

City of Lemon Grove
City Council Regular Meeting Agenda
Tuesday, May 5, 2015, 6:00 p.m.
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA

The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency

Call to Order

Pledge of Allegiance

Changes to the Agenda

Public Comment

(Note: In accordance with State Law, the general public may bring forward an item not scheduled on the agenda; however, the City Council may not take any action at this meeting. If appropriate, the item will be referred to staff or placed on a future agenda.)

1. Consent Calendar

(Note: The items listed on the Consent Calendar will be enacted in one motion unless removed from the Consent Calendar by Council, staff, or the public. Items that are pulled will be considered at the end of the agenda.)

A. Approval of Meeting Minutes

April 21, 2015 – Regular Meeting

Members present: Sessom, Gastil, Jones, Mendoza, and Vasquez

Reference: Susan Garcia, City Clerk

Recommendation: Approve Minutes

B. City of Lemon Grove Payment Demands

Reference: Cathy Till, Finance Director

Recommendation: Ratify Demands

C. Waive Full Text Reading of All Ordinances on the Agenda

Reference: James P. Lough, City Attorney

Recommendation: Waive the full text reading of all ordinances included in this agenda; Ordinances shall be introduced and adopted by title only

D. Claim Denial

The City Council will consider denying a claim received by the City.

Reference: Mike James, Public Works Director

Recommendation: Deny Claim

E. Award Contract for Traffic Signal and Communications Systems Maintenance, Emergency Repairs, and Related Construction Services

The City Council will consider a resolution approving an agreement between the City (along with four other cities in a consortium) and CTE, Inc. to provide traffic signal and communication system maintenance, emergency repairs, and related construction services.

Reference: Tamara O'Neal, Interim City Engineer

Recommendation: Adopt Resolution

2. Resolution Approving Limitations on the Two-Year EDCO Corporation Rate Schedule

The City Council will consider a resolution approving a maximum two-year rate schedule for EDCO for residential and commercial waste collection and recycling services.

Reference: Graham Mitchell, City Manager

Recommendation: Adopt Resolution

3. California Home Financing Authority

The City Council will consider two resolutions related to participation in two Property Assessed Clean Energy (PACE) financing programs for residential, commercial, industrial, and agricultural properties.

Reference: Graham Mitchell, City Manager

Recommendation: Adopt Resolutions

4. Public Hearing to Consider General Plan Amendment GPA150-0001 and Zoning Amendment ZA150-0001 (Request to Amend the General Plan Land Use Designation from Transportation and Retail Commercial to Medium/High Residential Density and to Amend the Zoning District from General Commercial (GC) to Residential Medium/High (RMH) on the South Side of Broadway between 8305 and 8373 Broadway)

The City Council will consider conducting a public hearing, adopting a General Plan amendment and a zoning amendment for properties between 8305 and 8373 Broadway, and certifying Negative Declaration (ND15-01). The proposed amendments would change land use designation from "Transportation" and "Retail Commercial" to "Medium/High Residential Density" and amend the zoning from "General Commercial" to Residential Medium/High."

Reference: Carol Dick, Community Services Director

Recommendation: Conduct Public Hearing, Adopt Resolution, Introduce Ordinance No. 427 and Conduct First Reading by Title Only

5. Draft Fiscal Year 2015-2016 General Fund and General Reserve Fund Budgets

The City Council will consider and provide feedback regarding the draft Fiscal Year 2015-2016 budgets for the General Fund and the General Reserve Fund.

Reference: Cathy Till, Finance Director

Recommendation: Provide Feedback

6. Planning Commission

The City Council will consider a proposal to disband the Lemon Grove Planning Commission.

Reference: Graham Mitchell, City Manager

Recommendation: Provide Direction

7. Ordinance No. 428 Amending Chapters 8.08 and 8.48 of the Lemon Grove Municipal Code with Reference to the Lemon Grove Best Management Practices (BMP) Manual

The City Council will consider introducing Ordinance No. 428, an ordinance amending Chapters 8.08 (Excavation and Grading) and Chapter 8.48 (Stormwater Management and Discharge Control) of the Lemon Grove Municipal Code with reference to the Lemon Grove Best Management Practices Manual. This ordinance is responsive to Regional Water Quality Control Board Order No. R9-2013-0001 and Order No. R9-2015-0001.

Reference: Malik Tamimi, Management Analyst

Recommendation: Introduce Ordinance No. 428 and Conduct First Reading by Title Only

City Council Oral Comments and Reports on Meetings Attended at the Expense of the City.
(GC 53232.3 (d))

(53232.3.(d) states that members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.)

Department Director Reports (Non-Action Items)

Closed Session

Pursuant to Government Code Section 54957.6: Conference with Labor Negotiators
Agency Designated Representative: Graham Mitchell, City Manager
Employee Organization: Local 2728 of the International Association of Firefighters

Pursuant to Government Code Section 54957: Public Employee Performance Evaluation
Title: City Manager

Adjournment

In compliance with the Americans with Disabilities Act (ADA), the City of Lemon Grove will provide special accommodations for persons who require assistance to access, attend and/or participate in meetings of the City Council. If you require such assistance, please contact the City Clerk at (619) 825-3800 or email sgarcia@lemongrove.ca.gov prior to the meeting. A full agenda packet is available for public review at City Hall.

**MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL**

April 21, 2015

The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency

Call to Order

Members present: Mary Sessom, George Gastil, Jerry Jones, Jennifer Mendoza, and Racquel Vasquez.
Members absent: None.

City Staff present: Graham Mitchell, City Manager; Carol Dick, Development Services Director; Daryn Drum, Division Fire Chief; Susan Garcia, City Clerk; James P. Lough, City Attorney; Mike James, Public Works Director; Lt. May, Sheriff's Department; Tamara O'Neal, Interim City Engineer; and Cathy Till, Finance Director.

Presentations

Graham Mitchell introduced Laureen Ryan Ojeda, Administrative Analyst.

Monica Emanuele, Marketing Department San Diego County Fair, provided a presentation of the 2015 Fair.

Public Comment

Brenda Hammond commented on the lighted crosswalk downtown and cell phone applications.

John L. Wood thanked Mayor Pro Tem Vasquez for the manner in which she led a recent City Council meeting and on planes landing at the San Diego Airport.

1. Consent Calendar

A. Approval of City Council Minutes

April 7, 2015 Regular Meeting

B. Ratification of Payment Demands

C. Waive Full Text Reading of All Ordinances and Resolutions on the Agenda

D. Claim Denial

E. Claim Denial

Action: Motion by Councilmember Gastil, seconded by Councilmember Jones, to approve the Consent Calendar passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Vasquez

Abstain: Mendoza

2. Beekeeping

Carol Dick reported that during a recent City Council meeting, several citizens spoke about an existing beekeeping activity and their positions regarding that activity. The activity is a current code enforcement case and was brought to the attention of the City Council during the public comment item.

City Council directed staff to prepare an agenda item that would allow the City Council to discuss potential guidelines for beekeeping activities in the City.

Beekeeping can be a commercial business or a backyard hobby and is commonly referred to as an apiary. This report does not consider large beekeeping operations that may be the sole use of a commercial site.

Safety and liability of beekeeping is a concern identified by insurance companies who advise homeowners of what needs to be considered with the hobby.

Ms. Dick noted that the Lemon Grove Municipal Code contains provisions in the Animal Keeping Sections regarding beekeeping. The records do not show that any beekeeping permits have ever been issued.

City staff recalls less than six requests in the past decade for beekeeping activities and less than that in code enforcement activities related to unapproved beekeeping activities.

Out of the nineteen jurisdictions, four agencies (including Lemon Grove) include existing standards for beekeeping activities in their regulations. National City prohibits beekeeping by ordinance and the City of San Diego established standards. Although the City of San Diego does not require permits, the hives must be registered with the County of San Diego Department of Agriculture, Weights, and Measures.

Current San Diego County regulations require all beekeepers, small and large, to keep hives 100 feet from roads and 600 feet from homes. The County of San Diego is undergoing revisions because of concerns expressed by the San Diego County Beekeeping Society who claim County regulations make it difficult for beekeepers to prosper.

Public Speaker(s)

Michael Golden and Larry McGill spoke in favor of beekeeping in Lemon Grove.

Leticia Oliver and Marisol Olmos expressed concerns for beekeeping in their neighborhood.

After the discussion, the City Council City Council directed staff to return with a draft ordinance that provides comparisons between provisions in the County of San Diego and City of San Diego ordinances. City Council also directed staff to provide the County of San Diego with comment on the Mitigated Negative Declaration recently circulated.

3. 2015 City Council Priorities

Graham Mitchell reported that on April 7, 2015, the City Council discussed potential priorities established at its February 24, 2015 workshop. The purpose of this agenda item is to present the goals identified for each priority and recommended target completion dates.

During the discussion, the City Council reiterated the six priorities identified during the workshop:

- Economic Development,
- City Appearance,
- Infrastructure,
- Public Safety,
- General Plan, and
- Recreational Opportunities.

Public Speaker(s)

There were no requests from the public to speak.

After the discussion, the City Council City Council directed staff to return to the May 5 meeting with the priorities and goals that require budget considerations.

4. San Diego Pooled Insurance Program Authority

Mike James explained that on April 1, 1986, the City of Lemon Grove entered into a joint powers agreement with various other cities, entitled "San Diego County Cities Joint powers Agreement creating the San Diego Pooled Insurance Protection Authority (SANDPIPA) for Municipal Entities," to provide for and administer a risk management and insurance program.

Since 2014, in light of the General Manager's retirement announcement, the SANDPIPA Board of Directors (Board) has been discussing options for moving forward. Options may include backfilling the General Manager position, implementing a different management process, or dissolving the organization and each city will find a different risk management and insurance program.

On March 26, 2015, the SANDPIPA Board held a meeting to come to a final decision to continue with the SANDPIPA model or to move forward with the dissolution process with a planned run-off of all outstanding liability while also encouraging each individual member city to join the California State Association of Counties Excess Insurance Authority (CSAC) for excess liability coverage for a minimum one-year period. After receiving a presentation from the General Manager and the consulting team, the Board voted unanimously (12-0) to move forward with the dissolution process.

In light of the SANDPIPA's Board decision, staff recommends that the City rescind its notice of intent to withdraw from SANDPIPA and enter into agreement CSAC as the City's excess liability insurance coverage provider. The change in excess liability insurance coverage does not negatively impact the level of service or coverage that the City will have in FY 2015/16. The City will continue to receive the same coverage (e.g. general liability, crime, cyber, pollution, and property). The only noticeable change that will occur is the City's general liability self-insured retention which will reduce from \$125,000 to \$100,000. Staff anticipates that in FY 2015/16 there will be a nominal decrease in the City's annual premium. Furthermore, the City will likely begin to receive a portion of its share of equity in the form of dividends during the dissolution process. It is also important to note that the SANDPIPA Board Council recommended two amendments to the SANDPIPA by-laws that were created to protect each member's right to its share of equity.

Based on the responses received, staff will return to the City Council with a recommendation for approval that may or may not include continuing with CSAC as its excess insurance liability coverage provider beyond the initial one-year term.

Public Speaker(s)

There were no requests from the public to speak.

Action: Motion by Councilmember Mendoza, seconded by Councilmember Jones, to adopt the resolution passed, by the following vote:

Ayes: Sessom, Gastil, Jones, Mendoza, Vasquez

Resolution No. 2015 – 3327: Resolution of the City Council of the City of Lemon Grove, California Providing its Written Authorization to the Dissolution of the San Diego Pooled Insurance Program Authority

City Council Oral Comments and Reports on Meetings Attended at the Expense of the City. (GC 53232.3 (d))

Councilmember Jones toured the Padre Dam Advanced Water Purification Facility and attended an East County of Chamber round table and the grand opening of an independent pharmacy in Lemon Grove.

Councilmember Mendoza attended the Citizens of Courage Awards Luncheon and reported that H.O.P.E. provided a presentation during a recent Soroptimist meeting.

Councilmember Gastil attended a MTS meeting.

Mayor Pro Tem Vasquez reported on recent Heartland Fire Training Authority, League of California Cities, and City County Reinvestment Task Force meetings. She attended the Citizens of Courage Awards Luncheon and Women Incorporated 50th Anniversary.

Mayor Sessom attended a League of California Cities Executive committee luncheon and reported that she resigned as Chair of SANDAG's Public Safety committee.

City Manager and Department Director Reports

Mike James reported on upcoming City clean-up events.

Lt. May reported that Lemon Grove has experienced a reduction in crime and added that the District Attorney's office will be prosecuting those who scavenge items to be recycled.

Closed Session

Pursuant to Government Code Section 54957.6: Conference with Labor Negotiators
Agency Designated Representative: Graham Mitchell, City Manager
Employee Organization: Local 2728 of the International Association of Firefighters

Pursuant to Government Code Section 54957: Public Employee Performance Evaluation
Title: City Manager

Closed Session Report: No reportable action was taken.

Adjournment

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency, the meeting was adjourned at 7:30 p.m.

Susan Garcia

Susan Garcia, City Clerk

City of Lemon Grove Demands Summary

Approved as Submitted:

Cathleen Till, Finance Director

For Council Meeting: 05/05/15

ACH/AP Checks 04/10/15-04/22/15

269,527.92

Payroll - 04/14/15

117,045.23

Total Demands

386,573.15

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Apr 15	Aflac	04/10/2015	Aflac Insurance - Apr'15	566.02	566.02
ACH	Mar15	Wells Fargo Bank	04/13/2015	Bank Service Charge - Mar'15	891.66	891.66
ACH	Mar15	Home Depot Credit Services	04/13/2015	Home Depot Charges - Mar'15	1,013.51	1,013.51
ACH	GASB68	Ca Public Empl Retirement System	04/13/2015	GASB 68 Reporting Services Fee	4,250.00	4,250.00
ACH	Mar3-31'15	Ca Public Empl Retirement System	04/15/2015	Pers Retirement 3/4/15-3/31/15	94,131.89	94,131.89
ACH	Apr14 15	Employment Development Dept.	04/16/2015	State Taxes 4/14/15	5,974.60	5,974.60
ACH	Apr16 15	Pitney Bowes Global Financial Services LLC	04/17/2015	Postage Usage 4/16/15	250.00	250.00
ACH	Apr14 15	US Treasury	04/21/2015	Federal Taxes 4/14/15	23,550.85	23,550.85
3655	27449	KTU + A Planning + Landscape Architecture	04/15/2015	Prof Serv: Main St Promenade Phase 2 - Mar1-31,2015	26,493.00	26,493.00
3656	10312	AAA Imaging	04/15/2015	Regular & Window Envelopes	561.60	561.60
2657	0067292 0067870	Art's Lawnmower	04/15/2015	Lawnmower Supplies Supplies- Chains, Bolt, Air Filter	62.53 35.63	98.16
3658	5656755721 07 5656757139 06 5656773557 5656779378	AutoZone, Inc.	04/15/2015	Sylvania Bulb Threadlocker Oil Filter, Engine Oil Stop/Tail/Turn Light	5.82 12.94 23.59 9.71	52.06
5659	Jan-Mar15	CA Building Standards Commission	04/15/2015	BSA Fees: Jan-Mar'15	230.40	230.40
3660	04/16/15	California State Disbursement Unit	04/15/2015	Wage Withholding	267.00	267.00
3661	1000675	Cannon Pacific Services Inc.	04/15/2015	Street Sweeping/Parking Lot - Mar'15	6,051.28	6,051.28
3662	81441239	Corelogic Information Solutions Inc.	04/15/2015	Image Requests - Mar'15	16.50	16.50
3663	15CTOFLGN09	County of San Diego- RCS	04/15/2015	800 MHZ Network - Mar'15	3,017.50	3,017.50
3664	Apr7 15 Apr1 15 Apr7 15 Apr1 15 Apr8 15 Apr5 15	Cox Communications	04/15/2015	Calsense Modem Line:2259 Washington 4/6/15-5/5/15 Fire Phone Service- 4/1/15-4/30/15 Calsense Modem Line:7071 Mt Vernon 4/6/15-5/5/15 Monthly Phone Serv: Apr'15 City Hall Fire Backup Phone Service- 4/7/15-5/6/15 Phone Service 3131 School Ln - 4/5/15-5/3/15	19.57 387.24 19.57 565.64 30.85 97.55	1,120.42
3665	Jan-Mar15	Department of Conservation	04/15/2015	SMIP Fees- Jan-Mar'15	833.79	833.79
3666	28778	Dokken Engineering	04/15/2015	Citronica II/Vernon Ranch Parcel Map Review - 2/1/15-2/28/15	562.50	562.50
3667	3/30/15-4/2/15 4/6-9/15	Esgil Corporation	04/15/2015	75% Building Fees- 3/30/15-4/2/15 75% Building Fees- 4/6/15-4/9/15	4,572.23 3,060.02	7,632.25
3668	Jan26 15 Mar26 15	Gamester, Sean	04/15/2015	Reimb: Elevator Emergencies & Rescue Training- Jan25-29,2015 Uniform Allowance - Gamester 3/26/15	325.00 171.33	496.33
3669	146379-81	Hawthorne Machinery Co	04/15/2015	Equip Repairs - Bal Due	263.67	263.67

3670	Mar24 15	Hayward, Brian	04/15/2015	Uniform Allowance - Hayward 3/24/15	48.58	48.58
3671	Hernandez	Hernandez, Plo	04/15/2015	Refund/Diverson Deposit/Herndez,Plo/813-104	500.00	500.00
3672	00029762	Hudson Safe-T- Lite Rentals	04/15/2015	Traffic Signs	337.90	337.90
3673	Apr14 15	Huey, David	04/15/2015	Reimb: Bluetooth Portable Speaker System for Daycamp	107.99	107.99
3674	32989	Hunter's Nursery Inc.	04/15/2015	Plants - Lester Parking Landscape	419.58	419.58
3675	71185672	John Deere Landscapes, Inc.	04/15/2015	Playground Mulch	2,037.96	2,037.96
3676	Klevmoen	Klevmoen, Bruce	04/15/2015	American Memorial Lease Refund	1,250.00	1,250.00
3677	108978 108979 108980	Knott's Pest Control, Inc.	04/15/2015	Monthly Bait Stations-Berry St - Apr'15 Monthly Bait Stations- Civic Center - Apr'15 Monthly Bait Stations- Sheriff - Apr'15	70.00 60.00 45.00	175.00
3678	Jan-Mar 15	Landeros, Sam	04/15/2015	Cell Phone Reimbursement - Jan-Mar'15	60.00	60.00
3679	Mar 15 Mar 15 Mar 15 Mar 15 Mar 15	Lounsberry Ferguson Altona & Peak	04/15/2015	General 01163-00002 Moore Vs City 01163-00018 Affordable Housing 01163-00019 RDA- General 01163-00004 City v.Semptra Energy,et al 022 Cost-Share Agreement	3,649.80 8,816.59 3,928.09 679.40 416.39 2,322.60	19,812.87
3680	Jan26 15 Mar20 15	Maxfield, Brad	04/15/2015	Reimb: Elevator Emergencies & Rescue Training- Jan25-29,2015 Reimb: Firefighter II Certification	325.00 40.00	365.00
3681	00614800_SNV	Municipal Emergency Services Inc.	04/15/2015	Uniform Allowance - Wrisley 3/24/15	243.00	243.00
3682	187485	Ninyo & Moore	04/15/2015	Air Monitoring Services-Citrus Heights - Feb'15	3,495.26	3,495.26
3683	15030268	Nolte Associates, Inc.	04/15/2015	LGA Realignment-Final Design 2/1/15-2/28/15	3,314.75	3,314.75
3684	118157	Orange Commercial Credit	04/15/2015	Vehicle Repairs - LGPW# 01	205.60	205.60
3685	PD-27519	Plumbers Depot Inc.	04/15/2015	Debri Scooper	185.20	185.20
3686	1169	USC Sol Price School of Public Policy	04/15/2015	Executive Education Program- Apr17-18,2015	275.00	275.00
3687	Rios	Rios, Omar	04/15/2015	Refund/Partial Deposit/Omar,Rios/LBH 4-16-16	100.00	100.00
3688	LG04092015	SD Sports Medicine and Family Health Ctr	04/15/2015	Physical Exams	1,500.00	1,500.00
3689	0241725 0251280	SCS Engineers	04/15/2015	Soil Excavation,Transportation & Disposal-Main St Prop - Sep'14 Soil Excavation,Transportation & Disposal-Main St Prop.- Feb'15	2,093.50 1,046.75	3,140.25
3690	Mar15	SDG&E	04/15/2015	Gas & Electric 2/20/15-3/23/15	20,539.11	20,539.11
3691	2821301937 2821302094 2821302223	Sharp Rees-Stealy Medical Centers	04/15/2015	DMV Exam Medical Exam Medical Exam	59.00 100.00 100.00	259.00
3692	150884	SOS Printing	04/15/2015	500 Building Inspection Notice Forms	455.76	455.76
3693	5721	Spring Valley Lawn Mower Shop	04/15/2015	Hand Blower Maintenance	76.80	76.80
3694	1775	Springbrook Software Inc	04/15/2015	Onsite Svc: Training/Consulting,PM,BPS & Conversion Fees	1,400.00	1,400.00
3695	086726 092094	State of California- Justice	04/15/2015	Fingerprint Apps - Feb'15 Fingerprint Apps - Mar'15	64.00 288.00	352.00
3696	2900	T-Man Traffic Supply	04/15/2015	Traffic Paint	163.50	163.50
3697	00032327	The East County Californian	04/15/2015	Notice of Public Hearing 4/27/15	147.00	147.00
3698	Apr14 15	Vantage Point Transfer Agents-457	04/15/2015	ICMA Deferred Compensation Pay Period Ending 4/14/15	280.77	280.77
3699	70664739 70696444 70726544	Vulcan Materials	04/15/2015	Asphalt Asphalt Asphalt	112.32 130.14 126.36	368.82

3700	L1072895	American Messaging	04/22/2015	Pager Replacement Program- 4/1/15-4/30/15	45.30	45.30
3701	6431946	AT&T	04/22/2015	Fire Backup Phone Line- 3/1/15-3/31/15	32.06	32.06
3702	14813635	Canon Financial Services Inc.	04/22/2015	Canon Copier Contract Charge - 4/12/15	642.60	642.60
3703	AR135999	City of Chula Vista	04/22/2015	Animal Control Services- Mar15	16,240.15	16,240.15
3704	13060	City of El Cajon	04/22/2015	HFTA QTR 4	2,932.00	2,932.00
3705	2826	D- Max Engineering Inc.	04/22/2015	Valencia Storm Water Services- Mar'15	1,985.75	1,985.75
3706	0410152305	Domestic Linen- California Inc.	04/22/2015	Shop Towels & Safety Mats 4/10/15	75.25	75.25
3707	Ivester	Ivester, Desiree	04/22/2015	Refund/ Ivester, Desiree/ LBH- 4/18/15	200.00	200.00
3708	00618780_SNV 00619321_SNV	Municipal Emergency Services Inc.	04/22/2015	Hydrotest of Cylinders O Rings	200.00 32.41	232.41
3709	4080	North County EVS, Inc.	04/22/2015	Fire Apparatus Inspection & Driver Training	306.18	306.18
3710	Spence	Spence, Jennifer	04/22/2015	Refund/ Spence, Justin/Daycamp	34.00	34.00
3711	356997 357382	Sun Badge Company	04/22/2015	Spare Badges- 160,161,162,163,164 Badge- Drum	452.45 99.29	551.74
3712	Stmnt 3/23/15	US Bank Corporate Payment Systems	04/22/2015	Equipment Rental - Concrete Trailer Mixer Aluminum Cargo Carrier Pesticide Seminar - Mendoza, Landeros, Hunt 3/19/15 Spray Paint Wood Screw, Foam Assembly Dish Soap Oil Change, Rotation, Veh Inspection- '04 Ford Expedition Car Rental - JEMS Conference, Baltimore MD Hotel Parking Feb24-28 - JEMS Conference, Baltimore MD Fill Valve Kit Misc Supplies - David Clark Co. Truck Bed Liner Flat Brush, Frog Tape - for Medics Stairs LCW Conference Exp Recruitment Exp - Admin Analyst Interviews Recruitment Exp - Battalion Chief Exam/Interviews 12V Extension Cord Union Tribune Subscription Station Supplies Hose Clamp, Reflective Strips, Laminate Pouch Fire Lunch Meeting CWEA Membership - Mendoza Jr, Bell Farmers Market Pennysaver Ad PC Monitors - Basement Wall Socket Set, Breaker Bar Faucet Single Basin Push Button Assembly Kit for Non-ADA Coolers Recruitment Exp - Office Aide Interviews Postage CPA Renewal Required Course Office Supplies Computers - Basement Metal Surge Protector/FF Room Elevator Rescue Tools	194.32 86.39 300.00 21.11 16.96 34.54 43.08 222.90 174.00 16.19 80.50 29.15 26.34 9.47 49.09 194.98 5.25 34.85 8.06 23.73 45.63 135.00 1,588.51 914.24 42.63 401.16 81.00 21.24 15.80 59.90 47.96 1,099.80 39.39 169.60	6,232.77
3713	9743872804	Verizon Wireless	04/22/2015	Mobile Broadband Access 3/13/15-4/12/15	76.02	76.02
					269,527.92	269,527.92

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.D
Mtg. Date May 5, 2015
Dept. Public Works

Item Title: Denial of Claim

Staff Contact: Mike James, Public Works Director

Recommendation:

Deny a claim submitted by David Mironyuk.

Item Summary:

The City of Lemon Grove received a claim from David Mironyuk. Staff investigated the claim and based on the finding of the investigation, recommends its denial.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section _____ | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

None.

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.E
Mtg. Date May 5, 2015
Dept. Development Services

Item Title: **Award Contract for Traffic Signal and Communications System Maintenance, Emergency Repairs, and Related Construction Services.**

Staff Contact: Tamara O'Neal, Interim City Engineer

Recommendation:

Adopt a resolution (**Attachment B**) awarding a contract for Traffic Signal and Communication System Maintenance, Emergency Repairs, and Related Construction Services.

Item Summary:

Since 1995, the City of Lemon Grove has worked in a consortium with the cities of El Cajon, La Mesa, Poway, and Santee to achieve cost savings by jointly advertising contracts for traffic signal maintenance to a contractor that would serve all five cities.

On March 17, 2015, four bids were received by the City of El Cajon (acting as the five-city consortium's procurement lead) on the traffic signal maintenance contract. CTE, Inc. was found to be the lowest responsive and responsible bidder. Staff recommends awarding a contract for the Traffic Signal and Communication System Maintenance, Emergency Repairs, and Related Construction Services Contract (Contract No. 2015-09) to CTE, Inc.

Fiscal Impact:

Sufficient funds will be allocated in the TransNet Budget for Fiscal Year 2015-16 through Fiscal Year 2019-20.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Resolution

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.E

Mtg. Date May 5, 2015

Item Title: **Award Contract for Traffic Signal and Communications System Maintenance, Emergency Repairs, and Related Construction Services**

Staff Contact: Tamara O'Neal, Interim City Engineer

Discussion:

Since 1995, the City of Lemon Grove has worked in a consortium with the cities of El Cajon, La Mesa, Poway, and Santee to achieve cost savings by jointly advertising and awarding a separate contract for traffic signal maintenance to a contractor that would serve all five cities.

As a result of the success of this partnership and the pending June 30, 2015 expiration of the current five-year traffic signal contract, staff from the five cities worked together to prepare bid specifications for the traffic signal and communication system maintenance, emergency repairs, and related construction services.

The procurement of the contract is discussed below.

On February 12, 2015, the City of El Cajon, acting as the procurement lead representing the five cities, advertised a notice inviting bids and conducted a pre-bid meeting. Four bids were received and opened on March 17, 2015. The bidders name, location, and bid amount are listed below:

	Bidder's Name	Location	Total Bid	Lemon Grove Portion
1.	CTE, Inc.	El Cajon, CA	\$347,379.00	\$29,736.00
2.	Siemens Industry, Inc.	El Cajon, CA	\$402,271.00	\$34,434.00
3.	McCain	Vista, CA	\$472,429.00	\$40,440.00
4.	Aegis ITS, Inc.	Anaheim, CA	\$496,023.84	\$51,020.00

CTE, Inc. was determined to be the lowest responsible and responsive bidder, and is also the contractor currently under agreement for the City's street light maintenance and repair. The term of the new contract is one year with four additional option years available at the City's discretion, with escalation of unit pricing each year subject to City approval.

Conclusion:

Staff recommends that the City Council adopt a resolution (**Attachment B**) awarding the Traffic Signal and Communications System Maintenance, Emergency Repairs, and Related Construction Services Contract (Contract No. 2015-09) to CTE, Inc.

Attachment B

RESOLUTION NO. 2015-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AWARDING A CONTRACT FOR TRAFFIC SIGNAL AND COMMUNICATION SYSTEM MAINTENANCE, EMERGENCY REPAIRS, AND RELATED CONSTRUCTION SERVICES

WHEREAS, the City of Lemon Grove's current agreement for traffic signal maintenance services expires on June 30, 2015; and

WHEREAS, the cities of El Cajon, La Mesa, Lemon Grove, Poway, and Santee jointly solicited bids for a Traffic Signal and Communication System Maintenance, Emergency Repairs, and Related Construction Services contract; and

WHEREAS, four bids were received for the Traffic Signal and Communication System Maintenance, Emergency Repairs, and Related Construction Services Contract (Contract No. 2015-09); and

WHEREAS, said bids were opened on March 17, 2015 and the lowest responsive and responsible bidder was CTE, Inc.; and

WHEREAS, the term of the contract is one year with four additional option years subject to City Council approval; and

WHEREAS, the City Council finds it in the public interest that a contract for said services be awarded.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

1. Awards a contract in the base amount of twenty-nine thousand, seven hundred thirty-six dollars (\$29,736.00) to CTE, Inc., and
2. Sets a \$10,000.00 contingency relating to any emergency repairs and construction services, and
3. Authorizes the City Manager to execute said contract.

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**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date May 25, 2015
Dept. City Manager's Office

Item Title: **Resolution Approving Limitations on the Two-Year EDCO Corporation Rate Schedule**

Staff Contact: Graham Mitchell, City Manager

Recommendation:

Adopt a resolution (Attachment B) approving a maximum two-year EDCO rate limitation.

Item Summary:

EDCO provides solid waste disposal services for City residents under a franchise granted by the City Council. Staff presents a resolution for City Council consideration that limits the maximum rate that can be charged for Fiscal Years 2015-16 and 2016-17 by the franchise holder. The staff report (**Attachment A**) provides an analysis regarding the proposed resolution and fee limitation amendment.

Fiscal Impact:

Nominal increase in revenue from EDCO franchise fees—approximately \$811,000 in Fiscal Year 2015-16.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section _____ | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Resolution

**LEMON GROVE CITY COUNCIL
STAFF REPORT**

Item No. 2

Mtg. Date May 5, 2015

Item Title: **Resolution Approving Limitations on the Two-Year EDCO Corporation Rate Schedule**

Staff Contact: Graham Mitchell, City Manager

Discussion:

EDCO, a local company headquartered in Lemon Grove, is a regional company with solid waste operations throughout Southern California. EDCO provides solid waste disposal services for City residents under a franchise granted by the City Council. EDCO has been operating under the same City Council-approved rate ceiling since 2013. The purpose of this agenda item is to present a resolution that approves a new two-year EDCO Rate Ceiling for Fiscal Years 2015-16 and 2016-17.

Earlier this year, staff met with EDCO staff regarding a request to increase the maximum waste collection and recycling rates from July 1, 2015 through June 30, 2017. In summary, EDCO requests that the basic residential service rate increases from \$20.44 to \$21.10 per month and basic commercial service rate increases from \$102.74 to \$106.74 per month. The following table identifies the proposed EDCO rates for the next two years for all EDCO services:

Service	Current Rate	Proposed Rate	Actual Increase	Percent Increase
Basic Residential Service (recycling, green waste, & refuse)	\$20.44	\$21.10	\$0.66	3.2%
Additional Cart Service	\$3.14	\$3.14	0.00	0.0%
Senior Residential Service (seniors 62+ with income under \$17,196)	\$16.35	\$16.88	\$0.53 \$0.53	3.2%
Silver Bag Service (seniors 62+)	\$3.20	\$3.33	\$0.13	3.9%
3-yard bin once per week	\$102.74	\$106.28	\$3.54	3.4%
3-yard bin twice per week	\$173.46	\$179.44	\$5.98	3.4%
3-yard bin three times per week	\$244.20	\$252.62	\$8.42	3.4%
3-yard bin four times per week	\$314.91	\$325.77	\$10.86	3.4%
3-yard bin five times per week	\$385.65	\$398.95	\$13.30	3.4%
3-yard bin six times per week	\$456.36	\$472.10	\$15.74	3.4%

Since 2009, the City and EDCO have utilized a two-year rate structure. This model continues to help even out expenses for residential and commercial customers. The current rate schedule, established by resolution, sunsets on June 30, 2015.

The City Council, having granted EDCO its exclusive franchise, can place limitations on EDCO's rates so that the public is charged a competitive rate. The Resolution establishes the maximum rate that EDCO can charge during the two fiscal years. EDCO has the right to charge up to the maximum rate, but cannot exceed that rate. Under its franchise, EDCO has the right to set rates within the limits set out by the City Council.

Attachment A

Various cost factors have impacted the solid waste industry, including EDCO. These costs include landfill tipping fees, cost of fuel and labor, and the loss in offsetting revenue from the sale of recycled materials. EDCO requests that the City Council raise the ceiling placed on its solid waste rates. However because the City has granted a franchise to EDCO to collect solid waste, recycled goods and other green waste within the City of Lemon Grove, the City Council has the right to set the maximum rate that the private contractor can charge for its services.

The proposed rate schedule reflects both the increase in service costs, as well as the anticipated revenue from recyclable materials diverted through the City's AB 939 programs. That revenue absorbs a portion of the cost increases, keeping fees lower than they would be without the resale of the recycled materials. In addition to collection service costs, the fees also include tipping fees, AB 939 fees, and the franchise fee.

Conclusion:

Staff recommends that the City Council adopt the resolution (**Attachment B**) approving the two-year Rate Limitation for Fiscal Years 2015-16 and 2016-17.

RESOLUTION NO. 2015-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AUTHORIZING AN AMENDMENT TO THE FRANCHISE AGREEMENT WITH EDCO CORPORATION TO GRANT AN AMENDED MAXIMUM RATE LIMITATION

WHEREAS, on May 21, 2013, the City Council adopted Resolution No. 3186, a Resolution of the Lemon Grove City Council Approving a Two-Year Service Rate Schedule for EDCO Disposal to Provide Residential and Commercial Waste Collection and Recycling Services; and

WHEREAS, EDCO Corporation is the City of Lemon Grove's franchisee for solid waste collection; and

WHEREAS, a franchise agreement exists between the City of Lemon Grove (City) and EDCO Disposal for providing waste collection and recycling services; and

WHEREAS, under the franchise agreement, the City Council has the right to set the maximum rate that EDCO may charge for its services; and

WHEREAS, EDCO has been operating under the same City Council-approved rate ceiling since 2013; and

WHEREAS, EDCO has provided the City with a proposed service rate schedule for the upcoming two fiscal years.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

1. Foregoing recitals are true and correct; and
2. Establishes a maximum two-year Rate Schedule for Fiscal Years 2015-16 and 2016-17:

Residential and Commercial Waste Collection and Recycling Services	Maximum Monthly Rates 7/01/2015-6/30/2016
Basic Residential Cart Service (One each – recycling, green waste, & refuse)	\$21.10
Additional Cart Service	\$3.14
Senior Rate Residential Cart Service (For seniors 62+ with income under \$17,196)	\$16.88
Silver Bag Service (For seniors 62+)	\$3.33
3-yard bin once per week	\$106.28
3-yard bin twice per week	\$179.44
3-yard bin three times per week	\$252.62
3-yard bin four times per week	\$325.77
3-yard bin five times per week	\$398.95
3-yard bin six times per week	\$472.10

Attachment B

3. Repeals any previously adopted resolutions in conflict with the terms of this resolution.

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LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY

Item No. 3
Mtg. Date May 5, 2015
Dept. City Manager's Office

Item Title: **California Home Financing Authority**

Staff Contact: **Graham Mitchell, City Manager**

Recommendation:

Staff recommends that the City Council adopt:

- 1) A resolution (**Attachment B**) consenting to Inclusion of Properties within the City's Incorporated Area in the City of Lemon Grove Community Facilities District No. 2015-1 (Clean Energy) to Finance Renewable Energy Generation, Energy Efficiency, Water Conservation and Electric Vehicle Charging Infrastructure Improvements and approving associate membership in California Home Finance Authority (CHF); and
- 2) A resolution (**Attachment C**) consenting to inclusion of properties within the City's Incorporated Area in the CHF PACE Program to Finance Renewable Energy Generation, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and approving associate membership in CHF.

Item Summary:

In 2013, the City began participation in the HERO PACE and the Figtree PACE programs. Staff presents a third program for City Council consideration that provides property owners a third option with a different financing mechanism. The California Home Finance Authority (CHF) has established two Property Assessed Clean Energy (PACE) financing programs for residential, commercial, industrial and agricultural properties to address high up-front costs for property owners who wish to improve their properties through installation of measures that will generate renewable energy or reduce their energy and water use. The staff report (**Attachment A**) provides background information about PACE programs and describes the PACE Community Facilities District and the PACE Contractual Assessment Program through the CHF.

Fiscal Impact:

There is no cost to the City to become an associate member of the JPA or by opting into the PACE programs described in this report. The City will have no administrative responsibilities, marketing obligations, or financial obligations associated with the PACE program.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section _____ | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|--|--|---|
| ☐ None | ☒ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Resolution – participation in CFD 2015-1
- C. Resolution – participation in CHF PACE program
- D. California Home Finance Authority Amended and Restated Joint Exercise of Powers Agreement

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 3

Mtg. Date May 5, 2015

Item Title: **California Home Financing Authority**

Staff Contact: Graham Mitchell, City Manager

Discussion:

California Home Finance Authority (CHF), which is in the process of formally changing its name to Golden State Finance Authority, is a joint exercise of the powers authority (the Authority JPA). CHF has established two Property Assessed Clean Energy (PACE) financing programs for residential, commercial, industrial and agricultural properties to address high up-front costs for property owners who wish to improve their properties through installation of measures that will generate renewable energy or reduce their energy and water use. CHF contracts with Ygrene Energy Fund CA LLC (Ygrene) to serve as the program administrator and to operate the Ygrene Works for California PACE financing program.

CHF PACE Financing Programs

CHF has established two different types of PACE programs under the legislative authority of two separate California PACE laws:

SB 555 PACE Community Facilities District: Senate Bill 555 amended the Mello-Roos Community Facilities Act to allow for the creation of Community Facilities Districts (CFDs) for the purpose of financing or refinancing energy efficiency, water conservation, renewable energy and electric vehicle charging infrastructure improvements.

Individual properties can voluntarily be annexed into the district and be subject to the special tax that is imposed to repay project financing only if (i) the City Council adopts a resolution consenting to the inclusion of parcels in the incorporated areas of the City within the CFD and (ii) each participating owner provides it unanimous written approval for annexation of its property into the PACE CFD.

AB 811 PACE Contractual Assessment Program: By the passage of Assembly Bill 811, the California State Legislature added Chapter 29 to the Improvement Bond Act of 1911. This legislation authorized cities and counties to establish property improvements that promote renewable energy generation, energy and water efficiency and electric vehicle charging infrastructure.

As with the SD 555 CFD, properties can voluntarily be annexed into the AB 811 PACE program and subject to the property tax assessment that is imposed to repay project financing only if (i) the Council adopts a resolution consenting to the inclusion of parcels in the incorporated areas of the City within the program and (ii) each participating owner consents in writing to the annexation of its property into the PACE program.

The City has previously approved participation in two other PACE programs. Adding the CHF PACE programs, to be administered by Ygrene, provides more options for City property owners. It will not add to or require any additional responsibilities for the City.

Attachment A

JPA Associate Membership

To participate in the CHF PACE programs, the City must become an Associate Member of CHF (JPA Agreement is included as **Attachment D**). Associate membership requires no dues or other costs to the City, but permits participating in all CHF programs including the PACE program. The attached resolutions approve joining the JPA as an Associate Member.

Program Authorization

CHF is in the process of seeking validation judgments for both the SB 555 and the AB 811 programs from the Superior Court of the County of Sacramento. However, CHF intends to only implement one of the above PACE programs. Once the court enters the validation judgments, CHF will select the PACE program it believes will provide property owners with the greatest flexibility. The other PACE program will not be implemented unless changes in the PACE laws warrant changing or adding that option.

In support of CHF's approach, staff recommends that the City Council adopt two resolutions that approve both programs. The first resolution (**Attachment B**) permits property owners within the incorporated areas of the City to participate in the CHF AB 555 Community Facilities District. The second resolution (**Attachment C**) permits property owners within the incorporated areas of the City to participate in the CHF AB 811 Authority PACE Program.

Conclusion:

Staff recommends that the City Council consider two resolutions:

- 1) Resolution (**Attachment B**) – authorizing membership to Inclusion of Properties within the City's Incorporated Area in CHF Community Facilities District No. 2015-1 (Clean Energy) to Finance Renewable Energy Generation, Energy Efficiency, Water Conservation and Electric Vehicle Charging Infrastructure Improvements and Approving Associate Membership in CHF.
- 2) Resolution (**Attachment C**) – consenting to Inclusion of Properties within the City's Incorporated Area in the CHF PACE Program to Finance Renewable Energy Generation, Energy Efficiency, Water Conservation and Electric Vehicle Charging Infrastructure Improvements and Approving Associate Membership in CHF.

RESOLUTION NO. 2015-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2015-1 (CLEAN ENERGY) TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

WHEREAS, the California Home Finance Authority, a California joint powers authority, (the "Authority") has established the Community Facilities District No. 2015-1 (Clean Energy) in accordance with the Mello-Roos Community Facilities Act, set forth in sections 53311 through 53368.3 of the California Government Code (the "Act") and particularly in accordance with sections 53313.5(l) and 53328.1(a) (the "District"); and

WHEREAS, the purpose of the District is to finance or refinance (including the payment of interest) the acquisition, installation, and improvement of energy efficiency, water conservation, renewable energy and electric vehicle charging infrastructure improvements permanently affixed to private or publicly-owned real property (the "Authorized Improvements"); and

WHEREAS, the Authority is in the process of amending the Authority Joint Powers Agreement (the "Authority JPA") to formally change its name to the Golden State Finance Authority; and

WHEREAS, the City of Lemon Grove is committed to development of renewable energy generation and energy efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

WHEREAS, in the Act, the Legislature has authorized a parcel within the territory of the District to annex to the District and be subject to the special tax levy of the District only (i) if the city or county within which the parcel is located has consented, by the adoption of a resolution by the applicable city council or county board of supervisors, to the inclusion of parcels within its boundaries in the District and (ii) with the unanimous written approval of the owner or owners of the parcel when it is annexed (the "Unanimous Approval Agreement"), which, as provided in section 53329.6 of the Act, shall constitute the election required by the California Constitution; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy efficiency and water conservation and in doing so cooperate with Authority in order to efficiently and economically assist property owners the City in financing such Authorized Improvements; and

WHEREAS, the Authority has established the District, as permitted by the Act, the Authority JPA, originally made and entered into July 1, 1993, as amended to date, and the City, desires to become an Associate Member of the JPA by execution of the JPA Agreement, a copy of which is attached as Exhibit "A" hereto, to participate in the programs of the JPA and, to assist property owners within the incorporated area of the City in financing the cost of installing Authorized Improvements; and

Attachment B

WHEREAS, the City will not be responsible for the conduct of any special tax proceedings; the levy and collection of special taxes or any required remedial action in the case of delinquencies in the payment of any special taxes in connection with the District.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

1. Finds and declares that properties in the City's incorporated area will be benefited by the availability of the Authority CFD No. 2015-1 (Clean Energy) to finance the installation of the Authorized Improvements; and
2. Consents to inclusion in the Authority CFD No. 2015-1 (Clean Energy) of all of the properties in the incorporated area within the City and to the Authorized Improvements, upon the request of and execution of the Unanimous Approval Agreement by the owners of such properties when such properties are annexed, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof; and
3. Assents to the assumption of jurisdiction by Authority for all purposes of the Authority CFD No. 2015-1 (Clean Energy) and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Authorized Improvements; and
4. Approves joining the JPA as an Associate Member and authorizes the execution by appropriate City officials of any necessary documents to effectuate such membership; and
5. Authorizes and directs staff to coordinate with Authority staff to facilitate operation of the Authority CFD No. 2015-1 (Clean Energy) within the City, and report back periodically to this City Council on the success of such program; and
6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority.

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Attachment C

RESOLUTION NO. 2015-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY, PROGRAM TO FINANCE RENEWABLE ENERGY GENERATION, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

WHEREAS, the California Home Finance Authority ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on July 1, 1993, as amended from time to time (the "Authority JPA"); and

WHEREAS, the Authority is in the process of amending the Authority JPA to formally change its name to the Golden State Finance Authority; and

WHEREAS, Authority has established a property-assessed clean energy ("PACE") Program (the "Authority PACE Program") to provide for the financing of renewable energy generation, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

WHEREAS, City of Lemon Grove (the "City") is committed to development of renewable energy generation and energy and water efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing improvements through a voluntary contractual assessment program; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

WHEREAS, installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the Authority PACE Program would promote the purposes cited above; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency, and in doing so cooperate with Authority in order to efficiently and economically assist property owners within the City in financing such Improvements; and

WHEREAS, Authority has established the Authority PACE Program, which is such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into July 1, 1993, as amended to date, and the City, desires to become an Associate Member of the JPA by execution of the JPA Agreement, a copy of which is attached as Exhibit "A" hereto, to participate in the programs of the JPA and to assist property owners within the jurisdiction of the City in financing the cost of installing Improvements; and

Attachment C

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the Authority PACE Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

1. Finds and declares that properties in the City's incorporated area will be benefited by the availability of the Authority PACE Program to finance the installation of the improvements; and
2. Consents to inclusion in the Authority PACE Program of all of the properties in the jurisdictional boundaries of the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof; and
3. Assent to the assumption of jurisdiction by Authority for all purposes of the Authority PACE Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent such contractual assessments; and
4. Approves joining the JPA as an Associate Member and authorizes the execution by appropriate City officials of any necessary documents to effectuate such membership; and
5. Authorizes and directs staff to coordinate with Authority staff to facilitate operation of the Authority PACE Program within the City, and report back periodically to this City Council on the success of such program; and
6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority.

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Attachment C

EXHIBIT A CALIFORNIA HOME FINANCE AUTHORITY

AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT (Original date July 1, 1993 and as last amended and restated December 10, 2014)

THIS AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT ("Agreement") is entered into by and among the counties listed on Attachment 1 hereof and incorporated herein by reference. All such counties are referred to herein as "Members" with the respective powers, privileges and restrictions provided herein.

RECITALS

WHEREAS, the California Rural Home Mortgage Finance Authority ("CRHMFA") was created by a Joint Exercise of Powers Agreement dated July 1, 1993 pursuant to the Joint Exercise of Powers Act (commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act")). By Resolution 2003-02, adopted on January 15, 2003, the name of the authority was changed to CRHMFA Homebuyers Fund. The most recent amendment to the Joint Exercise of Powers Agreement was on January 28, 2004.

WHEREAS, the Members of CRHMFA Homebuyers Fund desire to update, reaffirm, clarify and revise certain provisions of the joint powers agreement, including the renaming of the joint powers authority, as set forth herein.

WHEREAS, the Members are each empowered by law to finance the construction, acquisition, improvement and rehabilitation of real property.

WHEREAS, by this Agreement, the Members desire to create and establish a joint powers authority to exercise their respective powers for the purpose of financing the construction, acquisition, improvement and rehabilitation of real property within the jurisdiction of the Authority as authorized by the Act.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Members individually and collectively agree as follows:

1. Definitions

Unless the context otherwise requires, the following terms shall for purposes of this Agreement have the meanings specified below:

"Act" means the Joint Exercise of Powers Act, commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, including the Marks-Roos Local Bond Pooling Act of 1985, as amended.

"Agreement" means this Joint Exercise of Powers Agreement, as the same now exists or as it may from time to time be amended as provided herein.

Attachment C

"Associate Member" means a county, city or other public agency which is not a voting member of the Rural County Representatives of California, a California nonprofit corporation ("RCRC"), with legal power and authority similar to that of the Members, admitted pursuant to paragraph 4.d. below to associate membership herein by vote of the Board.

"Audit Committee" means a committee made up of the nine-member Executive Committee.

"Authority" means California Home Finance Authority ("CHF"), formerly known as CRHMFA Homebuyers Fund or California Rural Home Mortgage Finance Authority.

"Board" means the governing board of the Authority as described in Section 7 below.

"Bonds" means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other obligation within the meaning of the term "Bonds" under the Act.

"Delegate" means the Supervisor designated by the governing board of each Member to serve on the Board of the Authority.

"Executive Committee" means the nine-member Executive Committee of the Board established pursuant to Section 10 hereof.

"Member" means any county which is a member of RCRC, has executed this Agreement and has become a member of the Authority.

"Obligations" means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other financial or legal obligation of the Authority under the Act.

"Program" or "Project" means any work, improvement, program, project or service undertaken by the Authority.

"Rural County Representatives of California" or "RCRC" means the nonprofit entity incorporated under that name in the State of California.

"Supervisor" means an elected County Supervisor from an RCRC member county.

2. Purpose

The purpose of the Authority is to provide financing for the acquisition, construction, improvement and rehabilitation of real property in accordance with applicable provisions of law for the benefit of residents and communities. In pursuit of this purpose, this Agreement provides for the joint exercise of powers common to any of its Members and Associate Members as provided herein, or otherwise authorized by the Act and other applicable laws, including assisting in financing as authorized herein, jointly exercised in the manner set forth herein.

Attachment C

3. Principal Place of Business

The principal office of the Authority shall be 1215 K Street, Suite 1650, Sacramento, California 95814.

4. Creation of Authority; Addition of Members or Associate Members

a. The Authority is hereby created pursuant to the Act. As provided in the Act, the Authority shall be a public entity separate and distinct from the Members or Associate Members.

b. The Authority will cause a notice of this Agreement or any amendment hereto to be prepared and filed with the office of the Secretary of State of California in a timely fashion in the manner set forth in Section 6503.3 of the Act.

c. A county that is a member of RCRC may petition to become a member of the Authority by submitting to the Board a resolution or evidence of other formal action taken by its governing body adopting this Agreement. The Board shall review the petition for membership and shall vote to approve or disapprove the petition. If the petition is approved by a majority of the Board, such county shall immediately become a Member of the Authority.

d. An Associate Member may be added to the Authority upon the affirmative approval of its respective governing board and pursuant to action by the Authority Board upon such terms and conditions, and with such rights, privileges and responsibilities, as may be established from time to time by the Board. Such terms and conditions, and rights, privileges and responsibilities may vary among the Associate Members. Associate Members shall be entitled to participate in one or more programs of the Authority as determined by the Board, but shall not be voting members of the Board. The Executive Director of the Authority shall enforce the terms and conditions for prospective Associate Members to the Authority as provided by resolution of the Board and as amended from time to time by the Board. Changes in the terms and conditions for Associate Membership by the Board will not constitute an amendment of this Agreement.

5. Term and Termination of Powers

This Agreement shall become effective from the date hereof until the earlier of the time when all Bonds and any interest thereon shall have been paid in full, or provision for such payment shall have been made, or when the Authority shall no longer own or hold any interest in a public capital improvement or program. The Authority shall continue to exercise the powers herein conferred upon it until termination of this Agreement, except that if any Bonds are issued and delivered, in no event shall the exercise of the powers herein granted be terminated until all Bonds so issued and delivered and the interest thereon shall have been paid or provision for such payment shall have been made and any other debt incurred with respect to any other financing program established or administered by the Authority has been repaid in full and is no longer outstanding.

Attachment C

6. Powers: Restriction upon Exercise

a. To effectuate its purpose, the Authority shall have the power to exercise any and all powers of the Members or of a joint powers authority under the Act and other applicable provisions of law, subject, however, to the conditions and restrictions herein contained. Each Member or Associate Member may also separately exercise any and all such powers. The powers of the Authority are limited to those of a general law county.

b. The Authority may adopt, from time to time, such resolutions, guidelines, rules and regulations for the conduct of its meetings and the activities of the Authority as it deems necessary or desirable to accomplish its purpose.

c. The Authority shall have the power to finance the construction, acquisition, improvement and rehabilitation of real property, including the power to purchase, with the amounts received or to be received by it pursuant to a bond purchase agreement, bonds issued by any of its Members or Associate Members and other local agencies at public or negotiated sale, for the purpose set forth herein and in accordance with the Act. All or any part of such bonds so purchased may be held by the Authority or resold to public or private purchasers at public or negotiated sale. The Authority shall set any other terms and conditions of any purchase or sale contemplated herein as it deems necessary or convenient and in furtherance of the Act. The Authority may issue or cause to be issued Bonds or other indebtedness, and pledge any of its property or revenues as security to the extent permitted by resolution of the Board under any applicable provision of law. The Authority may issue Bonds in accordance with the Act in order to raise funds necessary to effectuate its purpose hereunder and may enter into agreements to secure such Bonds. The Authority may issue other forms of indebtedness authorized by the Act, and to secure such debt, to further such purpose. The Authority may utilize other forms of capital, including, but not limited to, the Authority's internal resources, capital markets and other forms of private capital investment authorized by the Act...

d. The Authority is hereby authorized to do all acts necessary for the exercise of its powers, including, but not limited to:

- (1) executing contracts,
- (2) employing agents, consultants and employees,
- (3) acquiring, constructing or providing for maintenance and operation of any building, work or improvement,
- (4) acquiring, holding or disposing of real or personal property wherever located, including property subject to mortgage,
- (5) incurring debts, liabilities or obligations,
- (6) receiving gifts, contributions and donations of property, funds, services and any other forms of assistance from persons, firms, corporations or governmental entities,
- (7) suing and being sued in its own name, and litigating or settling any suits or claims,
- (8) doing any and all things necessary or convenient to the exercise of its specific powers and to accomplishing its purpose
- (9) establishing and/or administering districts to finance and refinance the acquisition, installation and improvement of energy efficiency, water

Attachment C

conservation and renewable energy improvements to or on real property and in buildings. The Authority may enter into one or more agreements, including without limitation, participation agreements and implementation agreements to implement such programs.

e. Subject to the applicable provisions of any indenture or resolution providing for the investment of monies held thereunder, the Authority shall have the power to invest any of its funds as the Board deems advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code of the State of California.

f. All property, equipment, supplies, funds and records of the Authority shall be owned by the Authority, except as may be provided otherwise herein or by resolution of the Board.

g. Pursuant to the provisions of Section 6508.1 of the Act, the debts, liabilities and obligations of the Authority shall not be debts, liabilities and obligations of the Members or Associate Members. Any Bonds, together with any interest and premium thereon, shall not constitute debts, liabilities or obligations of any Member. The Members or Associate Members hereby agree that any such Bonds issued by the Authority shall not constitute general obligations of the Authority but shall be payable solely from the moneys pledged to the repayment of principal or interest on such Bonds under the terms of the resolution, indenture, trust, agreement or other instrument pursuant to which such Bonds are issued. Neither the Members or Associate Members nor the Authority shall be obligated to pay the principal of or premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Members or Associate Members or the Authority shall be pledged to the payment of the principal of or premium, if any, or interest on the Bonds, nor shall the Members or Associate Members of the Authority be obligated in any manner to make any appropriation for such payment. No covenant or agreement contained in any Bond shall be deemed to be a covenant or agreement of any Delegate, or any officer, agent or employee of the Authority in an individual capacity, and neither the Board nor any officer thereof executing the Bonds or any document related thereto shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

7. Governing Board

a. The Board shall consist of the number of Delegates equal to one representative from each Member.

b. The governing body of each Member shall appoint one of its Supervisors to serve as a Delegate on the Board. A Member's appointment of its Delegate shall be delivered in writing (which may be by electronic mail) to the Authority and shall be effective until he or she is replaced by such governing body or no longer a Supervisor; any vacancy shall be filled by the governing body of the Member in the same manner provided in this paragraph b...

c. The governing body of each Member of the Board shall appoint a Supervisor as an alternate to serve on the Board in the absence of the Delegate; the alternate may exercise all the

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rights and privileges of the Delegate, including the right to be counted in constituting a quorum, to participate in the proceedings of the Board, and to vote upon any and all matters. No alternate may have more than one vote at any meeting of the Board, and any Member's designation of an alternate shall be delivered in writing (which may be by electronic mail) to the Authority and shall be effective until such alternate is replaced by his or her governing body or is no longer a Supervisor, unless otherwise specified in such appointment. Any vacancy shall be filled by the governing body of the Member in the same manner provided in this paragraph c...

d. Any person who is not a member of the governing body of a Member and who attends a meeting on behalf of such Member may not vote or be counted toward a quorum but may, at the discretion of the Chair, participate in open meetings he or she attends.

e. Each Associate Member may designate a non-voting representative to the Board who may not be counted toward a quorum but who may attend open meetings, propose agenda items and otherwise participate in Board Meetings.

f. Delegates shall not receive compensation for serving as Delegates, but may claim and receive reimbursement for expenses actually incurred in connection with such service pursuant to rules approved by the Board and subject to the availability of funds.

g. The Board shall have the power, by resolution, to the extent permitted by the Act or any other applicable law, to exercise any powers of the Authority and to delegate any of its functions to the Executive Committee or one or more Delegates, officers or agents of the Authority, and to cause any authorized Delegate, officer or agent to take any actions and execute any documents for and in the name and on behalf of the Board or the Authority.

h. The Board may establish such committees as it deems necessary for any lawful purpose; such committees are advisory only and may not act or purport to act on behalf of the Board or the Authority.

i. The Board shall develop, or cause to be developed, and review, modify as necessary, and adopt each Program.

8. Meetings of the Board

a. The Board shall meet at least once annually, but may meet more frequently upon call of any officer or as provided by resolution of the Board.

b. Meetings of the Board shall be called, noticed, held and conducted pursuant to the provisions of the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part I of Division 2 of Title 5 of the Government Code of the State of California.

c. The Secretary of the Authority shall cause minutes of all meetings of the Board to be taken and distributed to each Member as soon as possible after each meeting.

d. The lesser of twelve (12) Delegates or a majority of the number of current Delegates shall constitute a quorum for transacting business at any meeting of the Board, except

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that less than a quorum may act to adjourn a meeting. Each Delegate shall have one vote.

e. Meetings may be held at any location designated in notice properly given for a meeting and may be conducted by telephonic or similar means in any manner otherwise allowed by law.

9. Officers; Duties; Official Bonds

a. The Board shall elect a chair and vice chair from among the Delegates at the Board's annual meeting who shall serve a term of one (1) year or until their respective successor is elected. The chair shall conduct the meetings of the Board and perform such other duties as may be specified by resolution of the Board. The vice chair shall perform such duties in the absence or in the event of the unavailability of the chair.

b. The Board shall contract annually with RCRC to administer the Agreement and to provide administrative services to the Authority, and the President and Chief Executive Officer of RCRC shall serve ex officio as Executive Director, Secretary, Treasurer, and Auditor of the Authority. As chief executive of the Authority, the Executive Director is authorized to execute contracts and other obligations of the Authority, unless prior Board approval is required by a third party, by law or by Board specification, and to perform other duties specified by the Board. The Executive Director may appoint such other officers as may be required for the orderly conduct of the Authority's business and affairs who shall serve at the pleasure of the Executive Director. Subject to the applicable provisions of any indenture or resolution providing for a trustee or other fiscal agent, the Executive Director, as Treasurer, is designated as the custodian of the Authority's funds, from whatever source, and, as such, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act. The Executive Director, as Auditor, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act.

c. The Legislative Advocate for the Authority shall be the Rural County Representatives of California.

d. The Treasurer and Auditor are public officers who have charge of, handle, or have access to all property of the Authority, and a bond for such officer in the amount of at least one hundred thousand dollars (\$100,000.00) shall be obtained at the expense of the Authority and filed with the Executive Director. Such bond may secure the faithful performance of such officer's duties with respect to another public office if such bond in at least the same amount specifically mentions the office of the Authority as required herein. The Treasurer and Auditor shall cause periodic independent audits to be made of the Authority's books by a certified public accountant, or public accountant, in compliance with Section 6505 of the Act.

e. The business of the Authority shall be conducted under the supervision of the Executive Director by RCRC personnel.

10. Executive Committee of the Authority

a. Composition

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The Authority shall appoint nine (9) members of its Board to serve on an Executive Committee.

b. Powers and Limitations

The Executive Committee shall act in an advisory capacity and make recommendations to the Authority Board. Duties will include, but not be limited to, review of the quarterly and annual budgets, service as the Audit Committee for the Authority, periodically review this Agreement; and complete any other tasks as may be assigned by the Board. The Executive Committee shall be subject to all limitations imposed by this Agreement, other applicable law, and resolutions of the Board.

c. Quorum

A majority of the Executive Committee shall constitute a quorum for transacting business of the Executive Committee.

11. Disposition of Assets

Upon termination of this Agreement, all remaining assets and liabilities of the Authority shall be distributed to the respective Members in such manner as shall be determined by the Board and in accordance with the law.

12. Agreement Not Exclusive; Operation in Jurisdiction of Member

This Agreement shall not be exclusive, and each Member expressly reserves its rights to carry out other public capital improvements and programs as provided for by law and to issue other obligations for those purposes. This Agreement shall not be deemed to amend or alter the terms of other agreements among the Members or Associate Members.

13. Conflict of Interest Code

The Authority shall by resolution adopt a Conflict of Interest Code as required by law.

14. Contributions and Advances

Contributions or advances of public funds and of personnel, equipment or property may be made to the Authority by any Member, Associate Member or any other public agency to further the purpose of this Agreement. Payment of public funds may be made to defray the cost of any contribution. Any advance may be made subject to repayment, and in that case shall be repaid in the manner agreed upon by the advancing Member, Associate Member or other public agency and the Authority at the time of making the advance.

15. Fiscal Year; Accounts; Reports; Annual Budget; Administrative Expenses

a. The fiscal year of the Authority shall be the period from January 1 of each year to and including the following December 31, except for any partial fiscal year resulting from a change in accounting based on a different fiscal year previously.

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b. Prior to the beginning of each fiscal year, the Board shall adopt a budget for the succeeding fiscal year.

c. The Authority shall establish and maintain such funds and accounts as may be required by generally accepted accounting principles. The books and records of the Authority are public records and shall be open to inspection at all reasonable times by each Member and its representatives.

d. The Auditor shall either make, or contract with a certified public accountant or public accountant to make, an annual audit of the accounts and records of the Authority. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California, and shall conform to generally accepted auditing standards. When an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member (and also with the auditor of Sacramento County as the county in which the Authority's office is located) within 12 months after the end of the fiscal year.

e. In any year in which the annual budget of the Authority does not exceed five thousand dollars (\$5,000.00), the Board may, upon unanimous approval of the Board, replace the annual audit with an ensuing one-year period, but in no event for a period longer than two fiscal years.

16. Duties of Members or Associate Members; Breach

If any Member or Associate Member shall default in performing any covenant contained herein, such default shall not excuse that Member or Associate Member from fulfilling its other obligations hereunder, and such defaulting Member or Associate Member shall remain liable for the performance of all covenants hereof. Each Member or Associate Member hereby declares that this Agreement is entered into for the benefit of the Authority created hereby, and each Member or Associate Member hereby grants to the Authority the right to enforce, by whatever lawful means the Authority deems appropriate, all of the obligations of each of the parties hereunder. Each and all of the remedies given to the Authority hereunder or by any law now or hereafter enacted are cumulative, and the exercise of one right or remedy shall not impair the right of the Authority to any or all other remedies.

