	30.00
04/13/2012	80359	LLOYD PEST CONTROL	814				300.00
101-1910-419.21-04	03/08/2012	MAR 2012 - CITY HALL		3344787	120083	09/2012	33.00
101-1910-419.21-04	03/08/2012	MAR 2012 - FIRE HOUSE		3344788	120083	09/2012	33.00
101-1910-419.21-04	03/08/2012	MAR 2012 - SHERIFF BLDG		3344987	120083	09/2012	33.00
101-1910-419.21-04	03/09/2012	MAR 2012 - MARINA VISTA C		3345065	120083	09/2012	49.00
101-1910-419.21-04	03/13/2012	MAR 2012 - PUBLIC WORKS		3327061	120083	09/2012	49.00
101-1910-419.21-04	03/15/2012	MAR 2012 - SPORTS PARK		3325175	120083	09/2012	47.00
101-1910-419.21-04	03/20/2012	MAR 2012 - DEMPSEY CTR		3327371	120083	09/2012	56.00
04/13/2012	80360	LOUNSBERY FERGUSON ALTONA AND	1624				680.00
101-1220-413.20-02	12/23/2011	STORMWATER STATE MANDATES		12-23-2011		10/2012	680.00
04/13/2012	80361	MIRACLE BRAND DESIGN	2260				113.14
101-5010-431.21-04	04/04/2012	BANNER REPAIRS		8009	120888	10/2012	113.14
04/13/2012	80362	NBS GOVERNMENT FINANCE GROUP	2299				2,275.00
405-1260-413.20-06	03/22/2012	2003 TAX ALLOCATION BONDS		3201200248	120877	09/2012	2,275.00
04/13/2012	80363	PACIFIC SAFETY COUNCIL	1275				9.79
101-5020-432.28-04	04/05/2012	SAFETY VIDEOS		69019	120382	10/2012	9.79
04/13/2012	80364	PETER LAU	1887				99.95
502-1922-419.29-04	03/23/2012	REIMBURSE SUNGLASSES		04-02-2012		10/2012	99.95
04/13/2012	80365	PRINCIPAL FINANCIAL GROUP	2414				3,751.68
101-0000-209.01-14	03/15/2012	PR AP PE 03/08/2012		20120315		09/2012	586.15
101-0000-209.01-16	03/15/2012	PR AP PE 03/08/2012		20120315		09/2012	560.53
101-0000-209.01-21	03/15/2012	PR AP PE 03/08/2012		20120315		09/2012	727.76
101-0000-209.01-14	03/29/2012	PR AP PE 03/22/2012		20120329		09/2012	586.73
101-0000-209.01-16	03/29/2012	PR AP PE 03/22/2012		20120329		09/2012	560.53
101-0000-209.01-21	03/29/2012	PR AP PE 03/22/2012		20120329		09/2012	728.00
101-0000-209.01-16	03/31/2012	MAR 2012 -LTD, STD, LIFE,		04-13-2012		09/2012	1.15
101-0000-209.01-14	03/31/2012	MAR 2012 -LTD, STD, LIFE,		04-13-2012		09/2012	.59
101-0000-209.01-12	03/31/2012	MAR 2012 -LTD, STD, LIFE,		04-13-2012		09/2012	.24
04/13/2012	80366	PROTECTION ONE ALARM MONITORIN	69				277.37
601-5060-436.20-23	03/21/2012	APRIL 2012		87247700	120086	09/2012	277.37
04/13/2012	80367	RANCHO AUTO & TRUCK PARTS	1685				306.49
501-1921-419.28-16	03/19/2012	COPPER CORE		7693-112901	120028	09/2012	3.64
501-1921-419.30-22	03/27/2012	MIRROR		7693-113828	120028	09/2012	14.84
501-1921-419.28-16	03/29/2012	HOSES/THERMOSTATS		7693-114079	120028	09/2012	85.25
501-1921-419.28-16	03/29/2012	FAN CLUTCH		7693-114080	120028	09/2012	77.47

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
501-1921-419.28-16	03/29/2012	GRIP CHUCK/SPRK PLG/FILTR	7693-114081	120028 09/2012 24.23
501-1921-419.28-16	03/29/2012	HEATER BYPASS TUBE	7693-114092	120028 09/2012 13.10
501-1921-419.28-16	04/05/2012	AIR/OIL FILTERS	7693-114980	120028 10/2012 87.96
04/13/2012	80368	RAYMOND WYHS	2	
101-0000-321.72-10	03/29/2012	REFUND OVERPAYMENT	5713	10/2012 53.00
04/13/2012	80369	RECLAIMED AGGREGATES, INC.	2137	
101-5010-431.29-04	03/18/2012	ASPHALT & CONCRETE	13503	120048 09/2012 200.00
04/13/2012	80370	SAN DIEGO GAS & ELECTRIC	1399	
101-3020-422.27-01	04/06/2012	1008 786 9371 02/29-03/29	04-24-2012	09/2012 14,437.43
101-1910-419.27-01	04/06/2012	1008 786 9371 02/29-03/29	04-24-2012	09/2012 60.21
101-5010-431.27-01	04/06/2012	1008 860 4389 02/27-03/27	04-24-2012	09/2012 216.93
101-3020-422.27-01	04/06/2012	1980 769 7764 02/29-03/29	04-24-2012	09/2012 336.97
601-5060-436.27-01	04/06/2012	5263 521 9238 02/27-03/27	04-24-2012	09/2012 1,933.36
101-6020-452.27-01	04/06/2012	5649 771 4749 03/01-03/30	04-24-2012	09/2012 10.00
101-5010-431.27-01	04/06/2012	5649 771 4749 03/01-03/31	04-24-2012	09/2012 9.85
101-5010-431.27-01	04/06/2012	8507 517 8464 02/24-03/30	04-24-2012	09/2012 6,481.15
601-5060-436.27-01	04/06/2012	8507 517 8464 03/01-03/30	04-24-2012	09/2012 66.47
101-6020-452.27-01	04/06/2012	8507 517 8464 03/01-03/30	04-24-2012	09/2012 65.76
601-5060-436.27-01	04/06/2012	8541 770 1270 03/01-03/30	04-24-2012	09/2012 810.87
101-5020-432.27-01	04/06/2012	9169 299 2261 02/27-03/27	04-24-2012	09/2012 3,596.47
04/13/2012	80371	SAN DIEGO COUNTY ASSESSOR	2120	
101-1920-419.29-04	04/04/2012	JAN-MAR 2012 MPR EXTRACT	2011216	120125 10/2012 125.00
04/13/2012	80372	SDGE	289	
101-5010-431.27-01	04/02/2012	0646 753 1938 02/29-03/29	04-17-2012	09/2012 6,257.65
101-5010-431.27-01	03/29/2012	1912 409 2723 02/27-03/27	04-13-2012	09/2012 10.01
101-6010-451.27-01	04/03/2012	2081 689 7619 03/01-03/30	04-18-2012	09/2012 10.15
101-5010-431.27-01	04/03/2012	2741 969 9359 02/29-03/31	04-18-2012	09/2012 321.27
215-6026-452.27-01	04/03/2012	2819 871 6315 02/29-03/31	04-18-2012	09/2012 134.95
101-5010-431.27-01	04/02/2012	3062 843 3719 02/29-03/29	04-17-2012	09/2012 1,825.32
101-5010-431.27-01	03/29/2012	5280 340 6641 02/27-03/27	04-13-2012	09/2012 11.95
101-5010-431.27-01	03/29/2012	5576 188 0541 02/27-03/27	04-13-2012	09/2012 57.63
601-5060-436.27-01	04/03/2012	8773 823 6424 02/29-03/29	04-18-2012	09/2012 10.00
101-5010-431.27-01	04/03/2012	9476 001 6989 03/01-03/30	04-18-2012	09/2012 1,000.25
101-6020-452.27-01	04/03/2012	0175 275 3776 03/01-03/30	04-18-2012	09/2012 830.56
101-5010-431.27-01	04/03/2012	0824 329 2041 03/01-03/30	04-18-2012	09/2012 336.55
101-6020-452.27-01	04/03/2012	2081 689 1273 03/01-03/30	04-18-2012	09/2012 168.26
101-6010-451.27-01	04/03/2012	2081 692 3399 03/01-03/30	04-18-2012	09/2012 364.43
101-6020-452.27-01	04/03/2012	2083 847 9032 03/01-03/30	04-18-2012	09/2012 27.84
101-6010-451.27-01	04/03/2012	3206 700 9265 03/01-03/30	04-18-2012	09/2012 29.35
101-5010-431.27-01	04/02/2012	3448 930 9646 02/29-03/29	04-17-2012	09/2012 60.07
101-5010-431.27-01	04/02/2012	5153 272 6717 02/29-03/29	04-17-2012	09/2012 9.85
101-6020-452.27-01	04/03/2012	5456 692 8951 03/01-03/30	04-18-2012	09/2012 13.24
101-6020-452.27-01	04/03/2012	6921 003 2109 03/01-03/30	04-18-2012	09/2012 36.53
101-5010-431.27-01	04/03/2012	7706 795 7872 03/01-03/30	04-18-2012	09/2012 466.03
101-6020-452.27-01	04/03/2012	9327 898 1346 03/01-03/30	04-18-2012	09/2012 11.50
				09/2012 385.11

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				101-6010-451.27-01	04/03/2012	9956 693 6272 03/01-03/30	04-18-2012		09/2012	136.80	
04/13/2012	80373	SEIU LOCAL 221	1821	101-0000-209.01-08	04/12/2012	PR AP PE 04/05/2012	20120412		10/2012	1,396.67	1,396.67
04/13/2012	80374	SKS INC.	412	501-1921-419.28-15	03/29/2012	291 G DIESEL/1149 G REG	1247124-IN	120058	09/2012	9,368.63	5,801.76
				501-1921-419.28-15	04/05/2012	910 GAL REG FUEL	1247254-IN	120058	10/2012	3,566.87	3,566.87
04/13/2012	80375	SOUTH WEST SIGNAL	488	101-5010-431.21-04	03/31/2012	MARCH 2012 MAINT	50686	120047	09/2012	255.00	160.00
				101-5010-431.21-23	03/31/2012	03/04 SERVICE	50696	120047	09/2012	95.00	95.00
04/13/2012	80376	SOUTHLAND PAVING, INC.	2417	205-5017-531.20-06	03/01/2012	STREET IMPRVMENTS P4/5	1	120732	09/2012	51,926.85	51,926.85
04/13/2012	80377	SPRINT	2040	101-3020-422.27-05	03/29/2012	02/26/2012-03/25/2012	594768811-052		09/2012	149.97	149.97
04/13/2012	80378	TEMECOM, INC.	2372	101-3030-423.28-01	07/13/2011	OUTDOOR RADIO/REPAIR	1182	120813	01/2012	1,456.00	1,456.00
04/13/2012	80379	TERRA BELLA NURSERY, INC.	1946	101-6020-452.30-02	02/03/2012	DECORATIVE WOOD CHIP	65752	120043	08/2012	840.13	646.37
				101-6020-452.30-02	02/04/2012	WEED BARRIER	65791	120043	08/2012	193.76	193.76
04/13/2012	80380	THYSSENKRUPP ELEVATOR	663	101-3030-423.20-06	04/01/2012	APR-JUN 2012	1037068547	120186	10/2012	737.68	737.68
04/13/2012	80381	UNDERGROUND SERVICE ALERT OF	731	601-5060-436.21-04	04/01/2012	MAR 2012	320120320	120106	10/2012	46.50	46.50
04/13/2012	80382	UNION BANK PARS-#6746022400	2400	101-0000-209.01-20	04/12/2012	PR AP PE 04/05/2012	20120412		10/2012	1,879.30	1,879.30
04/13/2012	80383	VISTA PAINT CORPORATION	2388	101-5010-431.21-23	03/21/2012	TRAFFIC PAINT	2012-016897-00	120295	09/2012	1,311.05	1,311.05
04/13/2012	80384	WEST COAST ARBORISTS	820	101-1910-419.21-04	03/19/2012	TREE MAINT SERVICES	78832	120084	09/2012	2,000.00	2,000.00
04/13/2012	80385	WHITE CAP CONSTRUCTION SUPPLY	1434	101-6020-452.28-01	03/29/2012	SAFETY GLASSES/PAINT	15063220	120027	09/2012	213.26	183.10
				101-5010-431.30-02	04/02/2012	HAND HELD SPRAYER/TAPE	15063316	120027	10/2012	30.16	30.16
04/13/2012	80386	PRINCIPAL FINANCIAL GROUP	2428	101-0000-209.01-13	03/15/2012	PR AP PE 03/08/2012	20120315		09/2012	.00	735.68
				101-0000-209.01-13	03/29/2012	PR AP PE 03/22/2012	20120329		09/2012	746.68	746.68
				101-0000-209.01-13	04/13/2012	PR AP PE 03/08/2012	20120315		10/2012	735.68-	735.68-
				101-0000-209.01-13	04/13/2012	PR AP PE 03/22/2012	20120329		10/2012	746.68-	746.68-

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
04/13/2012	80387	VICTOR M GONZALEZ	2				.00
101-0000-321.72-10	04/02/2012	OL REFUNDS	0010396		09/2012		210.00
101-0000-321.72-10	04/02/2012	OL REFUNDS	0010396		09/2012		12.00
101-0000-321.72-10	04/13/2012	OL REFUNDS	0010396		10/2012		210.00-
101-0000-321.72-10	04/13/2012	OL REFUNDS	0010396		10/2012		12.00-
04/19/2012	80388	AK & COMPANY	1640				2,375.00
101-1210-413.20-06	03/29/2012	2010/2011 STATE MANDATED	I BEACH -2 OF 2	120715	09/2012		2,375.00
04/19/2012	80389	SAN DIEGO ARMED SERVICES YMCA	2234				10,000.00
101-1920-419.21-04	04/18/2012	2012-JULY 4TH FIREWORKS	2012		10/2012		10,000.00
04/19/2012	80390	AZTEC LANDSCAPING INC	310				1,540.00
101-5010-431.21-04	03/31/2012	MARCH 2012 MAINTENANCE	0022931-IN	120093	09/2012		1,540.00
04/19/2012	80391	BOYCE INDUSTRIES INC	486				494.09
101-6040-454.30-02	03/27/2012	COVERED HOSE/PSI HOSE	55204	120017	09/2012		204.67
601-5050-436.28-01	03/27/2012	COVERED HOSE/PSI HOSE	55204	120017	09/2012		289.42
04/19/2012	80392	CDW GOVERNMENT INC	725				1,150.47
503-1923-419.20-06	04/03/2012	ACER	H960457	120085	10/2012		975.74
503-1923-419.20-06	03/22/2012	PC MEMORY	H473734	120085	09/2012		123.53
503-1923-419.20-06	03/26/2012	PC MEMORY	H579012	120085	09/2012		51.20
04/19/2012	80393	CLEAN HARBORS	913				1,394.34
101-5040-434.21-04	04/05/2012	MAR 2012	6Y1299995	120038	10/2012		1,394.34
04/19/2012	80394	COUNTY OF SAN DIEGO	1055				2,246.50
101-3010-421.21-04	04/17/2012	MAR 2012 PARKING PENALTY	03/12		10/2012		2,246.50
04/19/2012	80395	COUNTY RECORDER	1818				50.00
101-1230-413.20-06	04/16/2012	IB BLVD & 5TH ST CROSSWLK	04-16-2012		10/2012		50.00
04/19/2012	80396	D.A.R. CONTRACTORS	1122				347.00
101-3050-425.20-06	04/02/2012	MARCH 2012	0301229	120252	10/2012		347.00
04/19/2012	80397	DATAQUICK	1134				101.25
101-1210-413.21-04	04/02/2012	MARCH 2012	B1-2026396	120189	10/2012		31.00
101-3020-422.21-04	04/02/2012	MARCH 2012	B1-2026396	120189	10/2012		4.00
101-3070-427.21-04	04/02/2012	MARCH 2012	B1-2026396	120189	10/2012		66.25
04/19/2012	80398	DELTACARE USA	2420				726.07
101-0000-209.01-12	03/29/2012	PR AP PE 03/22/2012	20120329		09/2012		362.95
101-0000-209.01-12	04/12/2012	PR AP PE 04/05/2012	20120412		10/2012		362.95
101-0000-209.01-12	04/01/2012	APR 2012 - DENTAL HMO	4642426		10/2012		.17
04/19/2012	80399	DOWNSTREAM SERVICES, INC.	1593				872.73
601-5050-436.21-04	03/27/2012	MARCH 2012 MAINT	70669	120037	09/2012		872.73
04/19/2012	80400	ESTEBAN DORADO	2				25.00
101-0000-221.01-03	04/13/2012	REFUND AIR JUMP DEPOSIT	5792		10/2012		25.00

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04/19/2012 101-1010-411.29-04	80401 04/06/2012	FEDERAL EXPRESS CORP.	911 03/28/2012-SUDBERRY PROPE	25.71 25.71
04/19/2012 101-5010-431.30-02	80402 03/29/2012	HANSON AGGREGATES INC.	48 4 YRDS CONCRETE	586.66 586.66
04/19/2012 101-1210-413.28-11	80403 03/27/2012	JET GRAPHICS, INC.	2022 BL SECURITY PAPER	533.44 533.44
04/19/2012 101-1210-413.28-04	80404 04/13/2012	MAYER HOFFMAN MCCANN P.C.	2435 BUANGAN,E-2012 GASB UPDAT	65.00 65.00
04/19/2012 101-1210-413.28-04	80405 04/13/2012	MIKE MCGRANE	1939 MILEAGE REIMBURSEMENT	69.93 69.93
04/19/2012 245-1240-413.20-06 245-1240-413.20-06	80406 04/13/2012 02/29/2012	MIRELES LANDSCAPING	2107 MAR 2012 DONAX/10TH FEB 2012 DONAX/10TH	240.00 120.00 120.00
04/19/2012 405-1260-513.20-06 402-5000-532.20-06	80407 03/31/2012 03/31/2012	NASLAND ENGINEERING	1656 MAR 2012 -DATE ST END MAR 2012 IB STREET IMPRVM	13,561.25 695.00 12,866.25
04/19/2012 101-5020-432.30-01 101-1210-413.30-01 101-1210-413.30-01 101-3030-423.30-02 101-5020-432.30-01 101-3020-422.30-02	80408 03/22/2012 03/27/2012 03/28/2012 03/22/2012 03/28/2012 03/23/2012	OFFICE DEPOT, INC	1262 WALL MOUNT TABS/POST-ITS FILING FOLDERS FILING FOLDERS/PEN REFILL OFFICE DESK CHAIRS OFFICE SUPPLIES LASER POINTER	817.31 22.76 10.58 21.37 647.79 77.10 37.71
04/19/2012 101-6020-452.30-02	80409 03/26/2012	ONE SOURCE DISTRIBUTORS	1071 BALLAST	58.77 58.77
04/19/2012 101-6040-454.30-02	80410 03/21/2012	PADRE JANITORIAL SUPPLIES	1430 DISINFECTANT	171.63 171.63
04/19/2012 101-6040-454.21-04 101-6040-454.21-04	80411 03/19/2012 04/04/2012	PARTNERSHIP WITH INDUSTRY	1302 P/E 03/15/2012 P/E 03/31/2012	2,328.66 1,166.03 1,162.63
04/19/2012 101-1920-419.28-09 101-1920-419.28-09	80412 04/06/2012 02/06/2012	PITNEY BOWES	1369 POSTAGE MACHINE REFILL CREDIT FOR OVERPAYMENT ON	123.05 2,518.99 2,395.94-
04/19/2012 101-6040-454.30-02 101-6040-454.30-02	80413 03/29/2012 04/09/2012	PMI	23 PROTECTIVE GLOVES PROTECTIVE GLOVES	835.43 310.26 525.17
04/19/2012 101-0000-209.01-12	80414 03/29/2012	PREFERRED BENEFIT INS ADMIN IN	37 PR AP PE 03/22/2012	2,163.22 1,081.46

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101-0000-209.01-12	04/12/2012	PR AP PE 04/05/2012	20120412	10/2012 1,081.46
101-0000-209.01-12	04/01/2012	APR 2012 - DENTAL	ETA5261	10/2012 .30
04/19/2012	80415	PRINCIPAL FINANCIAL GROUP	2428	1,560.16
101-0000-209.01-13	04/12/2012	PR AP PE 04/05/2012	20120412	10/2012 780.08
101-0000-209.01-13	03/18/2012	APR 2012 - VOL LIFE INS	1025381	10/2012 780.08
04/19/2012	80416	PRUDENTIAL OVERALL SUPPLY	72	728.15
101-5020-432.25-03	03/14/2012	03/14/12 PW UNIFORMS	30246899	120092 09/2012 158.23
101-5020-432.25-03	03/21/2012	03/21/12 PW UNIFORMS	30248370	120092 09/2012 146.78
101-5020-432.25-03	03/28/2012	03/28/12 PW UNIFORMS	30249840	120092 09/2012 136.68
101-5020-432.25-03	04/04/2012	04/04/2012 PW UNIFORMS	30251319	120092 10/2012 149.78
101-5020-432.25-03	04/11/2012	04/11/2012 PW UNIFORMS	30252845	120092 10/2012 136.68
04/19/2012	80417	RBF CONSULTING	1756	4,720.00
402-5000-532.20-06	03/23/2012	01/28-02/24 PW YARD IMPRV	12020422	070418 09/2012 4,720.00
04/19/2012	80418	SPARKLETTS	2341	46.35
101-1210-413.30-01	04/07/2012	MAR/APR 2012	10552239 040712	120127 10/2012 46.35
04/19/2012	80419	U.S. CONCRETE PRECAST GROUP	368	2,883.39
402-5000-532.20-06	03/27/2012	ELEVEN STENCILS	0152874-IN	120799 09/2012 2,883.39
04/19/2012	80420	VALLEY INDUSTRIAL SPECIALTIES,	767	112.91
101-6020-452.28-01	03/20/2012	HAWS VALVE REPAIR KIT	185115	120042 09/2012 49.13
101-6040-454.30-02	04/03/2012	WASHERS/FLANGED TAILPIECE	185513	120042 10/2012 28.21
101-6040-454.30-02	04/04/2012	VALVE CARTRIDGE/MAPP GAS	185540	120042 10/2012 35.57
04/19/2012	80421	VISION PLAN OF AMERICA	785	209.03
101-0000-209.01-18	03/29/2012	PR AP PE 03/22/2012	20120329	09/2012 99.59
101-0000-209.01-18	04/12/2012	PR AP PE 04/05/2012	20120412	10/2012 99.59
101-1920-419.29-04	04/01/2012	MAY 2012 - VISION	04-01-2012	10/2012 9.85
04/19/2012	80422	WAGE WORKS INC.	2210	113.00
101-1920-419.21-04	04/16/2012	APR 2012	125AI0185316	120126 10/2012 113.00
04/19/2012	80423	WEST GROUP CTR	826	124.44
101-1020-411.28-14	04/01/2012	MAR 2012	824684096	120204 10/2012 124.44
04/19/2012	80424	WESTERN PUMP INC	752	99.77
501-1921-419.30-02	04/10/2012	COAXIAL HOSE	0114765-IN	120057 10/2012 99.77
04/19/2012	80425	ZEE MEDICAL, INC.	872	88.79
101-1920-419.30-01	04/10/2012	CITY HALL FIRST AID KIT R	0140066469	F12077 10/2012 88.79
<b>VOID CHECKS 80426-80427</b>				
04/19/2012	80428	U.S. BANK	1873	10,957.72
101-6010-451.30-02	02/24/2012	CLEANING SUPPLIES	084470/5562944	120829 09/2012 30.27
101-6010-451.30-02	02/29/2012	CAFE FOOD	243233566	120829 09/2012 627.91
101-1010-411.29-04	02/23/2012	COUNCIL DINNER	02-23-2012	120834 09/2012 56.21
503-1923-419.30-22	02/28/2012	TONER	46623	120845 09/2012 234.68

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101-3070-427.30-01	03/20/2012	DUCT TAPE	7450	120816 09/2012 8.18
101-1230-413.28-04	03/20/2012	WADE,G-PARKING SANDAG MTG	047055	120819 09/2012 13.00
101-1230-413.28-04	03/15/2012	NAKAGAWA,J-SANDAG PRKG	099621	120820 09/2012 8.00
101-1230-413.28-04	03/15/2012	WADE,G-ULI MEETING	1414909	120822 09/2012 30.00
101-3040-424.30-01	03/19/2012	LABELS/PENS	602462880-001	120822 09/2012 60.11
101-6010-451.30-02	03/16/2012	FOOTBALL-SPORTS PARK	024474	120829 09/2012 43.62
101-6010-451.30-02	03/16/2012	YARD BAGS/LIGHT BULBS	056075/4587663	120829 09/2012 51.31
101-1010-411.28-04	03/20/2012	04/11/12 POSADA,M-IAAP MT	04-11-2012	120834 09/2012 35.00
503-1923-419.28-04	03/04/2012	LOPEZ,H-FOOD*REIMBURSED*	03-04-2012	120845 09/2012 4.19
101-1210-413.28-12	02/27/2012	SUGA MEMBERSHIP RENEWAL	20120227003	120844 09/2012 195.00
101-1920-419.21-04	03/02/2012	ANNUAL MUSIC LICENSE	22087551	120814 09/2012 320.00
101-1010-411.28-04	03/14/2012	03/14/12 COUNCIL DINNER	038285	120815 09/2012 59.78
101-1010-411.28-04	03/15/2012	LUNCH MTG-CM & FIRE CHIEF	016446	120827 09/2012 39.19
101-1010-411.28-04	03/20/2012	BROWN,G-PARKING FEE	009809	120827 09/2012 13.00
101-1210-413.28-04	03/02/2012	BUANGAN,E-CSMFO LODGING	2209	120844 09/2012 392.06
101-1210-413.28-04	03/05/2012	MCGRANE,M-WKSHP REGISTRAT	03-05-2012	120844 09/2012 195.00
101-1210-413.28-04	03/15/2012	MCGRANE,M-ULI WKSHP REGTR	03-15-2012	120844 09/2012 30.00
101-1210-413.28-09	02/23/2012	CERTIFIED MAILING TO SSA	092018	120846 09/2012 11.60
601-5060-436.28-12	03/20/2012	AGUIRRE,J-CWEA MEMBERSHIP	188261	120847 09/2012 132.00
101-1910-419.30-02	03/02/2012	WIRE NUTS/FAUCET WASHERS	013364/8585944	120853 09/2012 11.59
101-1910-419.30-02	03/06/2012	KEYS	012877	120853 09/2012 13.20
101-1910-419.30-02	03/07/2012	MVC ROOF ROCK	1327285	120853 09/2012 52.73
101-1910-419.30-02	03/14/2012	ELECTRICAL SUPPLIES	048666/6587395	120853 09/2012 14.94
101-1910-419.30-02	03/14/2012	ELECTRICAL SUPPLIES	068969/6573135	120853 09/2012 13.71
101-1910-419.30-02	03/15/2012	ELECTRICAL SUPPLIES	009915/5123105	120853 09/2012 68.46
101-1910-419.30-02	03/20/2012	WINDOW TRIM/SHEEL BARROW	011468/0191908	120853 09/2012 6.87
101-6020-452.30-02	03/20/2012	WINDOW TRIM/SHEEL BARROW	011468/0191908	120853 09/2012 53.78
101-6020-452.30-02	03/21/2012	CAULING/VETS SIGN	15062913	120853 09/2012 22.46
601-5060-436.28-01	03/01/2012	BELT GUARD BOLTS, PS 9	034209/9585796	120854 09/2012 23.08
601-5050-436.30-02	03/12/2012	SPILL BERM	1019344	120855 09/2012 435.23
101-6040-454.30-02	02/26/2012	PAINT BRUSHES & BUCKET/	096818/3571057	120860 09/2012 26.36
101-5010-431.30-02	02/23/2012	SEALANT-RAPID SET	15061973	120865 09/2012 34.99
101-5010-431.30-02	02/29/2012	RAPID SET CONCRETE	010895	120865 09/2012 147.92
601-5060-436.30-02	03/20/2012	SPRAY BOTTLES/MOP HANDLE	036133/0566197	120861 09/2012 49.83
101-5010-431.30-02	03/07/2012	CHAIN GRABHOOK	6687	120864 09/2012 70.96
101-5010-431.30-02	03/08/2012	SLING HOOK	18598-01	120864 09/2012 128.22
101-5010-431.30-02	03/10/2012	CORRECT ERROR CHARGE	001234	120864 09/2012 615.55-
101-5010-431.30-02	03/10/2012	CHARGED IN ERROR	003108	120864 09/2012 615.55
101-5010-431.30-02	03/13/2012	KEYS FOR LOADER	094764	120864 09/2012 3.77
101-5010-431.25-02	03/20/2012	TRENCH PLATE RENTAL	23-01573-12	120864 09/2012 288.05
501-1921-419.30-02	03/01/2012	FUEL CLEANER	3980-102402	120868 09/2012 21.53
501-1921-419.28-16	03/08/2012	BRAKE PADS #618	41013440	120868 09/2012 30.22
501-1921-419.30-22	03/16/2012	SMALL TOOLS	000683	120868 09/2012 73.61
101-3030-423.30-02	11/14/2011	TIDEBOOKS	2027	120842 09/2012 149.92
101-3030-423.30-02	02/22/2012	BATTERIES/TAPE	039763/7562678	120842 09/2012 50.00
101-3030-423.30-02	02/22/2012	WORKOUT ROOM TILE	9-002635	120842 09/2012 172.35
101-3030-423.30-02	02/23/2012	BASEBOARD FOR GYM	005930/6010449	120842 09/2012 111.78
101-3030-423.30-02	02/24/2012	JANITORIAL SUPPLIES	325739-1	120842 09/2012 26.12
101-3030-423.30-02	02/24/2012	DOOR LOCK	9142585	120842 09/2012 23.68
101-6040-454.30-02	02/27/2012	RESTROOM SIGNS	17579	120859 09/2012 200.00

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ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT
101-3020-422.30-02	03/05/2012	UNIVERSAL AC ADAPTOR	012693	120837	09/2012	22.08
101-3030-423.30-02	03/12/2012	CABINET SPARE KEYS	073951	120842	09/2012	6.42
101-3030-423.30-02	03/13/2012	GYM CLOSET LOCK	L-23475	120842	09/2012	36.58
101-3030-423.30-02	03/13/2012	LOCK MAINT MATERIAL	030735/7130055	120842	09/2012	52.08
101-3030-423.30-02	03/19/2012	POWER TOOL BATTERY	W150536502	120842	09/2012	149.77
405-5030-433.30-02	03/15/2012	SAFETY GLOVES/FLAG VESTS	227759	120852	09/2012	53.84
101-3030-423.30-02	02/21/2012	LG PARKING STICKERS	1430	120843	09/2012	65.25
101-3030-423.30-02	02/24/2012	SILICONE LUBRICANT/TAPE	083441/5594943	120843	09/2012	22.20
101-3030-423.30-02	02/28/2012	VACUUM/FLATWARE/DISHES	2-2059-0203-007	120843	09/2012	466.01
101-1910-419.30-02	02/27/2012	TOILET BRUSH/SPRAY PAINT	073983/2571175	120857	09/2012	26.64
101-3020-422.30-02	03/13/2012	E-239 BATTERY	9777867749	120838	09/2012	36.32
101-3030-423.28-01	03/09/2012	PWC REPAIR-BALANCE	121478	120839	09/2012	328.03
101-3030-423.28-04	03/16/2012	INDOOR BIKE TRAINER	9-002751	120839	09/2012	808.09
101-3030-423.28-01	03/09/2012	PWC REPAIR-PARTIAL PYMT	121478	120840	09/2012	900.00
101-3030-423.30-02	03/14/2012	RETURN POSTAGE/RADIO BATT	021609	120843	09/2012	12.10
101-6040-454.21-04	03/06/2012	POWDERCOAT BSKTBLL LIGHT	106787	120857	09/2012	100.00
101-6040-454.30-02	03/07/2012	ASSORTED S/S FASTENERS	00293447	120857	09/2012	26.59
101-6040-454.21-04	03/07/2012	POWDERCOAST LIGHT FIXTRS	106799	120857	09/2012	150.00
101-6040-454.30-02	03/13/2012	DREMEL KIT/WIRE NUTS/WD40	082200/7565344	120857	09/2012	50.89
101-6020-452.30-02	03/02/2012	DRAIN PIPE	052026/8571621	120870	09/2012	9.68
101-6020-452.30-02	03/05/2012	TREATED PLANK	012431/5013139	120870	09/2012	8.59
101-1130-412.28-04	02/02/2012	LUNCH-PARS MEETING	7232	120825	09/2012	66.00
101-6020-452.30-02	02/28/2012	GLOVES/TIE DOWNS	125048	120850	09/2012	53.78
101-6040-454.21-04	02/23/2012	UMBRELLA STANDS SANDBLAST	65340	120858	09/2012	425.00
101-6040-454.30-02	02/27/2012	STREET END PLANTS	1-636776	120858	09/2012	335.88
101-1920-419.30-02	03/01/2012	ATEL COMM 03/13-04/12/12	27349	120825	09/2012	300.00
101-1010-411.30-02	03/14/2012	MAR 2012 E NEWSPAPER	03-14-2012	120825	09/2012	7.92
101-1110-412.28-04	03/15/2012	BROWN,G-ULI MTG REGISTRN	VSYA8D58E181	120825	09/2012	30.00
101-5010-431.30-02	03/14/2012	RICE STRAW WATTLE FIBER R	15062686	120848	09/2012	86.89
101-5010-431.30-02	03/16/2012	QUIKCRETE CONCRETE MIX	066802/4010111	120848	09/2012	183.91
101-5010-431.30-02	03/16/2012	LYRD CONCRETE BATCH	101843398-002	120848	09/2012	177.79
101-5010-431.30-02	03/19/2012	POTHOLE REPAIR MATERIAL	02391	120848	09/2012	192.01
101-6020-452.28-01	03/06/2012	FENCE BOLTS-SKATE PARK	03-06-2012	120850	09/2012	59.82
101-6040-454.30-02	03/02/2012	TRASH CAN LINERS	0171255	120858	09/2012	432.40
101-6040-454.30-02	03/06/2012	SANDING BELTS	067066	120858	09/2012	106.80
101-6040-454.30-02	03/06/2012	TRELLIS PAINT	078319/4596258	120858	09/2012	130.38
101-6040-454.30-02	03/07/2012	PAINT ROLLERS/KEY COPIES	075517/3596347	120858	09/2012	22.12
101-6040-454.30-02	03/13/2012	TAMPER PROOF BOLTS	M108347	120858	09/2012	100.39

DATE RANGE TOTAL \*

308,967.19 \*





**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** CITY MANAGER

**MEETING DATE:** MAY 2, 2012  
**ORIGINATING DEPT:** CITY MANAGER

**SUBJECT:** RESOLUTION NO. 2012-7191 ADOPTING FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND CYNTHIA TITGEN FOR BENEFIT CONSULTANT SERVICES

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**BACKGROUND:**

The Personnel Department in the City consists of two individuals with one handling benefits. The Human Resources Technician who handles benefits, leaves, and disabilities will be leaving on maternity leave the end of May 2012 and as a result, the City needs to establish an extension of staff to assist with issues involving the various benefits.

The City of Imperial Beach and Cynthia Titgen entered into an agreement for benefit consultant services on April 1, 2011, to complete and implement a Study of Employee Benefits. Ms. Titgen has been the department consultant related to the development of employee benefits, compliance with laws and regulations related to employee benefits, employee communication and education, and is one of the City's advisors in the Health Insurance Committee.

**DISCUSSION:**

With the leave of the Human Resources Technician soon approaching, the City would like to retain the services of Cynthia Titgen to be an extension of staff to the Personnel Department on a part-time basis for approximately six (6) months.

**FISCAL IMPACT:**

\$20,000 to be paid for in the current and next fiscal year's budget.

**CITY MANAGER'S RECOMMENDATION:**

Resolution No. 2012-7191 adopting First Amendment to Professional Services Agreement Between the City and Cynthia Titgen for Benefit Consultant Services.

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

Attachment:

1. Resolution No. 2012-7191
2. First Amendment of Professional Services Agreement with Cynthia Titgen

**RESOLUTION NO. 2012-7191**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND CYNTHIA TITGEN FOR BENEFIT CONSULTANT SERVICES**

**WHEREAS**, The Personnel Department consists of two individuals with one handling benefits. The Human Resources Technician who handles benefits, leaves, and disabilities will be leaving on maternity leave the end of May 2012 and as a result, the City needs to establish an extension of staff to assist with issues involving the various benefits.

**WHEREAS**, The City of Imperial Beach and Cynthia Titgen entered into an agreement for benefit consultant services on April 1, 2011, to complete and implement a Study of Employee Benefits. Ms. Titgen has been the department consultant related to the development of employee benefits, compliance with laws and regulations related to employee benefits, employee communication and education, and is one of the City's advisors in the Health Insurance Committee.

**NOW, THEREFORE, BE IT RESOLVED:** by the City Council of the City of Imperial Beach to retain the services of Cynthia Titgen to be an extension of staff to the Personnel Department on a part-time basis for approximately six (6) months not to exceed \$20,000 work done on or after May 2, 2012.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its regular meeting held on the 2<sup>nd</sup> day of May, 2012, by the following roll call vote:

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

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

**ATTEST:**

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

**FIRST AMENDMENT - PROFESSIONAL SERVICES AGREEMENT  
BETWEEN THE CITY OF IMPERIAL BEACH AND CYNTHIA TITGEN  
FOR BENEFITS CONSULTANT SERVICES**

This FIRST AMENDED PROFESSIONAL SERVICES AGREEMENT is made this 2nd day of May, 2012, by and between the CITY OF IMPERIAL BEACH, hereinafter referred to as "CITY" and "Cynthia Titgen," hereinafter referred to as "CONSULTANT" both of whom understand as follows:

WHEREAS, CITY and CONSULTANT wish for this First Amended Professional Services Agreement to amend the terms of the Original Agreement dated April 1, 2011, regarding this subject matter and for the new terms to be effective as of May 2, 2012; and

WHEREAS, CITY and CONSULTANT wish for all terms of the Original Agreement referenced above to remain effective to the extent they are not amended by this First Amended Professional Services Agreement; and WHEREAS, CITY desires CONSULTANT to furnish professional services related to employee benefits consulting for the CITY; and

WHEREAS, CITY has determined that CONSULTANT is qualified by experience and ability to perform the services desired by CITY, and CONSULTANT is willing to perform such services, and

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

**Section 1. EMPLOYMENT OF CONSULTANT**

CITY hereby agrees to engage CONSULTANT and CONSULTANT hereby agrees to perform the services hereinafter set forth, in accordance with all terms and conditions contained herein. CONSULTANT represents that all professional services required hereunder will be performed directly by CONSULTANT and CONSULTANT will not employ any persons for the purposes of performing work under this Contract.

**Section 2. SCOPE OF SERVICES**

CITY retains CONSULTANT to review and advise the CITY on matters related to employee benefits, including, but not limited to medical, dental, vision, short and long term disability, the Family Medical Leave Act and broker of records analysis. CONSULTANT's recommendations shall be to improve the efficiency of service delivery and increase the effectiveness of service delivery.

CONSULTANT shall be considered a member of the CITY's Human Resources Department within the CITY for purposes of determining CONSULTANT's right to access information in the Department's possession, and CONSULTANT shall be under the same obligations imposed on City personnel in a similar situation to maintain the confidentiality of information.

CONSULTANT shall, in a professional manner, personally furnish all of the labor necessary or proper to perform and complete the work and provide the professional services required of CONSULTANT by this Agreement. CONSULTANT shall perform the obligations and tasks, in compliance with all applicable federal, state, and local laws and regulations and with the standard of care applicable to CONSULTANT's profession. CONSULTANT agrees and warrants that she has and will maintain all licenses, permits, and credentials necessary to perform the work required by this Agreement.

**Section 3. PROJECT COORDINATION AND SUPERVISION**

The CITY MANAGER or designee is hereby designated as the PROJECT COORDINATOR for CITY and will monitor the progress and execution of this Agreement. CONSULTANT shall have overall responsibility for the progress and execution of this Agreement for CONSULTANT.

**Section 4. TOTAL COST COMPENSATION**

The cost for all work described above shall be charged at a rate of eighty dollars (\$80.00) per hour for work provided and shall present itemized written request for such payment on a bi-weekly or monthly basis. Total compensation shall not exceed \$20,000 for work done on or after May 2, 2011. The CONSULTANT will work hours as mutually agreed by the PARTIES, and CITY will process CONSULTANT'S statement and make payment within thirty (30) days of receipt by CITY of CONSULTANT'S statement.

**Section 5. LENGTH OF CONTRACT**

The term of this Agreement shall be deemed to have commenced on May 2, 2012, and shall continue on an as-needed basis for a period to be determined by CITY, unless otherwise terminated in accordance with Section 7 ("Termination") of this Agreement.

**Section 6. OWNERSHIP OF DOCUMENTS**

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

**Section 7: TERMINATION**

This AGREEMENT shall commence on May 2, 2012, and continue until terminated by CITY or CONSULTANT with fifteen (15) days written notice. Specific work hours and site of work will be mutually agreed upon by the CONSULTANT and CITY MANAGER. If the Agreement is terminated by CITY as provided herein, CONSULTANT shall be paid for all effort and material expended on behalf of CITY under the terms of this Agreement, up to the effective date of termination.

**Section 8. HOLD HARMLESS**

CONSULTANT agrees to indemnify, defend, save and hold harmless CITY, its elected officials, officers, agents and employees harmless from any and all liability, claims, damages, or injuries to any person, and all expenses of investigating and defending against same which arise from or are connected with CONSULTANT's performance of or failure to perform the work or other obligations of this Agreement, or are caused or claimed to be caused by the negligent acts of CONSULTANT.

**Section 9. ASSIGNABILITY**

This Agreement shall not be assigned by either party without prior written approval of the other.

**Section 10: INDEPENDENT CONTRACTOR**

CONSULTANT shall be an independent contractor and not an agent of CITY hereunder. Any provision in this Agreement that may appear to give CITY the right to direct CONSULTANT as to the details of doing the work or to exercise a measure of control over the work means that CONSULTANT shall follow the direction of the CITY as to end results of the work only.

**Section 11. AUDIT OF RECORDS**

At any time during normal business hours and as often as may be deemed necessary the CONSULTANT shall make available to a representative of CITY for examination all of its records with respect to all matters covered by this Agreement and will permit CITY to audit, examine and/or reproduce such records.

**Section 12. ATTORNEY'S FEES**

In the event of litigation over the performance of the Agreement, the prevailing party shall be entitled to attorney's fees and costs incurred during the course of litigation.

**Section 13. NOTICES**

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

Gary Brown  
City Manager  
City of Imperial Beach  
825 Imperial Beach Blvd.  
Imperial Beach, CA 91932

Cynthia Titgen  
12818 Carriage Heights Way  
Poway, CA 92064

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

**Section 14. WORK PRODUCT AND CONFIDENTIAL COMMUNICATIONS**

A. CONSULTANT acknowledges and agrees that all written and oral communications between CITY (including any and all of its personnel) and CONSULTANT, and all work and services performed by CONSULTANT pursuant to this Agreement, are intended to be within the course and scope of the confidential review and analysis as provided in this Agreement. CONSULTANT shall not disclose any written or oral communications between CITY and CONSULTANT, without the prior written consent of CITY, or in accordance with a duly-issued court order.

B. CONSULTANT shall not make any statements to the news media regarding any information related to the services provided under this Agreement.

**Section 15. INSURANCE**

A. During the term of this Agreement, CONSULTANT shall maintain automobile liability insurance for any vehicle used in connection with the performance of services, which insurance will have coverage limits of not less than \$100,000 per claimant and \$300,000 per incident.

B. CONSULTANT shall maintain during the term of this Agreement workers' compensation insurance in accordance with the provisions of Section 3700 of the California Labor Code, if applicable. This provision shall not apply if CONSULTANT has no employees performing work under this Agreement. If the CONSULTANT has no employees for the purposes of this Agreement, CONSULTANT shall sign the "Certificate of Exemption from Workers' Compensation Insurance" which is attached hereto as Exhibit A.

**Section 16. GOVERNING LAW**

This Agreement shall be governed and construed in accordance with the laws of the State of California.

**Section 17. ENTIRE AGREEMENT**

This Agreement sets forth the entire understanding of the parties with respect to the subject matters herein. There are no other understandings, terms or other agreements expressed or implied, oral or written, except as set forth herein.

This FIRST AMENDED PROFESSIONAL SERVICES AGREEMENT supersedes all prior offers, negotiations and agreements, including, but not limited to, the September 22, 2010

Letter Agreement for A Study of Employee Benefits and the corresponding October 21, 2010 Letter Agreement for Additional Consulting Services – Implementation of Benefits Study, and the February 27, 2012 Side Letter Agreement to Proceed. Any ongoing obligations of Consultant under these or other agreements, including, but not limited to, indemnity obligations, shall remain in full force and effect.

The terms of the Original Agreement dated April 1, 2011, shall remain effective to the extent they are not amended by this First Amended Professional Services Agreement.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF IMPERIAL BEACH, a  
municipal corporation

CONSULTANT

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

  
\_\_\_\_\_  
Cynthia Titgen

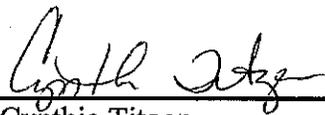
**EXHIBIT A**

**CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE**

I, Cynthia Titgen, hereby certify that in the performance of the work for which this Agreement is entered into, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of the State of California.

Executed on this 1<sup>st</sup> day of April, 2011, at Imperial Beach, California.

CONSULTANT

  
\_\_\_\_\_  
Cynthia Titgen



STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: MAY 2, 2012

ORIGINATING DEPT.: PUBLIC WORKS *HB*

SUBJECT: PUBLIC HEARING TO CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140 B. OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES

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**BACKGROUND:** Pursuant to Chapter 13.06 of the Imperial Beach Municipal Code, a sewer service fee is charged to all residential and non-residential customers in the city limits of the City of Imperial Beach that discharge sewage into the sewer lines maintained by the city, or is considered by the San Diego Metropolitan Sewer System to be within the city jurisdiction.

On July 20, 2005, City Council adopted Ordinance No. 2005-1030 revising the sewer service fee in Fiscal Year 2006. Ordinance No. 2005-1030, Section 2 stated, "The rates established hereunder shall increase each July 1st, beginning in the year 2006 through July 1, 2010, inclusive, by the amount of five and one-half percent (5.5%) to account for expected increased costs of sewer service." In subsequent Fiscal Years 2007, 2008, 2009, and 2010 the Sewer Service Charges were increased by 5.5% respectively. Pursuant to Ordinance No. 2005-1030 and later City Council action, beginning on July 1, 2011, the sewer rate was adjusted based on the United States Bureau of Labor Statistics Consumer Price Index (CPI) data for the Los Angeles-Riverside-Orange County Statistical Area.

Through careful analysis of the City's sewer system financials, the City has determined that the CPI increase contemplated for the upcoming year under Ordinance No. 2005-1030 will not cover the costs necessary to provide sewer services to the ratepayers. On March 7, 2012, the City Council adopted Resolution No. 2012-7162, authorizing the setting of the time and place for a public hearing to review the setting of the sewer capacity fee. On March 16, 2012, in accordance with the provisions of Article XIID of the California Constitution (Proposition 218) the City mailed notices of proposed increases in the City's sewer service rates, which were provided to the affected property owners/customers not less than forty-five (45) days prior to the public hearing on the proposed rates

**DISCUSSION:** The Sewer Fund is responsible for the collection, transmission, and treatment of wastewater. It has over 43.9 miles of sewer lines within the City and shares capacity of other lines with City of San Diego to deliver the wastewater to the City of San Diego waste water treatment plant in Point Loma. The City is proposing a 6% increase to sewer rates to collect

sufficient revenue to enable it to continue providing sewer service to its customers in the face of increasing operating costs, and to enable the City to afford capital improvements that are essential for operating the sewer system in a safe and financially prudent manner. Exhibit A to this staff report (attachment 3) details the sewer rate analysis which justifies and explains the necessity of the proposed increase.

The analysis also considers the City's critical need to increase its reserve funds, which are the City's contingency funds to cover situations such as: 1) revenue instability due to changes in usage; 2) extraordinary increases in the costs for providing sewage treatment; and 3) unplanned expenses related to emergencies such as earthquakes, windstorms, electrical outages, and flooding. The City's reserve funds are currently insufficient to cover unforeseen expenses, such as the need to make emergency repairs to the system. This could result in an extended service interruption in the event of a system failure or natural disaster.

There are two primary cost components that drive sewer rates: capital reinvestment and wastewater treatment. Major capital reinvestment is required to keep the sewer lines and pump stations in a good state of repair and is a major determinant of sewer rates. Certain sections of the sewer lines date back to 1940's. Because of the age of certain sections, the City strives to maintain a reserve in the sewer fund, currently at \$2 million. This reserve provides funding in the event of unanticipated system failure or a major capital improvement cost. This past year the City had to contribute a substantial amount to the City of San Diego for its share of improvements to a shared sewer trunk line.

Treatment costs represent nearly 60% of the sewer billings and therefore are the single greatest factor in determining rates. The City of San Diego discharge permit to allow for ocean discharge of treated water was extended to 2015. San Diego is the last city in the country allowed to discharge at this lower treatment standard. It is likely that the City of San Diego will have to charge substantially more for upgraded treatment in the future. In response to projected, substantially higher treatment costs, City Councils have chosen to increase rates gradually over the years rather than have sharp increases over a short period in the future.

Revenues derived from the City's sewer service charges are used solely for the actual and necessary expenses of providing sewer service to its customers. The City is prohibited by law from making a profit on sewer service. The proposed rate increases are based on a rate analysis conducted by City staff, along with a previous rate study conducted by Foresight Consulting Services, a well respected national wastewater financial consulting firm, the combination of which took into consideration all of the factors described above in conducting the analysis. Staff is attempting to set rates to have a balanced budget, continued funding for capital improvements, and restore capital reserves to prudent levels, and balance ratepayer impacts.

After analyzing the City's sewer financial data, City staff has determined that the City is facing increasing costs for the administration, operation, maintenance and improvements of the sewer systems and services. The City's sewer rates need to be increased six percent (6%) in order for the City to pay for its costs of providing service. From the City's analysis, the proposed rate increase does not exceed the amount for providing the services or infrastructure to the property owners/customers. The revenues derived from the rate increase will not be used for any purposes other than for providing sewer services, including the related administration, operation, maintenance and improvements. The rate table in Exhibit A (attachment 2) specifies the current and proposed future rates for the various properties in the City.

At the time of drafting this staff report the City has received one (1) written protest to the rate adjustment.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA. Also exempt under CEQA pursuant to section 21080(b)(8) of the Public Resource Code and section 15273(a) of the State CEQA Guidelines.

**FISCAL IMPACT:** The ordinance will increase the sewer service class rates by 6% across the board for all sewer customers.

