AGENDA

Joint REGULAR /Meeting
Wednesday, April 10, 2019 * 6:00 p.m.
City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

- City Council meetings are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a Records Request.

PUBLIC MEETING ACCESS
The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live on Cox Communications-Channel 19, Spectrum(Time Warner)-Channel 24, and AT&T U-verse Channel 99. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City’s Public Meetings webpage.

AGENDA MATERIALS
A full City Council agenda packet including relative supporting documentation is available at City Hall, the Solana Beach Branch Library (157 Stevens Ave.), La Colonia Community Ctr., and online www.cityofsolanabeach.org. Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings. Writings and documents regarding an agenda of an open session meeting, received after the official posting, and distributed to the Council for consideration, will be made available for public viewing at the same time. In addition, items received at least 1 hour 30 minutes prior to the meeting time will be uploaded online with the courtesy agenda posting. Materials submitted for consideration should be forwarded to the City Clerk’s department 858-720-2400. The designated location for viewing of hard copies is the City Clerk’s office at City Hall during normal business hours.

SPEAKERS
Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker’s slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports.

SPECIAL ASSISTANCE NEEDED
In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk’s office (858) 720-2400 at least 72 hours prior to the meeting.

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode and engage in conversations outside the Council Chambers.

CITY COUNCILMEMBERS

David A. Zito, Mayor
Jewel Edson, Deputy Mayor
Judy Hegena, Councilmember
Kristi Becker, Councilmember
Kelly Harless, Councilmember

Gregory Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
**SPEAKERS:**
Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.

**READING OF ORDINANCES AND RESOLUTIONS:**
Pursuant to [Solana Beach Municipal Code](#) Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

**CALL TO ORDER AND ROLL CALL:**

**CLOSED SESSION REPORT:** (when applicable)

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**PROCLAMATIONS/CERTIFICATES:** Ceremonial
None at the posting of this agenda

**PRESENTATIONS:** Ceremonial items that do not contain in-depth discussion and no action/direction.
1. 2020 U.S. Census

**ORAL COMMUNICATIONS:**
This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today’s agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening’s agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

**COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**
An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.
A. CONSENT CALENDAR: (Action Items) (A.1. - A.10.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for March 9 – March 22, 2019.

Item A.1. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.


Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2018-2019 General Fund Adopted Budget.

Item A.2. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

A.3. List of Projects to Receive Road Maintenance Rehabilitation Account Funding as Required by Senate Bill 1 for Fiscal Year 2019/20. (File 0820-35)

Recommendation: That the City Council

1. Adopt Resolution 2019-035:
   a. Authorizing the City Engineer to establish a project list for the Fiscal Year 2019/20 Local Streets and Roads Funding Program using funds in-part from the Road Maintenance and Rehabilitation Account designating the 2019 Street Maintenance and Repairs Project, as identified in the City’s FY 2019/20 Capital Improvement Program list, to receive the SB 1 funding. It is anticipated that the designated project will rehabilitate the pavement on portions of South Cedros Avenue, Lomas Santa Fe Drive and various residential streets. It is also anticipated that the designated project will be constructed in fall of 2019 and will have an estimated useful life of approximately 15 years.
   b. Authorizing the City Engineer to submit the project list to the California Transportation Commission for the 2019/20 Local Streets and Roads Funding Program using funds from the Road Maintenance and Rehabilitation Account.

Item A.3. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.
A.4. 2019 Street Maintenance and Repairs Project Construction Bid Advertisement. (File 0820-35)

Recommendation: That the City Council

1. Adopt Resolution 2019-034:
   a. Approving the list of streets scheduled for maintenance and repairs as part of the 2019 Street Maintenance and Repairs Project.
   b. Authorizing the City Engineer to advertise for construction bids for the 2019 Street Maintenance and Repairs Project.

A.5. Environmental Consulting Services Request for Proposals. (File 0600-05)

Recommendation: That the City Council

1. Adopt Resolution 2019-039 authorizing the City Manager to issue a Request for Proposals for environmental consulting services.

A.6. Bayshore Consulting Group Inc. for Solana Energy Alliance Administrative Support Agreement Amendment. (File 1010-45)

Recommendation: That the City Council

1. Adopt Resolution 2019-040 authorizing the City Manager to execute an amendment to the Professional Services Agreement with Bayshore Consulting Group, Inc., for administrative services not to exceed $44,999 in support of SEA.

Item A.4. Report (click here)
Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

Item A.5. Report (click here)
Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

Item A.6. Report (click here)
Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.
A.7. Emergency Storm Drainpipe Repairs Agreement Ratification for City Easement in Solana Beach Towne Centre. (File 0840-50)

1. Adopt Resolution 2019-038:
   a. Declaring an emergency under Public Contract Code sections 20168 and 22050 regarding the storm drain;
   b. Authorizing the City Manager to take any directly related and immediate action required by the emergency, directing Staff to report back to City Council as required by Public Contract Code section 22050 and Resolution No. 2008-091; and
   c. Ratifying the City Manager's decision to:
      i. Execute a Public Works Agreement with Crest Equipment, Inc., for a not-to-exceed amount of $750,000, for construction and repairs associated with the 84-inch CMP located within the City's Easement in the Solana Beach Towne Centre.
      ii. Execute a PSA with Structural & Engineering Design Company, for a not-to-exceed amount of $6,500, for structural engineering support services for the repair of an 84-inch CMP located within the City's Easement in the Solana Beach Towne Centre.
      iii. Execute a PSA with Geopacifica, Inc., for a not-to-exceed amount of $28,000, for geotechnical services in the form of inspection, testing and surveying for the repair of an 84-inch CMP located within the City's Easement in the Solana Beach Towne Centre.

Item A.7. Report (click here)
 Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

A.8. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held February 13, 2019.

Item A.8. Report (click here)
 Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.
A.9. Solana Beach School District Memorandum Of Understanding (MOU) Amendment and All City Management Services, Inc. Agreement Amendment for Crossing Guard Services. (File 0860-35)

Recommendation: That the City Council

1. Adopt Resolution 2019-041:
   a. Approving the Amended MOU with the Solana Beach School District for crossing guard services.
   b. Approving the Amended PSA with ACMS to provide crossing guard services for one year with the option to extend the agreement for up to four additional one year terms.
   c. Authorize the City Manager to execute the MOU and PSA pending approval of these items by the Solana Beach School District.
   d. Appropriating $7,241 to the Professional Services expenditure account in the Traffic Safety budget unit and $4,707 to the Reimbursed Cost revenue account, both in the General Fund.
   e. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

Item A.9. Report (click here)


Recommendation: That the City Council

1. Adopt Resolution 2019-043 authorizing the City Manager to adopt revisions to Council Policy 21 for the purpose of regulating the permitting, design and location of small wireless facilities and approving use of a Pole License Agreement.

Item A.10. Report (click here)

NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)

B. PUBLIC HEARINGS: (B.1. – B.2.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light on the Council Dais.
B.1. **Public Hearing: 346 Glenmont Drive, Applicant: Jonathan and Suzy Weiser, Case# 17-18-06.** (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and SDP. Therefore, Staff recommends that the City Council:


2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2019-031 conditionally approving a DRP and SDP to demolish a single-family residence, construct a replacement multi-level, single-family residence with a partially subterranean three-car garage and basement, and perform associated site improvements at 346 Glenmont Drive, Solana Beach.

**Item B.1. Report (click here)**

*Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.*

B.2. **Public Hearing: 729 Barbara Avenue, Applicant: Mark and Karen Snyder, Case# 17-17-20.** (File 0600-40)

The proposed project meets the requirements under the SBMC, is consistent with the General Plan, and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends that the City Council:


2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2019-037 conditionally approving a DRP and an administrative SDP to demolish a single-family residence with attached two-car garage and construct a replacement single-story, single-family residence with a partially exposed walk-out basement and attached two-car garage at 729 Barbara Avenue.

**Item B.2. Report (click here)**

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**WORK PLAN COMMENTS:**

*Adopted June 13, 2018*
COMPENSATION & REIMBURSEMENT DISCLOSURE:
GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) 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.

COUNCIL COMMITTEE REPORTS: Council Committees

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

a. City Selection Committee (meets twice a year) Primary-Edson, Alternate-Zito
b. County Service Area 17: Primary- Harless, Alternate-Edson
c. Escondido Creek Watershed Authority: Becker /Staff (no alternate).
d. League of Ca. Cities’ San Diego County Executive Committee: Primary-Becker, Alternate-Harless and any subcommittees.
e. League of Ca. Cities’ Local Legislative Committee: Primary-Harless, Alternate-Becker

g. North County Dispatch JPA: Primary-Harless, Alternate-Becker
h. North County Transit District: Primary-Edson, Alternate-Becker
i. Regional Solid Waste Association (RSWA): Primary-Hegenauer, Alternate-Becker
j. SANDAG: Primary-Zito, 1st Alternate-Edson, 2nd Alternate-Becker, and any subcommittees.
k. SANDAG Shoreline Preservation Committee: Primary-Hegenauer, Alternate-Zito
l. San Dieguito River Valley JPA: Primary-Hegenauer, Alternate-Zito
m. San Elijo JPA: Primary-Zito, Primary-Becker, Alternate-City Manager

n. 22nd Agricultural District Association Community Relations Committee: Primary-Edson, Primary-Harless

STANDING COMMITTEES: (All Primary Members) (Permanent Committees)

b. Fire Dept. Management Governance & Organizational Evaluation – Harless, Hegenauer
c. Highway 101 / Cedros Ave. Development Committee – Edson, Becker
d. Parks and Recreation Committee – Zito, Harless
e. Public Arts Committee – Edson, Hegenauer
f. School Relations Committee – Hegenerauer, Harless
g. Solana Beach-Del Mar Relations Committee – Zito, Edson

ADJOURN:

Next Regularly Scheduled Meeting is April 24, 2019
Always refer the City’s website Event Calendar for updated schedule or contact City Hall.
www.cityofsolanabeach.org  858-720-2400
AFFIDAVIT OF POSTING

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF SOLANA BEACH

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the April 10, 2019 Council Meeting was called by City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and the Housing Authority of the City of Solana Beach, California, was provided and posted on April 3, 2019 at 5:30 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., April 10, 2019, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk
City of Solana Beach, CA

UPCOMING CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled, or Special Meetings that have been announced, as of this Agenda Posting. Dates, times, locations are all subject to change. See the Citizen Commission’s Agenda webpages or the City’s Events Calendar for updates.