17. Indemnification

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Board Delegate, alternate, officer, consultant, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Delegate, alternate, officer, consultant, employee or other agent of the Authority. Such indemnification may be made against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no reasonable cause to believe his or her conduct was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

Attachment C

18. Immunities

All of the privileges and immunities from liabilities, exemptions from law, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the activity of officers, agents or employees of any of the Members or Associate Members when performing their respective functions, shall apply to them to the same degree and extent while engaged as Delegates or otherwise as an officer, agent or other representative of the Authority or while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

19. Amendment

This Agreement may be amended by the adoption of the amendment by the governing bodies of a majority of the Members. The amendment shall become effective on the first day of the month following the last required member agency approval. An amendment may be initiated by the Board, upon approval by a majority of the Board. Any proposed amendment, including the text of the proposed change, shall be given by the Board to each Member's Delegate for presentation and action by each Member's board within 60 days, which time may be extended by the Board.

The list of Members, Attachment 1, may be updated to reflect new and/or withdrawn Members without requiring formal amendment of the Agreement by the Authority Board of Directors.

20. Withdrawal of Member or Associate Member

If a Member withdraws as member of RCRC, its membership in the Authority shall automatically terminate. A Member or Associate Member may withdraw from this Agreement upon written notice to the Board; provided however, that no such withdrawal shall result in the dissolution of the Authority as long as any Bonds or other obligations of the Authority remain outstanding. Any such withdrawal shall become effective thirty (30) days after a resolution adopted by the Member's governing body which authorizes withdrawal is received by the Authority. Notwithstanding the foregoing, any termination of membership or withdrawal from the Authority shall not operate to relieve any terminated or withdrawing Member or Associate Member from Obligations incurred by such terminated or withdrawing Member or Associate Member prior to the time of its termination or withdrawal.

20. Miscellaneous

- a. Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
- b. Construction. The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

Attachment C

c. Approvals. Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

d. Jurisdiction; Venue. This Agreement is made in the State of California, under the Constitution and laws of such State and is to be so construed; any action to enforce or interpret its terms shall be brought in Sacramento County, California.

e. Integration. This Agreement is the complete and exclusive statement of the agreement among the parties hereto, and it supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the parties relating to the subject matter of this Agreement.

f. Successors; Assignment. This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the Board.

g. Severability. Should any part, term or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

The parties hereto have caused this Agreement to be executed and attested by their properly authorized officers.

AS ADOPTED BY THE MEMBERS:

Originally dated July 1, 1993

Amended and restated December 10, 1998

Amended and restated February 18, 1999

Amended and restated September 18, 2002

Amended and restated January 28, 2004

Amended and restated December 10, 2014

[SIGNATURES ON FOLLOWING PAGES]

Attachment C

SIGNATURE PAGE FOR NEW ASSOCIATE MEMBERS

NAME OF COUNTY OR CITY:

_____ Dated:

By:

Name:

Title:

Attest:

By _____
[Clerk of the Board Supervisors or City Clerk]

AFTER EXECUTION, PLEASE SEND TO:

Golden State Finance Authority
(formerly California Home Finance Authority)
1215 K Street, Suite 1650
Sacramento, CA 95814

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 4
Mtg. Date May 5, 2015
Dept. Development Services Department

Item Title: **Public Hearing to Consider General Plan Amendment GPA150-0001 and Zoning Amendment ZA150-0001 (Request to Amend the General Plan Land Use Designation from Transportation and Retail Commercial to Medium/High Residential Density and to Amend the Zoning District from General Commercial (GC) to Residential Medium/High (RMH) on the South Side of Broadway between 8305 Broadway and 8373 Broadway)**

Staff Contact: Carol Dick, Development Services Director
Dave DeVries, Principal Planner
Gino DeSanti, Intern

Recommendation:

- 1) Conduct the public hearing; and
- 2) Adopt a resolution (**Attachment B**) approving General Plan Amendment GPA150-0001 and certifying Negative Declaration ND15-01.
- 3) Introduce Ordinance No. 427 (**Attachment C**).

Item Summary:

The proposed project is a request to amend the General Plan Land Use Designation from Transportation and Retail Commercial land use to Medium/ High Density Residential (up to 29 dwelling units per acre) land use and to amend the Zoning District from General Commercial (GC) to Residential Medium/High (RMH) for ten separate properties located on the south side of Broadway between 8305 Broadway and 8373 Broadway. The project area consists of approximately 7.2 developed acres. The existing development in the project area consists of five residential properties (1 duplex and 4 single family residences), a residential care facility with vehicle parking lots on separate lots, a condominium development and an auto repair facility. The project is a City initiated project.

The staff report (**Attachment A**) outlines the proposed amendments in detail. The Planning Commission conducted a public hearing April 27, 2015 and recommends City Council approval.

Fiscal Impact:

None.

Environmental Review:

- | | |
|--|--|
| ☐ Not subject to review | ☒ Negative Declaration |
| ☐ Exempt, Section _____ | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|---|---|--|
| ☐ None | ☐ Newsletter article | ☒ Tribal Government Consultation Request |
| ☒ Notice published in local newspaper | | ☒ Notice to property owners within 300 ft. |

Attachments:

- A. Staff Report |
- B. Resolution (GPA15-0001 & ND15-01)
- C. Ordinance (ZA15-0001)
- D. Draft Mitigated Negative Declaration ND15-01
- E. 1996 General Plan Land Use Table
- F. RMH District Regulations |

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 4

Mtg. Date May 5, 2015

Item Title: Public Hearing to Consider General Plan Amendment GPA150-0001 and Zoning Amendment ZA150-0001 (Request to Amend the General Plan Land Use Designation from Transportation and Retail Commercial to Medium/High Residential Density and to Amend the Zoning District from General Commercial (GC) to Residential Medium/High (RMH) on the South Side of Broadway between 8305 Broadway and 8373 Broadway)

Staff Contact: Carol Dick, Development Services Director
Dave DeVries, Principal Planner
Gino DeSanti, Intern

Application Summary:

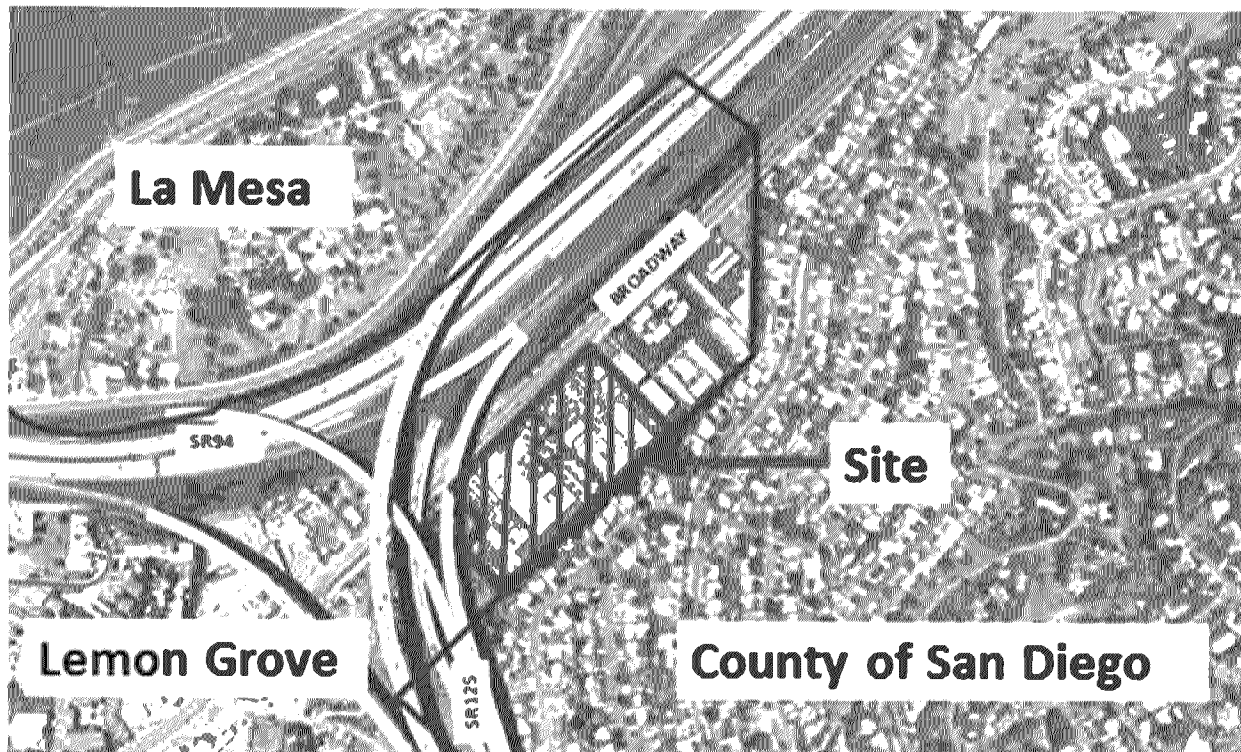
APPLICANT:	City of Lemon Grove
PROPERTY OWNERS:	Total of 10 legal lots and one sliver lot with 47 different property owners. One of the 10 legal lots consists of condominium lots with 28 owners and 10 common area owners.
PROPERTY LOCATION:	The properties are located on the south side of Broadway between 8305 Broadway Lane and 8373 Broadway.
PROJECT AREA:	Approximately 7.2 acres (313,632 sq. ft.)
EXISTING ZONE:	General Commercial (GC).
GENERAL PLAN LAND USE DESIGNATION:	Retail Commercial and Transportation.
SURROUNDING PROPERTIES:	North: Broadway / State Route 125 / State Route 94 South: Single Family Residential / County of San Diego East: Storage Facility / Multi-Family West: Caltrans Drainage Facility / State Route 125
ENVIRONMENTAL IMPACT:	A Negative Declaration (ND) of Environmental Impact will be filed subsequent to the adoption and final approval of the proposed project by the City Council. The Initial Environmental Study prepared for this project identified no potential environmental impacts. Mitigation measures are not included in the ND.

Attachment A

Project Description

The project consists of amending the General Plan Land Use Designation of properties between and including 8305 and 8373 Broadway from Transportation and Retail Commercial to Medium/High Density Residential and amending the Zoning District from General Commercial (GC) to Residential Medium/High (RMH). This project was initiated by the City to address existing nonconforming uses and to promote the conversion of existing nonconforming uses to the predominant existing residential uses in the area.

The properties are located on the south side of Broadway adjacent to a single family residential zone in the County of San Diego as shown below.



Analysis

The properties are located in an area surrounded by transportation uses (Broadway, SR94 and SR125), commercial and residential uses. The area was significantly affected by the design and construction of SR125. Several single family residential properties were identified with the transportation land use designations because it was thought the properties would be used for the construction of the freeway. Those properties were not used or taken and the land use designation modification from Transportation to Residential Medium/High is part of this request. The background information from the 1996 General Plan process identifies several existing land uses along the south side of Broadway from SR125 to the east City boundary consisting of commercial, residential and light industrial/warehouse land use designations. The existing development has remained essentially the same in this area with the exception of the construction of a mini-storage facility. The project area is approximately 7.2 acres and involves 10 legal lots.



Existing Conditions

The 1996 General Plan revised the land use designations for properties that contained existing single family homes, existing condominiums and a residential care facility from a variety of uses to Retail Commercial and General Commercial zones. The auto repair property was not changed in that General Plan process (commercial land use designation and zone).

With the recent listing for sale and marketing of the auto repair lot, City staff believes there is an opportunity to pursue more compatible land use designations in this area. The auto repair business (composed of eight businesses) has been the subject of numerous complaints from neighbors located both in the City of Lemon Grove and the County of San Diego.

The lots containing the auto repair businesses, the condominiums, and the single family residences are all considered non-conforming to the current zoning district (General Commercial). The Lemon Grove Municipal Code contains provisions that govern nonconforming lots and structures (LGMC 17.24.090) and restricts owners from exceeding specific limitations on maintenance and/or improvements. These provisions are meant to ensure that the designated land use and zoning objectives can be realized and that the lifespan of the improvements are not extended beyond a reasonable timeframe. The provisions have been very difficult to apply and for property owners to accept.

The following tables and exhibits describe each of the properties within the project area (**Table 2**) as well as the properties to the east of the project area (**Table 3**). The tables show that the predominant use is residential use and the average residential density within the project area is 18 dwelling units per acre and the area outside is 36 dwelling units per acre. The 36 du/acre average is due in part because the structures were motels/hotels and the conversion was

Attachment A

approved as proposed. The current General Plan land use designation of this property is Residential Medium/High Density.

The Planning Commission recommends that the Residential Medium/High land use designation be applied to the project site. A residential density of 29 dwelling units is consistent with existing development along Broadway and service systems can support, or be made to support, the additional residential units. With the proposed amendments, the single family residential units would continue to be nonconforming to the land use and the zone, but would be consistent in the broader land use of residential use. The five residential lots may eventually redevelop but may require assembling the lots in order to meet the objectives and requirements of the Residential Medium/High zone.

Existing Site Conditions Summary

Table 2 below provides a development summary of each property within the proposed project area. The shaded cells represent nonconforming uses or structures.

Table 2

Address APN	Acres	Existing Land Use Zone	Existing Development	Existing Density	Proposed Density 29 du/ac
8321-23 Broadway Lane 499-220-27	0.15	Transportation General Commercial	Duplex	13 du/ac	4
8319 Broadway Lane 499-220-26	0.16	Transportation General Commercial	SFR	6 du/ac	4
8313 Broadway Lane 499-220-06	0.17	Transportation General Commercial	SFR	6 du/ac	4
8307 Broadway Lane 499-220-08	0.16	Transportation General Commercial	SFR	6 du/ac	4
8309 Broadway Lane 499-220-09	0.16	Transportation General Commercial	SFR	6 du/ac	4
Broadway Lane 499-220-10	0.18	Transportation General Commercial	Parking Res. Care/Hospital	62 beds /ac	76
8351 Broadway 499-220-35	1.92	Retail Commercial General Commercial	165 Bed Res. Care/Hospital		
Broadway 499-220-61	0.53	Retail Commercial General Commercial	Parking Res. Care/Hospital		
8361-5 Broadway 499-220-57	0.91	Retail Commercial General Commercial	28 Unit Condominiums	30 du/ac	26
8369-85 Broadway 499-220-58	2.88	Retail Commercial General Commercial	8 Auto. Repair Businesses	n/a	83
TOTALS	7.22	Nonconforming are highlighted in grey.	199 units (34 du, 165 beds)	18 units/ac average	205-209 maximum dwelling units

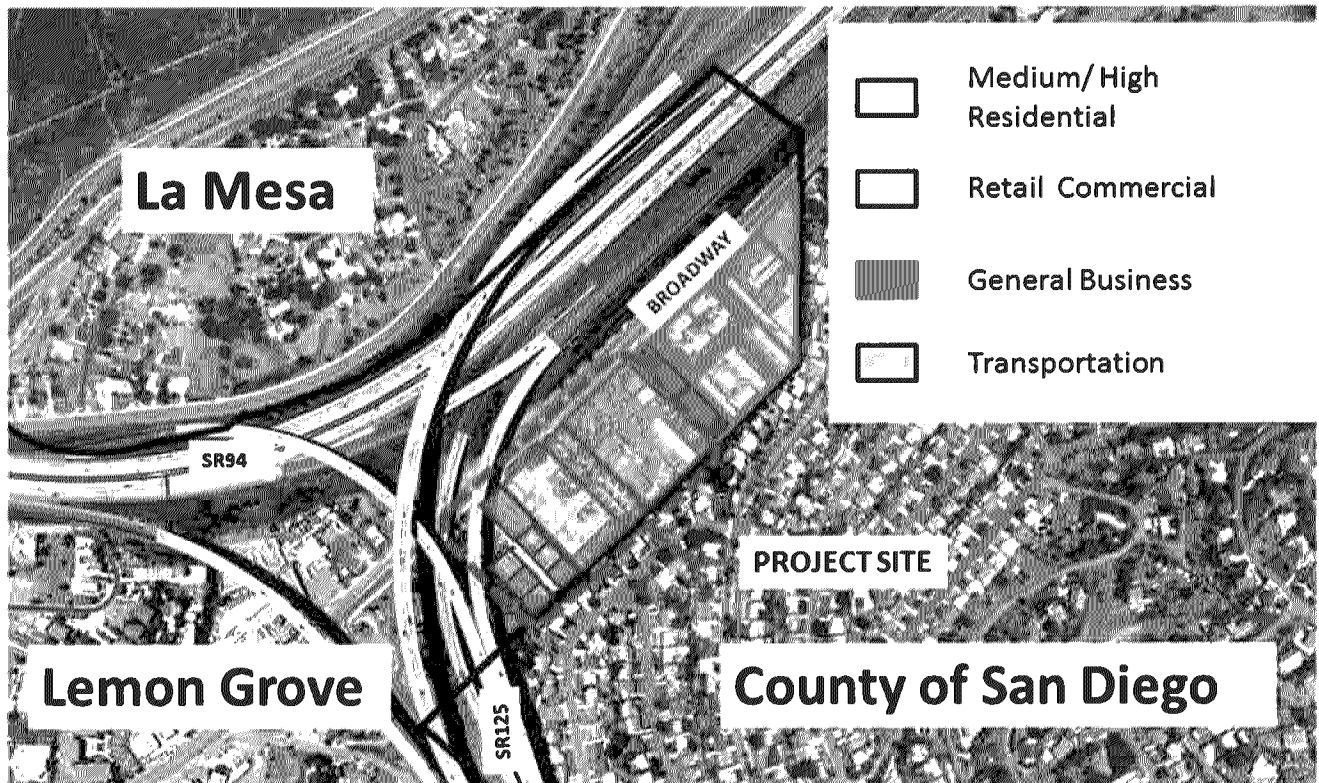
Attachment A

Table 3 below provides a development summary of each property to the east of the proposed project area:

Table 3

Address APN	Acres	Existing Land Use Zone	Existing Development	Existing Density
8409 Broadway 499-220-60-00	0.93	General Business Limited Commercial	Public Storage	n/a
8413-27 Broadway 499-220-56-00	2.77	Residential Medium/High Density Medium/High Residential	82 Unit Apartment	29
8429 Broadway 499-220-59-00	1.45	Residential Medium/High Density Medium/High Residential	70 Unit Apartment	48
8465 Broadway 499-220-53-00	0.51	Residential Medium/High Density Medium/High Residential	Vacant/Proposed 16 du Density Bonus Project	31
Totals	5.66			
Residential	4.73		168 du	36 du/ac average

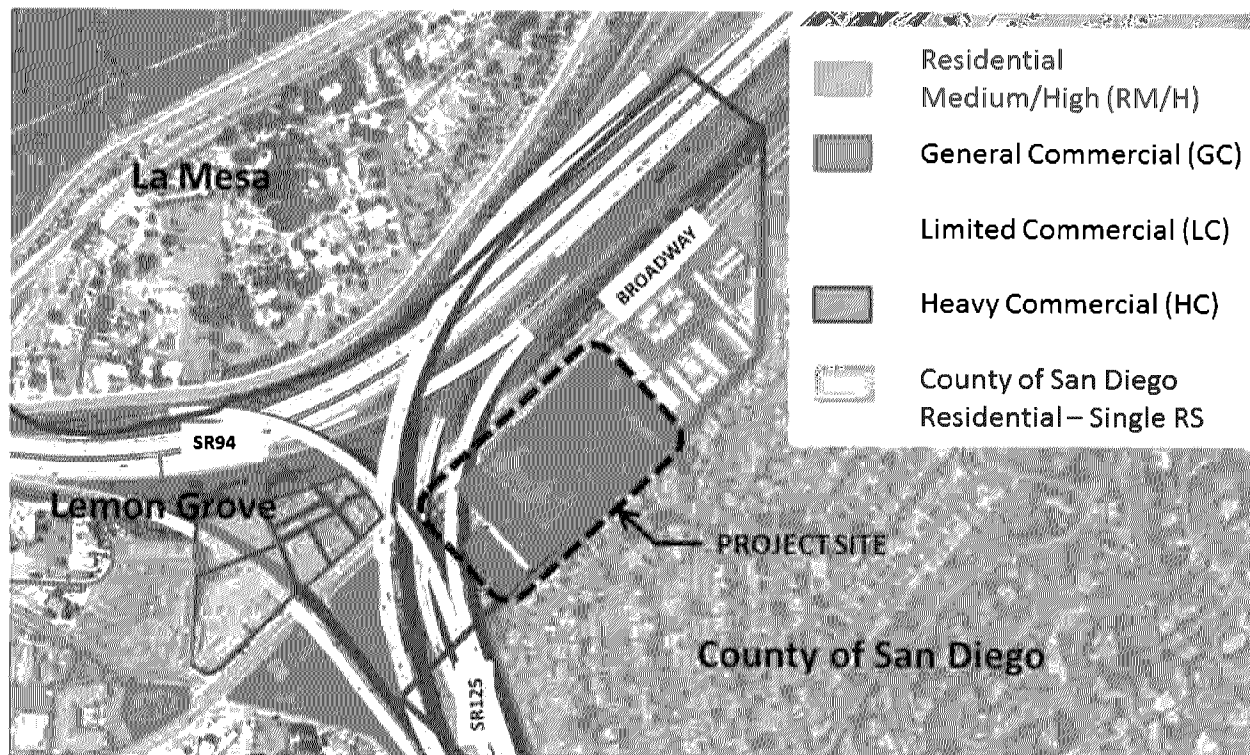
The Retail Commercial and Transportation land use designations would be replaced with Medium/High Residential Density land use designations in the project area. The existing General Business and Medium/High Residential Density land use designations would remain as shown below.



Existing Land Use

Attachment A

The General Commercial zones shown below in the project area would be replaced with the Residential Medium/High (RM/H) zone.



Existing Zoning

The Government Code requires that the zoning designation be consistent with the property's General Plan land use designation.

The properties' close proximity to State Route 94 (freeway noise prevalent in the area) requires that future development consider noise attenuation in the structures to meet current Building Code requirements.

Public Information:

The Notice of Public Hearing was published in the April 2, 2015 edition of the East County Californian and the property owners of the subject properties and property owners within 300 feet of the properties were notified via US mail delivery of the Planning Commission meeting on April 2, 2015 and of the City Council public hearing on April 14, 2015.

A Native American Tribal Government Consultation was conducted pursuant to Government Code Section 65352.3.

On April 27, 2015, the Planning Commission conducted a public hearing. The Planning Commission recommends that the City Council approve the proposed project. No formal public comments were received.

Attachment A

Conclusion:

The Planning Commission recommends that the City Council: 1) conduct public hearing, 2) adopt the resolution (**Attachment B**) certifying Negative Declaration ND15-01 and approving General Plan Amendment GPA15-0001, and 3) introduce Ordinance No. 427 approving Zoning Amendment ZA15-0001 (**Attachment C**). |

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA APPROVING GENERAL PLAN AMENDMENT GPA15-0001 AMENDING THE GENERAL PLAN LAND USE DESIGNATION FROM TRANSPORTATION AND RETAIL COMMERCIAL TO RESIDENTIAL MEDIUM/HIGH DENSITY FOR TEN PROPERTIES LOCATED ON THE SOUTH SIDE OF BROADWAY AS SHOWN ON EXHIBIT A IN LEMON GROVE, CALIFORNIA

WHEREAS, the City of Lemon Grove conducted an environmental assessment for Zoning Amendment ZA15-0001 and General Plan Amendment GPA15-0001 on April 1, 2015, to amend the General Plan Land Use Designation from Transportation and Retail Commercial to Residential Medium/High for ten properties located on the south side of Broadway as shown on Exhibit A and to amend the Zoning District from General Commercial to Medium/High Residential; and

WHEREAS, a Negative Declaration (ND) of Environmental Impact will be filed subsequent to the adoption and final approval of the proposed project. The Initial Environmental Study prepared for this project identified no potential environmental impacts. Mitigation measures are not included in the ND; and

WHEREAS, on April 27, 2015, a public hearing was duly noticed and held by the Lemon Grove Planning Commission; and

WHEREAS, the Planning Commission recommended that the City Council certify Negative Declaration ND15-01 and approve General Plan Amendment GPA15-0001; and

WHEREAS, on May 5, 2015, a public hearing was duly noticed and held by the Lemon Grove City Council; and

WHEREAS, the City Council finds that the General Plan Amendment is in accordance with Government Code Sections 65350 to 65359; and

WHEREAS, the City Council finds that the General Plan Amendment is consistent with the goals and the policies of the General Plan and Chapter 18.40 (General Plan Conformity) of the Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

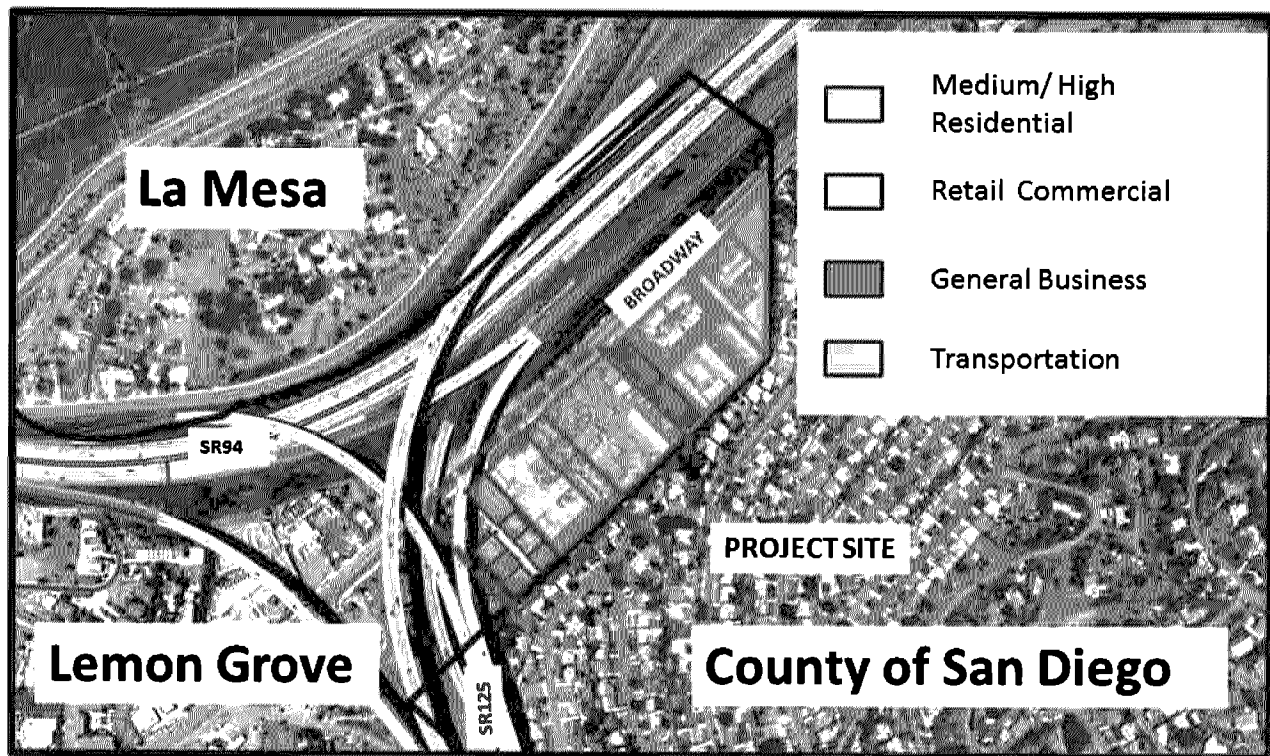
SECTION 1. Certifies the adequacy of the Negative Declaration of Environmental Impact ND15-01; and

SECTION 2. Approves General Plan Amendment GPA15-0001 amending the General Plan Land Use Designation from Transportation and Retail Commercial to Residential Medium/High Density for ten parcels as shown on Exhibit A.

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/////

Attachment B

EXHIBIT A



PROPERTIES IN PROJECT SITE

1. 8321-23 Broadway Lane APN: 499-220-27
2. 8319 Broadway Lane APN: 499-220-26
3. 8313 Broadway Lane APN: 499-220-06
4. 8307 Broadway Lane APN: 499-220-08
5. 8309 Broadway Lane APN: 499-220-09
6. Broadway Lane APN: 499-220-10
7. 8351 Broadway APN: 499-220-35
8. Broadway APN: 499-220-61
9. 8361-5 Broadway APN: 499-220-57
10. 8369-85 Broadway APN: 499-220-58

ORDINANCE NO. 427

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA APPROVING ZONING AMENDMENT ZA15-0001 AMENDING THE ZONING DISTRICT FROM GENERAL COMMERCIAL (GC) TO MEDIUM/HIGH RESIDENTIAL, LEMON GROVE, CALIFORNIA

WHEREAS, the City of Lemon Grove conducted an environmental assessment for Zoning Amendment ZA15-0001 and General Plan Amendment GPA15-0001 on April 1, 2015, to amend the General Plan Land Use Designation from Transportation and Retail Commercial to Residential Medium/High for ten properties located on the south side of Broadway as shown on Exhibit A and to amend the Zoning District from General Commercial to Medium/High Residential; and

WHEREAS, a Negative Declaration (ND) of Environmental Impact will be filed subsequent to the adoption and final approval of the proposed project. The Initial Environmental Study prepared for this project identified no potential environmental impacts. Mitigation measures are not included in the ND; and

WHEREAS, on April 27, 2015, a public hearing was duly noticed and held by the Lemon Grove Planning Commission; and

WHEREAS, the Planning Commission recommended that the City Council certify Negative Declaration ND14-01 and approve Zoning Amendment ZA15-0001; and

WHEREAS, on May 5, 2015, a public hearing was duly noticed and held by the Lemon Grove City Council; and

WHEREAS, General Plan Amendment GPA15-0001 was approved and Negative Declaration ND15-01 was certified; and

WHEREAS, the City Council finds that the following findings required to approve a Zoning Amendment can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. That the proposed amendment is consistent with the General Plan, in accordance with Government Code Section 65860, as amended.

The amendment will allow residential development in an area that is suited for more intense residential development and is more compatible with the surrounding development.

2. That the public health, safety, and general welfare benefit from the adoption of the proposed amendment.

The amendment eliminates an existing land use conflict and provides for the ability to develop residential land uses consistent with the existing predominant land uses in the vicinity; and

THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA DOES ORDAIN AS FOLLOWS:

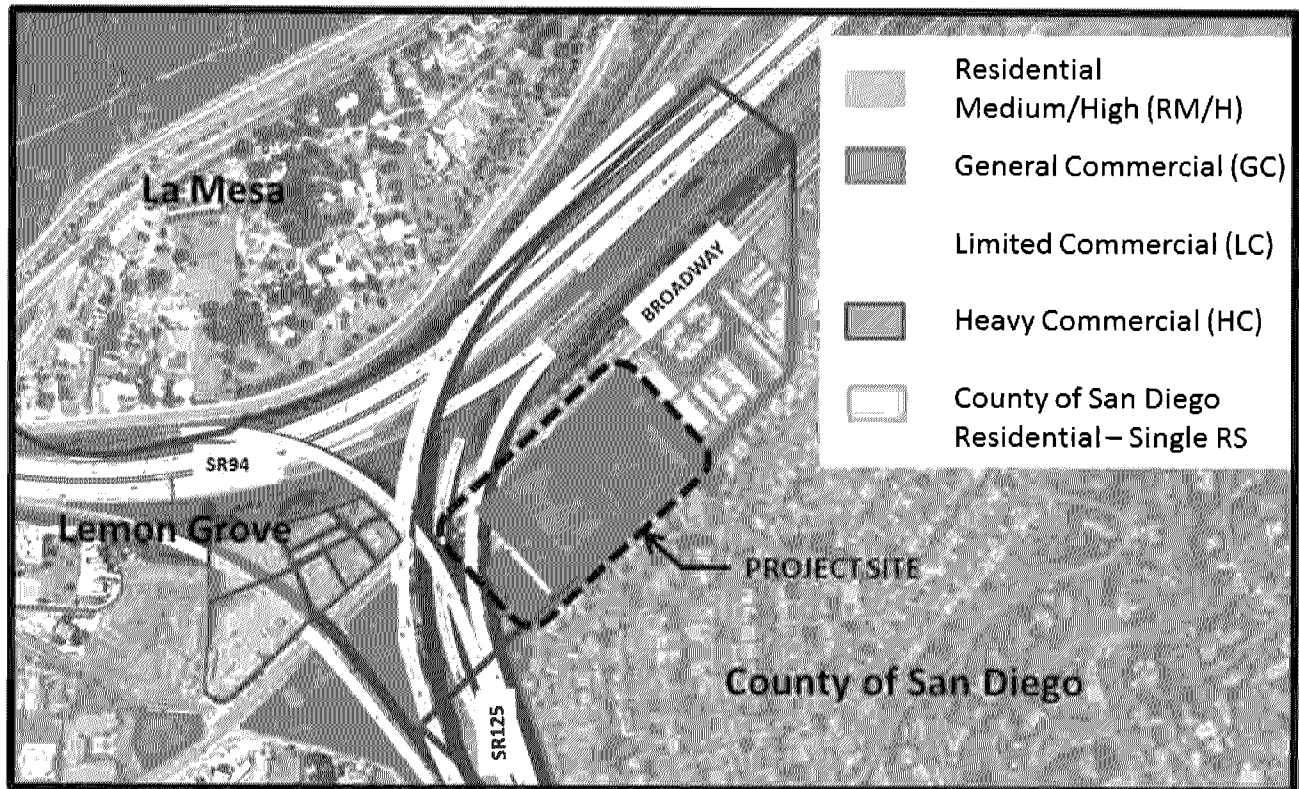
SECTION ONE: Approve Zoning Amendment ZA15-0001 amending the Zoning District from General Commercial (GC) to Residential Medium/High (RMH) for those properties identified in Exhibit A.

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Attachment C

EXHIBIT A



PROPERTIES IN PROJECT SITE

1. 8321-23 Broadway Lane APN: 499-220-27
2. 8319 Broadway Lane APN: 499-220-26
3. 8313 Broadway Lane APN: 499-220-06
4. 8307 Broadway Lane APN: 499-220-08
5. 8309 Broadway Lane APN: 499-220-09
6. Broadway Lane APN: 499-220-10
7. 8351 Broadway APN: 499-220-35
8. Broadway APN: 499-220-61
9. 8361-5 Broadway APN: 499-220-57
10. 8369-85 Broadway APN: 499-220-58

**ENVIRONMENTAL CHECKLIST FORM
CITY OF LEMON GROVE
DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL ASSESSMENT NO. ND15-01**

1. **Project Title:** General Plan Amendment GPA-150-0001 & Zoning Amendment ZA1-500-0001 –East Broadway Rezone
2. **Lead Agency Name and Address:** City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945
3. **Contact Person and Phone Number:** David De Vries, Principal Planner
(619) 825-3812
4. **Project Location:** Ten contiguous properties on the south side of Broadway located at 8305-8331 Broadway Lane and 8351-8385 Broadway, Lemon Grove, CA 91945. Assessor's Parcel Numbers: 499-220-06-00, 499-220-08-00, 499-220-09-00, 499-220-10-00, 499-220-26-00, 499-220-27-00, 499-220-35-00, 499-220-57-00, and 499-220-58-00 respectively.
5. **Project Sponsor's Name and Address:** City of Lemon Grove, 3232 Main St., Lemon Grove, CA 91945. **Phone:** (619) 825-3805.
6. **General Plan Designation:** The subject properties are designated as Transportation and Retail Commercial in the Land Use Element of the General Plan.
7. **Zoning:** The subject properties are located in the General Commercial zone.
8. **Description of the Project:** The proposed project is a request to amend the General Plan Land Use Designation from Transportation and Retail Commercial to Medium/High Density Residential (up to 29 dwelling units per acre) and to amend the Zoning District from General Commercial (GC) to Residential Medium/High for ten separate properties located between and including 8305 Broadway and 8373 Broadway. The project area consists of approximately 7.2 developed acres. The existing development in the project area consists of one duplex development and four single family residential properties, a residential care facility with vehicle parking lots, condominium developments and an auto repair facility.
9. **Surrounding Land Uses and Setting:** The site is located in a developed urban commercial and residential area. The site is surrounded by transportation, commercial and residential land uses. SR94, SR125 and Broadway are on the north and west sides of the project area, a storage facility and multi-family dwellings on the east side of the project area and single family residential development in the County of San Diego is on the south of the project area. The project area contains ornamental vegetation and slopes gently downward from Broadway to the southerly edge of the project. The existing development in the project area consists of four single family residential properties, a residential care facility with vehicle parking lots, condominium developments and an auto repair facility.

Attachment D

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement): None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors highlighted 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.

Aesthetics	Hazards & Hazardous Materials	Public Services
Agricultural Resources	Hydrology/Water Quality	Recreation
Air Quality	Land Use/Planning	Transportation/Traffic
Biological Resources	Mineral Resources	Utilities/Service Systems
Cultural Resources	Noise	Mandatory Findings of Significance
Geology/Soils	Population/Housing	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

 X 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 "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but a 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 addresses.

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

Attachment D

On file

April 1, 2015

Signature

Date

David De Vries, Principal Planner

City of Lemon Grove

Printed Name

For

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 the project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project).

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 particularly 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: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less 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 Section 17, "Earlier Analysis", may be cross-referenced).

5. Earlier analysis may be used where, pursuant to the tiering, program EIR or other CEQA process, and 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 effect 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 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, etc.). Reference to a previously prepared or outside document should where appropriate, include a reference to the page or pages where the statement is substantiated.

Attachment D

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 relevant to the project's environmental effects in whatever format is selected.

9. The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

ISSUES AND SUPPORTING INFORMATION

1. **AESTHETICS.** Would the Project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The site is located in a developed urbanized area. The site is not located in or near a scenic vista or scenic highway. The project area consists of single-family residences, multi-family condominiums, a residential care facility, and auto repair land uses on developed sites with ornamental landscape. No development is proposed as a part of this project and multi-family residential land uses will be required to comply with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes.

Source: 1, 2, 3, 5

2. **AGRICULTURE 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. 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?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated

Attachment D

☐ Less Than Significant Impact
☒ No Impact

Discussion:

The project is located within a developed urban commercial area. The property is not located in an area used for agricultural purposes and no such impacts will occur.

Source: 1, 2

3. 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?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) Results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under any applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors?)
- d) Expose sensitive receptors to substantial pollutant concentrations?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The project is not expected to result in a future increase in traffic because the projected vehicle trips for the existing land uses is approximately 737 trips less than the projected vehicle trips for the subject area if built out at 29 dwelling units per acre. No significant impact on air resources is likely to occur. The Master Environmental Impact Report (MEIR) for the City of Lemon Grove's General Plan anticipates air quality impacts associated with the build out of Lemon Grove but not to a level of significance. The cumulative air quality impacts will remain significant and unmitigated. However, this project is not considered to result in a cumulatively considerable net increase of any criteria pollutant. Standard conditions of future development project approval will require the control of dust during site grading and construction.

Source: 1, 2, 3, 5, 6

4. 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?
- b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plan, policies, regulations or by the California Department of Fish and Game or U.S. Wildlife service?
- 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 march vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any resident, migratory wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Attachment D

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan and other approved local, regional, or state habitat conservation plan?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

The MEIR for the City of Lemon Grove's General Plan confirms there are no known sensitive biological resources, riparian habitat, or wetlands within the project area.

Source: 1, 2

5. CULTURAL RESOURCES. Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

No development activities are proposed as a part of this project.

Source: 1, 2, 5

6. 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 based on the other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (ii) Strong seismic ground shaking? (iii) Seismic-related ground failure, including liquefaction? (iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- 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?
- d) Locate on the expansive soil, as defined in Table 18-I-b of the Uniform Building Code (1997), creating substantial risks to life or property?
- 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?

☐ Potentially significant Impact

Attachment D

☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

No development activities are proposed as a part of this project. New structures will be required to comply with the current seismic requirements of the California Building Code. Like most urban areas in Southern California, Lemon Grove is subject to earthquakes. The project site is not located in an Earthquake Fault Zone according to the Alquist-Priolo Earthquake Fault Zoning Act and no active faults or ground ruptures have been mapped underlying the site or within the City of Lemon Grove. Active regional faults may cause ground shaking in Lemon Grove. Typical erosion control measures will be required during site grading.

Source: 1, 2, 5

7. 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?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous material 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?
- 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 area?
- f) For a project within the vicinity of a private airstrip would the project result in a safety hazard for people resident or working in the project area?
- g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 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?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

No development is proposed as a part of this project and future multi-family residential land uses will be required to comply with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes. Future development of any site will implement recommendation is a Phase 1 or 2 environmental assessment.

The subject property is not located within the Influence Area of a private airstrip or public airport.

The project is located within an urbanized area and there are no wildlands located within the vicinity of the subject property.

Attachment D

Source: 1, 2, 5, 7

- 8. HYDROLOGY AND WATER QUALITY.** Would the project:
- a) Violate any water quality standards or waste discharge requirements?
 - b) Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the groundwater table level ((e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
 - c) Substantially alter 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 resulting a substantial erosion or siltation on- or off-site?
 - 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 of surface runoff in a manner which would resulting flooding on- or off-site.
 - e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
 - f) Otherwise substantially degrade water quality?
 - g) Place housing within a 100-year floodplain on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
 - h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
 - i) Expose people or structures to significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
 - j) Inundation by seiche, tsunami, or mudflow?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

No development is proposed as a part of this project and future multi-family residential land uses will be required to comply with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes.

Future project are required to comply with the Regional Water Quality Board regulations and requirements.

This project is not located in a flood plain or zone and is not subject to flooding.

Source: 1, 2, 4, 5

- 9. LAND USE PLANNING.** Would the project:
- a) Physically divide an established community?
 - b) Conflict with an applicable land use plan, policy or regulation of 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 environmental effect?
 - c) Conflict with any applicable habitat conservation plan or natural communities' conservation plan?

Attachment D

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The project will not divide the community. This amendment is expected to address existing land use conflicts created as a result of the SR125, historical uses, City and County of San Diego zoning. The project also meets current General Plan programs by addressing some of the remaining transportation land uses on properties identified by Caltrans for SR125 and not utilized for that purpose. The majority of properties on the south side of Broadway east of Sweetwater Road and to the City boundary are developed as multi-family residential land uses and this project is compatible with those existing uses.

The FAA Notice Criteria Tool has identified the project area in proximity to a navigation facility and in accordance with CFT Title 14 Part 77.9, development specifics must be filed with the FAA prior to construction.

Source: 1, 2, 5, 8

10. 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?
- 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?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

There are no known mineral resources of value located within the City of Lemon Grove.

Source: 1, 2, 5

11. NOISE. Would the project:

- a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?
- c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) Result in a substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 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 use airport, would the project expose people residing or working in the area to excessive noise levels?
- f) For a project within vicinity of a private airstrip would the project expose people residing or working in the project area to excessive noise levels?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact

Attachment D

☐ No Impact

Discussion:

No development is proposed as a part of this project. The proposed project will not introduce significant noise sources in the vicinity that are inconsistent with the surrounding area. The surrounding land uses include single-family residences to the south in the County of San Diego, the SR-125 freeway overpass to the west, the SR-94 freeway to the north, and a public storage facility, multi-family residences, and single-family residences in the County of San Diego to the east. This amendment will address conflicts between existing residential and heavy commercial land uses.

The SR-94 and SR-125 are noise sources within close proximity of the project. Figure N-2 in the 1996 General Plan indicates that the project area is located within an area encompassing 75 db CNEL noise levels or less. The MEIR for the General Plan states that residential uses with existing noise levels below 75 db CNEL is normally unacceptable and a detailed analysis of the noise reduction requirements must be made and the needed noise insulation features included in the design. New development within the project area will require a noise study for a specific project and measures will be implemented according to the project specific study to reduce potential noise impacts to below a level of significance and in conformance with the California Building Code.

The subject property is not located within the Influence Area of a private airstrip or public airport as it relates to noise .

Source: 1, 2, 7

12. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing units elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

The project will not induce substantial population growth. Approximately 155 additional dwelling units may result from the project. The project does not displace existing housing units or numbers of people.

Source: 1, 2, 5

13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) Fire protection?

Attachment D

- b) Police protection?
- c) Schools?
- d) Parks?
- e) Other public facilities?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

No development is proposed as a part of this project. Approximately 155 additional dwelling units may result from the project. The proposed project will result in minor increase in the demand for public services and facilities.

Source: 1, 2, 5

14. RECREATION. Would the project:

- a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- 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?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

No development is proposed as a part of this project. Up to 155 additional dwelling units may result from the project. The proposed project will cause a minor increase in the demand on recreational services in the community.

Source: 1, 2, 5

15. TRANSPORTATION/TRAFFIC. Would the project:

- a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., resulting a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?
- b) Exceed, either individually or cumulatively, a level of service standard established by the County Congestion Management Agency for designated roads or highways?
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?
- d) Substantially increase hazards to a design feature (e.g. sharp curves or dangerous intersection) or incompatible uses (e.g. farm equipment)?
- e) Result in inadequate emergency access?
- f) Result in inadequate parking capacity?
- g) Conflict with adopted policies or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated

Attachment D

☒ Less Than Significant Impact
☐ No Impact

Discussion:

No development is proposed as a part of this project. The project is not expected to result in a future increase in traffic because the projected vehicle trips for the existing land uses is approximately 737 trips more than the projected vehicle trips for the subject area if built out at 29 dwelling units per acre. No significant impact on existing traffic loads and capacities is likely to occur. East Broadway would operate at a Level of Service (LOS) D or higher at 33,400 average daily trips (ADT). The SANDAG 2050 Forecast estimates 30,600 daily trips for this section of Broadway and the proposed traffic would be below the acceptable LOS D standard.

Development within the area is required to file an application to the FAA for a determination regarding impacts to the navigation aids in the area.

Source: 1, 2, 5, 6, 7, 8

16. UTILITIES AND SERVICE SYSTEMS. Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 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?
- c) Require or result in the construction of new storm drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- e) Result in a determination by the wastewater treatment facilities which services 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?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with the federal, state, and local statutes and regulations related to solid waste?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☒ Less Than Significant Impact
☐ No Impact

Discussion:

No development is proposed as a part of this project. Approximately 155 additional dwelling units may result from the project. The proposed projects will increase the demand for utilities and service systems, but can be made to meet those demands with facilities that do not cause significant environmental effect.

Source: 1, 2, 5

17. 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?

Attachment D

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

No development is proposed as a part of this project and future residential land uses will be required to comply with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes.

b) Does the project have 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 the past projects, the effects of other current projects, and the effects of probable future projects)?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

No development is proposed as a part of this project and future residential land uses will be required to comply with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes. The project will not result in impacts that are cumulatively considerable.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐ Potentially significant Impact
☐ Less than Significant with Mitigation Incorporated
☐ Less Than Significant Impact
☒ No Impact

Discussion:

No development is proposed as a part of this project and future residential land uses will be required to comply with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes. The proposed project will not cause a substantial adverse effect on human beings.

Source: 1, 2, 3, 5

In view of the above analysis, it is determined that the project will not have a significant impact on the environment and an environmental impact report is not required.

EARLIER ANALYSIS

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

Attachment D

Earlier Documents prepared and utilized in this analysis are listed below. All of the documents are available at the City of Lemon Grove, Development Services Department, 3232 Main Street, Lemon Grove.

<u>Reference #</u>	<u>Document Title</u>
1.	City of Lemon Grove General Plan
2.	Master Environmental Impact Report for the Lemon Grove General Plan
3.	City of Lemon Grove Municipal Code
4.	Firm Insurance Rate Map Community Panel No. 06073C1910G May 16, 2012
5.	GPA-150-0001/ZA1-500-0001 Application Packet
6.	Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, SANDAG; April 2002
7.	Montgomery Field Airport Land Use Compatibility Plan, May 2009
8.	FAA Notice Criteria Tool

Individuals and Organizations Consulted

Carol Dick, Development Services Director, City of Lemon Grove

Tamara O'Neal, Associate Engineer, City of Lemon Grove

Chris Jensen, Deputy Fire Marshal, Heartland Fire & Rescue

**TABLE CD-1
PROPOSED LAND USE CATEGORIES AND DENSITY/INTENSITIES**

Land Use Categories	Maximum Development Per Net Acre (a, b, c)	Expected Development Per Net Acre (d)	Land Use Category Description
Low Density Residential	4 DU/acre	3 DU/acre	Detached houses. Typical uses include uses such as accessory dwelling units, churches, day care, open space, public facilities, home businesses and others which are compatible with the surrounding neighborhood.
Low/Medium Density Residential	7 DU/acre	5.25 DU/acre	Detached houses. Typical uses include uses such as accessory dwelling units, churches, day care, open space, public facilities, home businesses and others which are compatible with the surrounding neighborhood.
Medium Density Residential	14 DU/acre	14 DU/acre	Detached and attached houses, including duplexes and town houses, and limited condominiums and apartments. Typical uses include uses such as accessory dwelling units, churches, day care, open space, public facilities, home businesses and others which are compatible with the surrounding neighborhood.
Medium/High Density Residential	29 DU/acre	24.5 DU/acre	Duplexes, town houses, condominiums and apartments. Typical uses include uses such as accessory dwelling units, churches, day care, open space, public facilities, home businesses and others which are compatible with the surrounding neighborhood.
Mixed Use	43 DU/acre and 2.0:1 FAR	20 DU/acre; 1.25:1 FAR	Mix of residential (condominiums and apartments), retail and office uses within the same building, lot or area, with the intent of creating lively pedestrian-oriented villages near the transit stations. Retail includes entertainment and neighborhood-serving businesses. Where mixes of uses occur within the same building, locate retail uses on the street level.
Retail Commercial	1.0:1 FAR	0.8:1 FAR	Retail operations providing a broad range of goods and services, catering to both local and regional customers. Includes shopping centers, department stores, grocery stores, professional services and other compatible retail businesses that are auto-oriented.
General Business	1.2:1 FAR	0.8:1 FAR	Professional office, wholesale businesses, research and development, high technology production, and sales. Includes commercial uses that support business uses.

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Attachment E

Land Use Category	Maximum Development Per Net Acre (a, b, c)	Expected Development Per Net Acre (d)	Land Use Category Description
Industrial	0.7:1 FAR	0.5:1 FAR	Mixture of manufacturing, processing, warehousing and storage uses that do not generate appreciable air and water pollutants, noise, hazardous materials and odors that might be offensive to residents and other businesses.
Public/Institutional Facilities	1.0:1 FAR	0.4:1 FAR	Public uses and service facilities, such as government offices and facilities, schools, public utilities, post office, libraries, fire and law enforcement stations, social service facilities and churches.
Park/Recreation	0.5:1 FAR	0.1:1 FAR	Community and neighborhood parks, public recreation and community centers.
Transportation	N/A (e)	N/A	Streets, freeway and trolley corridors and stations, bus facilities, "park-and-ride" lots and associated rights-of-ways. If Caltrans permits development within the right-of-way after SR-125 freeway is constructed, the development must conform to the following designations: east and west of SR-125 - Retail Commercial, and south of the Broadway commercial corridor - same designation as the destination of adjacent properties.
Special Treatment Areas - Overlays I Downtown Village II Massachusetts Station III Regional Commercial IV Western Central Avenue Residential V Federal Boulevard Automobile Sales District VI Central Lemon Grove Avenue VII Troy Street/SR-125 Planning Area VIII Eastern Central Avenue Residential			

- (a) The density of residential development is expressed in dwelling units per acre (DUs/acre). The intensity of non-residential development is expressed in floor area ratio (FAR), which is the ratio of building floor area to the land area.
- (b) The maximum development represents the greatest level of development that can occur on individual parcels of land.
- (c) The maximum density within the residential categories may be exceeded for projects providing affordable housing, in accordance with the density bonus provisions of Section 65915 of the California Government Code.
- (d) The expected development reflects the fact that the development which has occurred to date has not reached the maximum allowed density or intensity, and future development is also expected to be less dense/intense than the permitted maximum. The expected development provides a more realistic picture of future development within the land use categories, and is therefore used to project population and buildout data.
- (e) In general, development will not occur within transportation rights-of-way. Through negotiations with Caltrans, development may occur in the future SR-125 freeway right-of-way, near the SR-84 freeway. Such development will be subject to Caltrans lease requirements, and must be consistent with the Lemon Grove General Plan.

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17.16.040 Residential medium/high density (RMH) zone.

A. Purpose. The residential medium/high density zone is intended to provide for more compact multifamily housing development, such as garden apartments.

B. Uses Permitted. In the RM/H zone, the following uses are permitted, subject to the development standards in this section and elsewhere in this title as specified:

1. Day care and residential care facilities for six or fewer persons.
2. Parks and playgrounds.
3. Accessory rental dwelling units in compliance with Section 17.24.060(C)(13)(a through i).

C. Uses Requiring Use Permit.

1. The following uses are permitted subject to the approval of a conditional use permit according to the provisions of Section 17.28.050:

- a. Duplex dwellings.
- b. Public service and utility structures and facilities.
- c. Churches and schools.
- d. Boarding or lodging houses.
- e. Day care and residential care facilities, except large family day care, for seven or more persons.
- f. Senior citizen housing.
- g. Multifamily dwellings consistent with the following implementation program set forth in the general plan implementation manual: community development programs No. 14, 23, 34, and 35; safety program No. 23; noise programs No. 1, 2, and 4; conservation and recreation programs No. 15, 18, 22, 28, 31, and 41.

2. The following uses are permitted subject to the approval of a minor use permit according to the provisions of Section 17.28.052:

- a. Expansion of nonconforming single-family dwellings used for residential purposes where lot coverage is increased by more than twenty percent.

D. Development Standards. The following property development standards shall apply to all land and structures in the RM/H zone. Furthermore, all development must obtain a planned development permit as prescribed in Section 17.28.030.

1. Minimum Site Area. Six thousand square feet, subject to a minimum one thousand five hundred square feet per dwelling unit, for residential purposes; ten thousand square feet for churches and other uses.

2. Minimum Density. No residential development shall be permitted which contains an overall density of less than one unit per three thousand square feet.

3. Minimum Lot Width and Depth. Sixty feet for width; ninety feet for depth.

4. Minimum Yards (as prescribed in Section 17.24.030).

a. Front: Twenty-five feet.

b. Side: Five feet.

c. Rear: Twenty feet.

5. Maximum Building Height (as prescribed in Section 17.24.040).

a. Main Buildings: Forty-five feet.

b. Accessory Structures: Fifteen feet.

6. Minimum Usable Open Space (as prescribed in Section 17.24.070). Five hundred square feet for each dwelling unit.

7. Off-Street Parking (as prescribed in Section 17.24.010)

a. Resident: Two spaces per dwelling unit.

b. Guest: One space per four dwelling units.

Attachment F

E. Additional Zoning Provisions. All uses shall be subject to the applicable regulations of this development code, as specified in this section or prescribed elsewhere. Additional development standards relating to this zone are located in the following sections:

1. Landscaping, Section 17.24.050.
2. Fencing, Section 17.24.050.
3. Home occupations, Chapter 18.20.
4. Accessory uses, Section 17.24.060.
5. Temporary uses, Section 17.28.040.
6. Signs: Chapter 18.12.
7. Animal keeping, Chapter 18.16.
8. Nonconforming use/lot, Section 17.24.090.

F. Properties located within special treatment area I (STA I) are subject to the requirements of the city of Lemon Grove downtown village specific plan. (Ord. 349 § 2 (part), 2005)

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 5
Mtg. Date May 5, 2015
Dept. City Manager's Office

Item Title: Draft Fiscal Year 2015-2016 General Fund and General Reserve Fund Budgets

Staff Contact: Cathy Till, Finance Director & Graham Mitchell, City Manager

Recommendation:

Consider and provide feedback regarding the draft Fiscal Year 2015-2016 budgets for the General Fund and General Reserve Fund.

Item Summary:

Staff has prepared draft Fiscal Year 2015-2016 (FY 2015-16) budgets for the General Fund and the General Reserve Fund (**Attachment B**) that reflect the direction provided by the City Council at various meetings and workshops held throughout the year. The draft budgets include updated revenue and expenditure projections for FY 2014-15 and reflect revenue projections and an expenditure plan for FY 2015-16.

Staff seeks feedback regarding the proposed budgets in preparation for the final FY 2015-16 budget that will be presented for consideration at the June 2nd City Council meeting. Staff anticipates providing draft budgets for the other 22 funds managed by the City at the May 19th City Council meeting.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Draft Fiscal Year 2015-2016 General Fund and General Reserve Fund Budgets

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 5

Mtg. Date May 5, 2015

Item Title: **Draft Fiscal Year 2015-2016 General Fund and General Reserve Fund Budgets**

Staff Contact: Cathy Till, Finance Director & Graham Mitchell, City Manager

Discussion:

Staff has prepared draft Fiscal Year 2015-2016 (FY 2015-16) budgets for the General Fund and the General Reserve Fund (**Attachment B**) that reflect the direction provided by the City Council at various meetings and workshops held throughout the year.

Staff has updated the FY 2014-15 mid-year budgets with revised revenue and expenditure projections. Staff also presents draft FY 2015-16 budgets that reflect revenue and expenditure projections based on year-to-date trends.

Staff seeks feedback regarding the proposed budgets so that they may be presented for adoption at the June 2nd City Council meeting.

This staff report includes the following sections:

- Budget Overview (General Fund),
- Historic Revenue and Expenditure Trends,
- FY 2014-15 General Fund Budget,
- Proposed FY 2015-16 General Fund Budget,
- General Reserve Fund (Fund 6), and
- Analysis of the City's Overall General Reserves.

Budget Overview (General Fund)

For FY 2014-15, staff anticipates that the City will generate \$12.1 million in combined revenue and interfund transfers and will expend \$11.3 million—generating a surplus of approximately \$737,200, which is significantly more than the surplus projected in the FY 2014-15 mid-year budget (\$358,600).

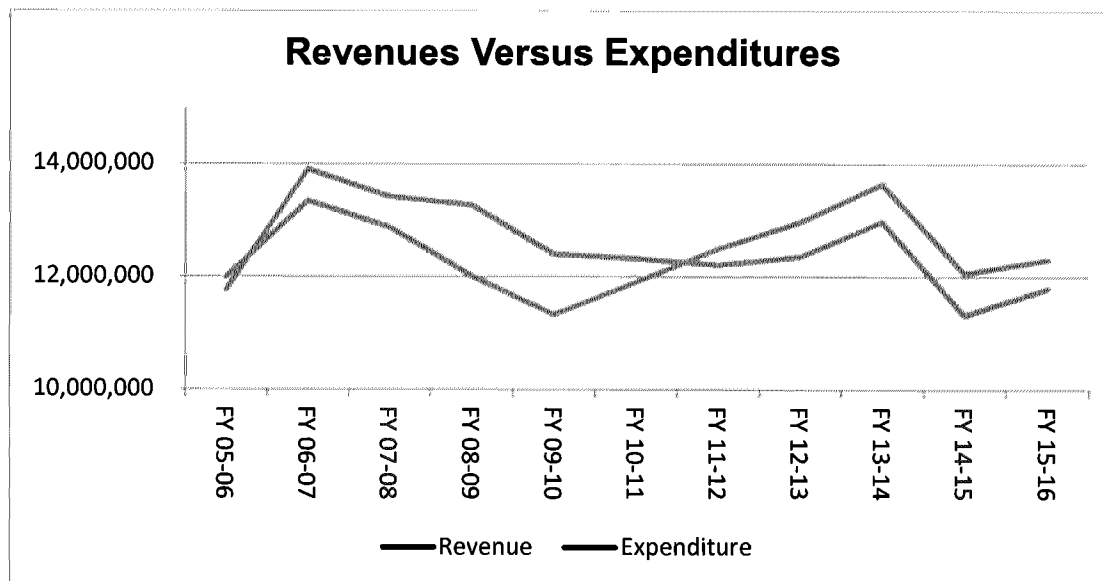
The budget anticipates revenues to be 2 percent more in FY 2015-16 than FY 2014-15, an increase of approximately \$242,600. The proposed budget also shows an increase in the expenditure plan of \$467,700 over FY 2014-15.

The presented draft budget results in a surplus of \$512,100 in FY 2015-16, growing the General Fund balance from \$2,394,700 to \$2,906,800.

Attachment A

Historic Revenue & Expenditure Trends

As the City continues its steady recovery from the recession, staff felt it important to provide historical perspective, which can serve as a reminder of the highs and lows the City experienced over the past decade. Staff presents a chart illustrating revenue and expenses from FY 2005-06 through the draft FY 2015-16 budget (these figures are not adjusted for inflation).



Of the major revenue sources, sales tax revenue has experienced the most fluctuation over the past ten years. In FY 2015-16, staff projects that the City will collect \$5.40 million in sales tax. That is approximately \$715,000 more than the high of \$4.68 million that the City collected in FY 2006-07. It should be noted that approximately \$200,000 of this is a one-time true up payment due to the wind down of the "Triple Flip" program. Property tax has been steadily increasing since the low of \$1.82 million in FY 2010-11, and is projected to be \$2.23 million in FY 2015-16. Vehicle license fees have also increased at an average rate of 1 percent since FY 2005-06.

In FY 2015-16, overall General Fund revenues are projected to be \$11.8 million dollars, which is an all-time high for the City, exceeding pre-recession revenues by approximately \$281,200.

FY 2014-15 General Fund Budget

Staff, in preparation for the FY 2015-16 budget, updated projections for General Fund revenue and expenditure from the FY 2014-15 mid-year budget. This section provides a review of the updated revenue and expenditure projections and an explanation of significant variances.

FY 2014-15 Revenue

General Fund revenue is anticipated to increase from the mid-year budget of \$11.6 million to \$12.1 million. This is an increase of approximately \$423,900. The primary reasons for the increase are sales tax (+\$376,000) and development fees (+\$108,000), partially offset by a decrease in property tax (-\$92,300) due to a higher delinquency factor than was used in the mid-year budget. Other smaller variances, both positive and negative, make up the difference between the mid-year budget and the anticipated budget.

Attachment A

FY 2014-15 Expenditures

Expenditures are projected to increase by \$45,300, primarily due to increased costs in fire and development services. These increases are partially offset by decreases in public works (\$51,500) as well as other, less material, variances in the other departments.

Department	FY 13-14 Actual	FY 14-15 Mid-Year	FY 14-15 Anticipated	Variance
City Council	\$130,200	\$67,600	\$67,600	\$0
City Manager	525,400	219,000	217,900	(1,100)
City Attorney	112,600	151,500	140,700	(10,800)
Finance	400,700	189,800	191,800	2,000
Law Enforcement	4,801,100	4,944,000	4,944,000	0
Animal Control	202,100	201,100	208,800	7,700
Fire	3,623,700	3,863,200	3,885,800	22,600
Development Services	1,304,900	571,600	648,000	76,400
Public Works	1,870,800	1,068,700	1,017,200	(51,500)
Total	\$12,971,500	\$11,276,500	\$11,321,800	\$45,300

The net result is an anticipated \$737,200 surplus in FY 2014-15, resulting in an anticipated year-end fund balance of approximately \$2.4 million.

Proposed FY 2015-16 General Fund Budget

The strengthening economy and conservative budgeting approach are leading the City out of its fiscal challenges of the recession. Staff believes that the proposed FY 2015-16 budget continues to reflect cost containment, but at the same time remains aware that factors such as unexpected repairs or capital costs, along with price fluctuations (e.g. the price of fuel) can occur. This section of the staff report presents a detail of staff's forecast of revenue, a proposed expenditure plan, and a resulting General Fund surplus.