**DEPARTMENT RECOMMENDATION:**

1. Declare the public hearing open.
2. Receive the report and public testimony.
3. Last call for written protests.
4. Motion to close the public hearing.
5. If necessary due to volume of written protests, take a break or call agenda item to give staff time to make the final tabulation on written protests.
6. Once staff tabulation is complete, continue on with agenda item (or recall agenda item if necessary) and make announcement regarding final tabulation of written protests. (per Council Policy No. 614, members of the public shall be permitted to observe the tabulation process, but shall not be entitled to actively participate in the tabulation process.)
  - a. If no majority protest, City Council has authority to adopt the proposed rates. City Council can discuss and deliberate on the proposed rate increases and take a vote. See steps 7 through 9 below.
  - b. If there is a majority protest, City Council does not have authority to adopt the proposed rates, and no further action should be taken.
7. If City Council chooses to adopt proposed increase, Mayor calls for Introduction of Ordinance No. 2012-1128.
8. City Clerk reads the title of Ordinance No. 2012-1128 - An Ordinance of the City Council of the City of Imperial Beach, California, adopting the revised sewer service rates for sanitary sewer service and amending section 13.06.140 b. of chapter 13.06 of the Imperial Beach Municipal Code pertaining to sewer service charges.
9. Motion to dispense first reading of Ordinance No. 2012 -1128 by title only and set the matter of adoption at the next regularly scheduled City Council meeting.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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

**Attachments:**

1. Ordinance No. 2012-1128
2. Exhibit A to Ordinance No. 2012-1128 - Sewer Rate Table
3. Exhibit A to Staff Report – Sewer Rate Analysis

**ORDINANCE NO. 2012-1128****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140 B. OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES**

**WHEREAS**, pursuant to Chapter 13.06 of the Imperial Beach Municipal Code, a sewer service fee is charged to all residential and non-residential customers in the city limits of the City of Imperial Beach that discharge sewage into the sewer lines maintained by the city, or is considered by the San Diego Metropolitan Sewer System to be within the city jurisdiction; and

**WHEREAS**, the City Council has determined that the City is facing increasing costs for the administration, operation, maintenance and improvements of the sewer systems and services, the City's sewer service rates need to be increased six percent (6%) in order for the City to pay for its costs of providing service; and

**WHEREAS**, on March 16, 2012, in accordance with the provisions of Article XIID of the California Constitution (Proposition 218) the City mailed notices of proposed increases in the City's sewer service rates, which were provided to the affected property owners/customers not less than forty-five (45) days prior to the public hearing on the proposed rates; and

**WHEREAS**, the City Council conducted a public hearing on May 2, 2012, at 6:00 p.m. at 825 Imperial Beach, Blvd, Imperial Beach, CA 91932, in order to receive oral and written testimony regarding this Ordinance. Said date and time were not less than forty-five (45) days after the mailing of the notice as set forth above; and

**WHEREAS**, the City Council finds that written protests against the rates set forth herein were not presented in a number representing a majority of the affected parcels upon which the rates are to be imposed and therefore, the City Council is authorized to impose the increased rates and charges as set forth herein; and

**WHEREAS**, the City Council finds that the adoption of the rates and charges set forth herein is necessary and reasonable to fund the administration, operation, maintenance and improvements of the City sewer system. Based on this finding, the City Council determines that the adoption of the rates and charges established by this Ordinance are not a project as defined under CEQA and are exempt from the requirements of the California Environmental Quality Act pursuant to section 21080(b)(8) of the Public Resource Code and section 15273(a) of the State CEQA Guidelines.

**WHEREAS**, it is deemed to be in the best interests of the City to adopt the sewer service charge increases for the reasons stated above, and the City Council desires to adjust and increase certain sewer and sewer rates as set forth in Exhibit A.

**WHEREAS**, the increased costs of sewer service does not exceed the actual cost of providing service.

**WHEREAS**, the increased rates and charges set forth herein shall become effective July 1, 2012.

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

Section 1: The above recitals are true and correct.

Section 2: The City Council has determined that based on a detailed study of the City's sewer system, it must raise its sewer service charge to consumers in the amount approved in this ordinance to cover the cost of providing the service..

Section 3: The sewer service charge will be increased in accordance with Exhibit "A" attached hereto.

Section 4: The City Council finds the following:

- (a) The above increase in rates does not exceed the amount for providing the services or infrastructure to the property owners/customers.
- (b) The revenues derived from the rate increase will not be used for any purposes other than for providing sewer services, including the related administration, operation, maintenance and improvements.

Section 5. Section 13.06.140.B of the Imperial Beach Municipal Code is hereby amended to read as follows:

"B. Said service charges are based upon the Foresight Consulting Sewer Rate Study, June 2005 and supplemental rate analysis conducted by the City in March 2012. Annual sewer service charges will be determined by applying the volume charge per hundred cubic feet (HCF) for each customer classification to each premises as determined by the water utility meter readings for the prior year, and the suspended solids (SS) and biological oxygen demand (BOD) content for such volume."

Section 6: This ordinance shall become effective thirty (30) days following its passage and adoption.

Section 7: The City Council of the City of Imperial Beach hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, held on the 2<sup>nd</sup> day of May 2012, and thereafter **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, held on the 16<sup>th</sup> day of May 2012 by the following vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>NOES:</b>	<b>COUNCILMEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>		

James C. Janney  
**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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

**APPROVED AS TO FORM:**

*Jennifer M. Lyon*

\_\_\_\_\_  
**JENNIFER M. LYON,  
CITY ATTORNEY**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be true and correct copy of Ordinance No. 2012-1128 – An Ordinance of the City Council of the City of Imperial Beach, California, ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140.B OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES.

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

\_\_\_\_\_  
DATE

## EXHIBIT A TO ORDINANCE NO. 2012-1128

### City of Imperial Beach Sewer Service Charge

<b>Revised Sewer Rates FY 2012/13 FOR ANNUAL BILL CALCULATIONS</b>			
<i>City of Imperial Beach</i>			
<b>Customer Class</b>		Current Rate (2011/12) (a)	Requested (2012/13) Sewer Rates (b)
Single-Family Residential (c)	Class 1		
Volume-based Rate	Class 1	\$2.4321	\$2.5780
Annual Base Charge	Class 1	\$163.9122	\$173.7469
Multi-Family Residential	Class 2	\$4.1291	\$4.3768
Rest./Bakeries/Mort./Gro.	Class 3	\$7.9023	\$8.3765
Small Commercial	Class 4	\$4.1041	\$4.3503
Car Wash/Laundries	Class 5	\$3.7409	\$3.9653
Public Agency/Institutional	Class 6	\$3.4644	\$3.6723
Heavy Commercial	Class 7	\$7.2165	\$7.6495
Mixed Use Light	Class 8	\$4.1850	\$4.4361
Mixed Use Heavy	Class 8.5	\$6.0901	\$6.4555
Navy	Class 9	\$4.7388	\$5.0232
<b>Sewer Unit Charges – by Treatment Parameter</b>			
Volume Charges (\$/HCF)		\$3.2919	\$3.4894
Strength Surcharges – BOD (\$/lb)		\$0.5539	\$0.5871
Strength Surcharges – TSS (\$/lb.)		\$0.5141	\$0.5449

(a) Current rates effective July 1, 2011

(b) New rates to be effective July 1, 2012.

(c) Maximum Single Family residential rate cap is \$876.75

### City of Imperial Beach Sewer Rate Analysis

The Sewer Fund is responsible for the collection, transmission, and treatment of wastewater. It has over 43.9 miles of sewer lines within the City and shares capacity of other lines with City of San Diego to deliver the wastewater to the City of San Diego waste water treatment plant in Point Loma. The City is proposing a 6% increase to Sewer rates to collect sufficient revenue to enable it to continue providing sewer service to its customers in the face of increasing operating costs, and to enable the City to afford capital improvements that are essential for operating the sewer system in a safe and financially prudent manner. Additionally, the City has a critical need to increase its sewer reserve funds, which are the City's contingency funds to cover situations such as: 1) revenue instability due to changes in usage; 2) extraordinary increases in the costs for providing sewage treatment; and 3) unplanned expenses related to emergencies such as earthquakes, windstorms, electrical outages, and flooding. The City's sewer reserve funds are currently insufficient to cover unforeseen expenses, such as the need to make emergency repairs to the system. This could result in an extended service interruption in the event of a system failure or natural disaster. The proposed increase will also offset anticipated sewer cost increases. This proposal is anticipated to increase Sewer billings from \$3,950,000 to \$4,187,000, an increase of \$237,000.

The rate adjustment for 2012-2013 had previously been proposed in 2005 in accordance with City Council Ordinance No. 2005-1030, Section 2. However, City staff has determined that the previously suggested CPI increase would be inadequate to cover the costs of providing sewer service to ratepayers and to preserve adequate reserve funds because unforeseen factors that were not present or considered in 2005 have arisen.

There are two primary cost components that drive sewer rates: capital reinvestment and wastewater treatment. Major capital reinvestment is required to keep the sewer lines and pump stations in a good state of repair and is a major determinant of sewer rates. Certain sections of the sewer lines date back to 1940's. The City has spent \$2.2 million since fiscal year 2007 to improve the sewer system and budgets \$400,000 annual to upgrade the sewer lines and pump stations.

Because of the age of certain sections, the City strives to maintain a reserve in the sewer fund, currently at \$2 million. This reserve provides funding in the event of unanticipated system failure or a major capital improvement cost. This past year the City had to contribute over \$700,000 to the City of San Diego for its share of improvements to a shared sewer trunk line. The City of San Diego has agreed to allow us to pay this cost over the next three years (\$243,000). The City has utilized this reserve to offset the cost of its share of the sewer trunk line. Additional, this reserve was used to address water infiltration issues along Imperial Beach Boulevard (\$65,000), odor control at pump station 1B (\$100,000) and infiltration at Pump Station no. 11 (\$14,000).

Treatment costs represent nearly 60% of the sewer billings and therefore are the single greatest factor in determining rates. The treatment of wastewater is provided by the City of San Diego. If treatment costs increase at the rate of inflation (3%) this would add \$72,000 of cost. If the

treatment cost increase 5% then costs would increase \$119,000. Staff is projecting the increase will be 5%.

Additionally, the City of San Diego discharge permit to allow for ocean discharge of treated water was extended to 2015. San Diego is the last city in the country allowed to discharge at this lower treatment standard. It is likely that the City of San Diego will have to charge substantially more for upgraded treatment in the future. In response to projected, substantially higher treatment costs, City Councils have chosen to increase rates gradually over the years rather than have sharp increases over a short period in the future.

Revenues derived from the City's sewer service charges are used solely for the actual and necessary expenses of providing sewer service to its customers. The City is prohibited by law from making a profit on sewer service. The proposed rate increases are based on a rate analysis conducted by City staff, along with a previous rate study conducted by Foresight Consulting Services, a well respected national wastewater financial consulting firm, the combination of which took into consideration all of the factors described above in conducting the analysis. The rate study and its methodology will be discussed in more detail at the public hearing. Staff is attempting to set rates to have a balanced budget, continued funding for capital improvements, restore capital reserves to prudent levels, and balance ratepayer impacts. The proposed rate increase would allow for higher than inflation treatment costs, keep capital reinvestment at the current \$400,000 level, and restore the capital reserve to fully offset this year's uses.

#### Rate Increase Details

The City's monthly sewer charges are based upon the volume charge per hundred cubic feet (HCF) for each customer classification to each premises as determined by the water utility meter readings for the prior year, and the suspended solids (SS) and biological oxygen demand (BOD) content for such volume. The following table details the current sewer rates for 2011/2012 and the proposed maximum sewer rate increases for 2012/2013

<b>Revised Sewer Rates FY 2012/13 FOR ANNUAL BILL CALCULATIONS</b>			
<i>City of Imperial Beach</i>			
<b>Customer Class</b>		<b>Current Rate (2011/12) (a)</b>	<b>Requested (2012/13) Sewer Rates (b)</b>
Single-Family Residential (c)	Class 1		
Volume-based Rate	Class 1	\$2.4321	\$2.5780
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Strength Surcharges – TSS (\$/lb.)		\$0.5141	\$0.5449

(a) Current rates effective July 1, 2011

(b) 6% proposed increase per City rate analysis

(c) Maximum Single Family residential rate cap is \$876.75 per year



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

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

**MEETING DATE:** MAY 2, 2012  
**ORIGINATING DEPT.:** COMMUNITY DEVELOPMENT DEPARTMENT  
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR  
JIM NAKAGAWA, AICP, CITY PLANNER

**SUBJECT:** FIRST READING/ INTRODUCTION OF ORDINANCE NO. 2012-1127 AND PUBLIC HEARING/ ADOPTION OF RESOLUTION NO. 2012-7188: REX BUTLER FOR BIKEWAY VILLAGE LLC (APPLICANT) AND THE CITY OF IMPERIAL BEACH: DESIGN REVIEW (DRC) 100006, GENERAL PLAN AMENDMENT (GPA)/LOCAL COASTAL PROGRAM AMENDMENT (LCPA) 100007/ ZONING CODE AMENDMENT (ZCA) 100008/ SITE PLAN REVIEW (SPR) 100009 AND MITIGATED NEGATIVE DECLARATION (EIA 100010) FOR THE CONVERSION/ REDEVELOPMENT OF EXISTING WAREHOUSE BUILDINGS TO ECOTOURISM COMMERCIAL USES AT 536 13<sup>TH</sup> STREET & 535 FLORENCE STREET AND AIRPORT PARCEL 616-021-10-00 @ 500 13<sup>TH</sup> STREET. MF 1034

**PROJECT DESCRIPTION/BACKGROUND:**

This is a request by Rex Butler of Bikeway Village LLC for a General Plan/ Local Coastal Program/ Zoning Code (GPA/ LCPA 100007/ ZCA 100008) Amendment, and discretionary permit approval of Design Review (DRC 100006) and Site Plan Review (SPR 100009) applications for the **Bikeway Village** project that proposes the conversion/ adaptive reuse of two approximate 15,000 square foot warehouse structures on two combined parcels totaling 42,340 square feet. The two existing warehouse structures are legal non-conforming uses located at 535 Florence and 536 13<sup>th</sup> Streets (APN 626-192-03-00 and 626-192-04-00) within the jurisdictional boundary of the City of Imperial Beach. A patio and accessory uses customarily incidental to any permitted use including ramps, an observation deck, seating and landscaping improvements are proposed on the adjacent 1.15-acre (50,094-square-foot) northern parcel (APN 616-021-10-00) currently owned by the San Diego County Regional Airport Authority (Airport Authority). This northern Airport Authority parcel is also referenced as the "development expansion area" for the purpose of this assessment.

The Project would redevelop or improve three areas: (a) the existing and developed warehouse parcels, (b) an undeveloped rectangular parcel to the north currently owned by the San Diego Airport Authority and being purchased by the applicant and (c) adjacent roadways. Roadway improvements include paving and restriping for parking along 13<sup>th</sup> Street and parking improvements along Florence Street, Cypress Avenue and the alley between the two warehouse buildings.



Aerial View

Bikeway Village • Imperial Beach, California

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### **PROJECT EVALUATION/ DISCUSSION:**

The project site is developed with two approximate 15,000 square foot warehouse structures on two combined parcels totaling 42,340 square feet. The two existing warehouse structures are legal non-conforming uses located at 535 Florence and 536 13<sup>th</sup> Streets (APN 626-192-03-00 and 626-192-04-00) developed some decades past when the M zoning provided for manufacturing uses with an R-4 overlay along the San Diego Bay front. The Urban Waterfront and Ecotourism Study was completed in April of 2005 wherein it recommended that the city provide for amenities, promote the City as a tourist destination, and encourage certain types of development to capture key market niches. The new Seacoast Inn is under construction to provide oceanfront accommodations for travelers who may be birders or who may be visitors wanting to take part in coastal-oriented recreation. However, the study identified the bayfront as an excellent area to allow the development of similar accommodations to capture the visitor market. There is a wildlife refuge in South San Diego Bay and a regional Bayshore Bikeway (which is an important link to the Coastal Conservancy's Coastal Trail program) along the South San Diego Bayfront.

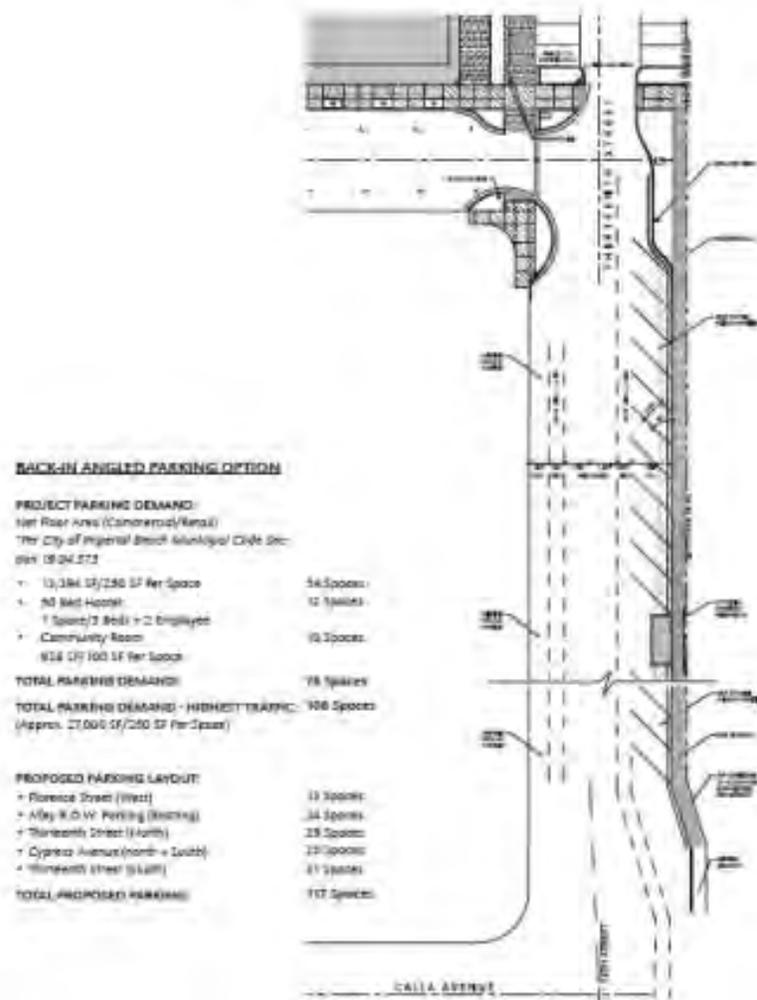
This Bikeway Village project proposes recreation and ecotourism uses next to the Bayshore Bikeway with the redevelopment/ adaptive reuse of two existing warehouse buildings on the west side of 13<sup>th</sup> Street north of Cypress Avenue. The site is strategically located next to San Diego Bay to take advantage of opportunities to accommodate bicyclists and birders but care was taken with this project to protect access to coastal resources and protect the views of the Bay. The existing zoning of the subject property is R-3000-D (Residential – Two-Family – Detached), which provides for stand-alone residential structures. The proposed Commercial/ Recreation-Ecotourism (C/R-ET) zone includes a number of retail and visitor-accommodating commercial uses (such as a bike shop, café, art gallery, bookstore, hostel, and boutiques/retail shops) that would ultimately replace the existing quasi-industrial uses but excludes permanent residential uses (with the exception of live/work units) because such uses would generate the

need for additional residential parking and such uses typically would be placed above the commercial uses on the ground floor and raise visual obstruction issues. The height limit would remain at 26 feet, which is the limit in the existing R-3000-D (Residential – Two-Family-Detached) Zone. The proposed C/R-ET Zone also incorporates many of the requirements of the proposed commercial zoning revisions that were prepared by AECOM (which will be scheduled later for City Council consideration) such as requiring a minimum of 60% of the ground floor for active commercial uses.

By providing for these bicycle-oriented commercial amenities, this project would promote the use of bicycles as an alternative form of transportation and ultimately would leave a smaller carbon footprint that would contribute to lowering regional greenhouse gas (GHG) emissions. In furtherance of such sustainable development goals, this project also proposes natural ventilation and interior fans (as opposed to HVAC systems), reflective “cool roof”, drought-tolerant and drip irrigation landscaping, and tankless water heaters.

Staff had anticipated that traffic and parking impacts were issues that required studies. KOA Corporation was hired to provide the studies. This northern stub of 13<sup>th</sup> Street has served and will continue to serve as a trailhead for the Bayshore Bikeway. The Coastal Commission staff after reviewing an earlier concept plan for the project offered the comment that existing public parking needed to be retained. In order to provide a patio/plaza for public use and a ramp system to accommodate for disabled access, the existing on-site parking provided on private property needed to be shifted into the right-of-way of 13<sup>th</sup> Street. It would be appropriate, then, to consider during the implementation of this project to either restrict parking for customers through signage or city licensure in the right-of-way. The San Diego Association of Governments (SANDAG) recommended that Transportation Demand Management (TDM) strategies be considered for this project. Bicycle parking is being proposed for this project and Information literature regarding vanpools and carpools can be among the TDM strategies to be considered in addition to providing for preferential parking for vanpools and carpools at this site. Traffic and parking impacts were determined to not be significant.

Research of bicycle safety



literature revealed that conventional parking layouts were oftentimes a danger to bicyclists. Among the designs considered, the reverse-angle back-in parking design (which is a relatively new concept) was noted to be the safest. It has already been installed in Solana Beach and in La Mesa. This option also received City Council support at a previous meeting. This is one of the options (in addition to conventional parallel parking) that are proposed for parking along the east side of 13<sup>th</sup> Street between Cypress Avenue and Calla Avenue. The amount of parking proposed along 13<sup>th</sup> Street and along the abutting streets and alleys more than adequately satisfies the parking demand for the project in addition to public parking needs, although the California Environmental Quality Act (CEQA) Guidelines no longer requires public agencies to consider automobile parking as a significant impact.



Compliance with water quality and storm water regulations is demonstrated in part with the provision of retention basins on the airport parcel and in two areas along 13<sup>th</sup> Street. The City of Imperial Beach has been participating in a study of sea level rise (SLR) scenarios for San Diego Bay. The SLR maps from the study do not show this site as subject to inundation for either the scenario years of 2050 or 2100. The existing project elevations range from 10 to 20 feet above mean sea level and the SLR estimate for the year 2100 is 55 inches.

The US Fish and Wildlife Service recommended that palm trees as shown in the preliminary landscape plan not be installed as palm trees can harbor raptors that would prey on the protected bird species in the San Diego Bay Refuge.

Monitoring for cultural resources will be required during the construction of this project on the Airport Authority parcel. Preliminary testing confirmed the need for this monitoring. Mitigating for hazardous materials will also be required as the bikeway was built on top of train tracks that contain hazardous substances and some of the materials were found on the airport parcel.

As previously noted, the Airport Authority parcel is in the process of being acquired for this project by the applicant. Additionally, an Owner Participation Agreement (OPA) for this project was authorized by the City Council on January 26, 2012 to provide for assistance with the project.

**LOCAL COASTAL PROGRAM (LCP)/ GENERAL PLAN (GP):** This project includes a proposal to amend the Imperial Beach LCP/GP (GPA 100007/ZCA 100008) by creating a Commercial/Recreation-Ecotourism (C/R-ET) designation/zone (Chapter 19.25) and applying this C/R-ET zone to the project site. It is intended that the C/R-ET zone will accommodate the land use needs of the recreation and ecotourism market niches. Among the uses envisioned for the C/R-ET zone include small-scale visitor-serving retail and services such as specialty stores, shops, eating and drinking establishments (such as restaurants and cafes), recreational uses, fitness, athletic and health club uses, and visitor accommodations (such as hostels, hotels and motels). Pursuant to California Code of Regulations Code §13515 (14 CCR 13515) and California Government Code §65352, a 45-day public and agency review period from February 23, 2012 through April 9, 2012 was provided. Pursuant to Government Code Section 65300.5, a consistency analysis shows the proposed GPA/LCPA to be internally consistent with other policies of the general plan/local coastal program. Additionally, the proposed C/R-ET Zone would be consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and would, therefore, be externally consistent pursuant to Government Code Section 65860. The first reading of the ordinance that would adopt the zoning amendment and zoning change is scheduled for May 2, 2012 and the second reading of the ordinance would be on May 16, 2012. This amendment will need to be certified by the Coastal Commission in order for it to be effective.

**Surrounding Land Use and Zoning**

North:	IH-2-1/OS (City of San Diego)	vacant, wildlife refuge
South:	R-3000-D	residential
East:	IL-3-1/OS Spec Study (City of San Diego)	vacant, Pond 20A
West:	R-3000-D	residential, car storage (former Webb and Biggins cabinet shop)

**Design Review:** Although this site does front along a designated Design Corridor (13<sup>th</sup> Street), façade changes are authorized in the other commercial zones by the Zoning Ordinance to be approved by the Community Development Director. Other than the access ramps and patio/plaza, the project does not involve the construction of new commercial buildings that would require a Design Review Board recommendation. Many of the façade improvements are consistent with the principles of Form-based Codes, which encourages project approvals at staff level. Such codes seek to make development attractive and pedestrian-oriented, which further serves to make communities sustainable by getting people out of their automobiles. The proposed C/R-ET Zone provides many of the standards that are found in Form-



based Codes. It should contribute to making an impressive architectural statement for future development and redevelopment projects at this site and in the City.

**ENVIRONMENTAL DETERMINATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

The City conducted an Environmental Initial Study (IS/ EIA 100010) that determined the proposed project could have a potentially significant environmental effect in the following areas: Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Noise. The Draft Mitigated Negative Declaration (MND) identifies mitigation measures that will avoid or reduce all potentially significant environmental effects to below a level of significance. The draft MND (SCH# 2012031034) was routed through the State Clearinghouse for a 30-day agency review. Comments from 3 agencies were received and responses to those comments will be prepared as a component of the Final MND. The City also established a 30-day public review and comment period from March 8, 2012 to April 9, 2012. No public environmental comments were received by the close of the review period. A Mitigation Monitoring and Reporting Program (MMRP) for the Final MND has been prepared for adoption by the City Council in addition to the adoption of the Final MND.



**COASTAL PERMIT JURISDICTION:** The project site is located in the original state jurisdiction area of the coastal zone as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map; therefore, the coastal development permit (CDP) application is to be filed with and considered by the California Coastal Commission under Section 30519(b) of the California Public Resources Code.

**FISCAL ANALYSIS:**

The applicant has deposited \$ 10,000 in Project Account Number 100006 to fund the processing of this application. Additionally, the development of this project is anticipated to generate sales and property taxes that would contribute to the fiscal health of the City and mitigate for the leakage of tax revenues.

**DEPARTMENT RECOMMENDATION:**

1. Declare the public hearing open
2. Receive report and entertain testimony;
3. Close public hearing;
4. Adopt Resolution No. 2012-7188 approving the proposed General Plan/Local Coastal Program Amendment (GPA 100007), finding and certifying that the proposed zoning amendment is consistent with the Coastal Act, approving the Design Review (DRC 100006) and Site Plan Review (SPR 100009) applications, and certifying the MND (SCH# 2012031034), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements;
5. Mayor calls for the first reading of the title of Ordinance No. 2012-1127 approving the Zoning Code Amendment (ZCA 100008) and rezoning to establish the Commercial/Recreation-Ecotourism (C/R-ET) designation/ zone (Chapter 19.25) and applying this C/R-ET zone to the project site;

6. City Clerk to read Ordinance 2012-1127 by title only;
7. Motion to waive further reading of Ordinance No. 2012-1127 and set the matter for adoption at the next regularly scheduled City Council meeting.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.




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Gary Brown, City Manager

Attachments:

1. Resolution No. 2012-7188
2. Ordinance No. 2012-1127
3. Plans
4. Proposed Commercial/Recreation-Ecotourism (C/R-ET) Zone (Chapter 19.25)
5. Final Mitigated Negative Declaration (FMND) including the Mitigation Monitoring and Reporting Program (MMRP) excluding other appendices

- C: file MF 1034 Bikeway Village  
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Traci Kuchta and Ted Anasis, San Diego County Airport Authority, P.O. Box 82776, San  
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Clint Linton, PO Box 507, Santa Ysabel, CA 92070 [cilinton73@aol.com](mailto:cilinton73@aol.com)

California Coastal Commission, Diana Lilly, Coastal Planner, 7575 Metropolitan Drive,  
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## RESOLUTION NO. 2012-7188

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING GENERAL PLAN/ LOCAL COASTAL PROGRAM AMENDMENT (GPA/ LCPA) 100007, DESIGN REVIEW (DRC 100006), SITE PLAN REVIEW (SPR 100009), AND MITIGATED NEGATIVE DECLARATION (SCH# 2012031034) AND CERTIFYING THAT PROPOSED ZONING AMENDMENT (ORDINANCE NO. 2012-1127) IS CONSISTENT WITH THE COASTAL ACT FOR THE BIKEWAY VILLAGE PROJECT AT 536 13<sup>TH</sup> STREET, 535 FLORENCE STREET, AND ASSESSOR'S PARCEL 616-021-10-00. MF 1034**

**APPLICANT: REX BUTLER OF BIKEWAY VILLAGE LLC AND CITY OF IMPERIAL BEACH**

**WHEREAS**, on May 2, 2012, the City Council of the City of Imperial Beach held a duly advertised public hearing to consider the merits of approving or denying an application for General Plan/ Local Coastal Program/ Zoning Code (GPA/ LCPA 100007/ ZCA 100008) Amendment, and discretionary permit approval of Design Review (DRC 100006) and Site Plan Review (SPR 100009) applications for the **Bikeway Village** project that proposes the conversion/ adaptive reuse of two approximate 15,000 square foot warehouse structures at 535 Florence, 536 13<sup>th</sup> Streets (APN 626-192-03-00 and 626-192-04-00) and on vacant parcel APN 616-021-10-00 ("Subject Site"). The Subject Site is legally described as follows:

Lots 15 through 20 in Block 4 of South San Diego, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 133, filed in the Office of the County Recorder of San Diego County on July 5, 1887, together with those portions of the East 10.00 feet of Florence Street and the North 10.00 feet of Cypress Avenue, as vacated and closed to public use immediately adjoining the above described land on the west and south; and,

Lots 21 through 26, inclusive, in Block 4 of South San Diego, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 133, filed in the Office of the County Recorder of San Diego County on July 5, 1887, together with that portion of the North 10.00 feet of Cypress Avenue adjoining said Lot 21 on the South as vacated and closed to public use by the Council of the City of Imperial Beach on October 29, 1968, by Resolution No. 1439, a certified copy of which was recorded in the Office of the County Recorder of San Diego County on November 4, 1968, as File No. 193024 of Official Records; and

That portion of the Northwest Quarter of the Southeast Quarter of Section 20, Township 18, South, Range 2 West, in the City of San Diego, County of San Diego State of California being described as follows:

BEGINNING at the Southeast corner of said Northwest Quarter of the Southeast Quarter of said Section 20; thence along the Southerly line thereof North 89°21'08" West, 420.06 feet; thence leaving said Southerly line North 00°37'24" East, 87.74 feet to the Southerly line of said San Diego and Arizona Eastern Railway right-of-way, said point being a point on a curve concave to the North having a radius of 997.95 feet, to which said beginning a radial bears South 00°20'53" West; thence Easterly 434.13 feet along said curve through a central

angle of 24°55'29" to the Easterly line of said Northwest Quarter of the Southeast Quarter; thence along said Easterly line South 00°38'17" West 182.87 feet to the POINT OF BEGINNING.

**WHEREAS**, the City Council finds that the proposed GPA/LCPA that would amend Figure L-1 (Land Use Map) by adding C/R-ET Commercial/ Recreation-Ecotourism and designating the Subject Site as C/R-ET and that would amend Table L-2 of the Land Use Element by adding "C/R-ET Commercial/ Recreation-Ecotourism: The Commercial/ Recreation-Ecotourism designation provides for land to meet the demand for goods and services required primarily by the recreation and ecotourist visitor including pedestrian-oriented small-scale visitor-serving retail and services such as specialty stores, shops, eating and drinking establishments (such as restaurants and cafes), recreational uses, fitness, athletic and health club uses, and visitor accommodations (such as hostels, hotels and motels)", pursuant to Government Code Section 65300.5, is internally consistent with other policies of the general plan/ local coastal program; and

**WHEREAS**, the City Council finds that the proposed C/R-ET Zone would be consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and would, therefore, be externally consistent pursuant to Government Code Section 65860; and

**WHEREAS**, the City Council finds that the project is consistent with the General Plan and is in substantial compliance with Policy D-8 of the Design Element of the General Plan/Local Coastal Plan, which promotes project design harmonious with adjoining uses as the proposed façade changes creates a more pedestrian-oriented environment and exemplifies many of the principles of form-based codes; and

**WHEREAS**, the City Council of the City of Imperial Beach hereby finds and certifies that the proposed establishment and application to the site of the Commercial/ Recreation – Ecotourism Zone (Ordinance No. 2012-1127) is consistent with the California Coastal Act, pursuant to Public Resources Code Section 30510(a) and Title 14 of the California Code of Regulations section 13551; and

**WHEREAS**, this project complies with the requirements of the California Environmental Quality (CEQA) as the draft Mitigated Negative Declaration (MND) was prepared for this project and advertised in the IB Eagle and Times for availability during the public review period from March 8, 2012 to April 9, 2012; and routed through the State Clearinghouse (SCH# 2012031034) for state agency review from March 6, 2012 to April 4, 2012; and

**WHEREAS**, this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis; that the decision-making body has, pursuant to CEQA Guidelines Section 15074(b), reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; that revisions in the project plans or proposals made by or agreed to by the project applicant, pursuant to CEQA Guidelines Section 15070(b)(1), would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and that, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) there is no substantial evidence that the project as proposed, as conditioned, or as revised, will have a significant effect on the environment; and

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

**SITE PLAN REVIEW FINDINGS:**

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

The project proposes retail ecotourism commercial uses that will eventually replace the existing quasi-industrial uses that occupy the existing industrial buildings on the site. This will have the benefit of having improved appearance and uses that would be more compatible with the adjacent residential uses.

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

The subject site will be rezoned from R-3000-D to the proposed C/R-ET Zone in order to accommodate the proposed ecotourism uses. A consistency analysis determined that the proposed zoning code amendment would be internally and externally consistent with the other policies and elements of the General Plan/ Local Coastal Plan.

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

The project proposes retail ecotourism commercial uses that will eventually replace the existing quasi-industrial uses that occupy the existing industrial buildings on the site. This will have the benefit of having improved appearance and uses that would be more compatible with the adjacent residential uses to the west and to the south.

The property to the east is Pond 20A and is owned by the Port District; it is zoned by the City of San Diego IL-3-1 and designated OS Special Study. The property to the north is owned by the State Lands Commission and leased to the US Fish and Wildlife Service; it is zoned IH-2-1 and designated OS by the City of San Diego.

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

The project is adjacent to the Bayshore Bikeway and the renovation/ adaptive reuse of the existing buildings will be re-oriented toward the bay in order to take advantage of the views and capture the tourist market. Green building features of the project will also take advantage of the prevailing winds.

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

The project proposes a mixture of commercial uses within the existing building so that a range of commercial needs can be met at this one site, including restrooms, eating and drinking establishments, and a possible hostel.

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

Additional parking spaces are proposed along 13<sup>th</sup> Street to accommodate the parking needs of customers, existing residents, and bicyclists.

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

The proposed development would conform to the proposed C/R-ET Zone of Title 19 (Zoning) and with the Land Use Element and the Coastal Policies of the General Plan/Local Coastal Plan.

8. **The foregoing findings encompass the considerations deemed necessary to preserve the health, welfare, safety and convenience of the City in general.**

#### **COASTAL PERMIT FINDINGS:**

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

The project is located in the Original Jurisdiction of the California Coastal Commission, as indicated on the Local Coastal Program Post Certification and Appeal Jurisdiction Map, and, as such, its coastal development permit would need to be processed by and any supporting findings will be developed by the California Coastal Commission.

#### **DESIGN REVIEW FINDINGS:**

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

The design of the project and the landscaping improvements are consistent with the existing and proposed Design Review Guidelines and with the concepts and principles of form-based codes.

**NOW, THEREFORE, BE IT RESOLVED**, that General Plan/ Local Coastal Program/ Zoning Code (GPA/ LCPA 100007/ ZCA 100008) Amendment, and discretionary permits Design Review (DRC 100006) and Site Plan Review (SPR 100009) applications for the **Bikeway Village** project that proposes the conversion/ adaptive reuse of two approximate 15,000 square foot warehouse structures at 535 Florence, 536 13<sup>th</sup> Streets (APN 626-192-03-00 and 626-192-04-00) and on vacant parcel APN 616-021-10-00, are hereby **approved** by the City Council of the City of Imperial Beach subject to the following:

#### **CONDITIONS OF APPROVAL:**

1. The site shall be developed substantially in accordance with the approved plans on file in the Community Development Department and with the conditions provided herein. No additional impervious surfaces beyond that shown on the approved plans would be permitted without additional drainage studies that would show compliance with Municipal Storm Water Permit - Order R9-2007-0001.
2. Project shall comply with the standard and any special conditions of the Coastal Development Permit issued by the **California Coastal Commission**.

3. Approval of this request shall not waive compliance with any portion of the Uniform Building Code and Municipal Code in effect at the time a building permit is issued.
4. Mechanical equipment, including solar collectors and panels or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, and shall be located so as not to be visible from any public way. (19.83).
5. Approval of Design Review (DRC 100006) and Site Plan Review (SPR 100009) applications for the Bikeway Village project is valid for **two years** from the date of Coastal Commission approval of the companion coastal development permit. Conditions of approval must be satisfied, building permits issued, and substantial construction must have commenced prior to the expiration of the coastal development permit, or a time extension is granted by the Commission prior to expiration.
6. The applicant or applicant's representative shall, pursuant to Section 711.4 of the California Fish and Game Code, pay to the San Diego County Clerk **\$2,151.50 plus a \$50** County documentary handling fee at the time the Notice of Determination is filed by the City, which is required to be filed with the County Clerk within five working days after project approval becomes final (Public Resources Code Section 21152).
7. **Environmental Mitigation Measures:** Project shall comply with any required mitigation measures provided for in the Mitigated Negative Declaration (SCH# 2012031034).
8. **Hydrology and Water Quality:** Project shall adhere to any applicable requirements pursuant to the City's Standard Urban Storm Water Mitigation Plan (SUSMP).
9. **Parking:** In consideration for applicant's relinquishment of on-site parking for this project, the City may regulate parking through a method to be determined prior to issuance of a building permit, which may include, but not be limited to, considering the establishment of restricted parking through signage or licensing of restricted parking in the rights-of-way abutting the project site and along 13<sup>th</sup> Street.
10. The applicant shall include 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.
11. The property owner must institute "Best Management Practices" to prevent contamination of storm drains, ground water, and receiving waters during both construction and post construction. These practices 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.
12. Ensure that the hot water tank P.T. discharge pipe is piped to discharge to the sanitary sewer system or the landscape area. A design that has the water discharge directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order R9-2007-0001.
  13. The existing and proposed sewer lateral locations shall be drawn on the final building plans and submitted to the City for review and approval.
  14. Irrigation plans shall be submitted to the City for approval. The applicant shall be responsible for maintaining all plantings and irrigation in the rights-of-way.
  15. Landscape irrigation system shall be provided to tree planters and all landscaping in the public right-of-way per I.B.M.C. 19.50.040.F.
  16. The alley approach/apron on Cypress Avenue (between 13<sup>th</sup> Street and Florence Street) shall be constructed in compliance with San Diego Regional Standard Drawing G-12. The adjacent pedestrian access ramps located east and west of the alley approach/apron shall be constructed in compliance with San Diego Regional Standard Drawing G-31.
  17. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 in that, the "Area to be removed [shall be] 5' or from joint to joint in panel, whichever is less." The distance between joints or score marks shall 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.
  18. If it is necessary to cut into the alley pavement as part of this project, all concrete cuts in the alley shall be replaced with #4 rebar dowels positioned every 1 foot on center. Concrete specification shall be 560-C-3250. Concrete cuts shall also comply with item 9 above and cuts parallel to the alley drainage shall be at least 1-foot from the alley drain line.
  19. For any work to be performed in the street or alley, a traffic control plan shall be submitted to the City 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.
  20. 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.
  21. All street work construction requires a Class A contractor to perform the work. All pavement transitions shall be free of tripping hazards.

22. Construct trash or refuse enclosures and recycling enclosures to comply with IBMC 19.74.090. Trash and recycling enclosures are to be enclosed by a six-foot high masonry wall and locking gate. The minimum size refuse enclosure shall be 6'-0" x 9'-0" and the minimum recycling enclosure shall be 4'-0" x 8'-0". The trash enclosures shown (in the two buildings facing the alley) suggest that they must be moved through parking stalls to be emptied. This would not be an acceptable condition. The trash bins shall be accessible to the refuse hauler without restriction.
23. All landscape areas, including grass and mulch areas, shall be improved to consist of at least 12-inches of loamy soil in order to maximize the water absorption during wet weather conditions and minimize irrigation runoff.
24. Survey monuments shall be installed on the southeast, southwest and northwest property lines in or adjacent to the sidewalk. Record same with County Office of Records.
25. In accordance with I.B.M.C. 12.32.120, Developer shall 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.
26. For any new construction, the building foundation elevation shall be at least 1 foot above gutter line to minimize flooding during storm conditions. An alternate methods and design request may be applied for demonstrating adequate drainage flow away from the building and adequately conveying water from the site.
27. Any roof drain that does not go through a bioswale must include an inline downspout filter before discharging to an impermeable surface. 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 R9-2007-0001.
28. Any disposal/transportation of solid waste / construction waste in roll off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.
29. Operations shall comply with the requirements of the Department of Toxic Substances Control with regard to the handling of hazardous materials.
30. Prior to any work being performed in the public right-of-way, a temporary encroachment permit shall be obtained from the Building Division and appropriate fees paid.
31. The applicant shall, during construction, store any roll-off bins on the site. If this is not possible, an Encroachment Permit shall be obtained from the Building Division prior to the issuance of a building permit, to place any roll-off bins in the public right-of-way. The Encroachment Permit will contain the following conditions:
  - A. The roll-off bin shall not contain debris past the rim, and shall be emptied regularly to prevent this.
  - B. The area around the bin shall be kept free and clear of debris.
  - C. The bin shall have reflectors for observation at night.
32. Prior to commencement of construction, the applicant shall submit plans showing the locations, both on and off site that will be used as staging or storage areas for materials

and equipment during the construction phase of the project. The staging/storage plan shall be subject to review and written approval of the Community Development Director.

**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 2<sup>nd</sup> day of May, 2012, by the following roll call vote:

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

*James C. Janney*

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

**ATTEST:**

*Jacqueline M. Hald*

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

**APPROVED AS TO FORM:**

*Jennifer M. Lyon*

\_\_\_\_\_  
**JENNIFER M. LYON**  
**CITY ATTORNEY**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2012-7188 A Resolution of the City of Imperial Beach approving General Plan/ Local Coastal Program/ Zoning Code (GPA/ LCPA 100007/ ZCA 100008) Amendment, and discretionary permits Design Review (DRC 100006) and Site Plan Review (SPR 100009) applications for the **Bikeway Village** project that proposes the conversion/ adaptive reuse of two approximate 15,000 square foot warehouse structures at 535 Florence, 536 13<sup>th</sup> Streets (APN 626-192-03-00 and 626-192-04-00) and on vacant parcel APN 616-021-10-00. MF 1034

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

\_\_\_\_\_  
**DATE**

## ORDINANCE NO. 2012-1127

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AMENDING TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 19.25 COMMERCIAL/ RECREATION – ECOTOURISM (C/R-ET) ZONE AND APPLYING THE C/R-ET ZONE TO THE BIKEWAY VILLAGE SITE. MF 1034.**

**WHEREAS**, on May 2, 2012, and on May 16, 2012, the City Council of the City of Imperial Beach held duly advertised public hearings to consider the merits of approving or denying an application for Zoning Code Amendment (ZCA) 100008 to add Chapter 19.25 Commercial/ Recreation – Ecotourism (C/R-ET) Zone to the Imperial Beach Zoning Ordinance and applying the C/R-ET Zone to the subject site for the **Bikeway Village** project that proposes the conversion/ adaptive reuse of two approximate 15,000 square foot warehouse structures at 535 Florence, 536 13<sup>th</sup> Streets (APN 626-192-03-00 and 626-192-04-00) and on vacant parcel APN 616-021-10-00 (“Subject Site”). The Subject Site is legally described as follows:

Lots 15 through 20 in Block 4 of South San Diego, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 133, filed in the Office of the County Recorder of San Diego County on July 5, 1887, together with those portions of the East 10.00 feet of Florence Street and the North 10.00 feet of Cypress Avenue, as vacated and closed to public use immediately adjoining the above described land on the west and south; and,

Lots 21 through 26, inclusive, in Block 4 of South San Diego, in the City of Imperial Beach, County of San Diego, State of California, according to Map thereof No. 133, filed in the Office of the County Recorder of San Diego County on July 5, 1887, together with that portion of the North 10.00 feet of Cypress Avenue adjoining said Lot 21 on the South as vacated and closed to public use by the Council of the City of Imperial Beach on October 29, 1968, by Resolution No. 1439, a certified copy of which was recorded in the Office of the County Recorder of San Diego County on November 4, 1968, as File No. 193024 of Official Records; and

That portion of the Northwest Quarter of the Southeast Quarter of Section 20, Township 18, South, Range 2 West, in the City of San Diego, County of San Diego State of California being described as follows:

BEGINNING at the Southeast corner of said Northwest Quarter of the Southeast Quarter of said Section 20; thence along the Southerly line thereof North 89°21'08" West, 420.06 feet; thence leaving said Southerly line North 00°37'24" East, 87.74 feet to the Southerly line of said San Diego and Arizona Eastern Railway right-of-way, said point being a point on a curve concave to the North having a radius of 997.95 feet, to which said beginning a radial bears South 00°20'53" West; thence Easterly 434.13 feet along said curve through a central angle of 24°55'29" to the Easterly line of said Northwest Quarter of the Southeast Quarter; thence along said Easterly line South 00°38'17" West 182.87 feet to the POINT OF BEGINNING.

**WHEREAS**, the City Council finds that the proposed C/R-ET Zone to be consistent with General Plan Policies L-4f and L-6 that encourage visitor-serving and tourist-oriented commercial uses and the proposed zoning code amendment would, therefore, be externally consistent with the General Plan/ Local Coastal Plan pursuant to Government Code Section 65860; and

**WHEREAS**, the City Council finds that the proposed C/R-ET Zone promotes the recommendation provided in the Urban Waterfront and Ecotourism Study of 2005 to facilitate policies that provide for tourist-oriented amenities; and

**WHEREAS**, this project complies with the requirements of the California Environmental Quality (CEQA) as the draft Mitigated Negative Declaration (MND) was prepared for this project and advertised in the IB Eagle and Times for availability during the public review period from March 8, 2012 to April 9, 2012; and routed through the State Clearinghouse (SCH# 2012031034) for state agency review from March 6, 2012 to April 4, 2012; and

**WHEREAS**, the Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis; that the decision-making body has, pursuant to CEQA Guidelines Section 15074(b), reviewed and considered the information contained in this MND and the comments received during the public review period; that revisions in the project plans or proposals made by or agreed to by the project applicant, pursuant to CEQA Guidelines Section 15070(b)(1), would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and that, on the basis of the whole record before the decision-making body (including this MND) there is no substantial evidence that the project as proposed, as conditioned, or as revised, will have a significant effect on the environment.

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

**SECTION 1:** That Section 19.06.010. (Zones Established) of the Imperial Beach Municipal Code, is amended to read as follows:

O. C/R-ET – Commercial/ Recreation – Ecotourism zone.

**SECTION 2:** That the zoning classification of the Subject Site as legally described above is changed from R-3000-D (Residential – Two-Family – Detached) to C/R-ET – Commercial/ Recreation – Ecotourism and that the Zoning Map adopted pursuant to Section 19.06.020 shall be amended to reflect the change of zoning classification.

**SECTION 3:** That Chapter 19.25 C/R-ET Commercial/ Recreation – Ecotourism Zone is hereby added to Title 19 of the Imperial Beach Municipal Code, and is attached hereto as Exhibit A and made a part of Ordinance No. 2012-1127.

**SECTION 4:** That this ordinance shall only become effective upon its certification by the California Coastal Commission.

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

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

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 2<sup>nd</sup> day of May, 2012; and **THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 16<sup>th</sup> day of May, 2012, by the following vote:

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

*James C. Janney*

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

**ATTEST:**

*Jacqueline M. Hald*

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

**APPROVED AS TO FORM:**

*Jennifer M. Lyon*

\_\_\_\_\_  
**JENNIFER M. LYON**  
**CITY ATTORNEY**

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Ordinance No. 2012-1127 - An Ordinance of the City of Imperial Beach approving Zoning Code Amendment (ZCA) 100008 to add Chapter 19.25 Commercial/ Recreation – Ecotourism (C/R-ET) Zone to the Imperial Beach Zoning Ordinance and applying the C/R-ET Zone to the subject site for the **Bikeway Village** project. MF 1034

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

\_\_\_\_\_  
**DATE**

**Chapter 19.25. C/R-ET (COMMERCIAL/ RECREATION-ECOTOURISM) ZONE**

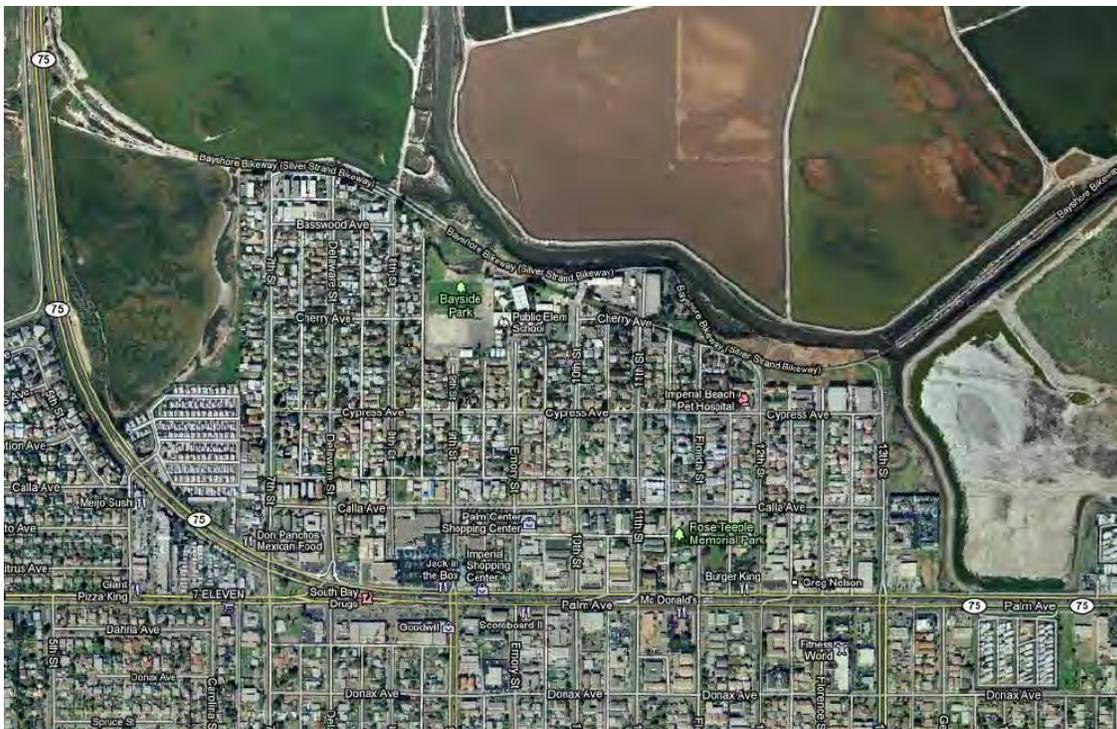
**19.25.010. Purpose of zone.**

The purpose of the C/R-ET zone is to provide land to meet the demand for goods and services required primarily by the recreation and ecotourist visitor. This zone is intended to implement the recommendations of the 2005 Urban Waterfront and Ecotourism Study. It would also implement Parks and Recreation Element Policy P-7 of the General Plan (Increase Tourist Related Commercial Land Uses) which provides that “The City and its business community should take direct action to increase the amount of tourist-oriented businesses both along the beachfront, South San Diego Bayfront and inland areas.”

The International Ecotourism Society (TIES) defines ecotourism as “responsible travel to natural areas that conserves the environment and sustains the well-being of local people.” It is intended that the C/R-ET zone will accommodate the land use needs of the recreation and ecotourism market niches. Among the uses envisioned for the C/R-ET zone include small-scale visitor-serving retail and services such as specialty stores, shops, eating and drinking establishments (such as restaurants and cafes), recreational uses, fitness, athletic and health club uses, and visitor accommodations (such as hostels, hotels and motels).



Imperial Beach is identified as a strong market for birders.



The bayfront area of Imperial Beach is recommended for recreation and ecotourism uses.



Imperial Beach provides an attractive venue for recreational uses that include bicycling and surfing.



The rare and endangered bird species in the Imperial Beach area provide a unique opportunity to capitalize on the birding market.