- **Budget & Finance Commission**
  - Thursday, April 18, 2019, 5:30 p.m. (City Hall)

- **Climate Action Commission**
  - Wednesday, April 17, 2019, 5:30 p.m. (City Hall)

- **Parks & Recreation Commission**
  - Thursday, April 11, 2019, 4:00 p.m. (Fletcher Cove Community Center)

- **Public Arts Commission**
  - Tuesday, May 21, 2019, 5:30 p.m. (City Hall)

- **View Assessment Commission**
  - Tuesday, April 19, 2019, 6:00 p.m. (Council Chambers)
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: April 10, 2019
ORIGINATING DEPT: Finance
SUBJECT: Register of Demands

BACKGROUND:

Section 3.04.020 of the Solana Beach Municipal Code requires that the City Council ratify a register of demands which represents all financial demands made upon the City for the applicable period.

Register of Demands- 03/09/19 through 03/22/19
Check Register-Disbursement Fund (Attachment 1) $ 509,808.39
Council Payroll March 14, 2019 4,032.44
Federal & State Taxes March 14, 2019 384.16
PERS Retirement (EFT) March 14, 2019 487.43
Net Payroll March 22, 2019 197,923.08
Federal & State Taxes March 22, 2019 50,864.26
PERS Retirement (EFT) March 22, 2019 45,561.63

TOTAL $ 809,061.39

DISCUSSION:

Staff certifies that the register of demands has been reviewed for accuracy, that funds are available to pay the above demands, and that the demands comply with the adopted budget.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The register of demands for March 9, 2019 through March 21, 2019 reflects total expenditures of $809,061.39 from various City funding sources.

WORK PLAN:

N/A

CITY COUNCIL ACTION: ________________________________

AGENDA ITEM A.1.
OPTIONS:

- Ratify the register of demands.
- Do not ratify and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council ratify the above register of demands.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

Gregory Wade, City Manager

Attachments:

1. Check Register – Disbursement Fund
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- FY18 AUDIT SVC
- 94545
- 03/21/19
- 2887
- 50900057700

**Other Entries:**
- MICDOUGAL LOVE ECKIS SMIT
- PROF SERV PE 01/31/19
- 00150005250
- 1,081.70
- 94548
- 03/21/19
- 1130
- 55000087750
- 0.00

**Additional Checks:**
- MERCHANTS BUILDING MAINT
- JANTRL SVC-12/23/18FC
- 00370007110
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- 75.00
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- JANTRL SVC-12/08/18FC
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**Miscellaneous:**
- MUNICIPAL EMERGENCY SERV
- SCBA FLOW TEST
- 00160006120
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- 1,357.19
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**Total:**
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- 1,357.19
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- 250.00
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- Selection Criteria: transaction.gl_cash='1011' and transaction.ck_date between '20190309 00:00:00.000' and '20190312 00:00:00.000'
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| 1011      | 94558    | 03/21/19 | ROBERT SCHLIPP | 001 | RFND SROR-363/236 S N 0.00 | 0.00 | 16,790.00 |
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**TOTAL CHECK**

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**TOTAL CHECK**

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| 1011      | 94566    | 03/21/19 | SUN LIFE FINANCIAL | 001 | FEB 19 SUPP LIFE INS 0.00 | 0.00 | 350.20 |
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TIME: 08:15:11
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CHECK REGISTER - DISBURSEMENT FUND
ACCTPA21
SELECTION CRITERIA: transact.gl_cash='1011' and transact.ck_date between '20190309 00:00:00.000' and '20190322 00:00:00.000'
ACCOUNTING PERIOD: 9/19
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BACKGROUND:

Staff provides a report at each Council meeting that lists changes made to the current Fiscal Year (FY) General Fund Adopted Budget.

The information provided in this Staff Report lists the changes made through March 27, 2019.

DISCUSSION:

The following table reports the revenue, expenditures, and transfers for 1) the Adopted General Fund Budget approved by Council on June 14, 2017 (Resolution 2017-095) and 2) any resolutions passed by Council that amended the Adopted General Fund Budget.

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<thead>
<tr>
<th>Action</th>
<th>Description</th>
<th>Revenues</th>
<th>Expenditures</th>
<th>Transfers from GF</th>
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<td>17,098,600</td>
<td>(401,600)</td>
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<td>59,242</td>
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<tr>
<td>Reso 2018-101</td>
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<td>185,425</td>
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<td>(29,620)</td>
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(1) Transfers to:
- Debt Service for Public Facilities: 151,100
- City CIP Fund: 250,500

(2) Transfer to:
- TEA21/ISTEA: 109,336

COUNCIL ACTION:

AGENDA ITEM A.2.
CEQA COMPLIANCE STATEMENT:
Not a project as defined by CEQA

FISCAL IMPACT:
N/A

WORK PLAN:
N/A

OPTIONS:

- Receive the report.
- Do not accept the report

DEPARTMENT RECOMMENDATION:
Staff recommends that the City Council receive the report listing changes made to the FY 2018-2019 General Fund Adopted Budget.

CITY MANAGER’S RECOMMENDATION:
Approve Department Recommendation

[Signature]
Gregory Wade, City Manager
To: Honorable Mayor and City Councilmembers
From: Gregory Wade, City Manager
Meeting Date: April 10, 2019
Originating Dept: Engineering Department
Subject: Consideration of Resolution No. 2019-035 List of Projects for Fiscal Year 2019/20 to Receive Road Maintenance Rehabilitation Account Funding as Required by Senate Bill 1

Background:

On April 28, 2017, Governor Brown signed Senate Bill (SB) 1 (Beall, Chapter 5, Statutes of 2017), which is known as the Road Repair and Accountability Act of 2017. To address basic road maintenance, rehabilitation and critical safety needs on both the state highway and local streets and road system, SB 1 increases per gallon fuel excise taxes; increases diesel fuel sales taxes and vehicle registration fees and provides for inflationary adjustments to tax rates in future years.

Beginning November 1, 2017, the State Controller (Controller) started depositing various portions of this new funding into the newly created Road Maintenance and Rehabilitation Account (RMRA). A percentage of this new RMRA funding will be apportioned by formula to eligible cities and counties pursuant to Streets and Highways Code (SHC) Section 2032(h) for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system.

SB 1 emphasizes the importance of accountability and transparency in the delivery of California’s transportation programs. Therefore, in order to be eligible for RMRA funding, statute requires cities and counties to provide basic annual RMRA project reporting to the California Transportation Commission (Commission). One of the reporting requirements is that all projects proposed to receive funding must be included in a city/county budget that is adopted by the applicable city council or county board of supervisors at a regular public meeting.

This item is before the City Council for the consideration of Resolution No. 2019-035 (Attachment 1) authorizing Staff to establish a project list for the 2019 Local Streets and

City Council Action:


Agenda Item A.3.
Roads Funding Program using funds from the Road Maintenance and Rehabilitation Account, designating the 2019 Street Maintenance and Repairs Project to receive the funding from this new program and to submit to the Commission a list of projects proposed to be funded with an apportionment of RMRA funds. The project list will include only the 2019 Street Maintenance and Repairs Project.

DISCUSSION:

Pursuant to SHC Section 2030(a), the objective of the Local Streets and Roads Program is to address deferred maintenance on local streets and roads through the prioritization and delivery of basic road maintenance and rehabilitation projects as well as critical safety projects.

Cities and counties receiving RMRA funds must comply with all relevant federal and state laws, regulations, policies, and procedures. The main requirements for the program are codified in SHC Sections 2034, 2036, 2037, and 2038 and include the following:

- Prior to receiving an apportionment of RMRA funds from the Controller in a fiscal year, a city or county must submit to the Commission a list of projects proposed to be funded with these funds. All projects proposed to receive funding must be included in a city or county budget that is adopted by the applicable city council or county board of supervisors at a regular public meeting [SHC 2034(a)(1)].

- The list of projects must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement [SHC 2034(a)(1)].

- The project list does not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities so long as the projects are consistent with RMRA priorities as outlined in SHC 2030(b) [SHC 2034(a)(1)].

- The initial project list must be submitted to the Commission no later than Tuesday, May 1, 2019 for the 2019 Local Streets and Roads Funding Program.

- The Commission will report to the Controller the cities and counties that have submitted a list of projects as described in SHC 2034(a)(1) and that are therefore eligible to receive an apportionment of RMRA funds for the applicable fiscal year [SHC 2034(a)(2)].

- The Controller, upon receipt of the report from the Commission, shall apportion RMRA funds to eligible cities and counties pursuant to SHC 2032(h) [SHC 2034(a)(2)].
For each fiscal year in which RMRA funds are received and expended, cities and counties must submit documentation to the Commission that includes a description and location of each completed project, the amount of funds expended on the project, the completion date, and the estimated useful life of the improvement [SHC 2034(b)].

A city or county receiving an apportionment of RMRA funds is required to sustain a maintenance of effort (MOE) by spending at least the annual average of its general fund expenditures during the 2009–10, 2010–11, and 2011–12 fiscal years for street, road, and highway purposes from the city’s or county’s general fund [SHC 2036]. Monitoring and enforcement of the maintenance of effort requirement for RMRA funds will be carried out by the Controller.

A city or county may spend its apportionment of RMRA funds on transportation priorities other than priorities outlined in SHC 2030(b) if the city or county’s average Pavement Condition Index (PCI) meets or exceeds 80 [SHC 2037].

By July 1, 2023, cities and counties receiving RMRA funds must follow guidelines developed by the California Workforce Development Board (Board) that address participation and investment in, or partnership with, new or existing pre-apprenticeship training programs [SHC 2038].

Project types that are eligible to receive and use RMRA funding include road maintenance/rehabilitation, safety project, complete streets components and traffic control devices.

In order to comply with the requirements of SB 1, Staff is proposing to include the RMRA funding for the annual street repair project that repairs and resurfaces streets throughout the City. Since the 2019 Street Maintenance and Repairs Project is expected to be included in the Fiscal Year (FY) 2019/20 Budget, a new project does not need to be established at this time. In order to be completely transparent and as required by the SB 1 program, Staff is recommending that Council consider Resolution 2019-035 to provide clear documentation as to how the specific project received funding.

CEQA COMPLIANCE STATEMENT:

The annual street repair project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) of the State CEQA Guidelines.

FISCAL IMPACT:

The FY 2019/20 Budget is expected to include $445,000 for the 2019 Street Maintenance and Repairs Project to repair and resurface City streets. The funding would be divided among Gas Tax ($100,000), TransNet ($100,000) and SB-1 funding
(245,000). This project will be constructed in calendar year 2019 as part of the FY 2019/20 Budget. Tentatively, the City is projected to receive $236,733 in FY 2018/19 as part of the RMRA program and $246,415 in FY 2019/20.