FY 2015-16 Revenue

Revenue is expected to increase by \$264,400 in FY 2015-16 over anticipated FY 2014-15 revenue. Sales tax is projected to grow by \$324,000, or 6.4 percent, due to a one-time payment of approximately \$200,000 (due to the scheduled termination of the "Triple Flip" program) as well as continued strong sales in the auto and construction sectors. One of staff's concerns for the future, given the City's reliance on these two predominant sources of revenue, is the potential that at least one of these sectors will flatten out or even decrease. It is already projected that sales tax will decrease approximately \$200,000 in FY 2016-17 due to the end of the "Triple Flip" program. Property tax is projected to grow at a rate of 4.2 percent, or \$89,900, in FY 2015-16. Development fees are expected to decrease by \$145,000, but this could change depending on building activity in FY 2015-16. Other revenue sources reflect small variances between FY 2014-15 and FY 2015-16.

The following table provides a summary of the major revenue sources that make up the General Fund. The table includes actual figures from FY 2012-13 and FY 2013-14, as well as the

Attachment A

projected revenue for FY 2014-15 and FY 2015-16. Finally, the table includes a column that shows the percent increase/decrease in revenue between FY 2014-15 and FY 2015-16.

Description	FY 12-13 Actual	FY 13-14 Actual	FY 14-15 Anticipated	FY 15-16 Budget	% Change from FY 14-15 to FY 15-16
Sales Tax	\$3,897,100	\$4,294,800	\$5,076,000	5,400,000	6.4%
Property Tax	2,035,700	2,064,200	2,135,000	2,224,900	4.2%
VLF	1,886,800	1,940,700	2,024,500	2,074,500	2.5%
Franchise Fees	889,300	923,600	932,000	932,000	-
Rents & Leases	325,800	330,900	236,000	224,000	-5.1%
Fire Department Fees	271,000	254,800	270,600	265,600	-1.8%
Development Fees	300,000	312,700	368,000	223,000	-30.4%
Licenses	110,200	109,000	104,000	105,000	1.0%
Recreation Fees	108,000	100,300	98,700	96,700	-2.0%
Traffic Fines	103,400	120,700	140,000	137,000	-2.1%
Other	162,800	120,500	102,500	69,000	-32.7%
Total	\$10,090,100	10,572,200	\$11,487,300	\$11,751,700	2.3%

Transfers from other funds to the General Fund are projected to decrease by \$25,400 in FY 2015-16, mainly due to decreasing gas tax revenues.

FY 2015-16 Expenditures

The proposed budget shows an increase in the expenditure plan of \$467,700. Staff costs increased by \$131,300 due to the two new positions created in FY 2014-15 and step increases. Services and supplies increased \$209,400, which is due primarily to increases in the City Manager, Fire and Public Works departments.

In addition, contractual obligations increased \$94,200 primarily driven by an increase in the Sheriffs Department's contract. Although personnel costs were distributed among affected funds, staff felt it important to present a table to the City Council that details total personnel costs for comparison purposes.

Description	FY 2014-15	FY 2015-16	Difference	% Change
Salaries	\$4,684,700	\$4,937,400	252,700	5.4%
PERS	974,600	994,200	19,600	2.0%
Other Benefits	974,700	975,200	500	0.1%
Total Personnel Costs	\$6,634,000	\$6,906,800	\$272,800	4.1%

The following table shows the proposed expenditures for each City department. It includes actual figures from FY 2012-13 and FY 2013-14, as well as the projected expenditures for FY

Attachment A

2014-15 and FY 2015-16. Finally, the table includes a column that shows the percent increase or decrease in department expenditures from FY 2014-15 to FY 2015-16.

Description	FY 12-13 Actual	FY 13-14 Actual	FY 14-15 Anticipated	FY 15-16 Budget	% Change
City Council	\$130,100	\$130,200	\$67,600	\$68,000	0.6%
City Manager	473,000	525,400	217,900	302,800	39.0%
City Attorney	128,900	112,600	140,700	141,500	0.6%
Finance	361,100	400,700	191,800	236,400	23.3%
Law Enforcement	4,567,600	4,801,100	4,944,000	5,042,400	2.0%
Animal Control	202,600	202,100	208,800	203,800	-2.4%
Fire	3,505,600	3,623,700	3,885,800	4,120,100	6.0%
Development Services	1,207,800	1,304,900	648,000	615,800	-5.0%
Public Works	1,780,100	1,870,800	1,017,200	1,058,700	4.1%
Total	\$12,356,800	\$12,971,500	11,321,800	11,789,500	4.1%

The following paragraphs detail major changes in each department's expenditure plan, not including the shift in personnel costs.

City Council – no significant changes proposed.

City Manager – the increase is due primarily to professional services. This is driven by the City Council's directive to provide security at the Promenade (\$50,000) and increase public outreach efforts by the City (\$10,000). In addition, one position was added toward the end of FY 2014-15.

Finance – the Finance Department will experience an increase of \$46,900. This is primarily due to the addition of one position that occurred in late FY 2014-15, increased PERS costs, and job reclassifications.

Law Enforcement – the FY 2015-16 budget reflects costs associated with the law enforcement contract with the San Diego County Sheriff's Department. The contract increases by \$96,400 over FY 2014-15. At this time, staff does not know the cost of a communication infrastructure backbone contract that is due to go into effect FY 2016-17.

Animal Control – it is anticipated that animal control costs will decrease slightly (\$7,700) due to fewer calls for service.

Fire – the Fire Department expenditures reflect an increase of \$276,500, which is due to increases in operational costs and contractual obligations. The lease-purchase agreement for the fire engine has been shifted to the Fire Department budget from the General Reserve budget, since staff anticipates that this will be an on-going, permanent expenditure.

Development Services – it is anticipated that Development Services will experience a decrease mainly due to a decrease in building inspection fees. Building fee revenue reflects a commensurate decrease.

Public Works – the Public Works budget shows an increase of \$46,000 which includes a storm drain inventory study, projected to be \$75,000.

Attachment A

General Fund Surplus and Potential Expenditures

The proposed FY 2015-16 budget results in a surplus of \$512,100. Combined with the General Reserve Fund, this provides the City with a reserve of \$3,881,900 or 32.9 percent of General Fund's proposed expenditures. Staff recommends that the City Council consider several uses of this surplus to support City Council goals and enhance the effectiveness of the City's government. These uses include:

- Pay down a portion of the PERS Unfunded Actuarial Liability (\$6,935,698). Paying down \$200,000 of the liability will save the City approximately \$649,600 over twenty years.
- Increase Public Works staff by one Street Technician position (\$31,700). This will allow the Department to designate one person to aggressively abate graffiti, litter, illegal dumping, and other important community aesthetic issues.
- Set aside the one-time "Triple Flip" payment into a newly created capital projects/equipment fund to save for future capital expenditures (\$200,000).
- Increase Development Services staff by a part-time Assistant Planner, due to the increased permitting activity (\$38,600). During the recession, the City eliminated the Principal Planner position. In the past four years, the number of permits has increased from 700 to 943, an increase of approximately 34.7 percent.
- Job Reclassifications of the Human Resources Analyst to Human Resources Manager (\$4,000) and Accounting Clerk to Administrative Accounting Assistant (\$6,900). Over the the past few years, the HR Analyst has begun to manage the City's human resources and payroll functions. The position is also now managing the City's complex PEPRAs issues as well as responsibilities with the Heartland Fire JPA. The Accounting Clerk has taken on IT responsibilities, website maintenance, and other special projects.
- Cost of Living Adjustment (COLA) for the Miscellaneous employee group. In the past four years, Miscellaneous staff has received COLAs totaling 4 percent. During this same period, the Consumer Price Index (CPI) has increased by 7.2 percent. A 2 percent COLA will keep up with the anticipated CPI growth of 1.6 percent for the next year. A 2 percent COLA results in a loaded General Fund cost of \$14,625

Proposed General Reserve Fund (Fund 6) Budget

The General Reserve Fund serves as the City's "savings account." The fund was created for several purposes: emergencies, election services, and one-time capital/equipment purchases. The FY 2014-15 budget allocated funds for the purchase of the following major items: capital improvements at city hall, senior center, and Sheriff's station, as well as the lease of the fire engine.

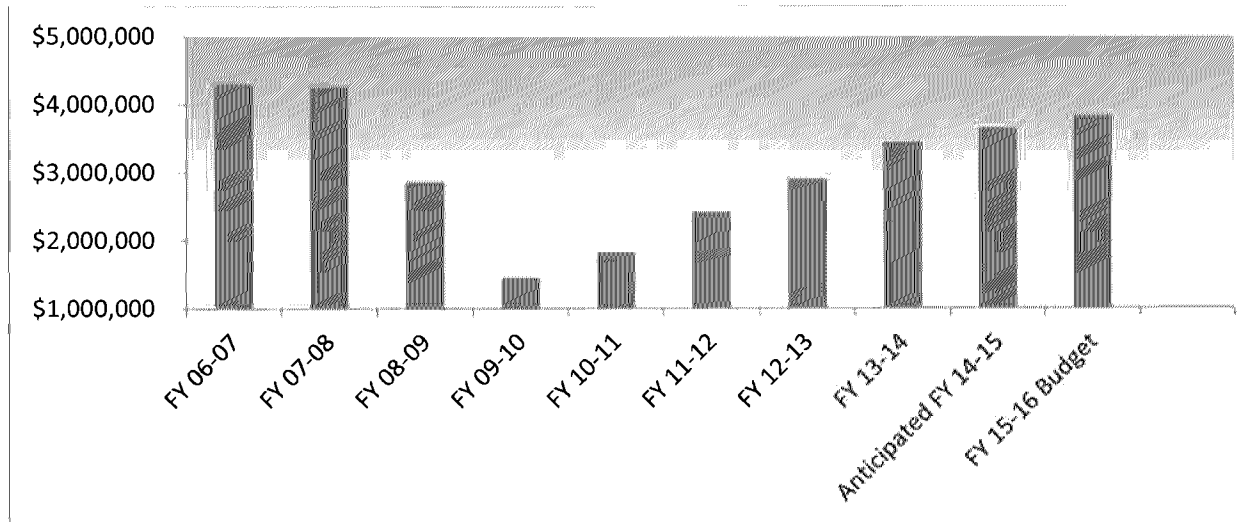
In FY 2015-16, the City anticipates minimal revenue to the General Reserve Fund (\$4,400 from interest earnings). Staff proposes four expenditures from the Fund in FY 2015-16:

- General Plan Update – \$150,000 (set aside),
- Fire Station Exhaust System – \$65,200,
- Capital Improvements at the Senior Center – \$15,000, and
- Animal Control Vehicle – \$30,000.

Attachment A

City's Overall General Reserves

Combining the City's General Fund balance with the General Reserve Fund balance, the City anticipates having \$3.88 million in its combined reserves by the end of FY 2015-16. The following graph shows the City's combined reserves for the past ten-year period.



The total reserve shown in the General Fund and General Reserve Fund equals 33 percent of the presented FY 2015-16 expenditure plan.

Not included in the table above are the fund balances of the City's two additional insurance reserve funds, which set aside monies for potential settlements for both workers compensation and general liability claims. The City's goal has been to maintain a balance sufficient to meet the deductible for three claims (\$375,000 in each fund). This may be re-evaluated depending on the outcome of the migration from SANPIPA to a new insurance provider. These funds are considered reserves; as such, they have the same characteristics as the General Reserve Fund. The FY 2015-16 draft budget reflects a combined balance for these two funds of \$808,300. The combined reserves of these funds with the General Fund and General Reserve Fund represents 40 percent of General Fund expenditures.

Conclusion:

Staff recommends that the City Council provide feedback to assist in preparing a final FY 2015-16 General Fund budget for City Council consideration. Specifically, staff seeks feedback regarding:

- Staff's revenue projections for FY 2014-15 and FY 2015-16,
- Changes to the proposed expenditure plan for FY 2015-16, and
- Other potential uses for the City's combined anticipated surpluses of \$207,600 in FY 2014-15 and \$244,300 in FY 2014-15.

With City Council feedback, staff will prepare a revised budget for City Council consideration at the June 2nd meeting. At that time, staff will present the Master Fee Schedule, along with the City's entire consolidated budget.

GENERAL FUND SUMMARY OF RESOURCES

	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
BEGINNING FUND BALANCE	\$ 377,200	\$ 987,900	\$ 1,657,500	\$ 1,657,500	2,394,700
REVENUES					
Licenses	110,200	109,000	103,000	104,000	105,000
Property Tax	2,035,700	2,064,200	2,227,300	2,135,000	2,224,900
Development Fees	300,000	312,700	260,000	368,000	223,000
Sales Tax & Triple Flip Adjustment .25%	3,897,100	4,294,800	4,700,000	5,076,000	5,400,000
Franchise Fees	889,300	923,600	932,000	932,000	932,000
Transient Occupancy Tax	36,800	39,400	35,800	35,800	35,800
Interest Income	2,200	2,500	2,500	2,000	2,000
Miscellaneous Income	110,400	67,500	21,500	54,000	20,500
Vehicle License Fees	13,400	11,100	10,700	10,700	10,700
Vehicle License Fee Adjustment	1,886,800	1,940,700	2,024,500	2,024,500	2,074,500
Parks & Recreation Fees	108,000	100,300	95,400	98,700	96,700
Rents & Leases	325,800	330,900	238,000	236,000	224,000
Traffic Fines-Public Safety	103,400	120,700	125,500	140,000	137,000
Fire Department Fees	271,000	254,800	253,600	270,600	265,600
TOTAL REVENUES:	\$ 10,090,100	\$ 10,572,200	\$ 11,029,800	\$ 11,487,300	\$ 11,751,700
TRANSFERS					
Gas Tax Fund	830,200	927,400	64,900	60,000	-
Supplemental Law Enf. Service Fund	100,100	100,000	100,000	100,000	100,000
TDA Administration	60,300	64,200	3,600	3,600	17,400
Lighting District - General District Administration	48,300	25,100	4,700	4,700	9,000
Lighting District Loc. Ben. Administration	30,600	61,300	2,600	2,600	4,900
TransNet Administration	84,300	81,700	-	-	-
Integrated Waste (AB939) Administration	26,500	28,200	600	600	1,300
Sanitation District Administration	1,483,900	1,562,200	548,500	548,500	552,400
Wildflower Dist. Administration	5,500	5,300	100	100	100
Serious Traffic Offender Program Fund Admin.	2,000	2,000	-	-	-
Storm Water Administration	36,800	39,000	-	-	-
Successor Agency - Administration	250,000	248,000	37,800	16,600	21,100
Transfer to Storm Water Fund	(81,100)	(75,500)	(157,500)	(165,000)	(156,200)
TOTAL TRANSFERS:	\$ 2,877,400	\$ 3,068,900	\$ 605,300	\$ 571,700	\$ 550,000
TOTAL REVENUES & TRANSFERS:	\$ 12,967,500	\$ 13,641,100	\$ 11,635,100	\$ 12,059,000	\$ 12,301,700
TOTAL RESOURCES:	\$ 13,344,700	\$ 14,629,000	\$ 13,292,600	\$ 13,716,500	\$ 14,696,400

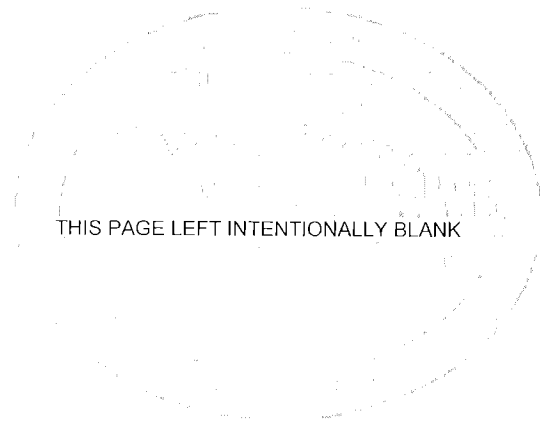
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GENERAL FUND SUMMARY OF EXPENDITURES BY DEPARTMENT

	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
EXPENDITURES:					
City Council	130,100	130,200	67,600	67,600	68,000
City Manager	473,000	525,400	219,000	217,900	302,800
City Attorney	128,900	112,600	151,500	140,700	141,500
Finance	361,100	400,700	189,800	191,800	236,400
Law Enforcement	4,567,600	4,801,100	4,944,000	4,944,000	5,042,400
Animal Control	202,600	202,100	201,100	208,800	203,800
Fire	3,505,600	3,623,700	3,863,200	3,885,800	4,120,100
Development Services	1,207,800	1,304,900	571,600	648,000	615,800
Public Works	1,780,100	1,870,800	1,068,700	1,017,200	1,058,700
TOTAL EXPENDITURES:	\$ 12,356,800	\$ 12,971,500	\$ 11,276,500	\$ 11,321,800	\$ 11,789,500
GENERAL FUND BALANCE	\$ 987,900	\$ 1,657,500	\$ 2,016,100	\$ 2,394,700	\$ 2,906,900

GENERAL FUND SUMMARY OF EXPENDITURES BY FUNCTION:

	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Function:					
Salaries	4,125,200	4,389,500	3,018,900	3,038,900	3,170,200
Retirement	816,200	838,100	621,500	625,300	623,900
Benefits-Other	974,500	945,800	667,300	661,100	694,300
Services & Supplies	1,600,500	1,725,400	1,661,300	1,693,100	1,902,500
Contracted Services	4,790,700	5,013,500	5,246,900	5,243,800	5,338,000
Recreation Programs	49,700	59,200	60,600	59,600	60,600
TOTAL EXPENDITURES:	\$ 12,356,800	\$ 12,971,500	\$ 11,276,500	\$ 11,321,800	\$ 11,789,500



**GENERAL FUND
SUMMARY OF EXPENDITURES BY DEPARTMENT AND FUNCTION**

CITY COUNCIL	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries	47,500	48,900	17,000	17,000	17,000
Retirement	9,500	9,300	3,900	3,900	4,200
Benefits-Other	25,500	26,300	9,000	9,000	9,000
Services & Supplies	47,600	45,700	37,700	37,700	37,800
TOTAL:	\$ 130,100	\$ 130,200	\$ 67,600	\$ 67,600	\$ 68,000

CITY MANAGER	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries	315,800	340,700	120,500	120,500	137,100
Retirement	62,500	67,400	29,100	29,100	42,200
Benefits-Other	58,200	60,200	23,500	23,800	22,600
Services & Supplies	36,500	57,100	45,900	44,500	100,900
TOTAL:	\$ 473,000	\$ 525,400	\$ 219,000	\$ 217,900	\$ 302,800

CITY ATTORNEY	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Professional Services (Contract Salary)	128,900	112,600	141,500	140,700	141,500
Litigation Services-non City Attorney	-	-	10,000	-	-
TOTAL:	\$ 128,900	\$ 112,600	\$ 151,500	\$ 140,700	\$ 141,500

FINANCE	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries	192,700	226,700	73,200	73,200	99,900
Retirement	36,600	42,100	15,700	15,800	28,500
Benefits-Other	39,700	49,800	17,100	17,300	18,900
Services & Supplies	92,100	82,100	83,800	85,500	89,100
TOTAL:	\$ 361,100	\$ 400,700	\$ 189,800	\$ 191,800	\$ 236,400

LAW ENFORCEMENT	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Sheriff's Contract	4,459,200	4,698,800	4,894,300	4,894,300	4,992,700
Services & Supplies	108,400	102,300	49,700	49,700	49,700
Animal Control	202,600	202,100	201,100	208,800	203,800
TOTAL:	\$ 4,770,200	\$ 5,003,200	\$ 5,145,100	\$ 5,152,800	\$ 5,246,200

GENERAL FUND **SUMMARY OF EXPENDITURES BY DEPARTMENT AND FUNCTION**

FIRE

	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries	2,044,700	2,144,400	2,292,300	2,308,300	2,419,300
Retirement	452,000	444,200	475,500	475,500	426,400
Benefits-Other	514,700	480,700	499,600	490,000	530,900
Services & Supplies	494,200	554,400	595,800	612,000	743,500
TOTAL:	\$ 3,505,600	\$ 3,623,700	\$ 3,863,200	\$ 3,885,800	\$ 4,120,100

**DEVELOPMENT SERVICES
DEPARTMENT**

	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
PLANNING					
Salaries	312,300	335,000	149,900	149,500	161,900
Retirement	56,100	62,100	33,000	33,000	43,200
Benefits-Other	49,000	56,000	28,100	28,100	28,400
Services & Supplies	233,200	248,800	185,800	244,900	184,100
SUBTOTAL:	650,600	701,900	396,800	455,500	417,600

ENGINEERING

	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries	354,600	390,600	87,800	96,500	91,600
Retirement	58,600	64,600	13,800	15,800	29,600
Benefits-Other	71,500	73,500	13,300	15,400	15,200
Services & Supplies	72,500	74,300	59,900	64,800	61,800
SUBTOTAL:	557,200	603,000	174,800	192,500	198,200
TOTAL:	1,207,800	1,304,900	571,600	648,000	615,800

PUBLIC WORKS DEPARTMENT

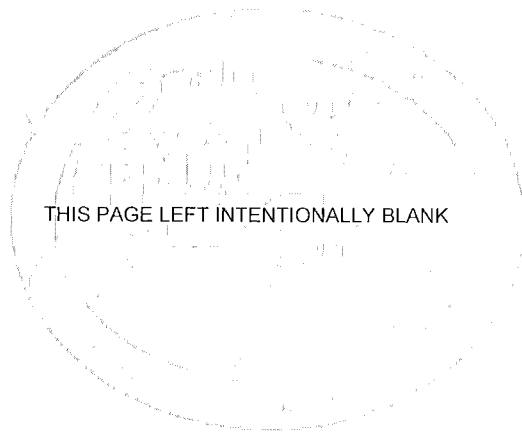
	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Administration					
Salaries	162,300	179,400	24,100	32,300	24,600
Retirement	32,000	35,300	5,300	7,000	7,000
Benefits-Other	26,900	28,000	9,500	10,400	9,000
Services & Supplies	21,000	30,800	48,900	55,600	125,200
SUBTOTAL:	\$ 242,200	\$ 273,500	\$ 87,800	\$ 105,300	\$ 165,800

STREETS

	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries	321,300	339,500	-	-	-
Retirement	50,400	54,900	-	-	-
Benefits-Other	64,600	72,200	-	-	-
Services & Supplies	134,100	130,500	143,900	134,800	144,400
SUBTOTAL:	\$ 570,400	\$ 597,100	\$ 143,900	\$ 134,800	\$ 144,400

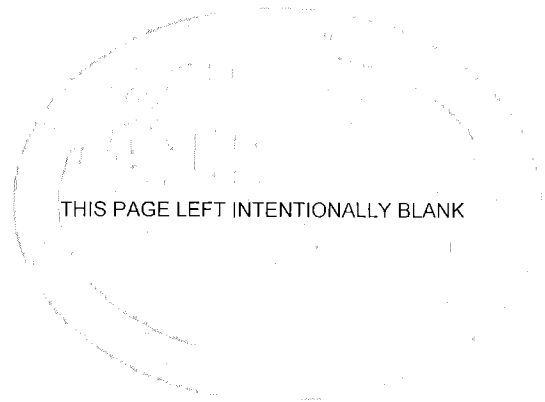
**GENERAL FUND
SUMMARY OF EXPENDITURES BY DEPARTMENT AND FUNCTION**

COMMUNITY SERVICES	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries	119,500	113,600	125,300	110,300	112,100
Retirement	12,300	12,600	16,200	16,200	17,500
Benefits-Other	21,600	26,700	29,400	29,400	28,300
Services & Supplies	53,500	48,100	50,400	49,900	50,500
Programs	49,700	59,200	60,600	59,600	60,600
SUBTOTAL:	\$ 256,600	\$ 260,200	\$ 281,900	\$ 265,400	\$ 269,000
GROUNDNS					
Benefits-Other	43,300	4,900	4,800	4,600	4,600
Services & Supplies	249,100	231,300	227,500	226,700	226,700
SUBTOTAL:	\$ 292,400	\$ 236,200	\$ 232,300	\$ 231,300	\$ 231,300
FACILITIES					
Salaries	116,500	125,600	128,800	131,300	106,700
Retirement	22,000	24,300	29,000	29,000	25,300
Benefits-Other	30,200	32,000	33,000	33,100	27,400
Services & Supplies	58,200	120,000	132,000	87,000	88,800
SUBTOTAL:	\$ 226,900	\$ 301,900	\$ 322,800	\$ 280,400	\$ 248,200
SANITATION					
Salaries	138,000	145,100	-	-	-
Retirement	24,200	21,300	-	-	-
Benefits-Other	29,300	35,500	-	-	-
Services & Supplies	100	-	-	-	-
SUBTOTAL:	\$ 191,600	\$ 201,900	\$ -	\$ -	\$ -
TOTAL:	\$ 1,780,100	\$ 1,870,800	\$ 1,068,700	\$ 1,017,200	\$ 1,058,700
GENERAL FUND GRAND TOTAL:	\$ 12,356,800	\$ 12,971,500	\$ 11,276,500	\$ 11,321,800	\$ 11,789,500
BEGINNING FUND BALANCE	\$ 377,200	\$ 987,900	\$ 1,657,500	\$ 1,657,500	\$ 2,394,700
TOTAL REVENUES:	\$ 10,090,100	\$ 10,572,200	\$ 11,029,800	\$ 11,487,300	\$ 11,751,700
TOTAL TRANSFERS:	\$ 2,877,400	\$ 3,068,900	\$ 605,300	\$ 571,700	\$ 550,000
TOTAL REVENUES & TRANSFERS:	\$ 12,967,500	\$ 13,641,100	\$ 11,635,100	\$ 12,059,000	\$ 12,301,700
TOTAL EXPENDITURES:	\$ 12,356,800	\$ 12,971,500	\$ 11,276,500	\$ 11,321,800	\$ 11,789,500
ENDING FUND BALANCE	\$ 987,900	\$ 1,657,500	\$ 2,016,100	\$ 2,394,700	\$ 2,906,900



EXPENDITURE DETAIL - CITY COUNCIL

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries - Regular	47,500	48,900	17,000	17,000	17,000
SUBTOTAL SALARIES	\$ 47,500	\$ 48,900	\$ 17,000	\$ 17,000	\$ 17,000
Medical Insurance	18,600	19,300	6,500	6,500	6,500
Retirees Health Insurance	6,100	6,200	2,100	2,100	2,100
Medicare	700	700	300	300	300
Life Insurance	100	100	100	100	100
Retirement	9,500	9,300	3,900	3,900	4,200
SUBTOTAL BENEFITS	\$ 35,000	\$ 35,600	\$ 12,900	\$ 12,900	\$ 13,200
Community Promotions	7,000	2,500	2,500	2,500	2,500
Computer Maintenance	4,600	3,900	3,300	3,300	3,400
Copier Service	400	-	200	200	200
Insurance Premium:Liability	2,300	2,500	1,500	1,500	1,500
Insurance Premium:Property	200	300	300	300	300
Membership & Dues	21,200	22,200	22,200	22,200	22,200
Mileage	6,900	9,300	3,200	3,200	3,200
Office Supplies	1,000	600	200	200	200
Travel & Meetings	1,500	2,200	1,500	1,500	1,500
Utilities-Gas & Electric	2,000	2,200	2,800	2,800	2,800
Utilities-Telephone	500	-	-	-	-
SUBTOTAL SERVICES & SUPPLIES	\$ 47,600	\$ 45,700	\$ 37,700	\$ 37,700	\$ 37,800
TOTAL	\$ 130,100	\$ 130,200	\$ 67,600	\$ 67,600	\$ 68,000



EXPENDITURE DETAIL - CITY MANAGER

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries - Regular	315,800	340,700	120,500	120,500	137,100
SUBTOTAL SALARIES	\$ 315,800	\$ 340,700	\$ 120,500	\$ 120,500	\$ 137,100
Insurance - Medical	28,200	29,400	14,800	14,800	13,500
Retirees Medical	9,200	9,200	2,800	2,800	2,800
Deferred Compensation	6,000	6,000	1,800	1,800	1,800
Employee Assistance Program	100	100	100	100	100
Worker's Compensation	6,100	7,100	800	900	900
Medicare	4,700	5,000	1,800	1,800	2,000
Life Insurance	300	300	300	100	100
Long Term Disability	3,600	3,100	1,100	1,500	1,400
Retirement	62,500	67,400	29,100	29,100	42,200
SUBTOTAL BENEFITS	\$ 120,700	\$ 127,600	\$ 52,600	\$ 52,900	\$ 64,800
Computer Maintenance	11,300	15,500	6,000	8,000	4,200
Copier Service	200	-	500	1,000	1,200
Insurance Premium-Liability	8,400	6,900	5,800	5,800	5,800
Insurance Premium-Property	500	900	900	1,000	1,200
Membership & Dues	800	2,400	2,700	3,700	3,000
Mileage	6,100	6,300	1,800	1,800	1,800
Office Supplies	2,100	3,900	2,300	2,300	2,300
Professional Services	-	12,500	15,000	10,000	70,000
Publishing	2,600	1,600	2,000	2,000	2,000
Subscriptions and Books	300	300	300	300	300
Training	-	1,500	1,600	1,600	1,600
Travel & Meetings	300	1,100	500	500	500
Utilities-Gas & Electric	2,000	2,200	4,000	3,000	3,500
Utilities-Telephone	1,700	1,700	2,100	2,100	2,100
Utilities-Water	200	300	400	400	400
Wellness Program	-	-	-	1,000	1,000
SUBTOTAL SERVICES & SUPPLIES	\$ 36,500	\$ 57,100	\$ 45,900	\$ 44,500	\$ 100,900
TOTAL	\$ 473,000	\$ 525,400	\$ 219,000	\$ 217,900	\$ 302,800

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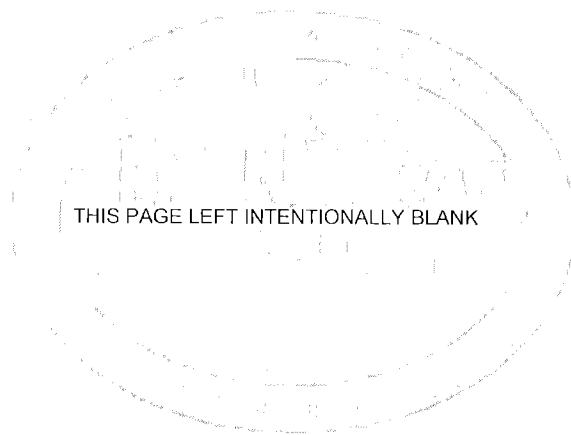
EXPENDITURE DETAIL - CITY ATTORNEY

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Code Enforcement	3,500	1,300	1,500	700	1,500
Investigation-Other Atty	-	-	10,000	-	-
Professional Services (Non-Salary)	125,400	111,300	140,000	140,000	140,000
TOTAL	\$ 128,900	\$ 112,600	\$ 151,500	\$ 140,700	\$ 141,500

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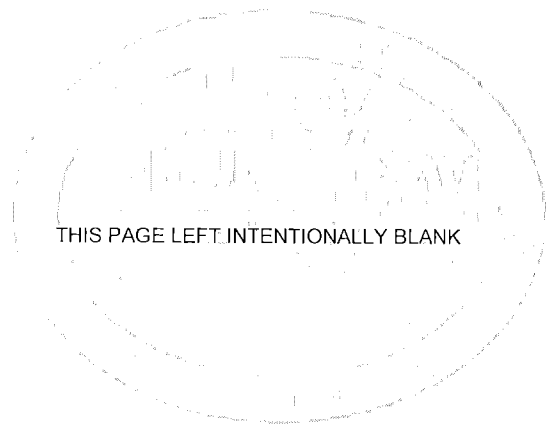
EXPENDITURE DETAIL - FINANCE

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries - Regular	192,600	226,700	73,200	73,200	99,900
Salaries - Overtime	100	-			
SUBTOTAL SALARIES	\$ 192,700	\$ 226,700	\$ 73,200	\$ 73,200	\$ 99,900
Insurance - Medical	15,100	22,700	10,600	10,600	11,100
Retirees Medical	15,400	15,400	2,300	2,300	2,300
Employee Assistance Program	100	100	100	-	100
Worker's Compensation	3,900	6,000	2,400	2,400	2,400
Medicare	2,900	3,400	1,300	1,300	2,300
Life Insurance	200	100	-	-	-
Long Term Disability	2,100	2,100	400	700	700
Retirement	36,600	42,100	15,700	15,800	28,500
SUBTOTAL BENEFITS	\$ 76,300	\$ 91,900	\$ 32,800	\$ 33,100	\$ 47,400
Computer Maintenance	13,100	22,100	16,700	16,700	18,800
Copier Service	600	-	600	900	1,200
Credit Card and Bank Fees	13,100	13,700	14,000	16,900	16,900
Insurance Premium-Liability	6,400	5,900	4,500	4,500	4,500
Insurance Premium-Property	400	800	200	200	200
Membership & Dues	1,300	1,000	1,100	1,100	1,100
Mileage	3,200	3,000	500	500	500
Office Supplies	2,600	5,100	2,500	2,500	2,500
Printing	100	100	100	100	100
Professional Services	47,500	23,600	35,000	35,000	35,000
Subscriptions and Books	200	-	200	200	200
Training	200	2,200	1,500	1,500	2,000
Travel & Meetings	-	100	100	100	100
Utilities-Gas & Electric	2,000	2,200	4,000	3,000	3,500
Utilities-Telephone	1,000	2,000	2,500	2,000	2,200
Utilities-Water	200	300	300	300	300
SUBTOTAL SERVICES & SUPPLIES	\$ 92,100	\$ 82,100	\$ 83,800	\$ 85,500	\$ 89,100
TOTAL	\$ 361,100	\$ 400,700	\$ 189,800	\$ 191,800	\$ 236,400



EXPENDITURE DETAIL - LAW ENFORCEMENT

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Sheriff:					
800 Mhz	78,900	78,900	25,500	25,500	25,500
Arjis	16,000	16,000	16,300	16,300	16,300
Cal Id	5,600	5,500	6,100	6,100	6,100
Contractual Services	4,459,200	4,698,800	4,894,300	4,894,300	4,992,700
Insurance Premium-Property	5,000	-	-	-	-
Utilities-Water	2,900	1,900	1,800	1,800	1,800
Animal Control:					
Computer Maintenance-Animal Control	2,400	2,400	-	-	-
Contractual Services	191,500	193,500	190,000	199,100	192,700
After Hours Calls	-	700	3,600	3,600	3,600
Fuel - Animal Control Vehicle	4,600	2,800	5,000	3,000	5,000
Office Supplies - Animal Control	800	-	-	-	-
Repairs - Animal Control Vehicle	3,300	2,700	2,500	3,100	2,500
TOTAL	\$ 4,770,200	\$ 5,003,200	\$ 5,145,100	\$ 5,152,800	\$ 5,246,200



EXPENDITURE DETAIL - FIRE

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries	1,657,600	1,674,200	1,618,700	1,618,700	1,716,800
Constant Staffing - Scheduled	119,900	118,500	125,300	121,300	124,300
Constant Staffing - Unscheduled	338,200	346,600	512,000	512,000	512,000
Salaries - Part Time	49,900	51,900	56,300	56,300	66,200
Salaries - Credit From JPA	(120,900)	(46,800)	(20,000)	-	-
SUBTOTAL SALARIES	\$ 2,044,700	\$ 2,144,400	\$ 2,292,300	\$ 2,308,300	\$ 2,419,300
Insurance - Medical	217,400	210,000	205,200	205,200	205,200
Retirees Medical	67,900	63,300	84,000	84,000	84,000
Employee Assistance Program	600	600	600	600	600
Uniform Allowance	25,300	17,400	20,000	20,000	20,000
Holiday Pay	45,000	39,900	42,300	39,200	76,500
Paramedic Recertification	36,600	36,000	39,300	38,300	39,300
EMT - DC Incentive	1,500	1,500	1,500	1,500	1,500
Education Award	7,300	8,000	10,700	10,200	10,700
Worker's Compensation	76,900	68,600	60,000	55,000	55,000
Medicare	33,500	34,900	34,300	34,300	36,400
Life Insurance	600	500	1,700	1,700	1,700
Retirement	452,000	444,200	475,500	475,500	426,400
Unemployment	2,100	-	-	-	-
SUBTOTAL BENEFITS	\$ 966,700	\$ 924,900	\$ 975,100	\$ 965,500	\$ 957,300
ALS Supplies Pass Thru	16,700	27,600	25,800	25,800	46,200
City Emergency Preparedness	19,300	26,600	24,000	24,200	24,500
Community Risk Reduction/Fire Prevention	1,000	800	1,000	1,000	1,000
Computer Maintenance	17,800	23,500	25,000	25,000	25,000
Copier Rental	1,500	-	2,400	2,400	2,400
Departmental Expenditures	7,200	10,600	8,000	8,000	9,000
Dispatch Services	158,500	202,300	220,000	220,000	239,000
Fire Station Supplies	4,000	4,000	4,000	4,000	5,000
Fire Truck Purchase	-	-	-	-	86,700
Fuel	28,600	28,600	26,000	26,000	26,000
Insurance -Liability	65,300	45,400	41,500	41,500	41,500
Insurance-Property	4,000	6,100	6,500	6,500	6,500
JAC Reimbursable Expenditures	-	(600)	-	-	-
JPA Reconciliation Expenditures	-	4,100	1,500	1,500	1,500
JPA Reimbursable Expenditures	1,100	600	-	-	-
Loan Payment	22,600	22,600	22,700	22,700	22,700
Medical Examinations	3,900	2,200	7,500	7,500	7,500
Medical Services & Supplies	1,500	-	-	-	-
Membership & Dues	-	400	600	600	600
Office Supplies	3,000	3,000	2,000	2,000	2,300
Patient Care Reporting Pass Thru	1,500	5,400	5,800	5,800	5,800
Personal Exposure Reporting	300	300	300	300	300
Personal Protective Clothing	15,100	13,200	11,000	11,000	13,500
Personnel Recruitment	1,800	100	500	500	500
RCCP Pass Thru fees	-	(1,100)	-	-	-
Repair and Maintenance-Equipment	4,900	2,600	4,000	3,000	4,500
Repair and Maintenance-Vehicles	44,200	56,100	48,000	65,000	54,000
Reserve Firefighter Expense	-	3,500	6,000	6,000	6,000
Self Contained Breathing Apparatus (SCBA)	4,900	5,600	4,000	4,000	4,500
Subscriptions and Books	-	1,600	300	300	300
TIP-Trauma Intervention Program	3,800	3,800	3,800	3,800	3,800

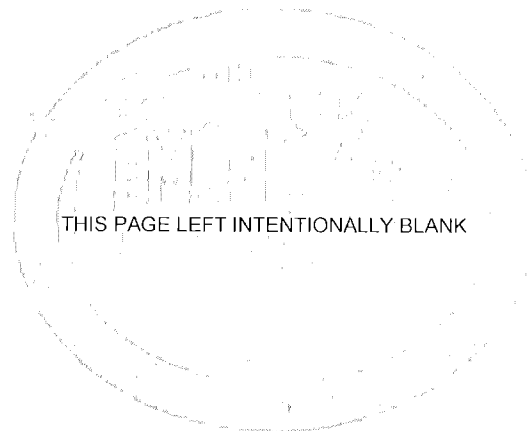
Attachment B

Tools and Supplies	3,700	2,000	3,000	3,000	3,000
Training	12,200	18,200	30,000	30,000	39,000
Training-AMR Pass Thru	11,200	1,400	19,100	19,100	19,100
Uniforms	2,900	2,800	5,000	5,000	5,000
Utilities-Gas & Electric	14,600	16,600	20,000	20,000	20,000
Utilities-Telephone	4,200	5,500	5,500	5,500	5,500
Utilities-Water	3,400	3,000	3,000	3,000	3,000
Vehicle Supplies	2,100	2,600	2,000	2,000	2,300
Weed Abatement Expenditures	7,400	3,400	6,000	6,000	6,000
SUBTOTAL SERVICES & SUPPLIES	\$ 494,200	\$ 554,400	\$ 595,800	\$ 612,000	\$ 743,500
TOTAL	\$ 3,505,600	\$ 3,623,700	\$ 3,863,200	\$ 3,885,800	\$ 4,120,100

EXPENDITURE DETAIL - DEVELOPMENT SERVICES

PLANNING DEPARTMENT

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries - Regular	312,300	335,000	149,900	149,500	151,900
Extra Help	-	-	-	-	10,000
SUBTOTAL SALARIES	\$ 312,300	\$ 335,000	\$ 149,900	\$ 149,500	\$ 161,900
Medical Insurance	29,900	32,200	15,400	15,400	15,400
Retirees Medical	6,200	6,200	3,100	3,100	3,100
Employee Assistance Program	100	100	200	200	200
Worker's Compensation	4,200	8,200	4,600	2,200	2,500
Medicare	5,800	6,200	2,400	4,800	4,800
Life Insurance	100	100	600	600	600
Long Term Disability	2,700	3,000	1,800	1,800	1,800
Retirement	56,100	62,100	33,000	33,000	43,200
SUBTOTAL BENEFITS	\$ 105,100	\$ 118,100	\$ 61,100	\$ 61,100	\$ 71,600
Computer Maintenance	8,300	13,900	8,600	9,200	9,700
Copier Service	800	-	500	1,000	1,200
Development Support	-	-	-	-	10,000
Fuel	1,100	2,200	2,100	1,500	1,500
Insurance Premium-Liability	10,900	7,900	7,600	7,600	7,600
Insurance Premium-Property	700	1,100	1,200	1,200	1,200
Membership & Dues	1,700	2,000	2,500	2,500	2,500
Mileage	3,000	3,100	1,500	1,500	1,500
Noticing	1,300	1,100	1,000	1,000	1,000
Office Supplies	3,000	5,100	4,000	3,000	3,000
Plan Checks/Consultations	197,800	205,600	150,000	210,000	135,000
Printing	600	100	300	300	300
Repair and Maintenance-Equipment	100	-	-	-	-
Repair and Maintenance-Vehicles	-	100	200	200	200
Subscriptions and Books	-	2,100	200	200	200
Training	200	400	400	400	3,000
Travel & Meetings	-	-	100	100	500
Utilities-Gas & Electric	2,000	1,900	4,000	3,500	4,000
Utilities-Telephone	1,500	1,800	1,200	1,200	1,200
Utilities-Water	200	400	400	500	500
SUBTOTAL SERVICES & SUPPLIES	\$ 233,200	\$ 248,800	\$ 185,800	\$ 244,900	\$ 184,100
SUBTOTAL	\$ 650,600	\$ 701,900	\$ 396,800	\$ 455,500	\$ 417,600



EXPENDITURE DETAIL - DEVELOPMENT SERVICES

ENGINEERING DEPARTMENT

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries	341,300	361,200	68,600	77,300	76,000
Extra Help	13,300	29,400	19,200	19,200	15,600
SUBTOTAL SALARIES	\$ 354,600	\$ 390,600	\$ 87,800	\$ 96,500	\$ 91,600
Insurance-Medical	43,600	46,200	6,900	8,100	8,700
Insurance-Medical Retirees	9,200	7,700	900	1,100	1,400
Employee Assistance Prog	100	100	200	200	200
Worker's Compensation	8,300	10,200	2,200	2,400	2,200
Medicare	6,200	7,600	2,700	3,100	2,300
Life Insurance	100	100	200	300	200
Long Term Disability	800	900	200	200	200
Retirement	58,600	64,600	13,800	15,800	29,600
Unemployment	3,200	700	-	-	-
SUBTOTAL BENEFITS	\$ 130,100	\$ 138,100	\$ 27,100	\$ 31,200	\$ 44,800
Computer Maintenance	11,700	14,800	7,000	10,000	7,100
Copier Rental	1,100	-	400	1,000	1,200
Cost Recovery	4,200	-	-	-	-
Development Support	2,500	2,900	5,300	5,300	5,300
Fuel	1,700	1,500	1,200	1,400	1,400
Insurance-Liability	10,300	9,900	6,900	6,900	6,900
Insurance-Property	600	1,300	1,100	1,100	1,100
Membership & Dues	700	300	300	1,100	300
Mileage	3,600	3,500	300	600	600
Office Supplies	2,500	5,100	2,000	2,300	2,300
Personnel Recruitment	100	-	-	500	-
Printing	100	900	1,000	-	1,000
Professional Services	1,200	1,100	2,000	2,000	2,000
Protective Clothing	-	100	500	500	500
Repair and Maintenance-Vehicles	1,100	1,700	1,000	1,000	1,000
Training	800	900	500	500	500
Travel & Meetings	1,600	300	500	500	500
Utilities-Traffic Signals	25,100	26,300	26,000	26,000	26,000
Utilities-Telephone	3,300	3,200	3,300	3,500	3,500
Utilities-Water	300	500	600	600	600
SUBTOTAL SERVICES & SUPPLIES	\$ 72,500	\$ 74,300	\$ 59,900	\$ 64,800	\$ 61,800
SUBTOTAL	\$ 557,200	\$ 603,000	\$ 174,800	\$ 192,500	\$ 198,200
TOTAL DEVELOPMENT SERVICES	\$ 1,207,800	\$ 1,304,900	\$ 571,600	\$ 648,000	\$ 615,800

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EXPENDITURE DETAIL - PUBLIC WORKS**ADMINISTRATIVE DIVISION**

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries - Regular	162,100	179,100	23,800	32,000	24,300
Salaries - Overtime	200	300	300	300	300
SUBTOTAL SALARIES	\$ 162,300	\$ 179,400	\$ 24,100	\$ 32,300	\$ 24,600
Medical Insurance	18,200	16,600	2,700	3,700	2,700
Employee Assistance Prog	100	100	100	100	100
Worker's Compensation	4,200	6,100	5,500	5,400	5,500
Medicare	2,600	2,900	600	600	400
Life Insurance	-	100	100	100	100
Long Term Disability	1,800	2,200	500	500	200
Retirement	32,000	35,300	5,300	7,000	7,000
SUBTOTAL BENEFITS	\$ 58,900	\$ 63,300	\$ 14,800	\$ 17,400	\$ 16,000
Computer Maintenance	3,800	9,200	8,200	8,200	3,000
Copier Service	400	-	200	1,000	1,200
Insurance Premium-Liability	4,500	5,900	3,100	3,100	3,100
Insurance Premium-Property	600	800	1,000	1,000	1,000
Marketing Supplies	-	-	1,000	7,000	7,000
Membership & Dues	-	600	1,700	1,700	1,700
Mileage	3,000	2,800	500	900	500
Office Supplies	1,600	4,000	2,500	2,000	2,000
Professional Services	2,700	1,600	2,000	2,000	77,000
Protective Clothing	-	-	7,000	7,000	7,000
Repair and Maintenance-Equipment	800	900	900	900	900
Training	200	200	13,000	13,000	13,000
Travel & Meetings	200	100	500	500	500
Utilities-Gas & Electric	2,000	2,200	4,000	4,000	4,000
Utilities-Telephone	1,000	2,200	3,000	3,000	3,000
Utilities-Water	200	300	300	300	300
SUBTOTAL SERVICES & SUPPLIES	\$ 21,000	\$ 30,800	\$ 48,900	\$ 55,600	\$ 125,200
SUB TOTAL	\$ 242,200	\$ 273,500	\$ 87,800	\$ 105,300	\$ 165,800

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EXPENDITURE DETAIL - PUBLIC WORKS

STREETS DIVISION

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries - Regular	302,100	320,700	-	-	-
Salaries - Overtime	8,400	10,400	-	-	-
Extra Help	10,800	8,400	-	-	-
SUBTOTAL SALARIES	\$ 321,300	\$ 339,500	\$ -	\$ -	\$ -
Medical Insurance	44,600	45,600	-	-	-
Retirees Medical	1,500	1,500	-	-	-
Employee Assistance Program	200	200	-	-	-
Worker's Compensation	10,700	12,200	-	-	-
Medicare	4,600	4,900	-	-	-
Life Insurance	200	100	-	-	-
Long Term Disability	2,800	3,100	-	-	-
Retirement	50,400	54,900	-	-	-
Unemployment Insurance	-	4,600	-	-	-
SUBTOTAL BENEFITS	\$ 115,000	\$ 127,100	\$ -	\$ -	\$ -
Computer Maintenance	5,100	7,600	4,000	4,500	2,500
Contract Services	700	300	5,000	5,000	5,000
Copier Service	400	-	400	400	400
Cost Recovery Expenditures	-	300	1,000	1,000	1,000
Dead Animal Removal	2,000	1,700	2,100	2,100	2,100
Equipment Rental - External	8,500	3,100	9,000	9,000	9,000
Fuel	20,700	13,600	17,000	15,000	15,000
Graffiti Cleanup	1,400	1,700	1,800	1,800	1,800
Herbicides/Pesticides	1,100	600	1,000	1,000	1,000
Insurance Premium-Liability	15,900	11,900	6,600	6,600	6,600
Insurance Premium-Property	700	1,600	1,000	1,000	1,000
Medical Exams	800	100	100	200	200
Membership & Dues	-	600	300	500	500
Office Supplies	900	100	200	200	200
Pavement Markings	-	-	500	-	-
Permit Expenses	-	300	400	400	400
Personnel Recruitment	-	400	-	-	-
Protective Clothing	3,900	3,800	-	-	-
Repair and Maintenance-Equipment	15,000	17,800	15,000	15,000	15,000
Repair and Maintenance-Sidewalk	3,800	4,500	5,000	5,000	5,000
Repair and Maintenance-Storm Drain	-	3,500	10,000	5,000	15,000
Repair and Maintenance-Vehicles	9,700	12,800	21,000	21,000	22,000
Street Sweeping	13,900	13,900	14,000	14,000	14,000
Tools and Supplies	4,200	7,800	7,000	7,000	7,000
Training - Streets	6,900	3,300	-	-	-
Utilities-Gas & Electric	-	-	3,000	600	1,200
Utilities-Telephone	3,200	2,700	3,000	3,000	3,000
Utilities-Water	15,300	16,500	15,500	15,500	15,500
SUBTOTAL SERVICES & SUPPLIES	\$ 134,100	\$ 130,500	\$ 143,900	\$ 134,800	\$ 144,400
SUB TOTAL	\$ 570,400	\$ 597,100	\$ 143,900	\$ 134,800	\$ 144,400

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EXPENDITURE DETAIL - PUBLIC WORKS**COMMUNITY SERVICES DIVISION**

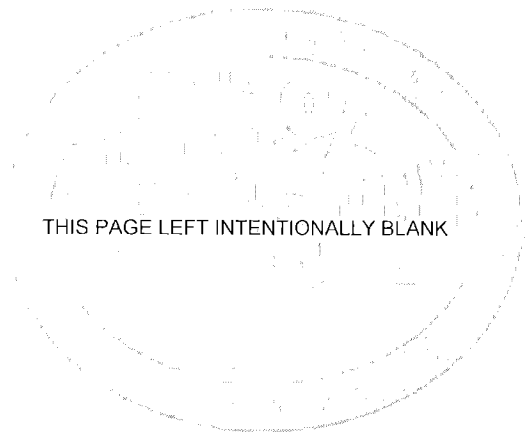
DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries	66,000	68,600	70,300	70,300	72,000
Overtime	-	400	-	-	-
Extra Help	53,500	44,600	55,000	40,000	40,100
SUBTOTAL SALARIES	\$ 119,500	\$ 113,600	\$ 125,300	\$ 110,300	\$ 112,100
Insurance-Medical	8,500	10,800	13,500	13,500	13,500
Insurance-Medical Retirees	6,200	6,200	6,100	6,100	6,100
Employee Assistance Prog	500	500	500	500	500
Worker's Compensation	2,500	3,000	3,700	3,700	3,700
Medicare	3,100	2,800	4,600	4,600	3,500
Life Insurance	-	-	100	100	100
Long Term Disability	500	800	800	800	800
Retirement	12,300	12,600	16,200	16,200	17,500
Unemployment	300	2,600	100	100	100
SUBTOTAL BENEFITS	\$ 33,900	\$ 39,300	\$ 45,600	\$ 45,600	\$ 45,800
Computer Maintenance	1,200	5,800	2,000	3,300	1,000
Contractual Services	500	1,100	1,000	1,000	1,000
Copier Rental	300	-	400	800	1,200
Credit Card Fees	400	2,000	2,200	1,000	1,500
Daycamp	18,300	7,700	12,000	12,000	12,000
Fuel	100	-	-	-	-
Insurance-Liability	6,200	3,000	3,100	3,100	3,100
Insurance-Property	400	400	-	-	-
Maintenance-Supplies	-	-	200	200	200
Medical Exams	-	100	100	100	100
Membership & Dues	-	200	100	100	100
Mileage	100	-	100	100	100
Office Supplies	1,300	1,200	500	500	500
Personnel Recruitment	200	500	200	200	200
Printing	-	-	500	500	500
Recreation Center	300	-	-	-	-
Rental Expense-Senior Center	4,500	3,300	5,000	3,000	5,000
Repair and Maintenance-Equipment	100	400	500	500	500
Softball	1,600	1,400	1,500	1,800	1,800
Special Events	18,000	21,000	21,000	21,700	21,700
Training	-	100	100	100	100
Utilities-Gas & Electric	34,300	35,300	40,000	40,000	40,000
Utilities-Telephone	1,100	2,800	4,500	3,500	4,500
Utilities-Water	14,300	21,000	16,000	16,000	16,000
SUBTOTAL SERVICES & SUPPLIES	\$ 103,200	\$ 107,300	\$ 111,000	\$ 109,500	\$ 111,100
SUBTOTAL	\$ 256,600	\$ 260,200	\$ 281,900	\$ 265,400	\$ 269,000

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EXPENDITURE DETAIL - PUBLIC WORKS

GROUNDS DIVISION

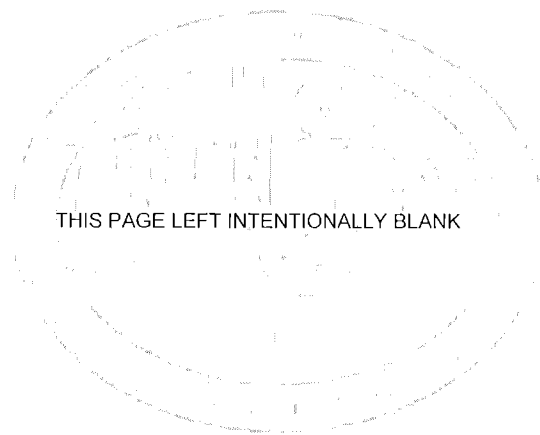
DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Medical Insurance	-	-	-	-	-
Retirees Medical	4,600	4,600	4,600	4,600	4,600
Worker's Compensation	38,000	300	200	-	-
Medicare	-	-	-	-	-
Long Term Disability	-	-	-	-	-
Retirement	-	-	-	-	-
Unemployment	700	-	-	-	-
SUBTOTAL BENEFITS	\$ 43,300	\$ 4,900	\$ 4,800	\$ 4,600	\$ 4,600
Contract Services	119,300	112,900	115,000	115,000	115,000
Insurance Premium-Liability	400	-	-	-	-
Maintenance-Lighting	-	2,200	1,500	2,200	2,200
Maintenance-Supplies	20,900	19,300	22,000	22,000	22,000
Repair and Maintenance	7,200	2,000	-	-	-
Repair and Maintenance-Equipment	300	-	-	-	-
Tree Trimming	17,900	19,900	19,000	19,000	19,000
Utilities-Gas & Electric	4,000	4,100	4,800	4,000	4,000
Utilities-Telephone	1,300	1,200	2,200	1,500	1,500
Utilities-Water	77,800	69,700	63,000	63,000	63,000
SUBTOTAL SERVICES & SUPPLIES	\$ 249,100	\$ 231,300	\$ 227,500	\$ 226,700	\$ 226,700
SUB TOTAL	\$ 292,400	\$ 236,200	\$ 232,300	\$ 231,300	\$ 231,300



EXPENDITURE DETAIL - PUBLIC WORKS

FACILITIES DIVISION

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries - Regular	114,300	123,400	126,300	126,300	104,200
Salaries - Overtime	2,200	2,200	2,500	5,000	2,500
SUBTOTAL SALARIES	\$ 116,500	\$ 125,600	\$ 128,800	\$ 131,300	\$ 106,700
Medical Insurance	21,100	21,600	22,500	22,500	18,000
Retirees Medical	3,100	3,100	3,100	3,100	2,400
Employee Assistance Prog	100	100	100	100	100
Worker's Compensation	4,000	5,100	4,600	4,700	4,700
Medicare	900	1,000	1,200	1,200	1,000
Life Insurance	100	100	100	100	100
Long Term Disability	900	1,000	1,400	1,400	1,100
Retirement	22,000	24,300	29,000	29,000	25,300
SUBTOTAL BENEFITS	\$ 52,200	\$ 56,300	\$ 62,000	\$ 62,100	\$ 52,700
Advertising	-	300	300	300	300
Computer Maintenance	2,600	4,000	1,600	2,200	2,200
Contract Services	4,100	45,300	54,000	10,000	10,000
Copier Rental	400	-	200	-	-
Cost Recovery	-	500	600	600	600
Equipment Rental	400	200	200	200	200
Fuel	1,100	3,500	2,500	2,500	2,500
Insurance Premium-Liability	4,000	4,900	3,200	3,300	3,300
Insurance Premium-Property	200	700	500	500	500
Maintenance-Services	15,800	10,000	15,000	15,000	15,000
Maintenance-Supplies	18,200	32,000	28,000	28,000	28,000
Office Supplies	100	100	-	-	-
Protective Clothing	1,700	1,300	-	-	-
Repair and Maintenance	-	-	10,000	5,000	10,000
Repair and Maintenance-ADA	-	-	-	1,000	1,000
Repair and Maintenance-Equipment	2,300	1,700	2,000	2,000	2,000
Repair and Maintenance-Vehicles	500	1,800	700	3,200	-
Special District Assessment	-	5,200	5,300	5,300	5,300
Tools and Supplies	1,400	3,300	3,000	3,000	3,000
Training	100	100	-	-	-
Utilities-Gas & Electric	3,600	3,800	3,600	3,600	3,600
Utilities-Telephone	1,600	1,200	1,200	1,200	1,200
Utilities-Water	100	100	100	100	100
SUBTOTAL SERVICES & SUPPLIES	\$ 58,200	\$ 120,000	\$ 132,000	\$ 87,000	\$ 88,800
SUB TOTAL	\$ 226,900	\$ 301,900	\$ 322,800	\$ 280,400	\$ 248,200



EXPENDITURE DETAIL - PUBLIC WORKS

SANITATION DIVISION

DESCRIPTION	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
Salaries - Regular	124,500	136,400	-	-	-
Salaries - Overtime	2,700	6,400	-	-	-
Extra Help	10,800	2,300	-	-	-
SUBTOTAL SALARIES	\$ 138,000	\$ 145,100	\$ -	\$ -	\$ -
Medical Insurance	21,000	26,200	-	-	-
Employee Assistance Program	100	100	-	-	-
Worker's Compensation	4,300	5,900	-	-	-
Medicare	2,800	2,100	-	-	-
Life Insurance	100	100	-	-	-
Long Term Disability	1,000	1,100	-	-	-
Retirement	24,200	21,300	-	-	-
SUBTOTAL BENEFITS	\$ 53,500	\$ 56,800	\$ -	\$ -	\$ -
Medical Exams	100	-	-	-	-
SUBTOTAL SERVICES & SUPPLIES	\$ 100	\$ -	\$ -	\$ -	\$ -
SUB TOTAL	\$ 191,600	\$ 201,900	\$ -	\$ -	\$ -
TOTAL	\$ 1,780,100	\$ 1,870,800	\$ 1,068,700	\$ 1,017,200	\$ 1,058,700
TOTAL-ALL DEPARTMENTS	12,356,800	12,971,500	11,276,500	11,321,800	11,789,500

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GENERAL RESERVE FUND - FUND 06

	FY 12-13 ACTUAL	FY 13-14 ACTUAL	FY 14-15 Mid- Year Budget	FY 14-15 Anticipated	FY 15-16 Budget
BEGINNING FUND BALANCE - July 1	\$ 2,003,700	\$ 1,906,100	\$ 1,772,500	\$ 1,772,500	\$ 1,242,900
Adjustment to estimate Fund Balance					
REVENUES					
Interest-Other	4,500	4,200	4,000	4,400	4,400
Property Tax Service Fee Refund (one-time)	98,400	-	-	-	-
TOTAL RESOURCES:	\$ 2,106,600	\$ 1,910,300	\$ 1,776,500	\$ 1,776,900	\$ 1,247,300
Expenditures					
Election Services (2-seats=\$10,000, 1-ballot measure=\$6,000)	27,100	200	8,000	5,500	-
Fire-Side Fund Pay-Off (HCFA)	20,500	-	-	-	-
General Plan Update	-	-	-	-	150,000
Sick Leave Payout	-	-	4,600	-	-
Telephone Upgrade	17,800	-	-	-	-
Transfer to Self Insured Funds	85,000	50,000	50,000	-	-
Transfer to Capital Improvement Projects Fund	-	-	-	180,000	-
Vacation Pay Off	1,700	400	12,200	37,500	12,000
<u>Capital Asset Purchases</u>					
Finance System	32,700	38,000	32,000	32,000	-
Fire Engine and Fire Equipment	15,700	35,600	114,000	114,000	65,200
IT System upgrades	-	13,600	-	-	-
Facility Replacement-City Hall	-	-	50,000	50,000	-
Facility Replacement-Senior Center	-	-	115,000	115,000	15,000
Facility Replacement-Sheriff's Station	-	-	95,000	-	-
Animal Control Vehicle	-	-	-	-	30,000
TOTAL EXPENDITURES:	\$ 200,500	\$ 137,800	\$ 480,800	\$ 534,000	\$ 272,200
ENDING FUND BALANCE - June 30	\$ 1,906,100	\$ 1,772,500	\$ 1,295,700	\$ 1,242,900	\$ 975,100

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 6
Mtg. Date May 5, 2015
Dept. City Manager's Office

Item Title: Planning Commission

Staff Contact: Graham Mitchell, City Manager

Recommendation:

Provide direction on whether to implement the proposal set forth in the staff report (**Attachment A**).

Item Summary:

On January 20, 2015, staff presented an agenda item entitled "Planning Commission Analysis." This agenda item followed up on a similar November 4, 2014 item. At the conclusion of the January 20th discussion, a motion passed directing staff to develop a plan to disband the Planning Commission within nine months. The City Council also directed staff to solicit input from former Councilmembers and former and current Planning Commissioners.

The staff report (**Attachment A**) provides information on input received from former Councilmembers and former and current Planning Commissioners. It also addresses the direction from the City Council to develop a plan that 1) repurposes the Planning Commission, 2) ensures that public participation is protected and enhanced, and 3) establishes an implementation schedule.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Cover Letter & Questionnaire
- C. Questionnaire Responses
- D. January 20, 2015 Staff Report ("Planning Commission Analysis")

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 6

Mtg. Date May 5, 2015

Item Title: **Planning Commission**

Staff Contact: Graham Mitchell, City Manager

Discussion:

On January 20, 2015, staff presented an agenda item entitled "Planning Commission Analysis." This agenda item followed up on a similar November 4, 2014 item. During the January 20th report, staff addressed four specific questions asked during the November 4th meeting:

- 1) What are the alternative ways to solicit community input on a project?
- 2) How can we engage citizens proactively?
- 3) If the Planning Commission were dissolved, how would that be implemented?
- 4) What would be the impact on the City Council agenda schedule?

Staff also included information on appeals, potential unintended consequences of items addressed in the report, and information about project streamlining.

At the conclusion of the January 20th agenda item discussion, a motion passed directing staff to develop a plan to disband the Planning Commission within nine months. The plan was to relying on City Council comments and input received from former Councilmembers and former and current Planning Commissioners. The City Council acknowledged that the next step would be to consider the plan presented by staff and provide direction on whether to implement the plan.