**19.25.020. Regulated land uses.**

Process Legend: P = permitted by right; C = conditional use permit; N = not permitted		
Land Use	Process	Notes/Additional Regulations
<b>Commerical use types</b>		
1. Adult bookstore, adult hotel/motel, adult mini-motion picture theater adult picture arcade, adult picture theater, sexual encounter studio, rap parlor, model studio	N	
2. Antique Stores	P	
3. Arcades/Game centers	C	
4. Art studio, Galleries, Museums	P	

5. Athletic and Health clubs	<i>P</i>	
6. Automotive uses: gas and auto sales	<i>N</i>	
7. Bars or Cocktail lounges,	<i>C</i>	
With live entertainment	<i>C</i>	
8. Beach equipment rental, Bike rental, Surf shop, Fishing supply	<i>P</i>	
9. Body piercing establishment	<i>N</i>	
10. Bookstore	<i>P</i>	
11. Boutique	<i>P</i>	
12. Child care facility	<i>N</i>	
13. Clinic	<i>N</i>	
14. Department store	<i>N</i>	
15. Drive-in Restaurant	<i>N</i>	
16. Drive-thru establishment	<i>N</i>	
17. Food and beverage sales	<i>P</i>	
18. Fortune telling establishment	<i>N</i>	
19. Kennel	<i>N</i>	
20. Kiosk	<i>P</i>	
21. Liquor store	<i>N</i>	
22. Massage therapy	<i>P</i>	SB 731
23. Medical marijuana dispensary	<i>N</i>	
24. Mortuary	<i>N</i>	
25. Palm reading establishment	<i>N</i>	
26. Pawn shop	<i>N</i>	
27. Personal convenience services	<i>P</i>	
28. Pool/Billiard Hall	<i>C</i>	
With live entertainment	<i>C</i>	
29. Postal services, private	<i>P</i>	
30. Professional offices, Financial institutions, and Real estate	<i>P</i>	
31. Restaurants and cafes (eating and drinking establishments)	<i>P</i>	
With live entertainment	<i>C</i>	
32. Retail food stores	<i>P</i>	
33. Retail sales	<i>P</i>	
34. Secondhand or used merchandise sales	<i>N</i>	See definition
35. Tattoo establishment	<i>N</i>	
<b>Residential/ transient habitation use types</b>		
36. Accessory buildings, structures, private garages	<i>N</i>	
37. Bed and breakfast (H-4)	<i>P</i>	
38. Boarding house	<i>N</i>	
39. Boutique hotel (H-6)	<i>P</i>	§ 19.25.90.G
40. Emergency shelter	<i>N</i>	

41. Hostel	<i>P</i>	§ 19.25.90.F
42. Hotels, motels (H-1, H-2, H-3)	<i>P</i>	
43. Inn (hotel H-5)	<i>P</i>	§ 19.25.90.E
44. Live/Work units	<i>P</i>	§ 19.25.40
45. Motor home/Manufactured Housing Community	<i>N</i>	
46. Mixed-use development	<i>N</i>	
47. Multi-family residential units	<i>N</i>	
48. Second-family units	<i>N</i>	
49. Senior housing, Nursing home, Retirement home	<i>N</i>	
50. Short-term rentals	<i>P</i>	§ 19.25.40
51. Single-family detached	<i>N</i>	
52. Timeshares	<i>N</i>	
<b>Industrial use types</b>		
53. Automotive uses: auto repair, body repair, dismantling, wrecking yard	<i>N</i>	
54. Custom/incidental manufacturing	<i>C</i>	§19.25.90.A.
55. Energy facility	<i>N</i>	
56. Green Building utilities	<i>P</i>	
57. Equipment rental yard	<i>N</i>	
58. Light manufacturing, Manufacturing, Industrial	<i>N</i>	
59. Wireless communications facilities	<i>C</i>	Chapter 19.90
<b>Civic, Public, and Semi-public use types</b>		
60. Campsites	<i>N</i>	
61. Religious assembly (church, mosque, temple, synagogue, etc)	<i>C</i>	
62. Clubs, fraternal/veteran/service organizations	<i>N</i>	
With live entertainment	<i>N</i>	
63. Government or quasi-public building	<i>C</i>	
64. Library	<i>C</i>	
65. Public parking lot	<i>C</i>	
66. Schools, private	<i>N</i>	
67. Theatres/ Assembly	<i>C</i>	
<b>Open Space and Recreation use types</b>		
68. Playground and recreational facility (active)	<i>C</i>	
69. Public park (passive)	<i>P</i>	
70. Public riding and hiking trails	<i>P</i>	

### 19.25.030. Land Use and Design Determination

The Community Development Director or his or her designee shall make determinations of land use and design. The Director shall assign proposed uses to the appropriate category. The Director shall make architectural/design determinations that are within the intent of this code when not expressly prescribed by this code. For any ambiguity or question of a Director's determination,

the applicant or any citizen may file an appeal of the determination to the Planning Commission for an interpretation pursuant to Section 19.02.080.

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A minimum of 60% of the ground floor of the parcels with street frontages shall have active commercial uses, uses that contribute to a high level of pedestrian activity such as retail shops, restaurants, hotels, museums and galleries.

**19.25.050. Development Review Process Jurisdiction.**

Site plan and design review by the City Council will be required for all proposed development involving major new construction. Site plan and design review by the Community Development Director (administrative approval) will be required for any addition, construction, remodel or alteration of existing buildings or exterior facade alterations to existing buildings.

**19.25.060. Development Regulations and Design Standards.**

The development standards for the C/R-ET zone are intended to create a small-scale commercial development that preserves coastal views, promotes ecotourism and recreation activities and encourages pedestrian activity through the design and location of buildings, façade treatments, landscaping, street furniture, and travel ways.

To accommodate recreation and ecotourism uses, development may take the form of adaptive reuse of existing structures or existing structures may be demolished to create new development.

**A. Adaptive Reuse provisions:**

1. Blank sterile walls shall be articulated with building openings (such as doors and windows), moldings, and other façade treatments to create a tourist commercial venue that is at pedestrian scale.
2. For adaptive reuse proposals in districts characterized by historic or architecturally significant structures, façade changes shall be consistent with and preserve the design theme of such structures.
3. Pedestrian-oriented walkway treatments and landscaping of the public realm shall be provided.



Active commercial uses such as shops and restaurants generate pedestrian activity.



The facades of buildings should welcome people, not repel them.



Adaptive reuse provides an opportunity to transform a sterile façade into an attractive pedestrian-scale experience.

4. The Community Development Director and the City Council may approve the design for adaptive reuse proposals that deviate from the prescribed standards in this chapter but yet are consistent with the intent of this chapter.

**B. New development/redevelopment provisions:**

1. A site and design review plan shall be submitted to function as a regulating plan (enabled by AB 1268, Government Code Section 65302.4) that will contain block, building, land use, public space, landscaping, and architectural elements.
2. The effect of the site and design review plan shall represent a design statement that is consistent with the intent of Chapter 19.25 which is to provide a small-scale commercial venue that preserves coastal views and encourages pedestrian activity through the design and location of buildings, façade treatments, landscaping, street furniture, and travel ways.

**C. Setback/Yards/Separation/Building Line, and Stepback provisions**

1. For properties fronting on a public street, the front building line shall be set on the front lot line if the sidewalk and parkway improvements are at least 10 feet in width. If the sidewalk and parkway improvements are less than 10 feet in width, the front building line shall be set back a reasonable distance from the right-of-way line as determined through a site plan review process in order to accommodate for sidewalk and parkway improvements. For buildings proposed to be set back greater than allowed, a site plan and perspective renderings that analyze and demonstrate the effect that the proposed spatial forms may have on pedestrians shall be submitted for approval. An example of increased setback that may be justified would be provisions for outdoor dining and plazas for public seating areas.
 

Buildings that front along the sidewalk and parkway improvements enhance the pedestrian experience.
2. Side yard: 5 feet for interior lots. For corner lots, the side building line shall be set on the exterior side lot line if the sidewalk and parkway improvements are at least 10 feet in width. If the sidewalk and parkway improvements on the exterior side are less than 10 feet in width, the side building line shall be set back no more than five feet of the right-of-way line.
3. Rear yard: 10 feet if abutting residentially-zoned property.
4. Stepback: 5 feet at second floor if abutting residentially-zoned property.
5. Detached buildings shall be located not less than six feet from any other building on the same lot.

**D. Building Height provisions**

1. 15-foot minimum floor-to-ceiling height for commercial spaces on the ground floor. 20-foot minimum height required for single-story buildings.

- 2. No building in the C/R-ET Zone shall exceed two stories or twenty-six feet in height, whichever is less.

**E. Lot size provisions**

- 1. The minimum area for any new lot created in the C/R-ET zone shall be 5,000 square feet with a minimum width of 50 feet along the street frontage.



Xeriscape example

**F. Landscaping provisions**

- 1. Landscaping and open space shall be provided pursuant to Chapter 19.50.
- 2. Drought tolerant native or naturalizing non-invasive xeriscape elements shall be incorporated into the landscape plan.
- 3. Landscaping of the parkway areas adjacent to pedestrian walkways shall be provided.
- 4. Stormwater shall drain, to the extent practicable and in concert with engineered drainage plans, toward landscaped areas in order to provide bio-filtration of urban runoff.



Storm water BMP example

**G. Climate Change/ Sustainability provisions:**

**1. Mitigation Measures:**

- a. **Storm Water.** Storm water runoff shall be minimized (in addition to satisfying the storm water requirements of IBMC Chapters 8.30, 8.31, and 8.32) by infiltrating runoff on-site provided that geotechnical studies support infiltration/percolation capabilities.

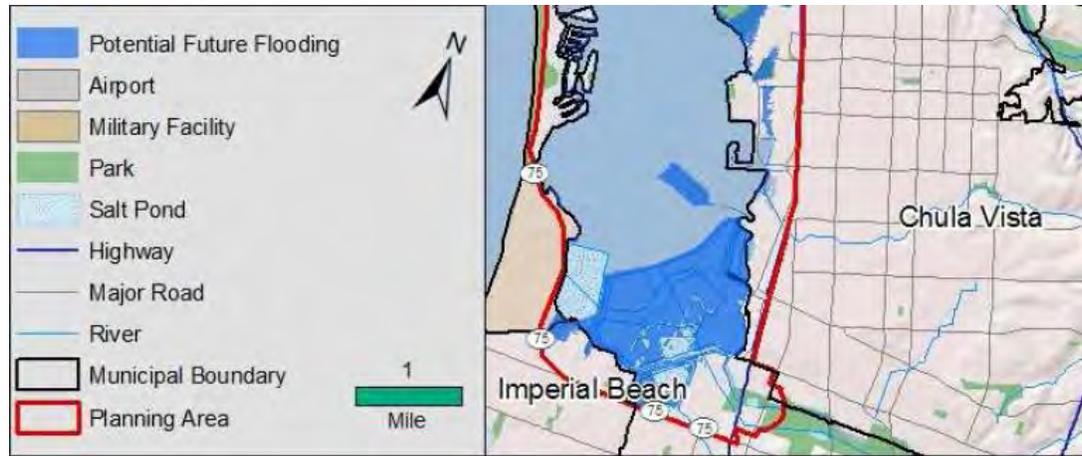


Green Building utility example

- b. **Green Building.** The 2010 California Green Building Standards Code (CALGreen Code) became effective January 1, 2011. Projects shall propose additional sustainable elements that minimize the production of greenhouse gases (GHG) and exceed the requirements of the CALGreen Code to possibly include small scale wind turbines, solar panels for water heating and power generation, use of recycled water and materials, and other elements that may qualify for LEED (Leadership in Energy and Environmental Design) certification.

**2. Adaptation Measures:**

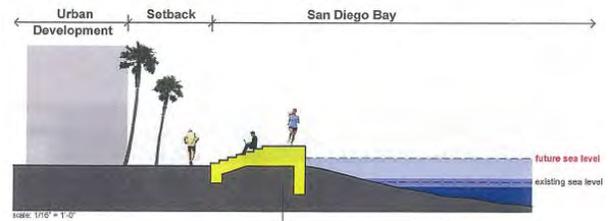
- a. **Sustainability.** Projects shall propose additional sustainable elements that minimize the production of greenhouse gases (GHG) and exceed the requirements of the CALGreen Code to possibly include small scale wind turbines, solar panels for water heating and power generation, use of recycled water and materials, and other elements that may qualify for LEED (Leadership in Energy and Environmental Design) certification.



b. **Sea Level Rise (SLR).** Buildings may have a useful life of 50 to 100 years or more. Global warming scenarios project an increase in sea level rise due to the effects of greenhouse gases. The State of California projects a rise of 10 to 17 inches by the year 2050 and a rise of 31 to 69 inches by the year 2100 (State of California, Sea Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT), *Sea Level Rise Interim Guidance Document*, October 2010). Project proponents shall assess their projects for its vulnerability to impacts from sea level rise and, if vulnerable, propose a reasonable adaptation strategy that may take the form of hard structures (such as seawalls, levees, bulkheads, or rip-rap), soft structures (such as wetland restoration, low impact development (LID), detention basins, bioinfiltration, or bioswales), accommodation (such as elevated grades, elevated structures, floodable development, or floating structures), or withdrawal (such as buffers, rolling easements, disassembly design, or managed retreat).

Where necessary, Sea Level Rise adaptation measures shall be included and may include the following:

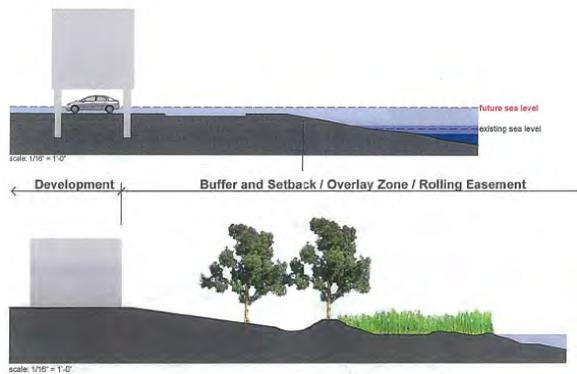
option C - Seawall - stepped



option E - Bioswales and other vegetated drain channels



option G - Elevated Structure



**H. Parking provisions**

1. Parking shall be provided (on-site and/or off-site) as required pursuant to Chapter 19.48 and with the approval of a site and design review plan.
2. Views of parking facilities shall be buffered with elements such as landscaping or street walls. Parking structures shall be designed with articulation and attractive façade treatment in order to be compatible with the character of a small town commercial tourist district.
3. Where appropriate, reverse angle/back-in parking is permitted in order to accommodate for bicycle safety.
4. Bicycle parking shall be provided pursuant to Section 5.106.4 of the CALGreen Code.



The façade of any proposed parking structure shall be articulated to be compatible with the surrounding development.

**I. Building Façade provisions:**

1. Blank/sterile unarticulated street/building walls are not allowed.
2. Building openings (in the form of windows, doors etc.) shall be provided along street frontages. Openings shall not span vertically more than one story.
3. Permitted building materials include: brick and tile masonry, stucco (cementitious finish), native stone, pre-cast masonry (for trim and cornice elements), gypsum reinforced fiber concrete (for trim elements), metal (for beams, lintel, trim and ornamental elements), split-faced block (for piers and foundation walls), wood lap and Hardie-plank siding.
4. For new development, roof lines shall be varied to create architectural interest. Variations in pitch shall be symmetrical and eaves shall overhang 24 inches.
5. For new development, flat and parapet roofs shall be articulated with cornices or coping elements that project out 24 inches.
6. Green roof, skylights, roof vents, wind turbines, roof drains, and solar panels shall be integrated into the architectural style of the building.
7. Roof materials permitted include: clay and concrete tile, slate, standing seam metal, and dimensional asphalt shingles.



An example of roof articulation.



Examples of pedestrian-scale signage.

**19.25.070. Signage provisions.**

1. Proposed signage shall be consistent with Chapter 19.52.

- 2. The character of the sign, which shall be at pedestrian scale, and its illumination shall be consistent with that of the building and not consist of more than three colors.

**19.25.080. Public Realm/Street Furniture provisions.**

- 1. Street lighting shall be mission-style or of another historical theme and located 16 feet above grade with a maximum average spacing of 60 feet on center.
- 2. Acceptable sidewalk materials include: brick, masonry, tile, permeable and landscape pavers, and stamped Portland cement concrete.
- 3. Seat walls and seating for outdoor dining may be permitted within the right-of-way with the approval of a site and design plan and an encroachment permit or license agreement.
- 4. Sufficient right of way dedication shall be provided to accommodate at least 10 feet of walkway and landscape improvements along public streets.
- 5. Public trash and recycling receptacles shall be attractively designed and placed in strategic locations so that they are convenient but do not obstruct pedestrian travel.
- 6. Utility meters, utility pedestals, and back-flow preventers shall be located or buffered such that they are not visible from public venues.



Examples of street furniture and public improvements, including public art, that are design-sensitive and pedestrian-scale.

**19.25.090. Miscellaneous Provisions.**

A. **Custom/Incidental Manufacturing** refers to the small scale on-site production of goods by hand which involves only the use of hand tools or domestic mechanical equipment that do not exceed five horse power or a single kiln not exceeding 8 cubic feet and that such use is restricted as a secondary use to the primary retail or service use where such products are sold directly to consumers. Typical uses include ceramic studios, candle making shops or custom jewelry crafts stores.



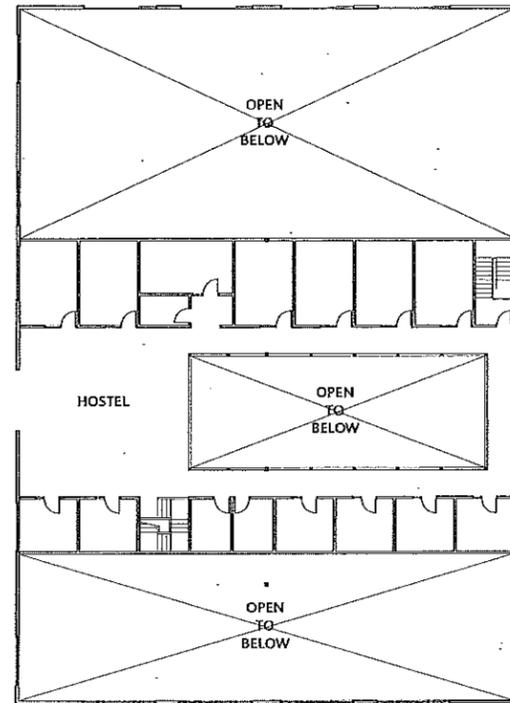
B. **Conditional Use Permit.** Conditions for any conditional use permit may include, but shall not be limited to requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulations of vehicular ingress and egress and traffic circulation; regulations of signs; regulations of hours of operation; establishment of development schedules or time limits for performance or completion; requirements for periodic review; and such other conditions as may be deemed necessary to ensure compatibility with existing surrounding uses, and to preserve the public health, safety and welfare.

- C. **Refuse and Recycling Containers.** Private refuse and recycling containers in conformance with Section 19.74.090 shall be buffered from public venues with landscaping and/or screen walls.
- D. **Coastal Development Permit.** If the project site proposed for recreational and ecotourism development is located in the original coastal development permit (CDP) jurisdiction of the California Coastal Commission, applicants shall proceed with other required discretionary permits through the city prior to filing for a CDP application with the Commission.
- E. **“Boutique hotel”** (hotel H-6) means a small elegant lodging facility that is unique and is characterized by personalized service.
- F. **“Ecotourism”** means responsible travel to natural areas that conserves the environment and sustains the well-being of local people.
- G. **“Hostel”** means a place where travelers may stay for a limited duration at low cost in a facility that is appropriately recognized by a state, national or international hostel organization and that may include dormitory-like sleeping accommodations.
- H. **“Inn”** (hotel H-5) means a commercial establishment that affords public lodging on a less than monthly basis and may include meals and other services to travelers.

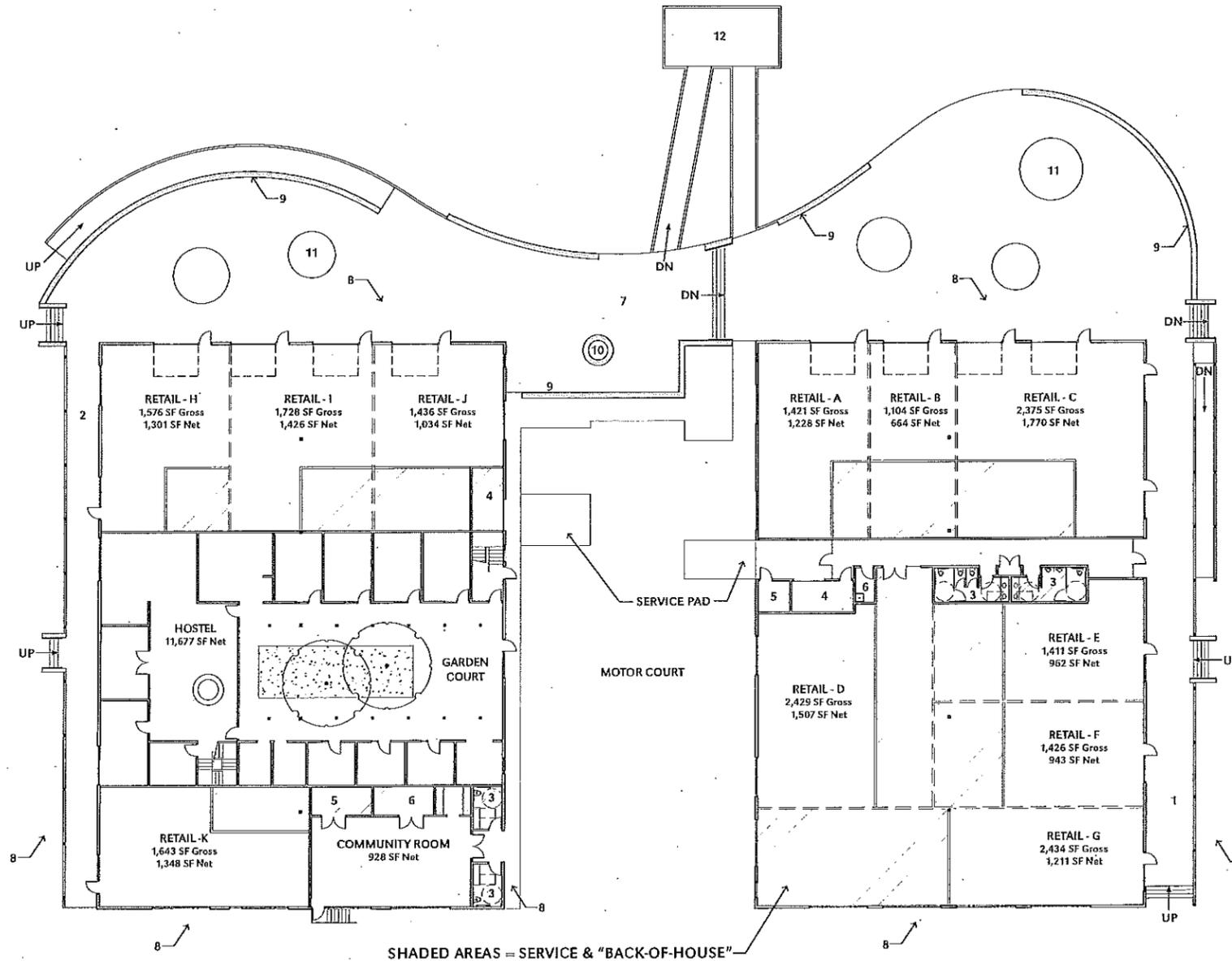


Boutique hotel example

**ATTACHMENT 3**



**BUILDING A**  
Upper Level Plan



**BUILDING A**  
Ground Level Plan

**BUILDING B**

- 1 EAST PORCH
- 2 WEST PORCH
- 3 PUBLIC WASHROOMS
- 4 TRASH/RECYCLING
- 5 METERS
- 6 MAINTENANCE
- 7 NORTH TERRACE
- 8 ROOF/AWNINGS ABOVE
- 9 SEAT WALLS
- 10 FIRE PIT
- 11 PLANTING CUT OUT
- 12 OBSERVATION DECK

**BUILDING A**

Total Gross Square Footage:	20,519 SF
50 Bed Hostel:	11,766 SF
Community Room:	928 SF
Service:	586 SF
Retail:	
(Gross Area)	6,383 SF
(Net Floor Area*)	5,109 SF

**BUILDING B**

Total Gross Square Footage:	14,600 SF
Service:	556 SF
Retail:	
(Gross Area)	12,600 SF
(Net Floor Area*)	8,285 SF

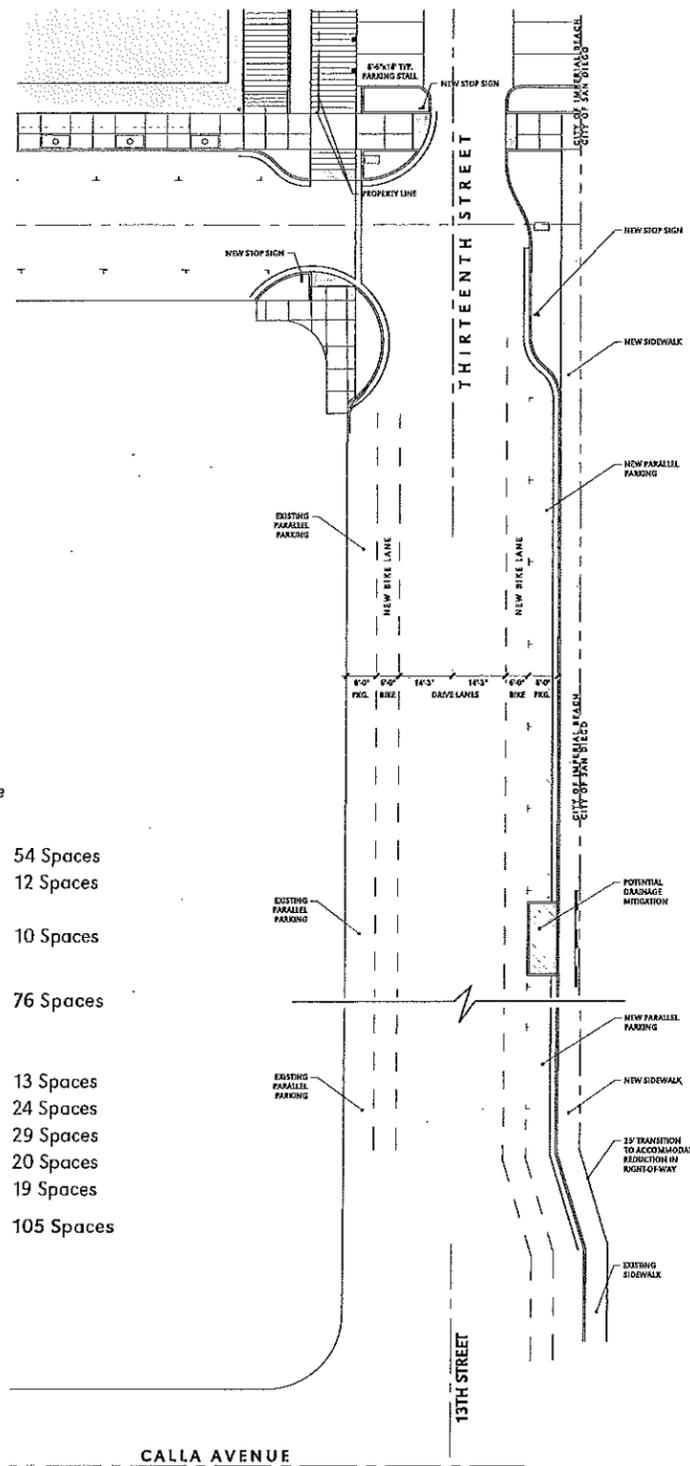
\*Per City of Imperial Beach  
Municipal Code Section 19.04.575







FIGURE 8  
Illustrated Aerial View



**PARALLEL PARKING OPTION**

**PROJECT PARKING DEMAND:**  
 Net Floor Area (Commercial/Retail)  
 \*Per City of Imperial Beach Municipal Code Section 19.04.575

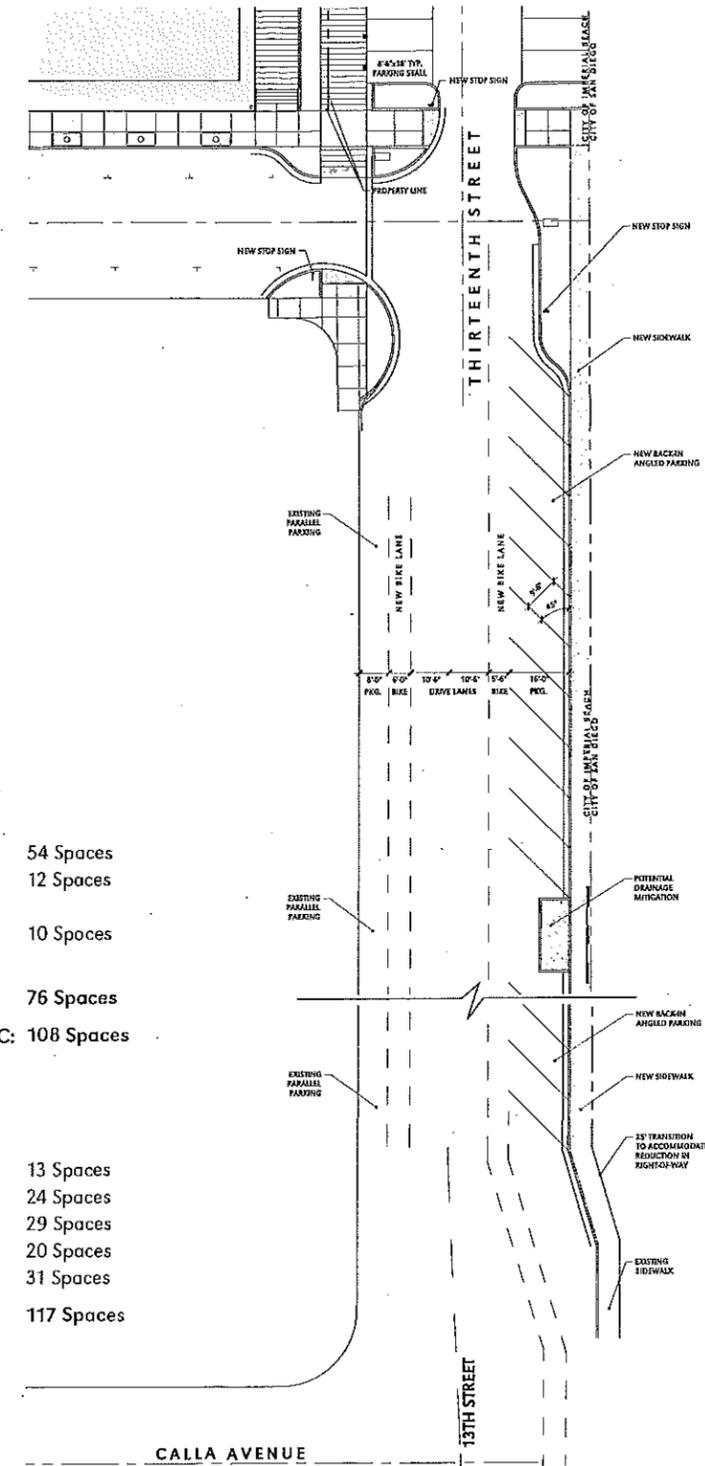
- 13,394 SF/250 SF Per Space      54 Spaces
- 50 Bed Hostel:      12 Spaces
- 1 Space/5 Beds + 2 Employee
- Community Room      10 Spaces
- 928 SF/100 SF Per Space

**TOTAL PARKING DEMAND:**      76 Spaces

**PROPOSED PARKING LAYOUT:**

- Florence Street (West)      13 Spaces
- Alley R.O.W. Parking (Existing)      24 Spaces
- Thirteenth Street (North)      29 Spaces
- Cypress Avenue (north + South)      20 Spaces
- Thirteenth Street (South)      19 Spaces

**TOTAL PROPOSED PARKING:**      105 Spaces



**BACK-IN ANGLED PARKING OPTION**

**PROJECT PARKING DEMAND:**  
 Net Floor Area (Commercial/Retail)  
 \*Per City of Imperial Beach Municipal Code Section 19.04.575

- 13,394 SF/250 SF Per Space      54 Spaces
- 50 Bed Hostel:      12 Spaces
- 1 Space/5 Beds + 2 Employee
- Community Room      10 Spaces
- 928 SF/100 SF Per Space

**TOTAL PARKING DEMAND:**      76 Spaces

**TOTAL PARKING DEMAND - HIGHEST TRAFFIC:** 108 Spaces  
 (Approx. 27,000 SF/250 SF Per Space)

**PROPOSED PARKING LAYOUT:**

- Florence Street (West)      13 Spaces
- Alley R.O.W. Parking (Existing)      24 Spaces
- Thirteenth Street (North)      29 Spaces
- Cypress Avenue (north + South)      20 Spaces
- Thirteenth Street (South)      31 Spaces

**TOTAL PROPOSED PARKING:**      117 Spaces



**FIGURE 11**  
 Proposed Parking Improvements

**Chapter 19.25. C/R-ET (COMMERCIAL/ RECREATION-ECOTOURISM) ZONE****19.25.010. Purpose of zone.**

The purpose of the C/R-ET zone is to provide land to meet the demand for goods and services required primarily by the recreation and ecotourist visitor. This zone is intended to implement the recommendations of the 2005 Urban Waterfront and Ecotourism Study. It would also implement Parks and Recreation Element Policy P-7 of the General Plan (Increase Tourist Related Commercial Land Uses) which provides that “The City and its business community should take direct action to increase the amount of tourist-oriented businesses both along the beachfront, South San Diego Bayfront and inland areas.”

The International Ecotourism Society (TIES) defines ecotourism as “responsible travel to natural areas that conserves the environment and sustains the well-being of local people.” It is intended that the C/R-ET zone will accommodate the land use needs of the recreation and ecotourism market niches. Among the uses envisioned for the C/R-ET zone include small-scale visitor-serving retail and services such as specialty stores, shops, eating and drinking establishments (such as restaurants and cafes), recreational uses, fitness, athletic and health club uses, and visitor accommodations (such as hostels, hotels and motels).



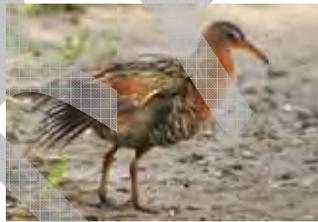
Imperial Beach is identified as a strong market for birders.



The bayfront area of Imperial Beach is recommended for recreation and ecotourism uses.



Imperial Beach provides an attractive venue for recreational uses that include bicycling and surfing.



The rare and endangered bird species in the Imperial Beach area provide a unique opportunity to capitalize on the birding market.

**19.25.020. Regulated land uses.**

Process Legend: P = permitted by right; C = conditional use permit; N = not permitted		
Land Use	Process	Notes/Additional Regulations
<b>Commerical use types</b>		
1. Adult bookstore, adult hotel/motel, adult mini-motion picture theater adult picture arcade, adult picture theater, sexual encounter studio, rap parlor, model studio	N	
2. Antique Stores	P	
3. Arcades/Game centers	C	
4. Art studio, Galleries, Museums	P	

5. Athletic and Health clubs	P	
6. Automotive uses: gas and auto sales	N	
7. Bars or Cocktail lounges,	C	
With live entertainment	C	
8. Beach equipment rental, Bike rental, Surf shop, Fishing supply	P	
9. Body piercing establishment	N	
10. Bookstore	P	
11. Boutique	P	
12. Child care facility	N	
13. Clinic	N	
14. Department store	N	
15. Drive-in Restaurant	N	
16. Drive-thru establishment	N	
17. Food and beverage sales	P	
18. Fortune telling establishment	N	
19. Kennel	N	
20. Kiosk	P	
21. Liquor store	N	
22. Massage therapy	P	SB 731
23. Medical marijuana dispensary	N	
24. Mortuary	N	
25. Palm reading establishment	N	
26. Pawn shop	N	
27. Personal convenience services	P	
28. Pool/Billiard Hall	C	
With live entertainment	C	
29. Postal services, private	P	
30. Professional offices, Financial institutions, and Real estate	P	
31. Restaurants and cafes (eating and drinking establishments)	P	
With live entertainment	C	
32. Retail food stores	P	
33. Retail sales	P	
34. Secondhand or used merchandise sales	N	See definition
35. Tattoo establishment	N	
<b>Residential/ transient habitation use types</b>		
36. Accessory buildings, structures, private garages	N	
37. Bed and breakfast (H-4)	P	
38. Boarding house	N	
39. Boutique hotel (H-6)	P	§ 19.25.90.G
40. Emergency shelter	N	

41. Hostel	P	§ 19.25.90.F
42. Hotels, motels (H-1, H-2, H-3)	P	
43. Inn (hotel H-5)	P	§ 19.25.90.E
44. Live/Work units	P	§ 19.25.40
45. Motor home/Manufactured Housing Community	N	
46. Mixed-use development	N	
47. Multi-family residential units	N	
48. Second-family units	N	
49. Senior housing, Nursing home, Retirement home	N	
50. Short-term rentals	P	§ 19.25.40
51. Single-family detached	N	
52. Timeshares	N	
<b>Industrial use types</b>		
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54. Custom/incidental manufacturing	C	§19.25.90.A.
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57. Equipment rental yard	N	
58. Light manufacturing, Manufacturing, Industrial	N	
59. Wireless communications facilities	C	Chapter 19.90
<b>Civic, Public, and Semi-public use types</b>		
60. Campsites	N	
61. Religious assembly (church, mosque, temple, synagogue, etc)	C	
62. Clubs, fraternal/veteran/service organizations	N	
With live entertainment	N	
63. Government or quasi-public building	C	
64. Library	C	
65. Public parking lot	C	
66. Schools, private	N	
67. Theatres/ Assembly	C	
<b>Open Space and Recreation use types</b>		
68. Playground and recreational facility (active)	C	
69. Public park (passive)	P	
70. Public riding and hiking trails	P	

### 19.25.030. Land Use and Design Determination

The Community Development Director or his or her designee shall make determinations of land use and design. The Director shall assign proposed uses to the appropriate category. The Director shall make architectural/design determinations that are within the intent of this code when not expressly prescribed by this code. For any ambiguity or question of a Director's determination, the applicant or any citizen may file an appeal of the determination to the Planning Commission for an interpretation pursuant to Section 19.02.080.



Active commercial uses such as shops and restaurants generate pedestrian activity.

**19.25.040. Minimum Active Commercial Use**

A minimum of 60% of the ground floor of the parcels with street frontages shall have active commercial uses, uses that contribute to a high level of pedestrian activity such as retail shops, restaurants, hotels, museums and galleries.

**19.25.050. Development Review Process Jurisdiction.**

Site plan and design review by the City Council will be required for all proposed development involving major new construction. Site plan and design review by the Community Development Director (administrative approval) will be required for any addition, construction, remodel or alteration of existing buildings or exterior facade alterations to existing buildings.

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The development standards for the C/R-ET zone are intended to create a small-scale commercial development that preserves coastal views, promotes ecotourism and recreation activities and encourages pedestrian activity through the design and location of buildings, façade treatments, landscaping, street furniture, and travel ways.



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To accommodate recreation and ecotourism uses, development may take the form of adaptive reuse of existing structures or existing structures may be demolished to create new development.



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**A. Adaptive Reuse provisions:**

1. Blank sterile walls shall be articulated with building openings (such as doors and windows), moldings, and other façade treatments to create a tourist commercial venue that is at pedestrian scale.
2. For adaptive reuse proposals in districts characterized by historic or architecturally significant structures, façade changes shall be consistent with and preserve the design theme of such structures.

3. Pedestrian-oriented walkway treatments and landscaping of the public realm shall be provided.
4. The Community Development Director and the City Council may approve the design for adaptive reuse proposals that deviate from the prescribed standards in this chapter but yet are consistent with the intent of this chapter.

**B. New development/redevelopment provisions:**

1. A site and design review plan shall be submitted to function as a regulating plan (enabled by AB 1268, Government Code Section 65302.4) that will contain block, building, land use, public space, landscaping, and architectural elements.
2. The effect of the site and design review plan shall represent a design statement that is consistent with the intent of Chapter 19.25 which is to provide a small-scale commercial venue that preserves coastal views and encourages pedestrian activity through the design and location of buildings, façade treatments, landscaping, street furniture, and travel ways.

**C. Setback/Yards/Separation/Building Line, and Stepback provisions**

1. For properties fronting on a public street, the front building line shall be set on the front lot line if the sidewalk and parkway improvements are at least 10 feet in width. If the sidewalk and parkway improvements are less than 10 feet in width, the front building line shall be set back a reasonable distance from the right-of-way line as determined through a site plan review process in order to accommodate for sidewalk and parkway improvements. For buildings proposed to be set back greater than allowed, a site plan and perspective renderings that analyze and demonstrate the effect that the proposed spatial forms may have on pedestrians shall be submitted for approval. An example of increased setback that may be justified would be provisions for outdoor dining and plazas for public seating areas.
 

Buildings that front along the sidewalk and parkway improvements enhance the pedestrian experience.
2. Side yard: 5 feet for interior lots. For corner lots, the side building line shall be set on the exterior side lot line if the sidewalk and parkway improvements are at least 10 feet in width. If the sidewalk and parkway improvements on the exterior side are less than 10 feet in width, the side building line shall be set back no more than five feet of the right-of-way line.
3. Rear yard: 10 feet if abutting residentially-zoned property.
4. Stepback: 5 feet at second floor if abutting residentially-zoned property.
5. Detached buildings shall be located not less than six feet from any other building on the same lot.

**D. Building Height provisions**

1. 15-foot minimum floor-to-ceiling height for commercial spaces on the ground floor. 20-foot minimum height required for single-story buildings.
2. No building in the C/R-ET Zone shall exceed two stories or twenty-six feet in height, whichever is less.



Xeriscape example

**E. Lot size provisions**

1. The minimum area for any new lot created in the C/R-ET zone shall be 5,000 square feet with a minimum width of 50 feet along the street frontage.

**F. Landscaping provisions**

1. Landscaping and open space shall be provided pursuant to Chapter 19.50.
2. Drought tolerant native or naturalizing non-invasive xeriscape elements shall be incorporated into the landscape plan.
3. Landscaping of the parkway areas adjacent to pedestrian walkways shall be provided.
4. Stormwater shall drain, to the extent practicable and in concert with engineered drainage plans, toward landscaped areas in order to provide bio-filtration of urban runoff.



Storm water BMP example

**G. Climate Change/ Sustainability provisions:**

**1. Mitigation Measures:**

- a. **Storm Water.** Storm water runoff shall be minimized (in addition to satisfying the storm water requirements of IBMC Chapters 8.30, 8.31, and 8.32) by infiltrating runoff on-site provided that geotechnical studies support infiltration/percolation capabilities.



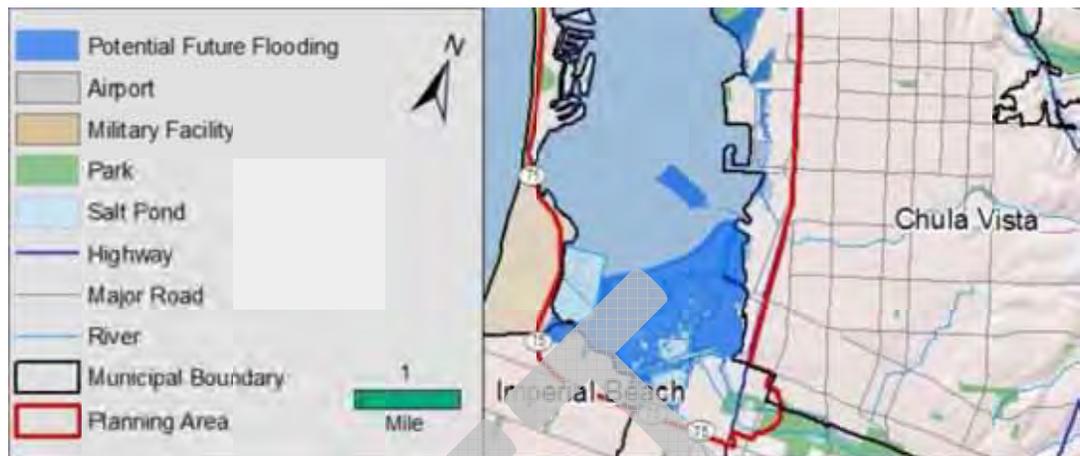
Green Building utility example

- b. **Green Building.** The 2010 California Green Building Standards Code (CALGreen Code) became effective January 1, 2011. Projects shall propose additional sustainable elements that minimize the production of greenhouse gases (GHG) and exceed the requirements of the CALGreen Code to possibly include small scale wind turbines, solar panels for water heating and power generation, use of recycled water and materials, and other elements that may qualify for LEED (Leadership in Energy and Environmental Design) certification.

**2. Adaptation Measures:**

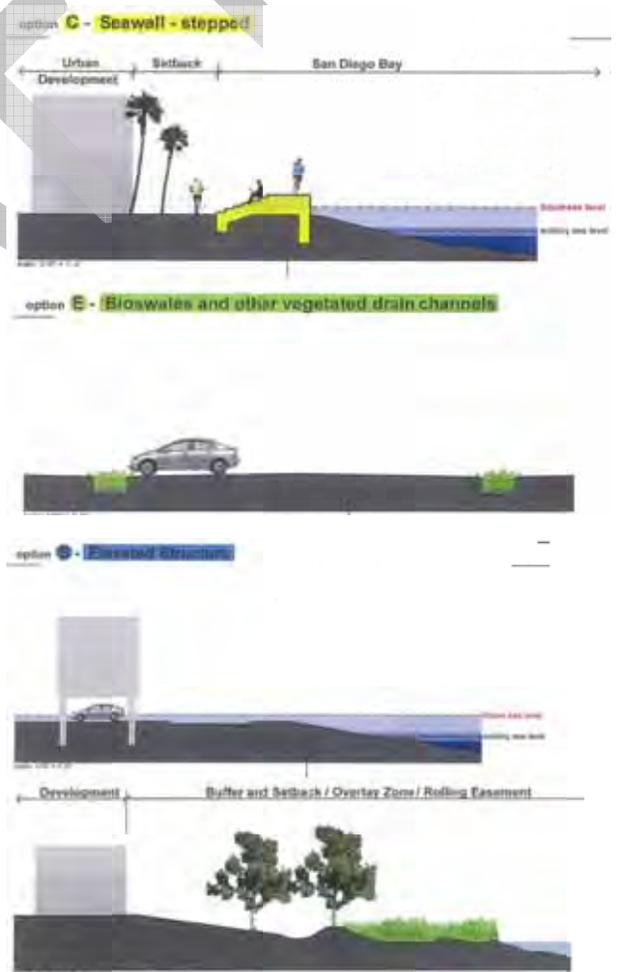
- a. **Sustainability.** Projects shall propose additional sustainable elements that minimize the production of greenhouse gases (GHG) and exceed the requirements of the CALGreen Code to possibly include small scale wind turbines, solar panels for water heating and power generation, use of

recycled water and materials, and other elements that may qualify for LEED (Leadership in Energy and Environmental Design) certification.



- b. **Sea Level Rise (SLR)** Buildings may have a useful life of 50 to 100 years or more. Global warming scenarios project an increase in sea level rise due to the effects of greenhouse gases. The State of California projects a rise of 10 to 17 inches by the year 2050 and a rise of 31 to 69 inches by the year 2100 (State of California, Sea Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT), *Sea Level Rise Interim Guidance Document*, October 2010). Project proponents shall assess their projects for its vulnerability to impacts from sea level rise and, if vulnerable, propose a reasonable adaptation strategy that may take the form of hard structures (such as seawalls, levees, bulkheads, or rip-rap), soft structures (such as wetland restoration, low impact development (LID), detention basins, bioinfiltration, or bioswales), accommodation (such as elevated grades, elevated structures, floodable development, or floating structures), or withdrawal (such as buffers, rolling easements, disassembly design, or managed retreat).

Where necessary, Sea Level Rise adaptation measures shall be included and may include the following:



## H. Parking provisions

1. Parking shall be provided (on-site and/or off-site) as required pursuant to Chapter 19.48 and with the approval of a site and design review plan.
2. Views of parking facilities shall be buffered with elements such as landscaping or street walls. Parking structures shall be designed with articulation and attractive façade treatment in order to be compatible with the character of a small town commercial tourist district.
3. Where appropriate, reverse angle/back-in parking is permitted in order to accommodate for bicycle safety.
4. Bicycle parking shall be provided pursuant to Section 5.106.4 of the CALGreen Code.



The façade of any proposed parking structure shall be articulated to be compatible with the surrounding development.

## I. Building Façade provisions:

1. Blank/sterile unarticulated street/building walls are not allowed.
2. Building openings (in the form of windows, doors etc.) shall be provided along street frontages. Openings shall not span vertically more than one story.
3. Permitted building materials include: brick and tile masonry, stucco (cementitious finish), native stone, pre-cast masonry (for trim and cornice elements), gypsum reinforced fiber concrete (for trim elements), metal (for beams, lintel, trim and ornamental elements), split-faced block (for piers and foundation walls), wood lap and Hardie-plank siding.
4. For new development, roof lines shall be varied to create architectural interest. Variations in pitch shall be symmetrical and eaves shall overhang 24 inches.
5. For new development, flat and parapet roofs shall be articulated with cornices or coping elements that project out 24 inches.
6. Green roof, skylights, roof vents, wind turbines, roof drains, and solar panels shall be integrated into the architectural style of the building.
7. Roof materials permitted include: clay and concrete tile, slate, standing seam metal, and dimensional asphalt shingles.



An example of roof articulation.



Examples of pedestrian-scale signage.

## 19.25.070. Signage provisions.

1. Proposed signage shall be consistent with Chapter 19.52.
2. The character of the sign, which shall be at pedestrian scale, and its illumination shall be consistent with that of the building and not consist of more than three colors.

#### 19.25.080. Public Realm/Street Furniture provisions.

1. Street lighting shall be mission-style or of another historical theme and located 16 feet above grade with a maximum average spacing of 60 feet on center.
2. Acceptable sidewalk materials include: brick, masonry, tile, permeable and landscape pavers, and stamped Portland cement concrete.
3. Seat walls and seating for outdoor dining may be permitted within the right-of-way with the approval of a site and design plan and an encroachment permit or license agreement.
4. Sufficient right of way dedication shall be provided to accommodate at least 10 feet of walkway and landscape improvements along public streets.
5. Public trash and recycling receptacles shall be attractively designed and placed in strategic locations so that they are convenient but do not obstruct pedestrian travel.
6. Utility meters, utility pedestals, and back-flow preventers shall be located or buffered such that they are not visible from public venues.



Examples of street furniture and public improvements, including public art, that are design-sensitive and pedestrian-scale.

#### 19.25.090. Miscellaneous Provisions.

- A. **Custom/Incidental Manufacturing** refers to the small scale on-site production of goods by hand which involves only the use of hand tools or domestic mechanical equipment that do not exceed five horse power or a single kiln not exceeding 8 cubic feet and that such use is restricted as a secondary use to the primary retail or service use where such products are sold directly to consumers. Typical uses include ceramic studios, candle making shops or custom jewelry crafts stores.
- B. **Conditional Use Permit.** Conditions for any conditional use permit may include, but shall not be limited to requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulations of vehicular ingress and egress and traffic circulation; regulations of signs; regulations of hours of operation; establishment of development schedules or time limits for performance or completion; requirements for periodic review;



and such other conditions as may be deemed necessary to ensure compatibility with existing surrounding uses, and to preserve the public health, safety and welfare.

- C. **Refuse and Recycling Containers.** Private refuse and recycling containers in conformance with Section 19.74.090 shall be buffered from public venues with landscaping and/or screen walls.
- D. **Coastal Development Permit.** If the project site proposed for recreational and ecotourism development is located in the original coastal development permit (CDP) jurisdiction of the California Coastal Commission, applicants shall proceed with other required discretionary permits through the city prior to filing for a CDP application with the Commission.
- E. **“Boutique hotel”** (hotel H-6) means a small elegant lodging facility that is unique and is characterized by personalized service.
- F. **“Ecotourism”** means responsible travel to natural areas that conserves the environment and sustains the well-being of local people.
- G. **“Hostel”** means a place where travelers may stay for a limited duration at low cost in a facility that is appropriately recognized by a state, national or international hostel organization and that may include dormitory-like sleeping accommodations.
- H. **“Inn”** (hotel H-5) means a commercial establishment that affords public lodging on a less than monthly basis and may include meals and other services to travelers.