WORK PLAN:

This item is consistent with Unprioritized Community Character Issues identified in the 2018-2019 Work Plan.

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments or modifications.
- Deny Staff recommendation and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2019-035:

1. Authorizing the City Engineer to establish a project list for the Fiscal Year 2019/20 Local Streets and Roads Funding Program using funds in-part from the Road Maintenance and Rehabilitation Account designating the 2019 Street Maintenance and Repairs Project, as identified in the City’s FY 2019/20 Capital Improvement Program list, to receive the SB 1 funding. It is anticipated that the designated project will rehabilitate the pavement on portions of South Cedros Avenue, Lomas Santa Fe Drive and various residential streets. It is also anticipated that the designated project will be constructed in fall of 2019 and will have an estimated useful life of approximately 15 years.

2. Authorizing the City Engineer to submit the project list to the California Transportation Commission for the 2019/20 Local Streets and Roads Funding Program using funds from the Road Maintenance and Rehabilitation Account.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

[Signature]
Gregory Wade, City Manager

Attachments:

1. Resolution No. 2019-035
RESOLUTION 2019-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ESTABLISHING A PROJECT LIST FOR THE FISCAL YEAR 2019/20 LOCAL STREETS AND ROADS FUNDING PROGRAM AND AUTHORIZING THE CITY ENGINEER TO SUBMIT THE LIST TO THE CALIFORNIA TRANSPORTATION COMMITTEE

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Solana Beach are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Solana Beach must adopt by resolution a list of projects proposed to receive Fiscal Year (FY) funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Solana Beach, will receive an estimated $246,000 in RMRA funding in FY 2019/20 from SB 1; and

WHEREAS, this is the third year in which the City is receiving SB 1 funding and will enable Solana Beach to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a robust public process to ensure public input into our community’s transportation priorities/the project list; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate, through overlays, slurry seals and digouts, portions of at least 10 streets, throughout the City this year and many similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs ATTACHMENT 1
Assessment found that the City's streets and roads are in an good condition and this revenue will help the City increase the overall quality of the road system and over the next decade will help upgrade the conditions of City streets and roads.

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive benefits within the City and throughout the state.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.

2. That the City Council authorizes the City Engineer to establish a project list for the FY 2019/20 Local Streets and Roads Funding Program using funds in-part from the Road Maintenance and Rehabilitation Account designating the 2019 Street Maintenance and Repairs Project, as identified in the City's FY 2019/20 Capital Improvement Program list, to receive the SB 1 funding. It is anticipated that the designated project will rehabilitate the pavement on portions of South Cedros Avenue, Lomas Santa Fe Drive and various residential streets. It is also anticipated that the designated project will be constructed in fall of 2019 and winter of 2020 and will have an estimated useful life of approximately 15 years.

3. That the City Council authorizes the City Engineer to submit the project list to the California Transportation Commission for the 2019/20 Local Streets and Roads Funding Program using funds from the Road Maintenance and Rehabilitation Account.

PASSED AND ADOPTED this 10th day of April 2019, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

______________________________
DAVID A. ZITO, Mayor

APPROVED AS TO FORM:

______________________________
JOHANNA N. CANLAS, City Attorney

ATTEST:

______________________________
ANGELA IVEY, City Clerk
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: April 10, 2019
ORIGINATING DEPT: Engineering Department
SUBJECT: Consideration of Resolution 2019-034 to Authorize the City Engineer to Advertise for Construction Bids for the 2019 Street Maintenance

BACKGROUND:

In 2016, a City-wide pavement condition assessment was performed to determine the most effective way to budget, repair, replace and preserve City streets. Based upon this survey, the City’s consultant prepared a priority list for the City’s pavement repairs and maintenance in the City. This list was used to select street segments for this year’s street maintenance and repair program.

This item is before the City Council for the consideration of Resolution No. 2019-034 approving the list of streets for the 2019 Street Maintenance and Repairs Project, and authorizing the City Engineer to advertise the project for construction bids.

DISCUSSION:

The proposed pavement maintenance program for this coming fiscal year are pavement overlays of the street segments as shown on Attachment 2 and Table 1 below:

<table>
<thead>
<tr>
<th>Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Cedros Avenue</td>
<td>Rosa Street</td>
<td>Marsolan Avenue</td>
</tr>
<tr>
<td>Barbara Avenue</td>
<td>Patty Hill Drive</td>
<td>North Granados Avenue</td>
</tr>
<tr>
<td>Santa Elena</td>
<td>entire street</td>
<td>entire street</td>
</tr>
<tr>
<td>Santa Estella</td>
<td>entire street</td>
<td>entire street</td>
</tr>
</tbody>
</table>

CITY COUNCIL ACTION:

AGENDA ITEM A.4.
The project would also include localized pavement dig-out replacements on Lomas Santa Fe Drive and on other streets throughout the City. Pavement striping and markings would also be performed.

**CEQA COMPLIANCE STATEMENT:**

Advertising for construction bids is not a project under CEQA. Street repairs are exempt pursuant to Section 15301(c) of the State CEQA Guidelines.

**FISCAL IMPACT:**

Project funding will be from the Fiscal Year's (FY) 2019/20 Annual Pavement Management Program account. The project would be presented to Council for award after July 1, 2019. Staff anticipates that the FY 2019/20 budget will include $100,000 in Gas Tax Funds, $100,000 in TransNet Funds and a $245,000 in Road Repair and Accountability Act (SB1) funding, for a total project budget of $445,000.

**WORKPLAN:**

This project is listed in the FY 2018/19 Work Plan under the Unprioritized Community Character Issues.

**OPTIONS:**

- Approve the list of streets scheduled for maintenance and repairs as part of the 2019 Street Maintenance and Repairs Project and authorize the City Engineer to advertise for construction bids.

- Revise the list of streets scheduled for maintenance and repairs as part of the 2019 Street Maintenance and Repairs Project and authorize the City Engineer to advertise for construction bids.

- Direct Staff to prepare a new list for City Council approval at a later Council meeting.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2019-034:

1. Approving the list of streets scheduled for maintenance and repairs as part of the 2019 Street Maintenance and Repairs Project.

2. Authorizing the City Engineer to advertise for construction bids for the 2019 Street Maintenance and Repairs Project.
CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

Gregory Wade, City Manager

Attachments:

1. Resolution No. 2019-034
2. Overlay Location Map
RESOLUTION 2019-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE 2019 STREET MAINTENANCE AND REPAIR PROJECT AND AUTHORIZING THE CITY ENGINEER TO ADVERTISE FOR CONSTRUCTION BIDS

WHEREAS, the Capital Improvement Program for Fiscal Year 2019/20 is anticipated to appropriate funding for annual pavement maintenance and repairs; and

WHEREAS, the Engineering Department utilizes a pavement condition assessment program, field reviews and a review of previous street rehabilitation projects to identify the list of streets to be repaired as part of this project.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.

2. That the City Council approves the list of streets scheduled for maintenance and repair as part of the 2019 Street Maintenance and Repair Project.

3. That the City Council authorizes the City Engineer to advertise for construction bids for the 2019 Street Maintenance and Repair Project.

PASSED AND ADOPTED this 10th day of April 2019, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

DAVID A. ZITO, Deputy Mayor

APPROVED AS TO FORM: ATTEST:

JOHANNA N. CANLAS, City Attorney ANGELA IVEY, City Clerk

ATTACHMENT 1
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: April 10, 2019
ORIGINATING DEPT: Community Development Department
SUBJECT: Consideration of Resolution 2019-039 Authorizing the City Manager to Issue a Request for Proposals for Environmental Consulting Services

BACKGROUND:

The City receives numerous project applications throughout the year that require more extensive environmental review and documentation preparation. These costs are borne by developers/applicants of the project through pass-through agreements with selected environmental consultants. The pre-qualification of environmental consultants for pass-through agreements for environmental consulting services would continue to assist staff complete environmental review and documentation in a timely and efficient manner. The City has done this in past and was last done approximately six years ago.

This item is before the City Council for the consideration of Resolution 2019-039 (Attachment 1), authorizing the City Manager to issue a Request for Proposals (RFP) for environmental consulting services.

DISCUSSION:

The City of Solana Beach Community Development Department is seeking proposals from qualified consulting firm(s) for environmental consulting services to augment existing staff for one or more proposed projects including, but not limited to, general plan amendments, code amendments, rezones, tentative subdivision maps, conditional use permits, development reviews and specific plans. The City anticipates selecting three to five firms to provide consulting services on an on-call basis, and that each firm may subsequently be asked to prepare specific proposals/budget for more than one project. The RFP requires respondents to provide information regarding their qualifications and past experience, understanding of work scope, cost of services, and other supportive information.

CITY COUNCIL ACTION:

AGENDA ITEM A.5.
Once the responses are received and reviewed, the City’s anticipated process is to compile a short-list of consultants, conduct interviews, identify and maintain a list of qualified consultants for on-call services (project based), and award contracts based on environmental proposals for each project. The qualified list of consultants is anticipated to be announced in August 2019. Award of the professional services contracts would be completed on a case-by-case basis.

**CEQA COMPLIANCE STATEMENT:**

Consideration of the release of a RFP is not a project as defined by the California Environmental Quality Act (CEQA).

**FISCAL IMPACT:**

Issuance of an RFP does not have a fiscal impact. The RFP requires each respondent to submit a proposal that includes the costs to complete the work. Costs associated with awarding a contract for the environmental services would be dependent on each project and the cost for future pass-through contracts would be borne by project applicants.

**OPTIONS:**

- Approve Staff recommendation.
- Approve Staff recommendation with modifications.
- Do not approve Staff recommendation and provide direction.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2019-039 authorizing the City Manager to issue a Request for Proposals for environmental consulting services.

**CITY MANAGER RECOMMENDATION:**

Approve Department Recommendation.

/ Gregory Wade, City Manager

Attachments:

1. Resolution 2019-039
2. RFP — On-Call Environmental Consulting Services
RESOLUTION NO. 2019-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS FOR ON-CALL ENVIRONMENTAL CONSULTING SERVICES

WHEREAS, the City is seeking proposals from qualified consulting firm(s) to provide on-call environmental consulting services for one or more projects including, but not limited to, general plan amendments, code amendments, rezones, tentative subdivision maps, conditional use permits, development reviews and specific plans; and

WHEREAS, the City is seeking three to five qualified firms to provide consulting services on an on-call basis; and

WHEREAS, identifying qualified consulting firms will expedite processing and preparation of contracts for future projects.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the foregoing recitations are true and correct.