This staff report provides information on opinions sought from former Councilmembers and former and current Planning Commissioners. Secondly, the staff report addresses the direction from the City Council to develop a plan that 1) repurposes the Planning Commission, 2) ensures that public participation is protected and enhanced, and 3) establishes an implementation schedule.

Planning Commission/City Council Questionnaire

Staff determined that the most effective way to solicit opinions of former Planning Commissioners and former Councilmembers was through a questionnaire. The questionnaire allowed respondents to answer the same questions and to spend time needed to answer thoroughly. The questionnaire also allows the City Council to see the responses first-hand, rather than a summary of verbal interviews conducted by staff.

Staff identified seventeen former Planning Commissioners—not including two former Planning Commissioners that currently serve on the City Council. Staff also identified former Councilmembers—four of these Councilmembers also served as Planning Commissioners. Staff mailed a cover letter with background information and a questionnaire to former Councilmembers and former Planning Commissioners (**Attachment B**). Staff also solicited information from current Planning Commissioners, seeking their thoughts on strategies to ensure the public's opportunity to comment on projects. Several current Planning Commissioners provided comments to this request for input (**Attachment C**).

Attachment A

Staff received a total of twelve responses—eight from Planning Commissioners, two from Councilmembers, and two from Planning Commissioners/Councilmembers (questionnaire responses are provided in **Attachment C**). Staff notes some information from the questionnaire responses in the paragraphs below.

To the question, “do you believe the City Council could effectively fulfill the duties of the Planning Commission,” the following responses were received:

Planning Commissioners: No – 3, Yes – 5

City Councilmembers: No – 1, Yes – 1

Planning Commissioners/City Councilmembers: No – 1, Yes – 1

Respondents that indicated “no” were asked to explain why not and those that answered “yes” were asked to explain why. Following is a summary of the responses to these questions:

“Why the City Council CANNOT effectively fulfill the duties of the Planning Commission”:

- Value when Council is at arms length from cases, in the event of appeals,
- Extra layer of oversight,
- PC allows ordinary citizens to have a say in their government without winning an election,
- Councils cannot always be objective because of political influence or lure of bolstering the General Fund while Commissioners can make recommendations that benefit neighborhoods without political pressure,
- A concern that the City Council will not have time to review plans or visit the site, thus slowing down the approval process.

“Why the City Council CAN effectively fulfill the duties of the Planning Commission”:

- Eliminating the Planning Commission “cuts out the middleman,”
- Two current members are former Planning Commissioners and all the City Council should be very familiar with the process,
- The City Council is already the final decision making body and the City Council is supported by qualified staff and legal counsel,
- The low number of Planning Commission items do not justify a Planning Commission, there is duplication of a disputed issue, it is more efficient use of staff time, and more discretion could be given to staff,
- Other cities have been able to operate without Planning Commissions,
- Decisions belong with elected representatives.

The questionnaire asked about concerns that the respondents would have for disbanding the Planning Commission. Following is a summary of the responses:

- One less layer of oversight,
- Reduces community involvement,
- An overloaded City Council may approve projects too quickly,
- Losing feedback from the community at a Planning Commission meeting (however, this could be taken over by the City Council),
- Less opportunity for public to weigh in on a decision (it is at a hearing that many learn about the project and the time between the Planning Commission meeting and the City Council meeting is when research can take place),
- Appeal process would be eliminated,
- Time to train the Council.

Attachment A

The questionnaire asked if the Planning Commission were disbanded, what measures the respondents would recommend to safeguard the public's opportunity to comment on a project or permit. Following is a summary of the responses:

- Longer timelines and opportunities for community input,
- Utilize the City's website – put all pending actions to be taken on the website,
- Post projects on social media, print and electronic media,
- Utilize the public forum during Council meetings to make sure opinions are heard,
- Increase public outreach (e.g. focus groups),
- Post projects at The Home Depot,
- Current noticing is sufficient – would not increase public notice beyond 300 feet,
- Add a City Council meeting to only address land use/planning issues.

The final question posed on the questionnaire was “do you oppose, support or are neutral” regarding the disbanding of the Planning Commission. The following responses were received:

Planning Commissioners: Oppose – 4, Support – 4

City Councilmembers: Oppose – 1, Support – 1

Planning Commissioners/City Councilmembers: Oppose – 1, Support – 1

Proposal

Based on information discussed by the City Council and input from former Planning Commissioners and Councilmembers, staff presents a proposal for City Council consideration. The proposal addresses three topics:

- 1) Repurposing the Planning Commission,
- 2) Ensuring that public participation is protected and enhanced, and
- 3) An implementation schedule.

Repurposing the Planning Commission

On January 20, 2015 and during the goal setting workshop, Councilmembers weighed in on expanded roles of former members of the Planning Commission in the future. The ideas shared achieve goals of increasing community involvement and obtaining more input on policy issues. The ideas also continue support for the focus group concept.

Staff recommends that if the Planning Commission is disbanded, the existing Planning Commissioners form a Community Advisory Panel. Staff recommends that ultimately this Panel be made up of three City Council appointees. The Panel members will serve as permanent members of community focus groups. Each time a focus group is formed, one of the Panel members will serve as the chair of the focus group. Staff continues to recommend that the appointments are for three year terms.

The value of using the former Planning Commissioners in this capacity is that they currently serve as a link between the community and the City Council and have developed relationships with staff. Perhaps most importantly, they can provide leadership for the focus groups that currently does not exist. Because focus groups meet only a few times, staff tends to be the de facto leader of the groups. Having the leadership of a former Planning Commissioner will ultimately be helpful to ensure that the focus groups are not overly staff driven.

The other advantage of having the former Planning Commissioners serve in this capacity is that there may be times when the City Council does not need a full focus group to provide feedback

Attachment A

on a community issue. In these occurrences, the City Council can direct the issue to only the Community Advisory Panel.

Ensuring Public Participation

One of the concerns identified during the City Council discussions and through the questionnaire sent to former Planning Commissioners and Councilmembers is the issue of ensuring that the public has an opportunity to weigh in on public projects. One of the concerns with eliminating the Planning Commission is that the public has only one opportunity to voice opinion on a project. However, it is important to note that of the 31 issues heard by the Planning Commission between 2011 and 2014, only 12 also required City Council consideration. In other words, with the current system, over the past four years, 60 percent of projects only required one hearing, which was at the Planning Commission level.

If the Planning Commission is disbanded, staff recommends three strategies be implemented to protect the public's opportunity to provide comments on projects.

Expanded Noticing Area – staff recommends that the noticing area from projects be expanded from a 300 foot radius to a 500 foot radius. This will increase the number of residents receiving notices at a nominal cost to the developer.

“Billboard” Noticing – staff recommends that on Conditional Use Permits, Planned Development Permits, Major Subdivisions, and Variances that the City require the applicant to pay for the posting of a 4' x 8' or 4' x 4' sign noticing the public hearing on the site (*similar to the examples shown below*).



Neighborhood Meetings – staff recommends that “billboard” noticing projects (as defined in the previous paragraph) require a neighborhood meeting. The meeting would be held prior to the City Council’s review of the project and costs associated with the meeting would be borne by the applicant. Noticing of the meeting would include mailed notice to those within 500 feet of the project, through a general circulation newspaper, and on the City’s website.

The purpose of the meeting would be to present the project to the neighborhood and allow for a dialogue between existing community members and developers. Staff would facilitate the conversation and meetings would ideally be held at a location near the project, such as a school site. Ideas discussed would be recorded and presented as part of the public record at the City Council meeting at which the project is discussed. The neighborhood feedback would be used as a tool for the City Council to evaluate the project and perhaps require additional conditions. Ideally, the developer will incorporate valuable feedback into the plans that will ultimately be reviewed by the City Council.

Attachment A

Implementation

If the City Council determines to proceed with the proposal presented in this staff report, staff recommends that it establish a goal to implement the plan at the beginning of 2016. This process will require review and modification of the Municipal Code (specifically Chapter 2.08 – Planning Commission and Chapter 17 – Zoning). Any references to the Planning Commission and noticing requirements in other chapters will also be sought. In order to meet the goal of a January 1st implementation date, staff recommends that the City Council consider an ordinance addressing the Municipal Code changes no later than December 15, 2015. Because this could prove to be a significant project, staff may need to modify target completion dates of City Council priority projects that are being coordinated by the Development Services Department.

In the meantime, staff recommends that the current Planning Commissioners be asked to be part of two focus groups that will be discussed further by the City Council on July 15th—the General Plan group and the Recreation focus group.

Conclusion:

Staff seeks direction from the City Council on whether to implement the proposal set forth in this staff report.

Attachment B

Mr./Ms. Former PC/CC
123 Anystreet Drive
Lemon Grove, CA 91945

SUBJECT: Lemon Grove City Council Seeks Your Input on the Disbanding of the Planning Commission

Dear Mr./Ms. Former PC/CC:

The City Council has been considering alternatives to operating a Planning Commission. A proposal is being considered to disband the Planning Commission and have the City Council assume Planning Commission duties (like in the cities of Imperial Beach, Poway and Santee). Over the past few years, the City's development code has allowed more land uses to be approved at the staff level, which has reduced Planning Commission activity. In the past four years, the Planning Commission has met an average of 5.5 times annually, considering an average of 7.75 permits each year.

One primary concern with eliminating the Planning Commission is potentially limiting the opportunity for the public to provide comments on development projects. One significant advantage is a streamlined approval process, making Lemon Grove potentially more attractive to developers. To mitigate the concern about limiting public involvement in planning processes, a plan is being developed that could expand noticing areas around projects (from 300 feet up to 700 feet) and/or require neighborhood outreach meetings for larger projects.

In determining how to move forward, the City Council expressly directed staff to solicit opinions from former City Councilmembers and former and current Planning Commissioners. A survey is enclosed that seeks your insights on the matter. Please respond to the questions and return the survey in the pre-stamped envelope by April 8, 2015. Your completed survey will be shared with the City Council as part of an upcoming agenda item.

I thank you in advance for your response. Please contact me at (619) 825-3800 or gmitchell@lemongrove.ca.gov if you have any questions or comments.

Sincerely,

Graham Mitchell
City Manager

Enclosure

Attachment B

CITY OF LEMON GROVE PLANNING COMMISSION SURVEY

- 1) Name: _____
- 2) Did you serve on the Planning Commission, City Council, or both:
___ Planning Commission ___ City Council ___ Both
- 3) What years did you served on the Planning Commission and/or City Council?
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?
- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?
___ YES ___ NO
 - If you answered NO, why not?
 - If you answered YES, why?
- 6) If the City Council disbanded the Planning Commission, what concerns would you have?
- 7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?
- 8) Do you oppose, support, or are neutral to disbanding the Planning Commission?
___ Oppose ___ Support ___ Neutral
- 9) Please share any additional comments (you may use the back of this page). _____

Attachment C

QUESTIONNAIRE RESPONSES

- 1) Former Planning Commissioners
- 2) Former Councilmembers
- 3) Former Planning Commissioners/City Councilmembers
- 4) Current Planning Commissioners

**CITY OF LEMON GROVE
PLANNING COMMISSION SURVEY**

1) Name (Optional?): Moises Aguirre

2) Did you serve on the Planning Commission, City Council, or both:

☒ Planning Commission ☐ City Council ☐ Both

3) What years did you served on the Planning Commission and/or City Council? 2009-2014

4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?

Worked on important projects such as Citronica I and II.

5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?

☐ YES ☒ NO

▪ If you answered NO, why not?

It benefits the council to have an arm-lengths relationship. That way in case of appeals, there's an extra layer of oversight built in.

▪ If you answered YES, why?

6) If the City Council disbanded the Planning Commission, what concerns would you have?

One less layer of oversight.

7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?

Longer timelines and more opportunities for community input.

8) Do you oppose, support, or are neutral to disbanding the Planning Commission?

☒ Oppose ☐ Support ☐ Neutral

Graham Mitchell

From: Brian Kimball <bk4phx@yahoo.com>
Sent: Tuesday, April 21, 2015 2:01 PM
To: Graham Mitchell
Subject: Planning Commission Survey

Hi Graham,

1. Brian Kimball
2. Planning Commission
3. 2002 - 2005
4. First appeal for citizens and business' after a decision rendered by the community development, first approval for the community development departments with concern for variances of city code and policies, and similar low level agenda items that need interpretation and or approval.
5. No. The planning commission is a standard practice in California's governmental structure. It allows for ordinary citizens to have a say in their government without winning an election
6. People already feel that the government runs rampant over them, and this is just one more example that they would point out. Elimination would not allow residents to be involved unless they ran and won an elected office.
7. Publicize the cities website, and put on the website the need for the community to be involved, and put on all the pending actions to be taken
8. The planning commission should be maintained IMHO

Thank you for allowing me to participate in this survey. It is nice to have the government ask the people what they think, and even if it does not go their way it is OK. My opinion has been asked for, it was given, and it is a pleasure.

**CITY OF LEMON GROVE
PLANNING COMMISSION SURVEY**

- 1) Name (Optional?): Helen M. Dfield
- 2) Did you serve on the Planning Commission, City Council, or both:
☒ Planning Commission ☐ City Council ☐ Both
- 3) What years did you served on the Planning Commission and/or City Council? 1997-99
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?

Advising Council on developments of SF homes and multi-family buildings; installation of fast food emporia on Broadway (there are too many and out of step with residents' repeated, stated desire for better restaurants); reviewed rules limiting number and placement of bars; overhauled the sign ordinance; conducted planning/zoning studies and reviewed planning regs like PDPs and Code Enforcement (subsequent changes adopted); placement of a skateboard area; fees for use of civic parks, application fees, permits, etc.; and much more.

- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?

☐ YES ☒ NO

- If you answered NO, why not?

Councils, however well motivated, cannot always objectively adopt sound planning regulations sans political influence (including from other cities) and/or the lure of developer fees to bolster General Funds. Volunteer citizens (who should not be paid)* on a Planning Commission make recommendations that benefit neighborhoods and the City sans influence of any kind. This is not to impugn the capability of any council, but to stress the importance of involving and listening to recommendations from its citizens. Council members end up talking to each other and/or to staff (who may not live in the community, may have less interest in its history or future and are moving on to other cities).

- If you answered YES, why?

- 6) If the City Council disbanded the Planning Commission, what concerns would you have?

An overloaded council may approve projects too quickly. Major and minor civic projects would go forward sans Commission recommendations. Example: Citronica I has become the ghetto that many of us predicted (this, in a town that, historically, had no ghettos as all ethnicities have been evenly spread through neighborhoods, making it the best integrated town in the county); the building would have remained a large, white, ugly thing at the entrance to town without public and Commission input, which resulted in mitigations. Also, code enforcement, a part of city regs, is a troubled area, at best, and needs Commission oversight, too.

- 7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?

A redoubled effort to post projects on social, print and electronic media might help. But we all know how distracted people are. Even in a small city, many are clueless about what's happening around them. This is a key reason why Planning Commissions become the eyes and ears of residents. "Streamlining" implies impatience with public input, a dangerous route for any elected body to travel. Also, reliance on Project Working Groups, however effective, cannot replace a Commission that pays attention to the whole city year-round.

- 8) Do you oppose, support, or are neutral to disbanding the Planning Commission?

☒ Oppose ☐ Support ☐ Neutral

*I was startled to learn that I would be paid \$35 per commission meeting. Later, I donated several times to City projects as a way of returning that money. Given the nature of a commissioner's job, no remuneration should be provided; it is an honor to serve and vital to civic health. To paraphrase Ralph Nader, it is "citizens' work."

Hi Graham - thanks for the opportunity to give my input. I learned so much during my time as a Commissioner - but as everyone knows these days we need to tighten up the budgets. *Let me know if I can help in anyway.*

CITY OF LEMON GROVE
PLANNING COMMISSION SURVEY

- 1) Name (Optional?): Laura Hook
- 2) Did you serve on the Planning Commission, City Council, or both:
☒ Planning Commission ☐ City Council ☐ Both
- 3) What years did you served on the Planning Commission and/or City Council?
2005 - 2008
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?
We were in the midst of redevelopment of downtown, use of old SDGE land.
- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?
☒ YES ☐ NO
- If you answered NO, why not?

- If you answered YES, why?
In these years of doing more with less it makes perfect sense to have the City Council take over the Planning Commission. The Planning Commission took their lead with info from staff and the
- 6) If the City Council disbanded the Planning Commission, what concerns would you have? *(over)*
The feedback from the public at a scheduled meeting involving the project. This could be again taken over by the City Council at a time before or after or during City Council meetings.
- 7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits? *(more)*
Add to City Council agendas time for comments. If a person is really concerned about a project I am sure there are ways other than public forum to make their opinions known.
- 8) Do you oppose, support, or are neutral to disbanding the Planning Commission?
☐ Oppose ☒ Support ☐ Neutral

city council would take the recommendations from the Planning Commission. Now the city council can more or less "cut out the middleman and get direction directly from staff. This also cuts costs by not having to pay non city staff for their time.

**CITY OF LEMON GROVE
PLANNING COMMISSION SURVEY**

- 1) Name (Optional?): JAY BASS
- 2) Did you serve on the Planning Commission, City Council, or both:
☒ Planning Commission ☐ City Council ☐ Both
- 3) What years did you served on the Planning Commission and/or City Council? 2000-2004(?)
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?
REVIEW OF PERMITS AND REQUESTS FOR VARIANCES
- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?
☒ YES ☐ NO
- If you answered NO, why not?
- If you answered YES, why?
2 MEMBERS ARE FORMER P.C. MEMBERS. ALL C.C. SHOULD BE VERY FAMILAR WITH THE PROCESSES
- 6) If the City Council disbanded the Planning Commission, what concerns would you have?
A LACK OF OPPORTUNITIES FOR CONCERNED RESIDENTS TO GET INVOLVED IN CITY
- 7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?
- PUBLIC OUTREACH E.G. focus groups
- WEB SITE POSTINGS
- 8) Do you oppose, support, or are neutral to disbanding the Planning Commission?
☐ Oppose ☒ Support ☐ Neutral
- 9) Please share any additional comments (you may use the back of this page).

CITY OF LEMON GROVE
PLANNING COMMISSION SURVEY

- 1) Name: Leonard Kottong
- 2) Did you serve on the Planning Commission, City Council, or both:

☒ Planning Commission ☐ City Council ☐ Both
- 3) What years did you serve on the Planning Commission and/or City Council?

1993 – 2000
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?
 - a) Hear and decide applications for conditional use permits, variances, and planned development permits other than major subdivisions and modifications to same.
 - b) Hear and recommend to City Council modification, approval or disapproval to tentative maps and planned development permits for major subdivisions.
 - c) Hear and decide appeals made to decisions of the Community Development Director.
 - d) Hear and make recommendations to City Council with regards to the general plan, specific plans, zoning amendments and amendments to land use regulations.
 - e) Perform tasks assigned by the City Council with regards to land use regulation.
- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?

☒ YES ☐ NO
 - If you answered NO, why not?
 - If you answered YES, why?

Outside of the courts the City Council is the final deciding body on all applications retained for their approval, all land use ordinances, the general plan, specific plans and appeals to decisions of the Planning Commission. In addition, City Council is supported by a staff of qualified land use professionals and legal counsel. I do believe the City Council could effectively fulfill the duties they are now responsible for.

6) If the City Council disbanded the Planning Commission, what concerns would you have?

- a) Elimination of one public hearing that gives persons impacted by the recommendations or decisions being made an opportunity to learn how the land use process works before a final decision is made. It is at this hearing they learn the basis of any decision or recommendation, that there is documentation in the form of staff reports, ordinances and general and specific plans that form the basis for recommendations and decisions, and decisions of the Planning Commission are appealable to City Council. There is time between the two public hearings to research the basis of decisions and to mount a cohesive effort to obtain appropriate mitigation from project impact.
- b) Except in the case of appeals from the decisions of the Community Development Director, eliminating the Planning Commission and the public hearings conducted by the Planning Commission creates a one and done situation. If you don't like the decision you can appeal it to the same people who made the decision, or possibly the decision is final and there is no appeal.
- c) Change in the role of City Council from being the reasonable arbiter of decisions and recommendations made by the Planning Commission to that of being the deciding body alone.
- d) Elimination of an area where citizens can become involved in city government and serving the community. Loss of a pool of potential candidates for appointment or election to City Council.
- e) The main reason given for eliminating the Planning Commission is reduced activity due to changes in the development code allowing staff level approvals. Another reason for reduced activity may be the economy since the start of the 2008 crash in the economy. With an improving economy more applications may be received. It is interesting that older approved tentative map projects are only now being constructed or completed (San Diego Gas and Electric Site, Mount Vernon Ave. across from Berry St. Park and San Miguel Ave. across from the school are a few I've noticed recently)

7) If the City Council disbanded the Planning Commission, what measures would you recommend to be taken to ensure the public's opportunity to comment on projects/permits?

Provide the maximum time possible between the notice and the public hearing. Provide in the notice links to staff reports and project documentation.

8) Do you oppose, support, or are neutral to disbanding the Planning Commission?

X Oppose _____ Support _____ Neutral

**CITY OF LEMON GROVE
PLANNING COMMISSION SURVEY**

- 1) Name (Optional?): CHUCK PENNELL
- 2) Did you serve on the Planning Commission, City Council, or both:
☒ Planning Commission ☐ City Council ☐ Both
- 3) What years did you served on the Planning Commission and/or City Council? 91-93
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council? ① RCVD PUBLIC INFO ON ZONING MATTER
② SPOKE TO PERMIT APPLICATIONS ③ REQUESTED VARIANCES
- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?
☒ YES ☐ NO
- * If you answered ~~NO~~^{YES}, why not? ① THE NUMBER OF P.C. ISSUES/BUSINESS DOES NOT JUSTIFY A P.C. ② DUPLICATION OF DISPUTED ISSUE RESOLUTION AS APPEALS END UP AT CITY COUNCIL. ③ MORE EFFICIENT FOR STAFF SINCE THEY DON'T NEED TO PREPARE
- If you answered YES, why? TWO REPORTS ④ ADDITIONAL DIRECTION TO STAFF SO PERMITS AND ZONING VARIANCES DO NOT REQUIRE PUBLIC HEARING.
- 6) If the City Council disbanded the Planning Commission, what concerns would you have?
① COUNCIL MUST ESTABLISH TIME-CERTAIN HEARING EITHER DURING EXISTING MEETINGS OR SPECIAL MEETINGS. ② ARE THERE STAFF TO HANDLE WORKLOAD?
- 7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?
ADEQUATE NOTIFICATION AND PROCESSING INFO AVAILABLE TO PUBLIC. E.G. ALL PLANNING ISSUES BE POSTED AT LOCAL Home Depot.
- 8) Do you oppose, support, or are neutral to disbanding the Planning Commission?
☐ Oppose ☒ Support ☐ Neutral

**CITY OF LEMON GROVE
PLANNING COMMISSION SURVEY**

- 1) Name (Optional?): Lewis Zollinger
- 2) Did you serve on the Planning Commission, City Council, or both:
☒ Planning Commission ☐ City Council ☐ Both
- 3) What years did you served on the Planning Commission and/or City Council? 2003 - 2013 ±
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council? Decision maker on permits;
Gave recommendations on ordinances/resolutions.
- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?
☒ YES ☐ NO
- If you answered NO, why not?
 - If you answered YES, why?
Several ~~of~~ Council members served on Planning Comm. & are experienced.
Staff & developers need prepare only once for a ~~of~~ public hearing. This
would save time & money for both.
- 6) If the City Council disbanded the Planning Commission, what concerns would you have?
None
- 7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?
Hearings before City Council are sufficient. I would not
increase public notice beyond the current 300 ft.
- 8) Do you oppose, support, or are neutral to disbanding the Planning Commission?
☐ Oppose ☒ Support ☐ Neutral

HOWARD P. COOK
7136 ROSEMARY LN.
LEMON GROVE, CA.
91945

I SERVED ON THE LEMON GROVE CITY COUNCIL
FROM 2010 TO 2014.

I BELEAVE THE PLANNING COMMISSION
FULFILLED DUTIES THAT IT WAS ASKED TO DO.

AFTER REVIWING THE AMOUNT OF HOURS THEY
MET DURING THE FOUR YEARS THAT I SPENT
ON THE CITY COUNCIL, I BELEAVE THAT THE
CITY COUNCIL COULD HANDLE THOSE DUTIES
WITH OUT IT BECOMING TO MUCH OF A WORK
LOAD.

I ALSO THINK BY DISBANDING THE PLANNING
COMMISSION, IT WOULD STREAMLINE THINGS
AND SAVE NOT ONLY THE CITY TIME AND
MONEY BUT ALSO THE CONTRACTOR AS WELL.

I DON'T THINK I WOULD HAVE TOO MANY
CONCERNS, REGARDING THE DISBANDING OF
THE PLANING COMMISSION. SEVERAL CITIES'
HAVE DONE THE SAME, AND HAVE FOUND IT TO
SPEED PERMITS AS WELL PLANS AND OTHER
THINGS UP BY AS MUCH AS 60 DAYS. THERE IS

NOT TOO MANY BIG PROJECTS THAT COULD
COME UP, WHEN LEMON GROVE IS PRETTY MUCH
BUILT OUT. THOSE THAT DO COME UP COULD
VERY EAZLY BE HADDLED BY THE CITY
COUNCIL.

DO I OPPOSE, SUPPORT, OR ARE NEUTRAL TO
DISBANDING THE PLANNING COMMISSION?

I SUPPORT THE DISBANDING OF THE PLANNING
COMMISSION.

HOWARD P.COOK

**CITY OF LEMON GROVE
PLANNING COMMISSION SURVEY**

1) Name (Optional?): MARY ENGLAND

2) Did you serve on the Planning Commission, City Council, or both:
 Planning Commission ☒ City Council Both

3) What years did you served on the Planning Commission and/or City Council?
Council 2000 - 2012

4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?

Reviewed ALL Applications for any type of Zoning - LAND USE SITUATIONS, ALSO Reviewed PLANS FOR ADDITIONS THAT NEEDED SPECIAL

5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?

 YES ☒ NO

▪ If you answered NO, why not?

These people have DAY JOBS outside of Lemon Grove. One ^{of them} may be able to visit a site in question. The rest would have to go AT NIGHT OR WEEKENDS.

▪ If you answered YES, why?

Also. There is Time needed IN Lemon Grove to fulfill these duties. The amount of Time needed to Review could ADD to a lengthy process.

6) If the City Council disbanded the Planning Commission, what concerns would you have?

1) How would people Appeal A Decision?
2) How much STAFF Time would it take TO TRAIN the Council?

7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?

1) AN ADDITIONAL City Council Meeting TO ONLY ADDRESS LAND use-Planning
2) ENSURE Complete TRANSPARENCY IN the PROCESS.

8) Do you oppose, support, or are neutral to disbanding the Planning Commission?

☒ Oppose Support Neutral

NOTICE AND Post ON WEBSITE E-MAILS, ETC.

**CITY OF LEMON GROVE
PLANNING COMMISSION SURVEY**

- 1) Name (Optional?): DWIGHT SHELLEY
- 2) Did you serve on the Planning Commission, City Council, or both:
☒ Planning Commission ☒ City Council ☐ Both
- 3) What years did you served on the Planning Commission and/or City Council?
PLANNING APPROX 1984-1994 COUNCIL MAY 1995- MAR. 2000
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?
- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?
☐ YES ☒ NO
- If you answered NO, why not?
 - If you answered YES, why?
- 6) If the City Council disbanded the Planning Commission, what concerns would you have?
- 7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?
- 8) Do you oppose, support, or are neutral to disbanding the Planning Commission?
☒ Oppose ☐ Support ☐ Neutral

When I first read in the paper that the Lemon Grove City Council was considering eliminating the planning commission, I thought it was a positive move. After reading the city manager's letter I have had second thoughts.

Here are the reasons I feel the City of Lemon Grove should maintain a planning commission.

1. It gives the citizens an appeals process that I know from experience is important.
2. As I recall the City Council sets codes and policies. The planning commission implements those codes and policies.
3. Planning commissioners are appointed not elected. They can work out problems on projects (Millers Ranch, Home Depot, city plan). This lessons most of the heated public hearings before the project reaches the council.
4. Planning commission provides a good training experience for future council members.
5. There are times when people are willing to comment before the planning commission, but not city council.
6. If the planning commissioners do their job properly, it is a challenging job. However it is satisfying to know you have contributed to your community.

I am sure you will consider this move carefully and make the best decision for the citizens of Lemon Grove.

**CITY OF LEMON GROVE
PLANNING COMMISSION SURVEY**

- 1) Name: Tom Clabby
- 2) Did you serve on the Planning Commission, City Council, or both:
☐ Planning Commission ☐ City Council ☒ Both
- 3) What years did you served on the Planning Commission and/or City Council? Planning Commission: 1991-1992. City Council: 1992-2008
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council? Generally the planning commission convened at the will of the City Development Service Departments. (Planning, engineering). Meeting agendas by the staff were presented to the commissioners for comments and or approval. Similar to existing city council meetings. Now that the counsel no longer has redevelopment responsibilities the disbandment of the planning commission should not pose and additional burden on the City Council or Public. Often when I was on the Planning Commission our recommendatons or decisions were over turned. That is the reason I ran for City Council in 1992.
- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?
☒ YES ☐ NO
- If you answered NO, why not?
 - If you answered YES, why? City decisions belong with the elected representatives. Council verses appointed Commissioners)
- 6) If the City Council disbanded the Planning Commission, what concerns would you have? None, if any thing I believe developers' want and our residents want approval process that is streamlined and transparent.
- 7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?
The Public always has the opportunity to comment on items brought before the City Council such as projects and permits etc. Disbanding also presents a cost savings to the Taxpayers of our Community, which is a consideration that sometimes is overlooked. The Council no longer has redevelopment issues to review and therefore can handle the extra requirements and use of less staff time.
- 8) Do you oppose, support, or are neutral to disbanding the Planning Commission?
☐ Oppose ☒ X Support ☐ Neutral
- 9) Please share any additional comments (you may use the back of this page). N/A

Graham Mitchell

Lemon Grove City Manager

The Planning Commission's responsibilities have been clearly stated many times.

What hasn't been stated is what the Planning Commission is beyond its official responsibilities.

The Planning Commission, as stated, is not a policy body. It is, however, a guiding voice to that policy body. Numerous times the City Council has asked for direction and input on items they were considering. This input is requested, I believe, because the Council has selected Planning Commission members that they trust to have valued input that reflect multiple positions from throughout the community.

The Planning Commission, as non-elected officials, is exactly what Council and the city desire from a community forum. A trusted body that is concerned about the direction the city is taking and wants to have input in its own future. They are first and foremost volunteers. Yes they receive a small stipend for their service, but no commissioner ever applied to the position for the pay.

One clear advantage to having a Planning Commission is the consistency of input. A group that is both stable and fluid. It is designed to be a body that can be molded as Council desires. A group that City Council and the community can count on to be responsible and available.

The Planning Commission is also, if nothing else, the extended eyes and ears of the Council as well as the rest of the community.

While it may be true that some cost savings may result in eliminating the Planning Commission, any reports that staff is currently preparing for the Planning Commission, will still have to be prepared for the City Council. While having the City Council handle Planning Commission duties will only extend the meetings a short amount of time, it's not only the Council that this extended time affects. Many city and county representatives, including the Sheriff's dept, Fire dept, and city attorney are also subject to the longer meetings.

It has been suggested that Planning Commissioners may not have the technical expertise to handle some decisions. While Planning Commissioners are not necessarily selected based on their technical abilities, several past Planning Commissioners have certainly had a level of technical expertise that more than qualified them for the position. Some of these former commissioners have since been elected to the City Council. Other Planning Commissioners, without the same level of technical expertise, have also been elected to the City Council. Does their election to Council suddenly increase their technical knowledge or make them more qualified? As with anything in life, experience is often the best teacher.

It has been my great fortune to have served on the Planning Commission for more than 10 years.

I hope to continue in this capacity as long as the Council deems it beneficial. I fully understand if their decision is to head in another direction.

Respectfully,

Bob Bailey

Graham Mitchell

From: Yepiz, Susan <Susan.Yepiz@sdcounty.ca.gov>
Sent: Wednesday, April 29, 2015 9:13 AM
To: Graham Mitchell
Subject: RE: Future of Planning Commission

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning Graham,

Thank you for including us on this.

I wanted to say, I get to work with absolutely wonderful staff in the Development Services Department. I have contacted them 2 hours before a planning commission meeting about additional questions I have and they were able to talk to me for a good 30-45 minutes.

I wanted to ask if we had ever considered hiring a professional outside consultant to review the structure of our City departments before we consider removing the planning commission. Reviewing our current business process and possibly restructuring of the City Departments may be our first step in considering if we want to eliminate a department. Especially with a general plan update in the near future.

As far as your plan here are some of my ideas;

1. Modify Planning Commissions Responsibilities

I know you have said, in the past, that you wish we had a way of organizing volunteers and putting together more community service projects. The planning commission would be a great group to help organize events, community service programs, and volunteers. We could also help to work on the update of our 20-year-old general plan, or be actively out and about the community as a "boots on the ground" initiative to help clean-up and re-energize our downtown district. Help get the word out to citizens on certain projects and events.

2. Strategies to Maintain Public Involvement

We could also continue to work with focus groups in ways that give more people an opportunity to have a seat at the table. This setting gives a larger group of people a chance to participate in an open dialogue with city staff. We could have more on-line polls and public outreach programs. Work on the Councils directive for more recreational events and facilities.

I understand that eliminating the Planning Commission would shorten and streamline the development process for developers. I don't wish to impose red tape on potential development. However the "unknown" that could develop in the dual public hearing process is a GOOD thing. Not only for liability purposes but also for airing out the laundry, getting it out in a public setting and making sure all those that want to attend do, all those that want to be heard also do so. We would then be able to show, not only was there a public hearing at the Planning Commission, but also at the City Council meeting, on two different nights and two different dates, in case one of those you were unable to attend one of those. The more discussion we have, will hopefully bring to a head issues we want to address now instead of down the line where it can be much more costly.

Also, from what I hear from Carol Dick, our city is already mostly developed. There is only the potential for small developments or redevelopments in the future due to our size. Making a change specifically for potential developers is not in the best interest of our citizens.

What I'm hearing from the council meetings I have attended based on future of the planning commission is that the advisory board to the council and the dual process system is not necessary. We were appointed to investigate projects and to dig a little deeper than the City Council would normally do, so we can make recommendations based on our finding facts. I understand the City Council is fully qualified to handle all the tasks asked of the commission. However, I feel that having more citizens look at everything would help take care of the "unknown" that may potentially occur.

We had a great Planning Commission meeting on Monday with a full room! Commissioner Bob Bailey made some suggestions to a plan amendment, that would save the applicant *thousands* of dollars. This may not have been recognized by the City Council if it were to have been on the agenda.

I hope this helped. Let me know if you have any further questions.
Susan Yepiz

Graham Mitchell

From: seancole@aol.com
Sent: Wednesday, April 29, 2015 4:15 PM
To: Graham Mitchell
Subject: Re: Planning Commission

Hi Graham,

You are familiar with the events which led to my interest in serving on the Lemon Grove Planning Commission. I have found it to be good opportunity be of service to my community without the overwhelming responsibility which comes more intensive assignments.

I believe an added layer of common sense review is a benefit the City and City Council gain by having a planning commission. The projects or initiatives which ultimately are appealed to the City Council have the sound logic and concerns of the Commission documented and vetted at an open public meeting first. This gives the Council a solid base to start from when they review and usually uphold the Commission's decision. Without the Commission you will need to find a good starting point for the Council to form it's base. I think doing away with the Commission will detract from that "public process" feature feature you mention below.

So on to your question about how to protect that if it is done away with. I think city staff are still going to end up managing some sort of forum, comprised of the public, regardless of whether it's officially called a "planning commission" or not. I believe that when our citizens find 'that issue' which they feel compels them to attend and hear a discussion and decision be made - they will expect to hear a conversation which includes how it was vetted through the public. Whether it be "neighborhood/developer" meetings as you suggest below or some other form of outreach - the public will expect the Council to draw their advice from some forum which has heard, acknowledged and considered public input. And to not have a City Council meeting be the first public vetting. In order to do that, City Staff will end up managing an entity or process for that to occur.

I don't know that I have any precise offering as to what the new entity or process would look like just that it should have an air of transparency and incorporate public input prior to discussion by the Council. I also have to wonder if the Council is aware of the added work it will entail when lumped onto their already busy calendar of city business. If doing away with the Planning Commission in favor of a "different looking" process ends up being more expedient, either by reduced cost, staff management time or enhanced review then I understand and support your decision to reccomend as much.

Respectfully,

Sean

Attachment D

LEMON GROVE CITY COUNCIL AGENDA ITEM SUMMARY

Item No. 4
Mtg. Date January 20, 2015
Dept. City Manager's Office

Item Title: Planning Commission Analysis

Staff Contact: Graham Mitchell, City Manager

Recommendation:

Receive report and provide direction.

Item Summary:

At its October 21, 2014 meeting, the City Council directed staff to provide an analysis regarding the Lemon Grove Planning Commission. On November 4, 2014, staff presented an initial analysis to the City Council. The City Council requested that staff provide additional information regarding several specific questions.

The staff report (**Attachment A**) provides information regarding four specific questions asked by the City Council as well as other information requested. As a reference, staff provided a copy of the November 4, 2014 staff report (**Attachment B**).

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. November 4, 2014 Staff Report – “Planning Commission”

**LEMON GROVE CITY COUNCIL
STAFF REPORT**

Item No. 4

Mtg. Date January 20, 2015

Item Title: Planning Commission Analysis

Staff Contact: Graham Mitchell, City Manager

Discussion:

At its October 21, 2014 meeting, the City Council directed staff to provide an analysis regarding the Lemon Grove Planning Commission. On November 4, 2014, staff presented an initial analysis to the City Council. In the staff report (**Attachment B**), information was provided regarding: 1) Planning Commission Responsibilities, 2) Planning Commission Activity, 3) Streamlining the Approval Process, 4) Planning Commission Costs, 5) Benefits and Drawbacks, and 6) Design Review Boards.

During the November 4th meeting, the City Council provided feedback and asked for additional information, requesting that staff specifically address the following questions:

- If the planning commission were to be dissolved, what are alternative means to ensure community input is heard and expanded on development projects?
- Besides a planning commission, are there other ways for the City to proactively engage its citizens regarding development projects and other community issues?
- If the planning commission were to be dissolved, what is the timeframe for that to be implemented?
- If the planning commission were to be dissolved, what would the impact be to City Council agendas?

The following sections provide information regarding the four questions asked by the City Council as well as other information requested.

Alternative Means to Solicit Community Input on Projects

One of the primary purposes of a planning commission is to review development projects and to provide a forum for community comment regarding the project. The scope of the planning commission's purview is defined by the City's Municipal Code. The planning commission is not granted authority to act outside of their prescribed scope.

If the City Council were to dissolve the planning commission, the City Council would hear projects previously heard by the planning commission. It is important to note that of the 13 Conditional Use Permits or Planned Development Permits considered by the planning commission in the past two years, only two have also been considered by the City Council—meaning only two projects required more than one public hearing prior to approval.

To ensure an even greater outreach and community engagement than exists now, staff has identified two possible strategies (NOTE: staff has identified potential unintended consequences for each, which are identified on page 5 of this report):

1) *Expand the Noticing Area* – currently, the City provides public notices to property owners within a 300 foot radius of a project (this is the minimum distance prescribed by State law). The City Council could consider expanding that radius to 500 or 700 feet. Staff used two recently approved projects to understand the impact that an expanded noticing area would have

(noticing maps will be provided to the City Council separately). For the recently approved CityMark project, 37 property owners were notified within 300 feet of the project. If the noticing radius was expanded to 500 feet, 101 owners would have been notified. If expanded to 700 feet, 147 owners would have been notified. The cost comparison for three noticing requirements is \$31 for 37 notices, \$84 for 101 notices, and \$122 for 147 notices (the applicant pays for the cost to mail notices as well as newspaper noticing).

Staff also considered a development project surrounded by single family neighborhoods. The Vista Serrano project (9 lot subdivision located at 7128 San Miguel Avenue) required a noticing of 75 property owners. If the noticing radius was expanded to 500 feet, 145 owners would have been notified. If the noticing radius was expanded to 700 feet, 214 owners would have been notified. The cost comparison for three noticing requirements is \$62 for 75 notices, \$120 for 145 notices, and \$177 for 214 notices.

2) Required Neighborhood Outreach Meeting – for larger projects, the City Council could require that a project applicant conduct a meeting with neighbors within a designated radius of the project prior to a hearing. This meeting, facilitated by City staff, would allow the developer to introduce the project and to solicit feedback.

Proactively Engaging Citizens

One of the topics of discussion during the November 4th City Council meeting was meaningful ways to engage with Lemon Grove residents. The three focus groups conducted in the past three years have changed the way in which the City solicits feedback from its residents on defined topics. Staff believes that there are opportunities to expand this concept for other types of projects. It is important to recognize that focus groups require staff resources to manage. However, these groups have the opportunity to be an extension of staff to a certain degree.

Staff has developed a list of several potential smaller focus groups that could be considered (several of these tasks are currently assigned to the planning commission):

- Local skaters and artists to provide feedback on the expansion of the skate spot,
- Group to help develop and manage an organized downtown volunteer crew,
- Planning group to help staff review a larger-scale development project,
- Group to review the implementation of the City's General Plan,
- Group to consider updating special treatment areas and consider development goals in those areas.

These smaller focus groups have the potential to provide leadership opportunities for residents wanting to become involved in their community. Staff would caution that more than two groups at a time may be overwhelming for staff to manage given current staffing levels.

Implementation Plan

During the November 4th City Council meeting, staff was asked to provide the length of time it would take to dissolve the planning commission. In reality, the City Council could adopt a simple ordinance that states when the term "planning commission" is used in the Municipal Code, it is referring to the "planning body which is defined as the city council." Once adopted, the City Attorney and staff would prepare a comprehensive Municipal Code amendment to reflect the change. Staff projects that the entire amendment process would require approximate 6 to 9 months—this change to the Municipal Code would also provide an opportunity to clean up other sections related to the planning process. Alternatively, the City Council could formally dissolve the planning commission in approximately 6 to 9 months once all of the clean up language is prepared.

Impact to City Council Agendas

During the November 4th City Council meeting, staff was asked for its opinion on the impact to the City Council's agenda. In the past four years (48 months), the planning commission met 22 times and considered 31 projects or permits. Of those, 12 projects were also considered by the City Council. The table below shows the frequency of meetings and permits/projects considered by year:

Year	# of Meetings	Permits/Projects Heard by Commission	Permits/Projects Requiring Council Approval
2011	7	11	0
2012	7	10	5
2013	3	4	3
2014	5	6	4
TOTAL	22	31	12

Over the past four years, having a planning commission eliminated 19 agenda items from the City Council agenda. Using data from this four year period, if the planning commission were dissolved, the City Council could expect to consider an additional project every two to three months. Planning commission meetings rarely exceeded 90 minutes.

Other Questions

During the November 4th meeting, staff was asked to address the issue of applicant appeals, unintended consequences, and data regarding project streamlining.

Appeals – in the past four years, no applicants or neighboring property owners have appealed a planning commission decision to the City Council. Because the City Council, per the Municipal Code, has the final decision authority on land use issues, an applicant with a denied project can either redesign the project to satisfy the City Council or file a lawsuit against the City. Applicants or neighboring property owners currently have this course of action available if a decision reached by the City Council is not satisfactory to them.

Unintended Consequences – staff identified several potential consequences from several of the suggestions identified in this staff report. First, staff is concerned about the conflict that may arise out of the creation of “pre-development neighborhood review groups” or “neighborhood outreach meetings.” Many times neighbors of a project (especially a subdivision project) prefer the land remain undeveloped. Although property owners have the right to develop land according to the requirements of the Municipal Code, pre-development neighborhood groups may feel entitled to provide project review, above and beyond project input. Hence, the creation of this group may foster an adversarial environment for development.

Staff is also concerned about the impacts that additional noticing requirements may have on “mom and pop” businesses. For a larger development, this expanded requirement may not pose a burden. However, for a small business owner, the additional cost may be difficult to bear.

Project Streamlining – as identified in the November 4th staff report, staff estimates that the time saved to process a project is approximately 30 days, assuming the project requires approval by both the planning commission and the City Council. In addition to time, there is also a cost savings experienced by the applicant by having to only attend one meeting. For example, the

recent CityMark project required two employees and an architect to attend two different meetings. There are costs associated with attending these meetings.

For many developers, the concern about cost is not as critical as the unpredictability of a planning commission. There are times that planning commissioners do not understand intent behind City Council policy/goals or are not as sensitive to deviations that may be supported by the City Council—in part, because they are not tasked to be policy makers. Developers would prefer to meet with the body that has the final approval authority in order to ensure more predictability in the approval process. |

Conclusion:

|Staff recommends that the City Council receive the report and provide direction to staff. |

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 7
Mtg. Date May 5, 2015
Dept. Development Services

Item Title: **Ordinance No. 428 Amending Chapters 8.08 and 8.48 of the Lemon Grove Municipal Code with Reference to the Lemon Grove Best Management Practices (BMP) Manual**

Staff Contact: **Malik Tamimi, Management Analyst**

Recommendation:

Staff recommends that the City Council introduce Ordinance No. 428 amending Sections of Chapter 8.08 (Excavation and Grading) and Chapter 8.48 (Stormwater Management and Discharge Control) of the Lemon Grove Municipal Code with reference to the Lemon Grove Best Management Practices (BMP) Manual.

Item Summary:

On May 8, 2013, the Regional Water Quality Control Board (RWQCB) adopted Order No. R9-2013-0001 (Permit) and later amended it by Order No. R9-2015-0001 (Permit). The Permit went into effect on June 27, 2013 and requires that the City develop a Jurisdictional Runoff Management Program (JRMP) no later than June 27, 2015. The development of the JRMP requires an update to City Municipal Code Chapter 8.08 (Excavation and Grading) and Chapter 8.48 (Stormwater Management and Discharge Control). A Lemon Grove Best Management Practices Manual was also developed in support of the JRMP and for reference in the aforementioned chapters. The recommended updates to the ordinance; as required by the Permit, are consistent with updates being made by other cities in the County. Staff recommends that the City Council introduce Ordinance No. 428.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorical Exemption, Section 15301 | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Ordinance No. 428 and BMP Manual

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 7

Mtg. Date May 5, 2015

Item Title: **Ordinance No. 428 Amending Chapters 8.08 and 8.48 of the Lemon Grove Municipal Code with Reference to the Lemon Grove Best Management Practices (BMP) Manual**

Staff Contact: **Malik Tamimi, Management Analyst**

Discussion:

The Regional Water Quality Control Board (RWQCB) adopted Order No. R9-2013-0001 (Permit) on May 8, 2013 and later amended it by Order No. R9-2015-0001 (Permit). The Permit went into effect on June 27, 2013 and requires that the City develop a Jurisdictional Runoff Management Program (JRMP) no later than June 27, 2015. The development of the JRMP requires an update to City Municipal Code Chapters 8.08 (Excavation and Grading) and Chapters 8.48 (Stormwater Management and Discharge Control) and a reference to the Lemon Grove Best Management Practices (BMP) Manual (Manual). The following summarizes the updates to the aforementioned chapters of the Municipal Code. Additionally, a brief description of the Manual has been provided.

Chapter 8.48 Stormwater Ordinance Update

8.48.010 Title, purpose, and intent.

The language of this section was streamlined to clearly state the chapter's purpose.

8.48.020 Definitions.

Definitions were revised as needed for consistency with the definitions and terms used in the Municipal Permit. Definitions were deleted for terms that are no longer referenced in the ordinance and newly added terms were defined. More significantly, the definition of an illegal discharge was updated to include irrigation runoff discharges and the term "stormwater conveyance system" was replaced with the term "MS4" for consistency with the Municipal Permit.

8.48.030 General provisions.

Text was updated to clearly establish support for the implementation and enforcement of the City's BMP Manual and to eliminate some unnecessary or repetitive administrative language. Relocated subsection H, "Guidance Documents" to Section 8.48.060.

8.48.040 Discharge prohibitions.

Includes updates to the types of discharges prohibited under the 2013 Municipal Permit, such as discharges from irrigation runoff.

8.48.050 Exemptions to discharge prohibitions.

Includes updates to the types of conditionally allowed discharges under the 2013 Municipal Permit and the specific conditions that must be met in order for these types of discharges to be permitted.

Attachment A

8.48.060 Best management practice requirements for all dischargers.

Eliminated specific BMPs and instead included reference to the City's BMP Manual, which will contain the minimum BMPs for industrial/commercial/municipal/residential facilities and construction sites. This is the recommended format, since if BMP requirements must be modified, revisions can be made to only the BMP Manual, which should avoid the need for additional Municipal Code amendments. Stormwater Pollution Prevention Plan (SWPPP) requirements were also removed since this information will be covered by the BMP Manual. Subsections E, F, and G were deleted from this section since this information will be included in the Illicit Discharge Detection and Elimination section of the City's updated Jurisdictional Runoff Management Program document.

8.48.070 Additional requirements for land disturbance activity.

Eliminated specific BMPs and instead included reference to the City's BMP Manual. Relocated "Agricultural Grading and Clearing" requirements to this section and removed unnecessary information regarding the State Construction General Permit requirements.

8.48.080 Additional requirements for all land development and redevelopment projects.

Eliminated specific BMPs and instead included reference to the City's BMP Design Manual.

8.48.090 Maintenance of BMPs.

Added subsection H, "Assurance of Maintenance for Land Development Projects", which establishes the requirement for development project proponents to provide the City with proof of long-term maintenance plans for structural post-construction BMPs.

8.48.100 Inspection and sampling.

Rephrased language regarding access to structural BMPs for clarity. Removed reference to easements since verbal or written permission is sufficient for granting City staff or contractors access to structural post-construction BMPs when needed.

Chapter 18.08 Grading Ordinance

18.08.050 Definitions.

Definitions were revised as needed for consistency with the definitions and terms used in the Municipal Permit. Definitions were deleted for terms that are no longer referenced in the ordinance and newly added terms were defined. More significantly, the definition of the term "environmentally sensitive areas" was added from the Municipal Permit.

18.08.150 Erosion prevention.

Similar to Chapter 8.48, specific BMPs were removed from this chapter and instead a reference to the City's BMP Manual was included for minimum BMP requirements for construction sites.

18.08.170 Erosion and sediment control required.

The title of this section was changed to include the term "sediment control" because the RWQCB is sensitive to the distinction between "erosion control" and "sediment control". Specific BMPs were removed from this chapter and instead a reference to the City's BMP Manual was included for minimum BMP requirements for construction sites. Additional requirements were included in subsection B for post-construction BMP maintenance, repair, and responsibility.

This section previously stated that "a site is considered inactive if construction activities have ceased for a period of 10 or more consecutive days." The definition of "inactive" was changed to a period of 14 or more consecutive days of inactivity to be consistent with the requirements of

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the State's Construction General Permit. This should prevent confusion of site operators/owners whose training typically refers to the State's permit requirements.

Lemon Grove BMP Manual

This Manual was developed to be used in conjunction with the City's Stormwater Management and Discharge Control Ordinance (Stormwater Ordinance), Chapter 8.48, and the water quality protection provisions of the Excavation and Grading Ordinance, in Chapter 18.08. This Manual sets out in more detail, by project category, what dischargers must do to comply with the ordinances and to receive permits for projects and activities that are subject to the ordinances. The Manual and the ordinances have been prepared to provide the City with the legal authority necessary to comply with the requirements of the Permit. The Manual presents the minimum BMP requirements for:

- construction sites;
- post-construction sites;
- industrial, commercial and municipal sites/sources; and
- residential sites/sources.

It also includes the enforcement actions performed by the City that address stormwater ordinance violations by different types of entities.

Conclusion:

Staff recommends that the City Council introduce Ordinance No. 428 amending Sections of Chapter 8.08 (Excavation and Grading) and Chapter 8.48 (Stormwater Management and Discharge Control) of the Lemon Grove Municipal Code with reference to the Lemon Grove Best Management Practices Manual.

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ORDINANCE NO. 428

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING CHAPTER 8.48 (STORMWATER MANAGEMENT AND DISCHARGE CONTROL) AND CHAPTER 18.08 (EXCAVATION AND GRADING) OF THE LEMON GROVE MUNICIPAL CODE WITH REFERENCE TO THE LEMON GROVE BEST MANAGEMENT PRACTICES (BMP) MANUAL

WHEREAS, the Regional Water Quality Control Board for the San Diego region (RWQCB) has approved Order No. R9-2013-0001 and later amended as R9-2015-0001, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0109266 (Permit); and

WHEREAS, the Permit requires certain changes be made to the Stormwater Management and Discharge Control Ordinance (Chapter 8.48 of the Lemon Grove Municipal Code) and the Excavation and Grading Ordinance (Chapter 18.08) with reference to the Lemon Grove Best Management Practices (BMP) Manual; and

WHEREAS, the purpose of this Ordinance is to update the Stormwater Management and Discharge Control Ordinance and the Excavation and Grading Ordinance with Reference to the Lemon Grove Best Management Practices (BMP) Manual to comply with the Permit; and

NOW THEREFORE, the City Council of the City of Lemon Grove, California hereby modifies Chapter 8.48 (City of Lemon Grove Stormwater Management and Discharge Control Ordinance) and Chapter 18.08 (Excavation and Grading Ordinance) as set out in Exhibit 1 and approves the Lemon Grove Best Management Practices (BMP) Manual which is attached hereto and incorporated herein by reference (Exhibit 2).

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Exhibit 1

Chapter 8.48 STORMWATER MANAGEMENT AND DISCHARGE CONTROL

8.48.010 Title, purpose and intent.

—This chapter shall be known as the “Lemon Grove Stormwater Management and Discharge Control Ordinance.”

The purposes of this chapter are as follows: to further ensure the health, safety and general welfare of the citizens of the city by controlling non-stormwater discharges to the stormwater conveyance system; by eliminating discharges to the stormwater conveyance system from spills, dumping or disposal of materials other than stormwater; and by reducing pollutants in urban stormwater discharges to the maximum extent practicable. The intent of this chapter is to protect and enhance the water quality of our watercourses, water bodies and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act (Clean Water Act, 33 U.S.C. Section 1251 et seq.) and San Diego Regional Water Quality Control Board Order Number R9-2007-0001), as amended, which constitutes National Pollutant Discharge Elimination System (“NPDES”) Permit Number CAS0108758. This chapter seeks to promote these purposes by:

—A. Prohibiting polluted non-stormwater discharges to the stormwater conveyance system;

A. To establish requirements for discharges into the municipal separate storm sewer system (MS4), receiving waters, and the environment;

B. To protect, to the maximum extent practicable (MEP), life, property, receiving waters, aquatic life, and the environment from loss, injury, degradation, or damage by discharges from within the City’s jurisdiction;

C. To protect the MS4 from damage; and

D. To meet the requirements of state and federal law and the California Regional Water Quality Control Board (RWQCB) Order No. R9-2013-0001, NPDES Permit No. CAS0109266, as may be amended (MS4 Permit).—B.—Establishing minimum requirements for stormwater management, including source control requirements, to prevent and reduce pollution;

—C.—Establishing requirements for development project low impact development (LID), to reduce stormwater pollution and erosion;

—D.—Establishing requirements for the management of stormwater flows from development projects, both to prevent erosion and to protect and enhance existing water-dependent habitats;

—E.—Establishing standards for the use of off-site facilities for stormwater management to supplement on-site practices at new development sites; and

—F.—Establishing notice procedures and standards for adjusting stormwater and non-stormwater management requirements where necessary. (Ord. 369 § 1, 2008)

8.48.020 Definitions.

The following definitions shall be applicable when the following words or phrases are used hereafter in this chapter (including use in the city of Lemon Grove’s Best Management Practices Manual), whether or not these words or phrases are capitalized.

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~~—For purposes of this chapter:~~

~~—“Attached residential development” means any development that provides ten or more residential units that share an interior/exterior wall. This category includes, but is not limited to: dormitories, condominiums and apartments.~~

—“Authorized enforcement official” means the city manager of the city of Lemon Grove or any designee of the city manager of the city of Lemon Grove who is responsible for enforcing the provisions of this chapter, including but not limited to, the directors, their management staff and designees.

—“Basin plan” means the comprehensive water quality control plan for the San Diego Basin, adopted by the Regional Water Quality Control Board for the, San Diego Region in July 1975, and all subsequent amendments.

—“Best management practices” (BMPs) means schedules of activities, pollution treatment practices or devices, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices or devices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or the ~~stormwater conveyance system~~ MS4. Best management practices also include, but are not limited to, treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage. Best management practices may include any type of pollution prevention and pollution control measure, approved by the City and consistent with the MS4 Permit, that can help to achieve compliance with this chapter.

—“BMP Manual” or “Manual” means the City’s ~~Best Management Practices (BMP) Manual, described in Appendix C of the City’s Jurisdictional Management Runoff Program document LGMC X, adopted by resolution as part of the City’s Jurisdictional Runoff Management Program. A adopted by resolution and amended from time to time by the City Council. The applicable version of the BMP Manual for a development shall be the version in effect at the time of final approval of the permit or other entitlement applicable to the improvement.~~

~~—“California Ocean Plan” means the California Ocean Plan: Water Quality Control Plan for Ocean Waters of California, adopted by the State Water Resources control board in September 1991, and all subsequent amendments.~~

—“Channel” means a natural or improved watercourse with a definite bed and banks that conveys continuously or intermittently flowing water.

—“City” means the ~~C~~city of Lemon Grove.

—“Contamination”, as defined in the Porter-Cologne Water Quality Control Act, is “an impairment of the quality of waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. ‘Contamination’ includes any equivalent effect resulting from the disposal of waste whether or not waters of the State are affected.”

—“County” means the County of San Diego.

~~—“Commercial development” means any development on private land that is not exclusively heavy industrial or residential uses. The category includes, but is not limited to: mini-~~

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~~malls and other business complexes, shopping malls, hotels, office buildings, public warehouses, hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, automotive dealerships, commercial airfields, and other light industrial complexes.~~

~~—"Commercial development greater than one acre" means any commercial development that results in the disturbance of one acre or more in land.~~

~~—"Developer" means a person who seeks or receives permits for or who undertakes land development activity.~~

~~—"Directly connected impervious area" (DCIA) means the area covered by a building, impermeable pavement, and/or other impervious surfaces, which drains directly into the stormdrain without first flowing across permeable vegetated land area (e.g., lawns).~~

~~—"Directors" means the directors of the City's Community Development Development Services Department and the Public Works Department.~~

~~—"Discharge" when used as a verb, means to allow pollutants to directly or indirectly enter stormwater, or to allow stormwater or non-stormwater to directly or indirectly enter the stormwater conveyance system MS4 or receiving waters, from an activity or operations which one owns or operates. When used as a noun, "discharge" means the pollutants, stormwater and/or non-stormwater that is discharged.~~

~~—"Discharger" means any person or entity engaged in activities or operations or owning facilities, which will or may result in pollutants entering stormwater, the stormwater conveyance system MS4, or receiving waters; and the owners of real property on which such activities, operations or facilities are located; provided however, that a local government or public authority is not a discharger as to activities conducted by others in public rights-of-way.~~

~~—"Discharges directly to" means that stormwater or non-stormwater is conveyed overland a distance of 200 feet or less from a site, or conveyed in a pipe or open channel any distance as an isolated flow from a site (i.e., not comingled with flows from adjacent lands).~~

~~—"Drainage easement" means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.~~

~~—"Employee training program" means a documented employee training program which may be required to be implemented by a business pursuant to a stormwater pollution prevention plan for the purpose of educating its employees on methods of reducing discharge of pollutants to the stormwater conveyance system. "Enclosed Bays and Estuaries Plan" means the "California Enclosed Bays and Estuaries Plan: Water Quality Control Plan for Enclosed Bays and Estuaries of California," adopted by the State Water Resources Control board April 11, 1991, and all subsequent amendments.~~

~~—"Enforcement agency" means the City or its authorized agents charged with ensuring compliance with this chapter.~~

~~—"Environmentally sensitive areas," (ESA) means areas that include, but are not limited to, all Clean Water Act 303(d) impaired water bodies ("303(d) water bodies"); areas designated as an "Area of Special Biological Significance" (ASBS) by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); water bodies designated as having a RARE beneficial use by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); or areas~~

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designated as preserves. The limits of Areas of Special Biological Significance are those defined in the Water Quality Control Plan for the San Diego Basin (1994 and amendments).

—“Erosion” refers to any process in which land is diminished or worn away due to wind, water, or glacial ice. Often the eroded debris (silt or sediment) becomes a pollutant via stormwater runoff. Erosion occurs naturally but can be intensified by land clearing activities such as development, farming, road building, and timber harvesting.

—“Erosion control plan” means a plan prepared under the direction of and signed by a Civil Engineer competent in the preparation of such plans and knowledgeable about current erosion control methods. The plan shall provide for protection of exposed soils, prevention of discharge of sediment, and desiltation of runoff at frequent intervals along flowage areas, at entrances to storm drains, at entrances to streets and driveways, and at the exit of the area being graded.

—“Erosion control system” means any combinations of desilting facilities, retarding basins, flow decelerates, and/or erosion protection (including effective planning and the maintenance thereof) to protect the project site, adjacent private property, watercourses, public facilities, graded improvements, existing natural facilities, archaeological artifacts, and relieve waters of suspended sediments or debris prior to discharge from the site.

—“Groundwater” means subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated.

—“Hillside” means lands that have a natural gradient of twenty-five percent (four feet of horizontal distance for every one foot of vertical distance) or greater and a minimum elevation differential of fifty feet, or a natural gradient of two hundred percent (one foot of horizontal distance for every two feet of vertical distance) or greater and a minimum elevation differential of ten feet.

—“Hillside development greater than five thousand square feet” means any development that would create more than five thousand square feet of impervious surfaces in hillsides with known erosive soil conditions.

—“Household hazardous waste” means a household hazardous material that no longer has a use and is discarded or intended to be discarded. The term includes, but is not limited to, paint and paint-related materials; yard and garden products; household cleaners; used oil, motor vehicle fluids, batteries and oil filters; and household batteries.

—“Hydrologic soil group” means the classification system for soil erodability set out in Soil Survey—San Diego Area, California (December 1973), issued by the U.S. Department of Agriculture Soil Conservation Service and U.S. Forest Service. In this system soils are categorized into four runoff potential groups. The groups range from “A” soils, which have high permeability and little runoff production, to “D” soils, which have low permeability rates and produce much more runoff.

—“Hydromodification” means the change in the natural hydrologic processes and runoff characteristics (i.e., interception, infiltration, overland flow, interflow and groundwater flow) caused by urbanization or other land use changes that result in increased stream flows and changes in sediment transport. In addition, alteration of stream and river channels, installation of dams and water impoundments, and excessive stream bank and shoreline erosion are also considered hydromodification, due to their disruption of natural watershed hydrologic processes.

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—“Illegal connection” means a pipe, facility, or other device connected to the stormwater conveyance system~~MS4~~ or receiving waters, which has not been reviewed and authorized by the city; or a permitted/authorized pipe, facility, or other device, which conveys illegal discharges.

—“Illegal discharge” means any discharge to the stormwater conveyance system~~MS4~~ or receiving waters that is prohibited by this chapter. This includes, but is not limited to, discharges of non-stormwater that are not exempt discharges listed 8.438.050, discharges of irrigation runoff to the stormwater conveyance system~~MS4~~, any discharge from an illegal connection and any discharge that contains additional pollutants due to the absence of a required BMP or the failure of a BMP. Discharges that require a RWQCB permit that has not been issued or has not been acknowledged by the discharger to be applicable are illegal discharges. Discharges regulated under an applicable NPDES permit are illegal discharges for purposes of this chapter unless compliance with all applicable permit and Storm Water Pollution Prevention Plan (SWPPP) conditions is maintained.