Boutique hotel example

# **ATTACHMENT 5**

**Final  
Initial Study for the  
Imperial Beach Bikeway Village  
General Plan/Local Coastal Plan, Zoning Amendments,  
Site Development Plan, Grading Building Permits  
(MF1034) SCH No. 20122031034**

**City of Imperial Beach  
San Diego County, CA**

Lead Agency:

**City of Imperial Beach**  
Community Development Department  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932  
Contact: Jim Nakagawa, AICP, City Planner  
(619) 628-1355

April 2012

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## **NOTE TO REVIEWERS OF THE FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

The Draft Initial Study and Mitigated Negative Declaration for the Imperial Beach Bikeway Village General Plan/Local Coastal Plan, Zoning Amendment, Site Development Plan, Grading Building Permits (MF034) was circulated for a 30-day public review beginning on March 8, 2012 and ending on April 9, 2012 (SCH No. 201231034). In addition to confirmation letters from the California Governor's Office of Planning and Research State Clearinghouse, two comment letters were received during the public review from the following: (1) California Department of Toxic Substance Control (DTSC) and (2) San Diego Association of Governments (SANDAG). One additional e-mail comment was received from Kurt Farrington, Bayside Villas Homeowners Association (HOA) Board President, in response to the published newspaper notice. The comment letters and City of Imperial Beach responses to the letters are included in this final document.

In accordance with Section 15097 of the State CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed project. The MMRP is included as Appendix J to this final document.

### **MINOR CLARIFICATIONS TO THE DRAFT IS/MND**

In response to comments from the DTSC, Mitigation Measure VIII-3 was added to provide additional assurance that on-site contaminants will be properly identified and disposed of (see page 5, Response to Comment C-4, and page 83 of the IS/MND, Mitigation Measure VIII-3). The addition of this measure would not result in a change to the impact conclusions reached in the IS/MND.

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Letter A

RECEIVED

APR 9 2012



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

April 5, 2012

Jim Nakagawa  
City of Imperial Beach  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932

Subject: Bikeway Village  
SCH#: 2012031034

Dear Jim Nakagawa:

A-1

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on April 4, 2012, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

A-1

This letter, dated April 5, 2012, states that public review closed April 4, 2012 and that no state agencies submitted comments to the State Clearinghouse. The comment does not address the content of the MND. No response is necessary.

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2012031034  
**Project Title** Bikeway Village  
**Lead Agency** Imperial Beach, City of

**Type** MND Mitigated Negative Declaration

**Description** The conversion/adaptive reuse of two approximate 15,000 s.f. warehouse structures on two combined parcels totaling 42,340 s.f. located at 535 Florence and 536 13th Streets (APN 626-192-03-00 and 626-192-04-00) within the City of Imperial Beach, San Diego County. A patio and accessory uses customarily incidental to any permitted use including ramps, an observation deck, seating and landscaping improvements are proposed on the adjacent 1.15-acre (50,094-s.f.) northern parcel (APN 616-021-10-00) currently owned by the San Diego County Regional Airport Authority. Project would also amend the Imperial Beach LCP/GP by creating a Commercial/Recreation-Ecotourism (C/R-ET) designation/zone (Chapter 19.25) that would allow small-scale visitor-serving retail and services such as specialty stores, shops, eating and drinking establishments (such as restaurants and cafes), recreational uses, fitness, athletic and health club uses, and visitor accommodations (such as hostels, hotels and motels) and applying this C/R-ET zone to the project site.

**Lead Agency Contact**

**Name** Jim Nakagawa  
**Agency** City of Imperial Beach  
**Phone** (619) 628-1355  
**email**  
**Address** 825 Imperial Beach Boulevard  
**City** Imperial Beach **State** CA **Zip** 91932  
**Fax**

**Project Location**

**County** San Diego  
**City** Imperial Beach  
**Region**  
**Lat / Long** 32° 35' 14.2" N / 117° 6' 21.6" W  
**Cross Streets** 13th Street & Cypress Ave  
**Parcel No.** 626-192-03/04 & 616-021-10  
**Township** 18S **Range** 2W **Section** 20 **Base** SBB&M

**Proximity to:**

**Highways** Hwy 75  
**Airports** IB NOLF  
**Railways** San Diego & Arizona  
**Waterways** Otay River-San Diego Bay, Pacific Ocean, Tijuana River  
**Schools** Bayview  
**Land Use** R-3000-D (Residential, 2-Family, Detached)

**Project Issues** Archaeologic-Historic; Biological Resources; Noise; Toxic/Hazardous

**Reviewing Agencies** Resources Agency; California Coastal Commission; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; Department of Toxic Substances Control; Native American Heritage Commission; Regional Water Quality Control Board, Region 9

**Date Received** 03/06/2012 **Start of Review** 03/06/2012 **End of Review** 04/04/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter B



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH

RECEIVED

APR 19 2012



KEN ALEX  
DIRECTOR

April 6, 2012

Jim Nakagawa  
City of Imperial Beach  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932

Subject: Bikeway Village  
SCH#: 2012031034

Dear Jim Nakagawa:

B-1

The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on April 4, 2012. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2012031034) when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

B-1

This letter, dated April 6, 2012 from the State Clearinghouse, states that one state agency (Department of Toxic Substance Control) submitted comments after the close of public review. The State Clearinghouse recommended that issues be addressed in the environmental document. The comment does not raise specific concerns or provide recommendations for changes to the content of the MND. No response is necessary. The City has addressed comments from the Department of Toxic Substance Control below.

Letter C



April 3, 2012

Mr. Jim Nakagawa  
 City of Imperial Beach  
 825 Imperial Beach Blvd.  
 Imperial Beach, California 91932

DRAFT MITIGATED NEGATIVE DECLARATION (ND) FOR BIKEWAY VILLAGE  
 (SCH# 2012031019)

Dear Mr. Nakagawa

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "The Project proposes the conversion/adaptive reuse of two approximate 15,000 square foot warehouse structures on two combined parcels totaling 42,340 square feet. The two existing warehouse structures are legal non-conforming uses located at 536 Florence and 536 13th Streets (APN 626-192-03-00 and 626-192-04-00) within the jurisdictional boundary of the City of Imperial Beach, San Diego County, California. A patio and accessory uses customarily incidental to any permitted use including ramps, an observation deck seating and landscaping improvements are proposed on the adjacent 1.15-acre (50,094-square-foot) northern parcel (APN 616-021-10-00) currently owned by the San Diego County Regional Airport Authority (Airport Authority). This northern Airport Authority parcel is also referenced as the "development expansion area" for the purpose of this assessment.

The Project would redevelop or improve three areas: (a) the existing and developed warehouse parcels, (b) an undeveloped rectangular parcel to the north currently owned by the San Diego Airport Authority and leased to the City of Imperial Beach and (c) adjacent roadways. Roadway improvements include paving and restriping for parking along 13th Street and parking improvements along Florence Street, Cypress Avenue and the alley between the two warehouse buildings".

Based on the review of the submitted document DTSC has the following comments:

C-1

C-1 Comment noted. The comment restates information included in the Mitigated Negative Declaration.

LETTER

RESPONSE

Mr. Jim Nakagawa  
 April 3, 2012  
 Page 2

- C-2 1) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area.
- C-3 2) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.
- 3) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 4) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 5) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 6) If weed abatement occurred, onsite soils may contain herbicide residue. If so, proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.
- 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety

- C-2 As stated in Section VIII(b) of the Initial Study Checklist, Phase I and Phase II environmental site assessments (ESAs) were performed. Previously identified hazardous wastes in the warehouse property at 535 Florence Street have been remediated for the existing use. In addition, a Phase II ESA was performed on the expansion property which identified soil contamination due to historic operation of a rail line. The discussion indicates that the project is required to coordinate with the County of San Diego Department of Environmental Health (DEH) to demonstrate that on-site conditions meet requirements for the proposed uses and requires implementation of Mitigation Measures VIII-1 and VIII-2 to ensure that the project complies with existing health and safety standards. Impacts were therefore reduced to less than significant.
- C-3 See Response C-2 above and Mitigation Measures VIII-1 and VIII-2 in this environmental document. The comment appears not to recognize that Phase I and II ESAs have been completed and that mitigation requiring DEH review and approval prior to occupancy of the building at 535 Florence Street and implementation of an approved remediation plan showing that contaminated soils on the expansion property will be capped, removed, or avoided. Implementation of these measures avoids or reduces the impacts of the project to less than significant.

Mr. Jim Nakagawa  
April 3, 2012  
Page 2

C-4

- 1) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area.
- 2) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.
- 3) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 4) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 5) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 6) If weed abatement occurred, onsite soils may contain herbicide residue. If so, proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.
- 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety

C-4

See Responses C-1 and C-2 above. Mitigation requires that a remediation plan be developed and approved and that the project demonstrate that soils contaminated by historic uses have been capped, or otherwise remediated to standards suitable for proposed uses. Mitigation Measure VIII-3 (below) has been added to specifically require that sampling and proper disposal of contaminated soil is performed as requested. The additional mitigation does not change the conclusions presented in the Initial Study Checklist/MND. Impacts remain less than significant with incorporation of proposed mitigation.

#### Mitigation Measure VIII-3

Prior to any demolition, construction or disposal of building material, excavated soil, asphalt or concrete, appropriate sampling shall be performed by a professional qualified to perform hazardous materials environmental assessment to confirm that the material meets applicable regulations for reuse or disposal. In the event a determination is made that the soil, building material, asphalt or concrete is contaminated, the soil or material shall be disposed of properly at a licensed facility and not relocated within the site or to an unauthorized off site location. Land Disposal Restrictions (LDRs) may be applicable to soils or materials proposed for disposal. Assessment and remediation activities shall incorporate the following conditions:

- i. All assessment and remediation activities shall be conducted in accordance with a work plan which is approved by the regulatory agency having oversight of the activities.
- ii. It may be necessary to excavate existing soil within the project site, or to bring fill soils into the site from off-site locations. At sites that have been identified as being contaminated or where soil, concrete or asphalt contamination is suspected, appropriate sampling is required prior to disposal. Contaminated soil or materials shall be properly disposed at an approved off-site facility. Fill soils also shall be sampled to ensure that imported soil parameters are within acceptable levels.

LETTER

RESPONSE

Mr. Jim Nakagawa  
 April 3, 2012  
 Page 2

- 1) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area.
- 2) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.
- 3) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 4) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 5) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 6) If weed abatement occurred, onsite soils may contain herbicide residue. If so, proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.
- 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety

C-5

C-6

C-7

C-8

- C-5 See responses C-1 to C-4. The City agrees with the comment. Technical studies were prepared to address on-site conditions and mitigation is proposed. The project is required to coordinate with the County of San Diego Department of Environmental Health (DEH) to demonstrate that on-site conditions meet requirements for the proposed uses and that the project proceeds pursuant to an approved remediation plan.
- C-6 See responses to C-1 through C-4. In addition, the potential for impacts to soil and/or groundwater are addressed in Section VIII of the MND and associated technical studies (Appendices G and H to the MND). Phase I and Phase II ESAs have been completed for the project parcels and mitigation measures have been identified to protect health and resources. The project applicant will perform work in conformance with an adopted remediation plan with oversight from the City of Imperial Beach and the County of San Diego DEH. No new significant impacts have been raised. Impacts remain less than significant with incorporation of proposed mitigation.
- C-7 See Responses to Comments C-1 through C-6 and discussion in the Initial Study Checklist. A Phase I and Phase II ESA was performed for the expansion parcel and for the developed warehouse sites. Contamination due to herbicide use was not detected and no remedial actions are required. No new significant impacts have been raised. Impacts remain less than significant with incorporation of proposed mitigation.
- C-8 As discussed in the Final Mitigated Negative Declaration, proposed uses include a hostel, café, observation patio, a community use area, and retail facilities that could house uses that range from bike repair and rental to boutiques, personal services, a bookstore, personal training/gym, beauty salon, etc. All uses are required to comply with applicable regulations, including the California Hazardous Waste Control Law (California Health and Safety Code, Div. 20, Ch. 6.5) and Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Div. 4.5).

Mr. Jim Nakagawa  
April 3, 2012  
Page 3

Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

C-9 8) If buildings, other structures, or associated uses; asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

C-10 9) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see [www.dtsc.ca.gov/SiteCleanup/Brownfields](http://www.dtsc.ca.gov/SiteCleanup/Brownfields), or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

If you have any questions regarding this letter, please contact me at [ashami@dtsc.ca.gov](mailto:ashami@dtsc.ca.gov), or by phone at (714) 484-5472.

Sincerely,



Al Shami  
Project Manager  
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

C-9 See Responses to Comments C-1 through C-4. The project is required to coordinate with the County of San Diego Department of Environmental Health to demonstrate that site conditions meet requirements for the proposed uses. This would include any hazards that may result from the presence of hazardous chemicals, lead-based paints or products, mercury, and ACMs. Implementation of Mitigation Measures VIII-1 and VIII-2 are required to ensure that the project complies with existing health and safety standards. Mitigation Measure VIII-3 has been added to clarify that handling and disposal of any potentially contaminated soil or material, including portions of the existing buildings, as well as asphalt or concrete-paved surface areas planned for demolition, is remediated in compliance with environmental regulations and policies. The addition of this mitigation measure to better ensure compliance with regulations does not identify a significant new impact. Impacts remain less than significant with implementation of proposed mitigation.

C-10 Comment noted. See also Responses to Comments C-1 through C-9 above.

LETTER

RESPONSE

Mr. Jim Nakagawa  
April 3, 2012  
Page 4

cc: CEQA Tracking Center  
Department of Toxic Substances Control  
Office of Environmental Planning and Analysis  
P.O. Box 806  
Sacramento, California 95812  
[nritter@dtsc.ca.gov](mailto:nritter@dtsc.ca.gov)

CEQA # 3488



LETTER

RESPONSE

D-4

parking for high-occupancy vehicles. We recommend contacting the SANDAG Commute team to explore TDM options.

**Other Considerations**

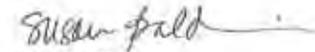
We appreciate the opportunity to comment on the Bikeway Villages project. We encourage the City of Imperial Beach, where appropriate, to evaluate this project based on the following SANDAG publications:

- 1. Designing for Smart Growth, Creating Great Places in the San Diego Region
- 2. Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region
- 3. Trip Generation for Smart Growth
- 4. Parking Strategies for Smart Growth

These publications can be found on our Web site at [www.sandag.org/gr](http://www.sandag.org/gr).

If you have any questions or concerns regarding this letter, please contact me at (619) 959-1943, or [Susan.Baldwin@sandag.org](mailto:Susan.Baldwin@sandag.org).

Sincerely,



SUSAN BALDWIN  
Senior Regional Planner

SBA/RSA/fde

D-4

Comment noted. The City will continue to evaluate future projects for conformance with SANDAG regional planning documents, including those listed in the comment.

LETTER

RESPONSE

Letter E

First Name: Kurt  
Last Name: Farrington  
Address: 627 13th St, #20  
San Diego, CA  
Zip Code: 92154  
Phone Number: (619) 518-2210  
E-Mail: [kffarr@bcrdnba1.net](mailto:kffarr@bcrdnba1.net)

E-1

Comments: Initial plan of the proposed Bikeway Village (MF1034) looks nice but a clearer drawing of the parking/improvements on 13th Street needs to be published. There also needs to be an outreach and further involvement of the Bayside Villa Condominium HOA and it's residents which will be impacted by the 13th street changes. The published drawing in the March 8 issue of Eagle & Times is too small to read. Please contact me asap Kurt Farrington, Bayside Villas HOA Board President. Thanks for your consideration!

Do Not Click Reply - This e-mail has been generated from an online form.

E-1

This comment was submitted in response to the newspaper notice announcing availability of the draft environmental document. It does not comment directly on the contents of the environmental document prepared for the project or provide recommendations for mitigation to reduce any effects of the project. The City responded by encouraging the commenter to review maps and documentation available at City Hall. The City included contact information and provided supplemental attachments and clarification. The City has not received further comment on the document from the commenter or the HOA since providing this information.

LETTER

RESPONSE

**From:** Jim Nakagawa <jnakagawa@cityofib.org>  
**Sent:** Monday, March 12, 2012 5:46 PM  
**To:** jksd@pbcglobal.net  
**Cc:** Greg Ward; rexbutler@mac.com; Donna Steel; jsheehan@studioarchitects.com; seabrightonsukup@roadrunner.com; Tyler Foltz; Tina Barclay; ChrisKudr@sanjag.org; SO County Bicycle Coalition  
**Subject:** MF 1034 Bikeway Village @ 13th St & Cypress

Kurt,

The larger scale drawings for the Bikeway Village project are available at our Community Development office for your review. A map showing where our city hall is located is pasted below.



LETTER

RESPONSE



In order to satisfy the Coastal Commission's concern about adequate parking, there were 2 optional proposals to provide improved parking spaces along 13<sup>th</sup> Street, south of Cypress Ave. One option was to install parallel spaces along the east side of 13<sup>th</sup> Street that would provide for 19 spaces south of Cypress. The other option was to install reverse angle/back-in parking along the east side of 13<sup>th</sup> Street that would provide for 31 spaces south of Cypress.

Our research into a safe bicycle travelway where it may interface with vehicle parking revealed that a number of bicycle organizations recommended the reverse angle / back-in parking design. This design has been approved and/or installed already in Solana Beach and in La Mesa.

**BIKE LANES ADJACENT TO BACK-IN DIAGONAL PARKING**

Diagonal parking arrangements provide additional space to bicyclists as accessory cars are parked in their back-out of spaces. For this reason, it is recommended to avoid diagonal parking configurations adjacent to bike routes. In locations where diagonal parking is unavoidable, however, back-in parking is recommended. The engineer should be alert to cases of a car not being able to enter into the parking space. This drive the driver to stop behind them before crossing the path of oncoming bicyclists, and subsequent confusion if oncoming bicyclists enter traffic while exiting.

**Application**

Use where diagonal parking is necessary. Note that City of Toronto parking design standards would need to be amended to allow for back-in diagonal parking.

**Notes**

Graphic language for signs associated with this situation will be provided as a part of comprehensive design. Language used by Toronto, Pennsylvania and "BACK IN ANGLE PARKING ONLY" behind every third car. Facing red table table that would not be needed to accommodate driver's confusion with back-in parking. A City ordinance change may be required to require that all right parking to ensure a 4ft lane for the configuration.



LETTER

RESPONSE

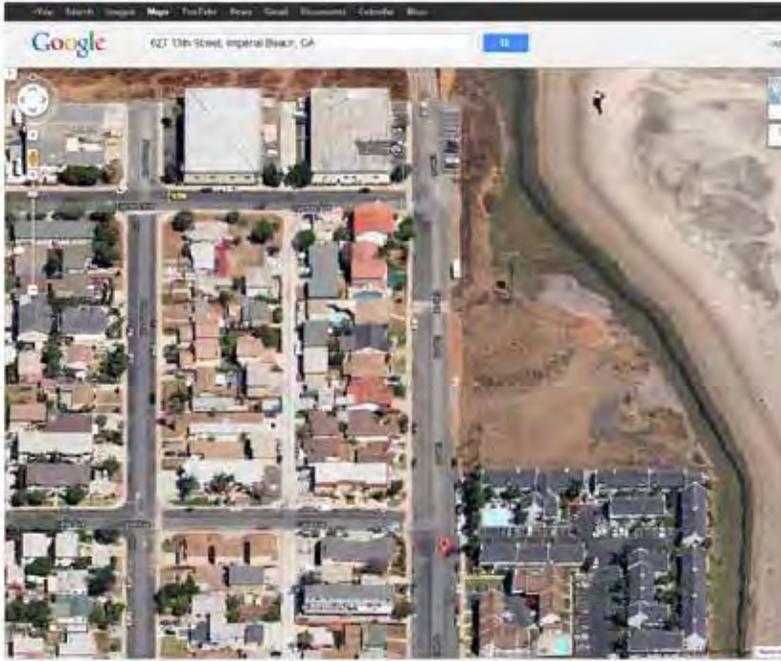
[http://www.bicyclinginfo.org/sites/default/files/casestudies/casestudy\\_cfrhfc3\\_010414.pdf](http://www.bicyclinginfo.org/sites/default/files/casestudies/casestudy_cfrhfc3_010414.pdf)



Tyler and Tina can assist you with the drawings if you are not in the office.

LETTER

RESPONSE



LETTER

RESPONSE



**Jim Nakagawa, AICP**  
City Planner  
City of Imperial Beach  
Community Development Department  
825 Imperial Beach Blvd  
Imperial Beach, CA 91932  
p: (619) 628-1355 f: (619) 424-4093  
e: [jnakagawa@cityofib.org](mailto:jnakagawa@cityofib.org) - [www.cityofib.com](http://www.cityofib.com)

----- Original Message -----  
From: Please Do Not Click Reply [<mailto:support@secoffice.com>]  
Sent: Friday, March 09, 2012 7:35 AM  
To: ibcmanager  
Subject: Feedback Form (form) has been filled out on your site.

Your Site has received new information through an online form.  
Online Form: Feedback Form  
Site URL: [www.cityofib.com](http://www.cityofib.com)

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B:	Proposed Zone Amendment
C:	Air Quality Assessment Letter
D:	Biological Resources Assessment Letter
E:	Cultural Resource Test Excavation for the Imperial Beach Bikeway Village Project
F:	Greenhouse Gas Assessment Letter
G:	Draft Phase II Environmental Site Assessment (November 18, 2010) and Supplemental Phase II Environmental Site Assessment (June 28, 2011)
H:	Phase I Environmental Site Assessment (Part I: October 7, 2008 and Part II: October 14, 2008)
I:	Noise Assessment Letter
J:	Mitigation Monitoring and Reporting Program

## ENVIRONMENTAL CHECKLIST FORM

1. Project Title: Imperial Beach Bikeway Village
  
2. Lead Agency Name and Address:  
  
City of Imperial Beach  
825 Imperial Beach Blvd.  
Imperial Beach, CA 91932
  
3. Contact Person and Phone Number: Jim Nakagawa, City Planner, 619 628 1355
  
4. Project Location: 535 Florence and 536 Thirteenth Streets
  
5. Project Sponsor's Name and Address:  
  
Bikeway Village, LCC  
Contact: Rex Butler  
2 Sandpiper Strand  
Coronado, CA 92118
  
6. General Plan Designation: Existing: R-3000-D two-family detached residential  
  
Proposed: APNs 626-192-03-00 and 626-192-04-00 to C/R-ET Commercial/Recreation–Ecotourism, APN 616-021-010-00 to remain Residential (R-3000-D)
7. Zoning: Existing: R-3000-D Med density or two-family detached residential zone, one detached du/3,000 SF of lot area  
  
Proposed: APNs 626-192-03-00 and 626-192-04-00 to C/R-ET Commercial/Recreation–Ecotourism; APN 616-021-010-00—no change (R-3000-D)

8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheet(s) if necessary.)

See attached.

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings.)

See attached.

10. Other Public Agencies Whose Approval Is Required (e.g., permits, financing approval, or participation agreement):

California Coastal Commission LCPA and Coastal Permit  
San Diego County Regional Airport Authority

# 1.0 Introduction

The purpose of this Initial Study is to evaluate the potential environmental impacts of the Imperial Beach Bikeway Village project (Project) consistent with the requirements of the California Environmental Quality Act (CEQA). The document includes text, tables, and graphics to assist the reader in understanding the Project and analysis of potential effects. Information is presented in six sections: 1.0 Introduction, 2.0 Project Overview (which includes the Environmental Setting and Project Description), 3.0 Environmental Factors Potentially Affected, 4.0 Determination, 5.0 Evaluation of Environmental Impacts, and 6.0 References Cited.

## 2.0 Project Overview

### 2.1 Environmental Setting

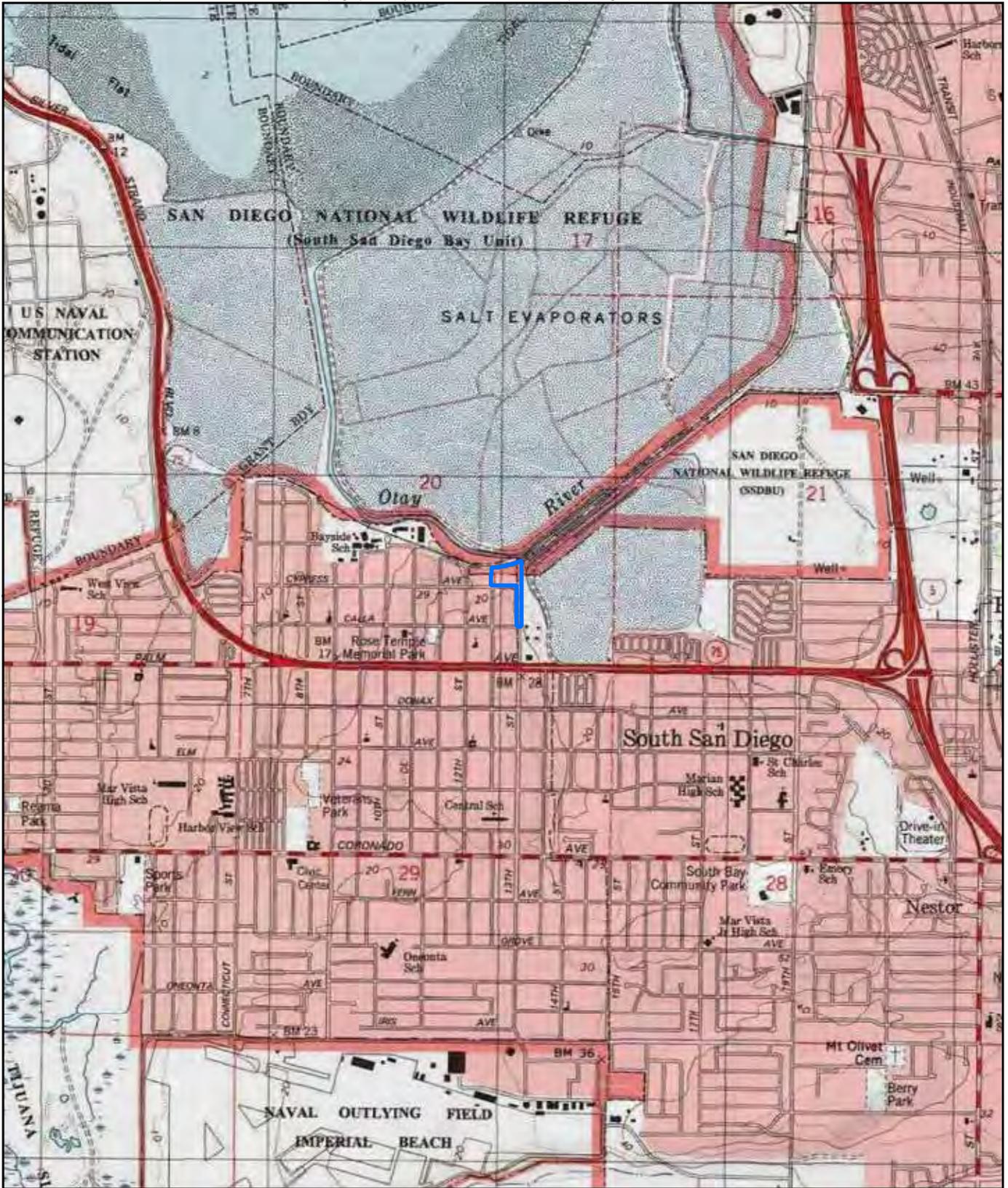
The Project site consists of two developed parcels under private ownership and an adjacent undeveloped parcel to the north to be purchased or leased from the Airport Authority as a development expansion area. The entire site is within the City of Imperial Beach (Figure 1—Regional Location and Figure 2—Project Location [USGS] and Figure 3—Project Location [Aerial]). Based on a review of historical aerial photographs obtained from Nationwide Environmental Title Research (2010), the two existing warehouses were constructed between 1964 and 1980. Currently approximately 10,000 square feet (SF) of space is leased as a work shop/storage space for working on stock cars, and 10,000 SF is used for furniture sales. An additional 10,000 SF is available for lease.

Beyond and north of the development expansion area parcel is the historic Coronado/San Diego and Arizona Railroad corridor which is now a portion of the Bayshore Bikeway. To the north of the bikeway is undeveloped land supporting native habitat and the southern portion of San Diego Bay (Bay). This area of the Bay includes the 3,940-acre South Bay Unit of the San Diego Bay National Wildlife Refuge. The Bay is also an important resting area along the Pacific Flyway and provides important foraging habitat for a wide variety of species. Currently, the U.S. Fish and Wildlife Service through a partnership with other agencies and the environmental community has begun a project to convert existing salt ponds to critical wetland habitat in an area west of the Project site, in the South Bay (USFWS 2011).



 Project Location

FIGURE 1  
Regional Location



 Project Boundary

FIGURE 2

Project Location on USGS Map



-  Project Boundary
-  Development Expansion Area
-  Parcels

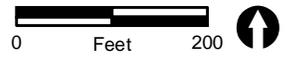


FIGURE 3

Project Location on Aerial Photograph

Adjacent and to the east of the Project is 13<sup>th</sup> Street. East of 13<sup>th</sup> Street are undeveloped parcels within the jurisdiction of the City of San Diego. The Project occurs immediately west of the Multiple Habitat Preservation Area (MHPA), which is the biological preserve planning boundary of the City of San Diego's Multiple Species Conservation Plan (MSCP) Subarea, developed pursuant to the Natural Communities Conservation Planning Act of 1991. Furthermore, the Project area occurs within the approximate overlay of lands determined to constitute core biological resource areas during the development of the MSCP.

To the northeast and offsite is a recently constructed bridge crossing associated with the Bayshore Bikeway. Cypress Avenue and single- and multi-family residential uses border the Project to the south. Florence Street borders the Project on the west. A commercial use is located on the west side of Florence Street, across from the Project site. Figure 3 provides an aerial overview of the Project site and surrounding area. No direct access to San Diego Bay is provided from the street ends in the vicinity of the Project but views of the bay are unobstructed from the north side of the warehouse buildings, bikeway and street ends.

Project elevations range between 10 and 20 feet above mean sea level. No natural areas of native vegetation are present on the developed warehouse properties. The development expansion area located immediately north of the existing warehouses consists primarily of an eastern basin and a western terrace separated by a shallow slope. The shallow basin drains into a disturbed upland peripheral to tidal salt marsh via a small, northeast-flowing culvert beneath the berm of the current bikeway access path from 13<sup>th</sup> Street. Both the basin and terrace appear to have been contoured by machinery in the past and both support non-native herbaceous vegetation. The vegetation is periodically mowed and provides little to no wildlife habitat value. Habitat in the triangular northeast corner of the Airport Authority parcel (see Figures 2 and 3) consists of disturbed upland terrace with ruderal (mostly non-native and herbaceous) vegetation and a small area of sparse coastal sage scrub composed of remnant shrubs. The terraces north and east of the development expansion area are predominantly disturbed and represent former mechanical modification of the natural bay shoreline. These uplands are vegetated primarily by ruderal plant species. Peripheral to the upland terrace and at the upper edges of the surrounding tidal sloughs occur a variable band of diverse coastal salt marsh. Elevated mounds in this area also support native plants.

A record search for the Project parcels indicates that there have been numerous surveys and recorded cultural resources within a one-mile radius of the Project. Of these, one recorded prehistoric site is recorded within the Project area.

More detailed discussion of existing biological and cultural resources in the Project vicinity is provided in in the attached Initial Study/Checklist Sections IV, Biological Resources and V, Cultural Resources and relevant appendices to this report.

## 2.2 Project Description

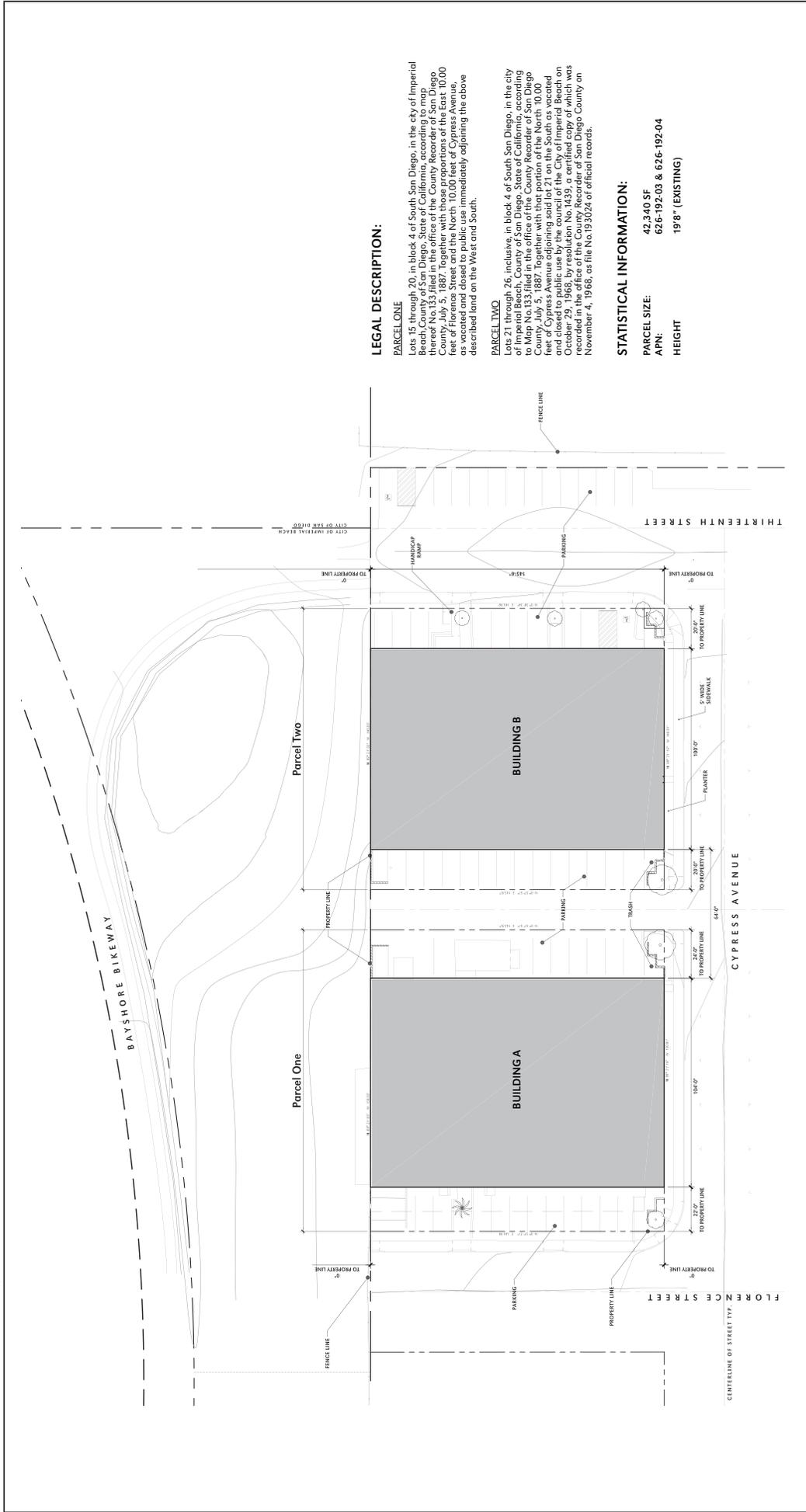
The Project proposes the conversion/adaptive reuse of two approximate 15,000 square foot warehouse structures on two combined parcels totaling 42,340 square feet. The two existing warehouse structures are legal non-conforming uses located at 535 Florence and 536 13<sup>th</sup> Streets (APN 626-192-03-00 and 626-192-04-00) within the jurisdictional boundary of the City of Imperial Beach, San Diego County, California. A patio and accessory uses customarily incidental to any permitted use including ramps, an observation deck, seating and landscaping improvements are proposed on the adjacent 1.15-acre (50,094-square-foot) northern parcel (APN 616-021-10-00) currently owned by the San Diego County Regional Airport Authority (Airport Authority). This northern Airport Authority parcel is also referenced as the “development expansion area” for the purpose of this assessment.

The Project study area is located in the southeast quarter of Section 20 of Township 18 South and Range 2 West, on the U.S. Geological Survey’s (USGS) 7.5-minute Imperial Beach quadrangle (see Figures 1, 2 and 3). Figure 3 shows the location of existing facilities within the Project boundary and Figure 4 shows the existing site plan as currently developed and legal description. As shown on Figure 4, the Project would redevelop or improve three areas: (a) the existing and developed warehouse parcels, (b) an undeveloped rectangular parcel to the north currently owned by the San Diego Airport Authority and leased to the City of Imperial Beach and (c) adjacent roadways. Roadway improvements include paving and restriping for parking along 13<sup>th</sup> Street and parking improvements along Florence Street, Cypress Avenue and the alley between the two warehouse buildings.

A total of just over two acres would be affected by the combined Project improvements.

### 2.2.1 Project Objectives

The primary purpose of the Project is to promote an economically viable project compatible with nearby sensitive biological and cultural resources in a way that also improves the wellbeing of the community and promotes responsible travel to the area. The Project proposes uses that support City goals to promote ecotourism along its northern limits, adjacent to the Bayshore Bikeway and nearby wetlands and water resources of San Diego Bay. The Project is adjacent to the Bayshore Bikeway and near the southern limits of San Diego Bay, an important breeding area for many species as well as a resting area for migrating birds within the Pacific Flyway.



**LEGAL DESCRIPTION:**

**PARCEL ONE**

Lots 15 through 20, in block 4 of South, San Diego, in the city of Imperial Beach, County of San Diego, as shown on the map of the County of San Diego, filed in the office of the County Recorder of San Diego County, July 5, 1887. Together with those proportions of the East 10.00 feet of Florence Street and the North 10.00 feet of Cypress Avenue, as vacated and closed to public use immediately adjoining the above described land on the West and South.

**PARCEL TWO**

Lots 21 through 26, inclusive, in block 4 of South, San Diego, in the city of Imperial Beach, County of San Diego, State of California, according to Map No. 133, filed in the office of the County Recorder of San Diego County, July 5, 1887. Together with that portion of the North 10.00 feet of Cypress Avenue adjoining said lot 21, on the South as vacated and closed to public use immediately adjoining the above described land on the West and South, as recorded in the office of the County Recorder of San Diego County on November 4, 1968, as file No. 193024 of official records.

**STATISTICAL INFORMATION:**

**PARCEL SIZE:** 42,340 SF  
**APN:** 626-192-03 & 626-192-04  
**HEIGHT:** 19'8" (EXISTING)



**FIGURE 4**  
Existing Site Plan

Another major objective of the Project is to achieve better utilization of three parcels at the northern terminus of 13<sup>th</sup> Street. The proposed use is consistent with adopted plans and policies that envision redevelopment of the area for ecotourism-related uses. Consequently, the Project proposes the adaptive reuse of two existing legal non-conforming warehouse uses and development of public amenities to serve bicyclists and visitors in an environmentally sensitive manner. A viewing platform and signage are planned to encourage observation and to educate visitors about birds and other sensitive resources found in the area.

It's also hoped that the Project would be a catalyst for ecotourism-focused redevelopment of other properties in the vicinity of the bay and bikeway.

## **2.2.2 Project Features**

### **2.2.2.1 Site Plan and Design**

Proposed Project improvements are shown on Figures 5a–5f. Figures 5a and 5b show the proposed Building Improvement Plan and Site Plan/Roof Plan. Figures 5c and 5d show the elevations for Building A. Figures 5e and 5f show the elevations for Building B. The preliminary grading and the landscaping plans are shown on Figures 6 and 7, respectively.

Figure 8 provides an illustrated aerial view of the Project from the north looking south. Figure 9 illustrates a view of the Project looking northwest from the intersection of Cypress Avenue and 13<sup>th</sup> Street. Figure 10 illustrates building design elements on the north side of the Project as viewed from the observation deck.

Patio, pathway, and other improvements would be designed to meet Americans with Disabilities Act (ADA) standards. Building façade treatment combines large glass doors, painted and sandblasted block, wood, and steel accented with wall sconce lighting to provide a distinctive and appealing appearance. Environmental and energy-efficient design features proposed or currently under consideration include:

Heating, ventilation, and air conditioning (HVAC) systems:

- Compliance with Title 24 and energy conservation practices
- Large operable windows would be installed to allow natural ventilation and interior fans. HVAC would not be installed by the developer. Operable windows would reduce the need for tenants to install air conditioning

Roof:

- Reflective “Cool Roof” product (white roofing material)

Landscaping:

- Drought-tolerant plants
- Drip irrigation

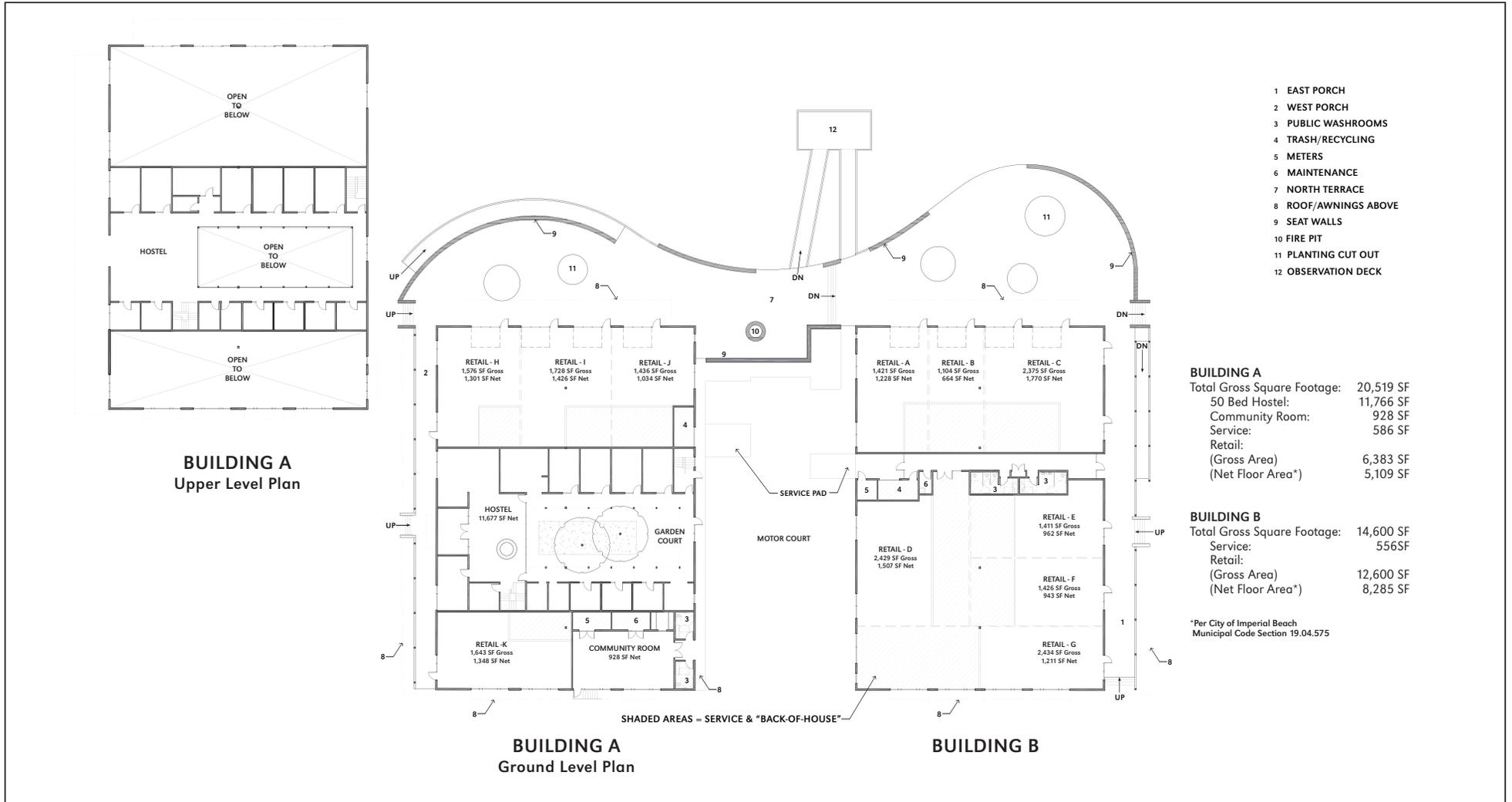
Other items:

- Paint with low amounts of volatile organic compounds (VOC)
- Tankless water heaters
- Recycling of construction debris
- Storm water prevention systems
- Lighting control sensors

HVAC would not be installed since the Project would provide substantial natural ventilation and design features that would be expected to reduce or eliminate the need for supplemental cooling. In addition, the applicant proposes a roof design that would accommodate future installation of photovoltaic solar panels and would coordinate with SDG&E to qualify for the Solar By Design Program.