2. That the City Council authorizes the City Manager to issue a Request for Proposals to identify qualified environmental consulting firms to assist the preparation of Environmental Impact Reports (EIR), Negative Declarations, Mitigated Negative Declarations, technical studies and other California Environmental Quality Act (CEQA) documentation for proposed projects.

PASSED AND ADOPTED this 10th day of April, 2019, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSENT: Councilmembers –
ABSTAIN: Councilmembers –

__________________________________________
DAVID A. ZITO, Mayor

APPROVED AS TO FORM: ATTEST:

JOHANNA N. CANLAS, City Attorney ANGELA IVEY, City Clerk
CITY OF SOLANA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

REQUEST FOR QUALIFICATIONS/PROPOSALS:
ON-CALL ENVIRONMENTAL CONSULTING SERVICES

DUE DATE: 5:00pm, June __, 2019

DATE OF RELEASE: April __, 2019

I. OVERVIEW

The City of Solana Beach Community Development Department is seeking proposals from qualified consulting firm(s) for environmental consulting services for one or more proposed projects including, but not limited to, general plan amendments, code amendments, rezones, tentative subdivision maps, conditional use permits, development reviews and specific plans. The City anticipates selecting three to five firms to provide consulting services on an on-call basis, and that each firm may subsequently be asked to prepare specific proposals/budget for more than one project.

The Environmental Consultant will be responsible for the preparation of Environmental Impact Reports (EIR), Negative Declarations, Mitigated Negative Declarations, technical studies and other California Environmental Quality Act (CEQA) documentation for proposed projects. Environmental Consultants must be willing to work collaboratively with, and manage the work of, other members of the environmental analysis team. The City will, based on qualifications presented in response to this RFP, select the firm(s) best able to provide environmental consulting services for upcoming private and City-initiated projects.

II. PROPOSAL DUE DATE, TIME AND LOCATION

Proposals shall be printed double-sided, submitted on 8-1/2” x 11” recycled paper, with easy to read font size and style. Pages shall be numbered, tabbed, and presented in a three (3) ring binder or spiral bound.

One (1) signed original, five (5) hard copies and one (1) electronic PDF version (on a flash drive) of the proposal shall be submitted to the Office of the City Clerk by no later than 5:00 PM on Monday, June __, 2019. Proposal shall be submitted in a sealed envelope clearly marked “Proposal for On-Call Environmental Consulting Services” and addressed to:

JOSEPH LIM, COMMUNITY DEVELOPMENT DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF SOLANA BEACH
635 S. HIGHWAY 101
SOLANA BEACH, CA 92075
Questions regarding this RFP are to be directed by e-mail to: Joseph Lim, Community Development Director at jlim@cosb.org. Such contact shall be for clarification purposes only. The City must receive all questions no later than 5:00 PM on Friday, May 30th. Material changes, if any, to the scope of services or proposal procedures will only be transmitted by written addendum and posted to the City website. Addendums and answers to submitted questions will be available via the City of Solana Beach website under “Notice” for the RFP announcement.

Proposals will not be accepted by fax or email. Proposals arriving after the specified date and time will not be considered, nor will late proposals be opened. Each consultant assumes responsibility for timely submission of its proposal. Any proposal may be withdrawn or modified by a written request signed by the Consultant and received by the City prior to the final time and date for the receipt of proposals. Once the deadline is past, Consultants are obligated to fulfill the terms of their proposal. The City reserves the right to accept any proposal, to reject any and all proposals, and to call for new proposals, or dispense with the proposal process.

III. PROPOSAL EVALUATION AND CONTRACT AWARD

All timely received responsive proposals will be reviewed and evaluated by the City in order to determine which Consultants best meet the City’s needs by demonstrating the competence and qualifications necessary for the satisfactory performance of the required services, and will be based on a determination of which services offered serve the best interest of the City, except as otherwise provided by law.

For each evaluation criteria listed below, all proposals will be reviewed and evaluated based on their relative strengths, deficiencies, and weaknesses:

1. Firm Experience
2. Qualifications and Experience of Key Personnel and/or Sub-Consultants
3. Understanding of Work to be Performed - Work Plan
4. Pricing/Cost of Services (efficient use of resources and subs, if any)
5. Supportive Information/References

If necessary, interviews may be scheduled with the top-ranked firms to help the City determine the most-qualified Consultants. Negotiations will be made with the selected Consultants based on internal rankings, with the intent to award on-call contracts. The City intends to award multiple contracts. Nothing herein shall obligate the City to award a contract to any responding Consultant.

IV. PROPOSAL PROCESS SCHEDULE

The City intends to follow, but will not be bound by, the following schedule:

- Public Notification of RFP: April ___, 2019
- Proposals Due: 5:00 p.m. on June ___, 2019
- Consultant(s) Selection/Negotiation: August – September 2019

V. GUIDELINES FOR PROPOSAL

The following guidelines are provided for standardizing the preparation and submission of
proposals. The intent is to assist respondents in the preparation of their submissions and to assist the City by simplifying the review process providing standards for comparison of submissions.

Statements submitted in response to this RFP shall include a complete response to the requirements in this section in the order presented. Statements should be a straightforward delineation of the respondent’s capability to satisfy the intent and requirements of this RFP, and should not contain redundancies and conflicting statements.

Proposals shall contain the following information in the order listed:

A. Introductory Letter

The introductory letter should be addressed to:

Joseph Lim
Community Development Director
City of Solana Beach
635 S. Highway 101
Solana Beach, CA 92075

The letter should state the Prime Consultant and include the Consultant’s name submitting the proposal, their mailing address, telephone number, and contact name. The letter shall address the Consultant’s understanding of the project based on this RFP and any other information the Consultant has gathered. The letter should include a statement discussing the Consultant’s interest and qualifications for this type of work. A principal of the firm authorized to legally bind the firm shall sign the letter.

B. Table of Contents

Consultants shall insert a comprehensive table of contents within their proposals denoting Sections C through I, as indicated below:

C. Firm Experience

Demonstrate experience relative to the work provided in the scope below; capacity to balance multiple projects/priorities; ability to provide a full range of services; and/or work on similar projects.

D. Qualifications and Experience of Key Personnel

Describe the Consultant’s capability for actually undertaking and performing the work as described in this RFP. Include qualifications of each key team member and their Consultant affiliation (prime or sub-consultant). List types and locations of similar work performed by the Consultant in the last five (5) years that best characterizes the quality and past performance. Include names and current phone numbers of references. References may be contacted as part of the selection process.

E. Work Plan

The work plan should indicate the Consultant’s ability to meet the requirements of the RFP as outlined in the Scope of Work (see Exhibit A). The plan should be simple, easy to read and follow, and should address the objectives and specifications as listed in the Scope of Work. Particular attention shall be paid to how the Consultant proposes to
address matters of quality control/quality assurance and deliver work product within identified timelines.

**F. Pricing**

This section shall include the cost for requested services outlined in the Scope of Work (see Exhibit A). Consultant shall provide a summary of all staff by position classifications, responsibilities and hourly rates dedicated to each major professional service task. The City requests that all administrative services necessary to support the scope of services in this proposal be reflected in your overhead/indirect cost rate. Administrative services include travel, training, billing/invoicing, equipment/supplies, rent/utilities, and similar, and shall not be billed directly. The pricing proposal shall also identify any sub-consultants included in the proposal, the cost for the sub-consultant work and any markup by the prime for the sub-consultant work. No cost increases during the selection process shall be passed onto the City after the proposal has been submitted, except as otherwise provided for in the contract.

**G. Supportive Information/References**

Consultants are encouraged to include graphs, charts, photos, resumes, references, and similar, in support of their qualifications.

**H. Changes to the Standard On-Call Contract**

Attached to the RFP (Exhibit B) is a copy of the City’s standard Professional Services Agreement (Contract). The City’s standard Contract may be modified, in the City’s sole discretion, to address the specific provisions of this RFP and Consultants should note that any specifications or other requirements specific to this RFP shall be included in the Contract and Contract’s exhibits following an award of the Contract. Please review the Contract carefully and note in your proposal any exceptions or alterations to the Contract. Alterations or changes to the Contract that are not in the Consultant’s response shall not be allowed after the selection of the Consultant. This includes alterations, exceptions, or changes to the insurance and indemnity provisions. By requiring these requests up front, the City can compare all respondents on an equal basis. However, the City reserves the right, in its sole discretion, to accept or reject any and all proposed changes to the City’s standard Contract.

**Exhibits:**

A – Scope of Work

B – Professional Services Agreement
EXHIBIT “A”

SCOPE OF WORK
ON-CALL ENVIRONMENTAL CONSULTING SERVICES

In accordance with the California Environmental Quality Act (CEQA), the City of Solana Beach has adopted the CEQA Guidelines (California Code of Regulations – Title 14, Chapter 3) as its procedures for the review of development projects and other activities to ensure that the environment of the State is protected and enhanced. Pursuant to these procedures, the City anticipates that the preparation of environmental document(s) may be required for potential future projects. Due to the potential for project schedules to overlap, the City may ask several firms to provide consulting services and the firm(s) may subsequently be asked to provide written proposals for more than one project.

The selected Consultant(s) may be asked to provide a variety of professional services, as assigned, and prepare environmental documents (such as Environmental Impact Reports, Mitigated Negative Declarations, Negative Declarations, Initial Studies, and/or technical studies) in compliance with the requirements of CEQA. Typical environmental impacts which will need to be assessed include but are not limited to:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Climate Change/Global Warming (Greenhouse Gases)
- Cultural Resources
- Energy Conservation
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic (including implementation of SB 743, which the City is including in its pending General Plan update)
- Tribal Cultural Resources
- Utilities and Service Systems
In addition, the selected Consultant(s) may be asked to provide general biological services, including but not limited to peer review, field analysis, etc., as it relates to private development and City-initiated projects.

The selected Consulting firm(s) must be prepared to effectively address the following:

1. Assist the City’s staff planners in managing the environmental processing for private development projects and City-initiated projects, including preparation of environmental documents, attendance at public meetings, regular interface with City staff and other City consultants, AB 52 consultation, and attendance at regularly-scheduled coordination meetings as necessary when work is in progress.

2. Communicate, cooperate and team with specialized environmental consultants and City staff and other City consultants as necessary.