~~means any discharge into stormwater, the stormwater conveyance system, or receiving waters that is prohibited by this chapter. This includes, but is not limited to, discharges of non-stormwater that are not exempt discharges listed in Section 8.48.050, any discharge from an illegal connection, and any discharge that contains additional pollutants due to the absence of a required BMP or the failure of a BMP. Discharges that require a RWQCB permit that has not been issued or has not been acknowledged by the discharger to be applicable are illegal discharges. Discharges regulated under an applicable RWQCB or the stormwater pollution prevention plan (SWPPP) are illegal discharges for purposes of this chapter unless compliance with all applicable permit and SWPPP conditions is maintained.~~

—“Impaired water body” means a water body that is listed by the SWRCB as impaired by a particular pollutant or pollutants, pursuant to Section 303(d) of the Federal Clean Water Act. “303(d) listed water body” has the same meaning.

—“Impervious cover” or “impervious surface” means constructed or modified surfaces that cannot effectively infiltrate rainfall. The term includes, but is not limited to, building rooftops, pavement, sidewalks, and driveways.

—“Impervious surface area” means the ground area covered or sheltered by an impervious surface, measured in plan view (i.e., as if from directly above). For example, the impervious surface area for a pitched roof is equal to the ground area it shelters, rather than the surface area of the roof itself.

—“Industrial activity” means manufacturing, processing, or raw materials storage at a commercial, industrial or municipal facility. The term includes, but is not limited to, such manufacturing, processing, or storage in or upon industrial plant yards or immediate access roads used or traveled by carriers of raw materials; manufacture of products, waste material, or by-product creation or storage; material handling; refuse storage or disposal; the application or disposal of processed wastewaters; storage and maintenance of material handling equipment; treatment, storage or disposal of residuals; outdoor shipping and receiving; activities in manufacturing buildings; storage of raw materials and intermediate and finished products; and the ownership, use or control of areas where significant industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. Material handling

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~~activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product.~~

~~—“Industrial discharger” means a discharger who operates a regulated industrial facility.~~

~~—“Infiltration” means the process of percolating stormwater or non-stormwater into the soil.~~

~~—“Infiltration BMPs” or “infiltration facility” means any structural treatment BMP designed primarily to percolate water into the subsurface, such as an infiltration trench or infiltration basin. An infiltration BMP facility may include filtering prior to or during infiltration. BMPs that infiltrate some water but which are designed primarily to retain water or to treat water, such as retention basins, constructed wetlands, or filtering swales are not infiltration facilities.~~

~~—“Inland Surface Water Plan” means the California Inland Surface Waters Plan: Water Quality Control Plan for Inland Surface Waters of California adopted by the State Water Resources Control Board on April 11, 1991, and all amendments thereto.~~

~~—“Land development activity” means construction, rehabilitation, redevelopment, or reconstruction of any public or private projects, any activity or proposed activity that requires any of the permits or approvals listed in Section 8.48.030(GF) of this chapter.~~

~~—“Land disturbance activity” means any activity, requiring a grading permit that moves fifty cubic yards of soils or substantially alters the pre-existing vegetated or man-made cover of any land. This includes, but is not limited to, grading, digging, cutting, scraping, stockpiling or excavating of soil; placement of fill materials; paving, pavement removal, exterior construction; substantial removal of vegetation where soils are disturbed including, but not limited to, removal by clearing or grubbing; or any activity which bares soil or rock or involves streambed alterations or the diversion or piping of any watercourse. Land disturbance activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or the original purpose of the facility, nor does it include emergency construction activities (i.e., land disturbances) required to protect public health and safety.~~

~~—“Land owner” means the holder of legal title to the land, and other persons or entities who exercise control over a land development project pursuant to rights granted in a purchase agreement, joint venture agreement, development agreement, or long-term lease.~~

~~—“Low impact development,” or “LID,” means a stormwater management and land use development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions.~~

~~—“Maintenance of a BMP” means periodic action taken to maintain the as-designed performance of a BMP, and includes, but is not limited to, repairs to the BMP as necessary, and replacement of the BMP by an equally effective or more effective BMP at the end of its useful life.~~

~~—“Maximum extent practicable” (or “MEP”) means the technology-based standard established by Congress in the Clean Water Act 402(p)(3)(B)(iii) that municipal dischargers of urban runoff must meet. MEP generally emphasizes pollution prevention and source control BMPs primarily (as the first line of defense) in combination with treatment methods serving as a backup (additional lines of defense). MEP is an acceptability standard for BMPs. When BMPs are required to meet this standard, the BMPs must be the most effective set of BMPs that is still practicable. A BMP is effective if it prevents, reduces or removes the pollutants that would~~

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otherwise be present in runoff due to human activity. A BMP is practicable if it complies with other regulations as well as stormwater regulations; is compatible with the area's land use, character, facilities and activities; is technically feasible (considering area soil, geography, water resources and other resources available); is economically feasible; and provides benefits that are reasonable in relation to costs.

~~—“Motor vehicle” means any automobile, car, truck, bus, motor home or other self-propelled vehicle used or suited to use for on-road transportation; and any similar vehicle modified for off-road use.~~

“Municipal separate storm sewer system” (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designated or used for collecting or conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of the Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.26.

~~—“Municipal facility” means a facility owned or operated by the city of Lemon Grove that is used for a governmental purpose. Facilities or municipally owned land that are leased or rented to others to generate municipal revenues are not municipal facilities. The commercial or industrial lessees of such facilities may, however, be subject to this chapter as commercial dischargers or industrial dischargers.~~ “MS4” Municipal Separate Storm Sewer System.

~~—“MS4 Permit” refers to RWQCB Order No. R9-2013-0001, NPDES Permit No. CAS0109266, as may be amended.~~

~~—“Natural drainage” means a natural swale or topographic depression, which gathers and/or conveys runoff to a permanent or intermittent watercourse or water body.~~

~~—“New development” means land disturbing activities; structural development, including construction or installation of a building or structure, the creation of impervious surfaces; and land subdivision.~~

~~—“Non-stormwater discharge” means any discharge to the stormwater conveyance system MS4 that is not entirely composed of stormwater.~~

“NPDES permit” means a National Pollutant Discharge Elimination System (NPDES) permit issued by the U.S. Environmental Protection Agency, the SWRCB, or the RWQCB.

~~—“NPDES Permit No. CAS 0108758” means RWQCB Order No. R9-2007-0001, NPDES Permit No. CAS 0108758, “Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District.”~~ “Parking lot” means land area or facility for the temporary parking or storage of motor vehicles used personally, or for business or commerce. “Nuisance” shall have the

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same meaning as set forth in Lemon Grove MMunicipal Code (LGMC) 17.08.030 and/or applicable state law.

—“Pollutants” shall means any agent that may cause or contribute to the degradation of water quality such that a condition of pollution or contamination is created or aggravated.

“Pollution” as defined in the Porter-Cologne Water Quality Control Act, is “the alteration of the quality of the waters of the State by waste, to a degree which unreasonably affects either of the following: 1) The waters for beneficial uses; or 2) Facilities that serve these beneficial uses.” Pollution may include contamination.

“~~Storm Water Quality Management Plan~~Post-Construction Stormwater Management Plan” (SWQMP) is a report that documents how a Priority Development Project complies with applicable BMP requirements for land development and redevelopment activities listed in the BMP Manual and Chapter 8.52 of the Municipal Code. Post-Construction Stormwater Management Plans are commonly referred to by titles such as Water Quality Technical Report (WQTR) and Storm Water Quality Management Plan (SWQMP).

~~any agent introduced to stormwater or non-stormwater through human activity that may cause or contribute to the degradation of water quality such that public health, the environment, or beneficial uses of waters may be affected. The term may include, but is not limited to, dredged soil, rock, sand, or silt (excluding sediment, silt, or substances in quantities which would enter stormwater from a natural undeveloped watershed); solid waste, sewage, garbage, or medical waste; wrecked or discarded equipment; radioactive materials; industrial waste; fecal coliform, fecal streptococcus, and enterococcus bacteria and other pathogens that pose a threat to human health; volatile organic carbon, surfactants, oil and grease, petroleum hydrocarbons, total organic carbon, lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, and biocides; and any contaminant which can significantly degrade the quality of receiving waters by altering pH, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients, or temperature.~~

~~—“Premises” means any building, lot parcel, land or portion of water whether improved or unimproved.~~

~~—“Priority development project category” means all categories listed as follows:~~

~~—1. —Housing Subdivisions of Ten or More Dwelling Units. This category includes single-family homes, multifamily homes, condominiums, and apartments.~~

~~—2. —Commercial Development Greater Than One Acre. This is defined as any development on private land that is not for heavy industrial or single-family residential uses where the land area is greater than one acre.~~

~~—3. —Automotive Repair Shops. This category is defined as a facility that is categorized in any state Standard Industrial Classification (SIC) code: 5013, 5014, 5541, 7532-7534, or 7536-7539, as amended.~~

~~—4. —Restaurants. This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812), where the land area for~~

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development is greater than five thousand square feet. Under LGM Section 8.52.310(A), restaurants where land development is less than five thousand square feet shall meet all SUSMP requirements except for structural treatment BMPs and numeric sizing requirement (LGM Sections 8.52.310 and 8.52.320) "Priority Development Project" refers to new development and redevelopment project categories as more fully set forth in Section E.3.b of the MS4 Permit and in the BMP Manual and Chapter 8.52 of the Municipal Code.

—5.— All Hillside Development Greater Than Five Thousand Square Feet. This category is defined as any development which creates five thousand square feet of impervious surface which is located in an area with known erosive soil condi-

tions, where the development will grade on any natural slope that is twenty-five percent or greater.

—6.— Environmentally Sensitive Areas (ESAs). All development located within or directly adjacent to or discharging directly into an ESA (where discharges from the development or redevelopment will enter receiving waters within the ESA), which either creates two thousand five hundred square feet of impervious surface on a proposed project site or increases the area of impervious of a proposed project site to ten percent or more of its naturally occurring condition. "Directly adjacent" means situated within two hundred feet of an ESA. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.

—7.— Parking Lots Five Thousand Square Feet or More With Fifteen or More Parking Spaces and Potentially Exposed to Urban Runoff. Parking lot is defined as land area or facility for the temporary parking or storage of motor vehicles used personally, for business or commerce.

—8.— Streets, Roads, and Highways. This category includes any paved surface that is five thousand square feet or greater used for the transportation of motor vehicles.

—9.— Retail Gasoline Outlets (RGOs). This category includes RGOs that meet the following criteria:

—a.— Five thousand square feet or more; or

—b.— A projected average daily traffic (ADT) of one hundred vehicles per day.

—10.— All other pollutant generating development projects that result in land disturbance of more than one acre.

—"Projects discharging to receiving waters within environmentally sensitive areas" means all development and significant redevelopment that would create two thousand five hundred square feet of impervious surfaces or increase the area of imperviousness of a project site to ten percent or more of its naturally occurring condition, and either discharge urban runoff to a receiving water within or directly adjacent (where any portion of the project footprint is located within two hundred feet of the environmentally sensitive area) to an environmentally sensitive area, or discharge to a receiving water within an environmentally sensitive area without mixing with flows from adjacent lands (where the project footprint is located more than two hundred feet from the environmentally sensitive area).

-- "Project footprint" means the limits of all grading and ground disturbance, including landscaping, associated with a project.

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~~—“Rainy season” means from October 1st through April 30th.~~

~~—“Receiving waters” means surface bodies of water, which directly or indirectly receive discharges from urban runoff conveyance systems, including naturally occurring wetlands, streams (perennial, intermittent, and ephemeral (exhibiting bed, bank, and ordinary high-water mark)), creeks, rivers, reservoirs, lakes, lagoons, estuaries, harbors, bays and the Pacific Ocean. The city’s use of the term receiving waters is to be consistent with the Federal definition utilized by the United States Army Corps of Engineers and the United States Environmental Protection Agency. Constructed wetlands are not considered wetlands under this definition, unless the wetlands were constructed as~~

~~mitigation for habitat loss. Other constructed BMPs are not considered receiving waters under this definition, unless the BMP was originally constructed in receiving waters. means all waters that are “Waters of the United States”.~~

~~—Construction of treatment control BMPs is prohibited in “receiving waters,” and may not be used to satisfy SUSMP requirements.~~

~~—“Redevelopment” means any construction, alteration or improvement at an already developed site, that will increase the total impervious surface area of that site, or that involves activities that could expose contaminants to rainfall. Redevelopment can include, but is not limited to, the expansion of building footprints, the addition or replacement of a structure, exterior construction and remodeling, replacement of existing impervious surfaces that are not part of a routine maintenance activity, and other activities that create additional impervious surface.~~

~~—“Regulated commercial facility” means all non-residential facilities engaged in business or commerce, whether for profit or not-for-profit, or publicly or privately owned, except for regulated industrial facilities and municipal facilities; plus residences used for commercial repair, maintenance, cleaning, manufacturing, food preparation or painting activity if that activity has the potential to result in the discharge of non-stormwater or the discharge of pollutants to stormwater.~~

~~—“Regulated industrial facility” means any facility subject to the State General Industrial Stormwater Permit; any other facility primarily engaged in manufacturing, processing, storage or handling of raw materials, processed bulk materials, or refuse; and any other facility with a total outdoor uncovered area of more than two acres that is used for an industrial activity. Municipal facilities are not regulated industrial facilities, unless they are subject to the State General Industrial Stormwater Permit.~~

~~—“Residential development” means any development on private land that provides living accommodations for one or more persons. This category includes, but is not limited to: single-family homes, multifamily homes, condominiums, and apartments.~~

~~—“Residential discharger” means, for an occupied residence, the occupants; and for a vacant residence, the owner and the manager of the residence.~~

~~—“Restaurant” means, for the purposes of this chapter, a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption, where the land area for development is greater than five thousand square feet. Restaurants where land development is less than five thousand square feet shall meet all SUSMP requirements except hydromodification~~

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~~requirements. —“Runoff” means all flows in a stormwater conveyance systemMS4 including stormwater (wet weather flows) and non-stormwater (dry weather flows).~~

~~—“RWQCB” means the rRegional-w Water qQuality cControl bBoard for the San Diego Region.~~

~~“Sediment” means soils or other surficial materials eroded and then transported or deposited by the action of wind, water, ice, or gravity. Sediment resulting from anthropogenic sources (i.e. human induced land disturbance activities) is considered a pollutant. Sediments can increase turbidity, clog fish gills, reduce spawning habitat, lower young aquatic organisms’ survival rates, smother bottom dwelling organisms, and suppress aquatic vegetation growth.~~

~~—“Sediment” means soils or other surficial materials eroded and then transported or deposited by the action of wind, water, ice, or gravity. Sediments can increase turbidity, clog fish gills, reduce spawning habitat, lower young aquatic organisms’ survival rates, smother bottom dwelling organisms, and suppress aquatic vegetation growth.~~

~~—“Significant redevelopment” means development that would create, add, or replace at least five thousand square feet of impervious surfaces on an already developed site that falls under a priority development project category. Where redevelopment results in an increase of less than fifty percent of the impervious surfaces of a previously existing development, and the existing development was not subject to SUSMP requirements, the numeric sizing criteria identified in Sections 8.52.320 through 8.52.340 of the Lemon Grove Municipal Code, applies only to the addition, and not to the entire development. When redevelopment results in an increase of more than fifty percent of the impervious surfaces of a previously existing development, the numeric sizing criteria applies to the entire development. Significant redevelopment includes, but is not limited to, the expansion of a building footprint; addition to or replacement of a structure; replacement of an impervious surface that is not part of a routine maintenance activity; and land disturbing activities related with structural or impervious surfaces. Replacement of impervious surfaces includes any activity that is not part of a routine maintenance activity where impervious material(s) are removed, exposing underlying soil during construction. Significant redevelopment does not include trenching and resurfacing associated with utility work; resurfacing and reconfiguring surface parking lots; new sidewalk construction, pedestrian ramps, or bike lanes on existing roads; and replacement of damaged pavement.~~

~~—“Source control BMP (both structural and non-structural)” means land use or site planning practices, or structures that aim to prevent urban runoff pollution by reducing the potential for contamination at the source of pollution. Source control BMPs minimize the contact between pollutants and urban runoff. Examples include roof structures over trash or material storage areas, and berms around fuel dispensing areas.~~

~~—“Standard urban stormwater mitigation plan,” or “SUSMP” means a plan designed to reduce pollutants and runoff flows from new development and significant redevelopment.~~

~~—“State general construction stormwater permit” means NPDES Permit No. CAS000002, Waste Discharge Requirements for Discharges of Stormwater Associated with Construction Activities, and any amendments thereto.~~

~~—“State general industrial stormwater permit” means NPDES Permit No. CAS000001, Waste Discharge Requirements for Discharges of Stormwater Associated with Industrial Activities Excluding Construction Activities, and any amendments thereto.~~

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—“Stop Work Order” means an order issued which requires that specifically identified activity or all activity on a site be stopped.

~~“Storm Water Quality Management Plan” (SWQMP) is a report that documents how a Priority Development Project complies with applicable BMP requirements for land development and redevelopment activities listed in the BMP Manual.~~

—“Stormwater” means surface runoff and drainage associated with storm events.

~~—“Stormwater conveyance system” means private and public drainage facilities other than sanitary sewers within the city of Lemon Grove by which urban run-off may be conveyed to receiving waters, and includes, but is not limited to, roads, streets, constructed channels, aqueducts, storm drains, pipes, street gutters, inlets to storm drains, pipes, or catch basins.~~

—“Stormwater management” means the use of structural or non-structural BMPs that are designed to reduce urban run-off pollutant loads, discharge volumes, and/or peak discharge flow rates or velocities. When applied to the city or another municipality, stormwater management also includes planning and programmatic measures.

—“Stormwater management plan” means a plan, submitted on a city form or in a city-specific format in connection with an application for a city permit or other city approval, identifying the measures that will be used for stormwater and non-stormwater management during the permitted activity.

~~—“Stormwater retrofit” means a stormwater management BMP designed for an existing development site or activity that previously had either no stormwater management BMPs in place or that relied on BMPs inadequate to meet the stormwater management requirements of the site or activity.~~

~~—“Streets, roads, alleys, highways, and freeways,” for the purposes of this chapter, means any project that is not part of a routine maintenance activity, and would create a new paved surface that is five thousand square feet or greater used for the transportation of automobiles, trucks, motorcycles and other vehicles. For the purposes of SUSMP requirements, streets, roads, highways and freeways do not include trenching and resurfacing associated with utility work; applying asphalt overlay to existing pavement; new sidewalk, pedestrian ramps, or bike lane construction on existing roads; and replacement of damaged pavement.~~

—“Structural BMP” means a BMP that relies on either a physical condition, other than an entirely natural and undisturbed condition, or on a constructed or installed device to reduce or prevent pollutants in stormwater discharges and authorized non-stormwater discharges. Constructed or enhanced BMPs that depend on natural materials and processes (e.g., constructed drainage swales or buffers, or constructed wetlands), and that require period maintenance to function as designed, are structural BMPs.

—“Structural post-construction BMP” means a structural BMP, other than a temporary construction-related BMP, put in place in connection with a land development or redevelopment project to prevent or reduce pollution contamination of stormwater or receiving waters, or to prevent or reduce erosion downstream from the project. All treatment control BMPs are structural post-construction BMPs.

—“SWRCB” means the State Water Resources Control Board.

~~—“Treatment control (structural) BMP” means any engineered system designed and constructed to remove pollutants from urban runoff. Pollutant removal is achieved by simple~~

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~~gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.~~

~~—"Tributary to an impaired water body" means a facility or activity is tributary to an impaired water body if urban runoff from that facility or activity enters: (1) the stormwater conveyance system at a place and in a manner that will carry pollutants for which that water body is impaired in that discharge to the impaired water; (2) a flowing stream that will carry pollutants for which that water body is impaired in that discharge to the impaired water; or (3) an ephemeral stream that reaches the impaired water during storm events and that will carry pollutants for which that water body is impaired from the facility or activity to the impaired water body during such storm events.~~

~~—"Urban run-off" means all flows in a stormwater conveyance system in the city other than point source discharges in violation of a site-specific NPDES permit. Urban run-off includes, but is not limited to, stormwater, exempt non-stormwater discharges, and illicit discharges.~~

~~—"Watercourse" means a permanent or intermittent stream, creek, or other body of water, either natural or improved, which gathers or carries surface water.~~

~~—"Water main" means a potable or recycled water delivery line greater than or equal to four inches in diameter.~~

~~—"Water quality standards" are defined as the beneficial uses (e.g., swimming, fishing, municipal drinking water supply, etc.) of water and the water quality objectives standards adopted by the state or the United States Environmental Protection Agency to protect those uses.~~

~~—"Waters of the State" means any water, surface or underground, including saline waters within the boundaries of the State (State Water Code Section 10350(e)). The definition of the "Waters of the State" is broader than that for the "Waters of the United States" in that all water in the State is considered to be "Waters of the State" regardless of circumstances or condition.~~

~~—"Waters of the United States" means water subject to the regulatory jurisdiction of the United States under the Federal Clean Water Act and applicable case law. In general, this includes "navigable" waters, waters tributary to "navigable" waters, and adjacent wetlands. (Ord. 389 § 1, 2010; Ord. 369 § 1, 2008)~~

8.48.030 General provisions.

A. -Responsibility for Administration. This chapter shall be administered for the city of Lemon Grove by its authorized enforcement officials.

-B. -Effective Date. This chapter shall take effect on ~~March~~ June 24, 200815.

-C. -Construction and Application. Interpretation of this chapter shall assure consistency with the purpose and intent of this chapter and shall implement the requirements of NPDES Permit No. ~~CAS0108758~~ the MS4 Permit. This chapter is not intended to interfere with, abrogate or annul any other chapter, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other chapter, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose

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higher protective standards for human health or the environment shall take precedence. Stormwater and non-stormwater discharges regulated under a valid facility-specific NPDES permit or facility-specific RWQCB Waste Discharge Requirements Permit are not subject to this chapter, but shall instead be regulated exclusively by the RWQCB.

D. BMP Manual. The City may establish and adopt a written description of the runoff management measures and programs, including minimum BMPs, that the City will implement, or require to be implemented, to ensure compliance with this chapter. These documents shall be known collectively as the BMP Manual. Amendments to the BMP Manual shall be approved by the authorized enforcement official by resolution of the City Council.

~~E.D. Recycled Water.~~ This chapter is not intended to prohibit or prevent the use of recycled water, or the discharge of recycled water after use. This chapter is intended to require the use of BMPs for such uses and discharges as necessary to protect human health and the environment.

~~E.FE.~~ - Severability and Validity. If any section of this chapter is declared invalid by a court of law, the remaining sections shall remain valid. The City Council hereby declares that it would have passed this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this chapter should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 369 § 1, 2008)

~~G.F. City Permits and Approvals.~~

~~1. An application for any of the following discretionary permits or approvals shall be accompanied by plans demonstrating how the requirements of this chapter will be met, and the permit or approval shall not be approved unless the decision maker determines that the application complies with the requirements of this chapter:~~

- ~~a. Administrative clearing permit;~~
- ~~b. Lot line adjustment;~~
- ~~c. Final map modification;~~
- ~~d. Grading plan (including modification or renewal);~~
- ~~e. Improvement plan (including modification);~~
- ~~f. Landscape plan;~~
- ~~g. Major conditional use permit (including modification, minor deviation, or extension);~~
- ~~h. Minor conditional use permit (including modification, minor deviation, or extension);~~
- ~~i. Parcel map modification;~~
- ~~j. Specific plan;~~
- ~~k. Development review;~~
- ~~l. Site development plan;~~
- ~~m. Tentative map (including any amendment or time extension);~~

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~~—n.— Tentative parcel map;~~

~~—o.— Variance.~~

~~—2.— An application for any of the following ministerial permits or approvals shall be accompanied by plans demonstrating how the specifically applicable requirements, if any, set out in corresponding sections of the Manual will be met, and the permit or approval shall not be approved unless the decision maker determines that the application complies with those requirements.~~

~~—a.— Building permit;~~

~~—b.— Construction right-of-way permit;~~

~~—c.— Encroachment permit;~~

~~—d.— Excavation permit;~~

~~—e.— On-site wastewater system permit;~~

~~—f.— Underground tank permit;~~

~~—g.— Well permit.~~

~~—G.— Guidance Documents. Any authorized enforcement official may prepare, circulate for public comment, disseminate and maintain guidance documents addressing the use of pollution prevention practices and BMPs for specific activities or facilities, illicit connections, and illegal disposal.~~

~~—These guidance documents may set out additional compliance alternatives that, in specified circumstances, can provide the same environmental protection that is afforded by the BMPs required by this chapter or specified in the Manual.~~

~~—These guidance documents may also identify practices that have been determined by the authorized enforcement official to be additional BMPs that may be implemented for land disturbance activity and land development activity to prevent or control pollution to the maximum extent practicable.~~

~~—Authorized enforcement officials may also take these guidance documents into account when determining whether any practices used by a discharger, or proposed in a grading plan, a SWPPP, an enforcement settlement offer, or any other submittal to the city, are BMPs that will prevent or control pollution to the MEP. These case-specific discretionary decisions may involve circumstances that were not anticipated when general guidance documents were prepared. Therefore, these guidance documents do not confer rights on dischargers in these circumstances and do not constrain the discretion of authorized enforcement officials. Where appropriate, and provided the same protection is provided to the environment, authorized enforcement officials may depart from these guidance documents when making case-specific decisions authorized by this chapter. (Ord. 369 § 1, 2008)~~

8.48.040 Discharge of non-stormwater prohibitionsed.

A. ~~Illegal Discharges. The discharge of pollutants to non-stormwater, directly or indirectly, into the stormwater conveyance system~~MS4 ~~or receiving waters, is prohibited, except as exempted in~~

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Section 8.48.050 of this chapter. The discharge of pollutants to stormwater, directly or indirectly into the ~~stormwater conveyance system~~MS4 or receiving

waters, is prohibited, unless the applicable requirements of this chapter have been met.

B. **Illegal Connection.** The establishment of illegal connections is prohibited. The use of illegal connections is prohibited, even if the connection was established pursuant to a valid city permit and was legal at the time it was constructed.

C. ~~Litter, Dumps, and Stockpiles.~~ **Prevention of Illegal Discharges.** -Throwing, depositing, leaving, abandoning, maintaining or keeping materials or wastes on public or private lands in a manner and place where they may result in an illegal discharge is prohibited. ~~(Ord. 369 § 1, 2008).~~

D. **Violations of the MS4 Permit.** It is unlawful for any person to cause, or threaten to cause, either individually or jointly any discharge into or from the stormwater conveyance systemMS4 that results in or contributes to a violation of the MS4 Permit. (Ord. 369 § 1, 2008).

8.48.050 Exceptions to discharge prohibitions.

A. **Separately Permitted Discharges.** Any discharge to the stormwaterMS4 conveyance system that is regulated under a NPDES permit issued to the discharger and administered by the State pursuant to Division 7 of the California Water Code is allowed, provided that the discharger is in compliance with all requirements of the NPDES permit and other applicable laws and regulations.

B. **Groundwater Discharges Typically Requiring Permits.** Non-stormwater discharges to the stormwater conveyance systemMS4 from the following categories are allowed if: (i) the discharger obtains coverage under NPDES Permit No. CAG919002 (RWQCB Order No. R9-2008-0002, or subsequent order) for discharges to surface waters other than San Diego Bay, and the discharger is in compliance with all requirements of the applicable NPDES permit and all other applicable laws and regulations; or (ii) the RWQCB determines in writing that coverage under NPDES Permit No. CAG919002 (or subsequent permit) is not required. Otherwise, non-stormwater discharges from the following categories are illegal discharges:

1. Discharges from uncontaminated pumped groundwater;
2. Discharges from foundation drains when the system is designed to be located at or below the groundwater table to actively or passively extract groundwater during any part of the year;
3. Discharges from water from crawl space pumps;
4. Discharges from water from footing drains when the system is designed to be located at or below the groundwater table to actively or passively extract groundwater during any part of the year.

C. **Discharges from Water Lines.** Non-stormwater discharges to the stormwater conveyance systemMS4

from water line flushing and water main breaks are allowed if the discharges have coverage under NPDES Permit No. CAG679001 (RWQCB Order No. R9-2010-0003, or subsequent order), and the discharger is in compliance with all requirements of that NPDES permit and

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other applicable laws and regulations. This category includes water line flushing and water main break discharges from water purveyors issued a water supply permit by the California Department of Public Health or federal military installations. Discharges from recycled or reclaimed water lines to the stormwater conveyance systemMS4 are allowed if the discharges have coverage under an NPDES permit, and the discharger is in compliance with the applicable NPDES permit and other applicable laws and regulations. Otherwise, discharges from water lines are illegal discharges.

Stormwater discharges regulated under a valid facility-specific NPDES permit or facility-specific RWQCB waste discharge requirements permit, or under a general NPDES permit (including the state general industrial stormwater permit or state general construction stormwater permit), are exempt from discharge prohibitions established by this chapter, provided compliance with all relevant permit conditions is maintained to the satisfaction of the RWQCB. Except as provided in Section 8.48.030(C), these discharges are not otherwise exempted from this chapter.

DB. Categorically Allowed Discharges Subject to Section 8.48.060. The following categories of non-stormwater discharges are exempt from discharge prohibitions established by this chapter, but dischargers must install, implement and maintain the applicable BMPs set out in Section 8.48.060 of this chapter, and any applicable BMPs specified in the Manual:

- 1. Discharges from potable water sources other than water main breaks;
- 2. Diverted stream flows (provided required permits are obtained);
- 3. Flows from riparian habitats and wetlands;
- 4. Foundation drains (not including active groundwater dewatering systems);
- 5. Individual residential washing of vehicles;
- 6. Irrigation water including recycled water used for irrigation;
- 7. Landscape irrigation;
- 8. Lawn watering;
- 9. Rising ground water;
- 10. Swimming pool discharges (if dechlorinated to less than one PPM chlorine);
- 11. Uncontaminated ground water infiltration to storm drains;
- 12. Uncontaminated pumped ground water;
- 13. Water from crawl space pumps; and
- 14. Water from footing drains (not including active groundwater dewatering

systems). Allowable Discharges. Non-stormwater discharges to the stormwater conveyance systemMS4 from the following categories are allowed, unless an authorized enforcement official or the RWQCB identifies the discharge as a source of pollutants to receiving waters, in which case the discharge is considered an illegal discharge:

- 1. Discharges from diverted stream flows (provided required permits are obtained);
- 2. Discharges from flows from riparian habitats and wetlands;
- 3. Discharges from foundation drains (not including active groundwater dewatering systems) when the system is designed to be located above the groundwater table at all times of

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the year, and the system is only expected to produce non-stormwater discharges under unusual circumstances;

4. Discharges from footing drains when the system is designed to be located above the groundwater table at all times of the year, and the system is only expected to produce non-storm water discharges under unusual circumstances;

5. Discharges from rising groundwater;

6. Discharges from uncontaminated groundwater infiltration to the stormwater conveyance systemMS4;

7. Discharges from springs; and

8. Discharges from potable water sources, except as set forth in Section 138.0948.0650.C; and except that irrigation runoff discharges are considered illegal discharges and are not allowed.

—E.— Conditionally Allowed Discharges. Non-stormwater discharges from the following categories are allowed if they are addressed as follows. Otherwise, non-stormwater discharges from the following categories are illegal discharges:

1. Air conditioning condensation. Air conditioning condensation discharges shall comply with applicable BMPs identified in the BMP Manual.

2. Individual residential vehicle washing. Wash water from individual residential vehicle washing must be directed to landscaped areas or other pervious surfaces, where feasible. Where discharges cannot be feasibly prevented, BMPs must be implemented in accordance with the BMP Manual. Non-commercial car washes, such as fundraisers and other similar activities, are not considered individual residential vehicle washing. Discharges from such activities are therefore considered illegal discharges.

3. Water from swimming pools.

a. Chlorinated swimming pool water. Chlorine, algaecide, filter backwash, and other pollutants shall be eliminated prior to discharging swimming pool water to the stormwater conveyance systemMS4.

b. Saline swimming pool water. Saline swimming pool water must be directed to the sanitary sewer, according to requirements for such discharges as required by the City Engineer, landscaped areas, or other pervious surfaces that can accommodate the volume of water, or otherwise disposed of in a manner that does not result in a discharge to the City's MS4unless the saline swimming pool water can be discharged directly to a naturally saline water body.

—C.— Categorically Allowed Discharges Not Subject to Section 8.48.060. The following categories of non-stormwater discharges are exempt from discharge prohibitions established by this chapter and are not subject to Section 8.48.060.

—1.— Air conditioning condensation;

—2.— Flows from emergency fire fighting activities;

—3.— Springs; and

—4.— Water line flushing.

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~~—D.— Exemptions to Protect Public Health and Safety. Discharges determined by any authorized enforcement official to be necessary to protect public health and safety are exempt from discharge prohibitions established by this chapter, provided any conditions on such discharges imposed by the authorized enforcement official are satisfied. In emergency circumstances, the determination of an authorized enforcement official that a discharge is necessary may initially be oral but must be promptly confirmed in writing by an authorized enforcement official. In non-emergency situations, a prior written determination is required to exempt a discharge.~~

~~—E.— On-site Wastewater Systems. Discharges to the subsurface from permitted properly functioning on-site wastewater systems are not prohibited by this chapter.~~

~~—F.— Exemptions Not Absolute. Any discharge category described in subsection B of this section that is a significant source of pollutant to waters of the United States shall be prohibited from entering the stormwater conveyance system, or shall be subjected to a requirement to implement additional BMPs to reduce pollutants in that discharge to the MEP. Such prohibitions shall be effective on a schedule specified by an authorized enforcement official in a written notice to the discharger. That schedule may take into account the nature and severity of any effects caused by the discharge; and the time required to design, engineer, fund, procure, construct and make appropriate BMPs operational. (Ord. 369 § 1, 2008)~~

F.- Firefighting Activities. Non-stormwater discharges to the stormwater conveyance systemMS4 from firefighting activities are allowed if they are addressed as follows:

1. Non-emergency firefighting discharges. Non-emergency firefighting discharges, including building fire suppression system maintenance discharges (e.g. sprinkler line flushing), controlled or practice blazes, training, and maintenance activities shall be addressed by BMPs to prevent the discharge of pollutants to the stormwater conveyance systemMS4.

2. Emergency firefighting discharges. BMPs are encouraged to prevent pollutants from entering the stormwater conveyance systemMS4. During emergencies, priority of efforts should be directed toward life, property, and the environment (in descending order). BMPs shall not interfere with emergency response operations or impact public health and safety.

G.- Exemptions not Absolute. Notwithstanding the categories of non-stormwater discharges conditionally allowed by LGMCSection 8.48.050.A through F, if the RWQCB or the authorized enforcement official determines that any of these categories of otherwise conditionally allowed non-stormwater discharges are a source of pollutants to receiving waters, are a danger to public health or safety, or are causing a public nuisance, such discharges shall be prohibited from entering the stormwater conveyance systemMS4. (Ord. 369 § 1, 2008)

8.48.060 Best management practice requirements forand general requirements applicable to all dischargers.

A. Best Management Practices. Any person engaged in activities which may result in discharges to the stormwater conveyance systemMS4 shall, to the MEP, undertake all measures to reduce the risk of non-stormwater discharges and pollutant discharges. The following requirements shall apply:

4. --

2. ~~—— A. —~~ **Applicable Requirements.** All dischargers in the city must comply with the generally applicable prohibitions and requirements in Sections 8.48.010 through 8.48.060 of this chapter, and must also comply with any other parts of this chapter (including relevant parts of the Manual) that are applicable to the type of facility or activity owned or operated by that discharger.

3. ~~—— B. —~~ **Minimum Best Management Practices for All Dischargers.** All dischargers in the city must install, implement and maintain at least the following minimum BMPs:

4. ~~—— 1. —~~ **Eroded Soils.** Prior to the rainy season, dischargers must remove or secure any significant accumulations of eroded soils from slopes previously disturbed by clearing or grading, if these eroded soils could otherwise enter the stormwater conveyance system or receiving waters during the rainy season.

5. ~~—— 2. —~~ **Pollution Prevention.** Dischargers employing ten or more persons on a full-time basis shall implement those stormwater pollution prevention practices that are generally recognized in that discharger's industry or business as being effective and economically advantageous.

6. ~~—— 3. —~~ **Prevention of Illegal Discharges.** Illicit connections must be eliminated (even if the connection was established pursuant to a valid permit and was legal at the time it was constructed), and illegal discharge practices eliminated.

7. ~~—— 4. —~~ **Slopes.** Completed slopes that are more than five feet in height, more than two hundred fifty square feet in total area, and steeper than 3:1 (run-to-rise) that have been disturbed at any time by clearing, grading, or landscaping, shall be protected from erosion prior to the first rainy season following completion of the slope, and continuously thereafter.

8. ~~—— 5. —~~ **Storage of Materials and Wastes.** All materials and wastes with the potential to pollute urban runoff shall be stored in a manner that either prevents contact with rainfall and stormwater, or contains contaminated runoff for treatment and disposal.

9. ~~—— 6. —~~ **Use of Materials.** All materials with the potential to pollute urban runoff (including, but not limited to, cleaning and maintenance products used outdoors, fertilizers, pesticides and herbicides, etc.) shall be used in accordance with label directions. No such product may be disposed of or rinsed into receiving waters or the stormwater conveyance system.

10. ~~—— C. —~~ **Inspection, Maintenance, Repair and Upgrading of BMPs.** BMPs at manned facilities must be inspected by the discharger before and following predicted rain events. BMPs at unmanned facilities must be inspected by the discharger at least once during the rainy season and at least once between each rainy season. These BMPs must be maintained so that they continue to function as designed. BMPs that fail must be repaired as soon as it is safe to do so. If the failure of a BMP indicates that the BMPs in use are inappropriate or inadequate to the circumstances, the BMPs must be modified or upgraded to prevent any further failure in the same or similar circumstances.

11. ~~—— D. —~~ **Stormwater Pollution Prevention Plan.** An authorized enforcement official may require a commercial, industrial or land disturbance activity discharger to prepare and submit an SWPPP for approval by that official if: (1) the discharger does not come into compliance with this chapter after one or more warnings (or other enforcement action) that BMPs are inadequate or are not being adequately maintained; or (2) the facility or activity at

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~~issue is a significant source of contaminants to receiving waters despite compliance with this chapter. Any discharger required to submit and to obtain approval of an SWPPP shall install, implement, and maintain the BMPs specified in the approved SWPPP.~~

~~12. The SWPPP shall identify the BMPs that will be used by the discharger to prevent or control pollution of stormwater to the MEP. If the facility is an industrial facility, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general industrial stormwater permit. If the activity at issue is a construction or land disturbance activity, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general construction stormwater permit. If a facility required to submit an SWPPP to the city discharges non-stormwater to groundwater, the facility shall obtain an RWQCB permit as required by the State Water Code, and shall describe the requirements of that permit in the SWPPP.~~

~~13. Whenever submission of an SWPPP is required pursuant to this chapter, an authorized enforcement official may take existing city BMPs into account when determining whether the practices proposed in the SWPPP are BMPs that will prevent or control pollution to the required level of MEP.~~

~~14. E. Notification of Spills, Releases and Illegal Discharges. Spills, releases, and illegal discharges of pollutants to receiving waters or to the stormwater conveyance system shall be reported by the discharger as required by all applicable state and federal laws. In addition, any such spills, releases and illegal discharges with the potential to endanger health, safety or the environment shall be reported to the Directors within twenty-four hours after discovery of the spill, release or discharge. If safe to do so, necessary actions shall be taken to contain and minimize the spill, release or illegal discharge.~~

~~15. F. Sampling, Testing, Monitoring and Reporting. Commercial, industrial or land disturbance activity dischargers shall perform the sampling, testing, monitoring and reporting required by this chapter. In addition, an authorized enforcement official may order a discharger to conduct testing or monitoring and to report the results to the city if: (1) the authorized enforcement official determines that testing or monitoring is needed to determine whether BMPs are effectively preventing or reducing pollution in stormwater to the MEP, or to determine whether the facility is a significant source of contaminants to receiving waters; or (2) the authorized enforcement official determines that testing or monitoring is needed to assess the impacts of an illegal discharge on health, safety or the environment; or (3) an illegal discharge has not been eliminated after written notice by an authorized enforcement official; or (4) repeated violations have been documented by written notices from authorized enforcement officials; or (5) the RWQCB requires the city to provide any information related to the discharger's activities.~~

~~16. Testing and monitoring ordered pursuant to this subsection may include the following:~~

- ~~17. 1. Visual monitoring of dry weather flows, wet weather erosion, and/or BMPs;~~
- ~~18. 2. Visual monitoring of premises for spills or discharges;~~
- ~~19. 3. Laboratory analyses of stormwater or non-stormwater discharges for pollutants;~~
- ~~20. 4. Background or baseline monitoring or analysis; and~~

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~~21. 5. Monitoring of receiving waters or sediments that may be affected by pollutant discharges by the discharger (or by a group of dischargers including the discharger).~~

~~22. The authorized enforcement official may direct the manner in which the results of required testing and monitoring are reported, and may determine when required sampling, testing or monitoring may be discontinued.~~

~~23. G. Mitigation. All illegal discharges must be mitigated within a reasonable period of time to correct or compensate for all damage to the environment caused by the illegal discharge. The authorized enforcement official shall determine whether mitigation measures proposed or completed by the discharger meet this standard. The authorized enforcement official shall require the discharger to submit a mitigation plan and schedule by a specified date prior to taking action, and to submit a summary of completed mitigation by a specified date. Notwithstanding the granting of any period of time to the discharger to correct the damage, the discharger shall remain liable for some or all of any fines or penalties imposed pursuant to this chapter, or by the RWQCB. (Ord. 369 § 1, 2008)~~

1. Every person undertaking any activity or use of premises that may cause or contribute to stormwater pollution or contamination, illegal discharges, or non-stormwater discharges to the stormwater conveyance systemMS4 shall comply with BMP guidelines or pollution control requirements, as may be established by the authorized enforcement official. BMPs shall be maintained routinely throughout the life of the activity. Such BMPs include the minimum BMPs set forth in the BMP Manual.

2. An authorized enforcement official may require any business or operations that are engaged in activities which may result in pollutant discharges to the stormwater conveyance systemMS4 to develop and implement a Storm Water Pollution Prevention Plan, which must include an employee training program and the applicable minimum BMPs from the BMP Manual.

3. Each discharger that is subject to any NPDES permit shall comply with all requirements of all such permits. The discharger must also make reports submitted to the RWQCB or other permitting agency, including monitoring data, available to the City upon request.

4. Parties undertaking land disturbance activities shall comply with all applicable requirements of this chapter, the BMP Manual, and LGMGChapter 18.08 (Excavation and Grading).

5. Parties undertaking land development and redevelopment activities shall comply with all applicable requirements of this chapter, and the BMP Manual, and and Chapter 8.52.

B. Guidance Documents. Any authorized enforcement official under the supervision of the City Engineer may prepare, disseminate and maintain guidance documents addressing the use of BMPs for specific activities or facilities, illegal connections, and illegal discharges. These guidance documents may set out additional compliance alternatives that, in specified circumstances, can provide the same environmental protection that is afforded by the BMPs required by this chapter or specified in the BMP Manual.

C. Significant Sources of Pollutants. Where an authorized enforcement official identifies a discharge that is in violation of LGMGSections 8.48.040 and 8.48.050, an authorized enforcement official may order the discharger to install, implement, and maintain additional

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BMPs to prevent or reduce contamination in stormwater and non-stormwater to the MEP. Any such order shall specify a reasonable date by which those BMPs must be put in place. The failure to install, implement, or maintain additional BMPs as required by any such order is a violation of this chapter.

D. Collection and Use of Stormwater. An Authorized Enforcement Official may modify any requirement imposed by this chapter to allow the on-site collection and use of stormwater, or the collection of stormwater for delivery to and use at City-designated sites, provided the modified requirements are enforceable and provide equivalent environmental protection. (Ord. 369 § 1, 2008)

~~8.48.070 City Best Management Practices Manual—8.48.070 Additional minimum best management practice requirements for residential activities and facilities.~~

~~—A. Applicable Requirements. The requirements in this section apply to all residential dischargers within the city. All residential dischargers must install, implement and maintain the BMPs identified in subsection B of Section 8.48.060 for all dischargers, and at least the additional minimum BMPs specified below for the category of activities conducted by that discharger.~~

~~—B. Motor Vehicle or Boat Repair and Maintenance.~~

~~—1. Motor vehicle and boat repair and maintenance activity shall be performed under a permanent roof or other permanent cover, if such space is available. Maintenance and repair activities that are conducted without cover or without BMPs to prevent pollutant discharges are prohibited during times of precipitation.~~

~~—2. Any release of fluids during repair or maintenance shall be promptly contained and cleaned up. Any absorbent materials used must be disposed of properly.~~

~~—3. Automotive and boat materials and wastes must be stored indoors, or under cover, or in secure and watertight containers.~~

~~—C. Motor Vehicle Washing.~~

~~—1. Vehicles shall be washed over porous surfaces such as lawns and gravel areas where feasible.~~

~~—2. Remaining detergent solutions prepared for use in vehicle washing, but not used up in that process, may not be disposed by emptying buckets or other containers directly or indirectly to the stormwater conveyance system or receiving waters. Disposal to the sanitary sewer (e.g., through a sink, toilet or floor drain) or to a porous surface is required.~~

~~—4. Motor vehicle washing other than individual residential motor vehicle washing is prohibited, unless all wash and rinse water is diverted to or contained and disposed to a porous area or the sanitary sewer.~~

~~—D. Motor Vehicle Parking.~~

~~—1. Residents shall remove excessive accumulations of oil and grease deposited by vehicles they own from parking areas, using dry cleaning methods (e.g., absorbents, scraping, vacuuming, or sweeping).~~

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~~—2.— Residents shall move vehicles from streets when notified to do so to allow street cleaning.~~

~~—E.— Home and Garden Care Activities and Product Use.~~

~~—1.— Irrigation systems should be adjusted to avoid excessive runoff.~~

~~—2.— Spills of gardening chemicals, fertilizers or soils to non-porous surfaces must be cleaned up, and properly disposed.~~

~~—3.— Lawn and garden care products must be stored in closed labeled containers; or in covered areas; or off the ground under protective tarps.~~

~~—4.— Household hazardous waste may not be disposed directly or indirectly to the trash or to the street, gutter or storm drain.~~

~~—F.— Home Care and Maintenance.~~

~~—1.— Painting equipment may not be cleaned out in or over streets, sidewalks or gutters.~~

~~—2.— Action shall be taken to minimize and contain all spills of hazardous materials, if it is safe to do so.~~

~~—3.— Household hazardous materials must be stored indoors or under cover, and in closed and labeled containers.~~

~~—4.— Household wash waters (carpet cleaning, mop water, washing machine effluent, other gray water, paint wash-up water, etc.) may not be disposed of to the street, gutter or storm drain or to receiving waters. Disposal to the sanitary sewer (e.g., through a sink, toilet or floor drain) or to a porous surface is required.~~

~~—G.— Manure and Pet Waste Management.~~

~~—1.— Manure deposited by confined livestock, horses or other large animals on uncovered areas, from which runoff could enter receiving waters or the stormwater conveyance systems, must be cleaned up at least twice weekly and either be composted, or be stored prior to disposal in a manner that prevents contact with runoff to receiving waters or the stormwater conveyance system.~~

~~—2.— Areas used for composting such manure must be located, configured or managed to prevent runoff to receiving waters or the stormwater conveyance system.~~

~~—3.— Pet waste shall not be disposed to the stormwater conveyance system or receiving waters.~~

~~—H.— Private Sewer Laterals and On-site Wastewater Systems.~~

~~—1.— Private sewer laterals shall be cleaned, maintained and when necessary replaced to prevent seepage and spills. On-site wastewater systems shall be pumped, maintained and when necessary modified or replaced to prevent spills.~~

~~—2.— Spills from private sewer laterals and on-site wastewater systems shall be contained and cleaned up in a manner that minimizes any release of pollutants to the stormwater conveyance system or receiving waters.~~

~~—3.— Any release from a private sewer lateral that enters the stormwater conveyance system or receiving waters shall be immediately reported to the city.~~

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~~— 4. — Failed on-site wastewater systems shall be repaired or replaced, after issuance of all required permits and approvals. (Ord. 369 § 1, 2008)~~

~~8.48.080 Additional minimum best management practice requirements for commercial activities and facilities:~~

~~— A. — Priorities and Requirements. All commercial dischargers must install, implement and maintain at least the additional minimum BMPs, if any, specified in this section or in the Manual, for the category of activity or facility owned or operated by that discharger. All regulated commercial facilities shall review their facilities, activities, operations and procedures at least annually to detect and eliminate illicit connections and illegal discharges. Corrective training shall be provided as needed (and documented in training records) whenever an illegal disposal practice is discovered.~~

~~— B. — Regulated Commercial Facilities Identified. As required by NPDES Permit No. CAS 0108758, facilities in the city having one or more of the following characteristics are regulated commercial facilities:~~

~~— 1. — The facility is a regulated commercial facility primarily engaged in one of the following commercial activities. Regulated commercial facilities, including but not limited to the types of facilities and activities listed below, shall install, implement and maintain the BMPs specified in the Manual for each such type of facility or activity.~~

- ~~— a. — Automobile repair, maintenance, fueling, or cleaning;~~
- ~~— b. — Airplane mechanical repair, maintenance, fueling, or cleaning;~~
- ~~— c. — Boat repair, maintenance, fueling, or cleaning;~~
- ~~— d. — Equipment repair, maintenance, fueling, or cleaning;~~
- ~~— e. — Automobile and other vehicle body repair or painting;~~
- ~~— f. — Mobile automobile or other vehicle washing;~~
- ~~— g. — Automobile (or other vehicle) parking lots and storage facilities;~~
- ~~— h. — Retail or wholesale fueling;~~
- ~~— i. — Pest control services;~~
- ~~— j. — Eating or drinking establishments including food markets;~~
- ~~— k. — Mobile carpet, drape or furniture cleaning;~~
- ~~— l. — Cement mixing or cutting;~~
- ~~— m. — Masonry;~~
- ~~— n. — Painting and coating;~~
- ~~— o. — Botanical and zoological gardens and exhibits;~~
- ~~— p. — Landscaping;~~
- ~~— q. — Nurseries and greenhouses;~~
- ~~— r. — Golf courses, parks and other recreational areas/facilities;~~

- ~~—s.— Cemeteries;~~
- ~~—t.— Pool and fountain cleaning;~~
- ~~—u.— Marinas;~~
- ~~—v.— Portable sanitary services;~~
- ~~—w.— Building material retailers and storage;~~
- ~~—x.— Animal facilities; and~~
- ~~—y.— Power washing services.~~

~~—2.— The facility is a regulated commercial facility that has outdoor industrial areas totaling two acres or more or an outdoor parking lot for one hundred or more vehicles; and stormwater or runoff from the facility may adversely affect impaired waters or waters within an ESA.~~

~~—3.— The facility is a regulated commercial facility and has been notified in writing by an authorized enforcement official that it is a regulated commercial facility. Such designations shall take effect ninety days after mailing or service of this notice. These designations shall be made where the facility discharges a pollutant load in stormwater or runoff that causes or contributes to the violation of water quality standards.~~

~~—C.— Additional Minimum Best Management Practices for All Regulated Commercial Facilities. All regulated commercial facilities shall install, implement and maintain the BMPs specified in the Manual in the following areas:~~

- ~~—1.— Employee training;~~
- ~~—2.— Stormwater pollution prevention plans;~~
- ~~—3.— Storm drain signage and stenciling;~~
- ~~—4.— Annual review of facilities and activities;~~
- ~~—5.— Pollution prevention;~~
- ~~—6.— Materials and waste management;~~
- ~~—7.— Vehicles and equipment; and~~
- ~~—8.— Outdoor areas.~~

~~—D.— Additional Minimum Best Management Practices for Specific Activities at Regulated Commercial Facilities. Regulated commercial facilities shall install, implement, and maintain the BMPs specified in the Manual for specific areas at the facility, if any, where any of the following activities are conducted:~~

- ~~—1.— Vehicle and equipment operations;~~
- ~~—2.— Materials and waste management (including tanks); and~~
- ~~—3.— Outdoor work and storage functions. (Ord. 369 § 1, 2008)~~

~~8.48.090 Additional minimum best management practice requirements for industrial activities and facilities.~~

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~~—A.— Priorities and Requirements. All industrial dischargers must install, implement and maintain at least the additional minimum BMPs, if any, specified in this section or in the Manual for the category of activity or facility owned or operated by that discharger. All regulated industrial facilities shall review their facilities, activities, operations and procedures at least annually to detect and eliminate illicit connections and illegal discharges. Corrective training shall be provided as needed (and documented in training records) whenever an illegal disposal practice is discovered.~~

~~—B.— Regulated Industrial Facilities. Industrial facilities that have one or more of the characteristics listed below are regulated industrial facilities:~~

~~—1.— Industrial Facilities, as defined at 40 CFR 122.26(b)(14), including those subject to the general industrial permit or other individual NPDES permit;~~

~~—2.— Operating and closed landfill;~~

~~—3.— Facilities subject to SARA Title III;~~

~~—4.— Hazardous waste treatment, disposal, storage and recovery facilities;~~

~~—5.— The facility is a regulated industrial facility and stormwater or runoff from the facility is tributary to an impaired water body, and the facility generates a pollutant for which that water body is impaired;~~

~~—6.— The facility is a regulated industrial facility and is located within or adjacent to (i.e., within two hundred feet of), or discharges directly to, a coastal lagoon or a receiving water body within an ESA;~~

~~—7.— The facility was notified in writing by an authorized enforcement official that it has been designated a regulated industrial facility. Such designations shall take effect ninety days after mailing or service of notice. These designations shall be made where the facility discharges a pollutant load in stormwater or runoff that causes or contributes to the violation of water quality standards.~~

~~—C.— Additional Minimum BMPs and Other Additional Requirements for Industrial Facilities Subject to the General Industrial Permit.~~

~~—1.— Notice of Intent. Industrial dischargers required to comply with the state industrial general stormwater permit shall maintain on site and make available for inspection on request by the city the state-issued waste discharge identification number (WDID) for the facility, and a copy of the notice of intent (NOI) filed with the SWRCB pursuant to that permit. The discharger shall submit the WDID and a copy of that NOI to the city by mail if directed to do so by an authorized enforcement official.~~

~~—2.— Stormwater Pollution Prevention Plan. Dischargers required to prepare a SWPPP under the state general industrial stormwater permit must prepare the plan, implement the plan and maintain it at the site readily available for review. If an industrial facility is not required to prepare a state SWPPP, the facility shall prepare a SWPPP, submit that SWPPP for city approval or modification and approval, implement the SWPPP, and maintain it on site. Failure to comply with an applicable state required or city required plan is a violation of this chapter.~~

~~—3.— Pollution Prevention Practices. Industrial facilities shall consider and, where determined to be appropriate by the facility, shall implement the following measures to prevent the pollution of stormwater and runoff:~~

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- ~~—a. The use of smaller quantities of toxic materials or substitution of less toxic materials;~~
- ~~—b. Changes to production processes to reduce waste;~~
- ~~—c. Decreases in waste water flows;~~
- ~~—d. Recycling of wastes as part of the production process;~~
- ~~—e. Segregation of wastes; and~~
- ~~—f. Treatment of wastes on site to decrease volume and/or toxicity.~~
- ~~—4. Non-structural BMPs. Industrial facilities shall incorporate into the SWPPP, and install, implement and maintain, the following non-structural BMPs. The implementation of these practices shall be consistent with city requirements.~~
 - ~~—a. BMPs for material handling and storage of significant materials;~~
 - ~~—b. BMPs for non-hazardous waste handling and recycling;~~
 - ~~—c. Employee training programs;~~
 - ~~—d. Good housekeeping practices;~~
 - ~~—e. Preventive maintenance practices;~~
 - ~~—f. Self inspection and quality assurance practices; and~~
 - ~~—g. Spill response planning.~~
- ~~—5. BMPs for Specific Activities. Industrial facilities shall incorporate into the SWPPP, and install, implement and maintain, BMPs as specified for any commercial activities conducted at the facility (as identified in Section 8.48.080), and for areas at the facility where industrial activities are conducted. Industrial activities include but are not limited to the following:~~
 - ~~—a. Raw or processed materials bulk storage;~~
 - ~~—b. Mixing, where there is the potential for release of a pollutant;~~
 - ~~—c. Cutting, trimming or grinding in connection with a production process;~~
 - ~~—d. Casting, forging, or forming;~~
 - ~~—e. Hazardous materials storage (including tanks);~~
 - ~~—f. Construction, painting and coating;~~
 - ~~—g. Pesticide or other chemical products formulation or packaging;~~
 - ~~—h. Process water pre-treatment;~~
 - ~~—i. Solid waste storage;~~
 - ~~—j. Waste water treatment;~~
 - ~~—k. Welding;~~
 - ~~—l. Blasting;~~
 - ~~—m. Chemical treatment; and~~

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~~—n.— Power washing.~~

~~—6.— Additional Structural BMPs. Industrial facilities shall incorporate into the SWPPP, and install, implement and maintain one or more of the additional structural BMPs listed below where practicable, if use of such BMPs would significantly reduce pollution in run-off from the facility. The discharger shall determine in the first instance which of these BMPs to implement. However, an authorized enforcement official can order that additional BMPs be used at a particular facility.~~

~~—a.— Overhead coverage of outdoor work areas or chemical storage;~~

~~—b.— Retention ponds, basins, or surface impoundments that confine stormwater to the site;~~

~~—c.— Berms and concrete swales or channels that divert run-on and runoff away from contact with pollutant sources;~~

~~—d.— Secondary containment structures; and~~

~~—e.— Treatment controls, e.g., infiltration devices and oil/water separators, to reduce pollutants in stormwater or authorized non-stormwater discharges.~~

~~—D.— Monitoring at Industrial Facilities Subject to the General Industrial Permit. Dischargers owning or operating industrial facilities subject to the general industrial permit are required to conduct monitoring under the state industrial general stormwater permit and shall make records of such monitoring available for inspection, and submit a copy of such records to the city if directed to do so by an authorized enforcement official. State exceptions from monitoring requirements are also applicable to this requirement, and group monitoring approved by the state is also acceptable to the city. The city may direct that any required records be submitted in a specified electronic format. (Ord. 369 § 1, 2008)~~

~~-8.48.100 Additional minimum best management practice requirements for agricultural operations.~~

~~—A.— Nursery and Greenhouse Operations. Pursuant to NPDES Permit No. CAS 0108758, nursery and greenhouse operations are classified as commercial operations for purposes of this chapter, and are subject to all requirements for regulated commercial facilities set out in this chapter.~~

~~—B.— Agricultural Grading and Clearing. The BMP requirements imposed by Section 8.48.130 of this chapter for land disturbance activity apply to agricultural grading and clearing, whether or not a city-issued grading and clearing permit is required for that activity. Tilling or cultivating land exclusively for the purpose of growing plants or animals is not considered to be grading or clearing, provided all disturbed material remains on the same site, the tilling or cultivating will not block or divert any natural drainage way, and the land to be tilled or cultivated has been in agricultural production for at least one of the preceding five years.~~

~~—C.— Land Development Associated with Agricultural Operations. The requirements imposed by Section 8.48.140 of this chapter for land development activity apply to such activities when they are associated with agricultural operations.~~

~~—D.— Manure Management.~~

~~—1.— Where practicable, all runoff from areas where livestock, horses or other large animals are confined must be collected and managed in a manner that avoids a discharge to the~~

~~stormwater conveyance system or receiving waters. Where this is not practicable, manure must be cleaned up at least twice weekly, and must either be composted, or stored prior to disposal.~~

~~—2.— Areas used for storing or composting manure must be located, configured or managed to prevent runoff to receiving waters or the stormwater conveyance system.~~

~~—3.— Animal wastes shall not be disposed to the stormwater conveyance system or receiving waters.~~

~~—E.— Other Agricultural Operations. Other agricultural operations are subject to the discharge prohibitions and other requirements set out in Sections 8.48.010 through 8.48.050 of this chapter. Agricultural operations located within or adjacent to (i.e., within two hundred feet of), or which discharge directly to an impaired water body or a coastal lagoon or a receiving water body within an ESA, are also subject to the requirements set out in Section 8.48.060. (Ord. 369 § 1, 2008)~~

~~8.48.110 Additional minimum best management practice requirements for municipal activities and facilities.~~

~~—Municipal facilities must meet the requirements set out in Sections 8.48.010 through 8.48.060, and where applicable, Sections 8.48.130 and 8.48.140 of this chapter. In addition, these facilities and activities must install, implement and maintain at least the additional minimum BMPs, if any, specified in Section 8.48.090, for industrial areas and activities at the municipal facility. (Ord. 369 § 1, 2008)~~

~~—A.— Effect of Manual. All dischargers who are required by this chapter to install, implement and maintain BMPs shall ensure that their selection of BMPs is consistent with the applicable specifications, if any, contained in the Manual, for the category and priority of activity or facility owned or operated by that discharger. All BMPs installed, implemented or maintained to meet the requirements of this chapter must conform to the applicable specifications, if any, set out in this Manual.~~

~~—B.— Existing Facilities. The Manual sets out minimum BMPs and other objective specifications for specific types and categories of existing facilities and activities. Where minimum BMPs and objective specifications are specified, they are mandatory. Where no minimum BMPs have been specified in the Manual for a type and category of facility or activity, only the requirements set out in this chapter are applicable.~~

~~—C.— Ministerial Land Development Projects. Requirements applicable to development projects requiring only ministerial permits are set out in separately identified sections of the Manual. Other requirements in the Manual are not applicable to these projects during the development process. However, some additional requirements will apply to completed projects when they become subject to this chapter as residential, commercial or industrial facilities.~~

~~—D.— Discretionary Land Development and Redevelopment Projects. The Manual sets out minimum BMPs, other objective specifications, and water quality standards for land development projects requiring one or more discretionary permits. The minimum BMPs and other objective specifications in the Manual are applicable to both ministerial and discretionary land development projects. The BMPs in the Manual are applicable to projects that require a discretionary City permit or approval, and shall be implemented through specific permit conditions. Development project proponents must determine whether their project design will meet the water quality standards for their facility or activity, and must redesign their project~~

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and/or install, implement and maintain additional BMPs where needed to meet applicable water quality standards.

—E.— ~~Conflicting or More Detailed Requirements.~~ In case of any conflict between any applicable minimum BMPs specified in this chapter and in the BMP Manual, and any applicable requirements described in more detail for a particular type of facility or activity in the Manual, the requirement in the Manual shall prevail. (Ord. 552 § 2, 2002)

8.48.120 City jurisdictional urban runoff management plan (“JURMP”).

—A.— ~~Effect of JURMP.~~ All dischargers who are required by this chapter to install, implement and maintain BMPs shall ensure that their selection of BMPs is consistent with the applicable specifications, if any, contained in the city's adopted and approved JURMP required by the San Diego Regional Water Quality Control Board (R9-2007-0001), for the category and priority of activity or facility owned or operated by that discharger. All BMPs installed, implemented or maintained to meet the requirements of this chapter must conform to the applicable specifications, if any, set out in the Manual.

—B.— ~~Existing Facilities.~~ The Manual sets out minimum BMPs and other objective specifications for specific types and categories of existing facilities and activities. Where minimum BMPs and objective specifications are specified, they are mandatory. Where no minimum BMPs have been specified in the Manual for a type and category of facility or activity, only the requirements set out in this chapter are applicable.