Future uses under consideration include retail, hostel, and community uses on the warehouse parcels. These include:

bike shop (rentals, repair, retail)	child care	observation patio/interpretive center
café (limited kitchen)	clothing store	personal services
art gallery	coffee cart	personal training/gym
Bookstore	day spa/beauty salon	50-bed hostel or bed & breakfast
boutiques/retail shops	ice cream/yogurt shop	yoga studio

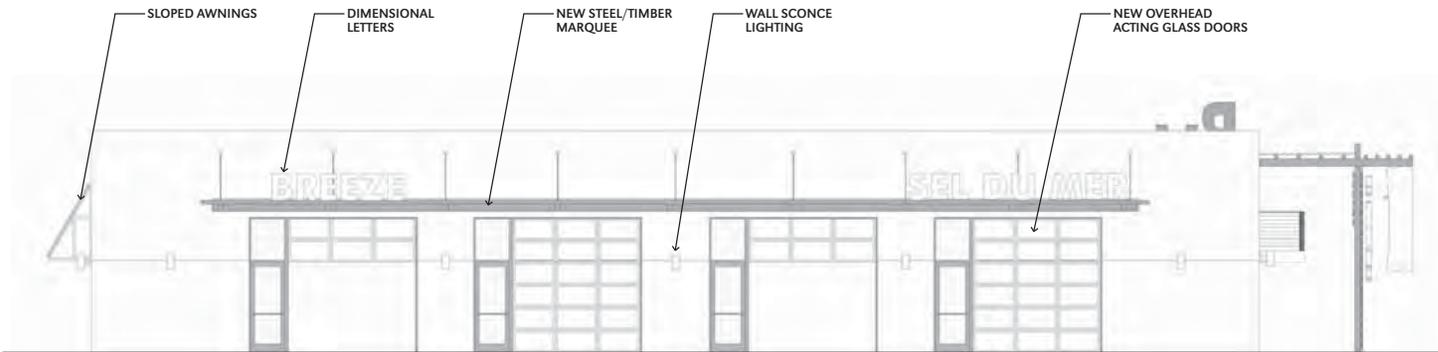




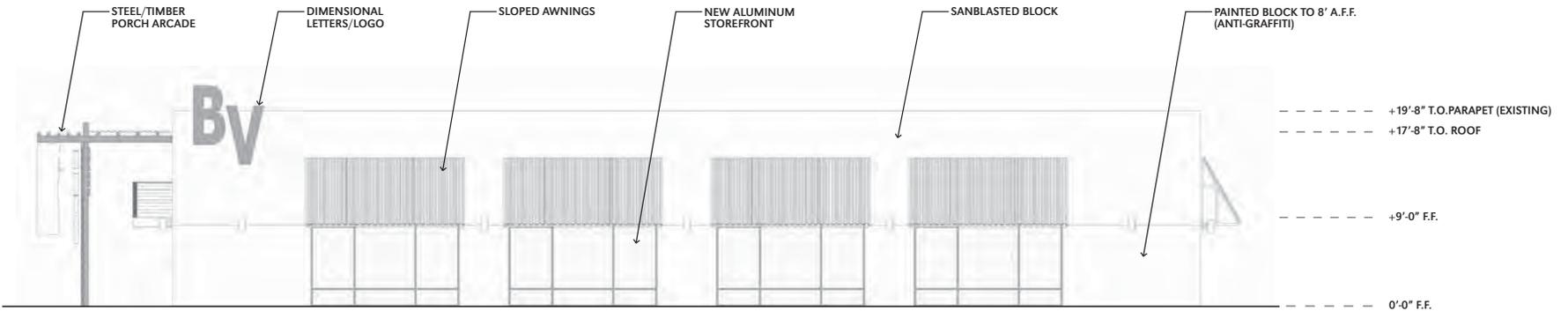
Source: Studio E Architects, October 2011



Source: Studio E Architects, October 2011



**NORTH ELEVATION**



**SOUTH ELEVATION**



Source: Studio E Architects, October 2011

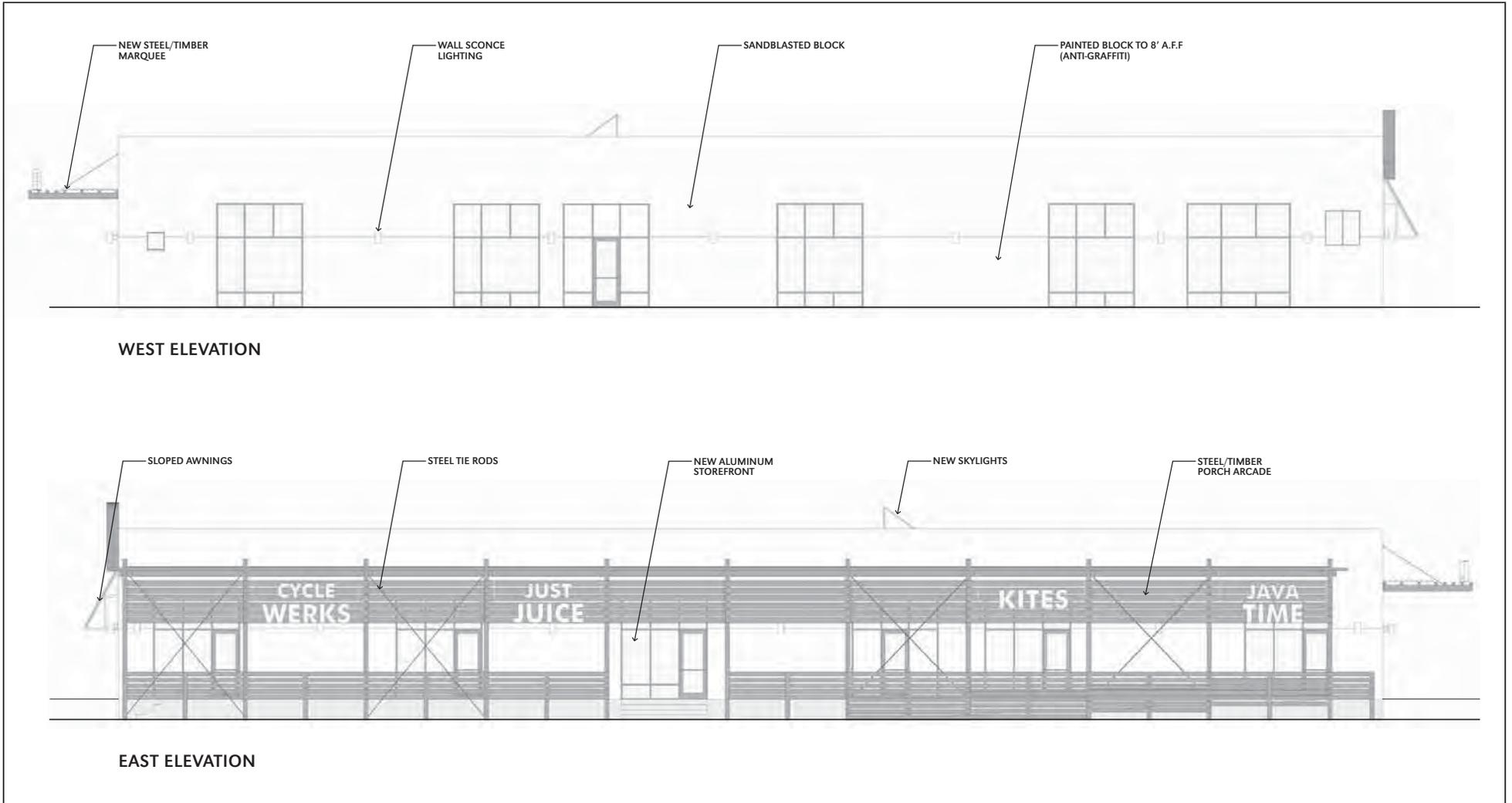
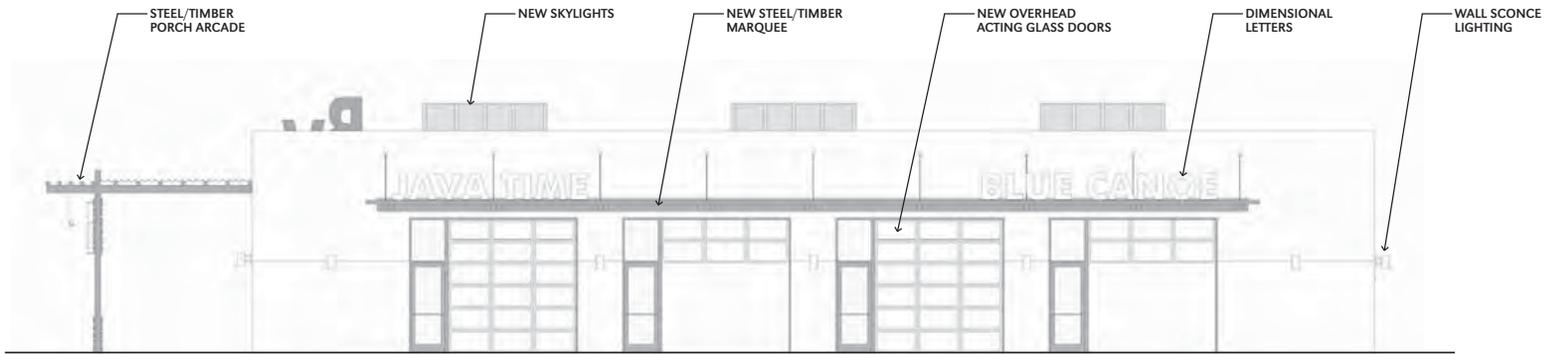
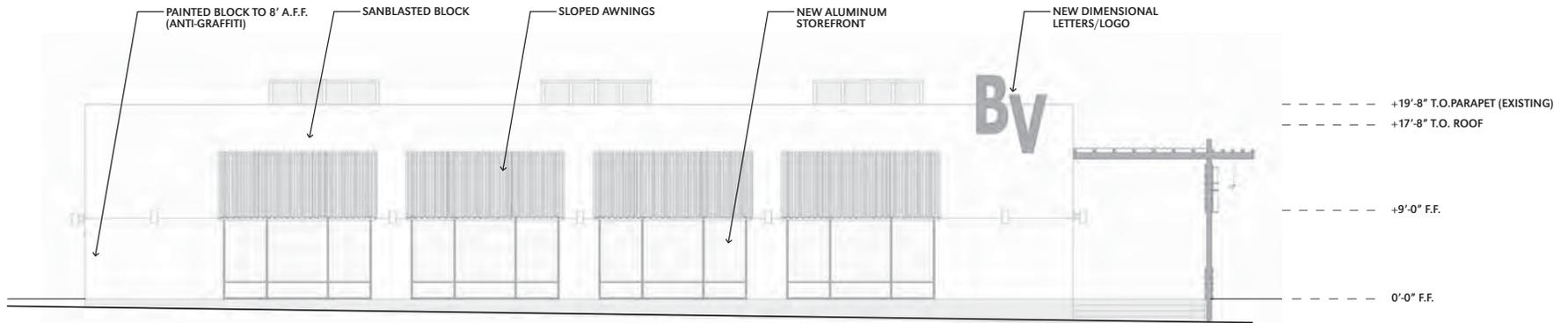


FIGURE 5e  
Building B Elevations (West – East)

Source: Studio E Architects, October 2011



**NORTH ELEVATION**



**SOUTH ELEVATION**



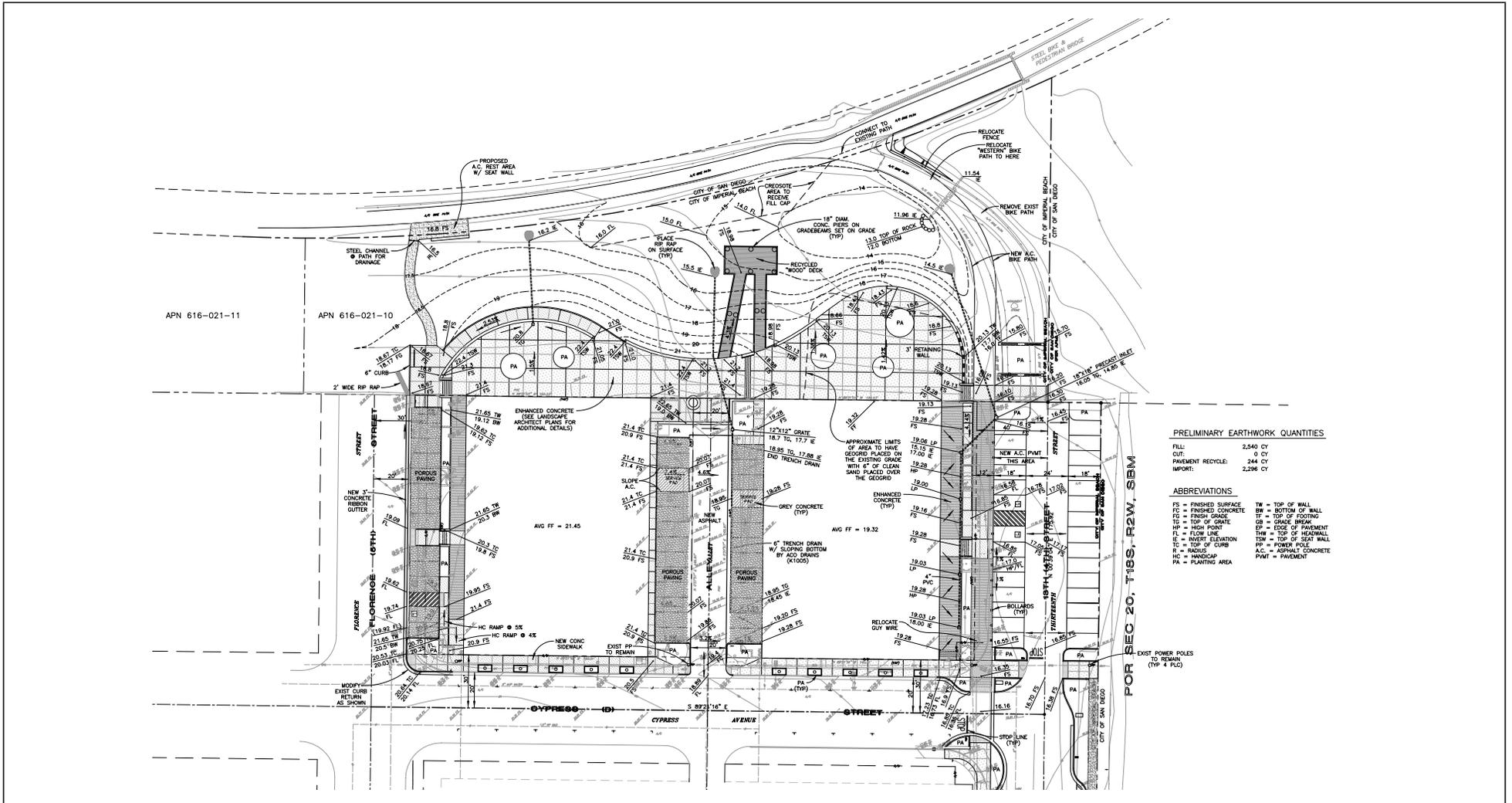






FIGURE 8  
Illustrated Aerial View



FIGURE 9  
Illustrated View Looking Northwest from  
Intersection of Cypress Avenue and 13th Street



FIGURE 10  
Illustrated View of Building B from the Observation Deck Looking Southeasterly

As indicated on the Building Improvement Plan (see Figure 5a), Building A would provide a total of 20,519 gross square feet with an estimated 11,766 square feet provided for a 50-bed hostel, 928 feet for a community room, 586 square feet for service uses and the remainder for retail (6,383 gross square feet/5,109 square feet net floor area). Building B would provide a total of 14,600 gross square feet, the majority of which (12,600 gross square feet/8,285 net floor area) would be for retail. Service uses would occupy 556 square feet. A private, enclosed garden courtyard would be open to the second level to serve the hostel.

Figures 5c–5f illustrate exterior building features. Roof/shade awnings would be provided along the building façade. Sloped awnings would shade the east/west building facades. Cantilevered wood and steel awnings on the northern building facades would shade large “overhead-acting” glass doors that open to the public area patio. A steel/timber marquee would support signage on the overhanging awning.

The northern development expansion parcel is proposed as a passive use park and public plaza with ancillary public uses compatible with the adaptive reuse of adjacent buildings. A cable rail and wood guardrail with post lights would border the large elevated public seating/patio area and access ways on the northern parcel adjacent to the buildings. Public restrooms and a public seating/patio area would serve retail uses, visitors, including bicyclists and joggers using the Bayshore Bikeway, and nearby residents.

The patio and a viewing platform, as well as bicycle parking, storm retention facilities and new landscaping, would be located on the currently unimproved development expansion area located north of the existing warehouse buildings as shown on Figures 5a and 5b. The raised patio and viewing platform would provide for wildlife viewing within the San Diego Bay and San Diego National Wildlife Refuge. Public access into areas proposed for revegetation with native plantings within the remaining areas of the development expansion area would be restricted to pathways.

The existing bicycle and pedestrian access path which connects the northern terminus of 13<sup>th</sup> Street to the Bayshore Bikeway through the development expansion area would be relocated slightly to the west of its existing alignment to reduce the potential for bicycle and pedestrian conflicts with vehicles at the north end of 13<sup>th</sup> Street and to improve overall access.

Figures 8, 9 and 10 provide conceptual views of the Project as viewed from the north, southeast and northwest.

**Option A:** An alternative (Option A) would eliminate development of the hostel and community room in Building A and allow more intensive development of retail uses equivalent to that proposed for Building B. All other features of Option A would be the same as for the Project. The Project’s exterior appearance would be the same as for the

Project considered in this document. The main difference between the Project and Option A would be that this retail only (no hostel) option would be expected to generate a higher number of vehicle trips. Consequently, traffic and parking discussions are provided to address both the Project (retail and hostel) and Option A (retail/no hostel). All other design elements would be the same as for the Project.

### **2.2.2.2 Landscaping**

Figure 7 shows the proposed landscaping plan for the Project. The landscaping plan would place drought tolerant, non-invasive native species within the northern expansion area. This area would provide a retention/bioswale area to retain runoff. Drought tolerant native plantings would also be used in planters and cutouts elsewhere within the Project boundary. With concurrence from the Wildlife Agencies, a limited number of non-invasive non-native specimen trees may be allowed to provide shade. All plantings would be approved by a qualified biologist to avoid any potential to encourage perching or nesting by raptors given the sensitivity of nearby wildlife areas.

### **2.2.2.3 Lighting**

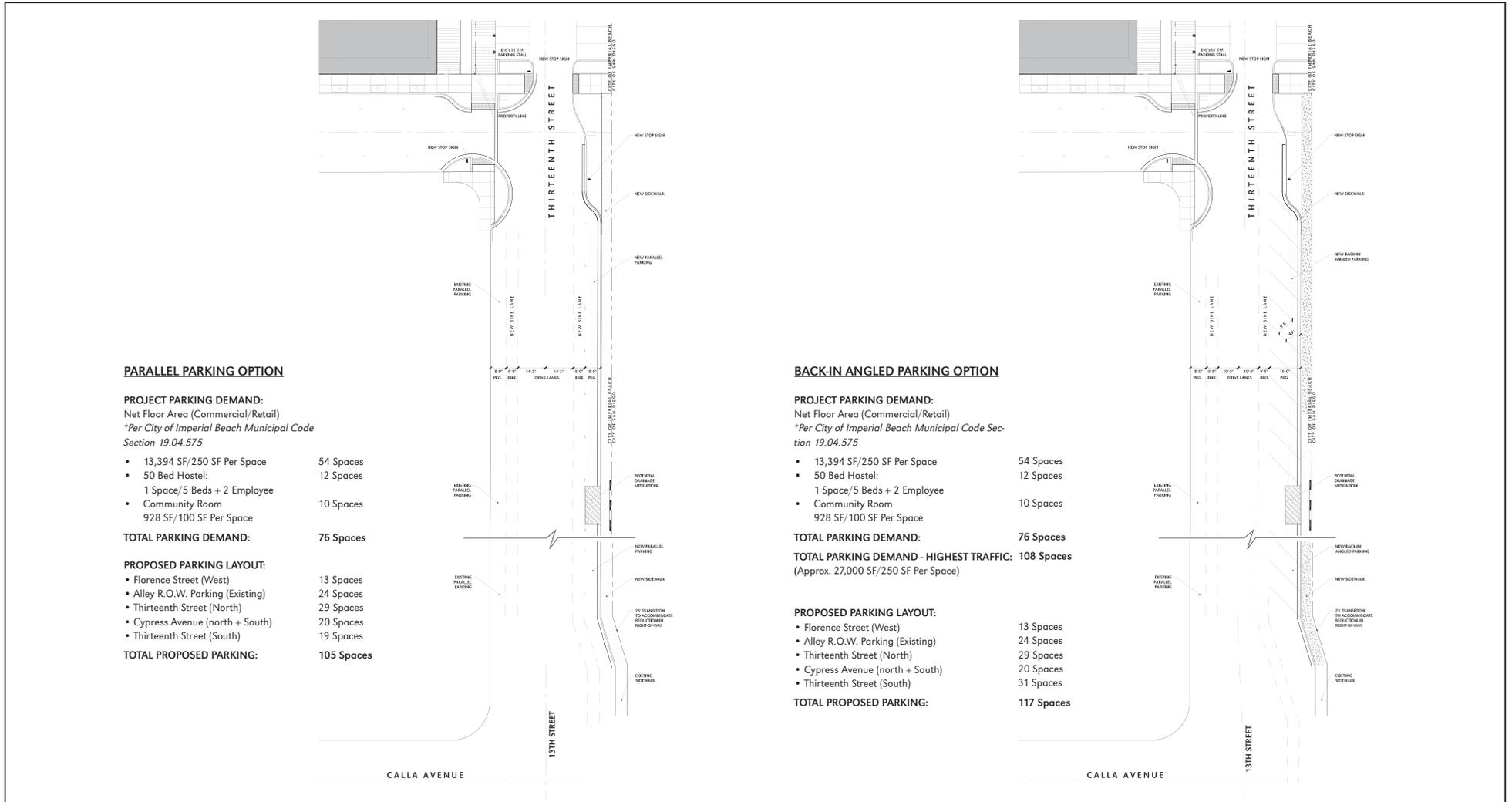
Wall sconce lighting is proposed for the building exterior and along walkway railings to ensure safety. All lighting would be directed downward and away from sensitive wildlife areas which are located to the west and east of the Project, within and adjacent to the San Diego Bay and nearby salt marsh areas.

### **2.2.2.4 Parking/Roadway Improvements**

Improvements would be required to Florence Street and Cypress Avenue adjacent to the Project on the west and south, and to an on-site alley between Buildings A and B.

Proposed parking and street improvements to 13<sup>th</sup> Street north of Cypress Avenue are proposed as shown on Figure 5b.

Two parking design scenarios are proposed for 13<sup>th</sup> Street for the segments between Calla and Cypress Avenues. Figure 11 provides a comparison of the two parking scenarios. Figure 12 shows a proposed reverse angle parking configuration and Figure 13 shows a parallel parking configuration. Both scenarios provide a new parking configuration along the east side of 13<sup>th</sup> Street. Dedicated bicycle lanes would be provided to meet Class II bikeway standards, and pedestrian walkways would be constructed to improve pedestrian access and safety to the Project site and Bayshore Bikeway.



**PARALLEL PARKING OPTION**

**PROJECT PARKING DEMAND:**  
 Net Floor Area (Commercial/Retail)  
 \*Per City of Imperial Beach Municipal Code  
 Section 19.04.575

- 13,394 SF/250 SF Per Space 54 Spaces
  - 50 Bed Hostel: 12 Spaces
  - 1 Space/5 Beds + 2 Employee
  - Community Room 10 Spaces
  - 928 SF/100 SF Per Space
- TOTAL PARKING DEMAND: 76 Spaces**

**PROPOSED PARKING LAYOUT:**

- Florence Street (West) 13 Spaces
  - Alley R.O.W. Parking (Existing) 24 Spaces
  - Thirteenth Street (North) 29 Spaces
  - Cypress Avenue (north + South) 20 Spaces
  - Thirteenth Street (South) 19 Spaces
- TOTAL PROPOSED PARKING: 105 Spaces**

**BACK-IN ANGLED PARKING OPTION**

**PROJECT PARKING DEMAND:**  
 Net Floor Area (Commercial/Retail)  
 \*Per City of Imperial Beach Municipal Code Section 19.04.575

- 13,394 SF/250 SF Per Space 54 Spaces
  - 50 Bed Hostel: 12 Spaces
  - 1 Space/5 Beds + 2 Employee
  - Community Room 10 Spaces
  - 928 SF/100 SF Per Space
- TOTAL PARKING DEMAND: 76 Spaces**

**TOTAL PARKING DEMAND - HIGHEST TRAFFIC: 108 Spaces**  
 (Approx. 27,000 SF/250 SF Per Space)

**PROPOSED PARKING LAYOUT:**

- Florence Street (West) 13 Spaces
  - Alley R.O.W. Parking (Existing) 24 Spaces
  - Thirteenth Street (North) 29 Spaces
  - Cypress Avenue (north + South) 20 Spaces
  - Thirteenth Street (South) 31 Spaces
- TOTAL PROPOSED PARKING: 117 Spaces**



**FIGURE 11**  
 Proposed Parking Improvements

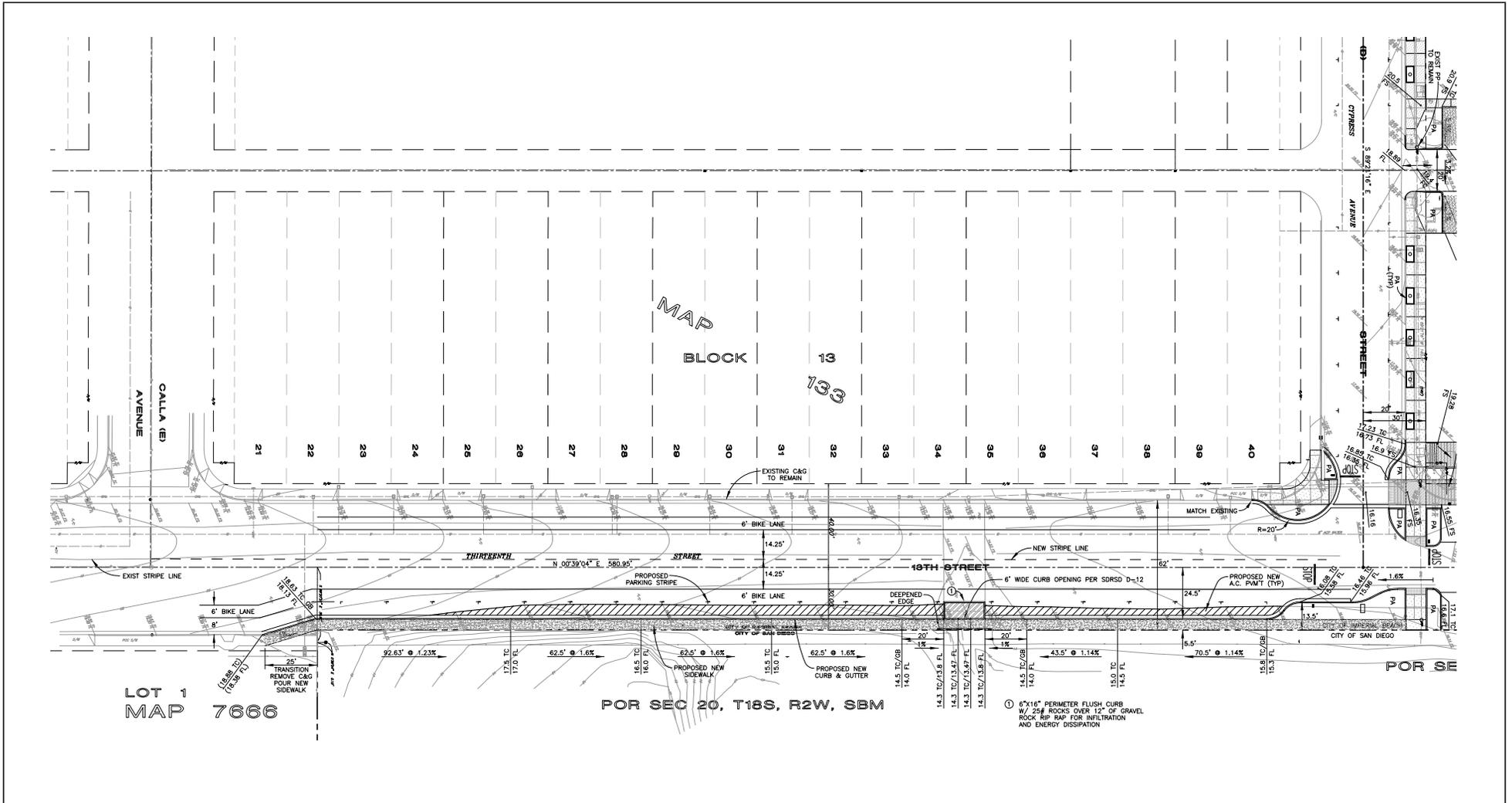


FIGURE 12  
Proposed Reverse Angle Parking – 13th Street

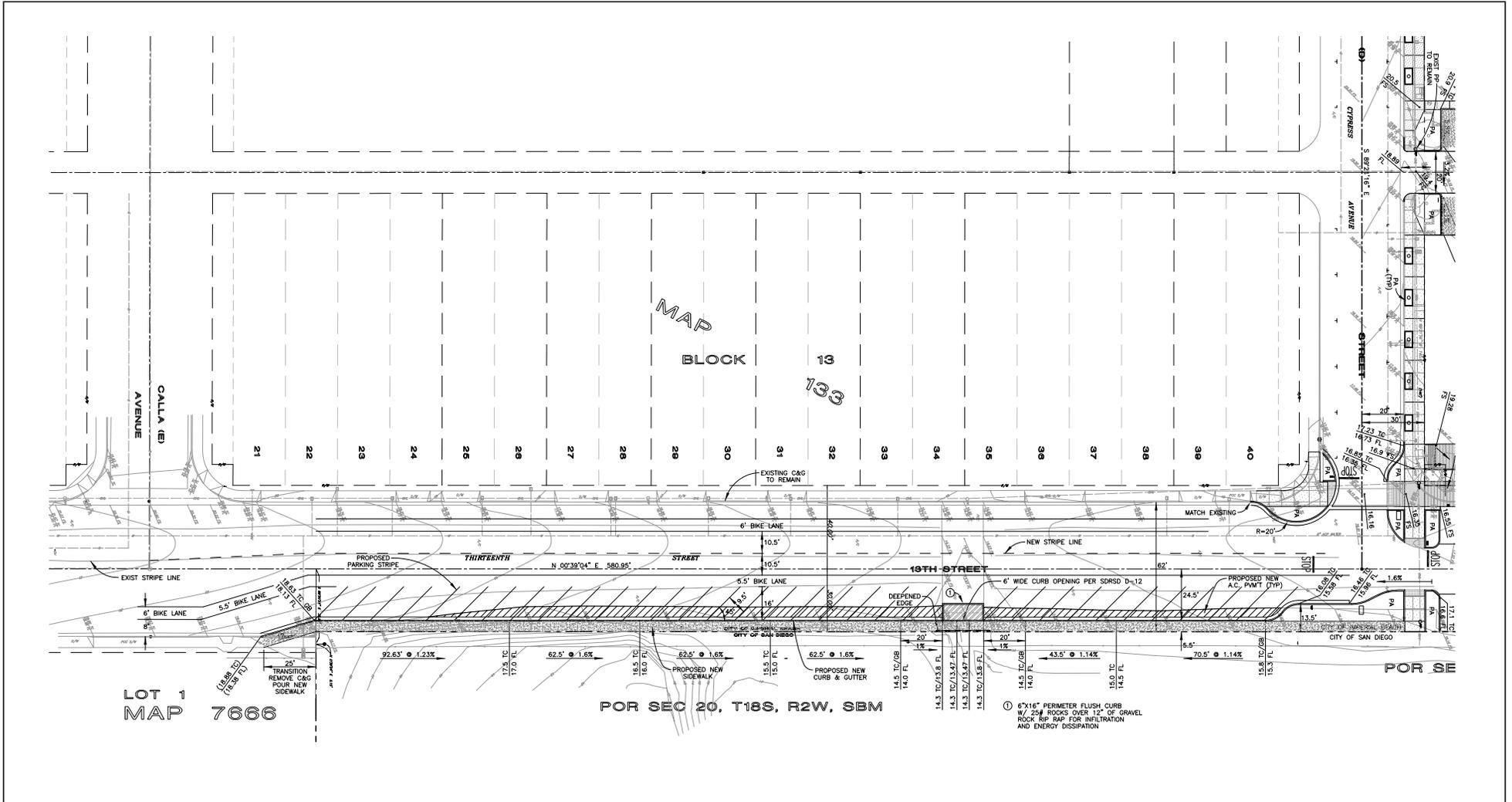


FIGURE 13  
Proposed Parallel Parking – 13th Street

Regardless of the ultimate parking configuration selected, parking improvements would exceed the projected demand for parking generated by the Project as described in the Parking Demand Study prepared for the Project (see Appendix A). Tables 1 and 2 below summarize the parking demand for the Project and for Option A.

**TABLE 1  
PROJECT PARKING DEMAND**

Proposed Use	Square Footage	Spaces/ Unit	Required Parking Spaces
Commercial/Retail (Building B)	13,394 SF	1 Space/250 SF	54
50-bed Hostel (Building A)	N/A	1 Space/5 Beds + 2 Employees	12
Community Room (Building A)	928 SF	1 Space/100 SF	10
<b>Total Parking Demand</b>			<b>76</b>

**TABLE 2  
OPTION A PARKING DEMAND**

Proposed Use	Square Footage	Spaces/ Unit	Required Parking Spaces
Commercial/Retail (Building A)	13,394 SF	1 Space/250 SF	54
Commercial/Retail (Building B)	13,394 SF	1 Space/250 SF	54
<b>Total Parking Demand</b>			<b>108</b>

### Proposed Parking

Improvements to the west side of Florence Street, Cypress Avenue, 13<sup>th</sup> Street, and the alley are proposed. As seen in Table 3, parking design would be the same for all affected street segments except for the east side of the segment of 13<sup>th</sup> Street between Cypress Avenue on the north and Calla Avenue on the south. Two design scenarios are considered for this segment—the “Reverse Angle” and “Parallel” parking scenarios. Table 3 identifies the parking spaces provided under both parking scenarios. Additional discussion is provided below for the two proposed parking scenarios as applicable to the Project and Option A.

**TABLE 3  
PROPOSED PARKING IMPROVEMENTS**

Location	Parking Spaces Provided	
	Reverse Angle Parking East Side of 13 <sup>th</sup> Street	Parallel Parking East Side of 13 <sup>th</sup> Street
Florence Street West	13	13
Alley (ROW)	24	24
Cypress Avenue (north and south)	20	20
13 <sup>th</sup> Street (north of Cypress Avenue)	29	29
13 <sup>th</sup> Street (south of Cypress Avenue)	31	19
<b>Total Proposed Parking Spaces</b>	<b>117</b>	<b>105</b>

**Project and Option A—13<sup>th</sup> Street, North of Cypress Avenue.** The proposed parking layout for the segment of 13<sup>th</sup> Street located north of Cypress Avenue would be the same regardless of the configuration selected for the segment of 13<sup>th</sup> Street south of Cypress Avenue and regardless of whether the Project or Option A were to be selected. As shown on Figure 5b, parking design would provide

- 29 nose-in parking spaces, 8-foot-wide by 18-foot-long (two would be handicap accessible);
- a 12-foot-wide boardwalk;
- 6-foot-wide area west of the boardwalk and parking lot would provide for planting, access stairs and a ramp.
- two 12-foot-wide travel lanes (one lane in each direction) separating the parking spaces on the east and west sides of the street; and
- bulb-out planting areas located at the north and south ends of the lot.

The proposed improvements would be developed within a 65-foot wide easement. The boardwalk would accommodate pedestrian and bicycle traffic on the west side of 13<sup>th</sup> Street. A realigned bicycle connection to and from the parking lot would be provided at the north end of the parking lot as would bike parking.

**Project—13th Street, South of Cypress Avenue to Calla Avenue—Reverse Angle Parking Scenario.** The Reverse Angle parking scenario would provide a total of 117 parking spaces, 41 more than required to meet the calculated parking demand of 76 spaces for the Project (see Tables 1 and 3; Figures 5b, 9, and 10). Construction of proposed parking improvements would require demolition, repaving and striping in the on-site alley and possible restriping on Cypress Avenue and Florence Street. Specific improvements to 13<sup>th</sup> Street, from Cypress Avenue to Calla Avenue includes improvements within the 65-foot ROW for 13<sup>th</sup> Street as shown on Figure 12. Currently, the east side of 13th Street includes an unpaved shoulder. The Project would:

- extend paving easterly to the City’s jurisdictional boundary to accommodate curbs, gutters or drainage retention facilities, a sidewalk, and back-in angled parking on the east side of 13<sup>th</sup> Street south to Calla Avenue,
- maintain existing parallel parking on the west side of the street,
- provide bike lanes in both directions and new pedestrian crosswalks would be delineated, and
- construct bulb-outs, entry signage, new stop signs, and planting beds at the intersection of Cypress Avenue and 13<sup>th</sup> Street.

**Project—13<sup>th</sup> Street, South of Cypress Avenue to Calla Avenue—Parallel Parking Scenario.** The retail and hostel scenario (the Project) results in a parking demand for 76 parking spaces as shown in Table 3.

As shown on Figures 5b and 13 and Table 3, the Parallel Parking scenario would provide a total of 105 parking spaces, 29 more than required to meet the calculated parking demand. As for the Reverse Angle Parking scenario, proposed parking improvements would require demolition, repaving and striping in the existing alley and possible restriping on Cypress Avenue and Florence Street.

Proposed improvements differ from the Reverse Angle Parking scenario in that parallel parking rather than reverse angle, back-in parking would be constructed along the east side of 13<sup>th</sup> Street. This would result in the construction of approximately 12 fewer spaces, but the number of parking spaces would still be more than required to meet the calculated demand. Figures 5b and 13 show a cross section of proposed sidewalk, bike lane, drive lanes and parking within the 65-foot ROW for this portion of 13<sup>th</sup> Street. The Project would:

- extend paving easterly to the City's jurisdictional boundary to accommodate curbs, gutters or drainage retention facilities, a sidewalk, and parallel parking on the east side of 13<sup>th</sup> Street south to Calla Avenue,
- maintain existing parallel parking on the west side of the street,
- provide bike lanes in both directions and new pedestrian crosswalks would be delineated, and
- construct bulb-outs, entry signage, new stop signs, and planting beds at the intersection of Cypress Avenue and 13<sup>th</sup> Street.

**Option A—13<sup>th</sup> Street, South of Cypress Avenue to Calla Avenue—Reverse Angle Parking Scenario Only.** Selection of Option A would eliminate the hostel and community use and allow commercial/retail uses in both Buildings A and B. Option A would result in a parking demand of 108 spaces as shown in Table 3. Implementation of the Reverse Angle Parking scenario would provide 117 parking spaces, 9 spaces more than required to meet the calculated parking demand. As for the Project, proposed parking improvements would require demolition, repaving and striping in the existing alley and possible restriping on Cypress Avenue and Florence Street. Parking would be identical to the Project for the segment of 13<sup>th</sup> Street north of Cypress Avenue as described above.

The Parallel Parking plan would not meet the parking demand generated by Option A and therefore does not warrant further consideration.

## 2.2.2.5 Proposed Land Use and Zoning

A major objective of the Project is to support ecotourism and promote environmentally sensitive activities. Proposed redevelopment of the Project site is intended to be consistent with the adopted General Plan and Local Coastal Plan plans and policies (as amended 2010) and with the strategy and implementation program presented in the *Final Urban Waterfront & Ecotourism Study* (Keyser Marston Associates, Inc. et al. 2005) prepared for the City of Imperial Beach in April 2005.

The Project has been designed to comply with and/or implement the following goals and policies presented in the adopted General Plan/Local Coastal Plan:

### **CIRCULATION ELEMENT (C)**

#### **GOAL 1 BALANCED CIRCULATION**

The quality of life and economic vitality of Imperial Beach is dependent upon a safe and efficiently operating circulation system that provides for pedestrians, bicycles, trucks, automobiles and public transportation. Specific goals related to the Project address safety, environmental sensitivity, energy efficiency and aesthetics as they relate to transportation design and improvements, inclusive of provisions for pedestrian walkways, bicycle paths and transit facilities. The following specific policy also applies:

**Policy C-16 Ecoroute Bikeway.** A special Ecoroute Bikeway shall be established to encompass Imperial Beach's environmental assets including South San Diego Bay. The general route is illustrated on Figure C-7 [in the General Plan]. Opportunities for interpretive stations should occur along the route, for example: Anywhere along the South San Diego Bayfront.

### **LAND USE ELEMENT (L)**

#### **GOAL 11 SMALL BEACH-ORIENTED TOWN**

This goal covers a range of issues, including fostering stable, well-maintained neighborhoods; protecting natural, scenic, cultural and recreational resources; cooperative use of attributes for residents and visitors consistent with resource protection; and retention of community character. Of note, Goal 11e. states:

The City shall foster development of a broader tax base to support residents of, and visitors to the City. However, this development must be compatible with the goal of remaining a small, beach-oriented town. Economic activities should focus on generating income through expanded local services, visitor serving uses and ecotourism and research related to the City's natural resources.

Specific policies include:

**Policy L-8 Bayfront/Marina.** The Imperial Beach Bayfront area is a very unique and environmentally sensitive area of the South San Diego Bay. Opportunities and constraints for development and access to this area have been the subject of numerous studies, reports, and surveys. While the opportunities for full deep-water bay access from the Imperial Beach portion of the bayfront are limited by extensive environmental and economic constraints, the City should:

1. Continue to evaluate opportunities for public access to the San Diego Bay.
2. Ensure continued public access to the Imperial Beach Bayfront area and, where possible, provide for additional public access.
3. Create a recreational corridor along Imperial Beach Bayfront incorporating bicycle and pedestrian paths.

#### **PARKS, RECREATION, AND ACCESS ELEMENT (P)**

##### **Goal 13 THE CITY SHALL PROVIDE ADEQUATE PARKS AND RECREATION AMENITIES FOR A HEALTHY ENVIRONMENT AND QUALITY OF LIFE**

The preservation and development of park, recreation programs, and coastal access facilities are considered vital to:

- a. Reinforcing the City's goal of maintaining a small beach-oriented town.
- b. Making the City an enjoyable and beautiful place to live, work, play and visit.
- c. Providing park and recreation amenities for residents and visitors.
- d. Maintaining a balanced healthy environment and quality of life for residents and visitors.
- e. Supporting the area's economy.

**Policy P-1 Opportunities For All Ages, Incomes, and Life Styles.** To fully utilize the natural advantages of Imperial Beach's location and climate, a variety of park and recreational opportunities for residents and visitors shall be provided for all ages, incomes and life styles. This means that: ...

- d. The City should pursue increased recreational opportunities for the general public in the South San Diego Bayfront.

**Policy P-7 Increase Tourist Related Commercial Land Uses.** The City and its business community should take direct action to increase the amount of tourist-oriented businesses along the beachfront, South San Diego Bayfront, and inland areas.

**Policy P-8 Bayfront Park.** The City shall pursue the creation of a linear park along the entire City bayfront. Said park shall consider facilities like walkways, bike trails, grass areas, rest areas with benches and tables, promenade bridge over the Otay River Channel, amphitheater for special events, gazebo, information center, etc.

In addition, the strategy and implementation program presented in the *Final Urban Waterfront & Ecotourism Study* (2005) envisions redevelopment of properties in the vicinity of San Diego Bay with ecotourism and environmentally sensitive uses. Both the General Plan/Local Coastal Plan and the 2005 ecotourism study are available for review at:

City of Imperial Beach  
Civic Center  
825 Imperial Beach Boulevard  
Imperial Beach, California 91932

or via the City's website at

(General Plan/Local Coastal Plan)

<http://cityofib.com/vertical/Sites/%7B6283CA4C-E2BD-4DFA-A7F7-8D4ECD543E0F%7D/uploads/%7B8C970972-4DD1-433D-A7CA-D6AFB163EB62%7D.PDF>

(Final Urban Waterfront & Ecotourism Study)

<http://www.cityofib.com/vertical/Sites/%7B6283CA4C-E2BD-4DFA-A7F7-8D4ECD543E0F%7D/uploads/%7BFF24BF9E-F0F7-4A75-8AFA-31EC086CBD78%7D.PDF>

To accommodate future conversion and reuse of existing facilities, the Project proposes amendment of the Imperial Beach General Plan and Local Coastal Plan and a rezone (Title 19 of the Imperial Beach Municipal Code) (Appendix B).

The existing warehouse and development expansion area parcels are currently designated and zoned for residential (R-3000-D zone, medium density or two-family detached residential zone, one detached dwelling unit for every 3,000 square foot of lot area, City of Imperial Beach General Plan and Zoning Map). Figure 14a shows existing land uses within the Project boundary as currently developed. Figure 14b shows the existing General Plan Land Use and Zoning for the Project. The Project proposes to amend the General Plan to redesignate and rezone the southern warehouse parcels to Commercial/Recreation-Ecotourism Zone (C/R-ET) as shown on Figure 15a (Proposed

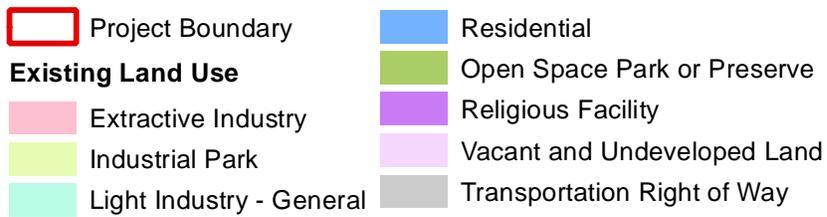
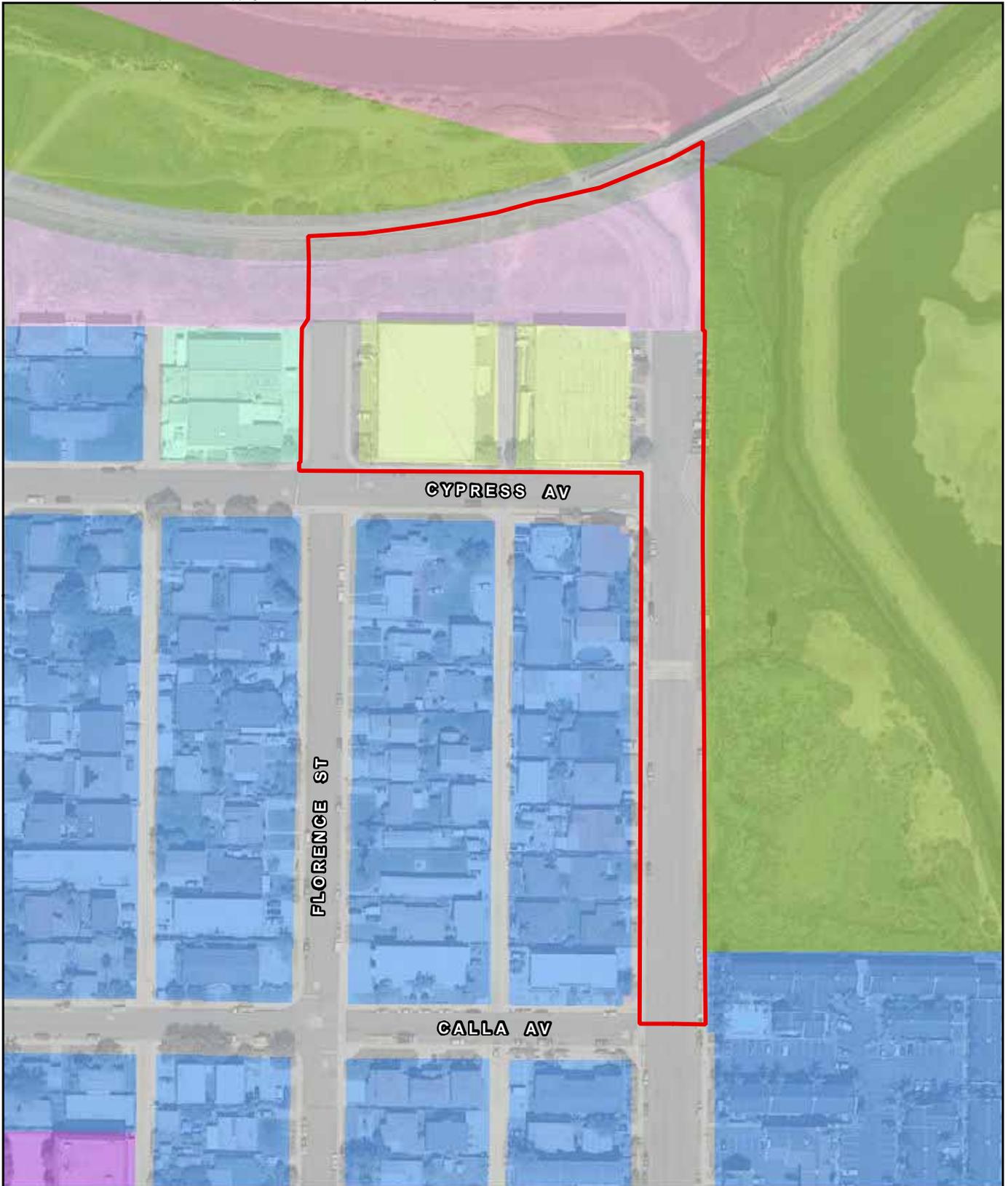
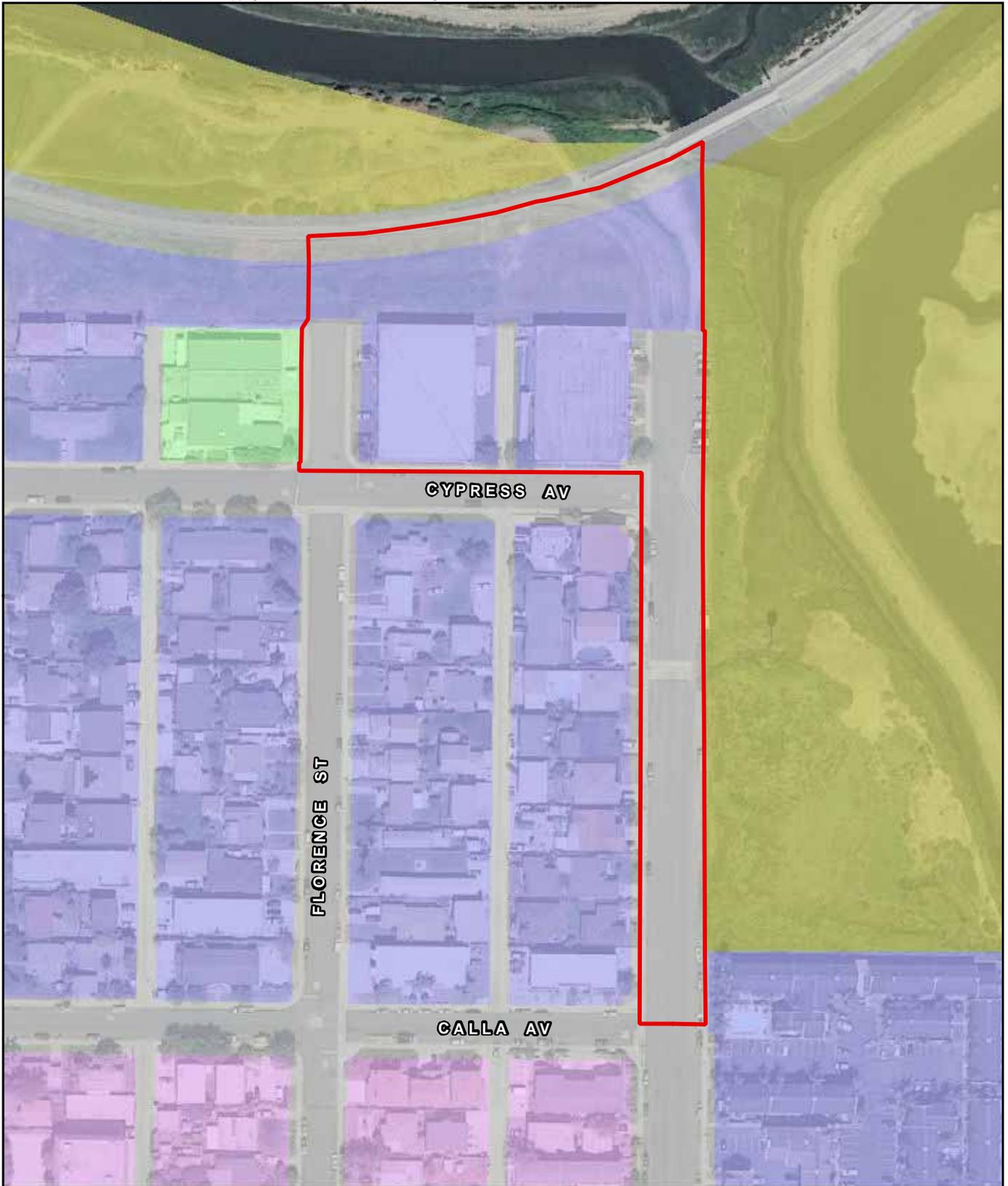


FIGURE 14a  
Existing Land Use



 Project Boundary

**General Plan Land Use and Zoning**

 Light Industry - General

 Mixed Use

 Residential

 Open Space

 Right of Way

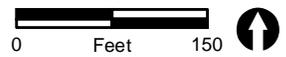


FIGURE 14b

General Plan Land Use and Zoning



 Project Boundary

**Proposed Land Use and Zoning**

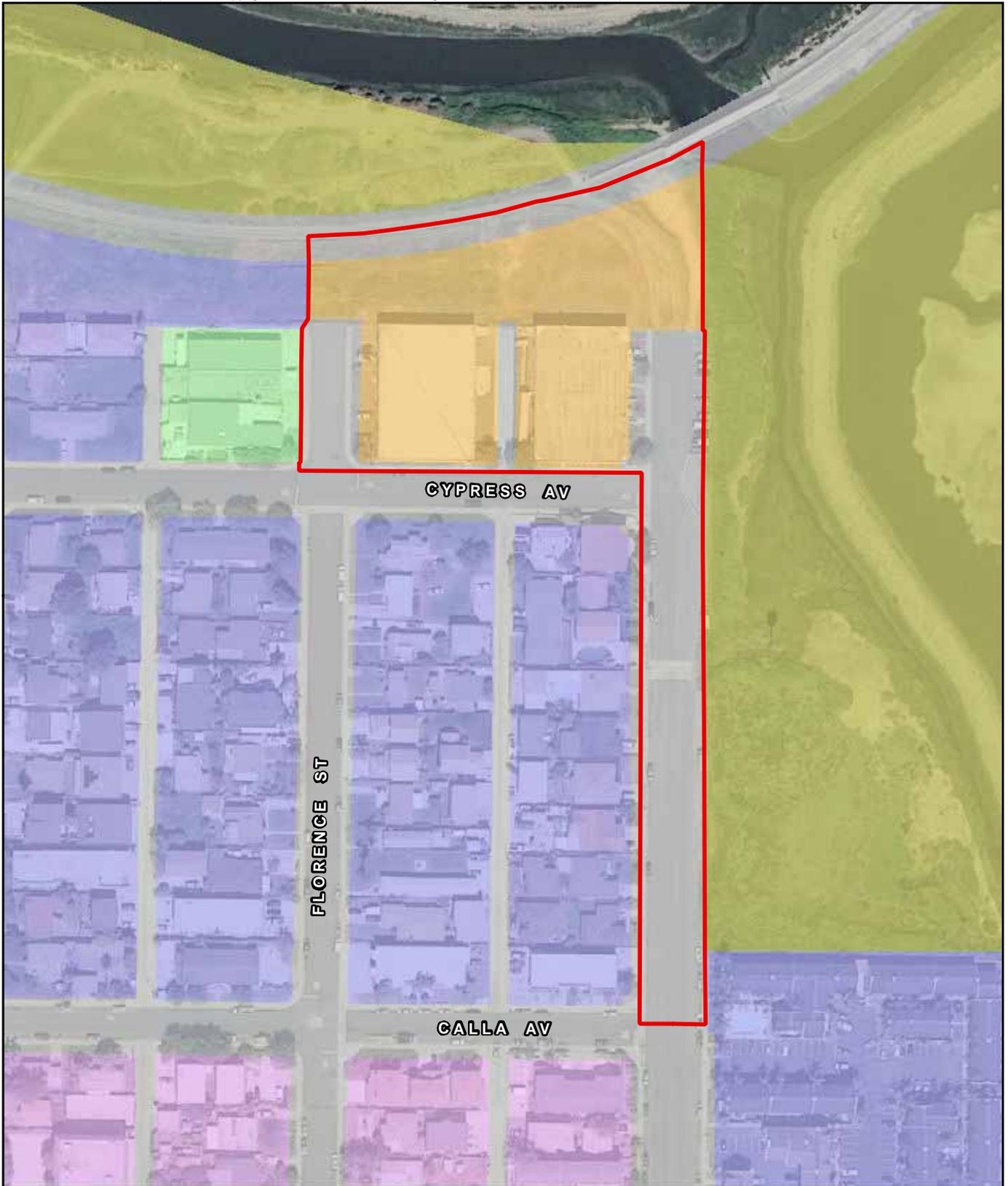
-  Commercial/Recreation - Ecotourism Zone
-  Light Industry - General

-  Mixed Use
-  Residential
-  Open Space
-  Right of Way



FIGURE 15a

Proposed Land Use and Zoning



 Project Boundary

**Proposed Alternative Land Use and Zoning**

 Commercial/Recreation - Ecotourism Zone

 Light Industry - General

 Mixed Use

 Residential

 Open Space

 Right of Way



FIGURE 15b

Proposed Alternative Land Use and Zoning

Land Use and Zoning). If transfer of ownership of the northern development expansion parcel from the Airport Authority to the City is not possible, this parcel would retain the existing R-3000-D zone. If the City is able to purchase the development expansion parcel from the Airport Authority, the northern expansion parcel would be redesignated and rezoned to C/R-ET consistent with the warehouse parcels as shown on Figure 15b. The complete text for the C/R-ET zone is included in Appendix B (Commercial/Recreation-Ecotourism Zone). Permitted uses for the new zone include: bed and breakfast; boutique hotel; hostel; hotels, motels; inn; live-work; short-term rentals; green building utilities; public park (passive); public riding and hiking trails; antique stores; art studios, galleries, museums; athletic and health clubs; beach equipment rental, bike rental, surf shop, fishing supply; bookstore; boutique; food and beverage sales; kiosks; massage therapy; personal convenience services; professional offices, financial institutions, and real estate; restaurants and cafes; retail food sales; retail sales; postal services, private. Of the allowed uses listed above, the Project proposes retail/commercial uses, a hostel and community room. Development of the adjacent development expansion parcel would provide passive park amenities, including an access path, viewing platform and public plaza/patio. The patio area would accommodate accessory uses customarily incidental to the uses permitted by the adjacent retail/commercial, hostel or community room. Future development consistent with the proposed rezone to C/R-ET would also take advantage of, and provide safer access to and from the existing Bayshore Bikeway via a connecting bike path which runs through the development expansion property northeast of the Project warehouse parcels and the north end of 13<sup>th</sup> Street.

## **2.2.3 Site Preparation**

The following discussion applies to the Project and Option A unless otherwise noted.