3. Demonstrate the depth and breadth of the firm to provide a full range of environmental consulting services capable of meeting the needs of any given private development or City-initiated project.

4. Provide strong emphasis on the management of multiple projects and competing priorities while maintaining quality, meeting schedules and staying within budget.

Sub-consultants may be utilized for various technical reports. The City reserves the right to require the use of approved sub-consultants, particularly with respect to traffic reports, and not permit the use of sub-consultants that have not been approved.
BACKGROUND:

Community Choice Aggregation ("CCA"), authorized by Assembly Bill 117, is a state law that allows cities, counties and other authorized entities to aggregate electricity demand within their jurisdictions in order to purchase and/or generate alternative energy supplies for residents and businesses within their jurisdiction while maintaining the existing electricity provider for transmission and distribution services. The goal of a CCA is to provide a higher percentage of renewable energy electricity at competitive and potentially cheaper rates than existing Investor Owned Utilities ("IOU"s), while giving consumers local choices and promoting the development of renewable power sources and programs and local job growth.

The City of Solana Beach’s ("City") CCA, Solana Energy Alliance ("SEA"), was established by the City Council through adoption of Ordinance 483 on December 13, 2017 and began serving customers in June 2018. SEA is the first CCA to launch in San Diego Gas & Electric territory and, because of this, has secured the assistance of expert consultants to assist Staff in successfully launching and operating the program.

This item is before Council to consider Resolution 2019-040 (Attachment 1) authorizing an amendment (Attachment 2) to the Professional Services Agreement (PSA) with Bayshore Consulting Group Inc. (Bayshore) for SEA administrative services.

DISCUSSION:

Bayshore has been providing day-to-day administrative assistance to SEA since prior to launch back in June 2018. These services include regulatory compliance, coordination with San Diego Gas & Electric (SDG&E), customer service/community outreach,
technical assistance, policy development and financial analysis. As the only current operating CCA in SDG&E territory, many of these responsibilities rest solely on SEA’s shoulders. With the help of Bayshore, City Staff has had to navigate the complexities of being the first jurisdiction in San Diego to develop and launch a CCA in SDG&E territory and remain in compliance with the California Public Utilities Commission (CPUC) regulations and requirements. To this end, SEA retained the services of Bayshore, who has extensive administration experience in CPUC and CCA regulatory procedures, policies and regulations. Given the importance of successfully operating the first CCA in SDG&E territory, Staff is seeking Council authorization of an amendment to the Professional Services Agreement (PSA) not to exceed $44,999 for continuing administration services necessary to serve the interests of SEA and its customers. These costs will be paid by SEA revenues through the SEA Enterprise Fund’s lockbox.

**CEQA COMPLIANCE STATEMENT:**

The action being considered by the City Council is exempt from the California Environmental Quality Act (CEQA) because it is not a “project” under Section 15378(b)(5) of CEQA Guidelines.

**FISCAL IMPACT:**

If the Council approves Resolution 2019-040, Bayshore’s contract amount will increase by $20,000 to a not to exceed total amount of $44,999 to retain Bayshore Consulting Group, Inc., to support SEA for the remainder of Fiscal Year (FY) 2018/19. These funds will be paid directly from the SEA lockbox and will not impact the City’s General Fund.

**WORK PLAN:**

Environmental Sustainability – Policy Development – Implement Solana Energy Alliance

**OPTIONS:**

- Approve Resolution 2019-040 approving the amendment to the PSA for Bayshore Consulting Group, Inc.
- Do not approve Resolution 2019-040
- Provide alternative direction

**DEPARTMENT RECOMMENDATION:**

Staff recommends the City Council consider adoption of Resolution 2019-040 authorizing the City Manager to execute an amendment to the Professional Services Agreement with Bayshore Consulting Group, Inc., for administrative services not to exceed $44,999 in support of SEA.
CITY MANAGER RECOMMENDATION:

Approve Department Recommendation.

[Signature]

Gregory Wade, City Manager

Attachments:

1. Resolution 2019-040
2. Bayshore Consulting Group, Inc. PSA Amendment
RESOLUTION NO 2019-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BAYSHORE CONSULTING GROUP, INC., FOR SPECIAL CONSULTING SERVICES FOR THE SOLANA ENERGY ALLIANCE

WHEREAS, the City Council approved the launch of the Solana Energy Alliance (SEA) to provide customers a choice in energy service providers; and

WHEREAS, the implementation of SEA requires specialized administration and compliance assistance in connection with managing the day-to-day operations of SEA including monitoring and compliance with energy and regulatory matters before the California Public Utilities Commission (CPUC) and education and outreach to the community; and

WHEREAS, because SEA is the first and only operating Community Choice Aggregation (CCA) program in San Diego Gas & Electric (SDG&E) territory, special and constant attention to matters before the CPUC and the community is of utmost importance; and

WHEREAS, the City Council, in their role as the Board of Directors of SEA, desires to authorize an amendment to Professional Services Agreement (PSA) with Bayshore Consulting Group, Inc., to increase the contract amount to a not to exceed amount of $44,999 to perform these services.

NOW, THEREFORE, the City Council of the City of Solana Beach does resolve as follows:

1. That the foregoing recitations are true and correct.

2. That the City Council authorizes the City Manager to execute an amendment to the professional service agreement with Bayshore Consulting Group Inc., in an amount not to exceed $44,999 for FY 2018/2019.

3. That the City Council authorizes the City Manager to extend the agreement for four additional one-year terms, at the City’s option.
PASSED AND ADOPTED this 10th day of April, 2019, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  

__________________________
DAVID A. ZITO, Deputy Mayor

APPROVED AS TO FORM:  
ATTEST:

__________________________
JOHANNA N. CANLAS, City Attorney

__________________________
ANGELA IVEY, City Clerk
AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH BAYSHORE CONSULTING GROUP, INC. FOR COMMUNITY CHOICE AGGREGATION CONSULTING

This Amendment to the Professional Services Agreement entered into and effective as of the 1st day of February, 2019, by and between the City of Solana Beach, a municipal corporation, ("City"), and Bayshore Consulting Group, Inc. ("Consultant") (collectively, the "Parties") for Community Choice Aggregation Consulting.

RECITALS

A. City and Consultant entered into an Agreement for consulting services ("Agreement") on July 1, 2018; and

B. The Parties now desire to amend the Agreement to document an increase in the Scope of Services and Fees sections of the agreement.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, City and Consultant agree as follows:

1. The Scope of Services and Fees for the period of July 1, 2018 through June 30, 2019 is indicated in Exhibit "A" attached to this amendment.

2. City will pay Consultant for all work associated with the terms of the agreement which is amended to increase compensation by twenty thousand ($20,000) at a price not to exceed forty-four thousand, nine hundred and ninety-nine dollars ($44,999) at rates detailed in Exhibit "A" (attached).

3. All other provisions of the Agreement, as may have been amended from time to time, shall remain in full force and effect.

4. All requisite insurance policies to be maintained by the Consultant pursuant to the Agreement, as may have been amended from time to time, shall include coverage for this Amendment.
5. The individuals executing this Amendment and the instruments referenced on behalf of Consultant each represent and warrant that they have the legal power, right and actual authority to bind Consultant to the terms and conditions hereof of this Amendment.

BAYSHORE CONSULTING GROUP, INC.

By:

______________________________
Barbara Boswell, President

______________________________
(Date)

CITY OF SOLANA BEACH, a municipal corporation of the State of California

______________________________
Gregory Wade, City Manager

______________________________
(Date)

APPROVED AS TO CONTENT:

________________________________
Dan King, Assistant City Manager

APPROVED AS TO FORM:

________________________________
Johanna Canlas, City Attorney

ATTEST:

________________________________
Angela Ivey, City Clerk

Page 2 of 3
EXHIBIT “A”

SCOPE OF SERVICES AND FEE

Consultant will provide technical support and analysis of Community Choice Aggregation proposals as well as provide information and education to City Staff and the community, as needed, which may include attendance at community workshops and/or City Council meetings. The work will be performed at a not to exceed amount of $44,999.00 at an hourly rate of $150.
TO: Honorable Mayor and City Councilmembers  
FROM: Gregory Wade, City Manager  
MEETING DATE: April 10, 2019  
ORIGINATING DEPT: Engineering Department  
SUBJECT: Council Consideration of Resolution 2019-038 Declaring the Necessity of Emergency Storm Drainpipe Repairs, Ratifying the City Manager’s Decision to Execute Agreements Associated with the Emergency Repairs in the Solana Beach Towne Centre and Directing Reporting Regarding the Emergency

BACKGROUND:

The City of Solana Beach owns an 84-inch Corrugated Metal Pipe (CMP) located just west of Interstate 5 Freeway in the Solana Beach Towne Centre along San Rodolfo Drive. The City is the holder of a drainage easement recorded with the San Diego County Recorder on or about May 12, 1976, as document no. 76-143635 (Easement) wherein the storm drainpipe is located. In the fall, the City was notified of a potential sinkhole developing in the Solana Beach Towne Centre parking lot in the vicinity of the storm drainpipe directly under a covered walkway promenade near the Discount Tire store. Immediately after being notified, the City began an investigation including visual inspections, performing Closed Circuit Televising (CCTV), consulting with experts and researching the available record drawings associated with the construction of the subject pipeline.

More recent visual inspections of the section of the storm drainpipe located directly under the covered walkway promenade in March 2019, show a dramatic increase in the deflection/offset of the pipeline and underscored that the pipeline needed to be repaired in an emergency manner. Staff retained the professional services of a structural engineer, a geotechnical engineer and a licensed contractor for this work. Due to the risk to public safety, there was not sufficient time to send the project out for competitive bidding or seek prior approval from City Council.

COUNCIL ACTION:


AGENDA ITEM A.7.
This item is before the City Council for the consideration of Resolution 2019-038 (Attachment 1) to declare an emergency pursuant to Public Contract Code section 20168, ratify the City Manager’s decision to execute the contracts necessary to perform the repairs, and direct Staff to report back to City Council regarding the emergency as required by Public Contract Code section 22050.

DISCUSSION:

The subject storm drain was originally constructed in 1967 using CMP. While the inside of the pipe was covered with a relatively thick layer of asphalt lining, storm drain flows damaged the invert (inside/bottom) of the pipe. A typical repair to such pipe damage is relatively simple and is usually performed from inside of the pipe. However, the City’s investigation revealed that one 25-foot long pipe segment directly below the sinkhole area and under the tower of the covered walkway promenade is displaced (deflected/offset) at both ends. The soffit (inside/top) of that pipe segment is out of alignment with the adjacent sections of pipe. This matter was discussed and evaluated by several experts, all of whom agreed that the joint displacement cannot be repaired from inside of the pipe and the damaged pipe segment must be removed and replaced, requiring a more intensive project.