—C.— ~~Ministerial Land Development Projects.~~ Requirements applicable to development projects requiring only the kinds of ministerial permits listed in Section 8.48.030(F)(2) of this chapter are set out in separately identified sections of the JURMP. Other requirements in the JURMP are not applicable to these projects during the development process. However, some additional requirements will apply to completed projects when they become subject to this chapter as residential, commercial or industrial facilities.

—D.— ~~Discretionary Land Development and Redevelopment Projects.~~ In addition to the requirements of Lemon Grove Municipal Code Chapter 8.52, the JURMP sets out minimum BMPs, other objective specifications, and water quality standards for land development projects requiring one or more of discretionary permits listed in Section 8.48.030(F)(1) of this chapter. The minimum BMPs and other objective specifications in the JURMP are applicable to both ministerial and discretionary land development projects. The BMPs in the Manual are applicable to projects that require a discretionary city permit or approval, and shall be implemented through specific permit conditions. Development project proponents must determine whether their project design will meet the water quality standards for their facility or activity, and must redesign their project and/or install, implement and maintain additional BMPs where needed to meet applicable water quality standards.

—E.— ~~Conflicting or More Detailed Requirements.~~ In case of any conflict between any applicable minimum BMPs specified in this chapter, Chapter 8.52 or the JURMP, and any applicable requirements described in more detail for a particular type of facility or activity in the JURMP, the strictest requirement in the this chapter, Chapter 8.52 or the JURMP shall prevail. (Ord. 369 § 1, 2008)

8.48.078430 Additional requirements for land disturbance activity.

A.- Permit Issuance. No land owner or development project proponent shall receive any city grading, clearing, building or other land development permit or equivalent approval required for land disturbance activity without first meeting the requirements of this chapter, and the BMP Manual, and Chapter 18.08 (Excavation and Grading) with respect to the portion of the development project and the land disturbance activity to which the permit at issue would apply.

B.- Owners and Operators Both Responsible and Liable. Persons or entities performing land disturbance activity (including but not limited to construction activities) in the city, and the owners of land on which land disturbance activity is performed, are dischargers for purposes of this chapter; provided, however, that a local government or public authority is not a discharger as to activities conducted by others in public rights-of-way.

C. -Stormwater Management Plan. All applications to the city for a permit or approval associated with a land disturbance activity must be accompanied by a stormwater management plan, on a form or in a format specified by the city. The stormwater management plan shall specify the manner in which the discharger/applicant will implement the BMPs required by this chapter, and the BMP Manual, and Chapter 18.08 (Excavation and Grading) for the activity at issue, including but not limited to the applicable BMPs required by subsection D of this section.

D. Additional Minimum BMPs for Land Disturbance Activity. Whether a city permit or approval is required or not, and whether a stormwater management plan is required to be submitted or not, all dischargers engaged in land disturbance activity shall implement BMPs as detailed in the Manual in the following additional areas if applicable to the project:

- 1. Erosion control on slopes;
- 2. Erosion control on flat areas or BMPs to desilt runoff from flat areas;
- 3. Runoff velocity reduction;
- 4. Sediment control;
- 5. Offsite sediment tracking control;
- 6. Materials management;
- 7. Waste management;
- 8. Vehicle and equipment management;
- 9. Water conservation;
- 10. Structure construction and painting;
- 11. Paving operations;
- 12. Dewatering operations;
- 13. Planned construction operations;
- 14. Downstream erosion control;
- 15. Prevention of non-stormwater discharges;
- 16. Protection of ground water. Agricultural Grading and Clearing. The BMP requirements imposed by Section 8.348.0970-(G) of this chapter for land disturbance activities apply to agricultural grading and clearing, whether or not a City-issued grading and clearing permit is required for that activity. Tilling or cultivating land exclusively for the purpose of growing plants

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or animals is not considered to be grading or clearing, provided all disturbed material remains on the same site, the tilling or cultivating will not block or divert any natural drainage way, and the land to be tilled or cultivated has been in agricultural production for at least one of the preceding five years.

~~—E. (Ord. 369 § 1, 2008) Control to the Maximum Extent Practicable. All dischargers engaged in land disturbance activity must install, implement and maintain those additional BMPs, if any, that are needed to prevent or reduce pollutant discharges in stormwater from land disturbance to the MEP.~~

~~—F. Notice of Intent. Dischargers required to comply with the state construction general stormwater permit shall maintain on-site and make available for inspection on request by the city any state-issued waste discharge identification number ("WDID") for the site, and a copy of the notice of intent ("NOI") filed with the SWRCB pursuant to that permit.~~

~~—G. Stormwater Pollution Prevention Plan. Dischargers required to prepare an SWPPP under the state general construction stormwater permit must prepare the plan, implement the plan and maintain it at the site, readily available for review. Failure to comply with an applicable state-required SWPPP is a violation of this chapter.~~

~~—H. Facility Monitoring. Dischargers required to conduct monitoring under the state construction general stormwater permit must conduct such monitoring in conformance with requirements specified by the state, retain records of such monitoring on-site, and make such records available for inspection by an authorized enforcement official.~~

~~—I. Advance Treatment. Dischargers shall implement advanced treatment for sediment at construction sites that are determined by the city to be an exceptional threat to water quality. In evaluating the threat to water quality, the following factors shall be considered:~~

- ~~—1. Soil erosion potential or soil type;~~
- ~~—2. The site's slopes;~~
- ~~—3. Project size and type;~~
- ~~—4. Sensitivity of receiving water bodies;~~
- ~~—5. Proximity to receiving water bodies;~~
- ~~—6. Non-stormwater discharges;~~
- ~~—7. Ineffectiveness of other BMPs; and~~
- ~~—8. Any other relevant factors. (Ord. 369 § 1, 2008)~~

8.48.089140 Additional planning, design and post-construction requirements for all land development and redevelopment projects.

~~— A. Application to Development and Redevelopment Projects. No land owner or development project proponent in the city shall receive any city grading, clearing, building or other land development permit required permit or approval listed in Section 8.48.030(F) of this chapter for land development activity or significant redevelopment activity unless the project meets or will meet the requirements of this chapter and the applicable requirements defined in the City's BMP Manual and Chapter 8.52. For Priority Development Projects, the project's~~

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SWQMPPost-Construction Stormwater Management Plan must be approved prior to the issuance of such permits.

~~Post-construction BMP requirements imposed by this section and by the Manual shall not apply to those physical aspects of the project that have been completed or substantially completed pursuant to and as required by a valid city permit or approval, at the time a complete application for a subsequent permit or approval is submitted.~~

B. Owners and Developers Responsible and Liable. Developers, development project proponents, and land owners for land on which land development activity is performed, are dischargers for purposes of this chapter; provided however that a local government or public authority is not a discharger as to activities conducted by others in public rights-of-way.

C. Post-construction Best Management Practices Required. Land development and redevelopment projects with the potential to add pollutants to stormwater or to affect the flow rate or velocity of stormwater runoff after construction is completed, shall be designed to include and shall implement post-construction BMPs to ensure that pollutants and runoff from the development will be reduced to the MEP, will not significantly degrade receiving water quality, and will not cause or contribute to an exceedance of receiving water quality objectivesstandards in accordance with the requirements defined in the BMP Manual and Chapter 8.52.

D. Land Development Associated with Agricultural Operations. The requirements imposed by Section 8.48.080 of this chapter for land development activities apply to such activities when they are associated with agricultural operations.

~~D. Natural BMPs. Natural BMPs, such as constructed wetlands, grassed swales, biofilters, wet ponds, and vegetated filter strips, shall be utilized whenever practicable for post-construction BMPs that are proposed by a discharger.~~

~~EE.~~ Post-Construction Stormwater Management Plan. All applications to the city for a permit or approval associated with a land development or redevelopment activity must be accompanied by a post-construction stormwater management plan on a form or in a format specified by the city. The plan shall specify the manner in which the discharger/applicant will implement the post-construction BMPs required by this chapter. The plan must address those aspects of the project that, at the time a complete application is submitted, are subject to further environmental review pursuant to Section 15162 of the California Environmental Quality Act. Post-construction BMPs for other aspects of the project need not be addressed in this plan.

~~FF.~~ Stormwater Management Plan Review Fee and Deposit. Fees for stormwater management plan review and deposit thereof may be adopted by resolution of the city council.

G. Control to the Maximum Extent Practicable. All dischargers engaged in land development and significant redevelopment activities shall install, implement and maintain post-construction BMPs as needed to prevent or reduce pollutant discharges in stormwater from land disturbance to the MEP. (Ord. 369 § 1, 2008)

8.48.40950 Maintenance of BMPs.

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A. ~~Existing Development. Residential, commercial, industrial, agricultural and municipal~~ Dischargers shall maintain the BMPs they rely upon to achieve and maintain compliance with this chapter.

B. ~~New Development~~ Structural post-construction BMPs. The owners and occupants of lands on which structural post-construction BMPs have been installed to meet the requirements of this chapter shall ensure the maintenance of those BMPs, and shall themselves maintain those BMPs if other persons or entities who are also obliged to maintain those BMPs (by contract or covenant, or pursuant to this chapter) fail to do so.

C. Maintenance Obligations Assumed by Contract or Other Agreement. Primary responsibility to maintain a BMP may be transferred through a contract or other agreement. If that contract provides that it will be submitted to the city pursuant to this chapter as part of a development permit application, and if that contract is so submitted, the person or entity accepting a maintenance obligation in such a contract or agreement will also be legally obligated to maintain that BMP pursuant to this chapter.

D. Obligation to Maintain BMPs Not Avoided by Contracts or Other Agreements. For purposes of city enforcement, no contract or other agreement imposing an obligation to maintain a BMP can relieve a person or entity of any obligation to maintain a BMP imposed by this chapter.

E. Disclosure of Maintenance Obligations. Any developer who transfers ownership of land on which a BMP is located or will be located, or who otherwise transfers ownership of a BMP or responsibility for the maintenance of a BMP to another person or entity, shall provide clear written notice of the maintenance obligations associated with that BMP to the new or additional responsible party prior to that transfer.

F. Maintenance Plans for Land Development Projects. The proponents of any land development project or significant redevelopment project that requires a ~~discretionary city permit~~ installation of structural post-construction BMPs shall provide to the city for review and approval prior to issuance of such permit, a plan for maintenance of all post-construction structural BMPs associated with the project. The plan shall specify the persons or entities responsible for maintenance activity, the persons or entities responsible for funding, schedules and procedures for inspection and maintenance of the BMPs, worker training requirements, and any other activities necessary to ensure BMP maintenance. The plan shall provide for servicing of all post-construction structural BMPs at least annually, and for the retention of inspection and maintenance records for at least three years.

G. Access for Maintenance Easement/Agreement. Structural post-construction BMPs shall be provided adequate access for long-term inspection and maintenance purposes. ~~The proponents of any land development project or significant redevelopment project that requires a discretionary city permit, shall provide to the city for review and approval prior to issuance of such permit an executed, permanent, easement onto the land on which post-construction structural BMPs will be located (and across other lands as necessary for access), to allow inspection and/or maintenance of those BMPs.~~

H. Assurance of Maintenance for Land Development Projects. The proponents of any land development activity or redevelopment activity that requires a City permit shall provide to the City, prior to issuance of permits for the project, proof of a mechanism acceptable to the City which will ensure ongoing long-term maintenance of all structural post-construction BMPs

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associated with the proposed project. The proponents shall be responsible for maintenance of BMPs unless, and until, an alternative mechanism for ensuring maintenance is accepted by the City and becomes effective.

—HJ. — Security for Maintenance for Land Development Projects. If it is determined by the authorized enforcement official that the public interest requires the posting of a bond or other security to assure the maintenance of a BMP, such bond or security may be required by the authorized enforcement official. (Ord. 369 § 1, 2008)

8.48.10160 Inspection and sampling.

A. Regulatory Inspections. The authorized enforcement official may establish inspection or certification programs to evaluate and enforce compliance with the requirements of this chapter. Authorized enforcement officials may inspect facilities, activities and residences subject to this chapter at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If entry for a regulatory inspection is refused by the facility owner or operator, or by the occupant of a residence, an inspection warrant shall be obtained prior to inspection.

B. Inspections of New Construction Access Easements. When any new storm drain system or structural BMP is installed on private property as part of a project that requires a city permit, in order to comply with this chapter, the property owner shall grant the City permission to access the property at reasonable times and in a reasonable manner to ensure that the BMP is working properly grant to the city an easement to enter the property at reasonable times and in a reasonable manner to ensure that the BMP is working properly. This includes the right to enter the property without prior notice once per year for routine inspections, to enter as needed for additional inspections when the city has a reasonable basis to believe that the BMP is not working properly, to enter for any needed follow-up inspections, and to enter when necessary for abatement of a nuisance or correction of a violation of this chapter.

C. Scope of Inspections. Inspections may include all actions necessary to determine whether any illegal discharges or illegal connections exist, whether the BMPs installed and implemented are adequate to comply with this chapter, whether those BMPs are being properly maintained, and whether the facility or activity complies with the other requirements of this chapter. This may include but may not be limited to sampling, metering, visual inspections, and records review. Where samples are collected the owner or operator may request and receive split samples. Records, reports, analyses, or other information required under this chapter may be inspected and copied, and photographs taken to document a condition and/or a violation of this chapter. (Ord. 369 § 1, 2008)

8.48.11270 Enforcement.

Authorized enforcement officials may enforce this chapter and abate public nuisances as follows:

A. Administrative Authorities.

1. —1.— Administrative Penalties. Administrative penalties may be imposed in accordance with the provisions for administrative penalties set forth in this chapter.

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Administrative penalties may include the recovery of fines assessed against the city of Lemon Grove by the RWQCB. Any later-enacted administrative penalty provision in the ~~Lemon Grove Municipal Code~~ shall also be applicable to this chapter, unless otherwise provided therein.

2. ~~2.~~—Cease and Desist Orders. Written and/or verbal orders may be issued to stop illegal discharges and/or remove illegal connections. If it is determined by an authorized enforcement official that the public interest requires the posting of bond or other security to assure the violation is corrected, such bond or security may be required by the authorized enforcement official.

3. ~~3.~~—Notice and Order to Clean, Test or Abate. Written and/or verbal orders may be issued to perform ~~any act required by this chapter~~ activities to comply with the BMP Manual, this chapter, or as directed by an authorized enforcement official where conditions warrant.

~~3.~~—

4. ~~4.~~—Public Nuisance Abatement. Violations of this chapter are deemed a threat to public health, safety, and welfare; and constitute a public nuisance. If actions ordered under subsections (A)(2) and (A)(3) of ~~Section 8.48.170~~ this section are not performed, the authorized enforcement official may abate any public nuisance pursuant to the ~~LGMCLemon Grove Municipal Code~~, Chapter 1.14. City costs for pollution detection and abatement, if not paid in full by the discharger in addition to any other penalties, may be made a lien against the property in accordance with the abatement procedure.

5. ~~5.~~—Stop Work Orders. Whenever any work is being done contrary to the provisions of this chapter, or other laws implemented through enforcement of this chapter, an authorized enforcement official may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall immediately stop such work until authorized by the authorized enforcement official to proceed with the work.

6. ~~6.~~—Permit Suspension or Revocation. Violations of this chapter may be grounds for permit and/or other city license suspension or revocation in accordance with applicable sections of the ~~Lemon Grove Municipal Code~~ LGMCLe.

B. Judicial Authorities.

1. ~~1.~~—Civil Penalties and Remedies. The city attorney is hereby authorized to file criminal and civil actions to enforce this chapter and to seek civil penalties and/or other remedies as provided in this section and in ~~Section 8.48.125~~ 80 of this chapter. There is no requirement that administrative enforcement procedures be pursued before such actions are filed.

2. ~~2.~~—Injunctive Relief. The city may enforce compliance with this chapter by judicial action for injunctive relief.

3. ~~3.~~—Arrest or Issue Citations. The assistance of a peace officer may be enlisted to arrest violators as provided in California Penal Code, and/or a citation and notice to appear as prescribed in the Penal Code, including Section 853.6 may be issued. There is no requirement that administrative enforcement remedies be used before such actions are taken. The immunities prescribed in Section 836.5 of the Penal Code are applicable to authorized

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enforcement officials acting in the course and scope of their employment pursuant to this chapter. (~~Ord. 369 § 1, 2008~~)

8.48.12380 Other acts and omissions that are violations.

In addition to the violations identified in Sections 8.48.010 through 8.48.160 failing to comply with any of the other requirements of this chapter, the following acts and omissions are violations of this chapter, whether committed by a discharger or by another person or entity:

A. Causing, Permitting, Aiding or Abetting Noncompliance. Causing, permitting, aiding, or abetting noncompliance with any part of this chapter constitutes a violation of this chapter.

B. Concealment, Misrepresentation and False Statements. Any falsification or misrepresentation made to the city concerning compliance with this chapter, including any misrepresentation in a voluntary disclosure, any submission of a report that omits required material facts without disclosing such omission, and any withholding of information required to be submitted by or pursuant to this chapter in order to delay city enforcement action, is a violation of this chapter. Concealing a violation of this chapter is a violation of this chapter.

C. Failure to Promptly Correct Non-compliance. Violations of this chapter must be corrected with the time period specified by an authorized enforcement official. Each day (or part thereof) in excess of that period during which action necessary to correct a violation is not initiated and diligently pursued is a separate violation of this chapter. Notwithstanding the granting of any period of time to the discharger to correct the damage, the discharger shall remain liable for some or all of any fines or penalties imposed pursuant to this chapter, or by the RWQCB.

D. City Permits and Plans. Any failure to conform to an applicable city-required plan prepared pursuant to this chapter; any failure to comply with stormwater-related provisions of a city-issued grading permit or grading plan prepared to secure such a permit; and any failure to comply with stormwater-related provisions in any other city permit or approval, is also a violation of this chapter. For purposes of this chapter a permit provision or condition of approval is "stormwater-related" if compliance with the provision or condition would have the effect of preventing or reducing contamination of stormwater or of moderating run-off flows rates or velocities, whether or not the provision or condition was initially imposed to promote those outcomes. (~~Ord. 369 § 1, 2008~~)

8.48.13490 Remedies not exclusive.

Remedies under this chapter are in addition to and do not supersede or limit any other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive. (~~Ord. 369 § 1, 2008~~)

Chapter 18.08 EXCAVATION AND GRADING

Article I. General Provisions

18.08.010 Title.

This chapter shall be known as the "Grading Ordinance of the city of Lemon Grove." (~~Ord. 371 § 1, 2008~~)

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18.08.020 Purpose.

This chapter establishes minimum requirements for grading, excavation and filling of land. It also provides for the issuance of permits, and provides for the enforcement of the chapter provisions. These provisions are supplementary and additional to the subdivision and zoning regulations of the city and shall be read and construed as an integral part of such regulations and the land development patterns and controls established thereby. (~~Ord. 371 § 1, 2008~~)

18.08.030 Intent.

The intent of this chapter is to protect life and property, promote the general welfare, enhance and improve the physical environment of the community, and preserve and protect the natural scenic character of the city. In administering these provisions, the following goals should be respected:

- A. Ensure that future development of lands occurs in the manner most compatible with surrounding natural areas to have the least adverse effect upon other persons, land, or the general public;
- B. Ensure that soil will not be stripped and removed from lands leaving barren, unsightly, unproductive land subject to erosion, subsidence and faulty drainage;
- C. Encourage design and development of building sites to provide the maximum in safety and human enjoyment, while adapting development to and taking advantage of the natural terrain; and minimizing adverse visual impacts caused by major land form modifications;
- D. Encourage and direct special attention toward retaining natural plantings and maximum number of existing trees;
- E. Ensure that the objectives and policies of the adopted general plan for the city are met;
- F. Meet the requirements of San Diego Regional Water Quality Control Board Order Number ~~R9-2007-0004~~ R9-2013-0001, as may be amended. (~~Ord. 371 § 1, 2008~~)

18.08.040 Provisions separate from other requirements.

A. Nothing in this chapter shall preclude the inclusion in any zoning permit, subdivision approval, waiver, review or other approval issued or approved pursuant to city ordinances of any condition, provision or requirement concerning the grading of land. Nothing in this chapter shall preclude the requirement for the property owner or applicant to obtain any other permit or approval required by the ~~city engineer~~ City Engineer or by law from any public or private party or agency.

B. This chapter shall not affect the requirements of any other provision of this code requiring permits, fees or other charges, or affect any provision concerning the granting of franchises by any other person, body or agency.

C. This chapter is intended to implement the provisions of Chapters 8.48 and 8.52 of this code related to stormwater regulatory requirements including compliance with all implementing regulations of the city related to pollution control related to stormwater discharges, such as the Lemon Grove jurisdictional runoff management program ("JRMP"). (~~Ord. 371 § 1, 2008~~)

18.08.050 Definitions.

The following words and phrases, when used in this chapter shall be construed as defined in this section:

"Application package" means a set of materials, i.e., the application form accompanied by maps, studies, etc. as required by the checklist established by the ~~community development director~~ Development Services Director, filed by an applicant to officially request a permit subject to this title, or other titles as may be appropriate.

"Approval" means a written professional opinion by the responsible principal of record concerning the satisfactory progress and completion of the work under his or her purview unless it specifically refers to the ~~city engineer~~ City Engineer.

"Approved plans" means the most current grading plans which bear the signature or stamp of approval of the ~~city engineer~~ City Engineer.

"Approved testing agency" means a testing agency approved by the ~~city engineer~~ City Engineer.

~~"Appurtenant structures" means constructed structures related to and necessitated by the proposed grading and includes paved drainage ditches, inlet structure, lined channels, culverts, outlet structures and retaining walls.~~

"Archaeologist" means a person who does scientific study of material remains of past human life and activity.

"As-graded" means the surface and subsurface conditions and configuration upon completion of grading.

"Bedrock" means in-place solid rock.

"Bench" means a relatively level step excavated into earth material on which fill is to be placed.

"Best management practices" (BMPs) shall have the same meaning as set forth in Lemon Grove Municipal Code (LGMC) 8.48.020. "Erosion control measures" are BMPs.

"BMP Manual" or "Manual" shall have the same meaning as set forth in LGMC Lemon Grove Municipal Code Section 8.48.020.

"Borrow" means earth material acquired from an off-site location for use in grading on a site.

"Borrow pit" means premises from which soil, sand, gravel, decomposed granite or rock are removed for any purpose.

~~"Borrow pitting" means excavation creating by the surface mining of rock, unconsolidated geological deposits, or soil to provide material (borrow) for fill elsewhere.~~

"Building pad" means that portion of the land contained within an area bounded by a line five feet outside the foundation footing for a building being cleared and level.

"Building site" means that portion of the land containing the building pad(s) and lying within an area bounded by the top of slopes and/or toe of slopes within the lot or parcel.

"CEQA" means the California Environmental Quality Act and its associated legislation, findings, determinations and requirements.

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"Certify" or "certification" means a signed written statement that the specific inspections and tests required have been performed and that the works comply with the applicable requirements of this chapter, the plans and the permit.

"City" means the city of Lemon Grove.

~~"City engineer~~City Engineer" means the ~~city engineer~~City Engineer or the director of public works for the city or his or her duly authorized representative.

"Civil engineer" means a professional engineer registered in the state of California to practice in the field of civil engineering.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials for evaluation, design and construction of civil works for the beneficial uses of the population.

"Clearing" and/or "brushing" means the removal of vegetation (grass, brush, trees and similar plant types) above the natural surface of the ground.

~~"Community development director~~Development Services Director" means the director of ~~community development~~Development Services or duly authorized representative.

"Compaction" means densification of a soil or rock fill by mechanical or other acceptable procedures.

"Contour grading" means grading which creates, or results in, land surfaces which reflect the pre-graded natural terrain or that simulates natural terrain, i.e., rounded nonplanary surfaces and rounded, nonangular intersections between surfaces.

"Contractor" means a contractor licensed by the state to do work under this chapter. A contractor may be authorized to act for a property owner in doing such work.

"County" means the County of San Diego.

"Discharger" shall have the same meanings as set forth in 8.48.020.

"Discharger" shall have the same meansmeaning as set forth in the Lemon Grove Municipal Code Section -8.48.020.

~~Contract, Private. "Private contract" means an agreement between a property owner and a qualified contractor to do land development work.~~

~~"Crib wall" means a crib type retaining wall as described in the most recent publication of "Standard Plans," Department of Transportation, state of California.~~

"Earth material" means any rock, natural soil, or fill and/or any combination thereof.

"Embankment" or "fill" means any act by which earth, land, gravel, rock, or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location and the conditions resulting therefrom.

~~Engineer, Private. "Private engineer" means a civil engineer registered by the state. A private engineer may be authorized to act for a property owner in doing work covered by this chapter.~~

~~"Engineering geologic report" means a report prepared under the supervision of an engineering geologist providing a geological map of a site, information on geologic measurements and exploration performed on the site and surrounding area and, providing recommendations for remedial measures necessary to provide a geologically stable site for its intended use.~~

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"Engineering geologist" means a certified engineering geologist, registered by the state to practice engineering geology.

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil work.

"Environmental initial study" is an initial study required under the National Environmental Policy Act and the California Environmental Quality Act which assesses the possible environmental impacts of a proposed project and potential alternatives to mitigate impacts of the proposed project.

"Environmentally sensitive areas" are defined by Regional Water Quality Control Board for the San Diego region (RWQCB), Order No. R9-2013-0001, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0109266, as "areas that include but are not limited to all Clean Water Act Section 303(d) impaired water bodies; areas designated as Areas of Special Biological Significance by the State Water Resources Control Board (SWRCB) and the RWQCB; State Water Quality Protected Areas; water bodies designated with the RARE beneficial use by the SWRCB and RWQCB; areas designated as preserves or their equivalent under the Multi Species Conservation Program within the Cities and County of San Diego under the Natural Communities Conservation Program within the Cities and County of Orange; and any other equivalent environmentally sensitive areas which have been identified by the CopermitteesCity."

"Erosion" means the process by which the ground surface is worn away by the action of water or wind shall have the same meaning as set forth in the Lemon Grove Municipal Code Section-8.48.020.

"Erosion control system" means any combination of erosion control measures, as defined in this chapter. Erosion control systems shall meet the requirements of this chapter, Chapter 8.48, and the BMP Manual and shall be designed desilting facilities, retarding basins, and erosion protection, including effective planting and the maintenance thereof, to protect adjacent private property, watercourses, public facilities and receiving waters from the deposition of sediment or dust.

"Erosion control measure" means erosion control, sediment control, waste management, discharge prevention, or other BMPs required by this chapter. Chapter 8.48, or the BMP Manual.

"Expansive soil" means any soil with an expansion index greater than twenty, as determined by the Expansive Soil Index Tests (UBC Std. 29-32).

~~—"Exploration" or "prospecting" means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quantity of minerals present.~~

"Excavation" or "cut" means any earth, sand, gravel, rock or other similar material which is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed by people and the conditions resulting therefrom.

"Fault" means a fracture in the earth's crust along which movement has occurred. An active fault is one that exhibits separation in historic time or along which separation of Holocene

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deposits can be demonstrated. If Holocene deposits are not offset, but numerous epicenters have been recorded on or in close proximity to the fault, a classification of active may be used.

Fill, Nonstructural. "Nonstructural fill" means any embankment on which no soil testing was performed or no compaction reports or other soil reports were prepared or submitted.

~~"Final soil engineering report" means a report prepared under the responsible supervision of a soil engineer which includes information on site preparation, slope heights and gradients, compaction of fills placed, placement of rock, treatment of expansive soils, providing recommendations for structural design and approving the site for its intended use.~~

"Geologic hazard" means any geologic feature capable of producing structural damage or physical injury. Geologic hazards include:

- a. Landslides and potential slope instabilities resulting from bedding faults, weak clay stone beds, and over steepened slopes;
- b. Deposits potentially subject to liquefaction, seismically induced settlement, severe ground shaking, surface rupture, debris flows, or rock falls resulting from fault activity;
- c. Deposits subject to seepage conditions or high groundwater table.

"Geotechnical report" means a report which contains all appropriate soil engineering, geologic, geohydrologic, and seismic information, evaluation, recommendations and findings. This type of report combines both engineering geology and soil engineering reports.

"Grade" means the elevation and cross-sections established for the finished surface. All grades shall be based upon the official datum of the city.

"Grading" means any excavating or filling or combination thereof.

"Grading permit" means a permit issued pursuant to this chapter.

Grading, Rough. "Rough grading" means the condition where ground surface approximately conforms to the design grade, generally within one-tenth of a foot, and all compaction of fills and embankments have been performed to the specifications required by the soil engineer.

"Groundwater" shall have the same meaning as set forth in Lemon Grove Municipal Code Section 8.48.020.

"Grubbing" means the removal of roots and stumps.

"Key" means a designed compaction fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

~~"Keyway" means an excavated trench beneath the toe of the proposed fill slope into which is placed a compacted earth material.~~

"Land development" means the making of excavations and embankments on private property and the construction of slopes, drainage structures, fences and other facilities incidental thereto.

"Land disturbance activity" shall have the same meaning as set forth in LGMCLemon Grove Municipal Code Section 8.48.020.

"Landscape architect" means a landscape architect, registered by the state of California, who performs professional work in physical land planning and integrated land development, including the design of landscape planting programs.

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~~“Landscape design manual” means the city-approved manual that establishes specific design criteria and guidance to implement the requirements of this chapter.~~

“Landscape documentation package” means those supplemental landscape-specific attachments required by Section 18.44.040 to be submitted as part of an application package, as required elsewhere in the Municipal Code.

“Landslide” means the downward and outward movement of soil, sand, gravel, rock or fill or a combination thereof.

“Maximum extent practicable” (MEP) shall have the same meaning as set forth in LGMG Lemon Grove Municipal Code Section 8.48.020.

“MS4” shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMG 8.48.020.

“Natural terrain” means the lay of the land prior to any grading.

“Nuisance” shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMG 17.08.030.

~~“On-site construction” means those earth material moving activities (such as excavation, grading, compaction, and the creation of fills and embankments) which are required to prepare a site for construction of structures, landscaping, or other land improvements if resultant excavations, fills, grades or embankments are beneficially modified by such construction of structures, landscaping or other land improvements. Excavations, fills, grades or embankments that of themselves constitute engineered works such as dams, road cuts, fills, catchment basins, or levees are not considered to be surface mining operations. Earth material moving activities in areas either on or off-site where the results are modified by construction of structures, landscaping or other land improvements, and that do not of themselves consist of land improvements, and that do not of themselves consist of engineered works are deemed to be surface mining operations unless exempted under Section 2714b of the Surface Mining and Reclamation Act.~~

~~“Operator” means any person who is engaged in grading operations him or herself, or who contracts with others to conduct operations on his or her behalf.~~

~~“Overburden” means soil, rock or other materials that lie above a natural deposit or in between deposits, before or after their removal.~~

“Owner” means any person, agency, firm or corporation having a legal, possessory or equitable interest in a given piece of real property.

“Paleontologist” means a person who holds an advanced degree, who is affiliated with a recognized institution such as a museum or university and who is actively engaged in the research of prehistoric life through the study of plant and animal fossils.

“Permittee” means any person to whom a permit is issued pursuant to this chapter.

“Person” means any individual, firm, association, corporation, organization or partnership, or any cityCity, county district or the state or any department or agency thereof.

“Pollutants” shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMG 8.48.020.

“Pollution” shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMG 8.48.020.

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—“~~Planning director~~” means the director of community development or duly authorized representative.

—“~~Preliminary soil engineering report~~” also referred to as “~~preliminary geotechnical investigation report~~” means a report prepared under the responsible supervision of a soil engineer which includes preliminary information concerning engineering properties of soil and rock on a site prior to grading, describing locations of these materials and providing recommendations for preparation of the site for its intended use.

“Premises” means contiguous property in the same ownership for the purposes of this chapter.

“Property owner” means the owner, subdivider or developer of real property which will be benefited by the proposed land development work.

Property, Public. “Public property” means property owned in fee by the city, or dedicated for public use.

“Public interest slope” means any manufactured slope which meets any one of the following criteria:

- a. A vertical height in excess of fifteen feet;
- b. A vertical height in excess of five feet located on the exterior of a subdivision and exposed to view from any point outside the subdivision;
- c. A vertical height in excess of five feet which will be visible after completion of the buildings to be placed on the subject graded area from any circulation element road, from any existing or proposed public buildings, public facility, or publicly used property, from any private property two streets or more away from the slope in question or from any private homes existing at the time of creation of the slope.

“Public rights-of-way” means public easements or dedications for streets, alleys, drainage ways and/or other uses.

“Publicly used property” means property that is used frequently by persons other than the residents and/or owners.

—“~~Reclamation~~” means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no damage to public health and safety, and is consistent with the general plan, zoning ordinance and applicable specific plans. The process may extend to affected land and surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

—“Receiving waters” shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMG 8.48.020.

—“Relative compaction” means the in-place dry density (determined by ASTM D1556, or other ~~city engineer~~City Engineer approved equal) expressed as a percentage of the maximum dry density (determined by ASTM D1557, or other ~~city engineer~~City Engineer approved equal).

“Retaining wall” means wall designed to resist the lateral displacement of soil or other materials.

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"Runoff" shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMC 8.48.020.

— "Sediment" shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMC 8.48.020.

- "Slope" means the inclined exposed surface of a fill, excavation or natural terrain.

— Slope, Natural. "Natural slope" means the predominant slope or slopes of land in its original condition prior to any grading.

"Soil" means earth material of whatever origin, overlying bedrock and may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

"Soil engineer" means a registered civil engineer who holds a valid authorization to use the title "soil engineer" as provided in Section 6736.1 of the California Business and Professions Code. The terms "geotechnical engineer," "soils engineer" and "soil and foundation engineer" are deemed to be synonymous with the term "soil engineer."

"Soil engineering" means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

"Source control BMP (both structural and non-structural" shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMC 8.48.020.

"State general construction stormwater permit" shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMC 8.48.020.

— "State board" means the state Mining and Geology Board, in the Department of Conservation, state of California.

— "State geologist" means an individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

– "Stockpile" means a temporary, uncompacted fill or embankment placed by artificial means, which is designated or intended to be moved, or relocated at a later date.

"Stop Work Order" shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMC 8.48.020.

"Stormwater" shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMC 8.48.020.

"Structural post-construction BMP" shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGMC 8.48.020.

"Subdivider" means a person, firm, corporation, partnership or association who causes land to be divided into one or more lots or parcels for him or herself or others as defined by those sections of the Government Code known as the Subdivision Map Act.

"Substantial conformance" means grading that conforms to Section 18.08.480 of this chapter.

— "Suitable material" means any soil or earth material which, under the criteria of this chapter or under the criteria of an approved geotechnical report, is suitable for use as fill or for other intended purposes.

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"Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

"Unsuitable materials" means any soil or earth material having properties or characteristics ~~which characteristics, which~~, under the criteria of this chapter or under the criteria contained in any approved geotechnical report, make it unsuitable for use as fill or for any other intended use. These properties or characteristics include, but are not limited to, organic content of the material exceeding three percent, rock diameters exceeding eight inches, the presence of concrete or asphalt, or the presence of expansive soils within three feet of finish grade of any area intended or designed as a location for a building.

"Watercourse" ~~shall have the same meaning as set forth in Lemon Grove Municipal Code Section LGM 8.48.020. For the purposes of this chapter, (Ord. 671, 2015)~~

~~means any watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash in which water flow in a definite direction or course, either continuously or intermittently, and any area adjacent thereto subject to inundation from a one hundred-year flood.~~

—a.— ~~a~~ "Private watercourse" is a watercourse that collects runoff from private property and transports water to the public right-of-way ~~and a~~.

—b.— "Public watercourse" is a watercourse that collects runoff from the public right-of-way or water collected in a private watercourse that has reached the public right-of-way. ~~(Ord. 387 § 3, 2010; Ord. 371 § 1, 2008)~~

Article II. Permits and Fees

18.08.060 Land development work—Permit required.

A. Except as exempted in Section 18.08.070, no person shall do any grading nor shall an owner allow any grading on their property unless the person or owner has a valid grading permit issued by the ~~city engineer~~ City Engineer authorizing such grading.

B. An owner is presumed to have allowed grading which has been done on property occupied by him or her or is under his or her dominion and control. This presumption is a presumption affecting the burden of producing evidence.

C. A separate grading permit shall be required for each legal parcel, noncontiguous site, development, or each separate subdivision final map for which grading is to be performed. ~~(Ord. 371 § 1, 2008)~~

18.08.070 Designated exceptions.

The following described grading is exempt from the requirement to obtain a grading permit under the provisions of this chapter:

A. Depositing materials in any disposal area operated by or licensed by the city or San Diego County.

B. Grading which meets all of the following limitations:

1. Grading is on a single legal lot or contiguous ownership;

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2. Involves the cumulative movement of not more than fifty cubic yards of earth;
3. The cut in the cut area and/or the fill in the fill area, at their deepest points, do not exceed a depth of three feet in vertical depth measured from the original ground;
4. The fill is not intended to support structures;
5. The finished cut and/or fill slopes are not steeper than two horizontal to one vertical (2:1);
6. The finished grading does not alter the drainage patterns either upstream or downstream from the grading;
7. None of the fill is placed on existing ground having a slope steeper than five horizontal to one vertical (5:1), which is a twenty percent slope;
8. None of the grading is closer than five feet to the adjacent ownership;
9. The finished slopes are protected from erosion and the downstream properties are protected from siltation resulting from the grading.

C. Excavation below finish grade for basements, for footings or foundations for buildings, manufactured homes, retaining walls or other structures or facilities, all if authorized by a valid building permit approved and issued by the ~~community development director~~ Development Services Director. Any embankment constructed with the excess material from the excavation exempted by this section must either be disposed of under an approved grading permit, or be disposed on-site without creating embankments more than three feet in unsupported height;

D. Exploratory excavations under the direction of a soil engineer, archaeologist, paleontologist or engineering geologist. Such excavations must be properly backfilled and compacted or otherwise restored.

E. When approved by the ~~city engineer~~ City Engineer, excavation for the sole purpose of recompaction as specified or recommended by an approved soils report.

F. Grading for which inspection is provided by the city and which is done by a developer or contractor pursuant to city-approved improvement plans within public rights-of-way and adjacent slope rights areas independent of adjacent land development work, or grading done pursuant to a permit for excavation in public streets.

G. Clearing and brushing when directed by the fire chief to mitigate a fire hazard, with the concurrence of the ~~community development director~~ Development Services Director that such clearing and brushing will not cause significant damage to any rare, endangered or protected species of plant or wildlife or cause any significant damage to any habitat of any rare, endangered or protected species of wildlife.

Note: The above listed exemptions do not apply to clearing, grubbing, brushing or grading when:

1. Grading will occur in or physically impact designated or dedicated open space or environmentally sensitive areas designated in the CEQA, the general plan or shown on any approved specific plan;
2. Grading will occur in any waterway or wetland, stream, river, channel, pond, lake, marsh, bog, lagoon, vernal pool or riparian habitat;

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3. Grading will occur in any floodway or floodplain as shown on the San Diego county flood plain maps or on city-revised maps;
4. Grading will occur in any officially mapped area in high geologic risk zone;
5. Grading will occur in any other sensitive areas such as archaeological sites, historical sites or burial grounds. (~~Ord. 371 § 1, 2008~~)

18.08.080 Permit applications

A. Any person desiring to perform land development grading not exempted by Section 18.08.070 shall submit a grading permit application in a form approved by the ~~city engineer~~City Engineer.

B. A separate application with plans, specifications and other supplemental data as specified in this chapter and determined to be necessary by the ~~city engineer~~City Engineer, shall be required for each grading permit. The application form shall be signed by the owner or authorized agent of the property to be graded.

C. A complete grading permit application shall be submitted for city review and approval with the following items, completed and signed by the applicant or authorized agent, to the satisfaction of the ~~city engineer~~City Engineer, or this chapter:

1. Grading plan;
2. Separate plot plan;
3. Preliminary soil engineering report;
4. Landscape and irrigation plans consistent with requirements of Chapter 18.44;
5. Drainage study;
6. Haul route, including source of borrow or disposal;
7. Erosion control plan;
8. Post-Construction Stormwater Management Plan, where required pursuant to Chapter 8.48;
- ~~9~~7. Grading plan check fee;
- ~~10~~8. Soil engineering report review fee;
- ~~11~~9. Deposit for independent third party review of soil report;
- ~~12~~0. Inspection fees (may be paid at any time prior to issuance of permit);
- ~~13~~4. Proof of legal lot (may be waived by ~~city engineer~~City Engineer if grading is pursuant to an approved tentative map or zoning permit).

D. The ~~city engineer~~City Engineer may, upon his or her determination and discretion, require additional data or information, eliminate, or modify any of the above requirements determined to appropriate, including those items in Section 18.08.090.

E. The plans, application requirements and necessary fees may be altered or changed at any time between application submittal and permit issuance under the following conditions:

1. A change of policy or direction by the city council;
2. A change in the grading ordinance or fee schedule approved by the city council;

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3. Discovery that the plans, application or fees violate or do not meet existing ordinances or policies or conform to the requirements of other permits or approvals, such as zoning permits or subdivision maps;

4. Discovery of any design defect, soil or geologic hazard, or any other fact or item which if left unchanged could cause damage, harm or hazard to public or private properties, or to life, limb or the general public's safety or welfare.

If such discoveries are made as described in subsections 3 and 4 of this subsection, and changes are so directed, the applicant shall be granted an extension of the application expiration date for thirty days, or for such other period as the ~~city engineer~~City Engineer may grant to the applicant, to allow for all required changes to reasonably be made and accomplished.

F. The time limits set out in Sections 18.08.260 and 18.08.300 shall apply to all grading plans and applications. (~~Ord. 387 § 3, 2010; Ord. 371 § 1, 2008~~)

18.08.090 Additional information.

Other items which may be required by the ~~city engineer~~City Engineer in order to complete the grading permit application include:

- A. Special erosion control plans, including landscape and irrigation plans;
- B. Hydrology and hydraulic reports;
- C. Application for environmental initial study (AEIS);
- D. Geotechnical reports on seismicity and geology;
- E. Letters of permission from adjacent owners or easement holders to grade off-site or on easements;
- F. Right of entry;
- G. Waiver and release to divert or concentrate drainage affecting downstream off-site property;
- H. Easement and flowage rights documents;
- I. Other information as determined by the ~~city engineer~~City Engineer to be necessary to protect the public interest and fulfill the purposes of this chapter.

Recommendations included in such reports and approved by the ~~city engineer~~City Engineer shall be incorporated in the grading plan, landscape and irrigation plan and the land development specifications. (~~Ord. 371 § 1, 2008~~)

18.08.100 Grading plan requirements.

A. Grading plans shall be prepared and submitted with the grading permit application in accordance with the ~~city engineer~~City Engineering standards and the requirements of the ~~city engineer~~City Engineer.

B. All grading plans shall be signed by a registered civil engineer and by the soil engineer. The ~~city engineer~~City Engineer may waive this requirement when the proposed grading is on a single lot or parcel not proposed for further subdivision and in the opinion of the city

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~~engineer~~City Engineer, the proposed grading entails no hazard to any adjacent property, does not necessitate construction of extensive drainage structures or erosion control facilities, and does not interfere in any way with existing natural or improved drainage courses or channels.

C. The ~~city engineer~~City Engineer may stop work and require amendment or change of approved grading, erosion control or landscape and irrigation plans for any of the following reasons:

1. Extension or renewal of the grading permits;
2. Changes have been made in the actual work which are not reflected on the approved plans;
3. The scope or quantity of grading has been changed;
4. Construction, traffic, drainage, soil, geologic, public safety or environmental problems not considered, known or evident at the time of permit issuance or plan approval become evident. (~~Ord. 371 § 1, 2008~~)

18.08.110 Plot plans.

A separate plot plan showing the location of the land development boundaries, lot lines, public and private rights-of-way lines, and precise grading information in accordance with specifications set forth in this chapter and as required by the ~~city engineer~~City Engineer shall also be submitted. A print of the approved tentative subdivision map or tentative parcel map showing the required information may be submitted in lieu of a plot plan. (~~Ord. 371 § 1, 2008~~)

18.08.120 Preliminary soil engineering and geology reports

A. Three copies of a preliminary soils engineering report shall be submitted with the application for a grading permit. Each report shall be prepared by a soil engineer and contain all information applicable to the project in accordance with generally accepted geotechnical engineering practice. The preliminary soil engineering report shall include, but not be limited to, the following:

1. Information and data regarding the nature, distribution, and the physical and chemical properties of existing soils;
2. Location of faults as defined by a registered geologist or certified engineering geologist;
3. Conclusions as to the adequacy of the site for the proposed grading;
4. Recommendations for general and corrective grading procedures;
5. Foundation design criteria;
6. Slope gradient, height and benching, or terracing recommendations;
7. The potential for groundwater and seepage conditions and procedures for mitigation of the groundwater-related problems;
8. Other recommendations, as necessary, commensurate with the project grading and development.

B. The soil engineer and engineering geologist should refer to the geologic conditions element of the Lemon Grove general plan in preparing the reports required by this section.

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C. Recommendations contained in the approved reports shall be incorporated into the grading plans and specifications and shall become conditions of the grading permit.

D. Preliminary geologic investigations and reports shall be required for all land development projects where known or reasonably inferred instability may adversely affect the property. The preliminary geological investigation report shall include, but not be limited to, the following:

1. A comprehensive description of the site topography and geology including, where necessary, a geology map;
2. A statement as to the adequacy of the proposed development from an engineering geologic standpoint;
3. A statement as to the extent that known or reasonably inferred stability on adjacent properties may adversely affect the project;
4. A description of the field investigation and findings;
5. Conclusions regarding the effects geologic conditions will have on the proposed development;
6. Specific recommendations for plan modification, corrective grading and/or special techniques and systems to facilitate a safe and stable development;
7. Provide other recommendations, as necessary, commensurate with the project grading development.

E. The preliminary geological investigation report may be combined with the preliminary soils engineering report. (Ord. 371 § 1, 2008)

18.08.130 Landscape and irrigation plans.

A. Except for agricultural grading plans, all slopes to be constructed, but only final slopes of any borrow pit, shall be provided with an irrigation system which shall be used by the permittee to promote the growth of plants to protect the slopes against erosion. A landscape documentation package, if required by Chapter 18.44, shall accompany grading plan submitted for grading permits.

B. The grading on the project shall be designed for the efficient use of water by minimizing soil erosion, runoff and water waste, resulting from precipitation and irrigation.

C. The plans shall include specifications for the preparation of the existing soils or for the application of topsoil amendments to the slopes to encourage vigorous growth. The permittee shall be responsible for full compliance with the standards and procedures established by the city in this chapter or other applicable ordinances, standards or manuals. Landscape and irrigation plans and specifications shall maximize the use of drought resistant plants and shall provide for water conservation measures throughout the planting irrigation and maintenance plans and specifications. The plan shall show the finished configuration and elevations of each landscaped area including the height of graded slopes, the drainage pattern, pad elevations, finish grade and any stormwater retention improvements.

D. The landscape documentation package shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional

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appropriately licensed by the state and shall contain all of the elements required by Section 18.44.070.

E. The permittee shall be responsible for installation and maintenance of the irrigation system until the ~~city engineer~~City Engineer determines that the system has been properly installed and meets the minimum requirements of this section and the requirements of Chapter 18.44. (~~Ord. 387 § 3, 2010; Ord. 371 § 1, 2008~~)

18.08.140 Minimum BMPs for land disturbance activities.

All dischargers engaged in land disturbance activities shall implement BMPs as detailed in the city's current ~~jurisdictional urban runoff management program (JURMP)~~BMP Manual, this chapter, and Chapter 8.48. as applicable to the project. (~~Ord. 371 § 1, 2008~~)

18.08.150 Erosion prevention.

A. Project proponents shall implement ~~the following minimum erosion prevention control measures methods described in the BMP Manual, this chapter, and Chapter 8.48X~~ to minimize the project's erosion potential.:

- ~~—1.— Consideration shall be made of the time of year that grading and construction activities will be taking place, recognizing that the ideal grading period is the non-rainy season, especially in areas at high risk for erosion;~~
- ~~—2.— The length of time that soils are left exposed to elements of wind and water shall be minimized;~~
- ~~—3.— The total area of exposed soil shall be reduced during the rainy season;~~
- ~~—4.— Critical areas, such as drainage channels, streams, and natural watercourses shall be protected;~~
- ~~—5.— Exposed areas shall be stabilized as quickly as feasible;~~
- ~~—6.— Sufficient waste disposal facilities shall be provided for all proposed activities;~~
- ~~—7.— Sufficient storage facilities shall be provided for all materials and equipment; and~~
- ~~—8.— Assurances shall be made that materials used for erosion and sediment control are on site at all times during the rainy season.~~

~~—B.— During the dry season (May 1st through September 30th), the following minimum requirements must be followed:~~

- ~~—1.— All exposed disturbed areas must have erosion prevention controls properly installed including building pads, unfinished roads and slopes. Slopes greater than thirty-three and one-third percent or 1:3 (vertical vs. horizontal) may use properly designed and installed de-silting basins that have been properly designed and installed according to current industry standards at all discharge points in lieu of this requirement;~~
- ~~—2.— Adequate perimeter protection BMPs must be installed and maintained;~~
- ~~—3.— Adequate sediment control BMPs must be installed and maintained;~~
- ~~—4.— Adequate BMPs designed to control off-site sediment tracking must be installed and maintained;~~

- ~~5. At a minimum, one hundred twenty-five percent of the materials needed to install standby BMPs necessary to completely protect exposed portions of the site from erosion and prevent sediment discharges must be stored on the site;~~
- ~~6. An approved "weather triggered" response plan is mandated for implementation in the event that a predicted storm event has a fifty percent chance of rain. The proponent must have the capacity to deploy the standby BMPs within forty-eight hours of the predicted storm event;~~
- ~~7. All slopes must be equipped with erosion prevention BMPs as soon as slopes are completed for any portion of the site;~~
- ~~8. All active slopes must be stabilized during rain events; and~~
- ~~9. Cleared or graded areas left exposed at any given time are limited to the amount of acreage that the discharger can adequately protect prior to a predicted storm event or seventeen acres, whichever is smaller, unless the disturbance of a larger area is approved in writing by the city engineer. In the event that a discharger requests approval to disturb an area greater than seventeen acres, the discharger shall first submit to the city engineer written documentation describing how it ensure that it reduces discharges of pollutants to the maximum extent practicable and prevents discharges of pollutants that would cause or contribute to violations of water quality standards despite the larger disturbed area.~~
- ~~C. In addition to the dry season minimum requirements set forth in subsection B, the following minimum requirements must be followed during the wet season:~~
 - ~~1. Perimeter protection and sediment control BMPs must be upgraded if necessary to provide sufficient protection for storms;~~
 - ~~2. Adequate erosion prevention BMPs must be installed and established for all completed slopes prior to October 1st and maintained throughout the wet season; if a BMP fails, it must be repaired, improved, or replaced with an acceptable alternate as soon as it is safe to do so;~~
 - ~~3. The amount of exposed soil allowed at one time shall not exceed seventeen acres unless the city engineer approves the disturbance of a larger area in writing. In the event that a discharger requests approval to disturb an area greater than seventeen acres, the discharger shall first submit to the city engineer written documentation describing how it ensure that it reduces discharges of pollutants to the Maximum Extent Practicable and prevents discharges of pollutants that would cause or contribute to violations of water quality standards despite the larger disturbed area; and~~
 - ~~4. An incomplete disturbed area that is not being actively graded must be fully protected from erosion if left for ten days or more. (Ord. 371 § 1, 2008)~~

18.08.160 Erosion control plan requirements.

As applicable, all applications for permits related to construction activities, regardless of the date of submittal and including but not limited to projects that require an approved grading plan or permit, shall include an erosion control plan designed to limit erosion of all disturbed portions of the property and to eliminate the transport of soil onto adjacent properties or into streets, storm drains, or drainage ways. (Ord. 371 § 1, 2008)

18.08.170 Erosion control required.

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A. Plans for an erosion control system shall be prepared and submitted for the review and approval of the ~~city engineer~~City Engineer as a part of any application for a construction permit. The erosion control system shall comply with the requirements of the latest State general construction stormwater permit (NPDES Permit No. CAS000002) and any amendments thereto~~National Pollutant Discharge Elimination System Permit~~, the MS4 Permit, Lemon Grove Municipal Code LGMC Chapters 8.48, and this chapter to satisfy the requirements for erosion control and to eliminate the discharge of sediment and pollutants. The erosion control plan shall include, but not be limited to, the following information:

1. Name, address, and a twenty-four hour phone number of the owner or responsible party, and the person or contractor responsible for installing and maintaining the erosion control system and performing emergency erosion control work;
2. The name, address and signature of the civil engineer or person who prepared the plan;
3. All desilting basins, debris basins, silt traps, and other desilting, velocity retarding and protection facilities necessary to adequately protect the site and downstream properties from erosion and its effects, preserve natural hydrologic features, and preserve riparian buffers and corridors;
4. The streets, easements, drains, and other improvements;
5. The location and placement of gravel bags, diverters, check dams, temporary erosion control measures such as mulches or soil binders, slope planting, drains, and other erosion controlling devices and measures as required by the BMP Manual;
6. Access routes to all such erosion control facilities and how access shall be maintained during inclement weather.

B. Erosion control system standards shall be as follows:

1. Erosion and sediment control BMPsmeasures shall be implemented as required by the City's BMP Manual, this chapter, and Chapter 8.48.
2. The permittee or owner shall be responsible for control of erosion on all areas of grading until acceptance of the completed grading by the City Council. This responsibility extends to completed and occupied lots.
3. No earth or organic material shall be deposited or placed where it may be directly carried into a stream or body of standing water.
4. Equipment and workers for emergency work shall be made available at all times. One hundred twenty-five percent of a~~All necessary materials shall be available on site, and stockpiled at convenient locations, and present in sufficient quantities to facilitate rapid construction of temporary devices at all times. Failure to maintain sufficient materials onsite to prevent and control discharges of sediment and other pollutants in accordance with the requirements of this Chapter and the City's BMP Manual is a violation of this Chapter.~~

5

- ~~1. The faces of cut and fill slopes and the project site shall be prepared and maintained to control against erosion. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval of the city engineer~~City Engineer.

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~~2. Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, cribbing, riprap, or other devices or methods as approved by the city engineerCity Engineer, shall be employed to control erosion, prevent discharge of sediment, and provide safety.~~

~~3. Temporary desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety percent of maximum density. A gravel bag or plastic spillway must be installed for overflow, as designed by the engineer of work, to avoid failure of the earthen dam. A soils engineering report prepared by the soils engineer, including the type of field testing performed, location and results of testing shall be submitted to the city engineerCity Engineer for approval upon completion of the desilting basins.~~

~~4. Desilting facilities shall be provided at drainage outlets from the graded site, and shall be designed to provide a desilting capacityCity capable of containing the anticipated runoff for a period of time adequate to allow reasonable settlement of suspended particles.~~

~~5. Desilting basins shall be constructed around the perimeter of projects, whenever feasible, and shall provide improved maintenance access from paved roads during wet weather. Grading cost estimates must include maintenance and ultimate removal costs for temporary desilting basins.~~

~~6. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading.~~

~~7. All removable protective devices shown shall be in place at the end of each working day when there is a fifty percent chance of rain within a forty-eight hour period. If the developer does not provide the required installation or maintenance of erosion control structures within two hours of notification at the twenty-four hour number on the plans, the city engineerCity Engineer may order city crews to do the work or may issue contracts for such work and charge the cost of this work along with reasonable overhead charges to the cash deposits or other instruments implemented for this work without further notification to the owner. No additional work on the project except erosion control work may be performed until the full amount drawn from the deposit is restored by the developer.~~

~~86. At any time of year, an inactive site, or inactive portions of an active site, shall be fully protected from erosion and discharges of sediment. Flat areas with less than five percent grade shall be fully covered unless sediment control is provided through desiltation basins at all project discharge points. A site or portion of a site is considered inactive if construction activities have ceased for a period of ten-14 or more consecutive days. If construction activities have ceased for 14 or more consecutive days on only a portion of the site, only that portion of the site is considered inactive.~~

C. No grading work shall be allowed between October 1st and the following April 30th on any site when the city engineerCity Engineer determines that erosion, mudflow or sediment of silt discharge may adversely affect downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements unless an approved erosion control system has been implemented on the site. If the city determines that it is necessary for the city to cause erosion control measures to be installed or cleanup to be done, the developer shall pay all of the city's direct and indirect costs including extra inspection, supervision, and reasonable overhead charges. (Ord. 371 § 1, 2008)

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18.08.180 BMP maintenance.

All BMPs for erosion prevention and sediment control shall be functional at all time. Prior to the rainy season and after each major storm, all ~~source control and structural treatment~~ BMPs shall be inspected to assure the functionality. BMP maintenance shall be conducted throughout the life of the project. (~~Ord. 371 § 1, 2008~~)

18.08.190 Grading and grading for building construction.

An owner of land desiring to perform land development work incidental to and in connection with the construction of a building or structure shall present an application and obtain a grading permit. The ~~city engineer~~ City Engineer may require a field inspection of the completed grade with representatives of the ~~public works department, the community development services development department~~ Public Works Department, the community development services development department, the permittee, ~~the~~ the civil engineer, and ~~the~~ the soil engineer prior to commencement of work authorized under a building permit. The permittee shall request the inspection of the work, if required, two working days prior to the inspection. The grading phase of the land development work shall be completed and a soils report, including, but not limited to, relative compaction of the pads and verification of pad elevations shall be submitted prior to commencement of work authorized under the associated building permit. The ~~community development director~~ Development Services Director may direct the building official to suspend or revoke any building permit in accordance with Section 303 of the Uniform Administrative Code where it is found that land development is being done or has been done illegally without a grading permit, or is in violation of a permit, until a grading permit is issued pursuant to the provision of this chapter. The ~~Development Services Director~~ community development director will not certify to the completion of the building where land development work has been done until a grading permit is issued and certified as complete. (~~Ord. 371 § 1, 2008~~)

18.08.200 Early subdivision grading.

Grading of the subdivision will not be permitted prior to approval of the final map or parcel map unless specifically approved as a condition of the tentative subdivision or tentative parcel map. If early subdivision grading is approved, the subdivider may make application to do so under a standard grading permit. This application shall be accompanied by detailed plans and specifications based upon the approved tentative map in conformity with the provisions of Sections 18.08.080 through 18.08.140 of this chapter. A grading schedule and cost estimate based upon plans and specifications shall accompany the application. (~~Ord. 371 § 1, 2008~~)

18.08.210 Environmental review.

A. Prior to the issuance of any grading permit, the ~~city engineer~~ City Engineer shall refer the application for such permit to the ~~community development director~~ Development Services Director for environmental review pursuant to CEQA.

B. The ~~community development director~~ Development Services Director shall review each application referred to him/her to determine whether the grading, if carried out as proposed, could have a significant impact on the environment. If the ~~community development director~~ Development Services Director determines that the grading may have a significant

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impact on the environment, he or she shall return the application to the ~~city engineer~~City Engineer with appropriate scoping guidance to be furnished to the applicant for preparation of necessary environmental studies, or for the preparation of an application for environmental initial study. (~~Ord. 371 § 1, 2008~~)

18.08.220 Right of entry—Indemnification of city.

As a prerequisite of issuance of any grading permit, the owner of the site to be graded, and the contractor, if any, shall grant to the city permission, a right of entry into the site for inspection and/or correction of grading not performed in compliance with the terms and conditions of the permit. The owner and the contractor shall agree to indemnify the city for any claims or damages which may result from the city's entry onto the property including any corrective action taken pursuant to such right of entry. The right of entry and indemnification agreement form shall be approved by the city attorney. (~~Ord. 371 § 1, 2008~~)

18.08.230 Restriction on permit issuance—Excessive grades.

Except for the movement of earth for small projects such as custom lots, individual building foundations, and driveways as approved by the ~~community development director~~Development Services Director, or for local roads or trenches to mitigate a geologic hazard to adjacent property, or as required for the construction of necessary access or fire roads, as approved by the ~~city engineer~~City Engineer, no person shall grade upon nor shall any permit be issued for grading upon natural grades or slopes which exceed twenty-five percent gradient through a vertical rise of more than twenty-five feet, unless specifically approved by the city council or planning commission. (~~Ord. 371 § 1, 2008~~)

18.08.240 Nonstructural fills.

A. Nonstructural (uncompacted) fills are prohibited, except for temporary stockpiles, unless specifically authorized by the City Engineer.

B. Applications for grading permits involving nonstructural fills shall be accompanied by an agreement signed by the property owner. The agreement for development of nonstructural fills shall be prepared by the ~~city engineer~~City Engineer and shall contain the following provisions and such other provisions as may, in the opinion of the city attorney and of the ~~city engineer~~City Engineer, to afford protection to the property owner and the city:

1. The development work shall be designated as nonstructural fill and shall be constructed in accordance with grading plans approved by the ~~city engineer~~City Engineer;

2. The owner acknowledges that as a nonstructural fill, the site is not eligible for a building permit until, subject to the review and approval of the ~~city engineer~~City Engineer, a soils investigation report, additional geotechnical reports in accordance with Section 18.08.120, and any other pertinent information as deemed necessary by the ~~city engineer~~City Engineer, have been submitted and approved by the city;

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3. The land development work shall be done and maintained in a safe, sanitary and non-nuisance condition at the sole cost, risk and responsibility of the owner and his or her successors in interest, who shall hold the city harmless with respect thereto;

4. The agreement for nonstructural fills shall be presented to the city council for approval, and if approved, shall be recorded in the office of the San Diego County recorder. The notice shall remain in effect until release of the agreement is filed by the ~~city engineer~~City Engineer. (~~Ord. 371 § 1, 2008~~)

18.08.250 Drainage easement required.

A. For all public watercourses, the applicant may be required to grant or cause to be granted to the city, a drainage easement in accordance with the specifications set forth by the ~~city engineer~~City Engineer prior to the issuance of the grading permit.

B. For all private watercourses where the continuous functioning of the drainageway is essential to the protection and use of multiple properties, the applicant may be required to record a covenant, a maintenance agreement and/or deed restriction placing the responsibility for the maintenance of the drainageway(s) on the owners of record of each respective lot affected. Permanent off-site drainage easements, as required by the ~~city engineer~~City Engineer, shall be acquired by the applicant. Such easements shall be subject to approval by the ~~city engineer~~City Engineer and recorded prior to issuance of the grading permit.

C. For all watercourses where no public or private improvements are to be installed, but which must, in the opinion of the ~~city engineer~~City Engineer, be kept open and clear for natural stormwater runoff, the applicant may be required, prior to the issuance of a grading permit, to grant a flowage easement to the city. Flowage easements shall be granted on a form approved by the city attorney. (~~Ord. 371 § 1, 2008~~)

18.08.260 Permit applications—Expiration and extension.

Any grading permit application for which a valid grading permit has not been issued, whether or not the grading plans have been approved and signed by the ~~city engineer~~City Engineer, shall expire, automatically, one hundred eighty days after receipt of the application by the city, after which time the application and plans shall be deemed as expired and invalid. (~~Ord. 371 § 1, 2008~~)

18.08.270 Issuance of permits.

The ~~city engineer~~City Engineer shall issue grading permits for land development work upon approval of applications and plans; receipt of prescribed studies, reports and other required documents, receipt of fees, and securities, receipt of the required originals, sepias and prints of the approved grading plans signed by the ~~city engineer~~City Engineer, the soil engineer, the landscape architect, the engineer geologist and others as required by the ~~city engineer~~City Engineer, who have been retained by the permittee to perform the work. The permit shall include, or refer to, the conditions, plans and specifications which shall govern the work authorized. (~~Ord. 371 § 1, 2008~~)

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18.08.280 Denial of permits.