### **2.2.3.1 Demolition**

Minor demolition of the existing structures and hardscaping would be required. An estimated total of 244 cubic yards (C.Y.) of concrete/asphalt would be recycled for use as fill for construction of the proposed patio within the development expansion area (see Figure 6).

### **2.2.3.2 Grading**

Figure 6 shows the preliminary grading for the Project. Grading would be limited primarily to the development expansion area and, to a lesser extent, along 13<sup>th</sup> Street. Minor modification to the existing warehouse parcels for demolition and construction of access ramps/stairs and patio may also occur.

Estimated grading includes approximately 2,540 C.Y. of fill. This includes 2,296 C.Y. import comprising 30 percent fluff and 244 C.Y. of pavement that would be recycled on-site for construction of the viewing patio. No cut is proposed. As shown on Figure 6, fill would be placed over existing on-site soils which would be preserved in place. A primary consideration of the proposed topographic modification is to direct and retain runoff from the existing and proposed structures as indicated on the grading plan and in accordance with water quality regulations while also minimizing intrusion into existing soils to avoid any potential for impacts to subsurface cultural resources or contaminated soils. As shown on Figure 6, a geogrid would be used under the eastern portion of the proposed patio to ensure that grading activity in this area would not affect existing soils. Fill is also proposed in the northern portion of the expansion parcel, adjacent to the bikeway, to cap soils contaminated with creosote resulting from historic uses along the railroad line corridor. The finished grade would be contoured to slope northerly away from the patio as indicated on Figure 6 to ensure adequate treatment of runoff. To further ensure that impacts to existing soils would be avoided, the grading plan provides a minimum one foot depth above the existing grade to allow for installation of landscaping and other improvements.

### 3.0 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture and Forestry Resources       | <input type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources            | <input type="checkbox"/> Geology / Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions        | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning             | <input type="checkbox"/> Mineral Resources                        | <input checked="" type="checkbox"/> Noise                   |
| <input type="checkbox"/> Population / Housing            | <input type="checkbox"/> Public Services                          | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation / Traffic        | <input type="checkbox"/> Utilities / Service Systems              | <input type="checkbox"/> Mandatory Findings of Significance |

## 4.0 Determination (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Signature

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Date

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Signature

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Date

## 5.0 Evaluation of Environmental Impacts

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures had reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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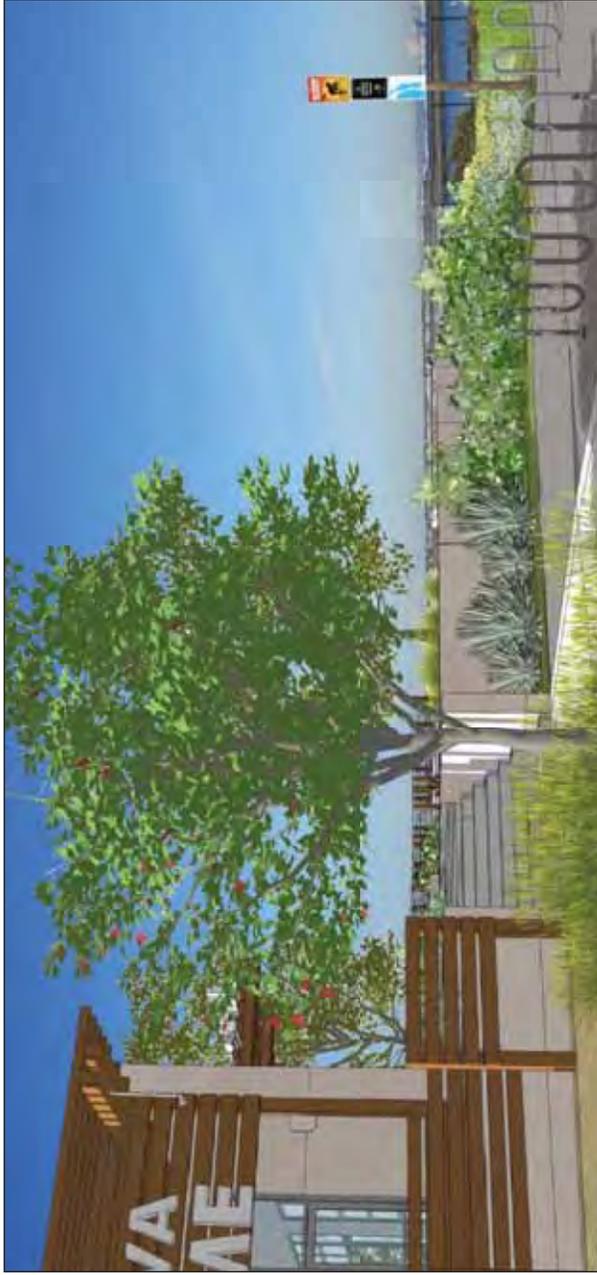
I. AESTHETICS. Would the project:

- a) Have a substantial adverse effect on a scenic vista?

**Less Than Significant Impact.** Architectural renderings, as shown on Figures 5a–5f show the Project design features. Figures 16, 17 and 18 provide visual simulations of the Project from three prominent vantage points. Upgrades to the two existing warehouse structures would improve the general appearance of the site which is visible from San Diego Bayshore Bikeway, and from the north end of Thirteenth Street. The proposed design includes upgrades to the façade, exterior awnings, and decking to enhance the exterior and greatly improve the overall experience for recreational users, visitors and neighbors. Impacts would be less than significant.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

**Less Than Significant Impact.** The Project is located adjacent to the San Diego Bayshore Bikeway at the south end of San Diego Bay. The most prominent features are the two industrial warehouse buildings. No existing scenic resources would be affected. Views from and of the Project site would be enhanced by proposed upgrades which include architectural features, a patio, viewing platform and landscaping. Views of the bay and salt marsh from Thirteenth Street and from the Florence Street and Cypress Avenue street ends would be preserved or enhanced by proposed improvements. The existing site, which is generally flat and populated by non-native species, would be landscaped with native vegetation and educational signage to enhance the experience of visitors. Since the Project includes adaptive reuse of existing structures, longer distance views of the site from the water or bikeway would be similar to current views but would be improved by proposed enhancements that include decking, awnings and lighting. Impacts would be less than significant (see Figures 16–18).



PROPOSED CONDITIONS\*



EXISTING CONDITIONS

**Visual Setting Information**

Project Elements Seen	1, 2, 3, 4
Primary Viewer Group	B, C, D

- Project Elements**
- 1) Building Facade
  - 2) Front Deck
  - 3) Observation Deck
  - 4) Trees & Vegetation
  - 5) Roadway Changes
  - 6) Parking Areas
- Viewer Groups**
- A) Single-Family Residential
  - B) Recreational Trail User
  - C) Cyclists & Pedestrians
  - D) Local Drivers
  - E) Arterial Drivers

Existing Key View Quality Assessment	High	Medium	Low
Visibility			
Quantity of Viewers	✓		
Viewer Sensitivity	✓		

**Contrast Assessment of Project Elements**

Visual Quality	High Quality	Moderate Quality	Low Quality	High Contrast	Moderate Contrast	Improves/Low Cont.
Vividness	✓					✓
Intactness		✓				✓
Unity		✓				✓
Visual Organization		✓				✓
View Quality						
Viewing Scene	✓					✓
Viewing Sites		✓				✓
Viewing Corridor		✓				✓

NA: Not Affected or Not Applicable

**\* Simulation Notes:**  
 These simulations represent approximate renderings of project elements based on currently available information from architectural plans.



KEY VIEW PHOTOGRAPH LOCATION

Key View 4: View Looking Northwest from Parking at End of 13th Street

FIGURE 16



PROPOSED CONDITIONS\*



EXISTING CONDITIONS

**\* Simulation Notes:**

These simulations represent approximate renderings of project elements based on currently available information from architectural plans.



KEY VIEW PHOTOGRAPH LOCATION

**Visual Setting Information**

Project Elements Seen	1, 2, 3, 4
Primary Viewer Group	B, C

**Project Elements**

- 1) Building Facade
- 2) Front Deck
- 3) Observation Deck
- 4) Trees & Vegetation
- 5) Roadway Changes
- 6) Parking Areas

**Viewer Groups**

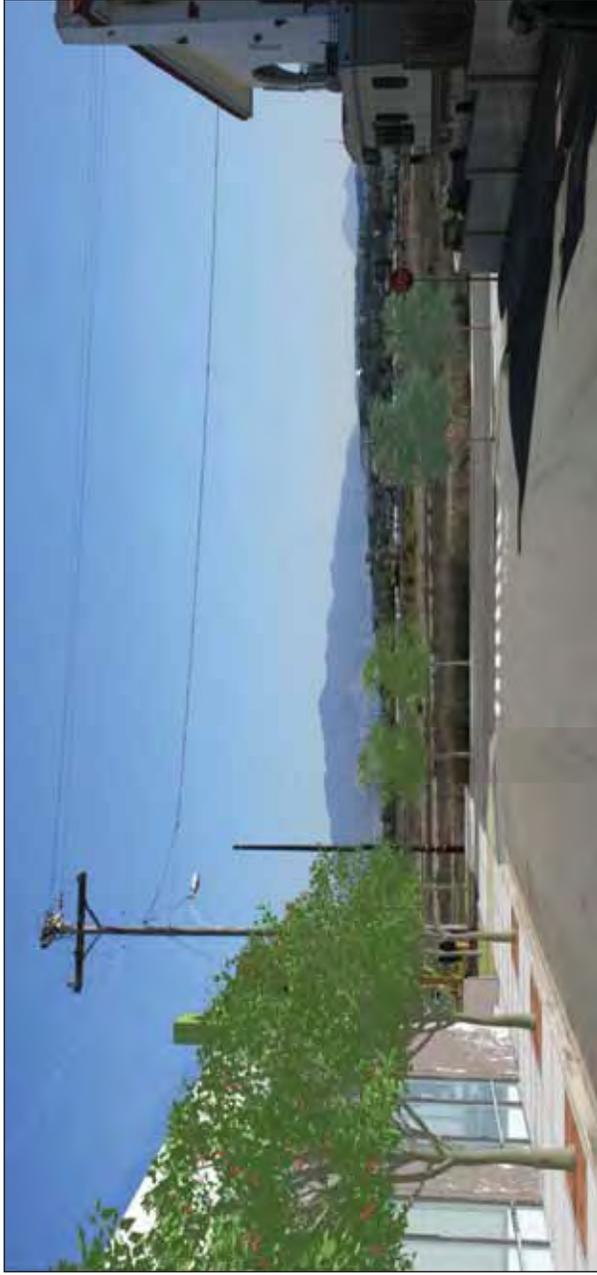
- A) Single-Family Residential
- B) Recreational Trail User
- C) Cyclists & Pedestrians
- D) Local Drivers
- E) Arterial Drivers

Existing Key View Quality Assessment	High	Medium	Low
Visibility			
Quantity of Viewers	✓		
Viewer Sensitivity	✓		

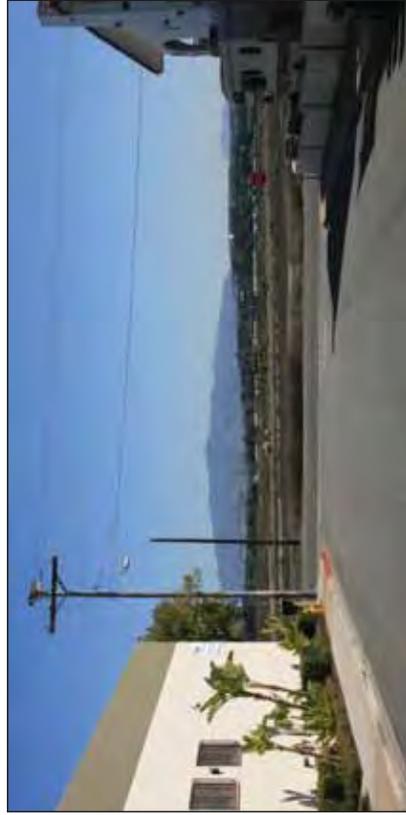
**Contrast Assessment of Project Elements**

Visual Quality	High Quality	Moderate Quality	Low Quality	High Contrast	Moderate Contrast	Improves/Low Cont.
Vividness	✓					✓
Intactness		✓				✓
Unity		✓				✓
Visual Organization			✓			✓
View Quality						
Viewing Scene	✓					✓
Viewing Sites	✓					✓
Viewing Corridor						✓

NA: Not Affected or Not Applicable



PROPOSED CONDITIONS\*



EXISTING CONDITIONS

**\* Simulation Notes:**  
 These simulations represent approximate renderings of project elements based on currently available information from architectural plans.



KEY VIEW PHOTOGRAPH LOCATION

**Visual Setting Information**

Project Elements Seen	1, 4, 5, 6
Primary Viewer Group	A, D

- Project Elements**
- 1) Building Facade
  - 2) Front Deck
  - 3) Observation Deck
  - 4) Trees & Vegetation
  - 5) Roadway Changes
  - 6) Parking Areas
- Viewer Groups**
- A) Single-Family Residential
  - B) Recreational Trail User
  - C) Cyclists & Pedestrians
  - D) Local Drivers
  - E) Arterial Drivers

Existing Key View Quality Assessment	High	Medium	Low
Visibility			
Quantity of Viewers			✓
Viewer Sensitivity		✓	

**Contrast Assessment of Project Elements**

Visual Quality	High Quality	Moderate Quality	Low Quality	High Contrast	Moderate Contrast	Improves/Low Cont.
Vividness	✓					✓
Interactness		✓				✓
Unity		✓				✓
Visual Organization		✓				✓
View Quality						
Viewing Scene	✓				✓	
Viewing Sites		✓				✓
Viewing Corridor	✓					✓

NA: Not Affected or Not Applicable

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less Than Significant Impact.** See I(b) above.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Less Than Significant Impact.** The Project includes some exterior lighting for safety and to enhance the building façade. All lighting would be shielded and directed away from natural areas associated with the bay and salt marsh habitats to the east. Impacts would be less than significant.

ISSUE

Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

**Not applicable.** The site is currently developed with two warehouse structures. The northern parcel is vacant but zoned for development. The Farmland Mapping and Monitoring Program map does not identify any Prime, Unique or Statewide Important Farmland on or in the vicinity of the site.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

**Not applicable.** No Williamson Act contract land occurs on or in the vicinity of the site.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Not applicable.</b> No forest land occurs on or in the vicinity of the site.				
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Not applicable.</b> No forest land occurs on or in the vicinity of the site.				
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Not applicable.</b> Refer to Response II.a above.				

ISSUE

Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?

**Less Than Significant Impact.** The Project proposes adaptive reuse of two existing warehouse buildings. Approval of the proposed rezone and land use designation to C/R-ET would eliminate the existing legal non-conforming warehouse use and redevelop the site with visitor-serving commercial and transient residential use specifically designed to serve bicyclists and visitors to the vicinity of the bay and provide amenities within walking distance of nearby residences. Consequently, replacement of the existing warehouse uses with the proposed commercial/visitor-serving uses would not be considered consistent with the growth assumptions in the RAQS and SIP. However, as discussed in Appendix C (Air Quality Assessment Letter, Tables 7 and 8), construction and operational emissions would not exceed established thresholds for determining significance. The incremental increase in criteria pollutant emissions anticipated for either the Project or the Option A alternative would be small compared to the significance thresholds utilized in air quality assessment. Therefore, although the Project and alternative would not be consistent with the growth assumptions in the applicable air quality plans, the anticipated impacts to air quality resulting from implementation of the Project or alternative would be less than significant.

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Less Than Significant Impact.** The San Diego Air Basin is a federal non-attainment area for ozone standard and a state non-attainment area for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. The Project and alternative would allow hostel and/or retail uses, depending on the option selected. It is not anticipated that these uses would result in significant stationary sources of emissions. In addition, maximum daily construction and operational emissions are projected to be less than the applicable thresholds for all criteria pollutants. Impacts would be less than significant (see also Response III.a above).

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

**Less Than Significant Impact.** As discussed above (Responses III.a and III.b), maximum daily construction and operational emissions are projected to be less than the applicable thresholds for all criteria pollutants.

- d) Expose sensitive receptors to substantial pollutant concentrations?

**Less Than Significant Impact.** The Project re-zone would eliminate the possibility of industrial-type use that might otherwise occupy the existing warehouses and allow for uses that support ecotourism. These uses would not be expected to generate substantial toxic emissions. Additionally, the Project would not place sensitive receptors in the vicinity of a heavily traveled roadway that would be a source of diesel particulates. Impacts would be less than significant.

- e) Create objectionable odors affecting a substantial number of people?

**No Impact.** The Project would create uses that support ecotourism and would not create or expose sensitive receivers to odors. A coffee cart, an ice cream/yogurt shop, and a café (with a limited kitchen) would be the only restaurant/food uses anticipated. The coffee cart and an ice cream/yogurt shop are not anticipated to create objectionable odors. A kitchen would be required to install odor control devices. Consequently, no odor impacts are anticipated for the existing or future sensitive receivers in the Project vicinity and on-site.

ISSUE

Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

IV. BIOLOGICAL RESOURCES. Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

**Less Than Significant with Mitigation Incorporation.** A biological assessment was prepared by RECON for the Project. The assessment summarizes the results of two winter field visits (19 November and 2 December, 2010) in a letter report dated October 10, 2011 (Appendix D).

**On-site.** As indicated on Figure 3 of the MND and Figures 3 and 4 in Appendix D, Biological Resources Letter Report, the existing warehouse parcels are developed with buildings, hardscaping and minimal non-native landscaping. The adjacent undeveloped expansion area, immediately to the north and within the Project footprint, consists primarily of an eastern basin and a western terrace separated by a shallow slope. The shallow basin drains into a disturbed upland peripheral to tidal salt marsh via a small, northeast-flowing culvert beneath the berm of the current bikeway access path from Thirteenth Street. In the area west of the existing bikeway access path that connects Thirteenth Street with the Bayshore Bikeway, both the basin and the terrace appear to have been contoured by machinery in the past and both support non-native herbaceous vegetation composed of chrysanthemum (*Chrysanthemum coronarium*), exotic grasses, and fennel (*Foeniculum vulgare*). This vegetation is periodically mowed and provides little to no wildlife habitat value. The raised berm of the current bikeway access path provides moderate physical and visual separation between the basin and undeveloped terrain to the north and east. This terrain consists of additional upland terrace and tidal wetlands composed of open bay water (brackish), peripheral coastal salt marsh, elevated water control dikes, and intermittently dry basins associated with commercial salt extraction within the dikes (see Figure 4, Appendix D).

The current bikeway access path is proposed to be realigned westerly to bisect the roughly triangular northeast corner of the development expansion area parcel (see Figures 3 and 5a), which presently consists of disturbed upland terrace with ruderal (mostly non-native and herbaceous) vegetation and a small area of sparse coastal sage scrub composed of remnant shrubs such as big saltbush (*Atriplex lentiformis*), golden bush (*Isocoma menziesii*), California sagebrush (*Artemisia californica*), and flat-topped buckwheat (*Eriogonum fasciculatum*) (see Appendix D, Figure 4).

ISSUE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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**Off-site.** The terraces north and east of the development expansion area are predominantly disturbed and represent former mechanical modification of the natural bay shore. These uplands are vegetated primarily by ruderal plant species such as chrysanthemum, telegraph weed (*Heterotheca grandiflora*), fennel, non-native grasses, curly dock (*Rumex crispus*), sea fig (*Mesembryanthemum* sp.), saltgrass (*Distichlis spicata*), Australian saltbush (*Atriplex semibaccata*), tumbleweed (*Salsola tragus*), and horehound (*Marrubium vulgare*). The terraces also support scattered, dense clumps of big saltbush. A rectangular portion of the terrace immediately north of the bikeway and the proposed development expansion area has been restored to a rich diversity of native coastal sage scrub vegetation (see Appendix D, Figure 4).

No sensitive or restricted plant or animal species were detected on-site during assessment and mapping. Regardless, the geography and range of habitats nearby suggest a high potential for occurrence of several species off-site. Table 1 of the attached Biological Resources Technical Letter (Appendix D) summarizes the sensitive species that may occur off-site and within 200 feet of the Project. Consequently, the biological report prepared for the Project indicates that construction noise levels are not to exceed existing ambient noise or 60 dB(A)  $L_{eq}$ , whichever is higher, where sensitive nesting avian species have been identified during their breeding season. Construction noise levels at the edge of the biological habitat are anticipated to exceed 60 dB(A)  $L_{eq}$ . Mitigation to address potential noise impacts to sensitive avian species is required as detailed in section XII of this MND and the attached noise assessment letter report (see Mitigation Measure XII-1, Construction). Implementation of the proposed mitigation would reduce the potential for noise to impact sensitive avian species during the nesting season to below a level of significance.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

**Less Than Significant Impact.** As discussed in Appendix D, the Project would not result in direct or indirect impacts to any riparian habitat. The site currently supports an estimated 0.03 acre of disturbed coastal sage scrub that supports approximately 10 percent shrub cover and is composed of remnant big saltbush (*Atriplex lentiformis*), golden bush (*Isocoma menziesii*), California sagebrush (*Artemisia californica*), and flat-topped buckwheat (*Eriogonum fasciculatum*) in the northeastern most portion of the site, east of the existing bicycle access trail (see Figure 4).. Examination of aerial photographs from a span of several years suggests that the area has undergone periodic disturbance and is currently recovering, as evidenced by a mixture of few, relatively large shrubs and more abundant small seedlings of native shrub species. Due to its small area, isolation from extensive areas of similar vegetation, and degraded condition, this patch provides little to no wildlife habitat value.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

**No Impact.** Project construction would avoid impacts to any federally protected wetlands. No work would directly affect marsh, vernal pool or coastal wetlands nor would the Project result in direct removal, filling or hydrological interruption affecting wetlands. See also Appendix D.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

**Less Than Significant Impact.** The Project site is disturbed and no sensitive wildlife species have been identified on-site. Based on the biological survey, the site does not serve as a migratory wildlife corridor or nursery (see also, Responses IV.a and IV.b above, IV.e below, and Appendix D).

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

**Less Than Significant Impact.** The City of Imperial Beach is within the designated boundary of the Multiple Species Conservation Program (MSCP) but is not a participant. Nevertheless, the Project design is consistent with the MSCP with regard to avoidance or minimization of potential effects. No impacts are anticipated to currently undeveloped areas within the South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge or the 100-foot California Coastal Commission setback buffer from wetlands.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** See Response IV.e above. The Project would not conflict with the MSCP or California Coastal Commission 100-foot setback buffer requirements from wetlands.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
On-site structures are less than 45 years of age. As proposed, adaptive reuse of the existing warehouses and construction of the adjacent patio would not result in any significant impact.				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impacts to archaeological resources are significant as discussed in the technical study prepared for the Project (see Appendix E *Cultural Resource Test Excavation for the Imperial Beach Bikeway Village Project*, November 16, 2011). The Project is associated with CA-SDI-4360, a recorded site which extends both on- and off-site. To determine the extent and importance of on-site resources, RECON performed a record search and survey. In addition, RECON archaeologist Carmen Zepeda-Herman and Gabe Kitchen Jr. of Red Tail Monitoring and Research monitored excavation of soil test borings on May 25, 2011 (RECON 2011). Based on observations, a testing program was implemented to determine significance. The testing program was performed by RECON archaeologists and Native American observers between August 31 and September 16, 2011 and resulted in the excavation of 15 30 x 50 centimeter (cm) shovel test pits (STPs) and two 1 x 1 meter units. STPs were hand dug in 10 cm increments to a minimum depth of 40 cm below the surface or until culturally sterile subsoil was reached. While much of the larger area associated with CA-SDI-4360 (both on and off-site) has been impacted by past development and lacks integrity, it was determined that the Project would impact a small on-site portion (400 square meters) of CA-SDI-4360 in the southeastern portion of the Project's northern parcel. Based on the results of the testing/excavation program it was determined that CA-SDI-4360 is one of the few coastal habitation sites that contain good integrity with intact soils and stratigraphy. Therefore, this site is significant under California Register of Historical Resources criterion 4 (i.e., potential to yield important information in prehistory), specifically questions regarding settlement of the south end of San Diego Bay, site

function, and chronology and CEQA significance thresholds. Findings are summarized in the attached technical study.

As identified in the technical study, and in conformance with the NAHC recommendations, the importance of the site has been evaluated and boundaries of the site adequately mapped. In addition, the following mitigation measures are required to reduce the significant impacts and ensure preservation of on-site resources:

### **Mitigation Measure V-1**

1. Because significant resources were identified as a result of the record search, survey, monitoring and excavation that resulted in discovery of intact cultural deposits, and because resources are proposed to be capped and covered with a concrete patio, implementation of an indexing program is required. The indexing program will increase the data sample, provide answers to research questions, and add to the overall regional prehistoric data.
  - a. **Site Indexing.** Based on the site plan for the Project and standard of care for the archaeological profession, a site indexing program shall be performed by a qualified archaeologist. The site indexing program shall include:
    - i. Excavation of two 1 x 1 meter units under the area to be capped. Units shall be hand excavated in 10cm increments until there are two sterile 10-cm levels, subsurface conditions permitting.
    - ii. As part of the Native American mitigation component, all units shall be wet-screened through a 1/8-inch mesh at a location specified by the City and agreed upon by the Native American community.
    - iii. Artifacts and ecofacts shall be removed and placed in appropriately labeled bags to be cleaned, catalogued, and analyzed.
    - iv. Shellfish remains shall be speciated and weighed, but not counted.
    - v. Any human remains or potential human remains and grave goods shall be treated respectfully and appropriately and repatriated to the Native American community.
    - vi. Radiocarbon dates from the cultural material recovered shall be obtained to answer important questions such as when the location was occupied, whether the dates differ from the nearby location to the west-northwest within CA-SDI-4360, and how long it was occupied.
    - vii. Subsistence questions may address diet of occupants, food sources, processing and preparation. Changes in dominant shell types, specialized faunal analysis, shell speciation, and macro-botanical samples should also be considered

- viii. Column samples shall be taken from the unit with the highest potential for macrobotanical remains and processed to extract the light fraction suspended within the soil matrix. If charred seeds are present in the recovered light-fraction from the column samples, the samples shall be submitted to an ethnobotanical laboratory for analysis and radiocarbon dated.
  - ix. Native American monitors shall be present during excavation, wet-screening and cataloging.
  - x. Unless otherwise agreed upon by the City and the Native American community, the artifact collection shall be curated at an approved curation facility, such as the San Diego Archaeology Center. The results report shall be completed and filed with the South Coastal Information Center.
  - xi. Site indexing locations shall avoid locations in the patio and shown on the site plan as openings for plants. The openings for plants shall be kept unexcavated in the event future researchers identify a need for additional testing.
  - xii. A site form update shall be filed with the South Coastal Information Center (SCIC).
2. Site Capping. To eliminate potential impacts to intact portion of CA-SDI-4360, the Project applicant shall ensure that areas where resources may be present are capped to avoid any impacts due to ground-disturbing activities. Site capping of an archaeological site can be accomplished by covering an archaeological site with a layer of imported fill consistent with the following:
- a. A geogrid shall be placed over areas where significant resources have been identified prior to placement of imported fill to help distribute the weight of the capping material more evenly. The geogrid shall be a permeable fabric to avoid trapping moisture and preventing any geochemical effects to soils and artifacts. The geogrid shall be visible and easily identify the area where the capping commences so that it serves as a marker for the future. Use of chemically active soils shall be avoided.
  - b. "Fill" shall be culturally sterile and thick enough to contain all types of utility trenches and other ground disturbances.

Tracked equipment shall be employed during site preparation and construction. Pads on the tracked equipment effectively spread the weight of the equipment over a greater area and avoid or minimize the potential for impacts to subsurface layers.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** Proposed work would not disturb a significant geologic formation. Site disturbance would be mainly on the “expansion parcel” and has been designed to minimize or avoid any potential disturbance to native soils in order to avoid impacts to potentially significant cultural resources. See also Responses V.b and V.d.

d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Less Than Significant With Mitigation Incorporated.** Bone found during the excavation of STP 14 between August 31 and September 16, 2011 was confirmed to be human by Dr. Arion Mayes of San Diego State University, a professional forensic anthropologist on September 27, 2011. RECON, on behalf of the City, notified the County Medical Examiner’s office as required by Public Resources Code (PRC) 5097.98 . The County Medical Examiner’s office contacted the NAHC who subsequently identified the Kumeyaay Cultural Repatriation Committee (KCRC) as the Most Likely Descendent contact for consultation. Clint Linton was authorized to represent the KCRC during consultation. Upon request from the KCRC, two bone fragments (one human and one non-human) have been repatriated. The presence of human remains and the potential for more makes both the disturbed and intact portions of the Project site culturally significant to the Native American Community. A complete discussion of test excavation program and methods is included in the attached technical study (Appendix E). See also Response V.b above.

Implementation of mitigation measure V-1 would reduce the significant impact resulting from the potential disturbance to human remains to a less than significant level. This measure addresses Native American concerns through design to avoid impacts to existing on-site soils, or if not feasible, requirements to hand excavate and wet-screening all soils that are disturbed or moved during construction through 1/8-inch mesh as described in detail in Appendix E to this MND.

ISSUE

Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

VI. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.                       

**Less Than Significant Impact.** The Project site is located in a seismically active region of California, and therefore, the potential exists for geologic hazards such as earthquakes and ground failure to occur, with the primary potential seismic hazard being ground shaking. According to the California Geological Survey's, Fault-Rupture Hazard Zones in California document, the Project site is not listed in any Earthquake Fault Zones. Also, according to the Safety Element of the Imperial Beach General Plan, the La Nacion Fault is located roughly 2 miles east of the city. Regardless, the Project would utilize proper engineering design and standard construction practices, to be verified at the building permit stage, which would ensure that the potential for impacts from regional geologic hazards would be less than significant.

ii) Strong seismic ground shaking?                       

**Less Than Significant Impact.** As described in VI(a)(i) above, the Project site is located in the seismically active southern California region. Thus, the site could be affected by seismic activity as a result of earthquakes on other major active faults located throughout the southern California area. With proper engineering design, in accordance with the California and International building codes and guidelines established by the Structural Engineers Association of California, as well as utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would be less than significant.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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iii) Seismic-related ground failure, including liquefaction?

**Less Than Significant Impact.** The Project is converting / adapting two existing warehouse buildings for commercial visitor-serving uses. The only new structure would be a concrete deck attached to the north side of the two buildings and a new 12-foot wide attached concrete “porch” along the east side of the building fronting on Thirteenth Street. All work would be consistent with applicable building design codes to ensure seismic safety. Seismically related ground failure, including liquefaction, is anticipated to have a less than significant impact.

iv) Landslides?

**No Impact.** As stated in the Safety Element of the Imperial Beach General Plan, the terrain in Imperial Beach is generally flat and therefore landslides would not be considered a significant hazard.

b) Result in substantial soil erosion or the loss of topsoil?

**No Impact.** The U.S. Department of Agricultural (USDA) Soil Survey for the San Diego Area maps the soils underlying the Project as Huerhuero–Urban land complex, 2-9 percent slopes (HuC). This soil type is found on marine terraces, at elevations ranging from sea level to 400 feet. This soil type typically has been altered through cut and fill operations and leveling for building sites. Exposed materials in cuts consists of unconsolidated sandy marine sediments. Fill consist of a mixture of loam and clay and sandy marine sediments (USDA Part I, 1973). HuC soils are considered to have a slow infiltration rate and may be subject to high shrink-swell behavior due to clay composition but are not a concern with regard to erodibility (USDA Soil Survey Part II, 1973).

In addition, the existing developed property and the adjacent Airport Authority property are relatively flat. Minimal grading or topographic alteration would occur (see also Section 2.2.3.2 and Figure 6). Runoff would be directed to landscaped swales and would accommodate runoff on-site. The site would be landscaped in accordance with the City of Imperial Beach’s requirements and all storm water requirements would be met.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** Refer to Response VI.a.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Less than Significant Impact.** The Project is the adaptation of two existing structures. Underlying soils have been disturbed. The two existing warehouse structures have been in place for more than 30 years without structural damage.

According to the USDA Soil Survey and Safety Element of the General Plan, the urbanized area of the City of Imperial Beach is almost entirely underlain by HuC soil type and the Baypoint Formation, which is composed of marine mud. HuC may include expansive soils as defined within Table 18-I-B of the Uniform Building Code (1994).

The Project would not have any significant impacts because all new construction is required to comply with the improvement requirements identified in the 1997 Uniform Building Code, Division III – Design Standard for Design of Slab-On-Ground Foundations to Resist the Effects of Expansive Soils and Compressible Soils, which ensure suitable structure safety in areas with expansive soils. Preparation of the site in accordance with the California Building Code, would ensure that impacts would be less than significant.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact - Not Applicable.** The Project site is located within an area that is already developed with existing infrastructure (i.e., water and sewer lines) and does not propose any septic system.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS. Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

**Less than Significant Impact.** The Project and Project alternative would result in less than a 900 MTCO<sub>2</sub>E net increase in Greenhouse Gas (GHG) emissions. As discussed in Appendix F, impacts from projects that result in a net increase of 900 MTCO<sub>2</sub>E net GHG or less are considered less than significant.

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

**Less than Significant Impact.** The Project would create uses that support ecotourism and encourage use of alternative modes of transportation (e.g., bicycles). The Project would not generate GHG in excess of an accepted threshold as discussed in Appendix F.

The regulatory national, state and local plans and policies aim to reduce state and local GHG emissions by primarily targeting the largest emitters of GHGs: the transportation and energy sectors. Plan goals and regulatory standards are thus largely focused on the automobile industry and public utilities. For the transportation sector, the reduction strategy is generally three pronged: to reduce GHG emissions from vehicles by improving engine design; to reduce the carbon content of transportation fuels through research, funding, and incentives to fuel suppliers; and to reduce the miles vehicles travel through land use change and infrastructure investments.

For the energy sector, the reduction strategies aim to reduce energy demand; impose emission caps on energy providers; establish minimum building energy and green building standards; transition to renewable non-fossil fuels; incentivize homeowners and builders; fully recover landfill gas for energy; expand research and development; and so forth.

The Project and alternative are consistent with the goals and strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development. Additionally, the Project would result in less than a 900 MTCO<sub>2</sub>E net increase in GHG emissions. Impacts would be less than significant.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**No Impact.** The Project would use materials typical of any visitor-serving commercial or residential use. No routine transport or use of hazardous materials is proposed.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

**Less Than Significant with Mitigation Incorporation.** Phase I and II hazardous materials studies have identified the presence of hazardous materials on the development expansion property. Historic uses of the warehouse property at 535 Florence Street also resulted in previous identification of hazardous materials that have been remediated to standards for the existing use but may not meet standards required for the future proposed uses. The Project is required to comply with regulatory requirements. Review and signoff from the County of San Diego Department of Environmental Health (DEH) is required to demonstrate that on-site conditions meet requirements for the proposed uses.

**Development Expansion Area.** The Supplemental Phase II Environmental Site Assessment (ESA) was prepared by Advantage Environmental Consultants (June 28, 2011) for the Project identified Polynuclear Aromatic Hydrocarbons (PAHs) within surficial soils. The ESA and Supplement to the ESA are included as Appendix G. These were found in the northern portion, primarily within and adjacent to the former railroad right-of-way within a general 30-foot-wide and up to 200-foot-long section on-site. Five of the PAH compounds exceeded human health risk based screening levels for commercial/industrial and/or residential use soils.

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Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

The soils containing PAH concentrations exceeding respective EPA region 9 Regional Screening Levels (RSLs) and California Human Health Screening Levels (CHHSLs) are limited to between the ground surface and two feet below ground surface (bgs) for commercial/industrial use soils, and the ground surface and three feet bgs for residential use soils.

The Phase II ESA estimates up to approximately 725 cubic yards (cu. yd.) of soil is impacted with PAH concentrations exceeding RSL-Rs and CHHSL-Rs. Also, up to approximately 470 cu. yd. of the 725 cu. yd. of soil referenced above is anticipated to be impacted with PAH concentrations exceeding RSL-Is and CHHSL-Is. According to the Phase II EAS, the on-site soils impacted by PAHs have been adequately delineated for redevelopment purposes.

Mitigation Measure VIII-1

Prior to the issuance of a grading permit, the Project Applicant shall submit to the City of Imperial Beach Community Development Director documentation prepared by the San Diego County DEH demonstrating that soils contamination associated with historic railroad operations within the property leased to the City from the Airport Authority have been capped or otherwise remediated to standards suitable for the proposed uses. At that time, grading plans shall be reviewed to determine if Project grading will interfere with any of the remaining PAH-contaminated soils in the vicinity of grading activities. If required, an amendment to the appropriate remediation plan shall be developed to ensure that any contaminated soil is adequately remediated through capping or proper removal and disposal.

Mitigation Measure VIII-2

The Project Applicant shall provide appropriate documentation issued by the San Diego County DEH demonstrating that on-site contamination noted at 535 Florence Avenue as reported in the *Phase I Environmental Site Assessment* prepared by MBCE in 2008 has been remediated to a level of less than significant for proposed commercial/retail uses prior to approval of demolition permits at the property.

Mitigation Measure VIII-3

Prior to any demolition, construction or disposal of building material, excavated soil, asphalt or concrete, appropriate sampling shall be performed by a professional qualified to perform hazardous materials environmental assessment to confirm that the material meets applicable regulations for reuse or disposal. In the event a determination is made that the soil, building material, asphalt or concrete is contaminated, the soil or material shall be disposed of properly at a licensed facility and not relocated within the site or to an unauthorized off site location. Land Disposal Restrictions (LDRs) may be applicable to soils or materials proposed for disposal. Assessment and remediation activities shall incorporate the following conditions:

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<p>i. All assessment and remediation activities shall be conducted in accordance with a work plan which is approved by the regulatory agency having oversight of the activities.</p> <p>ii. It may be necessary to excavate existing soil within the project site, or to bring fill soils into the site from off-site locations. At sites that have been identified as being contaminated or where soil, concrete or asphalt contamination is suspected, appropriate sampling is required prior to disposal. Contaminated soil or materials shall be properly disposed at an approved off-site facility. Fill soils also shall be sampled to ensure that imported soil parameters are within acceptable levels.</p> <p>Implementation of the above measures would reduce impacts to below a level of significant.</p>				
<p>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>No Impact.</b> The site is not located within 0.25 mile of an existing or proposed school.</p>				
<p>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

**Less Than Significant with Mitigation Incorporation.** According to the EnviroStor database, searched in August 2011, the Project site was not listed as a hazardous materials site, pursuant to Government Code Section 65962.5 (State of California 2011a). However, previous site contamination and cleanup has been noted for the existing warehouse buildings. The GeoTracker website (State of California 2011b) indicates that previous contamination at the 535 Florence Street location has been cleaned up and the case was closed in 1990 (Loc Case #:H02185-001).

The following discussion of environmental site conditions for the warehouse parcels is based on the *Phase 1 Environmental Site Assessment 535 Florence Street and 536 13<sup>th</sup> Street in Imperial Beach, California 91932* prepared in October 2008 by Marc Boogay, Consulting Engineer (MBCE) (Appendix H). The report was provided to RECON by the Project applicant as background to address environmental conditions of the existing structures proposed for adaptive reuse. Work performed for the study included a site inspection and vicinity visit, with assessment of possible presence of soil and groundwater contamination and threats from current or past site/vicinity usage. A review of readily available published regulatory agency records, including lists of CERCLIS and Superfund/SARA sites, hazardous waste storage/generation locations, vicinity violations and releases, and leaking underground tanks and other relevant documentation as noted in the study was also performed. At the time the report was prepared, there were no significant amounts of potentially hazardous wastes/materials observed in the site/vicinity during inspection, and no evidence of significant release was noted. At the time of the study, a records request was made to the City Building and Planning Department and Department of Fire Protection and Safety. A records request was also submitted to the County Department of Environmental Health (DEH). Documentation available on a website provided by DEH indicated that a former business, *Former Imperial Wheel LTD [sic]*, occupying Suite C at 535 Florence Street, had contamination and unauthorized release case files on file at the DEH San Diego office. *Imperial Wheel* occupied the site from 1972 to 1988. On-site operations involved metal plating; several pumps and drainage trenches were built into the concrete flooring of the suite. The source of contamination was said to have been released over a long-term period and included use of plating acids and rinse agents containing limited heavy metals including nickel and chromium. Staining, deteriorating concrete surfaces, and stained walls were noted during a site inspection, and remediation requirements were outlined and included in a clean-up plan prepared by *International Technology Corporation*. Subsequent remediation was completed and

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Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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a “Site Assessment Report” completed indicating that chromium and nickel concentrations were below specified cleanup levels at sampling points. A letter from the HMMD dated in March of 1990 stated that the department, in association with the Regional Water Quality Control Board (RWQCB) determined that no further action regarding cleanup of soil was required; however, due to remaining nickel and chrome contamination, the suite’s north wall would require additional remediation. Reports indicated that removal of this wall could jeopardize the integrity of the building. Consequently, “chemical resistant epoxy paint” was applied to the wall and a monitoring program was implemented to ensure that the integrity of the coating remains intact and that future tenants/owners are notified in order to minimize contact with the area of the wall. Since some levels of contamination still exist in association with a wall at 535 Florence Street, a no-further-action letter noted that if “present or proposed usage” of the subject site was to change, additional work may be required.

In addition, the Phase II ESA identifies hazardous materials contamination of soils within the development expansion area (Airport Authority property) as discussed in Appendix G and above in Response VIII.b. A mitigation monitoring program is identified. Coordination with DEH and remediation of on-site soil contamination, would be performed prior to Project approval and commencement of work. Remediation for contamination at the 535 Florence Avenue site, if required by DEH, would be required to conform with existing regulations and would be completed prior to conversion of the property for the proposed uses. As required by Mitigation Measures VIII-1 through VIII-3, a letter would be submitted to the City demonstrating that the site meets all required standards for the proposed uses. Impacts would therefore be reduced to a less than significant level.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

**No Impact.** The Project site is located approximately three miles west of Brown Field Municipal Airport. Based on the Brown Field Municipal Airport Land Use Compatibility Plan (2010), the Project is west of and outside the area considered in the Airport Land Use Compatibility Plan and is not located within the mapped Airport Influence Area, Safety, Noise Influence, Part 77 Airspace, Airspace Protection, or Avigation Easement and Overflight Notification boundaries. No impact related to a safety hazard for people residing or working in the Project area would result from Project implementation.

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Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

**No Impact.** The Project site is not located within the vicinity of a private airstrip and therefore would not result in a safety hazard for people residing or working in the Project area.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**No Impact.** The conversion /adaptive reuse of two warehouse structures would not interfere with the Emergency Operations or evacuation plans referenced in the Safety Element of the General Plan for Imperial Beach. The Project is not located on an emergency evacuation route and would not introduce an incompatible use.

- h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**Less Than Significant Impact.** The Project site occupies two existing developed parcels and proposes minor improvements on the existing undeveloped, but generally disturbed parcel, immediately to the north of the warehouse structures on property currently owned by the Airport Authority and leased to the City. The existing developed warehouse sites are not adjacent to high fuel load wildlands. Beyond the Project boundary to the north there is a predominant mixture of ruderal, coastal and salt marsh habitat. Beyond the Project site to the south and the west, the areas are urbanized. As referenced in the General Plan, Imperial Beach is almost completely urbanized with large amounts of Salt Marsh, which is generally non-combustible. Therefore there is a less than significant impact to people or structures involving wildland fires.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				

- a) Violate any water quality standards or waste discharge requirements?

**Less Than Significant Impact.** The Project would comply with all storm water quality standards and appropriate Best Management Practices (BMPs) would be utilized during and after demolition and construction. The BMPs that are incorporated into the site design would be determined through Form 7a - Storm Water Requirements Applicability Checklist and further detailed in Form 7b – Storm Water Management Plan as required by the City of Imperial Beach. Implementation and mandatory conformance with BMPs would preclude any violations of existing standards and discharge regulations.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

**No Impact.** The Project site does not require the construction of wells. In addition, the Project site is located in an urban area with all infrastructures having been constructed. As a result, the Project would have no impact on groundwater supply.

ISSUE

Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

**Less Than Significant Impact.** As shown on the grading plan, Figure 6, the storm water runoff from the existing developed site and development expansion area would be retained and treated onsite as required by existing regulations. There would be no increase in offsite flow. Furthermore, proposed improvements would treat storm water runoff and avoid or minimize any impacts associated with erosion or siltation. Flow lines extend toward the northern portion of the Project site. Four storm collection grates are proposed on the site. There is one between the two existing buildings in the southern portion of the site in the Alley. This grate connects to another grate directly to the north by a 6” trench drain with a sloping bottom. The grate in the north, along with two other grates in the northern portion of the site, enter into 3 separate drainage collection pipes and connect to minor rip rap in 3 separate locations. The western rip rap channels flow to the east toward the center of the site. The central rip rap channels flow into a bio swale within the northern portion of the parcel. Flow from both the west and the central portion of the site enters into the bio swale and continues to the east. The eastern rip rap channels flow into a bio swale oriented in northwestern direction.

The existing drainage patterns of the site would not be changed; additionally, the inclusion of BMPs to treat storm runoff the maximum extent practical would result in a less than significant impact.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

**Less Than Significant Impact.** See IX.c. The existing drainage patterns of the site would be altered; however, with the proposed storm water and drainage improvements, including construction of bio swales intended to retain Project runoff and additional BMPs to treat storm runoff to the maximum extent practical, and use of drought tolerant native plant species , impacts would be less than significant impact.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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- e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

**Less Than Significant Impact.** Peak storm flows would be generally equal to the existing condition since the Project is the adaptive reuse of existing structures. Minor increases to runoff could result from the increased area of decking and paving of the existing dirt should along a portion of Thirteenth Street. These minor changes would not result in a substantial increase in runoff. Additionally, the Project would comply with all storm water quality standards during and after construction and would implement appropriate BMPs to ensure that water quality is not degraded. As a result of Project design features, the Project would not create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

- f) Otherwise substantially degrade water quality?

**No Impact.** The Project would comply with all storm water quality standards during and after construction and would incorporate appropriate BMPs, including bio swales. Proposed landscaping with native plants, would be utilized and would ensure that water quality is not degraded. See also Responses IX.a, IX.b, IX.c, IX.d, and IX.e.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

**No Impact.** The Project site is not located with a 100-year flood hazard area.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

**No Impact.** The Project site is not located with a 100-year flood hazard area.

- i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

**Less Than Significant Impact.** The Project site is on the edge of a mapped dam inundation area for the Upper and Lower Otay Lakes reservoirs which are located approximately 11.5 miles to the east. Failure of a major dam during an earthquake could cause serious loss of life, property damage and panic, particularly immediately downstream of the failure. The 2004 Multi-Jurisdictional Hazard Mitigation Plan prepared for San Diego County states that although there is a low potential for dam inundation to occur, it is not impossible. Consequently, the State of California requires not only that large dams be inspected for safety, but that plans be prepared to deal with possible failure. The State Office of Emergency Services presently requires dam owners to prepare dam failure inundation maps which are to be considered in land use planning and to assist with preparation of disaster plans and evacuation procedures. In addition, the County Office of Emergency Services is updating its dam evacuation plans for San Diego County” (2012) which includes separate plans for each dam. Periodic inspection of the dams for the Upper and Lower Otay Lakes dams is the responsibility of the Division of Safety of Dams which, based on the results of dam inspection, can require remedial measures if warranted. On-going monitoring of existing facilities and implementation of remedial measures, as needed, as well as the City’s participation in the County-wide emergency response plan and coordination with the Office of Emergency Services (OES) is intended to enhance public awareness, promote compliance with State and Federal program requirements, and facilitate inter-jurisdictional coordination in compliance with the federal Disaster Mitigation Act of 2000. On-going programs and participation and implementation of emergency response measures already in place result in less than significant impacts from exposure of people or structures due to dam failure and inundation.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less Than Significant Impact.** The Project site is located near a large water body (San Diego Bay / Pacific Ocean) and is categorized as low-lying shoreline; however, according to the Safety Element of the General Plan for the City of Imperial Beach, a tsunami is considered highly improbable for the Southern California Coast. Furthermore, Project features would be more than 200 feet from open water in San Diego Bay and protected by the raised berm supporting the Bayshore Bikeway. The Tsunami Inundation Map for Emergency Planning prepared for the region shows that the Project is outside the mapped inundation area which remains north of the elevated Bayshore Bikeway and does not include the site in a hazard area. The site is relatively flat and would not be subject to mudflow.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING. Would the project:

- a) Physically divide an established community?

**No Impact.** The Project site is located in a developed urban community and would be surrounded by compatible development. Further, the site is currently developed with warehouses that would be redeveloped with commercial/retail, a hostel and community uses. As such, the Project would not physically divide an established community.

- b) Conflict with any applicable land use plan, policy, or regulation or an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

**Less Than Significant Impact.** The Project includes an amendment to the General Plan/Local Coastal Plan and rezone from the current R-3000-D (which allows one detached du/3,000 SF of lot area on a site that currently is developed with legal, non-conforming warehouse uses) to Commercial/Recreation-Ecotourism (C/R-ET). Proposed adaptive reuse would be consistent with approval of the proposed amendments. Additionally, the Project would implement several existing policies of the approved General Plan and certified Local Coastal Plan (see Project Description, Section 2.2.2.5 above). Approval and implementation of the Project would be compatible with nearby commercial and residential uses, and the Bayshore Bikeway. Impacts to sensitive resources would be reduced to less than significant as discussed in section IV. Biological Resources (above). Development of proposed public use/park, as well as neighborhood and visitor serving amenities would provide a destination for neighborhood residents and the larger community. Impacts would be less than significant.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less Than Significant Impact.** See Biological Resources Responses IV.e and IV.f. The Project is located in the City of Imperial Beach and would not conflict with any applicable habitat conservation plan or natural community conservation plan. The Project specifically would not conflict with the City of San Diego’s Multiple Species Conservation Plan (MSCP) although located within the MSCP boundary on regional maps. The Project is not within the mapped MHPA. Although the City of Imperial Beach is not a participant in the MSCP, the Project design is consistent with avoidance and minimization requirements of the City of San Diego’s MSCP. Impacts would be less than significant.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES. Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

**No Impact.** There are no known mineral resources located on the Project site. Regardless, the urbanized and developed nature of the site and vicinity would preclude the extraction of any such resources.

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

**No Impact.** See Response XI.a.

ISSUE

Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

XII. NOISE. Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

**Less than Significant With Mitigation Incorporation.** A noise assessment was prepared for the Project by RECON December 2011 (Appendix I). Below is a summary of that letter report.

**Construction Noise**

Construction activities associated with the Project and the alternative would be limited to the daytime hours (7:00 A.M. to 7:00 P.M.) and are projected to comply with the City’s noise ordinance. Construction noise impacts to sensitive residential receivers would be less than significant. No mitigation is required.

The biological report prepared for the Project indicates that construction noise levels are not to exceed existing ambient noise or 60 dB(A)  $L_{eq}$ , whichever is higher, where sensitive nesting avian species have been identified during their breeding season. Construction noise levels at the edge of the biological habitat are anticipated to exceed 60 dB(A)  $L_{eq}$ . Mitigation to address potential noise impacts to sensitive avian species is required as detailed in the attached noise assessment letter report (Appendix I) and below.

**Mitigation Measure XII-1 (Construction)**

**Impacts to Sensitive Biological Species**

Although not identified during surveys, two sensitive species have the potential to occur in the Project vicinity and could be affected to some degree by Project construction noise. These are the light-footed clapper rail and the Belding’s savannah sparrow. The combined nesting season of these species spans from approximately 15 February through 15 August.

As seen from the discussion presented in Appendix I and above, construction noise is projected to exceed 60 dB(A) hourly  $L_{eq}$  at the edge of the biological habitat closest to the modeled noise source adjacent to the development expansion area (Receiver 5). Further, there is the potential that construction noise levels in excess of 60 dB(A) hourly  $L_{eq}$  will occur in the habitat on the east side of 13<sup>th</sup> Street.