The storm drain pipe is approximately 22 feet deep and is located directly under a tower façade of a covered walkway promenade. The removal and replacement would require a relatively complicated shoring system to ensure the safety of the workers and to protect the adjacent structure. With the engagement of professional consultants, and a licensed contractor with expertise in repairs to these types of storm drain systems, Staff has developed the most efficient and cost effective plan to repair this pipeline. Staff is working cooperatively with representatives of the owners of the Solana Beach Towne Centre to develop a plan for certain aspects of this repair.

Because the pipeline is located underneath a covered promenade where pedestrians walk, there is a public safety risk. Emergency repairs are required to eliminate this risk. There was not sufficient time to send this project out to bid as any delay would jeopardize public health, safety and property.

California Public Contract Code section 20168 allows immediate expenditures to safeguard life, health and property without competitive bidding when there is an emergency. Public Contract Code section 22050 provides the procedures for emergency contracting and allows City Council to delegate emergency authority.

Pursuant to Resolution No. 2008-091 (Attachment 2), the City Council has authorized the City Manager, after consultation with the City Attorney, to take corrective action during an emergency, including entering into contracts for the purchase of supplies, materials, equipment and other necessary items directly related to an imminent threat to City owned, operated or maintained infrastructure, property and facilities. SBMC Section 3.08.060, Emergency Purchases, states, in part: “Emergency purchases that
exceed $25,000...are required to be ratified by the city council at the soonest available regular city council meeting."

Resolution No. 2008-091 requires the City Manager to report to the City Council on any action undertaken pursuant to his emergency contracting authority. Public Contract Code section 22050(c) also requires the regular review and reporting of actions during the emergency.

The work associated with these repairs is still underway. Staff will report back to the City Council regarding the repairs as required by Public Contract Code section 22050.

**CEQA COMPLIANCE STATEMENT:**

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c) of the State CEQA Guidelines.

**FISCAL IMPACT:**

The initial construction cost associated with this repair is estimated at $750,000. Additionally, there are costs associated with structural engineering, geotechnical engineering, field and laboratory testing and field surveying. Staff has negotiated a Professional Services Agreement (PSA) with a structural engineer for a not-to-exceed amount of $6,500. Staff has also negotiated a PSA with a geotechnical engineer for surveying, lab testing and geotechnical services for a not-to-exceed amount of $28,000.

Since the work associated with these repairs is still underway, Staff will report back to the City Council with a full financial accounting once the repairs are completed.

**WORKPLAN:**

This project is not identified in the Fiscal Year 2018/2019 Work Plan.

**OPTIONS:**

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Provide direction / feedback.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2019-038:

1. Declaring an emergency under Public Contract Code sections 20168 and 22050 regarding the storm drain;
2. Authorizing the City Manager to take any directly related and immediate action required by the emergency, directing Staff to report back to City Council as required by Public Contract Code section 22050 and Resolution No. 2008-091; and

3. Ratifying the City Manager's decision to:
   a. Execute a Public Works Agreement with Crest Equipment, Inc., for a not-to-exceed amount of $750,000, for construction and repairs associated with the 84-inch CMP located within the City’s Easement in the Solana Beach Towne Centre.
   b. Execute a PSA with Structural & Engineering Design Company, for a not-to-exceed amount of $6,500, for structural engineering support services for the repair of an 84-inch CMP located within the City’s Easement in the Solana Beach Towne Centre.
   c. Execute a PSA with Geopacifica, Inc., for a not-to-exceed amount of $28,000, for geotechnical services in the form of inspection, testing and surveying for the repair of an 84-inch CMP located within the City's Easement in the Solana Beach Towne Centre.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

/Gregory Wade, City Manager

Attachments:

1. Resolution 2019-038
2. Resolution 2008-091
RESOLUTION NO. 2019-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, DECLARING THE NECESSITY OF EMERGENCY STORM DRAINPIPE REPAIRS, RATIFYING THE CITY MANAGER’S DECISION TO EXECUTE AGREEMENTS ASSOCIATED WITH THE EMERGENCY REPAIRS IN THE SOLANA BEACH TOWNE CENTRE AND DIRECTING REPORTING REGARDING THE EMERGENCY

WHEREAS, the City of Solana Beach owns an 84-inch Corrugated Metal Pipe (CMP) located just west of Interstate 5 Freeway in the Solana Beach Towne Centre along San Rodolfo Drive; and

WHEREAS, the City is the holder of a drainage easement recorded with the San Diego County Recorder on or about May 12, 1976, as document no. 76-143635 (Easement) wherein the CMP is located; and

WHEREAS, in the fall 2018, the City was notified of a potential sinkhole developing in the Solana Beach Towne Centre parking lot in the vicinity of the storm drainpipe directly under a covered walkway promenade; and

WHEREAS, immediately after being notified, the City began an investigation including visual inspections, performing Closed Circuit Televising, consulting with experts and researching the available record drawings associated with the construction of the subject pipeline; and

WHEREAS, more recent visual inspections of the section of the storm drainpipe located directly under the covered walkway promenade in March 2019, showed a dramatic increase in the deflection/offset of the pipeline; and

WHEREAS, the pipeline needs to be repaired in an emergency manner; and

WHEREAS, California Public Contract Code section 20168 allows immediate expenditures to safeguard life, health and property without competitive bidding under certain emergency circumstances; and

WHEREAS, Public Contract Code section 22050(b) allows City Council to delegate emergency authority to the City Manager; and

WHEREAS, the City Council has delegated certain emergency authority to the City Manager under Resolution No. 2008-091 and Solana Beach Municipal Code Section 3.08.060; and

ATTACHMENT 1
WHEREAS, pursuant to Resolution No. 2008-091 and Solana Beach Municipal Code section 3.08.060, the City Manager authorized Professional Services Agreements (PSA) with a structural engineer, a geotechnical engineer and a licensed contractor for the emergency work to protect the public's safety, prevent further imminent damage to public infrastructure, and avoid harm to private properties; and

WHEREAS, Resolution No. 2008-091 and Public Contract Code section 22050 contain certain requirements regarding the reporting and review of actions taken during an emergency.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve and declare as follows:

1. That the foregoing recitations are true and correct.

2. That an emergency exists such that immediate repairs to the City's 84-inch CMP located within the City's Easement in the Solana Beach Towne Centre are required to eliminate a safety hazard and imminent threat to City owned infrastructure and private property.

3. That public interest and necessity demand the immediate expenditure of public money to safeguard life, health, and property.

4. That the emergency requires the repair to the City's storm drainpipe located within the City's Easement in the Solana Beach Towne Centre and action directly related to such repairs, including procuring the necessary equipment, services and supplies for the repair project.

5. That entry into agreements with a structural engineer, a geotechnical engineer and a licensed contractor for the emergency work related to the repairs is necessary to respond to the emergency.

6. That the emergency will not permit a delay resulting from a competitive solicitation for bids for such Professional Services Agreement (PSA).

7. That the City Council ratifies the City Manager's decision to execute a Public Works Agreement with Crest Equipment, Inc., for a not-to-exceed amount of $750,000, for construction and repairs associated with the 84-inch CMP located within the City's Easement in the Solana Beach Towne Centre.

8. That the City Council ratifies the City Manager's decision to execute a PSA with Structural & Engineering Design Company, for a not-to-exceed amount of
$6,500, for structural engineering support services for the repair of the 84-inch CMP located within the City’s Easement in the Solana Beach Towne Centre.

9. That the City Council ratifies the City Manager’s decision to execute a PSA with Geopacifica, Inc., for a not-to-exceed amount of $28,000, for geotechnical services in the form of inspection, testing and surveying for the repair of the 84-inch CMP located within the City’s Easement in the Solana Beach Towne Centre.

10. That the City Manager is authorized to take any directly related and immediate action required by the emergency related to the repair of the 84-inch CMP located within the City’s Easement in the Solana Beach Towne Centre.

11. That staff is directed to report back to City Council regarding the emergency as required by Resolution No. 2008-091 and Public Contract Code section 22050.

PASSED AND ADOPTED this 10th day of April, 2019, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following:

AYES: Councilmembers –
NOES: Councilmembers –
ABSENT: Councilmembers –
ABSTAIN: Councilmembers –

____________________________
DAVID A. ZITO, Mayor

APPROVED AS TO FORM: ATTEST:

____________________________
JOHANNA N. CANLAS, City Attorney

____________________________
ANGELA IVEY, City Clerk
WHEREAS, pursuant to Resolution No. 2008-091 and Solana Beach Municipal Code section 3.08.060, the City Manager authorized Professional Services Agreements (PSA) with a structural engineer, a geotechnical engineer and a licensed contractor for the emergency work to protect the public’s safety, prevent further imminent damage to public infrastructure, and avoid harm to private properties; and

WHEREAS, Resolution No. 2008-091 and Public Contract Code section 22050 contain certain requirements regarding the reporting and review of actions taken during an emergency.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve and declare as follows:

1. That the foregoing recitations are true and correct.

2. That an emergency exists such that immediate repairs to the City’s 84-inch CMP located within the City’s Easement in the Solana Beach Towne Centre are required to eliminate a safety hazard and imminent threat to City owned infrastructure and private property.

3. That public interest and necessity demand the immediate expenditure of public money to safeguard life, health, and property.

4. That the emergency requires the repair to the City’s storm drainpipe located within the City’s Easement in the Solana Beach Towne Centre and action directly related to such repairs, including procuring the necessary equipment, services and supplies for the repair project.

5. That entry into Professional Services Agreements (PSA) with a structural engineer, a geotechnical engineer and a licensed contractor for the emergency work related to the repairs is necessary to respond to the emergency.

6. That the emergency will not permit a delay resulting from a competitive solicitation for bids for such PSAs.

7. That the City Council ratifies the City Manager’s decision to execute a PSA with Crest Equipment, Inc., for a not-to-exceed amount of $750,000, for construction and repairs associated with the 84-inch CMP located within the City’s Easement in the Solana Beach Towne Centre.

8. That the City Council ratifies the City Manager’s decision to execute a PSA with Structural & Engineering Design Company, for a not-to-exceed amount of
$6,500, for structural engineering support services for the repair of the 84-inch CMP located within the City’s Easement in the Solana Beach Towne Centre.