A. Hazardous Grading. The ~~city engineer~~City Engineer shall not issue a grading permit in any case where he/she finds or where it may reasonably be inferred that the work as proposed by the applicant will:

1. Damage any private or public property; or
2. Expose any property to landslide or geologic hazard; or
3. Adversely interfere with existing drainage courses or patterns; or
4. Cause erosion which could result in the depositing of mud, silt, or debris on any public or private street or way or in the City's MS4; or
5. Create any hazard to person or property.

B. Geological Hazard. If, in the opinion of the ~~city engineer~~City Engineer, the land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to person or property, the grading permit shall be denied.

C. Flood Hazard. If, in the opinion of the ~~city engineer~~City Engineer, the proposed grading would adversely affect the flow of runoff or would alter runoff to the detriment of upstream, downstream or adjacent properties, the grading permit shall be denied.

D. Subdivision or Zoning Permits. Under either of the following circumstances, a grading permit shall not be issued unless and until a subdivision map or a zoning permit has been approved or conditionally approved, and it has been determined by the ~~city engineer~~City Engineer and the ~~community development director~~Development Services Director that the subdivision map or zoning permit is not threatened with expiration:

1. If the purpose of the proposed grading, as stated in the application is to prepare the land for subdivision or for some use for which a zoning permit is required; or
2. Notwithstanding the purpose of the proposed grading as stated in the application, if the ~~city engineer~~City Engineer and ~~community development director~~Development Services Director find that the purpose of the proposed grading is to prepare the land for subdivision or other purpose for which a zoning permit is required.

E. Other Reasons. The ~~city engineer~~City Engineer shall deny issuance of a grading permit if so directed by the city council; or if prohibited therefrom by a duly enacted moratorium, court order, injunction, or other legal order; or if the applicant or owner has failed to comply with the provisions of this code; or if the work proposed is not consistent with the city general plan, or any element thereof, or any specific plan, land use ordinance or regulation, zoning ordinance regulation or permit, or subdivision map. The ~~city engineer~~City Engineer shall deny applications which are not in the interest of the public health, safety, or general welfare, or do not constitute a reasonable use of land as indicated by the existing zoning or an approved land use plan. (~~Ord. 371 § 1, 2008~~)

18.08.290 Appeals.

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An applicant may appeal the ~~city engineer~~City Engineer's denial of, or the conditions of approval of, an application for a grading permit to the city planning commission. The applicant or the permittee may appeal a decision of the ~~city engineer~~City Engineer within ten working days after the decision is made. Appeals shall be in writing and shall state the specific nature of the appeal. Appeals shall be filed with the ~~community development director~~Development Services Director, who shall set a hearing within sixty days, and shall notify the owners of record, interested persons signing the appeal in question, and owners of adjacent land identified by the ~~city engineer~~City Engineer as being affected by the proposed grading. The decision of the planning commission may be appealed to the city council. (~~Ord. 371 § 1, 2008~~)

18.08.300 Permit expiration, extension and cancellation.

A. Expiration. Every duly issued grading permit shall be valid for the time period specified on the permit up to a maximum of one year from the date of issuance. All work covered in the permit shall be completed within such a period, except as specified in this section.

B. Every permit issued shall expire by limitation and become null and void if the work authorized by the permit is not commenced and diligently pursued within one hundred eighty days from the date of permit issuance, or stopped, suspended or abandoned for a period of one hundred eighty days.

C. If work is not commenced or diligently pursued, within the extension period specified in this section, then the permit shall thereafter be deemed expired and null and void.

D. For purposes of this section, "diligently pursued" work shall be grading of such magnitude, frequency, or complexity as to require the regular services of the permittee's soil engineer and/or civil engineer or other professionals, and which is inspected at regular intervals by the city.

E. Extensions. Upon written request from the permittee, submitted prior to the expiration of the one hundred eighty-day period in which work was to commence, the ~~city engineer~~City Engineer may extend the period in which the permittee must start work, for one hundred eighty days, provided the permittee demonstrates that circumstances beyond the permittee's control prevented commencement of the approved work.

F. If the work authorized by the grading permit is not completed within the permit period, the ~~city engineer~~City Engineer, upon written request from the permittee, submitted prior to the expiration of the permit, may extend the permit for a period of one year.

G. Cancellation. The ~~city engineer~~City Engineer may cancel a permit or may require the plans to be amended in the interest of public health, safety and welfare or under any of the following conditions upon the request of the permittee. (~~Ord. 371 § 1, 2008~~)

18.08.310 Revocation of permits.

A. The ~~city engineer~~City Engineer may revoke any permit granted under the provisions of this chapter if the ~~city engineer~~City Engineer determines that the permit was obtained by fraud, or that one or more of the conditions upon which the permit was granted have been violated, or that the permittee failed or refused to correct a deficiency or hazard upon the receipt of written notice and within the time specified in such notices, or that the permittee fails or refuses to

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perform any of the conditions or standards established for any subdivision, zoning permit or other approval granted by the city, or fails to correct any hazard or condition as referred to in Section 18.08.590.

B. The permittee, owner or other party aggrieved or adversely affected by the revocation of the grading permit may appeal such action to the city council. Any such appeal shall be in writing, accompanied by a filing fee as shown in the master fee schedule and submitted to the city clerk within ten working days after the decision is made by the ~~city engineer~~ City Engineer. The appeal shall cite reasons and contain other information as necessary to explain why the ~~city engineer~~ City Engineer's action should be rescinded or modified. Upon receipt of any such written appeal, the city clerk shall set the matter for public hearing.

C. Any interested person may appear at the hearing and present evidence. At the conclusion of deliberations on an appeal of a permit revocation, the city council may deny the appeal, modify existing conditions of, or add new conditions to the permit, or reinstate the permit.

D. If a permit is revoked, no further work shall be done upon that site except to correct hazards and to complete any work required by the permittee's agreement with the ~~city engineer~~ City Engineer or city council. Every agreement and every security required by this chapter shall remain in full force and effect notwithstanding any revocation. (~~Ord. 371 § 1, 2008~~)

18.08.320 Fee schedule—Generally.

A. Fees required by this chapter shall be collected by the finance director. Such fees shall be as presently designed or as may in the future be amended.

B. The ~~city engineer~~ City Engineer may require the payment of additional fees for any of the following reasons:

1. Extension or renewal of the grading permit;
2. Enlargement of the scope or quantity of grading or any change which increased the need for inspection or administration of the project;
3. Additional soil or geotechnical review by a third party of any modified grading.

C. No permit shall be issued, and no land development shall be permitted until the fees applicable under this chapter have been received by the finance director. (~~Ord. 371 § 1, 2008~~)

18.08.330 Plan check and permit fees.

A. Before accepting an application for grading and/or landscape and irrigation plans and specifications for checking, the finance director shall collect a plan-checking fee. The amount of the plan-checking fee for grading and landscape and irrigation plans shall be as determined by the ~~city engineer~~ City Engineer and as set forth by council resolution.

B. The plan checking fee for a grading permit authorizing additional work under a valid permit shall be the difference between the plan check fee paid for the original permit and the fee required for the entire project. (~~Ord. 371 § 1, 2008~~)

18.08.340 Preliminary soils engineering report review fee.

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Before accepting a preliminary soils engineering report for review, the finance director shall collect a report review fee. A fee will be charged for each individual report submitted for review. The amount of the review fee shall be as determined by the ~~city engineer~~City Engineer and set forth by council resolution. Additional deposits may be required for independent review of the soil engineering report. (~~Ord. 371 § 1, 2008~~)

18.08.350 Inspection deposit.

Prior to the issuance of the grading permit, a deposit shall be paid to the finance director to cover the city's expenses, costs, and overhead for field inspection, office engineering, and administration of the work performed, including landscape and irrigation work. This will be based on an estimate of the hours needed for inspection. The amount of the deposit shall be as determined by the ~~city engineer~~City Engineer. (~~Ord. 371 § 1, 2008~~)

18.08.360 Work commenced before permit issuance—Fee.

In addition to any penalty prescribed for violation of this code or for violation of the provisions of this chapter, and in addition to the fees required in this chapter, a separate fee of one hundred dollars shall be assessed for any work for which a permit is required by this chapter, commenced prior to obtaining such permit. Payment of such fee shall not relieve any person from any liability under the provisions of this code or from fully complying with the requirements of this chapter. The fee prescribed in this section shall not be construed as penalty but is added to defray the expense of the enforcement of the provisions of the chapter and shall be assessed for each violation cited. (~~Ord. 371 § 1, 2008~~)

18.08.370 Fee exemptions.

Permits for grading when approved and inspected by a city, county, state or federal agency, may be issued without all or part payment of any of the above fees as approved by the ~~city engineer~~City Engineer. (~~Ord. 371 § 1, 2008~~)

18.08.380 Refunds.

A. No fee collected pursuant to this chapter shall be refunded in whole or in part except as provided in this section:

1. Plan check fees may be refunded, less any city expenses, including overhead incurred, upon the applicant's request, provided no plan checking has commenced. There shall be no refund of any plan check fees after issuance of a permit.

2. Report Review Fees. Prior to review of a report, any fees paid for report review shall be fully refundable, less a handling charge, upon the applicant's request, providing the permit has expired, or is withdrawn, or if the project does not warrant preparation of a soil engineering report.

3. Grading inspection fees may be refunded in full, less a handling charge and city expenses, at any time prior to the start of the work authorized by the permit, upon the applicant's request, provide the grading application has expired or has been withdrawn.

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B. No refund shall be made, however, if the applicant or permittee has any outstanding debts owed to the city, or if corrective work remains to be done on the grading work itself.

C. No refund shall be made pursuant to this section if a request for refund is submitted to the city more than one year from the date of payment of the fee as to which a refund is claimed; nor shall any refund be paid if the total refundable amount, after deduction of city costs as provided in this section, is less than twenty-five dollars. (~~Ord. 371 § 1, 2008~~)

Article III. Design Standards

18.08.390 Design responsibilities.

A. Civil Engineer. It shall be the responsibility of the civil engineer who prepared the grading plans to incorporate the applicable recommendations from the soil engineering and geology reports and to incorporate any ~~city engineer~~City Engineer approved alternative concept grading plan into the grading plan.

B. The civil engineer shall be responsible for establishing line and grade for the grading and drainage improvements and shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the ~~city engineer~~City Engineer. The civil engineer shall also be responsible for the preparation of plan revisions, and upon completion of the work, the submission of as graded drawings incorporating all changes and/or additions made during construction. Prior to the release of building permits for any given lot or lots, the civil engineer shall submit a written statement as evidence that rough grading for land development has been completed within standard tolerances in accordance with the approved plans and that all embankments and cut slopes and pad sizes are as shown on the approved plans.

C. Landscape Architect. The designing landscape architect shall incorporate applicable recommendations from the soils engineering reports along with appropriate measures related to soil engineering into the landscape and irrigation plans and conditional approval recommendations. The landscape architect shall also prepare plan revisions, to include securing approval from the ~~city engineer~~City Engineer prior to installation, and shall submit as-graded drawings incorporating all changes and/or additions made during construction. The landscape architect shall, if requested by the ~~city engineer~~City Engineer, prepare alternative concept contour grading plans for review and approval by the ~~city engineer~~City Engineer.

D. All groundcover shall provide one hundred percent coverage within nine months of planting, or additional landscaping shall be required in order to meet this standard.

E. Soil Engineer. The soil engineer is responsible for performing the preliminary soils engineering investigation and preparing the preliminary soils during grading, providing compaction inspection and testing, and preparing the final soils engineering report. The soil engineer is also responsible for reviewing and signing the grading plan insuring and assuring that they comply with the soils and geotechnical recommendations of the preliminary soils engineering report. (~~Ord. 371 § 1, 2008~~)

18.08.400 Setbacks.

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A. Setbacks and other restrictions specified by this section are minimums and may be increased by the ~~city engineer~~City Engineer or by the recommendation of the civil engineer, soil engineer or engineering geologist, if necessary for safety and stability, or to prevent damage to adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Where zoning requirements exceed the minimums in this section, the zoning setbacks shall govern.

B. Retaining wall may be used to reduce the required setbacks when approved by the ~~city engineer~~City Engineer.

C. The tops and toes of slopes shall be set back from the outer boundaries of the permit area, including slope rights areas and easements, as follows:

1. Top of Cut Slope. Top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of two feet and a maximum of ten feet, as measured horizontally.

2. Toe of Fill Slope. The toe of fill slopes shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of two feet and a maximum of twenty feet, as measured horizontally.

D. Setbacks between graded slopes (cut or fill) and structures shall be provided to the satisfaction of the ~~city engineer~~City Engineer.

E. A usable side yard of at least five feet from any building wall shall be provided to the toe and top of a slope, unless waived by the ~~city engineer~~City Engineer.

F. No provision in this section shall be construed to allow less than the required setback for berms and drainage unless an approved drainage device is used to reduce these requirements. (~~Ord. 371 § 1, 2008~~)

18.08.410 Cuts.

A. Cut slopes shall be no steeper than two horizontal to one vertical (2:1) unless the applicant can demonstrate to the satisfaction of the ~~city engineer~~City Engineer and ~~community development director~~Development Services Director that the project would be substantially improved with steeper cut slopes.

B. Requests for approval of cut slopes steeper than 2:1 must be accompanied by a geotechnical report that establishes such slopes will be stable, and accompanied by a landscape architect report that establishes such slopes can be adequately landscaped. In no case shall cut slopes steeper than 1-1/2:1 be allowed under any waiver of the 2:1 standard.

C. The ~~city engineer~~City Engineer may require slopes flatter than 2:1 in order to achieve the stated design and landscaping purposes of the city.

D. Unless specifically approved by the city council or planning commission, no cut shall exceed a vertical height of forty feet. In approving cut slopes higher than forty feet, the following shall be considered:

1. The lack of feasible alternative grading designs which result in slopes of forty feet or less; and the furtherance of general plan goals and objectives by the proposed development; or

2. Overriding benefits to the city from the development proposal. (~~Ord. 371 § 1, 2008~~)

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18.08.420 Fills.

A. Fill slopes shall be no steeper than two horizontal to one vertical (2:1), exclusive of benches and terraces. The ~~city engineer~~City Engineer may require slopes flatter than 2:1 in order to achieve the stated design and landscaping purposes of the city. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the ~~city engineer~~City Engineer deems necessary to protect the adjoining property from damage as a result of such grading.

B. Unless specifically approved by the city council or planning commission, no fill shall exceed a vertical height of forty feet. In approving fill slopes higher than forty feet, the following shall be considered:

1. The lack of feasible alternative grading designs which result in slopes of forty feet or less; and the furtherance of general plan goals and objectives by the proposed development; or
2. Overriding benefits to the city from the development proposal.

C. Slope stability analyses shall accompany soil engineering reports for all fill slopes exceeding forty feet in height, where authorized by the city council or planning commission, regardless of the slope ratio. The soil engineer shall provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternative methods of construction or compaction requirements necessary for stability. (~~Ord. 371 § 1, 2008~~)

18.08.430 Terraces.

All slopes thirty feet or more in vertical height shall have drainage terraces at least six feet in width established at not more than thirty foot vertical intervals on all cut or fill slopes to control surface drainage and debris. Where only one terrace is required, it shall be at mid-height. Suitable access shall be provided to permit proper cleaning and maintenance. Such drainage terraces shall be improved with a paved swale or ditch at least one foot deep, with a minimum grade of two percent and wide enough to carry the one-hundred year storm runoff arriving at the terrace. (~~Ord. 371 § 1, 2008~~)

18.08.440 Berms.

Unless waived by the ~~city engineer~~City Engineer, a compacted earthen berm shall be constructed at the top, or along the line of vertical curvature, of all slopes steeper than 5:1. The berm shall conform to the slope and shall be a minimum of one-half foot high and two feet wide. The ~~city engineer~~City Engineer may require larger berms if necessary to achieve the stated design purposes of the city. (~~Ord. 371 § 1, 2008~~)

18.08.450 Stormwater runoff.

Stormwater runoff from lots or adjacent properties shall not be carried over cut or fill slopes steeper than 5:1. Such runoff shall be provided to the satisfaction of the ~~city engineer~~City Engineer. Surface runoff shall not be permitted to flow from one residential lot to another. (~~Ord. 371 § 1, 2008~~)

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18.08.460 Subsurface drainage.

A. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability, and as recommended by the soil engineer and/or the engineering geologist.

B. All canyon fills and buttress fills shall be provided with subdrains, unless waived by the ~~city engineer~~City Engineer, based upon the information provided by the engineering geologist and/or the soil engineer indicating that they are not necessary and recommending against them. (~~Ord. 371 § 1, 2008~~)

18.08.470 Contour grading.

The ~~city engineer~~City Engineer may require public interest slopes to be rounded into existing terrain to produce a contoured and smooth transition from cut or fill faces to natural ground and abutting cut or fill surfaces. Such slopes shall be contour graded and landscaped pursuant to a landscape plan prepared by a landscape architect and approved by the ~~city engineer~~City Engineer. The contours of the finished slope shall approximate the natural contours to the satisfaction of the ~~city engineer~~City Engineer. The brows or tops of slopes may be straight to match the lot lines and facilitate placement of lot fences. (~~Ord. 371 § 1, 2008~~)

18.08.480 Grading—Standards for substantial conformance.

A. The grading will be considered in substantial compliance if the pad elevations and slope heights shown on the approved grading plan are within plus or minus one foot of the elevations shown on the tentative map or approved conceptual grading plans.

B. The ~~city engineer~~City Engineer and the ~~community development director~~Development Services Director have discretion to permit up to a two-foot elevation variation if they determine that the change will not adversely affect views, drainage and unusable yard areas, and the change is needed to create a better design. (~~Ord. 371 § 1, 2008~~)

Article IV. Performance Security

18.08.490 Required security.

A. No grading permit shall be issued for grading unless the applicant shall first post a security with the city comprised of a cash deposit or a combination of cash deposit and corporate surety bond of a surety authorized to do business in the state. An instrument of credit or other security pledging the performance of the work, may be submitted in lieu of the surety bond to insure installation of required structures, drains, landscaping, irrigation and other improvements shown on the grading plans. Such funds are trust funds for the purposes of satisfying the cost of correcting any deficiency, hazard or injury created by the work or lack of maintenance thereof. An irrevocable standby letter of credit issued by a financial institution subject to regulation by the state or federal government may be posted in lieu of the surety bond, instrument of credit or other security.

B. The estimated cost of the work shall be determined by the ~~city engineer~~City Engineer after reviewing the civil engineer's estimates. If the ~~city engineer~~City Engineer determines that

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the size, complexity and scope of the work does not justify the full amount of the security, he may waive all or part of the amount to the extent that there is no hazard or danger. If the scope of work increases, or new conditions are discovered after grading commences, the ~~city engineer~~City Engineer may increase the amount of the security.

C. The security shall be in the form approved by the city attorney. The total amount of the security shall be equal to one hundred fifty percent of the estimated cost of the grading work authorized by the permit plus an additional sum equal to one hundred percent of the estimated cost for the construction of drainage structures or facilities, including standard terrace drains, slope planting, irrigation system, erosion control devices, retaining walls and similar facilities authorized by the permit. (~~Ord. 371 § 1, 2008~~)

18.08.500 Cash deposit requirements—In lieu of bond.

A. The cash deposit shall be equal to twenty percent of the calculated security, as approved by the ~~city engineer~~City Engineer. Interest shall not be paid on cash deposits.

B. In no instance shall the cash deposit be less than one thousand dollars or more than twenty thousand dollars. In instances where twenty percent of the appraised calculated security exceeds twenty thousand dollars, that remaining portion of the security in excess of twenty thousand dollars shall be combined with the remaining eighty percent of the approved security in the form of a corporate surety bond, or other security authorized by Section 18.08.490.

C. The cash deposit shall be used to satisfy the cost of correcting any deficiency, hazard or injury created by the work in violation of the terms and conditions of the grading permit and in violation of the provisions of this chapter or any other applicable law or ordinance; or for maintenance, cleanup or repair of any public or private street or easement, or for the maintenance, upkeep or installation of debris basins, erosion control devices, etc. Use of the cash deposit or a portion thereof shall in no way limit or release the obligation of the permittee or surety to satisfy the cost of correcting any deficiency, hazard or injury created by the work or to maintain the same in safe condition. If the amount of the cash deposit is insufficient to satisfy the cost in full, the surety shall be liable to satisfy the remainder of the cost in excess of the cash deposit to the extent that the remainder does not exceed the full penalty amount of the bond. In addition, if suit is brought upon the surety by the city and judgment is recovered, the surety shall pay all costs incurred by the city in such suit, including a reasonable attorney's fee to be fixed by the court. (~~Ord. 371 § 1, 2008~~)

18.08.510 Erosion control security requirements.

When the ~~city engineer~~City Engineer determines, pursuant to Section 18.08.150 of this chapter, that plans for erosion control system be prepared as part of the grading permit, the applicant shall furnish the city a cash deposit in connection with an agreement to perform erosion control work. The amount of deposit shall be one hundred percent of the cost estimate for the work shown on the erosion control plan, subject to the approval of the ~~city engineer~~City Engineer. Section 18.08.490 shall be applicable regarding types of securities acceptable by the city. In addition to the required security for erosion control work, a cash deposit in the amount of five thousand dollars shall be required for emergency erosion control work and/or for emergency cleanup. (~~Ord. 371 § 1, 2008~~)

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18.08.520 Required terms and conditions of securities.

A. Every surety bond and instrument of credit shall include and every cash deposit and letter of credit shall be made on the conditions that the permittee shall:

1. Comply with all provisions of this chapter, applicable laws and ordinances;

2. Comply with all the terms and conditions of the grading permit to the satisfaction of the ~~city engineer~~ City Engineer;

3. Complete all of the work contemplated under the grading permit within the time limit specified in the grading permit, or if no time limit is so specified, the time limit specified in this chapter. The ~~city engineer~~ City Engineer may, for sufficient cause, extend the time specified in the permit, but no such extension shall release the owner or the surety on the bond or person issuing the instrument of credit;

4. Each security shall remain in effect until the completion of the work to the satisfaction of the ~~city engineer~~ City Engineer. (~~Ord. 371 § 1, 2008~~)

18.08.530 Use of securities for work done by city.

In the event of failure to complete the work or failure to comply with all conditions and terms of the grading permit, the ~~city engineer~~ City Engineer may order such work that in his or her opinion is necessary to correct any deficiencies or eliminate any dangerous condition and leave the site in safe, stable and nuisance-free condition to his or her satisfaction. The permittee and the surety executing such bond or person issuing the instrument of credit, letter of credit or making the cash deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the city in causing any and all such work to be done. (~~Ord. 371 § 1, 2008~~)

18.08.540 Release of securities.

A. Cash deposits, bonds, or other security shall be released upon request in writing by the developer when work is complete and approved by the ~~city engineer~~ City Engineer.

B. No security under the provisions of this chapter shall be required from the state, or any of its political subdivisions or any governmental agency. However, a contractor working for the state or any of its political subdivisions or any governmental agency shall present a security for performance unless proof is submitted that the work is covered by a separate and similar security inuring to the benefit of the state or agency. (~~Ord. 371 § 1, 2008~~)

Article V. Grading Operations

18.08.550 Work authorized by permit.

The issuance of a grading permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit, or in the plans and specifications approved by the ~~city engineer~~ City Engineer. The work shall be done in accordance with any conditions imposed by the ~~city engineer~~ City Engineer and in accordance with the requirements

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of this article. Conditions imposed by the ~~city engineer~~City Engineer shall be shown on the grading plans under the heading "General Notes." (~~Ord. 371 § 1, 2008~~)

18.08.560 Responsibility of permittee.

It shall be the responsibility of the permittee to know the conditions and/or restrictions placed on the grading permit and as outlined in applicable sections of this chapter, and as continued on the approved report(s) and to insure that all contractors, subcontractors, employees, agents and consultants are also knowledgeable of the same, and insure that they carry out the proposed work in accordance with the approved plans and specifications and with the requirements of the permit and this chapter. The permittee shall also be responsible to maintain in an obvious and accessible location on the site, a copy of the permit and grading plans bearing the approval of the ~~city engineer~~City Engineer. (~~Ord. 371 § 1, 2008~~)

18.08.570 Contractor qualifications.

A. Every person doing land development shall meet such qualifications as may be determined by the ~~city engineer~~City Engineer to be necessary to protect the public interest. The ~~city engineer~~City Engineer may require an application for qualification which shall contain all information necessary to determine the person's qualifications to do the land development.

B. All land development work shall be performed by a contractor licensed by the state to perform the types of work required by permit. (~~Ord. 371 § 1, 2008~~)

18.08.580 Time of grading operations.

A. All grading operations, including the warming up, repair, arrival, departure or running of trucks, earth moving equipment, construction equipment and any other associated grading equipment shall be limited to the period between seven a.m. to six p.m. each day, Monday through Friday. No earth moving or grading operations shall be conducted on Saturdays, Sundays or holidays recognized by the city without written permission of the ~~city engineer~~City Engineer.

B. No grading shall be allowed between October 15th and the following April 15th on any site when the ~~city engineer~~City Engineer determines that erosion, mud flow or sediment discharge from grading may adversely affect downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements unless an erosion control system approved by the ~~city engineer~~City Engineer has been implemented on the site to the satisfaction of the ~~city engineer~~City Engineer. (~~Ord. 371 § 1, 2008~~)

18.08.590 Temporary suspension of permit.

A. The ~~city engineer~~City Engineer has the authority to temporarily suspend all work on a grading project and suspend the permit by issuing a written stop work order if he or she determines that field conditions present an immediate hazard or danger to life or property; if the work being done is contrary to the approved plans or conditions thereof; if the work being done under a grading permit issued for a subdivision or zoning permit is contrary or conflicting with

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any approved changes and/or modifications made to the originally approved or conditionally approved tentative map or zoning permit subsequent to the issuance of the grading permit; if there is lack of supervision of the grading operation, lack of engineering control, lack of soil engineering control or lack of dust or air pollution control; if archaeological or paleontological artifacts or resources are discovered; or for any other reason which in the ~~city engineer~~City Engineer's opinion, presents a threat to the public safety or welfare immediately, or in the future, or which may cause unstable earth conditions. This temporary suspension shall continue in effect until the hazard or condition is corrected to the satisfaction of the ~~city engineer~~City Engineer.

B. It shall be the responsibility of the owner to furnish any additional information, investigations and reports necessary to resolve the stop work order conditions. The owner shall pay for all work associated with furnishing these items, as well as any additional staff time in resolving the stop work order conditions. ~~(Ord. 371 § 1, 2008)~~

18.08.600 Transfer of responsibilities.

A. If the civil engineer, soil engineer, engineering geologist, landscape architect, the testing agency, or the grading contractor of record are changed during the course of the work, the work shall be stopped until:

1. The owner submits a letter of notification verifying the change of the responsible professional; and

2. The new responsible professional submits in writing that he or she has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional, and that the responsible professional concurs with the findings, conclusions and recommendations and is satisfied with the work performed. The responsible professional must state that he or she assumes all responsibility within his or her purview as of a specified date.

B. All exceptions to subsections A(1) and (2) of this section must be approved by the ~~city engineer~~City Engineer.

C. Where clearly indicated that the firm, not the individual professional, is the contracting party, the designated engineer, architect or geologist may be reassigned and another individual of comparable professional accreditation within the firm may assume responsibility, without complying with the requirements of subsection A(1) and (2) of this section. ~~(Ord. 371 § 1, 2008)~~

18.08.610 Construction of fills.

A. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, and by scarifying to a depth of one foot to provide a bond with the new fill. Where existing slopes exceed five feet in height and/or are steeper than 5:1, the ground shall be prepared by benching into sound bedrock or other competent material as determined by the soil engineer and approved by the ~~city engineer~~City Engineer. The lowermost bench beneath the toe of a fill slope on natural ground shall be a minimum ten feet in width and at least one foot into dense formational materials. The

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ground surface below the toe of the fill shall be prepared for sheet flow runoff, or a paved drain shall be provided.

B. Where fill is to be placed over an existing cut slope, the bench under the toe of the new fill shall be at least fifteen feet wide and shall meet the approval of the soil engineer and/or engineering geologist as a suitable foundation for fill.

C. Expansive Soils. Whenever expansive soils are encountered within three feet of the finish grade of any area intended or designed as a location for a building, the permittee shall cause expansive soil to be removed to a minimum depth of three feet below finish grade and replace with properly compacted, nonexpansive soil.

D. Fill Material. Any organic material shall not be permitted in fills.

E. Except as outlined in subsection F of this section, no rock or similar irreducible materials with a maximum dimension greater than eight inches shall be buried or placed in fills.

F. Unless the engineer properly devises a method of placement, continuously inspects placement and approves the soil stability and competency, the following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal area(s) shall be delineated on the grading plan;

2. Rock sizes greater than eight inches in maximum dimension shall be at least six feet or more below grade, measured vertically, and ten feet measured horizontally from slope faces, and shall be two feet or more below the bottom of any utility pipeline;

3. When the design of the development or covenants and restrictions provide assurance that no structure or utilities will be placed on a precisely definable area, these dimensions may be reduced with the approval of the ~~city engineer~~ City Engineer;

4. Rocks greater than eight inches shall be placed so as to be completely surrounded by soils; nesting of rocks will not be permitted.

G. All fill slopes shall be overfilled to a distance from finished slope face that will allow compaction equipment to operate freely within the zone of the finished slope, and then cut back to the finish grade to expose the compacted core. Alternate methods may be employed by the grading contractor subject to approval by the soil engineer and ~~city engineer~~ City Engineer. In such instances, the grading contractor shall provide detailed specifications for the method of placement and compaction of the soil within a distance of an equipment width from the slope face.

H. Butress/Stabilization Fills. Recommendations for butress fills or stabilization fills by the soil engineer shall be accompanied by a report by the soils engineer or certified engineering geologist setting forth the soil or geologic factors necessitating the butress/stabilization fill, stability calculations based on both static and pseudostatic conditions (pseudostatic loads need not normally be analyzed when bedding planes are flatter than twelve degrees from the horizontal), laboratory test data upon which the calculations are based, the butress/stabilization fill, a scaled section of the butress/stabilization fill and recommendations with details of subdrain requirements.

I. Utility Line Backfill. Backfills for on-site utility line trenches, such as water, sewer, gas and electrical services shall be compacted and tested in accordance with Section 18.08.780(D)

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of this chapter. Alternate materials and methods may be used for utility line backfills provided that the material specification and method of placement are recommended by the soil engineer and approved by the ~~city engineer~~City Engineer prior to backfilling.

J. The final utility line backfill report shall include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use. (~~Ord. 371 § 1, 2008~~)

18.08.620 Lot grading—Safety precautions.

A. At any stage of grading work, whether an approved grading plan, or a grading permit is required, if the ~~city engineer~~City Engineer determines that authorized grading is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course, the ~~city engineer~~City Engineer may specify and require reasonable safety precautions to avoid the danger. The permittee may be responsible for removing excess soil and debris deposited upon adjacent and downstream public or private property resulting from his/her grading operations. Soil and debris shall be removed and damage to adjacent and downstream property repaired as directed by the ~~city engineer~~City Engineer. Erosion and siltation control shall require temporary or permanent siltation basins, energy dissipaters, or other measures as field conditions warrant, whether or not such measures are a part of approved plans. Cost associated with any work outlined in this section shall be incurred by the permittee.

B. No off-site work will be required when, in the opinion of the ~~city engineer~~City Engineer, the permittee has properly implemented and maintained erosion control measures in accordance with the City's BMP Manual and the deposition of soil and debris or erosion on adjacent properties is the direct or indirect result of actions of the downstream property owner. (~~Ord. 371 § 1, 2008~~)

18.08.630 Public protection from hazards.

During grading operations, the contractor and property owner shall take all necessary measures to eliminate any hazard resulting from the work to the public in its normal use of public property or right-of-way. Any fences or barricades installed shall be approved by the ~~city engineer~~City Engineer and shall be properly constructed and maintained. They shall separate the public from the hazard as long as the hazard exists. (~~Ord. 371 § 1, 2008~~)

18.08.640 Public facilities within public rights-of-way.

The following provisions of this section shall apply unless provision is made by a secured agreement pursuant to land development work done in conjunction with the authorized subdivision of property.

A. A property owner shall pay the city for all costs of placing, repairing, replacing or maintaining a city-owned facility within a public right-of-way when the city facility has been damaged or has failed as a result of the construction or existence of the owner's land development work during the progress of such work;

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B. The costs of placing, replacing or maintaining the city-owned facility shall include the cost of obtaining an alternate easement if necessary;

C. The ~~city engineer~~City Engineer shall notify the property owner of such damage or failure as set forth in the provisions of this section. The city may withhold certification of the completion of a building or other permitted work where a notice has been issued. (~~Ord. 371 § 1, 2008~~)

18.08.650 Protection of adjacent property.

A. Notwithstanding the minimum standards set forth in this chapter, the permittee shall be responsible for the prevention of damage to adjacent property and no person shall excavate on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or other public or private property without supporting and protecting such property from settling, cracking or other damage which might result.

B. In addition, each adjacent property owner is entitled to the lateral and adjacent support which his or her land receives from the adjoining land, subject to the right of the property owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his or her lessee intending to permit or to make an excavation greater than ten feet in depth within ten feet of his/her property lines shall give reasonable notice to the owner or owners of land abutting the property lines affected by such excavation, stating the depth for which such excavation is intended to be made and when the excavation will begin;

2. In making any excavation, reasonable care and skill shall be used and reasonable precautions taken to ensure that the soil of adjoining property will not cave in or settle to the detriment of any building or other structure which may be thereon;

3. No land development work shall be approved which physically prevents the use of existing legal or physical and usable (in the opinion of the ~~city engineer~~City Engineer) access to any parcel. (~~Ord. 371 § 1, 2008~~)

18.08.660 Maintenance of protective devices.

The owner of any property on which a fill or excavation has been made pursuant to a grading permit granted under the provisions of this chapter, or any other person or agent in control of such property shall maintain in good condition and repair all retaining walls, cribbing, drainage structures or means, ~~and other protective devices temporary or permanent BMPs, and other protective devices pursuant to Chapter 8.48 of the LGMC or the BMP Manual, or as determined by the city engineer~~City Engineer, and planting shown in the approved plans and specifications or in the as-graded drawings or as required by the grading permit. Facilities dedicated for use by the public and accepted for such use by a public agency are excepted. (~~Ord. 371 § 1, 2008~~)

18.08.670 Protection of utilities.

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A. During grading operations the permittee shall be responsible for the prevention of damage to any public utilities or services.

B. The responsibility applies within the limits of grading and along any routes of travel of equipment.

C. Before starting any excavation work the permittee shall be responsible to contact Underground Service Alert, Incorporated and coordinate the proposed excavation with all interested utility companies, districts and agencies. (~~Ord. 371 § 1, 2008~~)

18.08.680 Debris on public streets.

The California Vehicle Code and this chapter forbid the placing, dumping or depositing of soil and rocks on the public streets or any portion of the public right-of-way. All vehicles engaged in hauling materials under the permit provisions of this chapter shall refrain from depositing soil or debris on the public streets by any means, including, but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of the haul vehicle. The ~~city engineer~~City Engineer may require a cash deposit to insure the cleanup of public streets. (~~Ord. 371 § 1, 2008~~)

18.08.690 Dust control.

The contractor/permittee conducting any earth moving operation under this chapter shall be responsible for controlling dust created by its grading operations or activities at all times. (~~Ord. 371 § 1, 2008~~)

18.08.700 Cleanup.

The permittee conducting any earth-moving operation under this chapter which requires vehicles to haul earth materials on any public street shall be responsible for the complete removal of such materials (soil, mud or other material) from the street, if spilled, dumped or deposited on a public street. If the permittee fails to completely remove such spillage, the ~~city engineer~~City Engineer may order the necessary removal work. The permittee and the surety shall be firmly bound under a continuing obligation for payment of all costs incurred or expended by the city pursuant to Sections 18.08.500 and 18.08.530. (~~Ord. 371 § 1, 2008~~)

18.08.710 Preservation of existing monuments.

All existing survey monuments shall be shown on the grading plan. Evidence indicating that arrangements have been made for the preservation and/or relocation of existing monuments shall be submitted to the ~~city engineer~~City Engineer prior to issuance of a grading permit. (~~Ord. 371 § 1, 2008~~)

18.08.720 Archaeological or paleontological resources.

If any archaeological or paleontological resources are discovered during grading operations, such operations shall cease immediately and the permittee shall notify the ~~city engineer~~City

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Engineer of the discovery. Grading operations shall not recommence until the permittee has received written authority from the ~~city engineer~~City Engineer to do so. (~~Ord. 371 § 1, 2008~~)

Article VI. Supervision, Testing Inspection and Enforcement

18.08.730 City ~~Engineer~~Engineer—Responsibilities.

A. The city engineer shall enforce the provisions of this chapter, except as otherwise provided in this section.

B. The city engineer may establish and implement special inspection requirements and augment his/her resources or expertise as he/she deems necessary to properly inspect a particular grading project. The cost of these special requirements or augmentations shall be paid for by the benefiting permittee.

C. Prior to the approval of any land development work requiring grading plans and specifications, the ~~city engineer~~City Engineer may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

D. After grading permit issuance, but prior to any land development work involving grading, brushing or clearing, there shall be a pre-grading meeting. Prior to pouring curbs and gutters or placement of base materials, there shall be a pre-paving meeting held on the site. The permittee, or his or her agent, shall notify the ~~city engineer~~City Engineer at least two working days prior to the meetings and shall be responsible for notifying all principals responsible for grading and paving related operations.

E. The ~~city engineer~~City Engineer or his or her designee shall inspect the land development project at various stages of work requiring approval and at any more frequent intervals necessary to determine that adequate inspection and testing is being exercised.

F. The ~~city engineer~~City Engineer shall require inspection of work done in connection with land development to insure compliance with the provisions of this chapter and shall release the security when such work is properly completed.

G. The ~~city engineer~~City Engineer shall cause land development being done without a permit to be stopped until a permit has been obtained. The ~~city engineer~~City Engineer may require that such work done without a permit be removed or corrected at the expense of the responsible person. Where land development work involves an embankment improperly constructed or constructed without adequate testing, he or she shall cause such embankment to be reconstructed or, in lieu thereof, order the work stopped and corrected as set forth in Sections 18.08.590 and 18.08.820(D) of this chapter. (~~Ord. 371 § 1, 2008~~)

18.08.740 Liability of city.

A. Neither the issuance of a permit under the provisions of this chapter, nor the compliance with the provisions of this chapter or with any conditions imposed by any city official under this chapter, shall relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor impose any liability upon the city for damage to persons or property.

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B. The ~~city engineer~~City Engineer or an employee duly authorized with the enforcement of this chapter, acting in good faith and without malice for the city in the discharge of these duties, shall not render himself or herself liable personally and is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the ~~city engineer~~City Engineer or employee, because of such act or omission performed by him or her in the enforcement of any provision of this chapter, shall be defended by the legal department of the city until final determination of the proceedings. (~~Ord. 371 § 1, 2008~~)

18.08.750 Supervised or regular grading—Observation required.

A. All grading, except grading for a borrow pit, in excess of two thousand five hundred cubic yards shall be performed under the general observation of and coordination of the civil engineer who signed the grading plans and shall be designated as “supervised grading.”

B. Grading not supervised in accordance with this section shall be designated as “regular grading.”

C. For grading of two thousand five hundred cubic yards or less, the permittee may elect to have the grading performed as either supervised grading or regular grading. (~~Ord. 371 § 1, 2008~~)

18.08.760 Regular grading requirements.

A. The ~~city engineer~~City Engineer shall cause regular grading work to be inspected to the extent he/she deems necessary and shall require inspection of excavations and fills and compaction control by a soil engineer. The grading plan shall be a part of the building permit plan set.

B. The ~~city engineer~~City Engineer shall require sufficient inspection by the soil engineer to assure that the soil engineer has adequately considered all geologic conditions.

C. The soil engineer shall file a report with the ~~city engineer~~City Engineer assuring the compaction and acceptability of all fills. Where potentially expansive soils are present at either cut or fill grade, the soil engineer shall provide written recommendation regarding treatment given or to be given to such soils. (~~Ord. 371 § 1, 2008~~)

18.08.770 Supervised grading requirements.

A. For supervised grading it shall be the responsibility of the civil engineer supervising the grading to supervise and coordinate all field surveys, setting of grade stakes in conformance with the plans, and site inspection during grading operations to assure that the site is graded in accordance with the permit.

B. Soils reports shall be required and geology reports may also be required as specified in Sections 18.08.780, 18.08.790 and 18.08.830. In addition to the copies filed with the ~~city engineer~~City Engineer, copies of such reports shall be sent by the permittee to the civil engineer supervising the grading.

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C. The soil engineer shall make such tests and inspections as necessary to assure that the recommendations given in the preliminary soils engineering report and incorporated in the grading plan, specifications or the permit have been followed, and comply with the requirements of Section 18.08.780. (~~Ord. 371 § 1, 2008~~)

18.08.780 Soil engineer—Observation and testing responsibilities.

A. General. The soil engineer's area of responsibility shall include, but not be limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, design of buttress fills where required and incorporating data supplies by the engineering geologist.

B. Preliminary and final soils reports shall be required as specified in this chapter. During grading all necessary analyses, compaction data, soil engineering and engineering geology recommendations and reports shall be submitted to the client for distribution as required, and a copy of all such documents shall be provided to the ~~city engineer~~ City Engineer.

C. When preliminary soils engineering reports are not required, the ~~city engineer~~ City Engineer may yet require inspection and approval by the soil engineer. The soil engineer's responsibility shall include, but not be limited to, approval of cleared areas and benches to receive fill, the compaction and testing of fills and their inspection and approval. The soil engineer will submit a statement that all embankments under his or her direction have been compacted to a minimum of ninety percent relative compaction percentage approved by the ~~city engineer~~ City Engineer. Prior to the release of building permits for any given lot or lots, the soil engineer shall submit a compaction report to the satisfaction of the ~~city engineer~~ City Engineer as evidence that rough grading has been compacted in accordance with the approved preliminary soils engineering report.

D. Density Testing. All fills shall be compacted to a minimum of ninety percent relative compaction unless a lesser density has been specifically approved by the ~~city engineer~~ City Engineer. Field den-

sity tests shall be performed in accordance with ASTM D1556, or as revised (sand cone test), or equivalent, as approved by the ~~city engineer~~ City Engineer. At least twenty-five percent of the total tests shall be by ASTM D1556 to verify the accuracy of the equivalent method. All such tests shall be reasonably and uniformly distributed within the fill or fill slope surface so that representative results are obtained.

E. At least twenty percent of the field density tests taken shall be located within three feet of the final slope location and at least one density test shall be taken within the outer twelve inches of finished slope face for every five thousand square feet of slope area.

F. Locations of field density tests shall be determined by the soil engineer or approved testing agency, but shall be sufficient in both horizontal and vertical placement to provide representative testing of all fill placed.

G. Field density tests shall be performed on the basis of at least one test for one thousand cubic yards of compacted fill and at least one test for each two feet of fill thickness.

H. Testing in areas of critical nature or special emphasis shall be in addition to a network of representative sampling. Where lower density and very high potential expansion characteristics

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exist, as determined by the soil engineer, lesser compaction may be granted by the ~~city engineer~~City Engineer upon justification and recommendation by the soil engineer.

I. Testing for expansive soil sufficient for each building pad shall be performed on soil within three feet of the finish grade of any land development intended or designed as a location for a building. (~~Ord. 371 § 1, 2008~~)

18.08.790 Engineering geologist—Responsibilities.

The engineering geologist's area of responsibility shall include, but not be limited to, professional inspection and approval of the stability of cut slopes with respect to geological matters, and the need for subdrains or other groundwater drainage devices. The engineering geologist shall report his/her findings to the soil engineer for engineering analysis. (~~Ord. 371 § 1, 2008~~)

18.08.800 Required inspections.

The following inspections by the city shall be required of the items of work listed, at the stage or time indicated. The permittee shall notify the ~~city engineer~~City Engineer at least one working day ahead of the time the work will be ready.

A. Excavation and Fill.

1. Canyon cleanout: after all brush and unsuitable material have been removed and an acceptable base has been exposed, but before any fill is placed;

2. Toe bench and key: after the natural ground or bedrock is exposed and prepared to receive fill, but before fill is placed;

3. Over-excavation: after the area has been excavated but before fill is placed;

4. Excavation: after the excavation is started, but before the vertical depth of the excavation;

5. Fill: after the fill has started, but before the vertical height of the fill exceeds ten feet and every ten-foot interval thereafter.

B. Concrete or Guniting Drainage Devices.

1. Cross gutter:

a. Subgrade: after the subgrade is prepared and required reinforcement placed,

b. Concrete during concrete placement;

2. Curb and gutter (private property):

a. Subgrade: after subgrade is made, forms in place, with required reinforcement,

b. Concrete: during concrete placement;

3. Terrace drains, down drains, brow ditches and all over-paved drainage devices:

a. Subgrade: after grade is made but prior to placement of welded wire mesh or reinforcing steel,

b. Reinforcement: after thickness control wire and reinforcing steel or welded wire are in place,

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c. Concrete: during concrete or gunite placement.

C. Drainage Devices other than Concrete or Gunite.

1. Subdrains:

a. After excavation but prior to placement of filter material and pipe. The subdrain pipe and filter material shall be on-site for inspection,

b. After filter material and subdrain have been placed but prior to covering with backfill;

2. Storm drains and inlets:

a. After placement of storm drains, but prior to covering with backfill;

b. After placement of inlet forms but prior to pouring concrete;

3. Earth swales: prior to rough grading approval.

D. Rough Grading. An inspection will be made when all rough grading has been completed. This inspection may be called for at the completion of rough grading after the ~~city engineer~~ City Engineer has reviewed and approved the required reports and the civil engineer has submitted the written report required by Section 18.08.830(A)(1)(c) indicating substantial conformance to line and grade.

A building permit will not be issued until rough grading has been approved and receipt of the final soils report required by Section 18.08.830(A)(2)(a) and the report required by Section 18.08.830(A)(2)(d).

E. Irrigation.

1. Pipe Lines and Control Valves. During installation of main and lateral lines, inspections shall be made to assure continuous support of all pipe, properly assembled fittings and valve installation, as well as proper backfill procedures.

2. Coverage Test. When the irrigation system is completed, a coverage test shall be performed in the presence of the ~~city engineer~~ City Engineer or appointed inspector.

F. Planting.

1. General Soil Preparation. After the finish grade has been established and appropriate drainage is accomplished, incorporation of amendments shall be inspected. Amendment material shall be approved prior to import. Material invoices and/or licensed weighmaster's certificates may be required.

2. Plant Pit Preparation. During the preparation of all plant pits, inspections shall confirm standard procedures are followed to maximize the promotion of healthy root development. Material invoices may be required.

3. Staking and/or Guying Procedures. Upon completion of planting, all nursery stakes directed to be removed, and proper staking and/or guying practices shall be accomplished. Inspection of procedures will confirm compliance.

G. Erosion Control ~~Facilities~~ Measures (~~Rainy season: October 15th through April 15th~~).

1. After excavation of desilting basins but prior to fill placement, prefabricated devices are to be available on-site for inspection;

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2. After fill placement for desilting basins but prior to placement of concrete or other non-erosive materials;

3. After completion of an erosion control system in accordance with an approved erosion control plan and the requirements of the ~~city engineer~~ City Engineer.

H. Final Inspection. A final inspection by the city shall be made when all work including installation of all drainage structures, irrigation, slope planting and other protective devices, has been completed and all written professional approvals, certifications and the required reports and as-graded drawings have been submitted. (~~Ord. 371 § 1, 2008~~)

18.08.810 Notification of noncompliance.

If, in the course of fulfilling responsibility under this chapter, the ~~city engineer~~ City Engineer, the soil engineer, the engineering geologist, or the testing agency finds that the land development work is not being performed in accordance with approved plans, specifications or this chapter, the discrepancies shall be reported immediately in writing to the grading contractor, the property owner, and the ~~city engineer~~ City Engineer. Recommendations for corrective measures shall be submitted for approval by the ~~city engineer~~ City Engineer. (~~Ord. 371 § 1, 2008~~)

18.08.820 Stopping and correction of work.

A. Whenever the ~~city engineer~~ City Engineer determines that any work does not comply with the terms of a permit, or this chapter, or that the soil or other conditions are not as stated on the permit, or that work is being improperly, or in a hazardous manner, he or she may order the work stopped by notice in writing served on any persons engaged in doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the ~~city engineer~~ City Engineer to proceed with the work. See also Section 18.08.600 of this chapter for related provisions.

B. Whenever any work on which city inspections are required is covered or concealed by additional work without first having been inspected, the ~~city engineer~~ City Engineer may require, by written notice, that such work be exposed for examination. The work of exposing and recovering shall not entail or be subject to expense by the city.

C. If the ~~city engineer~~ City Engineer finds the soil or other conditions not as stated in the approved plans and geotechnical reports or in additional information which was required for issuance of the grading permit, he or she may issue a stop work order until approval is obtained for a revised grading plan which will conform to the conditions existing at the site.

D. Work may be resumed and the stop order shall be rescinded upon the ~~city engineer~~ City Engineer's determination that conditions have changed, corrections have been made, or the cause or actions which required a stop order have been acceptably remedied or alleviated to his or her satisfaction. (~~Ord. 371 § 1, 2008~~)

18.08.830 Completion of work.

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A. Final Reports. Upon completion of the rough grading work or at the final completion of the land development work under the grading permit, but prior to approval of the grading securities or issuance of a notice of completion or certificate of use and occupancy:

1. The responsible civil engineer shall submit to the ~~city engineer~~ City Engineer:

a. A certification letter stating that the grading was done per the approved plan or an as-graded version of the grading plan (as-graded drawings) prepared, signed and dated by the responsible civil engineer which shall include original and "as-graded" ground surface elevations, pad elevations, slope ratios, and elevations and locations of all surface and subsurface drainage facilities, location and scaled sections of all buttress/stabilization and fills, subdrains and general location and depth of all areas of removal of unsuitable soil.

b. The as-graded drawings submitted by civil engineer shall include the landscape and irrigation sheets of grading plan showing the as-built landscape and irrigation works. The civil engineer shall work directly with the landscape architect to complete these as-built drawings.

c. Prior to issuance of a building permit, a written statement (rough grading report) signed by the civil engineer reporting that the site is rough graded in conformance with the approved grading plan, as modified or amended by any construction changes approved by the ~~city engineer~~ City Engineer, and which specifically states the following items were performed under his or her supervision, and are shown correctly on the as-graded drawings:

i. Staking of line and grade for all engineered drainage devices and retaining walls (rough and final grading);

ii. Staking of property corners for proper building and slope location (rough grading);

iii. Location of permanent walls or structure on property corners or property lines;

iv. Location and slope ratio of all manufactured slopes;

v. Construction of earthen berms and positive building pad drainage.

2. The soil engineer shall submit to the ~~city engineer~~ City Engineer:

a. A final soils engineering report prepared by the soil engineer, including type of field testing performed, compaction reports, suitability of utility trench and retaining wall backfill, summaries of field and laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the preliminary soils engineering report. Each field density test shall be identified, located on a plan or map, the elevation of the test, and the test method of obtaining the in-place density described; either ASTM D1556-78 or the approved equal shall be so noted; daily reports from the soils tech should be included;

b. Written approval as to the adequacy of the site for the intended use as affected by geologic factors, a statement of compliance to finish slope heights and gradients, and when required by the ~~city engineer~~ City Engineer, shall submit an as-graded geologic map;

c. The utility line backfill report required by Section 18.08.610(J);

d. A final geological report or certification by a certified engineering geologist indicating that all geologic problems identified in the engineering geological report have been addressed.

B. Notification of Completion and Certificate of Completion. The permit holder or agent shall notify the ~~city engineer~~ City Engineer when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage

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facilities and their protective devices, required irrigation system installed protective devices, required planting, and all erosion control measures have been completed in accordance with the final approved grading plan and the as-graded drawings, required reports and statements of compliance consistent with this section and Chapter 18.44 have been submitted. (~~Ord. 387 § 3, 2010; Ord. 371 § 1, 2008~~)

18.08.840 Violation—Misdemeanor.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Each such person, firm or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violations of any provisions of this chapter are permitted, continued or committed by such person, firm or corporation and shall be punishable therefor as provided in Chapter 1.12 of this code. (~~Ord. 371 § 1, 2008~~)

18.08.850 Violations—Public nuisance.

Notwithstanding the provisions of this chapter, any grading done contrary to the provisions of the chapter is also a public nuisance. Upon order of the city council, the city attorney is authorized to commence necessary proceedings provided by local or state law to abate, remove and/or enjoin such public nuisance. Any grading done without graders first having obtained a grading permit thereof, regardless of whether such failure is due to neglect or refusal, shall be prima facie evidence that a public nuisance has been committed. To implement this section, the city attorney may proceed as in a civil or criminal penalty procedure. The civil remedy may be before a court within the local jurisdiction of the city or may be an adjudicatory hearing before the city council. (~~Ord. 371 § 1, 2008~~)

18.08.860 Denial of further permits.

Notwithstanding the provisions of Sections 18.08.830 and 18.08.840, any grading done contrary to the provisions of this chapter shall result in denying issuance of any further permits involving development and use of the property up to a maximum of three years. In addition, depending on the time required to resolve the grading violation, the city may record with the court recorder, notice of grading violation and denial of issuance of any further permits. (~~Ord. 371 § 1, 2008~~)

18.08.870 Lot grading—Responsibility of permittee—Protection of adjacent property.

A. For all public watercourses, the applicant shall grant or cause to be granted to the city, at the ~~city engineer~~City Engineer's discretion, a drainage easement (riparian buffers and corridors) in accordance with the requirements of the ~~city engineer~~City Engineer prior to the issuance of a grading permit, or prior to the approval of a grading plan.

B. For all private watercourses, including brow ditches, where the continuous functioning of the drainage way is essential to the protection and use of multiple properties, a covenant, a maintenance agreement and/or deed restriction shall be recorded by the applicant, placing the responsibility for the maintenance of the drainage way(s) on the property owners of record of

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each respective lot affected. Permanent off-site drainage or flowage easements, as required by the ~~city engineer~~City Engineer, shall be acquired by the applicant. Such easements shall be subject to approval by the ~~city engineer~~City Engineer and recorded prior to approval of the grading plan, or issuance of a grading permit.

C. No man-made dams, ponds, diversions, flow decelerators or excessive vegetation shall be placed, allowed to be placed, or allowed to grow within the property subject to an approved grading plan, or a grading permit, without suitable provisions, as approved by the ~~city engineer~~City Engineer, for maintenance. Erosion or siltation as a result of these features shall be the sole responsibility of the property owner.

D. The permittee has the right to the proper discharge of natural drainage, within the provisions of this division, into natural drainage courses. The quantity of peak runoff shall be limited to the quantity of peak runoff of predevelopment conditions. This includes the right to discharge, within natural basins, runoff due to decrease of permeability of the property from grading operations, landscaping, and the construction of improvements and to discharge a reasonable silt load in this runoff comparable to the historic, predevelopment condition. (~~Ord. 371 § 1, 2008~~)

18.08.880 Establishment of permanent vegetation.

A. The face of all cut and fill slopes, in excess of three feet in vertical height, but only final slopes of any borrow pit, shall be planted and maintained with a ground cover or other planting to protect the slopes against erosion and instability. Planting shall commence as soon as slopes are completed on any portion of the site and shall be established upon all slopes prior to the final approval of the grading. In order to minimize the period during which a cut or filled surface remains exposed, such planting shall provide for rapid short-term coverage of the slope as well as long-term permanent coverage. Planting materials and procedures shall conform to regulations adopted by the ~~city engineer~~City Engineer. Other plant materials as specified by a landscape architect may be approved by the ~~city engineer~~City Engineer. The permittee shall maintain such planting until it is well established as determined by the ~~city engineer~~City Engineer.

B. Minimum Requirements. In addition to planting with ground cover, slopes in excess of fifteen feet in vertical height shall be planted with shrubs in two and one-quarter inch pots or trees having a one gallon minimum size at ten feet on center in both directions on the slope. The plant and planting pattern, but not the quantity, may be varied upon the recommendation of landscape architect and approval by the ~~city engineer~~City Engineer.

C. Where cut slopes are not subject to erosion due to their rocky character or where the slopes are protected with pneumatically applied concrete mortar or otherwise treated to protect against erosion and instability to the satisfaction of the ~~city engineer~~City Engineer, the requirement of this section may be waived by the ~~city engineer~~City Engineer. (~~Ord. 371 § 1, 2008~~)

18.08.890 Preservation of natural hydrologic features, riparian buffers and corridors.

All natural hydrologic features and riparian buffer zones and corridors must be preserved to eliminate or minimize runoff from construction sites. Polluted runoff generated in construction

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sites should be treated to maximum extent practicable prior to discharge into the said features. (~~Ord. 371 § 1, 2008~~)

18.08.900 General construction permit requirements.

A. Dischargers required to comply with the Sstate construction general stormwater permit shall maintain on site and make available for inspection on request by the city any state-issued waste discharge identification number ("WWDID") for the site, and a copy of the notice of intent ("NOI") filed with the State Water Resources Control Board pursuant to that permit.

B. Dischargers required to prepare a SWPPP under the sState general construction storm water permit must prepare the SWPPP, implement the SWPPP and maintain it at the site, readily available for review. Failure to comply with an applicable state-required SWPPP is a violation of this chapter.

C. Dischargers required to conduct monitoring under the Sstate construction general storm water permit must conduct such monitoring in conformance with requirements specified by the state, retain records of such monitoring on site, and make such records available for inspection by an authorized enforcement official or authorized enforcement staff. (~~Ord. 371 § 1, 2008~~)

18.08.910 Penalties.

A. Administrative Penalties. Administrative penalties may be imposed pursuant to the Lemon Grove Municipal Code. Any later-enacted administrative penalty provision in the code shall also be applicable to violations of this chapter, unless otherwise provided therein.

B. Misdemeanor Penalties. Non-compliance with any part of this chapter may be charged as a misdemeanor and may be enforced and punished as prescribed in the Penal Code and Government Code of the state of California, and the Lemon Grove Municipal Code.

C. Penalties for Infractions. Any violation of this chapter may be charged as an infraction at the discretion of the prosecutor. Infractions may be abated as a nuisance or enforced and punished as prescribed in this code, Penal Code and Government Code of the state of California.

D. For Civil Actions. In addition to other penalties and remedies permitted in this chapter, a violation of this chapter may result in the filing of a civil action by the city. Except where a maximum monetary amount is specified, the following may also be awarded without monetary limitations in any civil action:

1. Injunctive relief;
2. Costs to investigate, inspect, monitor, survey, or litigate;
3. Costs to place or remove soils or erosion control materials, costs to correct any violation, and costs to restore environmental damage or to end any other adverse effects of a violation;
4. Compensatory damages for losses to the city or any other plaintiff caused by violations; and/or restitution to third parties for losses caused by violations;
5. Civil penalties;

Attachment B

6. Reasonable attorney fees; and
7. Fines assessed against the city by the RWQCB.

As part of a civil action filed by the city to enforce provisions of this chapter, a court may assess a maximum civil penalty in accordance with the general penalty clause as set forth in Section 1.12.010 of this code, or any other penalty adopted by the city, but in any case to be assessed per violation of this chapter for each day during which any violation of any provision of this chapter is committed, continued, permitted or maintained by such person(s).

In determining the amount of any civil liability to be imposed pursuant to this chapter, the court shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether any discharge caused the violation is susceptible to cleanup or abatement, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation, and such other matters as justice may require.

E. Penalties and Remedies Not Exclusive. Penalties and remedies under this section may be cumulative and in addition to other administrative, civil or criminal remedies. (~~Ord. 371 §-1,~~ 2008)

Attachment B

Exhibit 2

Stormwater Best Management Practices Manual

City of Lemon Grove

Stormwater Best Management Practices Manual



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1 Introduction

1.1 Stormwater Best Management Practices (BMPs) Manual

This Stormwater BMP Manual (Manual) is to be used in conjunction with the City of Lemon Grove (City) Stormwater Management and Discharge Control Ordinance (Stormwater Ordinance), codified as Lemon Grove Municipal Code (LGMC) Chapter 8.48, and the water quality protection provisions of the Excavation and Grading Ordinance, codified as LGMC Chapter 18.08. This Manual is not a stand-alone document, but must be read in conjunction with other parts of the Stormwater Ordinance and the Grading and Excavation Ordinance (collectively, "Ordinances"). In general, this Manual sets out in more detail, by project category, what Dischargers must do to comply with the Ordinances and to receive permits for projects and activities that are subject to the Ordinances. The Manual and the Ordinances have been prepared to provide the City with the legal authority necessary to comply with the requirements of San Diego Regional Water Quality Control Board (RWQCB) Order No. R9-2013-0001, as amended by Order No. R9-2015-0001 (Municipal Permit).

1.2 Purposes

The purposes of this Manual are to establish clear minimum stormwater management requirements and controls, and to support the following objectives stated in Section 8.48.010 of the Stormwater Ordinance:

- To establish requirements for discharges into the MS4, receiving waters, and the environment;
- To protect, to the maximum extent practicable (MEP), life, property, receiving waters, aquatic life, and the environment from loss, injury, degradation, or damage by discharges from within the City's jurisdiction;
- To protect the MS4 from damage; and
- To meet the requirements of state and federal law and the MS4 Permit.

1.3 BMP Manual Document Outline

Section 1, Introduction, provides a brief discussion of the intended use and purpose of the Manual, and includes the document outline.

Section 2, BMP Requirements, presents the minimum BMP requirements for construction sites; post-construction sites; industrial, commercial and municipal sites/sources; and residential sites/sources.

Section 3, Enforcement Response Plan, presents enforcement actions performed by the City that address Stormwater Ordinance violations by different types of entities.

2 Minimum BMP Requirements

The City's minimum BMP requirements for construction sites; post-construction sites; industrial, commercial and municipal facilities; and residential properties are described in this section. Wherever BMP requirements reference "where applicable," "where feasible," or similar terms that involve discretion, the final determination shall be made by the Authorized Enforcement Official. Lemon Grove Municipal Code Chapter 8.48 defines "Authorized Enforcement Official" as follows: "the City Manager of the City of Lemon Grove or any designee of the City Manager of the City of Lemon Grove who is responsible for enforcing the provisions of this chapter, including but not limited to, the directors, their management staff and designees." References to "CASQA Factsheets" refer to factsheets in manuals prepared by the California Stormwater Quality Association (CASQA). CASQA materials can be accessed at www.casqa.org. Some materials are available for free, and others require paying for access.

2.1 Construction

Table 1 below presents the minimum BMPs required for construction sites within the City's jurisdiction. Types of BMPs include project planning, erosion control, sediment control, good site management ("housekeeping"), and non-stormwater management. Following Table 1 are additional BMP requirements for sediment and erosion control, maximum disturbed area and advanced treatment methods.

Table 1. Minimum BMPs for Construction Sites¹

BMP Type	Minimum Required BMPs ²	CASQA Factsheet
Project Planning	Preservation of existing vegetation	EC-2
	Minimization of areas that are cleared and graded to only the portion of the site that is necessary for construction	-
	Minimization of exposure time of disturbed soil areas (with a maximum area of 17 acres or to the alternate maximum area approved by the City in writing)	EC-1
	Minimization of grading during the wet season and correlation of grading with seasonal dry weather periods to the extent feasible	EC-1

¹ Construction sites that are subject to the State Water Resources Control Board's (SWRCB) Construction General Permit (Order No. 2012-0006-DWQ) (CGP) must also adhere to the BMP requirements of the CGP. The minimum BMPs listed within this section are required for all construction sites within the City's jurisdiction, unless otherwise stated. Some requirements may only apply to sites required to obtain a City grading permit.