ISSUE

Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

Sensitive avian species may nest in these areas and, if present, indirect impacts to these nesting sensitive species from construction noise may occur. Indirect noise impacts to nesting sensitive species shall be avoided by complying with the following:

- Perform construction activity outside of the February 15 through August 15 breeding season; OR
- Conduct nesting surveys during the breeding season and prior to the commencement of construction to prove absence of sensitive species. If no nesting species are identified, allow the Project to proceed during the nesting season; OR
- If sensitive nesting species are present, conduct a noise analysis at the edge of the affected habitat to demonstrate that average levels of construction noise would not exceed existing ambient levels OR 60 dB(A) hourly  $L_{eq}$ , whichever is higher, where sensitive nesting species have been identified. If noise levels would exceed allowable limits, specify noise abatement measures that would reduce noise to acceptable levels before construction activities may be initiated during the breeding season.

**Traffic Noise**

Noise levels due to traffic on 13th Street and Palm Avenue would not exceed the State of California General Plan Guidelines suggested threshold of 70 CNEL. Further, the change in traffic noise levels adjacent to 13th Street and Palm Avenue would be less than 3 dB and, thus, generally not perceptible. Anticipated traffic noise impacts are less than significant. No mitigation is required.

**Operational Noise**

Operational noise levels associated with the Project and the alternative (Option A-Retail/No Hostel) are projected to comply with the City’s noise ordinance. Operational noise impacts to sensitive residential and biological receivers would be less than significant. No mitigation is required.

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

**No Impact.** The Project does not include any use, which would result in the exposure of persons to excessive ground-borne vibration or ground-borne noise levels. No impact would occur.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

**Less than Significant Impact.** Refer to XII.a. Impacts would be less than significant.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

**Less than Significant Impact.** Refer to XII.a. Impacts would be less than significant.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

**No Impact - Not Applicable.** The Project site is not located within an airport land use plan or within two miles of a public airport or public use airport.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

**No Impact - Not Applicable.** The Project site is not within the vicinity of a private airstrip.

ISSUE

Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

XIII. POPULATION & HOUSING. Would the project:

- a) Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

**Less than Significant Impact.** The Project would convert / adapt two industrial/commercial warehouse structures to proposed retail, hostel and community uses consistent with the proposed GPA and rezone to encourage ecotourism in this area. The proposed rezone is specific to the proposed parcels and would therefore not be expected to generate substantial additional growth of this type in the immediate Project vicinity. Successful commercial operations at the site could trigger future pressure from the development community for similar actions at other sites fronting San Diego Bay but the Project does not currently apply the C/R-ET zone to additional parcels. Given the Project is located in a developed area and is surrounded by existing residential uses to the south, an additional existing non-conforming warehouse use to the west, and open space to the east and north, it would not induce substantial population or business growth. Impacts would be less than significant.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

**No Impact.** There is no housing associated with the Project. The Project proposes the adaptive reuse of two existing warehouse structures and public park/open space uses on the northern adjacent development expansion area parcel north which is currently undeveloped..

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**No Impact.** See Response XIII.b.



ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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c) Schools?

**No Impact.** The Project is the adaptive reuse of existing industrial site to a commercial, ecotourism focused use. No residential development is proposed and no new demand for school services would result. The Project would have no impact on schools.

d) Parks?

**No Impact.** The Project site is located in an urbanized and developed area where the City of Imperial Beach services are already available. Tourist/visitor serving amenities would be provided, including restrooms, public seating, a patio and observation deck for users of the adjacent Bayshore Bikeway. The adaption and conversion of two warehouses to retail, hostel and community use would not affect existing levels of park services. The Project would have no impact on parks.

e) Other public facilities?

**No Impact.** The Project site is located in urbanized and developed area where the City of Imperial Beach services are already available. The adaption and conversion of two warehouses to retail, hostel and community use would not affect any public facilities and would not require the construction or expansion of an existing governmental facility.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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**XV. RECREATION.**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

**Less Than Significant Impact.** The Project would serve as a facility for ecotourism and promote environmentally sensitive activities. Therefore, the facility itself would serve or support existing recreational uses. By providing restrooms, food services and other visitor serving uses at the site, the Project could encourage higher use of the Bayshore Bikeway but any increase is anticipated and would not be expected to result in an increase of use to existing neighborhood or regional parks or other recreational facilities to the extent that there would be any corresponding physical deterioration in the facilities. The Project would have a less than significant impact.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**Less Than Significant Impact.** The Project would improve access to the Bayshore area by providing a public patio, observation platform, seating for users of the Bayshore Bikeway and adjacent community as well as improvements to provide dedicated bicycle access to the Bayshore Bikeway. These improvements would not result in an adverse physical effect on the environment. See also Section 2.2, Project Description and Response XV.a above. The Project would have a less than significant impact.

ISSUE

Potentially Significant Impact      Less Than Significant with Mitigation Incorporation      Less Than Significant Impact      No Impact

TRANSPORTATION/TRAFFIC.

Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

**Less Than Significant.** This assessment of transportation/traffic and parking impacts is based on the Imperial Beach Bikeway Village Traffic Impact Study (Traffic Study) prepared by KOA Corporation in November, 2011. The study is included as Appendix A to this document. Access to the Project is provided from Thirteenth Street, Florence Street and Cypress Avenue which are all public roadways. Regional access is provided via Palm Avenue (State Route [SR]-75) to the south of the Project. Palm Avenue (SR-75) connects to Interstate 5 (I-5) to the east.

The study area is shown on Figure 1-1 of the Traffic Study (Appendix A) and includes the following roadway segments and intersections:

Roadway Segments	Intersections
<ul style="list-style-type: none"> <li>• Thirteenth Street, north of Palm Avenue/SR-75</li> </ul>	<ul style="list-style-type: none"> <li>• Palm Avenue/SR-75 and Florida Street (signalized)</li> </ul>
<ul style="list-style-type: none"> <li>• Palm Avenue/SR-75, between Thirteenth Street and Florida Street</li> </ul>	<ul style="list-style-type: none"> <li>• Palm Avenue/SR-75 and Thirteenth Street (signalized)</li> </ul>
<ul style="list-style-type: none"> <li>• Palm Avenue/SR-75, between Thirteenth Street and 16<sup>th</sup> Street</li> </ul>	<ul style="list-style-type: none"> <li>• Palm Avenue/SR-75 and 16<sup>th</sup> Street (signalized)</li> </ul>

**Thirteenth Street** has a functional classification as a two lane Collector roadway which serves as a primary access to the Project site. Thirteenth Street operates as a north-south roadway and has

direct access to the Project driveways. There are residential and commercial areas along Thirteenth Street and parking and sidewalk exist along both sides of the roadway.

**Florida Street** has a functional classification as a two lane Collector roadway, which serves as a secondary access to the Project site. Florida Street operates as a north-south roadway. There are residential and commercial areas along Florida Street. Parking and sidewalk exist along both sides of the roadway.

**Palm Avenue (SR-75)** has a functional classification as a six lane major arterial, which serves as a main corridor for Project trips. Palm Avenue (SR-75) operates as an east-west roadway and full access to Thirteenth Street and Florida Street. There are residential and commercial areas along Palm Avenue (SR-75) and sidewalk exist along both sides of the roadway.

### **Thresholds**

**Street Segments and Intersections.** Where roadway segments and intersections operate at LOS D or better, impacts are not considered significant.

**Imperial Beach Bicycle Transportation Plan (BTP).** Impacts would be less than significant if a Project maintains or accommodates designated bikeways consistent with the designated classification.

The BTP designates Thirteenth Street as a Class 2 Bicycle Route, connecting at the northern terminus of the Bayshore Bikeway. The Bayshore Bikeway is the only designated Class 1 bicycle path in the city. The BTP defines Class 1 and Class 2 bicycle lanes as follows:

Class 1 bicycle lanes are hard surfaced routes with an exclusive right-of-way physically separated from vehicular roadways and intended specifically for non-motorized use. They are generally two-way with center striping and a minimum width of 8 feet.

Class 2 bicycle lanes are marked bicycle lanes within roadways adjacent to the curb lane, delineated by appropriate striping and signage. Bicycle lanes help delineate available road space for preferential use by cyclists and motorists, and to promote more predictable movements for each.

The Bayshore Bikeway passes adjacent to the Project boundary on the north. Thirteenth Street passes adjacent on the east. Provision of bicycle lanes in conformance to the adopted plan would avoid significant impacts.

### **Municipal Code – Parking**

Parking requirements are included in the City Municipal Code Section 19.48. Based on the City's Municipal Code Section 19.48 - parking requirements and consultation with the City, significant impacts would be avoided by the provision of a total of 77 parking spaces (see Table 1-2 of the Traffic Study, Appendix A).

## Analysis

**Street Segments and Intersections.** Near-term and long-term roadway segment conditions would operate at acceptable LOS D or better levels with or without the Project in the near-term and long-term as shown on Tables 4-2 and 5-1 of the Traffic Study (Appendix A). Near-term and long-term intersection conditions would operate at acceptable LOS C or better with or without the Project as shown on Tables 4-3 and 5-2 of the Traffic Study (Appendix A).

**Imperial Beach Bicycle Transportation Plan.** The Project would be consistent with the BTP in that the Project upgrades Thirteenth Street to provide a Class 2 bicycle travel lane, pedestrian walkway, improved signage, landscaping and parking to enhance safety and multi-modal accessibility. Impacts would be beneficial.

**Parking.** The Project would provide 24 on-site parking spaces along the alley between buildings A and B and 13 parking spaces along Florence Street (partially on-site) for a total of 37 spaces either on-site or partially on-site. Currently, Thirteenth Street is unimproved with no curb, gutter, or sidewalk along the east side of the roadway. An estimated 22 parallel parking spaces can be accommodated along the east side of this segment which is often used as unauthorized long-term parking for recreational vehicles. In addition, surveys during the peak summer months indicate that the parking area is not highly utilized.

The Project proposes to increase the number of available parking spaces by constructing improvements and restriping the east side of Thirteenth Street south of Cypress Avenue. Striping would provide either perpendicular or angled, back-in parking for a minimum of 49 parking spaces along this segment to meet the needs of the community and in excess of that required by the Municipal Code. Additional discussion presented in the traffic study is included in Appendix A. Based on the analysis, by providing parking in excess of calculated need, impacts would be reduced to less than significant. Additionally, the City would benefit by street upgrades that not only improve the existing parking condition but also improve bicycle and pedestrian safety along the route to the bay in conformance with adopted plans and policies.

**Transit.** The Project would not impact existing transit operations but would improve access to the bay and visitor amenities from the nearest bus route.

**Summary.** The Project is consistent with the transportation/traffic goals and policies identified in the Imperial Beach General Plan/Local Coastal Plan Circulation Element (updated 2010), Bicycle Transportation Plan (BTP) and City of Imperial Beach Municipal Code. Impacts would be less than significant.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** As discussed in the Traffic Study prepared for this Project (Appendix A), State Proposition 111 (1990) established a requirement that urbanized areas prepare a Congestion Management Program (CMP). The purpose of the CMP is to monitor the performance of the region’s transportation system, develop programs to address near-term and long-term congestion, and better integrate transportation and land use planning. SANDAG has prepared the CMP for the San Diego region. It establishes significance criteria that identifies that LOS D is the minimum acceptable LOS for peak hour operation. Any roadway segment operating at LOS E or F is considered to be operating deficiently. The SANDAG Congestion Management Plan 1999 Update (CMP) requires a traffic analysis for all large-scale projects that generate at least 2,400 daily trips or 200 or more peak hour trips. The Project does not meet the daily or peak hour trip generation threshold, so no detailed CMP arterial analysis is required.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Not Applicable/No Impact.** The nearest air traffic operations to the Project are associated with Naval Outlying Field (NOLF) Imperial Beach (Reem Field) which is approximately two miles north of the Mexican border and the southern portion of the City of Imperial Beach. A primary function of Reem Field is for helicopter flight training operations of the Pacific Fleet. The Project would have not affect traffic patterns or increase safety risk due to the distance separating the Project from the airport/flight operations and fact that the helicopter traffic pattern envelope is located east of the Project, adjacent to the I-5 corridor and outside the mapped accident potential zones (M2 2005).

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**No Impact.** The Project would improve public safety along Thirteenth Street by implementation of proposed upgrades to the street surface to provide curbs, gutters, striping to delineate a formal bicycle lane, and parking. Furthermore, pedestrian safety would be improved with construction of a walkway and crosswalk signage and striping. The Project would not increase hazards due to design features or uses.

- e) Result in inadequate emergency access?

**No Impact.** Emergency access would be maintained on existing public streets which border the Project. Proposed improvements to Thirteenth Street would improve emergency access overall.

- f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

**Less than Significant Impact.** See Response XVI.a above. The Project provides amenities for bicyclists and visitors consistent with adopted plans and policies including the adopted General Plan/LCP Circulation Element, BTP and Municipal Code. As previously discussed, the Project would have no direct impact on public transit but would improve access from the transit route to the Bay and visitor serving uses. Upgrades to Thirteenth Street, a designated Class 2 Bike Route, would improve access to the Bayshore Bikeway and visitor serving uses, improve safety and encourage use by bicyclists and pedestrians.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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**XVII. UTILITIES & SERVICE SYSTEMS.**

Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

**No Impact.** The Project proposes retail, hostel and community uses. Given that these uses would be established by converting and adapting two existing, developed, warehouse structures which are served by existing wastewater facilities in an urban area, no impacts are anticipated.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**No Impact.** The new retail, hostel and community uses not trigger the need for a new treatment facility. Adequate services are available to serve the site.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**Less Than Significant Impact.** As the Project would convert an existing facility of two warehouses to retail, hostel and community uses, storm water improvements are proposed for the site. However, storm water run-off would not result in a substantial increase to runoff quantities requiring new or expanded treatment facilities. Adequate services are available and or planned to serve the site.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

**Less than Significant.** The Project would convert an existing industrial/warehouse site for retail/hostel and community uses within an existing urbanized area. Adequate services are available to serve the site; the Project would be consistent with supply forecasts for the region.

- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

**No Impact.** The conversion of two existing warehouses to retail, hostel and community uses would not cause an exceedance of the treatment plant's capacity. Adequate services are available to serve the site (see also Response XVII.a above).

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

**Less than Significant.** The City oversees solid waste services to residents and businesses which is provided by EDCO through a franchise agreement. Solid waste ordinances are jointly enforced to make sure waste is properly disposed. Solid waste generated in the city is primarily taken to the Otay Landfill located north of I-905. The Otay Landfill is permitted to receive 5,830 tons per day, and has a remaining capacity of just over 33 million cubic yards and a projected closure date of 2021 (California Department of Resources, Recycling and Recovery [CalRecycle] 2012). Because the Project is the adaptive reuse of two existing warehouse structures, , and salvaged concrete from interior work would be recycled on-site for construction of the patio, generated waste would be substantially reduced as compared to traditional demolition and redevelopment projects. The Project must also comply with recycling ordinances regarding. Sufficient capacity exists to serve the Project.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less Than Significant.** The Project proposes conversion of two warehouse buildings into retail, hostel and commercial space. Any required demolition would comply with City of Imperial Beach requirements for diversion of both construction waste during the demolition phase and solid waste during the operational phase.

In an effort to address landfill capacity and solid waste concerns, the California Legislature passed the Integrated Waste Management Act in 1989 (California State Assembly Bill 939), which mandated that all cities reduce waste disposed in landfills from generators within their borders by 50 percent by the year 2000. The City maintains a web site to educate its citizens about disposal of hazardous waste, household waste and recycling programs. The City’s web site also includes links to its Solid Waste Ordinances found in Chapter 8.36 Refuse Collection and Chapter 8.38 Construction and Demolition Debris Recycling of the Municipal Code. Applicants for construction or demolition permits involving a covered project are required to prepare and submit a Waste Management Plan (WMP) estimating the total volume or weight of debris material generated, proposed for recycling or reuse, and proposed measures to divert waste from the landfill. The WMP is submitted to the City for review and approval with submittal of the first plan check. See also Response XVII.f above.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

**Less Than Significant Impact.** The Project has been designed to minimize any potential effects to on- or off-site resources through sensitive design. The grading plan provides sufficient capture of runoff to avoid any impacts to water quality; design features maintain views of the bay and wildlife resources while protecting sensitive species; use of native or non-invasive drought tolerant landscaping and avoidance of tall trees or other tall features near natural area would avoid impacts to off-site sensitive species; and specific design measures have been incorporated to avoid any potential for impacts to prehistoric resources in the area. See also – project description and discussions addressing biological and cultural resources.

- b) Does the project have the impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

**Less Than Significant Impact.** The Project would not contribute to any cumulatively considerable impacts. As discussed throughout this checklist, the Project would provide amenities that would encourage non-vehicle activities such as bicycling and walking and increase public access to the bay for bird or general wildlife watching, nature education by providing public amenities, visitor serving uses such as the proposed hostel and retail uses as well as a community room and public rest rooms. Environmentally sensitive design features would avoid impacts to sensitive biological and cultural resources. Replacement of the existing non-conforming warehouse with the proposed visitor- and neighborhood serving use would provide an aesthetically pleasing facility close to residents and the Bayshore Bikeway.

ISSUE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less Than Significant Impact.** Upgrades to the existing warehouse structures would be expected to benefit the surrounding neighborhood and City’s residents in general by providing an aesthetically pleasing exterior design and outdoor spaces to encourage bicyclists and other visitors to view and educate themselves about the area’s many unique resources along the bay while providing lodging and visitor amenities. See also Responses XVIII.a and XVIII.b above.

(RECON Number 5943)

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## **MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BIKEWAY VILLAGE PROJECT**

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with project development. In order to ensure that the mitigation measures and project revisions identified in the Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) are implemented, the public agency shall adopt a program for monitoring and reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant effects [CEQA Guidelines Section 15097(a)]. The State CEQA Guidelines require that a mitigation monitoring and reporting program be adopted upon certification of an EIR or MND to ensure that mitigation measures identified in the EIR or MND are implemented. The Mitigation Monitoring and Reporting Program (MMRP) for the Bikeway Village project (Project) is under the jurisdiction of the City of Imperial Beach.

According to the State CEQA Guidelines Section 15097(c), “reporting” generally consists of a written compliance review that is presented to the decision-making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. “Monitoring” is generally an ongoing or periodic process of project oversight. This program identifies at a minimum: the entity responsible for the monitoring, what is monitored, how the monitoring shall be accomplished, and the monitoring and reporting schedule.

The MMRP for the Project assigns responsibility for monitoring mitigation measures incorporated into the project. Under this program, the Project Manager within the Planning Department or the City Engineer would be responsible for the implementation and monitoring of these measures during design and construction (including landscaping) phases of the project unless otherwise stated herein. The Planning Department is responsible for reporting on the implementation of the mitigation measures discussed in this MMRP, in accordance with Section 15097 of CEQA. Reporting consists of establishing and maintaining a record that a mitigation measure is being or has been implemented and involves the following steps:

1. Community Development Department distributes the MMRP forms to the appropriate department/person (as indicated in the attached documentation).
2. Responsible entities verify intent to comply by signing the MMRP form.
3. Responsible parties provide the Community Development Director with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented.

A record of the MMRP will be maintained at the:

City of Imperial Beach  
Community Development Department  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932

## **PROJECT SUMMARY**

The Project proposes the conversion/adaptive reuse of two approximate 15,000-square-foot warehouse structures on two combined parcels totaling 42,340 square feet. The two existing warehouse structures are legal non-conforming uses located at 535 Florence Street and 536 13<sup>th</sup> Street (APN 626-192-03-00 and 626-192-04-00) within the jurisdictional boundary of the City of Imperial Beach, San Diego County, California. The Project is located in the northeastern portion of the City of Imperial Beach and is bordered by 13<sup>th</sup> Street to the west, Florence Street to the east, Cypress Avenue to the south, and the Bayshore Bikeway and San Diego Bay to the north.

The Project would redevelop or improve three areas: (a) the existing and developed warehouse parcels, (b) an undeveloped rectangular parcel to the north currently owned by the San Diego Airport Authority and leased to the City of Imperial Beach and (c) adjacent roadways. Roadway improvements include paving and restriping for parking along 13<sup>th</sup> Street and parking improvements along Florence Street, Cypress Avenue, and the alley between the two warehouse buildings.

Proposed uses include a hostel, community room, public restrooms, and a range of retail uses that could include a restaurant or café with limited kitchen facilities, ice cream or yogurt shop, a boutique, personal services, beauty salon, bicycle shop (sales or rentals), art gallery, or similar uses. A public use patio and accessory uses, including ramps, an observation deck, seating, and landscaping improvements, are proposed on the adjacent 1.15-acre (50,094-square-foot) northern parcel (APN 616-021-10-00).

The primary purpose of the Project is to promote an economically viable project compatible with nearby sensitive biological and cultural resources in a way that also improves the wellbeing of the community and promotes responsible travel to the area. The Project proposes uses that support City goals to promote ecotourism along its northern limits, adjacent to the Bayshore Bikeway and nearby wetlands and water resources of San Diego Bay. The Project is adjacent to the Bayshore Bikeway and near the southern limits of San Diego Bay, an important breeding area for many species as well as a resting area for migrating birds within the Pacific Flyway.

The Project includes environmental and energy efficient design features and is intended to serve users of the Bayshore Bikeway as well as neighborhood residents and visitors. It is also hoped that the Project will be a catalyst for ecotourism-focused redevelopment of other properties in the vicinity of the bay and bikeway.

## **ENVIRONMENTAL REVIEW SUMMARY**

In accordance with section 15369.5 of the State CEQA Guidelines, a mitigated negative declaration has been prepared for the Project (SCH #20122031034) following preparation of the initial study which identified potentially significant effects on the environment but revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study were released for public review would avoid the effects or mitigate the effects to a point where no significant effect on the environment would occur. Impacts of the project would be avoided or were determined to be less than significant for all issues except for the following: cultural resources, hazards/hazardous materials, and noise. Proposed mitigation would reduce significant effects to less than significant. This MMRP incorporates required mitigation measures as presented in the following table.

**Mitigation Monitoring and Reporting Program**  
**Bikeway Village**  
**SCH No. 20122031034**

Number	Mitigation Measure	Mitigation Procedure	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
V-1	<p style="text-align: center;"><b>CULTURAL RESOURCES</b></p> <p>1. Because significant resources were identified as a result of the record search, survey, monitoring and excavation that resulted in discovery of intact cultural deposits, and because resources are proposed to be capped and covered with a concrete patio, implementation of an indexing program is required. The indexing program will increase the data sample, provide answers to research questions, and add to the overall regional prehistoric data.</p> <p>a. <b>Site Indexing.</b> Based on the site plan for the Project and standard of care for the archaeological profession, a site indexing program shall be performed by a qualified archaeologist. The site indexing program shall include:</p> <ul style="list-style-type: none"> <li>i. Excavation of two 1x1-meter units under the area to be capped. Units shall be hand excavated in 10-cm increments until there are two sterile 10-cm levels, subsurface conditions permitting.</li> <li>ii. As part of the Native American mitigation component, all units shall be wet-screened through a 1/8-inch mesh at a location specified by the City and agreed upon by the Native American community.</li> <li>iii. Artifacts and ecofacts shall be removed and placed in appropriately labeled bags to be cleaned, catalogued, and analyzed.</li> <li>iv. Shellfish remains shall be speciated and weighed, but not counted.</li> <li>v. Any human remains or potential human remains and grave goods shall be treated respectfully and appropriately and repatriated to the Native American community.</li> <li>vi. Radiocarbon dates from the cultural material recovered shall be obtained to answer important questions such as when the location was occupied, whether the dates differ from the nearby location to the west-northwest within CA-SDI-4360, and how long it was occupied.</li> </ul>	Develop and implement all components of the indexing program	Applicant/ Qualified Archaeologist and Native American Monitor	Prior to and/or during construction	Applicant to submit results of indexing to Community Development Director or surrogate

**Mitigation Monitoring and Reporting Program  
Bikeway Village  
SCH No. 20122031034  
(continued)**

Number	Mitigation Measure	Mitigation Procedure	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<b>CULTURAL RESOURCES (cont.)</b>					
	<ul style="list-style-type: none"> <li>vi. Subsistence questions may address diet of occupants, food sources, processing, and preparation. Changes in dominant shell types, specialized faunal analysis, shell speciation, and macro-botanical samples should also be considered</li> <li>vii. Column samples shall be taken from the unit with the highest potential for macrobotanical remains and processed to extract the light fraction suspended within the soil matrix. If charred seeds are present in the recovered light-fraction from the column samples, the samples shall be submitted to an ethnobotanical laboratory for analysis and radiocarbon dated.</li> <li>viii. Native American monitors shall be present during excavation, wet-screening, and cataloging.</li> <li>ix. Unless otherwise agreed upon by the City and the Native American community, the artifact collection shall be curated at an approved curation facility, such as the San Diego Archaeology Center. The results report shall be completed and filed with the South Coastal Information Center.</li> <li>x. Site indexing locations shall avoid locations in the patio and shown on the site plan as openings for plants. The openings for plants shall be kept unexcavated in the event future researchers identify a need for additional testing.</li> <li>xi. A site form update shall be filed with the South Coastal Information Center (SCIC).</li> </ul>				

**Mitigation Monitoring and Reporting Program**  
**Bikeway Village**  
**SCH No. 20122031034**  
**(continued)**

Number	Mitigation Measure	Mitigation Procedure	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
	<p style="text-align: center;"><b>CULTURAL RESOURCES (cont.)</b></p> <p>2. <b>Site Capping.</b> To eliminate potential impacts to intact portion of CA-SDJ-4360, the Project applicant shall ensure that areas where resources may be present are capped to avoid any impacts due to ground-disturbing activities. Site capping of an archaeological site can be accomplished by covering an archaeological site with a layer of imported fill consistent with the following:</p> <ul style="list-style-type: none"> <li>a. A geogrid shall be placed over areas where significant resources have been identified prior to placement of imported fill to help distribute the weight of the capping material more evenly. The geogrid shall be a permeable fabric to avoid trapping moisture and preventing any geochemical effects to soils and artifacts. The geogrid shall be visible and easily identify the area where the capping commences so that it serves as a marker for the future. Use of chemically active soils shall be avoided.</li> <li>b. "Fill" shall be culturally sterile and thick enough to contain all types of utility trenches and other ground disturbances.</li> </ul> <p>Tracked equipment shall be employed during site preparation and construction. Pads on the tracked equipment effectively spread the weight of the equipment over a greater area and avoid or minimize the potential for impacts to subsurface layers.</p>				

**Mitigation Monitoring and Reporting Program**  
**Bikeway Village**  
**SCH No. 20122031034**  
**(continued)**

Number	Mitigation Measure	Mitigation Procedure	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
VIII-1	<p>Prior to the issuance of a grading permit, the Project Applicant shall submit to the City of Imperial Beach Community Development Director documentation prepared by the San Diego County DEH demonstrating that soils contamination associated with historic railroad operations within the property leased to the City from the Airport Authority have been capped or otherwise remediated to standards suitable for the proposed uses. At that time, grading plans shall be reviewed to determine if Project grading will interfere with any of the remaining PAH-contaminated soils in the vicinity of grading activities. If required, an amendment to the appropriate remediation plan shall be developed to ensure that any contaminated soil is adequately remediated through capping or proper removal and disposal.</p>	<p>Prepare remediation plan.            Coordinate with DEH. Obtain clearance            If previously unidentified contamination is found – revise remediation plan to meet regulatory requirements and obtain permits or clearance from DEH</p>	<p>Applicant/            Qualified Consultant</p>	<p>Prior to issuance of grading permit and construction or further disturbance of contaminated site</p>	<p>Applicant to submit approved remediation plan to City Engineer for review and compliance approval.            If amended remediation plan required, City Engineer to review and determine compliance.</p>
VIII-2	<p>The Project Applicant shall provide appropriate documentation issued by the San Diego County DEH demonstrating that on-site contamination noted at 535 Florence Avenue and reported in the Phase I Environmental Site Assessment prepared by MBCE in 2008 has been remediated to a level of less than significant for proposed commercial/retail uses prior to approval of demolition permits at the property.</p>	<p>Assess and remediate contaminated site (if determined necessary following testing by a qualified hazardous materials expert and DEH)</p>	<p>Applicant &amp; Qualified Consultant in coordination with City Engineer</p>	<p>Prior to issuance of construction permit for interior or exterior demolition work or disposal of materials</p>	<p>Applicant to provide documentation of assessment and DEH clearance for City review and approval.</p>

**Mitigation Monitoring and Reporting Program**  
**Bikeway Village**  
**SCH No. 20122031034**  
**(continued)**

Number	Mitigation Measure	Mitigation Procedure	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
VIII-3	<p style="text-align: center;"><b>HAZARDS AND HAZARDOUS MATERIALS (cont.)</b></p> <p>Prior to any demolition, construction or disposal of building material, excavated soil, asphalt or concrete, appropriate sampling shall be performed by a professional qualified to perform hazardous materials environmental assessment to confirm that the material meets applicable regulations for reuse or disposal. In the event a determination is made that the soil, building material, asphalt or concrete is contaminated, the soil or material shall be disposed of properly at a licensed facility and not relocated within the site or to an unauthorized off site location. Land Disposal Restrictions (LDRs) may be applicable to soils or materials proposed for disposal. Assessment and remediation activities shall incorporate the following conditions:</p> <ul style="list-style-type: none"> <li>i. All assessment and remediation activities shall be conducted in accordance with a work plan which is approved by the regulatory agency having oversight of the activities.</li> <li>ii. It may be necessary to excavate existing soil within the project site, or to bring fill soils into the site from off-site locations. At sites that have been identified as being contaminated or where soil, concrete or asphalt contamination is suspected, appropriate sampling is required prior to disposal. Contaminated soil or materials shall be properly disposed at an approved off-site facility. Fill soils also shall be sampled to ensure that imported soil parameters are within acceptable levels.</li> </ul>	Assess and remediate contaminated site (if determined necessary)	Applicant/ Qualified Consultant and City Engineer	Prior to design approval/ During construction	Applicant to provide documentation of assessment and DEH clearance for City review and approval.

**Mitigation Monitoring and Reporting Program**  
**Bikeway Village**  
**SCH No. 20122031034**  
**(continued)**

Number	Mitigation Measure	Mitigation Procedure	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
XII-1	<p style="text-align: center;"><b>NOISE</b></p> <p><b>Construction Noise Impacts to Sensitive Biological Species</b></p> <p>Although not identified during surveys, two sensitive species have the potential to occur in the Project vicinity and could be affected to some degree by Project construction noise. These are the light-footed clapper rail and the Belding's savannah sparrow. The combined nesting season of these species spans from approximately 15 February through 15 August. As seen from the discussion presented in the Noise Assessment Letter and the Initial Study Checklist, construction noise is projected to exceed 60 dB(A) hourly <math>L_{eq}</math> at the edge of the biological habitat closest to the modeled noise source adjacent to the development expansion area (Receiver 5). Further, there is the potential that construction noise levels in excess of 60 dB(A) hourly <math>L_{eq}</math> will occur in the habitat on the east side of 13<sup>th</sup> Street.</p> <p>Sensitive avian species may nest in these areas and, if present, indirect impacts to these nesting sensitive species from construction noise may occur. Indirect noise impacts to nesting sensitive species shall be avoided by complying with the following:</p> <ul style="list-style-type: none"> <li>• Perform construction activity outside of the February 15 through August 15 breeding season; OR</li> <li>• Conduct nesting surveys during the breeding season and prior to the commencement of construction to prove absence of sensitive species. If no nesting species are identified, allow the Project to proceed during the nesting season; OR</li> </ul> <p>If sensitive nesting species are present, conduct a noise analysis at the edge of the affected habitat to demonstrate that average levels of construction noise would not exceed existing ambient levels OR 60 dB(A) hourly <math>L_{eq}</math>, whichever is higher, where sensitive nesting species have been identified. If noise levels would exceed allowable limits, specify noise abatement measures that would reduce noise to acceptable levels before construction activities may be initiated during the breeding season.</p>	<p>Avoid construction during February 15 to August 15 breeding season or verify that no nesting birds are present prior to and during construction</p>	<p>Applicant/qualified biologist</p>	<p>Prior to construction if between February 15 and August 15</p>	<p>Applicant to provide documentation for City review and approval.</p>

**Mitigation Monitoring and Reporting Program**  
**Bikeway Village**  
**SCH No. 20122031034**  
**(continued)**

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COMMITMENT STATEMENT: I, the undersigned, commit that the mitigation measures described herein will be implemented.

Mitigation and Monitoring Responsibility: \_\_\_\_\_ Date: \_\_\_\_\_

Reporting Responsibility: \_\_\_\_\_ Date: \_\_\_\_\_

Copies to: File



AGENDA ITEM NO. 4.1

**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GARY BROWN, CITY MANAGER**

**MEETING DATE: MAY 2, 2012**

**ORIGINATING DEPT.: PUBLIC SAFETY**

**SUBJECT: SECOND READING AND ADOPTION OF  
ORDINANCE NO. 2012-1126 ADDING CHAPTER  
10.59 (ULTRALIGHT VEHICLES ON PUBLIC  
PROPERTY) TO THE IMPERIAL BEACH  
MUNICIPAL CODE PERTAINING TO ULTRALIGHT  
VEHICLES**

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**BACKGROUND:**

Recently, staff has received inquiries about and observed the operation of hang gliders, paragliders and powered paragliders within the City of Imperial Beach. This activity poses potential risks for people and property in the City. Given that Imperial Beach is a densely populated city, there are concerns that hang gliding, paragliding and powered paragliding may pose a risk of injury to the people below them. Further, extensive use of City property, such as beaches, for this activity may limit the public use of that property and also pose risks of injury and property damage to beach-goers.

Current City Ordinances prohibit these types of aircraft (legally categorized as "ultralight vehicles" by the Federal Aviation Administration) from operating on any beach in the City. The Federal Aviation Administration regulates ultralight vehicles and puts significant limitations on how, where, and when they may be used. They may not be used over a congested area of town or over an open-air assemblage of people, they may not be used after sunset except in very limited, specific circumstances, they may not be used in certain airspace unless they have permission from the local control tower, and they may not be operated recklessly in a manner that endangers another person. Violations of these federal rules are enforced by the FAA, who are authorized to issue violators an administrative citation which could lead to a fine. Reckless flying that endangers another person or flying under the influence of alcohol are crimes for which the Sheriff's Department can arrest the violator. Cities have the authority, however, to regulate use of their own property where not preempted by federal or state law.

**DISCUSSION:**

In order to address the threat to public safety and public property from injuries related to improper hang gliding, paragliding and powered paragliding, City Staff evaluated approaches to new ordinances to address the problem. The attached ordinances are the recommended approach to take in light of limits placed on local authority to regulate aviation by state and federal law. Despite other applicable federal and state rules, cities retain authority to regulate the launching and landing of ultralight vehicles on City-owned property.

Under the attached ordinances, no person may use City-owned or controlled property to launch or land an ultralight vehicle. There are exceptions under the proposed ordinances that would allow the City Manager to provide advance consent to operate ultralight vehicles on City-owned property where appropriate, allow governmental employees acting in the scope of their duties to use ultralight vehicles, allow use where appropriate at airports, allow use for forced landings as required by state law, and allow use of city property to launch or land ultralight vehicles where required by state or federal law.

At the City Council meeting of April 18, 2012, City Council adopted interim urgency Ordinance 2012-1125. It took effect immediately upon passage. It did not require a second reading, per Government Code section 36934 and 36937. It is designed to ensure that the proposed ordinance takes effect immediately. Section 2 of the ordinance includes findings that immediate implementation of the ordinance is necessary for the protection of public health and safety.

Ordinance 2012-1126 is a non-urgency ordinance and will take effect in the normal course of the law, which is 30 days after adoption. Section 3 of this ordinance provides that once it takes effect, it will supersede Ordinance 2012-1125, the urgency ordinance. By approving both of these ordinances, the City will immediately be able to enforce the newly developed regulations pertaining to ultralight vehicles. City Council conducted the first reading of Ordinance No. 2012-1126 on April 18, 2012.

**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. 2012-1126 "AN ORDINANCE ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES IN PUBLIC PROPERTY) THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES";
3. City Clerk to read Ordinance 2012-1126; and
4. Motion to waive further reading and adopt Ordinance No. 2012-1126.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



---

Gary Brown, City Manager

Attachment:

1. Ordinance 2012 -- 1126.

**ORDINANCE NO. 2012-1126**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) TO THE IMPERIAL BEACH MUNICIPAL CODE, PERTAINING TO ULTRALIGHT VEHICLES**

**WHEREAS**, the City of Imperial Beach is concerned about the use of its publicly-owned property, and the need to make this property available for the safe use of all of the City's residents; and

**WHEREAS**, use of ultralight vehicles such as hang gliders, paragliders and powered paragliders poses safety risks to both the safety of those using publicly-owned property and to City; and

**WHEREAS**, the City has a compelling interest in preventing harm to people and property caused by those using ultralight vehicles on City property.

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

SECTION 1. Chapter 10.59 (Ultralight Vehicles on Public Property) is added to read as follows:

**CHAPTER 10.59 (ULTRALIGHT VEHICLES)**

10.59.010. Prohibition

**10.59.010. Prohibition**

**10.59.010. Prohibition**

- A. It shall be unlawful for any person to launch any ultralight vehicle from property owned or controlled by the City of Imperial Beach.
- B. It shall be unlawful for any person to land any ultralight vehicle on property owned or controlled by the City.
- C. It shall be an affirmative defense to a charge that a person has violated subsection B of this section that:
  1. The person needed to conduct a forced landing as described in the California Public Utilities Code;
  2. The application of this Ordinance is preempted by federal or state law;
  3. The person is landing at a lawfully-operating airport;
  4. The person is employed by a governmental entity and acting in the course and scope of their duties; and

- 5. The person has the advance consent of the City Manager or his designee. The granting of a business license, zoning permit, or any other permit or license does not constitute advance consent.
- D. For purposes of this Section, an "ultralight vehicle" is a vehicle so defined in Federal Aviation Regulation (FAR) Part 103 (14 Code of Federal Regulations Part 103) as it may be amended from time to time.

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

SECTION 3. Upon the effective date of this Ordinance, this Ordinance supersedes Ordinance No. 2012-1125.

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

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

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 18th day of April, 2012; and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Imperial Beach, California, on the 2<sup>nd</sup> day of May, 2012, 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. 2012-1126 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ADDING CHAPTER 10.59 (ULTRALIGHT VEHICLES ON PUBLIC PROPERTY) TO THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO ULTRALIGHT VEHICLES.

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

\_\_\_\_\_  
DATE



STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: MAY 2, 2012

ORIGINATING DEPT.: PUBLIC WORKS *HBZ*

SUBJECT: PUBLIC HEARING RELATING TO THE LEVY OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 67M

**BACKGROUND:**

At the regular scheduled meeting on March 21, 2012, City Council approved and adopted Resolution 2012-7172, declaring its intention to provide for an annual levy and collection of assessments in a Special Assessment District, and set a time and place for a public hearing thereon.

A public hearing was noticed in the Imperial Beach Eagle & Times for May 2, 2012, at the hour of 6:00 p.m. in the Council Chambers, City Hall, Imperial Beach, California to hear protests or objections in reference to the annual levy of assessments and to any other matters contained in the resolution of intention.

**DISCUSSION:**

The City Council of the City of Imperial Beach has previously formed a special assessment district pursuant to the "Landscape and Lighting Act of 1972", known as Assessment District No. 67-M, for the purpose of installing and maintaining upgraded street lighting on Highway 75 within the City of Imperial Beach.

Lighting improvements have been previously funded and no further improvements are planned. The annual levy of assessments being considered by City Council is for the cost of maintenance and operation of the previously funded lighting improvements; generally to consist of energy costs, lamp maintenance, and replacements of light standards as required plus Sempra Utilities ownership costs. The assessment recommended is unchanged from previous year's assessments.

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

The total AD 67-M budget is \$30,000 per the Engineer's Report. The City General Fund will contribute \$17,959 towards the annual maintenance costs. The balance of \$12,041 will be provided through the annual assessment.

**DEPARTMENT RECOMMENDATION:**

1. Open the Public Hearing.
2. Receive public comment / protests.
3. If Council wishes to proceed, close the public hearing.
4. Approve and adopt the attached resolution.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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Gary Brown, City Manager

Attachments:

1. Resolution No. 2012-7189
2. Assessment Diagram

**RESOLUTION NO. 2012-7189**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M)**

**WHEREAS**, the City Council of the City of Imperial Beach, California, has initiated proceedings for the levy of the annual assessment in a special maintenance district created pursuant to the terms of the "Landscape and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highway Code of the State of California (the "Act"), in a special maintenance district known and designated as ASSESSMENT DISTRICT NO. 67M (hereinafter referred to as the "District"); and

**WHEREAS**, at this time all notice and public hearing requirements have been met relating to the levy of the annual assessments and this City Council is now satisfied with the assessment and diagram and all other matters as contained in the Engineer's "Report" as now submitted for final consideration and approval.

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

**RECITALS**

SECTION 1. That the above recitals are all true and correct.

PROTESTS

SECTION 2. That all protests and objections of every kind and nature have been considered, and the same hereby are, overruled and denied.

CONFIRMATION

SECTION 3. That the final assessment and diagram for the proceedings, as contained in the Engineer's "Report", is hereby approved and confirmed.

SECTION 4. That the public interest and convenience requires, and this legislative body does hereby order the maintenance work to be made and performed as said maintenance work is set forth in the Engineer's "Report" and as previously declared and set for the in the Resolution of Intention.

SECTION 5. That the assessments contained in said "Report" for the next fiscal year are hereby confirmed and levied upon the respective lots or parcels of land in the District in the amounts as set forth in the said final "Report." It is hereby further determined that all assessments have been apportioned properly in accordance with the benefits that each parcel received from the proposed maintenance works of improvement.

FILING AND RECORDING

SECTION 6. That the above referenced diagram and assessment shall be filed in the Office of the City Clerk, with a certified copy to be filed in the Office of the City Engineer. Said diagram and assessment, and the certified copy thereof, shall be open for public inspection.

SECTION 7. That the City Clerk is hereby ordered and directed to immediately file a certified copy of the diagram assessment with the County Auditor. Said filing to be made no later than August 10, 2011.

ENTRY UPON THE ASSESSMENT ROLL

SECTION 8. That after the filing of the diagram and assessment, the County auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the assessment.

SECTION 9. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply the collection and enforcement of the assessments.

FISCAL YEAR

SECTION 10. That the assessments as above authorized and levied for these proceedings will provide revenue and relate to the fiscal year commencing July 1, 2012 and ending June 30, 2013.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 2<sup>nd</sup> day of May 2012, by the following vote:

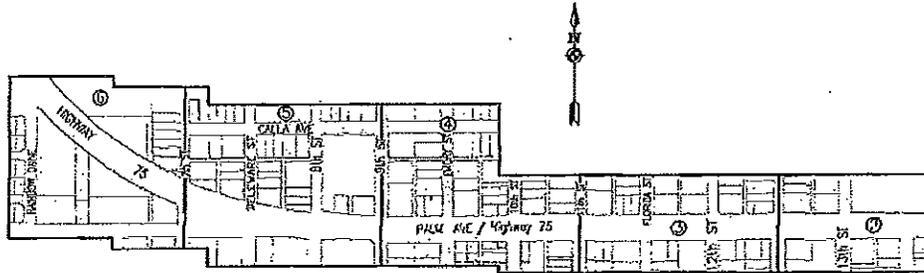
**AYES: COUNCILMEMBERS:**  
**NOES: COUNCILMEMBERS:**  
**ABSENT: COUNCILMEMBERS:**

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

**ATTEST:**

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

# ASSESSMENT DIAGRAM FOR ASSESSMENT DISTRICT NO.67M(STREET LIGHTING)



I HEREBY CERTIFY THAT THE AREA WITHIN MAP SHOWING PROPOSED BOUNDARY OF ASSESSMENT DISTRICT PLAT NO. 67M, CITY OF IMPERIAL BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY HIS RESOLUTION NO. \_\_\_\_\_.

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CITY CLERK OF IMPERIAL BEACH

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
SUPERINTENDENT OF STREETS  
CITY OF IMPERIAL BEACH

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL ON THE LOTS, PIECES, AND PARCELS OF LAND SHOWN ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF SAID CITY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM.

\_\_\_\_\_  
CITY CLERK, CITY OF IMPERIAL BEACH

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT THE HOUR OF \_\_\_\_\_ O'CLOCK IN BOOK OF MAPS OF ASSESSMENT DISTRICTS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

\_\_\_\_\_  
COUNTY RECORDER OF COUNTY OF SAN DIEGO

ENGINEER OF WORK:

**B D S ENGINEERING**  
CIVIL ENGINEERING  
LAND SURVEYING

6850 Federal Boulevard  
Lorrey Drive, Colorado 81945  
(303) 482-6982

REGISTERED PROFESSIONAL ENGINEER

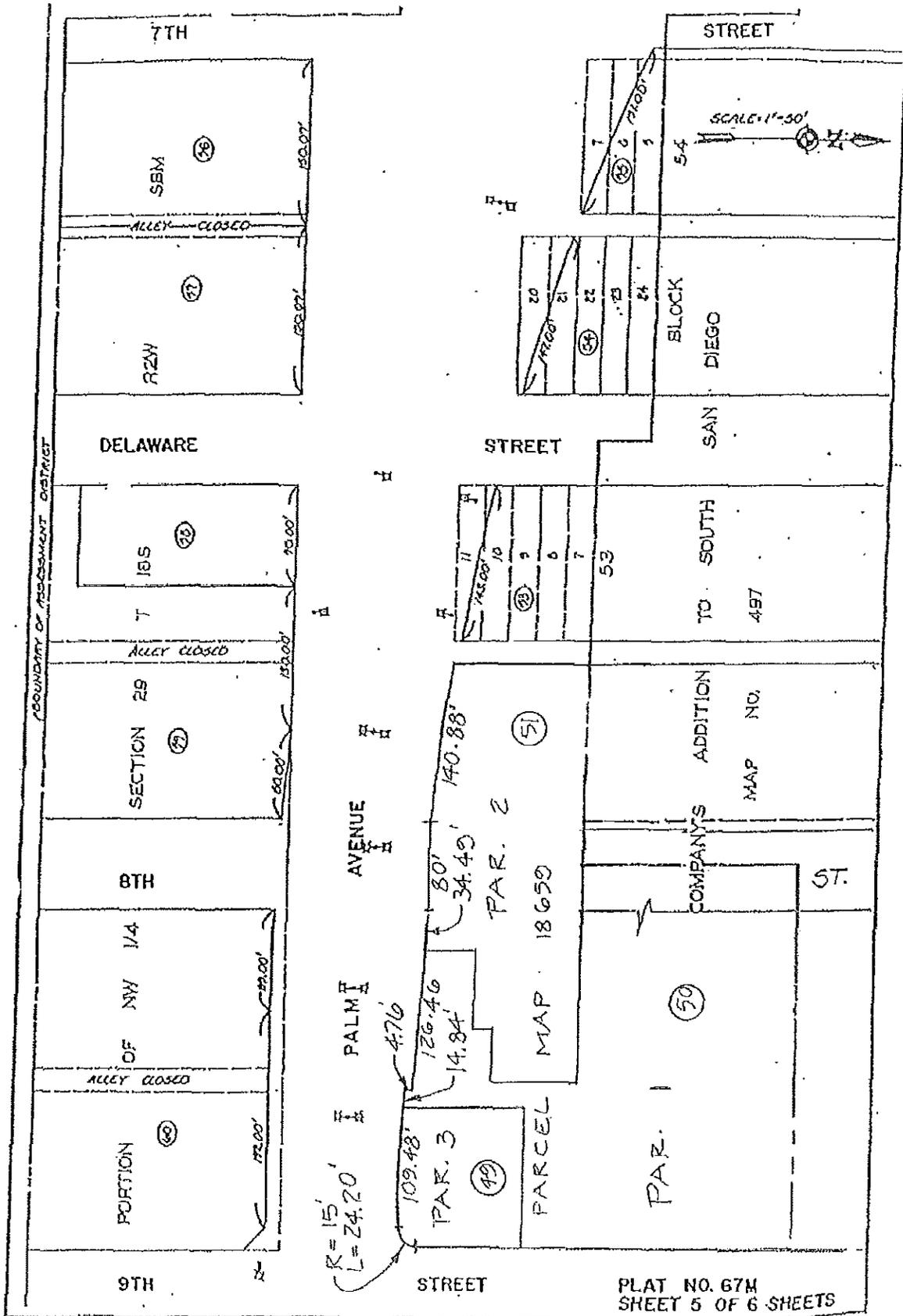
*Thomas A. Jones*  
THOMAS A. JONES R.C.E. 34867 DATE *1/12/12* 82-13 JOB NO.

PLAT NO.67M  
SHEET 1 OF 6 SHEETS

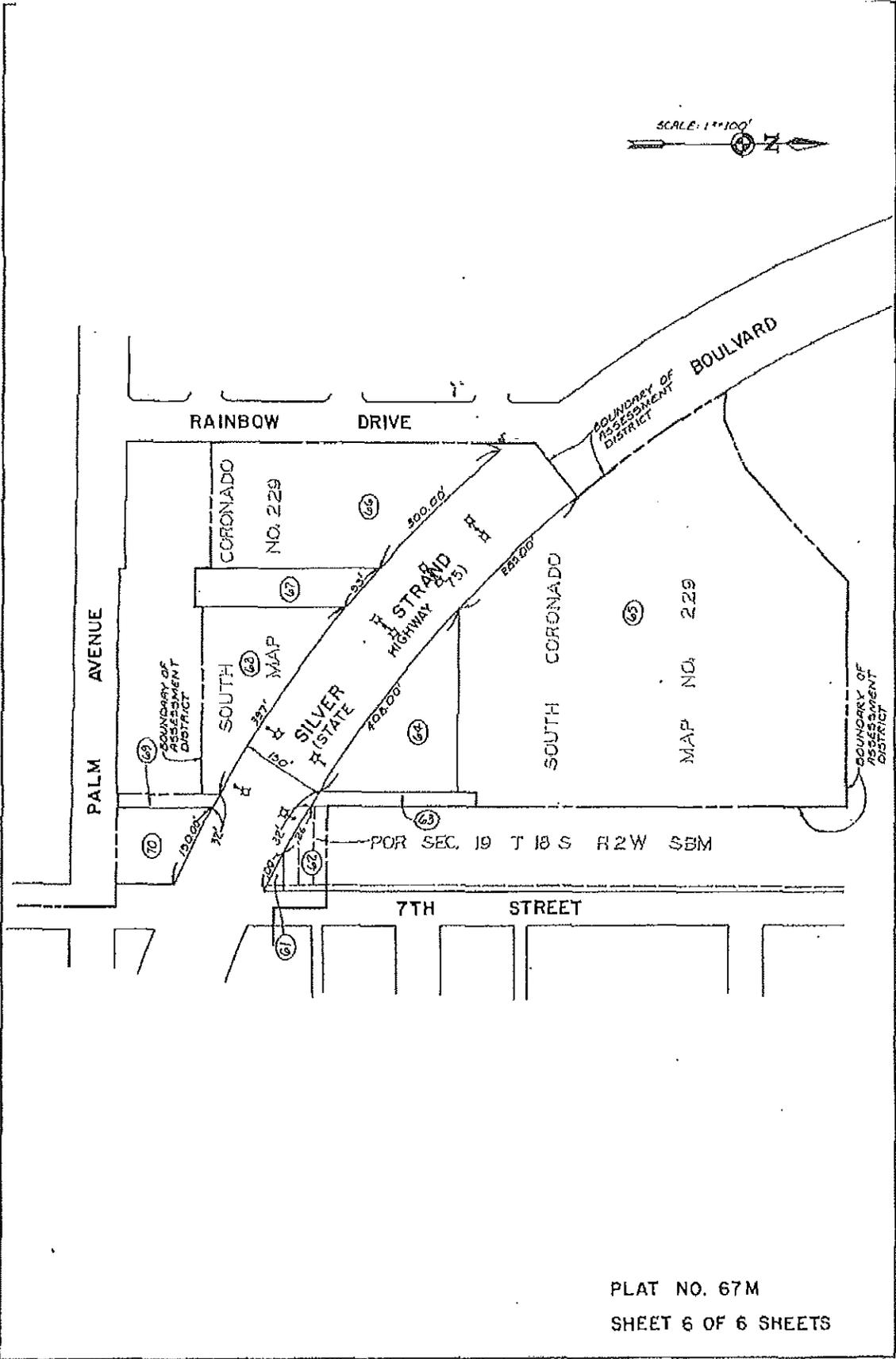








SCALE: 1"=100'



PLAT NO. 67M  
SHEET 6 OF 6 SHEETS



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** MAY 2, 2012  
**ORIGINATING DEPT.:** PUBLIC WORKS *Had*  
**SUBJECT:** PROPOSED BSA EAGLE PROJECT PRESENTATION

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**BACKGROUND:** The Elm Avenue street-end north-side curbside landscape element is in need of landscape improvements. The landscape plants and irrigation system have deteriorated due to age, and ocean weather abuse – salt water intrusion, sand intrusion, etc. Staff has had the intent to replace and upgrade the element to be an attractive asset to the street-end. Staff many years ago installed improvements on the Elm Avenue street-end south-side curbside landscape element but never took the time to replicate this design on the north side.