9. That the City Council ratifies the City Manager’s decision to execute a PSA with Geopacifica, Inc., for a not-to-exceed amount of $28,000, for geotechnical services in the form of inspection, testing and surveying for the repair of the 84-inch CMP located within the City’s Easement in the Solana Beach Towne Centre.

10. That the City Manager is authorized to take any directly related and immediate action required by the emergency related to the repair of the 84-inch CMP located within the City’s Easement in the Solana Beach Towne Centre.

11. That staff is directed to report back to City Council regarding the emergency as required by Resolution No. 2008-091 and Public Contract Code section 22050.

PASSED AND ADOPTED this 10th day of April, 2019, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following:

AYES: Councilmembers –
NOES: Councilmembers –
ABSENT: Councilmembers –
ABSTAIN: Councilmembers –

DAVID A. ZITO, Mayor

APPROVED AS TO FORM: \__________________________

Johanna N. Canlas, City Attorney

ATTEST:

ANGELA IVEY, City Clerk
RESOLUTION NO. 2008-091

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY AGREEMENTS FOR EMERGENCY REPAIRS TO CITY INFRASTRUCTURE AND FACILITIES

WHEREAS, pursuant to the provisions of City of Solana Beach Municipal Code section 3.08.095, the City Council approves all agreements for services in an estimated amount of $15,000 or more; and,

WHEREAS, the Public Contract Code section 220050 (b)(1) provides that the City Council may delegate to the City Manager the authority to enter into agreements for the purchase of services and supplies and take other action directly related to an emergency; and,

WHEREAS, such delegation of authority to the City Manager allows the City to respond to imminent threats to public and private property and mitigate potential damages to said property; and,

WHEREAS, the City Manager shall exercise the authority granted herein only after consultation with the City Attorney; and,

WHEREAS, all purchases of supplies, services and materials shall be by a written contract, approved as to form by the City Attorney, and shall reference this Resolution; and,

WHEREAS, the term of any agreement entered into pursuant to this Resolution shall not exceed thirty (30) days; and,

WHEREAS, no agreement entered into pursuant to this Resolution shall be extended or amended unless the agreement and any extension or amendment is formally approved by the City Council; and,

WHEREAS, any action taken by the City Manager pursuant to the authority conferred in this Resolution shall be reviewed by the City Council in accordance with Public Contract Code section 22050 et seq.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. The above recitals are true and correct.

2. The City Council authorizes the City Manager, subject to prior consultation with the City Attorney, to take corrective action, including entering into contracts for the purchase of supplies, materials, equipment and other necessary items directly related to an imminent threat to City owned, operated or maintained infrastructure, property and facilities.
3. The Council authorizes the City Manager to execute any and all agreements directly related to corrective action necessitated by the imminent threat to City owned infrastructure and facilities. Such agreements shall be approved as to form by the City Attorney prior to execution and shall not be extended or amended except as provided for in this Resolution.

4. In accordance with and as provided for in Public Contract Code section 22050 *et seq.*, the City Manager shall report to the City Council on any action undertaken pursuant to the authority granted herein.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Solana Beach, California, held on the 9th day of July, 2008 by the following vote.

**AYES:** Councilmembers – Roberts, Nichols, Campbell, Heebner, Kellejian

**NOES:** Councilmembers – None

**ABSENT:** Councilmembers – None

**ABSTAIN:** Councilmembers – None

DAVID W. ROBERTS, Mayor

APPROVED AS TO FORM:

JOHANNA N. CANLAS, City Attorney

ATTEST:

ANGELA IVEY, City Clerk
CERTIFICATION

STATE OF CALIFORNIA) SS.
COUNTY OF SAN DIEGO) SS.
CITY OF SOLANA BEACH)

I, ANGELA IVEY, City Clerk of the City of Solana Beach, California, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution 2008-091 authorizing the City Manager to execute necessary agreements for Emergency Repairs to City Infrastructure and Facilities as duly passed and adopted at a Regular Solana Beach City Council meeting held on the 9th day of July 2008 and the original is on file in the City Clerk's Office.

ANGELA IVEY, CITY CLERK

Date of this Certification: 7-14-2008
CALL TO ORDER AND ROLL CALL:
Mayor Zito called the meeting to order at 5:00 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless
Absent: None
Also Present: Gregory Wade, City Manager
Johanna Canlas, City Attorney

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY): None
Report to Council Chambers and submit speaker slips to the City Clerk before the meeting recesses to closed session.

CLOSED SESSION:
1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
   Pursuant to Government Code Section 54956.9(d)(2)
   Two (2) Potential case(s).
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
   Pursuant to Government Code Section 54956.9(d)(1)
   - Beach & Bluff Conservancy v. City of Solana Beach, California Coastal Commission,
     Surfrider (Case No. 37-2019-0002080-CU-WM-NC)
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Added 2-12-19
   Pursuant to Government Code Section 54956.9(d)(2)
   One (1) Potential case(s).
4. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION - Added 2-12-19
   Pursuant to Government Code Section 54956.9(d)(4)
   One (1) Potential case(s).

ACTION: No reportable action.

ADJOURN:
Mayor Zito adjourned the meeting at 5:55 p.m.
CALL TO ORDER AND ROLL CALL:

Mayor Zito called the meeting to order at 6:00 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: No reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Deputy Mayor Edson and second by Councilmember Harless to approve. Approved 5/0. Motion carried unanimously.

ORAL COMMUNICATIONS: None

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today’s agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening’s agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action
shall be taken by the City Council on public comment items. Council may refer items to the City
Manager for placement on a future agenda. The maximum time allotted for each presentation is
THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:
An opportunity for City Council to make brief announcements or report on their activities. These items are not
agendized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.6)
Items listed on the Consent Calendar are to be acted in a single action of the City Council unless
pulled for discussion. Any member of the public may address the City Council on an item of
concern by submitting to the City Clerk a speaker slip (located on the back table) before the
Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of
the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the
public will be discussed immediately after approval of the Consent Calendar.

A.1. SKIPPED NUMBER

A.2. Register Of Demands. (File 0300-30)
Recommendation: That the City Council
1. Ratify the list of demands for January 5 - 25, 2019.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to
approve. Approved 5/0. Motion carried unanimously.

Recommendation: That the City Council
1. Receive the report listing changes made to the Fiscal Year 2018-2019 General
   Fund Adopted Budget.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to
approve. Approved 5/0. Motion carried unanimously.

A.4. Fletcher Cove Park Trash Enclosure Removal and Parking Pavement Project,
Bid No. 2018-06. (File 0730-40)
Recommendation: That the City Council
1. Adopt Resolution 2019-016:
a. Awarding the construction contract to BellaKai Construction in the amount of $22,200 for the Fletcher Cove Park Trash Enclosure Removal & Parking Pavement, Bid 2018-06.


2. Authorizing the City Manager to execute the construction contract on behalf of the City.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve. Approved 5/0. Motion carried unanimously.

A.5. Stormwater Program Management Services Agreement. (File 0850-40)

Recommendation: That the City Council

1. Adopt Resolution 2019-012 authorizing the City Manager to sign the amendment to the Professional Services Agreement with Mikhail Ogawa Engineering for Stormwater Program Management Services to increase the total cost of the agreement by $45,000 for an amount not exceed $130,000.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve. Approved 5/0. Motion carried unanimously.

A.6. Fiscal Year (FY) 2017-18 Community Grant Expenditure Report. (File 0330-25)

Recommendation: That the City Council

1. Accept the Solana Beach Civic & Historical Society request for an extension to expend the remaining $942.40 from the $5,000 awarded to them in the 2017-18 Community Grant period.

2. Accept and file this report.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve. Approved 5/0. Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral
testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: Solana Energy Alliance (SEA) Rate Schedule, Quarterly Update, and Collections Policy (File 1010-40)

Recommendation: That the City Council


3. Receive and file report on Solana Energy Alliance. (SEA) Activities and Operations and provide comment and/or direction

4. Adopt Resolution 2019-020 Approving SEA-04 Collections Policy

Greg Wade, City Manager, introduced the item and presented a PowerPoint (on file).

Barb Boswell, consultant, continued the PowerPoint (on file) reviewing the quarterly update, first rate update, and collection policy consideration.

Jeff Fuller, consultant, continued the PowerPoint (on file) regarding the financial outlook.

Ty Tosdal, Special Counsel for SEA, continued PowerPoint (on file) reviewing regulatory proceeding updates.

Dan King, Assistant City Manager, continued the PowerPoint (on file) reviewing regional JPA discussions.

Greg Wade, City Manager, continued the PowerPoint (on file) reviewing the summary of goals, rate savings, budget adjustments to align the lock box fund with the enterprise fund, Climate Action Plan goals, resources to meet the reserve requirements, and summarizing the purpose of the actions requested at this time.

Mayor Zito opened the public hearing.

Council disclosures.

Council, Consultants, and Staff discussed the central buyer concept that would centralize the
buying of the resource adequacy for all other entities and charging a fee, that resource adequacy would be intended to ensure all providers had adequate power during peak demand time, the current and revised bond requirement increase, that rates would be decreasing for the majority of users and some would be affected by an increase,

Alan Banebey spoke about the problem with the statements being sent to net energy metering customers, that last quarterly update reported that SDG&E would resolve the issue in February, and that nothing had changed with the billing statements.

Greg Wade, City Manager, spoke about SDG&E’s communication to the City that the February deadline for sending statements to net metering customers would not be met and the new target date would be March 17th, that a mailer was sent by SEA to all net energy metering customers to show account balances and credits and that they would be sent out again.

Al Evans spoke about his comparison of his bill, while not participating in the SEA program, with his neighbor’s bill, who was in the SEA program, both stating a cost of 27 cents per kilowatt hour (kWh), and that he could not see the 3% savings for SEA participants.

Council, Consultants, and Staff discussed past due bill payment options that were available to SEA customers the same as SDG&E customers, a customer would be sent to collections only if the account was closed and a balance was never paid, the current net position of approximately $1.1 million, the projected position at mid fiscal year could be lower, the plan for SEA paying back the City in full, the projected balances showing either enterprise fund balance on an accrual basis and one is showing SEAs positon on a cash basis, making a conscious decision to build cash reserves, future years could present different scenarios, having the choice to make efforts towards more renewables, and defining surplus funds.

Council discussed organizing a subcommittee of Councilmembers to act as point persons to speak to CCA and JPA issues with other elected officials and Mayor Zito and Councilmember Hegenauer would represent the Council.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to close the public hearing. Approved 5/0. Motion carried unanimously.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve. Approved 5/0. Motion carried unanimously.