² All BMPs in this table must be implemented, where applicable. For categories of BMPs marked as "(select at least one)," the responsible party is not required to implement all BMPs in the category but must implement at least one of the BMPs in the category.

Table 1. Minimum BMPs for Construction Sites (Continued)

BMP Type	Minimum Required BMPs²	CASQA Factsheet
Erosion Control	Temporary stabilization and permanent re-vegetation or landscaping as early as feasible	EC-1
	Preservation of existing vegetation	EC-2
	Physical Stabilization (select at least one) - Hydraulic Mulch - Hydroseeding - Soil Binders - Straw Mulch - Geotextiles, Plastic Covers, and Erosion Control Blankets/Mats	EC-3 EC-4 EC-5 EC-6 EC-7 EC-8
	Site Drainage (select at least one) - Earth Dikes/Drainage Swales - Energy Dissipater/Outlet Protection - Slope Drains	EC-9 EC-10 EC-11
Sediment Control	Perimeter Protection (select at least one) - Silt Fence - Gravel Bag Berm - Fiber Rolls	SE-1 SE-6 SE-5
	Sediment Capture (select at least one) - Sediment/Desilting Basin³ - Storm Drain Inlet Protection - Sediment Trap - Gravel Bag Barrier - Straw Barrier	SE-2 SE-10 SE-3 SE-8 SE-9
	Sediment Tracking - Stabilized Construction Entrance/Exit - Construction Road Stabilization - Entrance/Exit Tire Wash - Street Sweeping	TC-1 TC-2 TC-3 SC-7
Good Site Management, "Housekeeping"	Vehicle and Equipment Management - Cleaning - Fueling - Maintenance	NS-8 NS-9 NS-10
	Materials Management - Material Delivery and Storage - Material Use - Stockpile Management - Spill Prevention and Control	WM-1 WM-2 WM-3 WM-4

³ Desilting basins must be designed in accordance with CASQA standards, or other recognized standard approved by the City Engineer. If the project is one acre or greater, the de-silting basin must be designed in accordance with the current CGP.

Table 1. Minimum BMPs for Construction Sites (Continued)

BMP Type	Minimum Required BMPs²	CASQA Factsheet
	Waste Management • Solid Waste • Hazardous Waste • Contaminated Soil • Concrete Waste • Sanitary Waste • Liquid Waste	WM-5 WM-6 WM-7 WM-8 WM-9 WM-10
Non-Stormwater Management	• Water Conservation Practices • Dewatering Operations • Paving and Grinding • Potable Water/Irrigation and Flushing	NS-1 NS-2 NS-3 NS-7

2.1.1 Additional Erosion and Sediment Control Requirements

In addition to the minimum BMPs listed in Table 1, construction projects are also required to comply with the following requirements:

1. The faces of cut-and-fill slopes and the project site shall be prepared and maintained to control against erosion. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval of the City Engineer.
2. Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, cribbing, riprap, or other devices or methods as approved by the City Engineer, shall be employed to control erosion, prevent discharge of sediment, and provide safety.
3. Temporary desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety percent of maximum density. A gravel bag or plastic spillway must be installed for overflow, as designed by the engineer of work, to avoid failure of the earthen dam. A soils engineering report prepared by the soils engineer, including the type of field-testing performed, location and results of testing shall be submitted to the City Engineer for approval upon completion of the desilting basins.
4. Desilting facilities shall be provided at drainage outlets from the graded site, and shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow reasonable settlement of suspended particles.
5. Desilting basins shall be constructed around the perimeter of projects, whenever feasible, and shall provide improved maintenance access from paved roads during wet weather. Grading cost estimates must include maintenance and ultimate removal costs for temporary desilting basins.

6. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading.
7. An approved “weather triggered” response plan is mandated for implementation in the event that a predicted storm event has a fifty percent chance of rain. The proponent must have the capacity to deploy the standby BMPs within forty-eight hours of the predicted storm event;
8. All removable protective devices shown shall be in place at the end of each working day when there is a fifty percent chance of rain within a forty-eight hour period. If the developer does not provide the required installation or maintenance of erosion control structures within two hours of notification at the twenty-four hour number on the plans, the City Engineer may order city crews to do the work or may issue contracts for such work and charge the cost of this work along with reasonable overhead charges to the cash deposits or other instruments implemented for this work without further notification to the owner. No additional work on the project except erosion control work may be performed until the full amount drawn from the deposit is restored by the developer.
9. At any time of year, an inactive site shall be fully protected from erosion and discharges of sediment. Flat areas with less than five percent grade shall be fully covered unless sediment control is provided through desiltation basins at all project discharge points. A site is considered inactive if construction activities have ceased for a period of 14 or more consecutive days.

2.1.2 Maximum Disturbed Area for Erosion Controls

Cleared or graded areas left exposed at any given time are limited to the amount of acreage that the discharger can adequately protect prior to a predicted storm event or 17 acres, whichever is smaller, unless the disturbance of a larger area is approved in writing by the City Engineer. In the event that a discharger requests approval to disturb an area greater than 17 acres, the discharger shall first submit to the City Engineer written documentation describing how it ensures that it reduces discharges of pollutants to the maximum extent practicable and prevents discharges of pollutants that would cause or contribute to violations of water quality standards despite the larger disturbed area.

2.1.3 Advanced Treatment Methods

For the majority of the construction sites within the City’s jurisdiction, the minimum required BMPs, if correctly installed and maintained, should adequately control sediment discharges from the site. However, if it is determined that a site possesses characteristics that could result in standard construction BMPs being ineffective in the treatment of sediment, thus resulting in an exceptional threat to water quality (TTWQ), advanced treatment will be required. A site is considered to be an exceptional TTWQ if it meets ALL of the following criteria:

- The site, or a portion of the site, is located within or adjacent to (within 200 feet) a receiving water body listed on the Clean Water Act Section 303(d) List of Water Quality Limited Segments as impaired for sedimentation or turbidity;
- Disturbance is greater than five acres, including all phases of the development;
- Disturbed slopes are steeper than 4:1 (horizontal: vertical) and higher than 10 feet that drain toward the 303(d) listed receiving water body;
- Contains a predominance of soils with U.S. Department of Agriculture – Natural Resources Conservation Service Erosion factors *K* greater than or equal to 0.4.

Alternatively, applicants may perform a Revised Universal Soil Loss Equation or Modified Universal Soil Loss Equation analysis to prove to the City Engineer's satisfaction that advanced treatment is not required.

Treatment effluent water quality shall meet or exceed the water quality objectives for turbidity and any other parameter deemed necessary by the City as listed in the *Water Quality Control Plan for the San Diego Basin for Inland Surface Water and Lagoons and Estuaries (2007)* for the appropriate hydrologic unit.

Additionally, the City may require advanced treatment for sites that have a record of noncompliance with the City's construction BMP requirements, regardless of if they meet the above criteria. For projects where advance treatment is required, the applicant must submit the design, operations and maintenance schedule, monitoring plan, and certification of training of staff to the satisfaction of the City.

2.2 Post-Construction

This section includes post-construction minimum BMP requirements. These BMPs include, but are not limited to, site design, source control, and treatment control BMPs.

2.2.1 Notice Regarding Upcoming Changes to Requirements

The City will be adopting updated post-construction BMP requirements for development projects to meet the requirements of the Municipal Permit. Those new requirements are anticipated to go into effect in December 2015. All projects that do not have prior lawful approval at the time the new requirements become effective must be designed to meet the new requirements. Portions of a plan that, at the time a complete application is submitted, is subject to further environmental review pursuant to Section 15162 of the California Environmental Quality Act, are considered not to have prior lawful approval. Please consult with City Engineering staff if you believe your project may be subject to the new requirements.

2.2.2 Current Requirements

The following post-construction minimum BMPs are required for all land development and redevelopment projects. For projects that are Priority Development Projects (PDPs), as defined in LPMC Chapter 8.52, the requirements of Chapter 8.52 must also be met.

Whether a permit or approval is required or not, and whether a post-construction stormwater management plan is required to be submitted or not, all dischargers engaged in land development or significant redevelopment activities in the City shall implement post-construction BMPs in the following areas if applicable to the project:

1. BMPs for permanent control of erosion from slopes. These BMPs can include structures to convey runoff safely from the tops of slopes, vegetation or alternative stabilization of all disturbed slopes, the use of natural drainage systems to the MEP, flow and velocity controls upstream of sites; and stabilization or permanent channel crossings, unless the crossing is not publicly accessible and is not frequently used.
2. BMPs to control flows, velocity and erosion. These BMPs can include but are not limited to the use of energy dissipaters, such as riprap, at the outlets of storm drains, culverts, conduits or lined channels that enter unlined channels to minimize erosion; installation of retention or equalization basins, or other measures. Flow control and downstream erosion protection measures shall prevent any significant increase in downstream erosion as a result of the new development, but shall not prevent flows needed to sustain downstream riparian habitats or wetlands.
3. Pollution prevention and source control BMPs, to minimize the release of pollutants into stormwater.
4. Site design BMPs, such as impervious surface minimization; and appropriate use of buffer areas to protect natural water bodies.
5. Site planning BMPs, such as siting and clustering of development to conserve natural areas to the extent practicable.
6. The installation of storm drain tiles or concrete stamping, and appropriate signage to discourage illegal discharges.
7. BMPs for trash storage and disposal and materials storage areas.
8. Structural BMPs to treat and/or to infiltrate stormwater where a development project would otherwise cause or contribute to a violation of water quality standards in receiving waters. Offsite structural BMPs may be used for treatment and infiltration necessary to meet water quality standards only if the conveyance of runoff to those facilities prior to treatment will not cause or contribute to an exceedance of water quality standards, or deprive wetlands or riparian habitats of needed flows. Offsite facilities shall not substitute for the use of any onsite source control BMPs required by this BMP Manual.
9. When an infiltration BMP is used, related BMPs set out in this BMP Manual (including but not limited to siting constraints), to protect present uses of groundwater, and future uses of that groundwater as currently designated in the applicable RWQCB basin plan.

(Discharges to infiltration BMPs may also require an RWQCB permit, and additional State requirements may also be applicable to these discharges).

10. Other applicable BMPs required by the manual.
11. Natural BMPs, such as constructed wetlands, grassed swales, biofilters, wet ponds, and vegetated filter strips, shall be utilized whenever practicable for post-construction BMPs that are proposed by a discharger.

2.3 Industrial, Commercial and Municipal

Table 2 below presents the minimum required BMPs for industrial, commercial and municipal sites and sources. BMP categories include Discharge Control, Erosion and Sediment Control, Good Housekeeping, Material Storage and Handling, Pesticide and Fertilizer Management, Outdoor Work Areas, Spill Prevention and Response, and Waste Management.

Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
Discharge Control			
1	Eliminate illegal connections to the storm drain system.	Illegal connections are man-made physical connections to the storm drain system that convey an illegal discharge. Find and abate all illegal connections to the storm drain system through properly approved procedures, permits, and protocols.	SC-10, SC-44
2	Eliminate illegal non-stormwater discharges.	Non-stormwater (water other than rain) shall not be discharged to the City of Lemon Grove's (City) storm drain system. To eliminate illegal discharges, do not allow any solid or liquid material except uncontaminated stormwater to enter City storm drains, curb gutters along City streets, or any other part of the City's storm drain system. Non-stormwater discharged to the storm drain system as a result of emergency or non-emergency ⁴ firefighting activities, both emergency and non-emergency activities, is considered an illegal discharge if the City or the Regional Water Quality Control Board, San Diego region (RWQCB) identifies the discharge as a significant source of pollutants to receiving waters. Other limited exceptions may apply.	SC-10, SC-11, SC-44

⁴ During emergency situations, priority of fire fighting efforts is directed toward life, property, and the environment (in descending order). The City's minimum BMPs should be implemented when feasible, but should not interfere with immediate emergency response operations or impact public health and safety.

Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
3	Properly dispose of process and wash water.	All process water and wash water shall be contained, captured, and reused, or properly disposed of to the sanitary sewer, an appropriate waste hauler, or to landscaping or other pervious surfaces.	SC-10, SC-41 ⁵
4	Eliminate the discharge of vehicle and equipment wash water.	This BMP is applicable to all industrial, commercial, and municipal facilities and activities, regardless of whether the activity is conducted by the facility owner/operator, lessee, contractor, or other persons. Water associated with washing activities shall not be allowed to enter City storm drains, curbs and gutters, or any other part of the City's storm drain system. When washing is conducted outside permanent designated wash areas, all wash water must be contained, captured, and disposed of appropriately. Designated washing areas may consist of a container, a berm, or a liner to collect and contain liquids and prevent runoff. Use of a control nozzle or similar mechanism is required to maximize control over the quantity of water used. Allowing contained water to evaporate is an acceptable method of disposal only if any remaining residue is removed to prevent future pollutant discharges. Captured wash water may be disposed through the sanitary sewer system with the approval of the Lemon Grove Sanitation District. Contact the Lemon Grove Sanitation District at (619) 825-3810 for approval of any discharges to the sanitary sewer system; businesses are responsible for obtaining necessary permits. Wash water containing oil, paint, or other hazardous waste should be disposed of properly in accordance with applicable regulations. If only biodegradable soaps and uncontaminated water are used, wash water may be directed to onsite landscaped or pervious area(s) to infiltrate or evaporate, without resulting in erosion or runoff to the storm drain system or any adjacent property. This can be accomplished by washing the vehicle on a landscaped area or using a berm to direct wash water to a landscaped area.	SC-10, SC-21

⁵ Factsheet SC-41 - Building & Grounds Maintenance, states (in regards to pressure washing), "If soaps or detergents are not used, and the surrounding area is paved, wash runoff does not have to be collected but must be screened. Pressure washers must use filter fabric or some other type of screen on the ground and/or in the catch basin to trap the particles in wash water runoff." Non-stormwater discharges of this nature, even if filtered, are not allowed to enter the storm drain system. Wash water must be contained, collected, and disposed of properly.

Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
5	Properly dispose of water from fire sprinkler maintenance activities.	Fire sprinkler system discharges containing corrosion inhibitors, fire suppressants, or antifreeze shall be disposed through the sanitary sewer system, not the storm drain system. Fire sprinkler system discharges without corrosion inhibitors, fire suppressants, or antifreeze shall be disposed through the sanitary sewer, if practicable. When not practicable to discharge to the sanitary sewer system due to the presence of prohibited contaminants, the water shall be collected and disposed of by an appropriately certified party. When not practicable to discharge to the sanitary sewer system for reasons other than the presence of prohibited contaminants, the water shall not be discharged unless adequate precautions have been taken to prevent the transport of pollutants to the storm drain system.	SC-10, SC-41
6	Eliminate irrigation runoff.	Irrigation runoff to the storm drain system shall be eliminated through proper landscape maintenance and watering practices. All irrigation water and associated pollutants from nurseries, garden centers, and similar facilities shall be prevented from reaching City storm drains, curb gutters along City streets, or any other part of the City's storm drain system.	SC-10 ⁶ , SC-41
7	Properly dispose of discharges from swimming pools, spas, fountains, reflective pools, ponds, and filter backwash.	Swimming pool, spa, fountain, reflective pool, pond, and filter backwash water shall be properly disposed of to prevent pollutants from entering the storm drain system. Discharges from swimming pools and spas to the storm drain system are allowed only if the water is dechlorinated, has a pH level in the 7-8 range, is within ambient temperature, has no algae or suspended solids, and is not saline. Other discharges, such as from filter backwash, fountains, reflective pools, ponds, saline swimming pools, or other sources, are prohibited from entering the storm drain system.	SC-10, BG-63 ⁷

⁶ Factsheet SC-10 – Non-Stormwater Discharges states that “landscape irrigation drainage and landscape watering” may be discharged to the storm drain with conditions; however, in accordance with the Municipal Permit and the City’s Stormwater Ordinance, no irrigation runoff may be discharged to the City’s storm drain system.

⁷ Factsheet BG-63 – Mobile Cleaning – Swimming Pools & Spas states that discharges from swimming pools and spas to the storm drain system are not permitted; however, discharges of this nature are permitted if the conditions described in BMP 7 are met.

Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
8	Control air conditioning condensation discharges.	Air conditioning condensation discharges shall be controlled from reaching City storm drains, curb gutters along City streets, or any other part of the City's storm drain system and are prohibited from entering the City's storm drain system unless the following BMPs are followed in order. 1. Air conditioning condensation should be directed to the sanitary sewer if allowed. Contact the Development Services' Building Division at (619) 825-3847 to obtain a building permit to direct the condensation to the sanitary sewer system. 2. Air conditioning condensation discharges should be directed to onsite landscaped or pervious area to infiltrate or evaporate, without resulting in erosion or runoff to the storm drain system or any adjacent property. Directing discharges to landscaping close to a building foundation is not recommended. 3. If the above BMP options are not feasible AND the discharge does not contain pollutants exceeding the California Toxics Rule (CTR), air conditioning condensation may enter the City storm drain system.	SC-10, SC-42
9	Eliminate floor mat cleaning discharges.	Floor mats shall be cleaned in a manner such that there is no discharge to City storm drains, curb gutters along City streets, or any other part of the City's storm drain system. Indoor wash areas, mop sinks, or indoor floor drains may be designated as wash areas for floor mats if these areas drain to the sanitary sewer system.	SC-10, SC-21
10	Eliminate pumped groundwater, foundation, and footing drain discharges.	Pumped groundwater, including water from crawl space pumps is prohibited unless a separate National Pollutant Discharge Elimination System (NPDES) permit has been obtained to cover the discharge, or the RWQCB has determined in writing that no permit is needed. Discharges from foundation and footing drains that are at or below the groundwater table are also prohibited, unless covered by an NPDES permit, or the RWQCB has determined in writing that no permit is needed.	SC-10
11	Regularly clean and maintain structural BMPs, including LID installations, to ensure proper performance.	BMPs implemented, including Low Impact Development (LID) and other structural BMPs, must be inspected as often as necessary to ensure they perform as intended and properly operated and maintained. All installed LID or structural BMPs shall be inspected at a minimum of once annually for proper function and maintained to confirm the BMP is serving the purpose for which it was intended. BMPs must also be maintained in accordance with recorded maintenance agreements where applicable.	SC-44

Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
Erosion and Sediment Control			
12	Protect unpaved areas, including landscaping, from erosion using vegetative or physical stabilization.	Exposed soils that are actively eroding or prone to erosion due to disturbance shall be protected from erosion. Significant accumulations of eroded soil shall be removed or contained to prevent sediment transport in runoff to the storm drain system.	SC-40, SC-42
Good Housekeeping			
13	Regularly clean parking areas.	Paved parking lots, roads, and driveways located on the property shall be cleaned as needed to prevent pollutants from entering the City's storm drain system, including the curb and gutter. Sweeping is the preferred method of cleaning. Wet cleaning methods, such as mopping or power washing, may be substituted for sweeping if all wash water is contained, captured, and disposed of appropriately.	SC-41, SC-43, BG-62 ⁸
14	Implement good housekeeping to keep site free of trash and debris.	Outdoor areas shall be cleaned as needed to keep them free of accumulations of trash, sediment, litter, and other debris.	SC-41
15	Keep storm drain inlets free of sediment, trash, and debris.	Accumulated materials shall be removed from on-site storm drains at least once per year.	SC-44

⁸ Factsheet BG-62 – Mobile Cleaning – Surface Cleaning, states (in regards to pressure washing) that screened, or filtered, wash water can be discharged to a gutter, street, or storm drain. Non-stormwater discharges of this nature, even if filtered, are not allowed to enter the storm drain system, which includes the streets and gutters. Wash water must be contained, collected, and disposed of properly.

Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
Material Storage and Handling			
16	Provide and maintain secondary containment to catch spills if storing potential liquid pollutants in outdoor areas.	Drums and other containers shall be kept in good condition and securely closed when not in use. Effective secondary containment shall be provided and maintained for all containers of liquid with the potential to leak or to spill onto outdoor areas to prevent leaks or spills from discharging pollutants to the storm drain system. Secondary containment shall also be provided for all liquids during transport to prevent spills due to leaks or punctures. A variety of methods are available, including but not limited to: containers, curbs, and vendor products. To maintain the effectiveness of secondary containment, regularly remove and appropriately dispose of spills, precipitation, or other liquids that accumulate in the secondary containment. Provide liquid storage containers with covers to prevent precipitation from accumulating in or causing overflows from the secondary containment. If evidence of spills due to inadequate containment is observed, the City enforcement official may specify a minimum required containment capacity. Other applicable regulations may apply to the use of secondary containment, especially for hazardous materials, which are regulated by the County of San Diego Department of Environmental Health.	SC-20, SC-31
17	Cover, contain, and/or elevate materials stored outside that may become a source of pollutants in stormwater or non-stormwater.	Materials stored outdoors shall be covered, contained, and/or elevated to prevent stormwater and non-stormwater from contacting and/or transporting materials and pollutants to the storm drain system. Some examples of cover are roofs, awnings, and tarps. Where coverage is not feasible or is cost prohibitive, alternative approaches such as installing berms around the stored materials, directing runoff to pervious areas, or installing treatment devices may be allowed. Note that installing structural coverage will usually require obtaining permits from the City prior to installation. To determine applicable regulations and whether a permit would be required, contact the Development Services' Building Division at (619) 825-3847.	SC-20, SC-33
18	Properly store and dispose of hazardous materials.	Hazardous materials and wastes shall be stored, managed, and disposed in accordance with federal, state, and local laws and regulations. Hazardous materials and wastes and their primary storage containers shall also be stored such that they will not come into contact with stormwater, even if leaks or spills occur. Hazardous materials and wastes generated by business activities are additionally regulated by the County of San Diego Department of Environmental Health. Disposal of hazardous wastes using an authorized hazardous waste collection service is required. Store hazardous materials and wastes, and their primary storage containers, with sufficient cover and/or containment to prevent contact with stormwater. See BMPs 18 and 19 for additional details regarding storage.	SC-20, SC-31, SC-33

Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
Pesticide and Fertilizer Management			
19	Properly manage pesticides and fertilizers.	Pesticides and fertilizers shall be applied in strict accordance with manufacturer's label, as authorized by U.S. Environmental Protection Agency. Chemicals shall be stored safely in covered and contained areas. See BMPs 18 and 19 for additional details regarding storage. Waste products shall be disposed of in accordance with the manufacturer's label and applicable hazardous waste regulations. The use of integrated pest management (IPM) principles is encouraged to reduce or eliminate use of chemicals. For more information about integrated pest management, see the University of California Statewide IPM Program at http://www.ipm.ucdavis.edu .	SC-35, SC-41, BG-40
Outdoor Work Areas			
20	Implement controls to minimize pollution from exposed outdoor work areas.	Activities that may generate pollutants shall be conducted in covered, contained areas, or equivalent measures taken to prevent the discharge of associated pollutants. In order to avoid contaminating stormwater runoff, the following precautions shall be taken as appropriate: (1) move activities indoors; (2) cover areas where outdoor activities are performed, including building canopies; (3) protect areas where outdoor activities are performed from runoff from upstream areas, including building berms; (4) prevent spills or by-products from escaping contained areas; (5) do not conduct outdoor activities that may generate pollutants when it is raining; (6) protect storm drain inlets and ensure adequate spill response materials are readily available; and, (7) thoroughly clean outdoor work areas at least daily to remove accumulated sediment, debris, oil and grease, particulate matter, and other pollutants. Structural treatment devices shall also be installed to remove pollutants from contaminated runoff if source control BMPs are not effective.	SC-20, SC-30, SC-32, SC-34, SC-42
Spill Prevention and Response			
21	Prevent or capture liquid leaks from vehicles or equipment.	Leaking vehicles or equipment shall be repaired promptly. Drip pans or other equivalent means shall be used to capture spills or leaks of oil and other fluids from vehicles awaiting maintenance and during maintenance activities. Captured fluids shall be disposed of in accordance with applicable hazardous materials regulations.	SC-11, SC-22
22	Immediately clean up spills.	Spills shall be cleaned up immediately and prevented from entering the storm drain system. Dry cleaning methods such as the use of rags and absorbents are preferred cleaning methods. Spills that enter a storm drain and cannot be fully recovered shall be reported promptly to the City's Stormdrain Hotline at (619) 825-3827.	SC-11

Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
23	Maintain a readily accessible spill cleanup kit that is appropriate for the type of materials stored onsite.	Materials and equipment appropriate for the type and quantity of potential spills shall be kept onsite and with any mobile activities as a spill cleanup kit. Keep cleanup materials in close proximity to locations where spills may occur, with instructions for use clearly displayed.	SC-11, SC-22
24	Drain fluids from inoperable vehicles and store or dispose of appropriately.	Oil, antifreeze, and other fluids shall be drained from inoperable vehicles intended for recycling or long-term storage that are stored outside. Drained fluids shall be disposed of in accordance with applicable hazardous materials regulations.	SC-22
25	Temporarily protect storm drains from non-stormwater discharges while conducting activities that have the potential to result in a discharge.	If activities conducted cannot be fully contained or minor failures in containment would potentially result in discharges of non-stormwater to the storm drain system, temporary measures shall be used to protect storm drains. Any activity-related materials that enter the storm drain system shall be removed promptly and disposed of appropriately (in accordance with other minimum BMPs).	SC-10, SC-44
Waste Management			
26	Keep trash/waste storage areas free of exposed trash, sediment, and debris.	Stored waste shall be protected from contact with stormwater and non-stormwater. Disposal areas for trash and other wastes shall be cleaned as frequently as necessary to keep these areas free of loose trash, litter, debris, liquids, powders, and sediment. Liquid waste, hazardous waste, medical waste, universal waste, and other items prohibited by current regulations shall not be placed in solid waste dumpsters. Dry cleaning methods such as sweeping are preferred. If wet cleaning methods are used, all wash water must be contained, captured, and disposed of appropriately. See BMP 3 for information on appropriate wet cleaning practices.	SC-34, SC-41
27	Protect waste storage areas from contact with stormwater and non-stormwater flows onto the property.	Stored trash and other wastes shall be protected from contact with stormwater and non-stormwater flows. Trash and other wastes shall be contained to prevent transport of trash off site, and to keep surrounding areas and on site storm drains free of trash and other wastes.	SC-34

Table 2. Minimum BMPs for Industrial, Commercial and Municipal Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference
28	Cooking oil waste shall be managed to prevent illegal discharges.	Waste containers for oils, grease, fats, or tallow shall be kept indoors where feasible. Where not feasible, the waste containers shall be kept in a covered, contained area to prevent waste transport in runoff.	SC-34, BG-30
29	Properly store and dispose of green waste.	Green waste shall be properly stored and disposed of such that it will not be transported to the storm drain system by stormwater or non-stormwater runoff.	SC-34, BG-40
30	Manage animal waste and animal washing in a manner that prevents transport of wastes and wash water off-site.	Animals and animal waste shall be managed and stored in a manner that prevents animal waste and wash water from entering the storm drain system. Collect and dispose of animal waste to the trash or the sanitary sewer, as appropriate.	SC-34, BG-10

2.4 Residential

Table 3 below presents the minimum required BMPs for residential sites and sources. BMP categories include Discharge Control, Erosion and Sediment Control, Good Housekeeping, Material Storage and Handling, Pesticide and Fertilizer Management, Spill Prevention and Response, and Waste Management.

Table 3. Minimum BMPs for Residential Sites/Sources⁹

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference ¹⁰
Discharge Control			
1	Eliminate illegal connections to the storm drain system.	Illegal connections are man-made physical connections to the storm drain system that convey an illegal discharge. Find and abate all illegal connections to the storm drain system through properly approved procedures, permits, and protocols.	SC-10, SC-44
2	Eliminate illegal non-stormwater discharges.	Non-stormwater (water other than rain) shall not be discharged to the City's storm drain system. To eliminate illegal discharges, do not allow any solid or liquid material except uncontaminated stormwater to enter City storm drains, curb gutters along city streets, or any other part of the City of Lemon Grove's (City) storm drain system.	SC-10, SC-11, SC-44
3	Properly dispose of wash water.	All process water and wash water shall be contained, captured, and reused, or properly disposed of to the sanitary sewer, an appropriate waste hauler, or to landscaping or other pervious surfaces.	SC-10, SC-41 ¹¹

⁹ To the extent practicable, the City's established minimum BMPs for industrial, commercial, municipal sites/sources shall also be implemented for any industrial/commercial type of activities conducted at a residence where appropriate.

¹⁰ BMP factsheet references are for the CASQA industrial and commercial handbook, which is the newest CASQA handbook covering these types of BMPs as of this writing.

¹¹ Factsheet SC-41 - Building & Grounds Maintenance, states (in regards to pressure washing), "If soaps or detergents are not used, and the surrounding area is paved, wash runoff does not have to be collected but must be screened. Pressure washers must use filter fabric or some other type of screen on the ground and/or in the catch basin to trap the particles in wash water runoff." Non-stormwater discharges of this nature, even if filtered, are not allowed to enter the storm drain system. Wash water must be contained, collected, and disposed of properly.

Table 3. Minimum BMPs for Residential Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference ¹⁰
4	Properly dispose of vehicle and equipment wash water.	Wash water from individual residential vehicle washing shall be directed to landscaped areas or other pervious surfaces, where feasible. Minimizing use of water, detergents, and other vehicle wash products is encouraged. Non-commercial car washes, such as fundraisers and other similar activities, are not considered individual residential vehicle washing. Discharges to the storm drain system from these activities are prohibited.	SC-10, SC-21
5	Properly dispose of water from fire sprinkler maintenance activities.	Fire sprinkler system discharges containing corrosion inhibitors, fire suppressants, or antifreeze shall be disposed through the sanitary sewer system, not the storm drain system. Fire sprinkler system discharges without corrosion inhibitors, fire suppressants, or antifreeze shall be disposed through the sanitary sewer, if practicable. When not practicable to discharge to the sanitary sewer system due to the presence of prohibited contaminants, the water shall be collected and disposed of by an appropriately certified party. When not practicable to discharge to the sanitary sewer system for reasons other than the presence of prohibited contaminants, the water shall not be discharged unless adequate precautions have been taken to prevent the transport of pollutants to the storm drain system.	SC-10, SC-41
6	Eliminate irrigation runoff.	Irrigation runoff to the storm drain system shall be eliminated through proper landscape maintenance and watering practices. All irrigation water and associated pollutants from nurseries, garden centers, and similar facilities shall be prevented from reaching City storm drains, curb gutters along City streets, or any other part of the City's storm drain system.	SC-10 ¹² , SC-41
7	Properly dispose of discharges from swimming pools, spas, fountains, reflective pools, and filter backwash.	Swimming pool, spa, fountain, reflective pool, pond, and filter backwash water shall be properly disposed of to prevent pollutants from entering the storm drain system. Discharges from swimming pools and spas to the storm drain system are allowed only if the water is dechlorinated, has a pH level in the 7-8 range, is within ambient temperature, has no algae or suspended solids, and is not saline. Other discharges, such as from filter backwash, fountains, reflective pools, ponds, saline swimming pools, or other sources, are prohibited from entering the storm drain system.	SC-10
8	Control air conditioning condensation discharges.	Air conditioning condensation shall be directed to landscaped areas or other pervious surfaces, or to the sanitary sewer, where feasible.	SC-10, SC-42

¹² Factsheet SC-10 – Non-Stormwater Discharges states that “landscape irrigation drainage and landscape watering” may be discharged to the storm drain with conditions; however, in accordance with the Municipal Permit and the City’s Stormwater Ordinance, no irrigation runoff may be discharged to the City’s storm drain system.

Table 3. Minimum BMPs for Residential Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference ¹⁰
9	Eliminate pumped groundwater, foundation, and footing drain discharges.	Pumped groundwater, including water from crawl space pumps is prohibited unless a separate National Pollutant Discharge Elimination System (NPDES) permit has been obtained to cover the discharge, or the Regional Water Quality Control Board, San Diego region (RWQCB) has determined in writing that no permit is needed. Discharges from foundation and footing drains that are at or below the groundwater table are also prohibited, unless covered by an NPDES permit, or the RWQCB has determined in writing that no permit is needed.	SC-10
10	Regularly clean and maintain structural BMPs, including LID installations, to ensure proper performance.	BMPs implemented, including Low Impact Development (LID) and other structural BMPs, must be inspected as often as necessary to ensure they perform as intended and properly operated and maintained. All installed LID or structural BMPs shall be inspected at a minimum of once annually for proper function and maintained to confirm the BMP is serving the purpose for which it was intended. BMPs must also be maintained in accordance with recorded maintenance agreements where applicable.	SC-44
Erosion and Sediment Control			
11	Protect unpaved areas, including landscaping, from erosion using vegetative or physical stabilization.	Exposed soils that are actively eroding or prone to erosion due to disturbance shall be protected from erosion. Significant accumulations of eroded soil shall be removed or contained to prevent sediment transport in runoff to the storm drain system.	SC-40, SC-42
Good Housekeeping			
12	Regularly clean parking areas.	Paved parking lots, private roads, and driveways located on the property shall be cleaned as needed to prevent pollutants from entering the City's storm drain system, including the curb and gutter. Sweeping is the preferred method of cleaning. Wet cleaning methods, such as mopping or power washing, may be substituted for sweeping if all wash water is contained, captured, and disposed of appropriately.	SC-41, SC-43
13	Implement good housekeeping to keep site free of trash and debris.	Outdoor areas shall be cleaned as needed to keep them free of accumulations of trash, sediment, litter, and other debris.	SC-41

Table 3. Minimum BMPs for Residential Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference ¹⁰
14	Keep storm drain inlets free of sediment, trash, and debris.	Accumulated materials shall be removed from on-site storm drains as needed to keep them free of trash, sediment, litter, and other debris.	SC-44
Material Storage and Handling			
Pesticide and Fertilizer Management			
15	Properly manage pesticides and fertilizers.	Pesticides and fertilizers shall be applied in strict accordance with manufacturer's label, as authorized by U.S. Environmental Protection Agency. Chemicals shall be stored safely in covered and contained areas. Waste products shall be disposed of in accordance with the manufacturer's label and applicable hazardous waste regulations. The use of integrated pest management (IPM) principles is encouraged to reduce or eliminate use of chemicals. For more information about integrated pest management, see the University of California Statewide IPM Program at http://www.ipm.ucdavis.edu .	SC-35, SC-41
Spill Prevention and Response			
16	Prevent or capture liquid leaks from vehicles or equipment.	Leaking vehicles or equipment shall be repaired promptly. Drip pans or other equivalent means shall be used to capture spills or leaks of oil and other fluids from vehicles awaiting maintenance and during maintenance activities. Captured fluids shall be disposed of in accordance with applicable hazardous materials regulations.	SC-11, SC-22
17	Immediately clean up spills.	Spills shall be cleaned up immediately and prevented from entering the storm drain system. Dry cleaning methods such as the use of rags and absorbents are preferred cleaning methods. Spills that enter a storm drain and cannot be fully recovered shall be reported promptly to the City's Stormwater Hotline at (619) 825-3827.	SC-11
18	Drain fluids from inoperable vehicles and store or dispose of appropriately.	Oil, antifreeze, and other fluids shall be drained from inoperable vehicles intended for recycling or long-term storage that are stored outside. Drained fluids shall be disposed of in accordance with applicable hazardous materials regulations.	SC-22

Table 3. Minimum BMPs for Residential Sites/Sources (Continued)

No.	BMP Title	BMP Description	CASQA BMP Factsheet Reference ¹⁰
Waste Management			
19	Keep trash/waste storage areas free of exposed trash, sediment, and debris.	Stored waste shall be protected from contact with stormwater and non-stormwater. Disposal areas for trash and other wastes shall be cleaned as frequently as necessary to keep these areas free of loose trash, litter, debris, liquids, powders, and sediment. Liquid waste, hazardous waste, medical waste, universal waste, and other items prohibited by current regulations shall not be placed in solid waste dumpsters. Dry cleaning methods such as sweeping are preferred. If wet cleaning methods are used, all wash water must be contained, captured, and disposed of appropriately. See BMP 3 for information on appropriate wet cleaning practices.	SC-34, SC-41
20	Protect waste storage areas from contact with stormwater and non-stormwater flows on to the property.	Stored trash and other wastes shall be protected from contact with stormwater and non-stormwater flows. Trash and other wastes shall be contained to prevent transport of trash off site, and to keep surrounding areas and on site storm drains free of trash and other wastes.	SC-34
21	Properly store and dispose of green waste.	Green waste shall be properly stored and disposed of such that it will not be transported to the storm drain system by stormwater or non-stormwater runoff.	SC-34
22	Manage animal waste and animal washing in a manner that prevents transport of wastes and wash water off-site.	Animals and animal waste shall be managed and stored in a manner that prevents animal waste and wash water from entering the storm drain system. Collect and dispose of animal waste to the trash or the sanitary sewer, as appropriate.	SC-34

3 Enforcement Response Plan

The City of Lemon Grove (City) enforces compliance with the requirements of its Stormwater Ordinance (LGMC Chapter 8.48) and the requirements of its Excavation and Grading Ordinance (LGMC Chapter 18.08), including the BMP requirements in Section 2 of this document. In accordance with Section E.6 of the Municipal Permit, compliance with the City's stormwater requirements will be assessed through a variety of means, including, but not limited to, inspections, responses to hotline calls, and the routine municipal separate storm sewer system (MS4) outfall monitoring. Where violations are observed, the enforcement actions and procedures described in this section will be employed to enforce the requirements.

The City typically employs a tiered, escalating enforcement system. However, the City reserves the right to use whatever tools the enforcement official deems most appropriate for a given situation, as dictated by the specifics of each case.

Enforcement actions, including escalated enforcement actions, are described in the following sections. It should be noted that experience and professional judgment of City staff are important in guiding the appropriate response to a violation. Escalated enforcement actions will continue to increase in severity, as necessary, to compel compliance as soon as possible.

3.1 Administrative Enforcement Actions

The various administrative enforcement measures employed by the City are discussed below.

3.1.1 Written and Verbal Warnings (LGMC §§ 8.48.110.A.2-3)

A written or verbal warning is typically the City's first level of enforcement action when a violation of the City's Stormwater Ordinance is observed. Written warnings can be given using a variety of methods including cease and desist orders, notices of correction, inspection reports, notices of violation (NOV), and orders to clean, test, or abate.

Notice and orders to clean, test, or abate may be issued to perform any act required by the City's Municipal Code. When written warnings are issued, the violation is noted, a time frame to correct the violation is given, and a follow-up date is scheduled. City inspectors follow-up with violations as necessary to determine whether or not compliance has been achieved.

3.1.2 Administrative Citations and Fines (LGMC Chapter 1.24)

The City's authorized enforcement staff may issue administrative citations for violations of the City's Municipal Code. Maximum citation amounts are defined in LMGC § 1.24.030.D and depend on the number of previous violations by the same responsible party that have taken place within the last 18 months, as follows:

- First violation: \$100
- Second violation: \$200
- Third violation: \$500
- Additional violations: \$1,000

Per LMGC § 1.24.030.B, every day that a violation of the Municipal Code exists is considered a separate, distinct violation. Therefore, "a separate citation may be issued for each day that a

violation occurs” (LMGC § 1.24.030.B). This means that, for example, a violation left unresolved for three days may be considered three separate, distinct violations, and citation amounts may be escalated accordingly.

To be considered an additional violation beyond the first violation, the infraction needs to relate to the same ordinance, term, or condition and result in citing the same responsible party. Subsequent violations do not, however, have to occur at the same physical location, involve the same personnel, or be for exactly the same reason to be considered additional violations beyond the first violation (LMGC § 1.24.030.E). For example, if a contractor violates erosion control BMP requirements, and then later on violates sediment control BMP requirements, the sediment control BMP requirements violation may be considered a second violation as long as it is within 18 months of the first (erosion control) violation.

When an administrative citation is issued, the responsible party may request a hearing to contest the enforcement official’s determination that a violation of the City’s stormwater requirements has occurred. Details on the City’s hearing and appeals process can be found in LGMC Chapter 1.24.

3.1.3 Public Nuisance Abatement (LMGC § 8.48.110.A.4)

Violations of LGMC Chapter 8.48 are considered a public nuisance. If actions required to resolve noncompliance with LGMC Chapter 8.48 are not taken, the authorized enforcement official may abate the nuisance pursuant to LGMC Chapter 1.14. City costs for pollution detection and abatement, such as BMP implementation, may be recovered from the discharger in addition to any other penalties. City costs for pollution detection and abatement, if not paid in full by the discharger in addition to any other penalties, may be made a lien against the property in accordance with the abatement procedure (LMGC § 8.48.A.4). Costs for pollution detection and abatement may be recovered from the discharger in addition to any other penalties.

3.1.4 Stop Work Order (LMGC § 8.48.110.A.5, LGMC § 18.08.820)

Whenever any work is being done contrary to the City’s Municipal Code, or other laws or ordinances, an authorized enforcement official, as defined in LGMC § 8.48.020, may order the work stopped by notice in writing to any person engaged in doing or causing such work to be done. Any person receiving a Stop Work Order is required to immediately stop such work until approved by the authorized enforcement official or authorized enforcement staff to proceed with the work.

For enforcement of required BMPs at construction or industrial/commercial sites, the City can issue a Stop Work Order. Stop Work Orders are typically given if written warnings have been issued and the violation has not been corrected, or if an observed violation poses a significant threat to water quality. Stop Work Orders prohibit further activity until the problem is resolved. The Stop Work Order will describe the infraction and specify what corrective action must be taken. A copy of the Stop Work Order will be given to the owner or contractor and placed in the site’s active inspection file. To restart work once a Stop Work Order has been issued, the responsible party must request that a City inspector re-inspect the site to verify that

the deficiencies have been satisfactorily corrected. Once the inspector verifies that the appropriate corrections have been implemented, activities may resume.

3.1.5 Required Bonds or Securities

The authorized enforcement official may require a bond or other security to be posted in the following circumstances:

- When necessary to assure a violation is corrected (LGMC § 8.48.110.A.2)
- When necessary to assure the maintenance of a BMP (LGMC § 8.48.090.I)

The authorized enforcement official determines the amount of the bond or security required.

3.1.6 Permit Suspension or Revocation

Where compliance with the City's stormwater requirements is a condition of a City-issued permit or other license, violations of the stormwater requirements may be grounds for permit and/or other city license suspension or revocation. For instance, in severe cases of noncompliance, or significant discharges relating to development and/or construction activities, the City may revoke the building or grading permits that a contractor is working under for the project or deny future permits on the project. The responsible party will then need to re-apply for permits and meet the requirements the City may have placed on the project before resuming the project.

3.1.7 Enforcement of Contracts

If a contractor is performing work for the City, then the City may use the provisions within the contract for enforcement of noncompliance. Such contract provisions may allow the City to refuse payment, stop work (without time penalties), and/or revoke contracts if contractors performing activities do not comply with all appropriate permits, laws, regulations, and ordinances.

3.2 Judicial Enforcement Actions

In addition to administrative enforcement procedures, the City also may take the judicial enforcement actions described below.

3.2.1 Civil or Criminal Penalties and Remedies (LGMC § 8.48.110.B.1)

The City Attorney is authorized to file criminal and civil actions and to seek civil penalties and/or other remedies to enforce LGMC Chapter 8.48. There is no requirement that administrative enforcement procedures be pursued before such actions are filed.

3.2.2 Injunctive Relief (LGMC § 8.48.110.B.2)

The City may pursue enforcement by judicial action for preliminary or permanent injunctive relief for any violation of LGMC Chapter 8.48.

3.2.3 Arrest or Issue Citations (I.GMC § 8.48.110.B.3)

Violators may be arrested, with the assistance of a peace officer, pursuant to the provisions of the California Penal Code. Violators may also be issued a citation and notice to appear as prescribed in the California Penal Code. The City is not required to take administrative enforcement actions before taking either of these steps.

3.3 Enforcement Documentation

During each investigation, all observed noncompliance activity is documented. The following information, is recorded for use in administrative and judicial enforcement actions, where applicable:

- Chronology of events
- Case summary
- Time and expense log
- Inspection reports
- Complaints
- Phone conversation records
- Correspondence
- Maps and diagrams
- Photographs
- Witness list
- Explanation of the violations
- Request-to-file form
- Field notes
- Emergency incident reports
- Lab results
- Chain-of-custody for samples
- Permit applications
- Sampling plans
- Other supporting documents
- Reports from regulatory agencies

3.4 Municipal Enforcement

During routine municipal facility inspections, City or contract staff will assess facility areas and activities to ensure all are maintained in accordance with City regulations, ordinances, and BMP requirements. If BMPs are found to be deficient or otherwise ineffective, the responsible party or department will be provided with required corrective actions. If the responsible City staff member or department/division does not perform the necessary corrective actions in response to the inspection findings, escalated enforcement action will be taken by involving higher ranking representatives within the responsible department or division, who may enact internal disciplinary procedures, until the deficiencies are resolved.

If the inspector notes that specific areas of a leased facility require additional BMPs, the City can require the implementation of BMPs in addition to the required minimum for the specific area/activity. If a leased facility continues to be out of compliance, the City may choose to discontinue the lease, which would remove the tenant from that particular site. Discontinuing a lease is considered an escalated enforcement action.

As required by the Municipal Permit, City staff will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept on file.

3.5 Industrial and Commercial Enforcement

The City ensures that pollution prevention methods and BMPs are implemented by enforcing its ordinance. City inspectors and staff members properly document each observed violation at facilities failing to comply with stormwater requirements, and enforcement action is taken where necessary to bring about compliance.

Depending on the nature and severity of the violation, enforcement may consist of any of the actions listed in Sections 3.1 or 3.2. Typical enforcement actions are listed below; escalated enforcement actions are marked with an asterisk (*):

- Verbal warnings
- Written warnings
- Administrative citations*
- Public nuisance abatement*
- Revocation of permits or licenses*

Inspectors seek to resolve noncompliance promptly and establish appropriate compliance time frames on a case-by-case basis. Escalated enforcement measures are used as needed to ensure compliance. Note that the City maintains the authority to require facilities to prepare Storm Water Pollution Prevention Plans or to conduct sampling and analysis where deemed necessary by the City.

If the City inspector observes a significant and/or immediate threat to water quality, action will be taken to require the facility owner and/or operator to immediately cease and correct the discharge or activity. Conditions that would warrant such action may include observations of runoff from the industrial site that are not reasonably controlled by the protective measures or observation of a failure in BMPs resulting in or potentially resulting in a release of pollutants to a degree that may substantially degrade water quality. Discharges related to noncompliance deemed to pose a threat to health or the environment will be reported to the RWQCB orally within 24 hours and in writing within five days, as required by Attachment B of the Municipal Permit. Section 3.4.5 of the City's JRMP document provides more information on reporting requirements.

Events of noncompliance are evaluated according to the following criteria to determine whether the events pose a threat to human or environmental health:

- The event of noncompliance resulted in a spill or discharge of hazardous materials, pollutants, or runoff containing pollutants that had an effect on a receiving water body.

- The quantity and/or concentration of the pollutants in the spill or discharge affecting the receiving water was such that it may cause or contribute to an exceedance in water quality objectives as specified in the San Diego Basin Plan.

As required by the Municipal Permit, City inspectors will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept on file.

3.5.1 Mobile Business Enforcement

Most violations associated with mobile businesses are anticipated to be related to illegal discharges. The City's enforcement approach to such discharges will require the discharge to be stopped and the area cleaned of discharged materials when applicable and feasible. Education may also be provided to operators who are not aware of the City's stormwater requirements. Businesses that do not possess the materials necessary to implement the required BMPs will likely be required to demonstrate to the City that they have obtained such materials and can properly use them before the City allows such businesses to resume operations in the City. Mobile businesses that do not have City business licenses will be required to obtain them. Discharges related to noncompliance deemed to pose a threat to health or the environment will be reported to the RWQCB orally within 24 hours and in writing within five days, as required by Attachment B of the Municipal Permit. Section 3.4.5 of the City's JRMP document provides more information on reporting requirements.

As required by the Municipal Permit, City inspectors will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept on file.

3.6 Residential Enforcement

The following mechanisms will be used by the City to determine areas where enforcement actions may be necessary, where appropriate:

- Public reporting hotline
- Analysis of field screening and analytical monitoring results
- Observations from City personnel

During investigations of incidents reported to the hotline, or discovered during routine MS4 outfall monitoring, that are associated with a residential source, City staff will address issues of stormwater concern where feasible, and provide education where appropriate. Voluntary compliance and escalating enforcement mechanisms are implemented to immediately eliminate an illegal connection and illegal discharge IC/ID once the source has been identified. Violations to the City's Municipal Code will be investigated by City personnel with enforcement authority. Violations are documented and depending on the nature and severity of the violation, enforcement may consist of any of the enforcement measures described in sections 3.1 and 3.2.

There are two methods of discovering residential activities contributing to urban runoff. One is through complaint/referral process. Complaints may be received through direct contact with City or contract staff or through calls to the City's Stormwater hotline. The other route is through observations made by City staff during residential area inspections, during scheduled MS4 outfall monitoring, and during routine City activities such as MS4 maintenance. Additional, focused investigations of areas upstream of outfalls with obvious pollutants present during the Dry Weather MS4 Outfall Monitoring Program and complaint response investigations provide further information about potential problem areas. The City believes that the combination of monitoring, public reporting, direct observations by City staff that are routinely in the field, and targeted additional investigations where necessary provide sufficient oversight of residential areas and activities.

During investigations of incidents reported to the hotline or discovered during monitoring, the City will continue to use the opportunity to address any other issues of concern, and provides educational materials where appropriate. Voluntary compliance and escalating enforcement mechanisms are implemented to immediately eliminate an IC/ID once the source has been identified. Further details of enforcement mechanisms pertaining to IC/IDs can be found in Section 3.9 of this document.

Follow-up inspections conducted as a result of residential BMP deficiencies will be performed. Violations will continue to be investigated by City personnel with enforcement authority within a reasonable timeframe. Depending on the nature and severity of the violation, enforcement may consist of any of the actions listed in Sections 3.1 or 3.2. Typical enforcement actions are listed below; escalated enforcement actions are marked with an asterisk (*):

- Verbal warnings
- Written warnings
- Administrative citations*
- Public nuisance abatement*

Discharges related to noncompliance deemed to pose a threat to health or the environment will be reported to the RWQCB orally within 24 hours and in writing within five days, as required by Attachment B of the Municipal Permit. Section 3.4.5 of the City's JRMP document provides more information on reporting requirements.

As required by the Municipal Permit, City inspectors will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept on file.

3.7 Development Planning Enforcement

The City will use a variety of enforcement methods to ensure stormwater requirements for all development projects within the City's jurisdiction are implemented. Enforcement measures will escalate with continued violations as necessary. The City's current plan check process includes steps to enforce the implementation of development requirements during construction.

Since all structural BMPs are required to be shown on the project's plans, inspectors check to make sure these BMPs have been correctly installed during their routine inspections. If any mistakes in BMP installation are noted during plan checks, the City requires the project to promptly correct these errors until BMP installation is consistent with the specification on the project's approved plans.

Once a project has been completed, ongoing operation and maintenance is verified through inspections or through review of submitted maintenance verification certifications. If a project is found not to be maintaining BMPs as required, depending on the nature and severity of the violation, enforcement may consist of any of the actions listed in Sections 3.1 or 3.2. Typical enforcement actions are listed below; escalated enforcement actions are marked with an asterisk (*):

- Verbal warnings
- Written warnings
- Administrative citations*
- Public nuisance abatement, which may include placing a lien against the property*

If an inspector finds maintenance deficiencies with any structural BMPs at a completed project, he or she first attempts to explain the deficiencies and necessary corrective actions to the responsible party, if the responsible party is present. If the responsible party performs all necessary corrective actions promptly in response to the verbal explanation from the inspector, the case is closed, and the resolution is documented. Otherwise, a written notice is issued to the responsible party. The notice indicates the type and location of each BMP and describes the deficiencies observed by the inspector as well as the required corrective actions. Responsible parties are required to perform the corrective actions and demonstrate that all necessary maintenance activities were completed through a re-inspection with the City inspector or through providing photographs of corrections. The inspector may also request additional documentation or perform a re-inspection at their discretion.

The maintenance condition of structural BMPs are determined through an annual self-certification program where the City requires reports from authorized parties demonstrating proper maintenance and operation of BMPs. If the responsible party fails to provide the annual report, the City will issue a written notice requiring the responsible party to provide the report within a given timeframe.

If a responsible party fails to sufficiently respond to a notice from the City by the response deadline, the inspector may issue a written warning. If the responsible party still fails to perform the necessary corrective actions, the inspector may issue an administrative citation.

Follow-up inspections conducted as a result of structural or treatment control BMP deficiencies will be performed. All enforcement actions will be documented appropriately in the development project's database file. If a development site receives frequent citations or is not responsive to previously issued enforcement actions, more severe actions, such as court actions, will be used as necessary.

As required by the Municipal Permit, City inspectors will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept in the project's file.

3.8 Construction Management Enforcement

The City is responsible for enforcement of applicable local ordinances and permits at all construction sites in its jurisdiction. When violations are observed and documented during a site inspection, the City will implement appropriate enforcement measures based on the severity of the violation. Enforcement can range from written warnings to more severe enforcement such as Stop Work Orders. Stronger enforcement measures will be used as necessary if proper corrective actions are not implemented during the allotted time frame or if the severity of the violation warrants stricter enforcement.

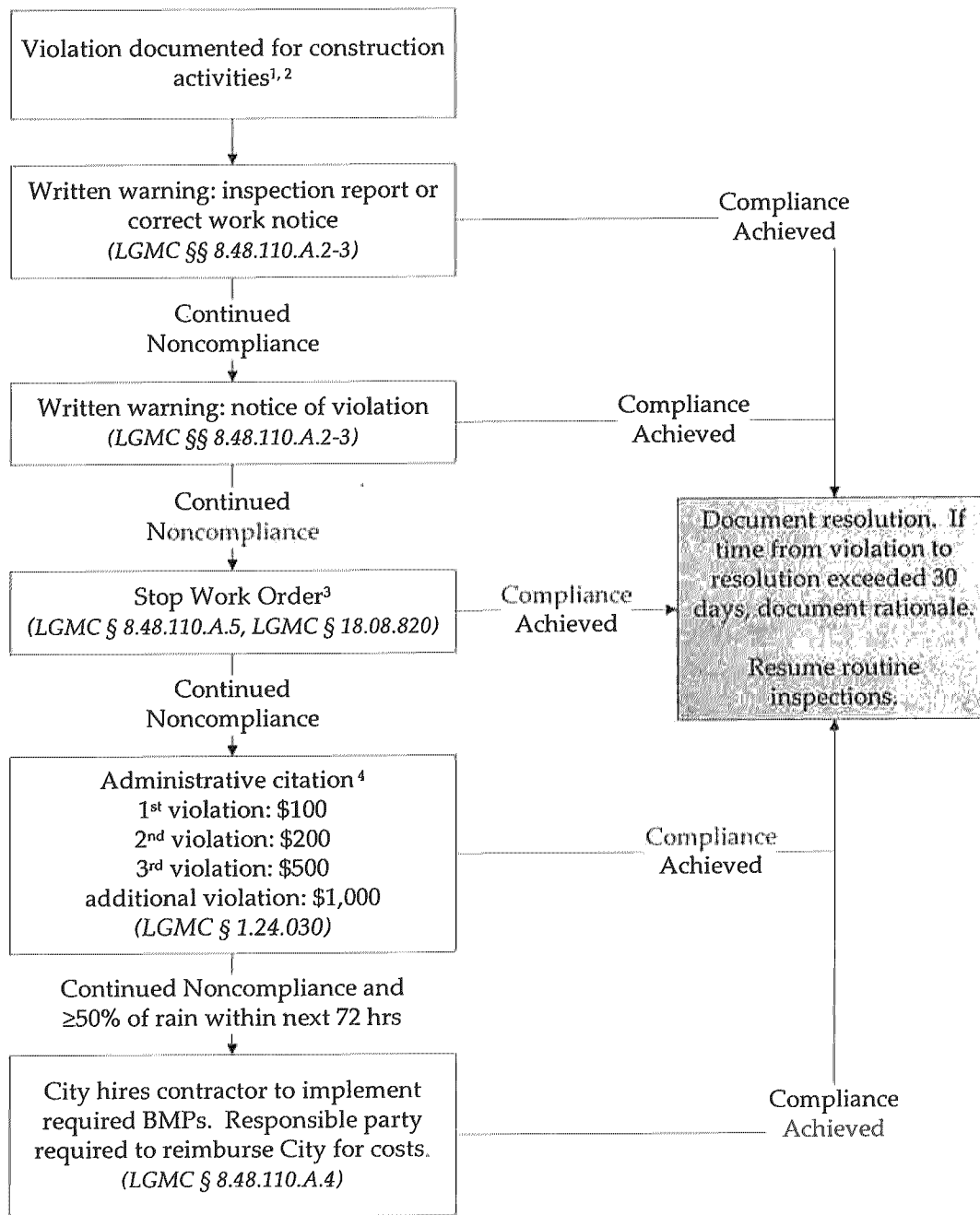
The typical progressive enforcement steps that the City will implement include the following; actions considered escalated enforcement are marked with an asterisk (*):

- Written warnings, including inspection reports, correct work notices, and NOVs
- Stop Work Orders
- Enforcement of contracts (City projects)
- First administrative citation (\$100)
- Additional administrative citations (\$200 to \$1000)*
- BMP implementation by City-hired contractor, with cost reimbursement to the City*
- Revocation of permits*
- Civil and/or criminal court action*

Escalated enforcement actions will be reported to the RWQCB within five (5) days, as required by the Municipal Permit.

The City works closely with development projects prior to the commencement of construction activities. All construction sites are expected to be aware of the City's BMP requirements. Accordingly, a written warning will typically be the first enforcement step, and additional enforcement actions will be taken if that is not sufficient to achieve compliance. Figure 1 illustrates the typical enforcement process for a private project. The City seeks to resolve violations as quickly as possible, including prior to rain events where feasible. In cases of significant or repeated noncompliance, the City may hire an outside contractor to implement required BMPs at a construction site when there is at least a 50% chance of rain within the next 72 hours. The City will require cost recovery from the responsible party (private projects) or contractor (City projects) for the costs of BMP implementation in this scenario. In cases where a violation cannot be resolved within 30 days, the reason additional time was needed for case resolution will be documented and kept in the project's file, as required by the Municipal Permit.

Figure 1. Typical Enforcement Process for Private Construction Projects



Notes

1. An administrative citation may be issued directly, without taking other enforcement actions shown in this figure first, for illicit discharges or illicit connections.
2. The City reserves the right to issue higher level enforcement actions without first taking lower level enforcement actions where necessary to reduce the discharge of pollutants to its storm drain system to the maximum extent practicable.
3. An administrative citation may be issued concurrently with a stop work order if deemed necessary by the City.
4. All violations within the last 18 months may be considered in determining the applicable citation amount. Each day that a violation exists may be considered a separate and distinct violation. (LGMC § 1.24.030).

Revocation of permits and civil or criminal court actions are rarely used tools and therefore are not shown in Figure 1, but the City does reserve the right to use those enforcement tools where necessary. The enforcement process for a City project is similar to the private project enforcement process, except that, in addition to the enforcement measures shown in Figure 1, the City may also use enforcement of for its own projects.

When a site is subject to the Construction General Permit (CGP), City staff may also collaborate with RWQCB staff on enforcement actions. The City will notify the RWQCB in writing within five calendar days of issuing escalated enforcement to a construction site that poses a significant threat to water quality as a result of violations of other noncompliance. Written notification may be provided to the appropriate RWQCB staff member by email. The City will also notify the RWQCB of any construction sites required to obtain coverage under the CGP that, to the City's knowledge, have not filed NOIs, within five calendar days from the time the City became aware of the circumstances. At minimum, the construction project location and name of owner or operator will be provided to the RWQCB. Written notification may be provided electronically by email to Nonfilers_R9@waterboards.ca.gov.

Any noncompliance that may endanger health or the environment will be reported to the RWQCB orally within 24 hours and in writing within five days, as required by Attachment B of the Municipal Permit. Criteria listed below will be used in addition to the criteria listed in Section 3.4.5 of the City's JRMP to determine the threats to health or the environment associated with a noncompliance event, whether from stormwater or non-stormwater discharges, where applicable:

- Estimated area of erosion caused by discharge
- Total suspended solids concentration and turbidity of discharge
- Other materials discharged that pose a threat (concrete washout, sanitary washes, etc.)

3.9 Illicit Discharge Detection and Elimination Enforcement

The City implements and enforces its ordinances, orders, or other legal authority to prevent illicit discharges and connections to its MS4. If the City identifies the source as a controllable source of non-stormwater or as an IC/ID, the administrative and judicial enforcement measures previously listed will be used, as necessary, to eliminate IC/IDs.

If a complaint is received that indicates an IC/ID, City staff will conduct a field investigation for complaints with details suggesting an actual or potential discharge to the MS4 or receiving water body. If investigators find evidence of a violation with the potential to release pollutants or an actual IC/ID, every effort is made to find the responsible party and inform them of the complaint or issue a written warning. Parties found to be responsible for a violation or IC/ID are required to clean up or remove pollutants to the maximum extent practicable (MEP). Any refusal by the responsible party to perform clean up of a violation or discharge will be handled by Code Enforcement staff and appropriate enforcement actions will be taken.

The nature of the City's enforcement approach is determined on a case-by-case basis and is based on factors such as the severity of the violation, the threat to human or environmental

health, site-specific circumstances, and past compliance history. If the situation is determined to pose an immediate risk to public health or the environment, the City may coordinate with other agencies or teams that are specially trained to assess and mitigate emergency situations as necessary (e.g., those involving hazardous wastes/materials, etc.). The discharge is also reported to the RWQCB as required by the Municipal Permit.

Any noncompliance that may endanger health or the environment will be reported to the RWQCB orally within 24 hours and in writing within five days, as required by Attachment B of the Municipal Permit. Criteria listed below will be used to determine the threats to health or the environment associated with a noncompliance event, whether from stormwater or non-stormwater discharges, where applicable:

- Estimated pollutant load discharged from site
- Estimated volume of discharge
- Types of pollutants discharged, including if toxic materials were discharged
- Sensitivity of the receiving water body, including if it is 303(d) listed for any of the pollutants in the discharge
- Proximity of site to sensitive habitat/endangered species
- Proximity of site to public water supply (well head, monitoring wells)
- Quantity, if any of the discharge reached the receiving water body
- Beneficial uses for affected water bodies

Additionally, water observed at major MS4 outfalls and traced to an anthropogenic source(s) is considered an illegal discharge. If the anthropogenic source(s) is/are found to be from a(n) industrial/commercial site, an inspection of the industrial/commercial facility will be performed in a timely manner to investigate the discharge. The inspection report will include a note describing that the inspection was prompted due to recent IC/ID discovery associated with MS4 outfall monitoring.

If the anthropogenic source is found to be from a residential area, the City's field crew will leave educational materials and/or a written notification informing the responsible party of the illegal discharge and their responsibility to eliminate it. Follow-up inspections will be conducted as necessary to ensure the discharge has been eliminated.

If the anthropogenic source is traced a municipal source, further investigation will be completed to identify actions needed to eliminate the source.

Any IC/ID observed to have potential to immediately impact human health or the environment will be immediately reported to Code Enforcement staff and the Fire Department, if necessary, and all associated enforcement action(s) will be handled by Code Enforcement staff.

As required by the Municipal Permit, City staff will seek to resolve incidents of observed noncompliance within 30 calendar days, or prior to the next rain event, whichever is sooner. In cases where the violation cannot be resolved within the appropriate timeframe, the reason additional time was needed for case resolution will be documented and kept on file.