Boy Scouts of America has an award program by which boys who complete certain advancement requirements, perform a significant community service project and meet identified character standards are awarded the rank of Eagle. It is the opinion of the City staff that the project identified above – repair and replacement of Elm Avenue street-end north-side curbside landscape element - qualifies as a “significant community service project.”

**DISCUSSION:** BSA Troop 53, Eagle Scout Candidate Evan Nichols has indicated an interest in performing the reconstruction of the Elm Avenue street-end north-side curbside landscape element. Staff is willing to work with Mr. Nichols in designing and constructing the project. Mr. Nichols would design the improvements, plan, organize and supervise the construction of the project, should City Council approve his project.

**ENVIRONMENTAL DETERMINATION:**

This project was evaluated for CEQA requirements and is determined to be Categorically Exempt per section 15301 - Existing Facilities – Class 1.c.

**FISCAL IMPACT:**

The cost of the project would come from the Operating and Maintenance (O&M) budget from the Tidelands Maintenance Division. The total project cost is estimated at approximately \$3,000.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Receive a presentation from Mr. Nichols regarding the proposed improvements.
3. Comment and direct staff and Mr. Nichols regarding the design of the proposed project
4. Authorize the City Manager to sign the Eagle Project plan for Mr. Nichols to continue the project development and construction as approved by City Council and City staff.

**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: MAY 2, 2012

ORIGINATING DEPT.: PUBLIC WORKS *HB*

SUBJECT: ACTIVE TRANSPORTATION GRANT APPLICATION FOR ECO BIKEWAY 7<sup>TH</sup> & SEACOAST (PALM AVENUE FROM 7<sup>TH</sup> STREET TO 3<sup>RD</sup> STREET) AND (7<sup>TH</sup> STREET FROM BAYSHORE BIKEWAY TO PALM AVENUE) CIP CONSTRUCTION PROJECT (SO5-104)

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**BACKGROUND:** SANDAG has announced a call for Capitol Grants FY 2011/2012 Active Transportation Program (Active Transportation Grant) applications. All applications must be submitted to SANDAG not later than July 17, 2012. This program provides funding for projects that best meet the following objectives:

- Encourage the development of a cohesive network of complete streets, improve bicycle/pedestrian neighborhood connectivity to transit and destinations such as schools, retail, places of work, parks, and other community gathering places and support smart growth placemaking.
- Improve safety for bicyclists and pedestrians through traffic calming and complete street design principles.
- Serve as models for the region by featuring innovative solutions that comprehensively prioritize access for bicyclists and pedestrians.
- Ensure access to jobs, services, and recreation for populations with fewer transportation choices and create equitable transportation opportunities for all users, regardless of age, ability, race, ethnicity, or income.
- Increase community support for bicycling and walking as a viable transportation choice for all trip purposes, and promote active transportation as a means of improving health outcomes.
- Support reduction in greenhouse gas emissions and facilitate an increase in levels of bicycling and walking in the region, by providing supportive facilities, amenities, and programs for bicyclists and pedestrians.

The Five-Year Capital Improvement Program Budget Fiscal Year 2004/2005 through Fiscal Year 2008/2009 adopted by Resolution No. 2005-6089 and as amended December 7, 2005 – Resolution No. 2005-6253 and February 6, 2008 – Resolution No. 2008-6574 - included the Eco Bikeway 7<sup>th</sup> & Seacoast project. As noted in Attachment 1, on October 6, 2004 City Council directed staff to study options for removing the bike route from the sidewalk along Palm Avenue, between 7<sup>th</sup> Street and 3<sup>rd</sup> Street. Attachment 1 shows the chronology of events leading from the initial directive to study feasible options to the completion of the construction design for an Eco-Bikeway route from the Bayshore Bikeway to the beachfront.

The City's Bicycle Transportation Plan (BTP) adopted in 2009 shows the Eco Bikeway 7<sup>th</sup> & Seacoast Project (Palm Avenue from 7<sup>th</sup> Street to 3<sup>rd</sup> Street) as a Class 2 bikelane. Class 2 facilities are marked bicycle lanes within roadways adjacent to the curb lane, delineated by appropriate striping and signage. See attachment 2. Bicycle lanes help to delineate available road space for preferential use by cyclists and motorists, and to promote more predictable movements by each. Bicycle lane markings can increase a cyclist's confidence in motorists not straying into his/her path of travel. Likewise, passing motorists are less likely to swerve to the left out of their lane to avoid cyclists on their right.

The City has a long range plan to implement the BTP within the City as funds become available. To provide for the Class 2 bikelane facility on Palm Avenue, Palm Avenue implements a road diet (shifting from 4 lane vehicle traffic to three lanes).

Staff believes the purpose of the Active Transportation Grant is consistent with the BTP's Eco Bikeway Class 2 Bikelane construction.

**DISCUSSION:** This staff report is prepared to initiate a discussion on whether staff is to prepare an Active Transportation Grant application for the construction of a Class 2 bikeway on Palm Avenue between 7<sup>th</sup> Street and 3<sup>rd</sup> Street per the drawings prepared by KOA Corporation on behalf of the City. If staff is to prepare a grant application, work needs to start immediately on gathering the information needed to complete the application and have it submitted by the due date of July 17, 2012.

The Engineer's estimate for construction is \$2,100,000. The maximum allowable individual grant award is \$1,500,000. There is no match required, however there is project evaluation points gained from a City match. The larger the proportion of the match the greater the evaluation points earned. Staff recommends considering a \$600,000 cash match that will cover the difference between the \$2,100,000 construction cost and the \$1,500,000 maximum grant award. The matching cost (\$600,000) could come from the City's TRANSNET funds. It is estimated that to just do the major maintenance required on Palm Avenue between 7<sup>th</sup> Street and 3<sup>rd</sup> Street (without the Class 2 Bikeway) will cost about \$600,000. Thus the \$600,000 City cash match proposed for consideration will be consistent with the repair cost the City will incur without the bikeway improvement.

**ENVIRONMENTAL DETERMINATION:**

The BTP and associated CEQA adopted in 2009 analyzed and accepted the installation of a Class 2 bikeway on Palm Avenue between 7<sup>th</sup> Street and 3<sup>rd</sup> Street. Thus there is no further environmental review necessary.

**FISCAL IMPACT:**

There would be several hours of staff time required to prepare and submit the Active Transportation Grant application with some possible help from the Project design engineer (KOA Corporation).

If the total cost were \$2,100,000, the City would provide a match of \$600,000. A possible source of the City match is TransNet.

Project costs to date are approximately \$415,000.

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Discuss the merits of constructing the Eco Bikeway 7<sup>th</sup> & Seacoast Project (Palm Avenue from 7<sup>th</sup> Street to 3<sup>rd</sup> Street) as a Class 2 bikelane per the KOA Corporation drawings.

3. Direct staff to either prepare an "Active Transportation Grant" application for the purpose of converting Palm Avenue consistent with the City's BTP or to forgo this grant cycle.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Chronology of EcoBikeway Project
2. Photo of Class 2 bikelane

## CHRONOLOGY OF ECOBIKEWAY PROJECT

April 18, 2001,

City Council adopted resolution no. 2001-5412 awarding a contract to Wimmer Yamada and Caughey to perform an initial study to investigate the establishment of an Eco Route Bikeway as outlined in the General Plan. The FY 2000/2001 CIP Budget appropriated \$10,000 to perform this initial study.

September 5, 2001,

City Council meeting – Wimmer Yamada and Caughey presented the findings of their study. They provided suggestions for further development of the Eco Route Bikeway, including appropriate signage, optional routes, and linkages with the Bayshore Bikeway, traffic analysis and points of interest.

October 6, 2004,

City Council authorized proceeding with the RDA CIP Streets Improvements Phase 1, 2, and 3, Projects. Street Improvements Phase 2 was for street improvements in the Mar Vista and Seaside Point neighborhoods – the location of the “sidewalk bike route” on Palm Avenue between 3rd Street and 7th Street. There had been much discussion regarding the inappropriateness of the “sidewalk bike route” as designated in the City’s General Plan, Circulation Element. Since overlay and stripping was planned on Palm Avenue it seemed prudent address the “sidewalk bike path” on Palm Avenue prior to constructing the Palm Avenue street-overlay. Staff was directed to study the possibility of a bike route separate from the Sidewalk.

March 2, 2005,

City Council meeting, staff presented a proposal to hire a consultant to perform a “Palm Avenue Bikeway Plan Review.” City Council authorized the City Manager to award a professional services agreement to study and report on a possible alternative bikeway route along Palm Avenue between 3rd and 7th Streets and on 7th Street from the Bayshore Bikeway to Palm Avenue. A professional services agreement was signed with Kawasaki Theilacker Ueno + Associates (KTU+A) on April 25, 2005, for a Bicycle Route Feasibility and Traffic Calming Study. The study was completed and forwarded to the City of Imperial Beach on or about July 27, 2005.

March 14, 2005,

City Council approved the Five-Year Capital Improvement Program Budget Fiscal Year 2004/2005 through 2008/2009. One of the “Unfunded Projects” listed in the Five-Year Capital Improvement Program Budget was “Eco Bikeway 7th & Seacoast.” The Eco Bikeway, per the General Plan, was a route from 7th Street at the Bayshore bikeway south to Palm Avenue, Palm Avenue west to Seacoast, Seacoast Drive south to IB Blvd, IB Blvd. east to the Tijuana Visitor’s

Center, then east and south through Sports Park continuing to Iris Ave and north on Connecticut Street and continuing north on 7th Street to Bayshore bikeway.

September 7, 2005,

City Council was presented the results of the Imperial Beach Bicycle Route and Traffic Calming Study performed by Kawasaki Theilacker Ueno + Associates (KTU+A). Council was presented three options for the installation of a bicycle route along Palm Avenue between 7th and 3rd Streets. Council directed staff to investigate a modified option 3. Council directed staff to determine the feasibility of and cost for installing a bicycle route along the study section of Palm Avenue using a single traffic lane in each direction, increased landscaping with landscape pop outs or planters along the existing curbsides of the street and to include some curbside parking along the western portion of Palm Avenue.

November 2, 2005,

City Council meeting, Council adopted resolution no. R-05-75 authorizing the City Manager to sign a professional services agreement with Kawasaki Theilacker Ueno + Associates (KTU+A) at a cost not to exceed \$11,665 for a follow up study to determine the feasibility of and cost to install a bike route along Palm Avenue (7th Street to 3rd Street) using a single traffic lane in each direction, increased landscaping with landscape pop outs or planters along the existing curbsides of the street and to include some curbside parking along Palm Avenue.. The resolution authorized the City Manager to use funds remaining from the CIP S04-302 (SR 75 & IB Blvd. Entrance Monuments).

November 16, 2005,

City Council adopted a budget amendment to transfer the unexpended and remaining \$58,000 from the CIP S04-302 (SR 75 & IB Blvd Entrance Monuments) to the "Eco-Bikeway 7th & Seacoast" unfunded project, thus creating the "Eco-Bikeway, 7th & Seacoast" as a funded project.

April 19, 2006,

City Council Meeting - On or about April 3, 2006, KTU+A submitted their completed study in accordance with the scope of work. The study showed there were notable traffic impacts on Palm Avenue during a.m. peak hour(s) by changing the traffic lanes to two lanes, one lane in each direction plus class 2 bike lanes in each direction. The "Roadway Segment" analysis with the two lane traffic and bikeway predicts a LOS F by the year 2030. The analysis of the S.R. 75 at Delaware/7th Streets intersection predicts a LOS B by the year 2030. Traffic Level of Service (LOS) designations are categorized alphabetically A to F with A having the least traffic congestion and F having the highest level of congestion. The LOS level F is considered a "congested" segment or intersection.

The engineer's estimate to construct the bikeway and traffic calming project was \$1,650,350.

In presenting the April 19, 2006 report, staff recommended that Council consider authorization for the development of construction plans and specifications plus the development of the Bicycle Circulation Element to the General Plan. With these plans complete the City could proceed to seek grant funding to assist in funding the project construction. Construction of the Eco-Bikeway CIP was an unfunded project. Staff was given direction to proceed with the design phase of the West Palm Avenue Bikeway and Traffic Calming project.

On July 19, 2006,

Council was briefed on the status of the West Palm Avenue Bikeway and Traffic Calming Study conducted by Kawasaki Theilacker Ueno + Associates (KTU+A) and Katz, Okitsu & Associates (KOA). Council directed staff to present the study to the Business Improvement District, Design Review Board, and the Chamber of Commerce for information purposes. The comments received from these boards meetings were to be incorporated into the construction drawings. These presentations were completed by September 2006.

December 20, 2006,

Staff solicited proposals for a Project Engineer on October 19, 2006, titled "Eco-Bikeway and Traffic Calming Project." On November 16, 2006, staff received one proposal, which was opened and evaluated. The bid was submitted by the team of KOA and KTU+A (with Tierra Environmental Services and Guida Surveying assisting). Staff assembled a 4-person interview panel and interviewed the applicants on December 7, 2006. Staff determined the bid was responsive and the applicants were qualified to prepare the CIP project Plans, Contract Documents, and a Bicycle Transportation Plan. Resolution 2006-6435 awarded a professional services agreement to the team of Katz Okitsu & Associates (KOA) and Kawasaki Theilacker Ueno + Associates (KTU+A) for engineering services on the Eco-Bikeway and Traffic Calming Project in the amount of \$218,854. The project consisted of the development a Bicycle Transportation Plan, revision to the Circulation Element portion of the General Plan regarding the sidewalk bicycle route on Palm Avenue for the section between 3rd Street and 7th Street and construction drawings for the new bicycle route along 7th Street (Bayshore Bikeway to Palm Avenue) and along Palm Avenue (7th Street to 3rd Street). The original project proposal included costs for a CEQA Environmental exemption. However, staff reported that should it be determined that a more exhaustive environmental impact study was required staff would return to Council to request funds for this study.

December 15, 2006,

Staff submitted an application for a Safe Routes To School grant for the design and construction of the Eco Route Bikeway. A July 6, 2007 letter from CALTRANS advised that the City's project was not selected for funding.

March 28, 2007,

Bicycle Transportation Coalition Meeting, the City of Imperial Beach Eco-Bikeway and Traffic Calming Measures Project was presented to solicit input / feedback on the proposed project. All the suggestions were to be incorporated in the Bicycle Transportation Plan.

March 29, 2007,

Public Meeting for City Residents advertised and held at City Hall in the Community Room. Consultants representing KOA and KTU+A made a presentation to the audience and solicited written comments and suggestions directly on the plans. All the suggestions were to be incorporated in the Bicycle Transportation Plan.

April 18, 2007,

City Council Meeting - Staff reported on the Community and the Bicycle Coalition meetings and the feedback received from the two March 2007 meetings. Staff requested any additional comments that Council or the public would like to provide toward the project development. As part of the internal project review, it was determined a more extensive Environmental Impact Report (EIR) was required to address traffic and air quality impacts. Council adopted Resolution 2007-6472, amending the S05-104 CIP budget by \$52,550 and authorized the City Manager to execute an agreement with KOA for the preparation of an EIR (change order # 1).

September 12, 2007,

As part of the BTP development, KOA Corporation reported that additional analysis showed that the warrant conditions for a traffic signal installation at the intersection of Palm Avenue and Rainbow Drive was met and if installed would serve to reduce the "intersection" Level of Service (LOS) rating below E by year 2030. The City Manager subsequently signed change order # 2 to the KOA Corporation Agreement for \$9,900 to include the design of the signal light into the construction drawings of the Project.

October 17, 2007,

City Council Meeting – Staff reported that it had been determined that the Project will require a Coastal Permit and LCP Amendment. KOA Corporation had submitted a proposal to prepare the Coastal Permit and LCP Amendment at a cost not to exceed \$19,850.00. Staff recommended the appropriation of an additional \$24,134 of RDA Tax Increment Non-Housing funds to the project to pay for the additional work specified above. It was at this point, City Council deferred action on the staff report to a subsequent Council Meeting where staff was to present a complete review of the Project including traffic issues.

January 16, 2008,

City Council meeting – staff presented a complete review of the Project program starting in April 2004 continuing through January 16, 2008 including traffic issues. A more rigorous and more relevant traffic analysis determined that the LOS over the long term would not exceed a rating below D. City Council authorized the project to proceed. Staff reported that the draft BTP had been submitted for review and comment before being released for public review and comment.

April 7, 2008,

City staff filed a grant application with the Coastal Conservancy for the design and construction of the Eco Route bikeway project. The application was subsequently rejected because the BTP had not yet been approved.

December 4, 2008,

The Draft Bicycle Transportation Plan and Draft Environmental Impact Report were released for public comment.

April 1, 2009,

City Council adopted Resolution Nos. 2009-6727, 2009-6728, 2009-6729 approving an amendment to the City's Circulation Element of the General Plan/Local Coastal Program (GPA/ LCPA 080053), certifying the Final Environmental Impact Report (SCH#2007101061), adopting the Bicycle Transportation Plan (BTP) with policies for bicycle facilities and route designations, and approving Administrative Coastal Development Permit and Design Review CDP (080054/DRC 080055), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements. This is a City-initiated amendment to the City's Circulation Element of the General Plan/Local Coastal Program (GPA/ LCPA 080053), the certification of the Final Environmental Impact Report (SCH#2007101061), the adoption of a Bicycle Transportation Plan (BTP) with policies for bicycle facilities and route designations, and an Administrative Coastal Development Permit and Design Review CDP (080054/DRC 080055) for a traffic calming improvement plan and a Class 2 bike lane from 7th Street to 3rd Street within the Palm Avenue right-of-way.

November 30, 2009,

City applied for a Bicycle Transportation Account Grant for the construction of the Eco-Bikeway 7th and Seacoast Project in the amount of \$1,800,000.

April 12, 2010,

100% Construction drawings were completed and submitted to the City for review.

November 8, 2010,

City notified that the State had not accepted the Eco-Bikeway 7<sup>th</sup> and Seacoast Project for funding from the State Fiscal Year 2010/2011 budget cycle.







**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: GARY BROWN, CITY MANAGER**

**MEETING DATE: MAY 2, 2012**

**ORIGINATING DEPT.: LINDA LEICHTLE AND JIM COATES**

**SUBJECT: BUDGET IDEAS FOR SPORTS PARK RECREATION CENTER**

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**BACKGROUND**

The Imperial Beach Sports Park Recreation Center is a place where different generations, ethnicities and socio-economic groups blend peacefully together. To accommodate such a diverse demographic presented by the community, the IB Sports Park is equipped with a variety of unique features that set it apart from other Recreation Centers, including a skate park, 6 ball fields, gymnasium, music program, game room and a café.

The City of Imperial Beach has had a history of low revenues, including one of the lowest sales tax collections per capita in California. These factors, coupled with the recession and various other budget constraints and rising cost projections caused staff to seek ways to reduce costs and increase revenues.

Based on council direction, the following are suggestions to increase revenues, reduce costs, and sustain services.

**DISCUSSION**

For the short term, staff suggests the following as ways to substantially increase revenues and reduce net costs for the fiscal year starting on July 1, 2012 to June 30, 2013. We will also continue to research new ways to reduce costs and/or increase revenues in the longer term.

**Options for Reducing Costs and Increasing Revenues\***

\*Note – Some options may require for the City Council to meet and confer before the City could implement the suggested changes. If the Council gives direction to Staff to move forward with an option requiring meet and confer, the City will meet and confer with any impacted union regarding any mandatory subjects of bargaining, including impacts to wages, hours or other terms and conditions of employment.

**1. Downsize Recreation Center staffing:**

In April of 2011, the Sports Park Recreation Center had eleven employees, consisting of one full-time Recreation Coordinator, one 1,800 hour/year employee, and nine 1,000 hour/year employees. With the downsizing of five staff employees cut, at the present time, we have six staff employees, consisting of one full-time Recreation Coordinator, one 1,800 hour/year employee, and four 1,000 hour/year employees.

The recent downsizing of staff will result in a savings of \$ 31,600 per year.

## **2. Adjust hours of Recreation Center operations:**

Starting in April 2012, the Recreation Center adjusted its hours of operation, going from 51 hours a week to 40 hours a week (saving 11 hours a week) resulting in a savings of 572 person hours per year.

With the present scheduled hours of operation of forty hours a week and the cut of eleven hours a week, this will result in a savings of \$ 29,450 per year.

## **3. Release of Jessop & Son Sports Park Maintenance Contract:**

The end of the Sports Park maintenance contract will result in a savings of \$ 36,000 per year. (This action is done)

## **4. Raise fees:**

The Sports Park has always strived to offer low-cost fees for membership, picnic shelter rentals, athletic field usage, music programs, etc. We acknowledge the necessity to increase our revenues, and believe that by implementing a modest fee increase across the board we will be able to both accommodate our patrons as well as our financial requirements.

Attached is a suggested Master Fee List draft for the fiscal year starting July 1<sup>st</sup>, 2012. Listed alongside our suggested fees are Master Fee Lists from other recreation centers in nearby cities with similar facilities for side by side comparison. (See Attachment 1)

The estimated net revenues that the facility would bring in by charging these fees from Master Fee List would be approximately \$ 36,385.50 per year.

## **5. Implement additional fees agreements/contracts:**

There are services, programs, and rentals provided by the IB Sports Park that up until this time have been free/low cost of charge. By implementing modest fees for such services, programs, and rentals, we can expect to see an increase in revenue. Listed below are suggestions for such services/etc.:

- a) Form agreements with and charge hourly fees (for light usage only) towards the IB Girls Softball League and IB Little Leagues.

The estimated net revenues that the facility would bring in by forming agreements with these leagues for light usage only would be approximately \$ 12,000 per year.

- b) Form agreements with and charge hourly fees for ball-field/light usage towards the Men's League for Three Nights a week (*Monday, Tuesday & Wednesday*)

The estimated net revenues that the facility would bring in by forming agreements with the Men's League for ball-field/light usage would be approximately \$ 19,760 per year

- c) Form agreements with and charge sub-contractors/outside organizations hourly fees for use of the Recreation Center facility Gym for Jazzercise, San Diego Job Corps, dance/karate/zumba instructors (*see Attachment 2*)

The estimated net revenues that the facility would bring in by charging these fees would be approximately \$ 3,780 per year.

**6. Implement additional services/programs and rentals:**

There are a variety of services, programs, items for sale, and rentals that have yet to be offered at the IB Sports Park. Listed below are some ideas on what we can offer in addition to what we do already:

*(See Attachment 1 for fees)*

- a) Establish a "Walk Up" after school program where Rec. Center staff meets participants at IB Elementary after school and walks them over to the Sports Park to lead them in a variety of scheduled activities. Estimated fees would be \$45 per child, per week.
- b) Charge hourly fees for use of batting cages
- c) Establish a "Roller Rink" night in the gym once a month
- d) Establish a "Movie Night" in the gym once a month *(see Attachment 1)*

**7. Raise Café Fees:**

By implementing modest fee increases on all current café items, annual revenue from Café sales is estimated to increase by \$ 1,745 per year. *(See Attachment 2)*

**Estimated approximately for reducing cost and increasing revenues\* Total for 2012-2013**  
*(Projected Revenue Increases based on 2011-2012)*

<b>Lines 1-2-3 will result in revenues and savings of approximately</b>	<b>\$ 97,050.00</b>
<b>Lines 4-5-a-b-c will result in revenues of approximately</b>	<b>\$ 71,925.50</b>
<b>Lines 6-7-a-b-c-d will result in revenues of approximately</b>	<b>\$ 38,130.00</b>
<b>TOTAL APPROXIMATE SAVINGS AND REVENUES FOR 2012-2013</b>	<b>\$ 207,105.50</b>

**Proposed Items below would be Long Term Goals:**

*(At this time we need to estimate all fees and gather more information for cost and direction as to how we need to proceed.)*

**Rent Music Equipment**

Rent out the Sports Park P.A. system for weddings, events, bands, etc. guitar/bass amps and the drum set *(see Attachment 1A for suggested fees)*.

**Add more Café items for sale:**

Below is a list of suggested café items that we could stock for sale:

- Popsicles/slushes/snow cones
- Hot dogs/burgers/nachos/sandwiches
- Coffee/Frappuccino's/hot chocolates/teas
- Sports/energy drinks
- Additional chips, candies, sodas, and hot foods

### **Explore advertising revenue streams:**

While we appreciate the clean, uncluttered look of the facility, we acknowledge the fact that there are a lot of opportunities for advertising space throughout the Sports Park grounds that could bring in revenue. Listed below are different spaces that could be available to sell to advertisers:

- a) Fences surrounding the Skate Park, Rec Center, and ball-fields for banners/signage.
- b) Banner space on the City website. Electronic/video marquees or billboards at the ball-fields
- c) and within the Recreation Center building
- d) Rent out protective equipment for skating

### **Establish sponsorships**

We could also explore the possibility of sponsorships from local/national companies and sports organizations:

- a) San Diego Chargers, Padres, Gulls, Sockers, Los Angeles Lakers, Clippers, Harlem Globetrotters
- b) Guitar Center, Sweetwater, Musicians Friend, Carvin, Taylor Guitars

### **Subcontract the Recreation Center building during off-hours:**

There are a variety of spaces within the Recreation Center building that could be rented out during hours of non-operation for different uses. Listed below are some examples:

- a) Rent out the gym, music room, or game room for meetings
- b) Rent out the gym for aerobics classes
- c) Rent out the gym for basketball league practices/games
- d) Rent out the music room for rehearsals/recording session
- e) Sell musical instrument accessories such as drum sticks, guitar picks, strings, and cable. Sell "Sports Park Brand" merchandise (shirts, hoodies, baseball hats, beanies, hacky-sacks, stuffed animals, etc.)

### **Hold fundraiser events:**

Aside from hosting fundraiser events on the Sports Park grounds, there are also many possible venues off-site that would play host to such an event. Listed below are some ideas for both on and off-site fundraiser events:

- a) Hold an annual on-site fundraiser concert.
- b) Hold an annual on-site skate competition.
- c) Hold an annual karaoke fundraiser event at a local bar.

## **ENVIRONMENTAL DETERMINATION**

This activity is not a "project" and is therefore exempt from CEQA pursuant to state CEQA Guidelines Section 15060(c)(3).

**FISCAL IMPACT**

For the short term starting on July 1, 2012, we need to increase revenue the revenue increases will depend on Council decisions regarding the above ideas.

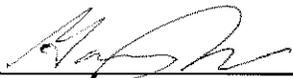
**DEPARTMENT RECOMMENDATION**

For the Imperial Beach Sports Park to meet the needed revenue increases and savings for Fiscal Year 2012-2013, Staff recommends the City Council authorize staff to:

1. Revised Master Fee List (*Attachment 1*) – Return with a resolution to adopt the new Master Fee List
2. Café new raise of fee cost (*Attachment 2*) – Return with a resolution to adopt fees for the Getaway Cafe

**CITY MANAGER’S RECOMMENDATION**

Approve Department recommendation.

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

Attachments:

1. Revise Master Fee List
2. Café new raise of Fee cost

**ATTACHMENT 1**

**MASTER FEE SCHEDULE RATE COMPARISON WITH IMPERIAL BEACH AND OTHER CITY'S 2012**

The fees are based by hourly/day use and compared with fees from other Cities based on facility size

Cities included are: South San Diego/Chula Vista (compared with our current and proposed fees )

<u>Rental/Programs/Events/Usage</u>	<u>S.D.</u>	<u>C.V.</u>	<u>I.B. current</u>	<u>I.B. Proposed</u>	<u>increase</u>	<u>Est. Annual increase</u>
<b><u>Athletic Fields Per Hour Fees:</u></b>						(using 2011 as guide line)
Adult (Resident)	\$ 30.00	\$ 25.00	\$ 10.00	\$ 25.00	\$ 15.00	\$ 35.00
Adult (non-Resident)	\$ 10.00	\$ 10.00	no charge	\$ 10.00	\$ 10.00	\$ 65.00
Youth Resident (Recognized Groups)	\$ 20.00(A)	no charge	no charge	no charge	no charge	no charge
Youth (Resident)	\$ 10.50	\$ 15.00	\$ 10.00	\$ 10.00	\$ 00.00	no change
Youth (Non-Resident)	\$ 21.00	\$ 30.00	\$ 20.00	\$ 25.00	\$ 5.00	\$ 265.00
Commercial Activities/Tournaments	\$ 45.00	\$ 35.00	\$ 25.00	\$ 30.00	\$ 5.00	\$ 450.00
<b><u>Light Fees:*</u></b>						
Resident	\$ 29.75	\$ 25.00	\$ 20.00	\$ 25.00	\$ 5.00	\$ 25.00
Non-Resident	\$ 59.50	\$ 50.00	\$ 30.00	\$ 50.00	\$ 20.00	\$ 60.00
Others Games/Practices/Tournaments/Others	\$ 17.50	\$ 15.00	no charge	\$ 15.00	\$ 15.00	\$ 500.00
Adult Leagues	\$ 30.00	\$ 25.00	\$ 20.00	\$ 25.00	\$ 5.00	\$ 1,200.00
*Charge leagues if they are not maintaining fields.						
<b><u>Batting Cage Fees:</u></b>						
Resident	do not provide	do not provide	\$ 20.00 - 30.00(Proposed)	\$ 25.00	\$ 25.00	\$ 450.00
Non-Resident	do not provide	do not provide	\$ 20.00 - 50.00(Proposed)	\$ 30.00	\$ 30.00	\$ 650.00
Recognized Leagues	do not provide	do not provide	no charge	no charge	no charge	no charge

**ATTACHMENT 1**

**Picnic Rental Fees:**

Resident	\$ 45.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 2,835.00
Non-Resident	\$ 90.00	\$ 70.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 5,670.00
Senior/Disabled (Resident)	\$ 17.50	\$ 12.50	\$ 10.00	\$ 10.00	\$ 10.00	no change
Senior/Disable (Non-Resident)	\$ 17.50	\$ 12.50	\$ 15.00	\$ 15.00	\$ 15.00	\$ 225.00
Security/Cleaning Deposit:	\$ 75.00	\$ 75.00	\$ 45.00	\$ 75.00	refundable	refundable

**Air Jump Fees:**

Resident	\$ 35.00	\$ 35.00	\$ 25.00	\$ 30.00	\$ 5.00	\$ 265.00
Non-Resident	\$ 70.00	\$ 70.00	\$ 50.00	\$ 60.00	\$ 10.00	\$ 795.00
Security/Cleaning Deposit	\$ 50.00	\$ 35.00	\$ 25.00	\$ 30.00	refundable	refundable

**Music/Rehearsal Fees:**

Youth (Resident)	do not provide	do not provide	\$ 5.00	\$ 7.00	\$ 2.00	\$ 782.00
Youth (Non-Resident)	do not provide	do not provide	\$ 10.00	\$ 12.00	\$ 2.00	\$ 562.00
Adult (Resident)	do not provide	do not provide	\$ 15.00	\$ 17.00	\$ 2.00	\$ 221.00
Adult (Non-Resident)	do not provide	do not provide	\$ 20.00	\$ 22.00	\$ 2.00	\$ 242.00

**Music/Recording Fees:**

Youth (Resident)	do not provide	do not provide	\$ 10.00	\$ 13.00	\$ 3.00	\$ 351.00
Youth (Non-Resident)	do not provide	do not provide	\$ 15.00	\$ 18.00	\$ 3.00	\$ 468.00
Adult (Resident)	do not provide	do not provide	\$ 15.00	\$ 18.00	\$ 3.00	\$ 216.00
Adult (Non-Resident)	do not provide	do not provide	\$ 20.00	\$ 23.00	\$ 3.00	\$ 207.00

**Guitar/Drum/Piano Lessons: (Per Month Fees)**

Youth (Resident)	do not provide	do not provide	\$ 10.00	\$ 40.00	\$ 30.00	\$ 1,680.00
Youth (Non-Resident)	do not provide	do not provide	\$ 15.00	\$ 50.00	\$ 35.00	\$ 805.00
Adult (Resident)	do not provide	do not provide	\$ 20.00	\$ 80.00	\$ 60.00	\$ 660.00
Adult (Non-Resident)	do not provide	do not provide	\$ 25.00	\$ 100.00	\$ 75.00	\$ 525.00

**ATTACHMENT 1**

**Member Ship Fees:**

Youth	no charge	no charge	\$ 5.00	no charge	no charge	no charge
Adult	no charge	no charge	\$ 5.00	no charge	no charge	no charge
Lost cards	no charge	no charge	\$ 1.00	no charge	no charge	no charge
Youth yearly card (New)	no charge	no charge	no charge	\$ 25.00	\$ 25.00	\$ 1,125.00
Adult yearly card (New)	no charge	no charge	no charge	\$ 50.00	\$ 50.00	\$ 350.00

**Programs/Special Events:** (In house program)

Youth Dances/Mike night	\$ 5.00	\$ 5.00	\$ 2.00	\$ 5.00	\$ 3.00	\$ 975.00
Band Night/DJ Night	\$ 5.00 - 15.00	\$ 5.00 to 15.00	\$ 4.00	\$ 5.00 to 15.00	\$ 5.00 to 15.00	\$ 1,025.00
Youth Sports/Leagues/ Tournaments (indoor sports)	\$ 25.00 – 95.00	\$ 15.00 – 125.00	\$ 10.00	\$ 10.00 – 125.00	\$ 10.00 to 125.00	\$ 550.00

**New Programs/Rental/Activities fees for Sports Park:**

Gym Rental for Sub-contractors/organizations (2 hour minimum – 4 hour maximum)	\$ 65.00	\$ 65.00	new program	\$ 45.00	\$ 45.00	\$ 3,780.00
After school Program (per week)	\$ 65.00	\$ 55.00	new program	\$ 45.00	\$ 45.00	\$ 855.00
Roller rink night (per person)	do not provide	do not provided	new program	\$ 5.00	\$ 5.00	\$ 154.00
Movie night (per person)	\$ 5.00	\$ 5.00	new program	\$ 2.50	\$ 2.50	\$ 162.50

**Estimated Annual Increase is from the revenue made in 2011 with new increased fees charged** **\$ 36,385.50**

**MASTER FEE SCHEDULE CHANGE FOR CITY OF IMPERIAL BEACH SPORTS PARK GETAWAY CAFÉ 2012**

<u>Item</u>	<u>Stores (7-11/Market)</u>	<u>Current Fee</u>	<u>Proposed Fee</u>	<u>Increase in Fee</u>	<u>Est. Annual Increase</u> (Using 2011 fees as guide line)
(All fees are for one item per sales cost with no sales tax)					
Small item	.35 to .50 cent	.25 cent	no change	no change	no change
Candy bar/chips (small)	.85 to .99 cents	.75 cent	no change	no change	no change
Candy bars/chips (lg.)	\$1.59 to \$ 1.99	new items	\$ 1.00	\$ 1.00	\$ 560.00
Small sodas/water	\$ 1.69	.75 cent	\$ 1.00	.25 cent	\$ 365.00
Gatorade/power drinks	\$ 2.89	\$ 1.50	\$ 2.00	.50 cent	\$ 370.00
Hot food	\$ 2.00 to 2.89	\$ \$ 1.00	\$ 1.50	.50 cent	\$ 450.00
<b><u>Estimated Annual Increase is from revenue made in 2011 with increased fees charged</u></b>					<b><u>\$ 1,745.00</u></b>



**STAFF REPORT  
CITY OF IMPERIAL BEACH**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** GARY BROWN, CITY MANAGER  
**MEETING DATE:** MAY 2, 2011  
**ORIGINATING DEPT.:** PUBLIC SAFETY *JB*  
**SUBJECT:** ADOPTION OF RESOLUTION 2012-7187, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICER SERVICES WITH THE SWEETWATER UNION HIGH SCHOOL DISTRICT

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**BACKGROUND:**

Since 1995, the Sweetwater Union High School District has contracted with the City of Imperial Beach for a School Resource Officer (SRO), which is a Sheriff's Deputy assigned to Mar Vista High School. This position requires the costs to be calculated for a full-time Sheriff's deputy, as the Sheriff's Department only staffs whole full-time equivalent (FTE) positions for contractual services. The assigned deputy serves for a total of nine months in the SRO position during the school year. The school year is year-round with intermittent two-week breaks. By agreement the City and the District share equally the costs for the SRO Deputy during the school year. With the school not in session, the Deputy's duties are shifted to summer beach quad patrol, other juvenile-based investigations including graffiti identification and enforcement.

**DISCUSSION:**

Historically, the city pays 100% of the expense for the Sheriff's Deputy position during school breaks. The City and District have shared the cost of the position while the deputy is assigned to the SRO role at Mar Vista High School during the school year. During the 2011/2012 school year, however, the District paid \$60,000 for the SRO position at a prorated level of service. The full level of service share would have been \$80,927. While it was intention that the SRO would have been assigned to the school for the prorated hours, the needs for his services at the school made this unrealistic, and he has been and will continue to be full time at the school during session.

This position is vital to maintaining a safe environment on the school's campus, including considerable preventative policing and intelligence gathering capacity. The City is not in a financial position to subsidize the District's share, so this contract is designed to recover the full equal share for all associated costs of the Deputy for the full nine months of the school year, and is proposing a three year contract with 2 optional

annual extensions to allow alignment with the anticipated contract with the San Diego Sheriff's Department.

The District's projected share of associated costs for the Sheriff's Deputy in the role of the School Resource Officer would be as follows:

School Year	Total Deputy	City Share	SUHSD Share	Quarterly Payment
FY 2012/2013	214,835	131,586	83,249	20,812
FY 2013/2014	226,651	138,824	87,827	21,957
FY 2014/2015	239,117	146,459	92,658	23,164
FY 2015/2016	252,268	154,514	97,754	24,438
FY 2016/2017	266,143	163,013	103,130	25,783

**ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

Instead of the District maintaining their current level of funding for the SRO Deputy at \$60,000 per year, for a five year contract of \$300,000 – the City's proposal would require the District to cover their full share cost of \$464,618 during the term of the contract. The fiscal impact for the City is \$164,618 additional cost recovery revenue. For the first year of the contract the increase to the District would be \$23,249 with nominal increases for the subsequent years based upon the passed through costs of the City's contract with the Sheriff Department.

**DEPARTMENT RECOMMENDATION:**

The Public Safety Department recommends that City Council adopt Resolution Number 2012-7187, authorizing the City Manager to enter into the proposed agreement with the Sweetwater Union High School District for the School Resource Officer position covering the 2012/2013 through 2016/2017 school years. If the District chooses not to execute the contract with the City, the assigned SRO Deputy would either be cut from the Sheriff's contract or reassigned other duties based on the Public Safety budget for law enforcement.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

**Attachments:**

1. Resolution No. 2012-7187
2. SRO Memorandum of Understanding

**RESOLUTION NO. 2012-7187**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND THE SWEETWATER UNION HIGH SCHOOL DISTRICT FOR THE PURPOSE OF PROVIDING THE SERVICES OF A SHERIFF'S DEPUTY IN THE ROLE OF THE SCHOOL RESOURCE OFFICER AT MAR VISTA HIGH SCHOOL.**

**WHEREAS,** The parties agree that the safety of the children and staff members of Mar Vista High School are of highest importance; and

**WHEREAS,** The parties previously entered into an agreement on September 16, 2011 wherein the City of Imperial Beach agreed to provide, via its contract with the San Diego Sheriff's Office, a Sheriff's Deputy to serve in the role of the School Resource Officer at Mar Vista High School during the 2011/2012 School Year for a prorated level of service; and

**WHEREAS,** The parties previously entered into an agreement on September 16, 2011 wherein the City of Imperial Beach agreed to provide, via its contract with the San Diego County Sheriff's Department, a Sheriff's Deputy to serve in the role of the School Resource Officer at Mar Vista High School during the 2011/2012 School Year for a prorated level of service; and

**WHEREAS,** The parties have determined that the actual needs of Mar Vista High School for a School Resource Officer are significantly greater than the prorated level of services offered under the previous agreement; and

**WHEREAS,** It is in the interest of the City to align the terms of this Memorandum of Understanding with the District with the anticipated contract with the San Diego Sheriff's Department.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial Beach that the City Manager is authorized to enter into a Memorandum of Understanding between the City of Imperial Beach and the Sweetwater Union High School District for the provision of a School Resource Officer for up to five years, according to the terms of the proposed Memorandum of Understanding.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 2<sup>nd</sup> day of May 2012, by the following vote:

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

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

**ATTEST:**

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

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE SWEETWATER UNION HIGH SCHOOL DISTRICT  
AND  
THE CITY OF IMPERIAL BEACH**

**MISSION STATEMENT:** It is the mission of the Sweetwater Union High School District (the DISTRICT) in concert with the City of Imperial Beach (the CITY) to provide a safe, secure, orderly teaching and learning environment for all students and staff at Mar Vista High School (MVHS) by protecting life and property.

Law Enforcement in the CITY is provided via contract between the CITY and the San Diego County Sheriff's Office (the DEPARTMENT), and provides the ability for the CITY to staff School Resource Officer (SRO) positions. Adoption of this Memorandum of Understanding (MOU) will result in campus security being increased by the presence of a Sheriff's Deputy, deployed as the SRO, who will interact with the students in both a positive and proactive manner. The on-campus SRO will also help improve relations between the DEPARTMENT and the youth of the community. As a result, the DISTRICT and the CITY, via the DEPARTMENT, agree to undertake the following responsibilities and expectations to achieve these mutual objectives:

**A. SCHOOL DISTRICT'S ROLE AND RESPONSIBILITY:**

1. Ensure student welfare portal to portal;
2. Develop procedures to handle campus safety issues;
3. Establish and follow procedures for referring SRO involvement; and
4. Cooperate with and support in a proactive manner the SRO's efforts to work with students, school personnel, parents and the community

**B. SCHOOL RESOURCE OFFICER'S ROLE AND RESPONSIBILITY:**

1. To provide prevention/intervention by:
  - a. Providing a uniformed SRO on the campus of MVHS.
  - b. Developing classroom and faculty presentations related to the youth and the law.
  - c. Attending parent conferences/meetings when requested.
  - d. Attending Student Attendance Review Board (S.A.R.B.) meetings.
  - e. Scheduling security activities as needed.
  - f. Take reasonable measures to make the first response in all law enforcement related matters as they occur while on duty during regular school hours.
  - g. Attending various school events and activities during the regular school day as needed for proactive enforcement and interaction.
  - h. Documenting all incidents of crime as per the DEPARTMENT regulations.
2. To continue to work with:
  - a. Community agencies; and
  - b. Parent/teacher groups as needed throughout the affected schools.

Memorandum of Understanding  
City of Imperial Beach SRO Services

3. To assist investigative personnel of the DEPARTMENT assigned to cases intersecting with individuals associated with MVHS by conducting continued and ongoing investigations and preliminary investigations of criminal activity.
4. To work with personnel of MVHS and the DISTRICT in matters of mutual concern such as:
  - a. Education.
  - b. Prevention and intervention regarding alcohol and drug use on campus.
  - c. Safety of students and staff on campus.
  - d. Gang-related violence and crime.
  - e. Campus intrusion, and loss and/or damage to property.

**C. TIME FRAME**

This Memorandum of Understanding shall remain in effect for three years, commencing July 1, 2012 and ending June 30, 2015. Upon mutual written consent of the parties, there shall be two one-year options to extend the MOU. Any option to extend must be exercised by written notification of each party to the other at least ninety (90) days prior to the expiration of the MOU. The MOU would end June 30, 2016, or 2017 depending on options exercised after 2015.

Either party shall have the right to cancel this MOU with or without cause upon 90 days advance written notice during the term of this agreement. The DISTRICT shall be responsible for to make all payments to the CITY for services rendered through the date of termination or expiration of this MOU.

**D. SPAN OF CONTROL/JURISDICTION**

Prevention, education, training, and proactive activities will take place at MVHS and public meeting places within the respective community as it relates to the DISTRICT activities. The SRO will remain under the direction and control of the DEPARTMENT.

**E. RESOURCE**

Resource and local management will be coordinated at:

Sweetwater Union High School District  
Attn: Dianne Russo, Chief Financial Officer  
1130 Fifth Avenue  
Chula Vista, CA 91911  
(619) 585-6265

City of Imperial Beach – Public Safety Department  
Attn: Tom Clark, Public Safety Director/Fire Chief  
865 Imperial Beach Blvd.  
Imperial Beach, CA 91932  
(619) 423-8323

Memorandum of Understanding  
City of Imperial Beach SRO Services

**F. COST**

One Sheriff's Deputy will be funded jointly by the CITY and the DISTRICT.

The DISTRICT will contribute to this effort as follows:

Period	Total Deputy	City Share	DISTRICT Share	Quarterly Payment
FY 2012/2013	214,835	131,586	83,249	20,812
FY 2013/2014	226,651	138,824	87,827	21,957
FY 2014/2015	239,117	146,459	92,658	23,164
FY 2015/2016	252,268	154,514	97,754	24,438
FY 2016/2017	266,143	163,013	103,130	25,783

This MOU will be effective July 1, 2012, after which, the District, upon receipt of invoices, will pay the CITY equal quarterly installments as indicated in the preceding table. If the MOU is canceled as herein permitted, the CITY shall return forthwith to the DISTRICT the portion of such payment allocable to the period of the term subsequent to the effective date of cancellation.

The DISTRICT will receive the services of one full-time SRO during the school year, while school is in session, barring major emergencies or other duties related to the SRO's position, including such things as training, approved time off, or other related duties, causing the DEPARTMENT to temporarily reallocate the deputy.

This MOU does not include any events outside of the regular school day, or outside of the SRO's regular work schedule, where additional costs are incurred by the CITY. All costs for additional SRO or Sheriff's Deputy staffing is the exclusive responsibility of the DISTRICT and will be charged, either directly by the DEPARTMENT, or by the CITY, according to the DEPARTMENT's contract costs as specified in the contract for services between the DEPARTMENT and the CITY.

**G. NO INDEPENDENT BASIS FOR LIABILITY**

Nothing herein shall create, by this or other understanding between the parties, an independent basis for liability of the CITY or the DEPARTMENT, and their respective officers, officials, employees and agents to either the DISTRICT or to a third party for any matter, including, but not limited to, failing to respond or for responding to a call for sheriff's services in a dilatory or negligent manner. Any liability of the CITY, or the DEPARTMENT, shall be limited to that as determined by law without regard to the existence of this Agreement.

Memorandum of Understanding  
City of Imperial Beach SRO Services

H. AUTHORITY TO EXECUTE

The signatories below warrant that they have the legal authority to enter into this MOU and bind their respective parties to the rights and obligations herein.

SWEETWATER UNION  
HIGH SCHOOL DISTRICT

CITY OF IMPERIAL BEACH

By: \_\_\_\_\_  
Dianne Russo, Chief Financial Officer

By: \_\_\_\_\_  
Gary Brown, City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_





STAFF REPORT  
CITY OF IMPERIAL BEACH

TO: HONORABLE MAYOR AND CITY COUNCIL  
FROM: GARY BROWN, CITY MANAGER  
MEETING DATE: MAY 2, 2012  
ORIGINATING DEPT.: PUBLIC WORKS *HAL*  
SUBJECT: RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE STREET IMPROVEMENT RDA PHASE 3B CIP (S04-108) PROJECT AND TRANSFERRING \$--,--- FROM THE SEWER ENTERPRISE FUND RESERVE TO CIP S04-108

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**BACKGROUND:** On February 15, 2012 City Council approved resolution 2012-7157 for the design of an Odor Control System for Pump Station 1B located at the intersection of Seacoast Drive and Imperial Beach Blvd. Sewer system odor control has been a persistent and long term problem from that Station. With the street improvements being made on Seacoast Drive and in particular at the intersection of Seacoast Drive and Imperial Beach Blvd., there was a community interest in trying to resolve or mitigate the odors while this intersection is under reconstruction.

As authorized by City Council, the City Sewer System Engineer, Tran Consulting Engineers, has completed the drawings and contract documents for the installation of a carbon activated odor control system. The drawings have been provided to PAL General Engineering Inc. for a cost estimate to include this installation as part of their contract.

**DISCUSSION:** The drawings approved by staff and submitted to PAL General Engineering, Inc. include:

- Removing the existing system's exhaust stacks adjacent to the Imperial Beach Forum bar and restaurant.
- Repiping the wet well exhaust fumes to a new exhaust stack located on the southeast corner of the intersection to an existing but expanded curbside landscape planter.
- Install a carbon activated filter system in the exhaust system underground and adjacent to the new exhaust tower.

The contractor has provided a cost of \$\_\_\_\_ to provide this infrastructure. The Engineers estimate for this installation is \$60,000.

The fund for this project is the Sewer Enterprise Reserve Fund. There are sufficient Sewer Enterprise reserve funds to cover the costs of installation.

**ENVIRONMENTAL DETERMINATION:**

An environmental review was conducted on this project and it was determined that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15302(c): Replacement or Reconstruction of Existing Utility Systems and Facilities.

**FISCAL IMPACT:**

Project design cost \$12,046

Project construction cost \$--,---

TOTAL PROJECT COST \$--,---

Sewer Enterprise Fund Reserve transfer to this project is \$--,---

**DEPARTMENT RECOMMENDATION:**

1. Receive this report.
2. Approve the installation of an activated carbon filter system in Pump Station 1B per the drawings prepared by Tran Consulting Engineers, Inc.
3. Approve change order no. 1 to Street Improvements RDA Phase 3B, contract with PAL General Engineering Inc. for the cost of \$\_\_\_\_\_
4. Approve the transfer of \$--,--- from the Sewer Enterprise Fund Reserve to the Street Improvements RDA Phase 3B (CIP S04-108).
5. Adopt the attached resolution.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.

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

Attachments:

1. Resolution No. 2012-7190
2. Plan view of the new odor control station design (to be provided separately).

**RESOLUTION NO. 2012-7190**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING CHANGE ORDER NR. 1 TO THE STREET IMPROVEMENT RDA PHASE 3B CIP (S04-108) PROJECT AND TRANSFERRING \$--,--- FROM THE SEWER ENTERPRISE FUND RESERVE TO CIP S04-108**

**WHEREAS**, on February 15, 2012 City Council approved resolution 2012-7157 for the design of an Odor Control System for Pump Station 1B located at the intersection of Seacoast Drive and Imperial Beach Blvd; and

**WHEREAS**, sewer system odor control has been a persistent and long term problem from that Station; and

**WHEREAS**, with the street improvements being made on Seacoast Drive and in particular at the intersection of Seacoast Drive and Imperial Beach Blvd., there was a community interest in trying to resolve or mitigate the odors while this intersection is under reconstruction; and

**WHEREAS**, as authorized by City Council, the City Sewer System Engineer, Tran Consulting Engineers, has completed the drawings and contract documents for the installation of a carbon activated odor control system; and

**WHEREAS**, The PAL General Engineering, Inc., contractor for Street Improvements RDA Phase 3B (CIP S04-108), has provided a cost of \$\_\_\_\_ to provide this infrastructure; and

**WHEREAS**, the Engineers estimate for this installation is \$60,000; and

**WHEREAS**, the fund for this project is the Sewer Enterprise Reserve Fund; and

**WHEREAS**, there are sufficient Sewer Enterprise funds to cover the costs of installation; and

**WHEREAS**, the necessary Sewer Enterprise Fund Reserve transfer to this project is \$---,---

**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. Change Order No. 1 to Street Improvement RDA Phase 3B (CIP S04-108) project is approved.
3. The transfer of \$--,--- from the Sewer Enterprise Reserve Fund to CIP S04-108 is approved.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 2<sup>ND</sup> day of May 2012, by the following vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>

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**JAMES C. JANNEY, MAYOR**

**ATTEST:**

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