C. STAFF REPORTS: (C.1. - C.6.)
Submit speaker slips to the City Clerk.

C.1. Fiscal Year 2018-19 Mid-Year Budget Amendments. (File 0330-30)
Recommendation: That the City Council


Item C.1. Report (click here)
Greg Wade, City Manager, introduced the item.

Marie Berkuti, Finance Manager, presented a PowerPoint (on file).

Council and Staff discussed the Fire Department’s Staff overtime, that shifts contained a 6-person crew at all times and backfilled with other Staff working overtime, the Fire Department vehicle maintenance increase from the past, costs for payments to the North County Dispatch JPA (NCDJPA) for pension costs, the Santa Fe Hills municipal improvement district funds, and that uncollected funds were published once efforts to reach the payees had failed.

Motion: Moved by Councilmember Harless and second by Councilmember Hegenauer to approve. Approved 5/0. Motion carried unanimously.

C.2. La Colonia Skate Park – Construction Update No. 2. (File 0720-30)

Recommendation: That the City Council

1. Receive this update on the La Colonia Skate Park;

2. Provide feedback on:
   a. The area between the Skate Park and basketball court that would allow for a walking path to the recently purchased lot on the north end of the existing park; and
   b. Proposed water filling station; and
   c. Proposed fence around the basketball court; and
   d. Proposed date for ribbon cutting ceremony for the La Colonia Skate Park.

Item C.2. Report (click here)

Greg Wade, City Manager, introduced the item.

Mo Sammak, Public Works/Engineering Dir., presented a PowerPoint (on file).

Mitch Phillippe, Van Dyke Landscape, spoke about the north side of the basketball court and suggesting maintaining the fence at 8 ft. to prevent basketballs from going over the fence, and on the east side the fence could be lowered.

Council and Staff discussed moving a water filing station.

Council, Staff, and Consultant discussed ideas for benches, removing the concrete wall and adding landscaping instead to leave the area between the skate park and the basketball court more open and using it was a walkway path, that the skate park could be opened officially on Memorial Day, to open it earlier than the anticipated ribbon cutting ceremony, that skateboarding was currently restricted until the skate boarding ordinance was effective 30 days following the ordinance adoption, and minimal maintenance costs of the water system.
Cindi Clemons spoke about concerns of flyaway basketballs hitting the museum building.

Council and Staff discussed that there was a good distance between the new basketball court and the existing museum, considering whether to lower the fences or keeping them high, changing the material of the chain link fence, the two bench design options which would face the basketball court, and the side fence on the outer side along the basketball court was standard safety.

Council consensus was reached to select the water fling station to accommodate dogs as well, fence around the basketball court would be 8 ft. on north side and 4 ft. on the east side, use the Solana Beach bench, and the ribbon cutting ceremony date options.

C.3. San Onofre Nuclear Waste Storage Solutions. (File 0220-40)

Recommendation: That the City Council

1. Provide input on the draft letter and authorize the distribution of the letter to Senators Feinstein and Harris and to Congressman Levin in support of immediate federal action to find both an interim and a permanent nuclear waste storage solution for the waste currently stored at SONGS and advocating for the safe storage and removal of waste from the coastline as quickly as possible.

Item C.3. Report (click here)
Item C.3. Updated Report #1 (2-13 at 5pm)
Item C.3. Supplemental Docs (2-13 at 5pm)

Dan King, Assistant City Manager, presented a PowerPoint (on file).

Jim Jaffe, co-chair of Beach Preservation Committee of the San Diego Chapter of the Surfrider Foundation, and Mandy Sackett, California Policy Coordinator with the National Surfrider Office, presented a PowerPoint (on file). and spoke about focusing on a long term solution removing the waste off of the coast, working with the federal government takes much more time than expected, to get that process started now, that the waste had to cool until 2030 before it could be moved, that Surfrider opposed permanent storage of the radioactive waste at the SONGS location, that they advocated for the safe and quick removal from the coastline, and that they provided proposed correspondence.

Council and Ms. Sackett discussed focus on a permanent repository, the urgency of incorporating an earlier short-term solution for safety purposes, relying on NRC to ensure the type of canister for safety, handling or moving fuel increases risk factors, and a clearing pool onsite to address a potential leaking canister.
Torgen Johnson (time donated by Dave Clemens, Cindi Clemons) spoke about the problem created by internal failures of engineering, practices, calculations, and management, ending the loading of this defective system that was prone to accidents and would damage the canisters making it impossible to move them to another location, potential loss of containment on a system that was the only one of its kind in the entire country sitting in a salty environment, cracks that begin on these canisters as early as 17 yrs. old and these canisters were already 15 yrs. old, and not postponing a long term position.

Council and Mr. Johnson discussed the industry’s blind spot due to its self-regulation, that Edison would like to push the canisters into the ground, many high level experts input and concerns, support for a letter stating the facts and expert’s recommendations for this national security threat, the slightest move of the canisters can activate the radioactive material, the two near miss drops without any emergency plan, having Mike Levin reach out to public groups, to get the material off of the coast immediately, the recommended handing was being ignored by Edison, and advocating for a temporary and permanent solution in one or two different letters.

Council reached consensus to appoint Mayor Zito as the lead to draft a letter with Staff and the public to send to the relative elected officials to express the City’s concerns and recommend ways to address them.

C.4. Lomas Santa Fe Corridor Improvement Project - Phase III Agreement.
(File 0820-15)

Recommendation: That the City Council

1. Consider adoption of Resolution 2019-011:
   a. Authorizing the City Manager to sign a Professional Services Agreement with Michael Baker International, in an amount not to exceed of $684,500, for the Lomas Santa Fe Corridor Improvement Project – Phase III.
   b. Appropriating $616,050 to the SANDAG Grants revenue account and Professional Services expenditure account for the Lomas Santa Fe Corridor Improvement Project – Phase III in the Capital Improvement Program for FY 2018/19 (9382.03) in the Miscellaneous Grants fund.
   c. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

Item C.4. Report (click here)
Item C.4. Updated Report #1 (2-11 at 530pm)

Greg Wade, City Manager, introduced the item.

Mo Sammak, Public Works/Engineering Dir., presented a PowerPoint (on file).

Council and Staff discussed conducting some public workshops, adding an update to the website once 30% construction design was reached, that the scope was based on no
roundabouts with 4 lanes of traffic as a starting point; there would be no taking of property
by the City, and the 18 mos. Grant.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to
approve. **Approved 5/0.** Motion carried unanimously.

C.5. **Adopt (2nd Reading) Ordinance 498 adopting Official City Insignia for the
Solana Energy Alliance (SEA) (File 0160-30)**

Recommendation: That the City Council

1. **Adopt Ordinance 498,** amending the Solana Beach Municipal Code (SBMC)
   Section 1.08.010, to include the official insignia for the Solana Energy Alliance.

**Item C.5 Report (click here)**

**Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.**

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to
approve. **Approved 5/0.** Motion carried unanimously.

C.6. **City Council Monthly Compensation Consideration – Ordinance 485
Introduction (1st Reading).** (File 0520-10)

Recommendation: That the City Council

1. Discuss and consider changes, if any, to Councilmember compensation.

2. If desired, introduce **Ordinance 485** amending Solana Beach Municipal Code
   (SBMC) section 2.04.020 to reflect the compensation adjustment to take effect
   when a new term of office commences in December 2020.

**Item C.6. Report (click here)**

**Item C.6. Updated Report #1 (2-13 at 5pm)**

**Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.**

Johanna Canlas, City Attorney, presented a PowerPoint (on file).

Council and Staff discussed ensuring a salary increase was in line with other small cities
and that the Mayor position in some cities receive approximately $75-100 more a month.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Harless to
approve. **Approved 5/0.** Motion carried unanimously.

**COMPENSATION & REIMBURSEMENT DISCLOSURE:**

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be
limited to, meals, lodging, and travel. 53232.3 (d) 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.
Councilmembers disclosed reimbursements.

**COUNCIL COMMITTEE REPORTS:** Council Committees

**REGIONAL COMMITTEES:** (outside agencies, appointed by this Council)

**STANDING COMMITTEES:** (All Primary Members) *(Permanent Committees)*

**ADJOURN:**
Mayor Zito adjourned the meeting at 9:36 p.m.

Angela Ivey, City Clerk

Approved: ____________________
BACKGROUND:

On July 10, 2018, the City Council (Council) approved a Memorandum of Understanding (MOU) with the Solana Beach School District (District) for crossing guard services. On August 22, 2018, Council approved an amended agreement adding the Santa Helena and Lomas Santa Fe Drive crosswalk to the program. Now, additional crossing guard services are requested at the intersection of Lomas Santa Fe and Stevens Avenue after reviewing the pedestrian crossing patterns this school year. This request is just for the remainder of this school year and the entire program will be reassessed after this school year for future years.

This item is before Council to consider Resolution 2019-041 (Attachment 1) ratifying the Amended Memorandum of Understanding (MOU) (Attachment 2) with the Solana Beach School District for crossing guard services. In addition, if Council approves the ratification of the MOU, Staff requests that the Council also approve the Amended Professional Services Agreement (PSA) with All City Management Services, Inc. (Attachment 3) to include the Lomas Santa Fe and Stevens Avenue intersection. Lastly, if the Council approves the amended agreements, Staff requests corresponding appropriations of funds and approval of Fiscal Year (FY) 2018/19 budget amendments.
DISCUSSION:

The inclusion of the Lomas Santa Fe and Stevens intersection requires the addition of two crossing guards to the six crossing guards employed under the current contract, for a total of eight crossing guards. The additional cost of the two new guards would be $7,241. The MOU still includes a cost-share provision outlined in Sections 3 and 4 whereby the School District will be responsible for sixty-five percent (65%) of the actual costs of providing crossing guard services as outlined in the agreement. The City will be responsible for the remaining thirty-five percent (35%) of the costs as well as conducting administration and contract management services. With the addition of the new intersection at Lomas Santa Fe and Stevens Avenue, the contract costs will increase from $88,862 to $96,103. With the 65%/35% split, the City’s costs will increase $2,534 from $31,102 to $33,636.

The Amended MOU (Exhibit 2) and Amended PSA (Exhibit 3) have been updated to reflect the additional intersection and number of guards. Staff recommends that City Council consider approving the Amended MOU with the Solana Beach School District (District) and Amended PSA with All City Management Services Inc. (ACMS).

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The total cost for the first year of the amended agreements is not to exceed $96,103. The District will reimburse the City for sixty-five percent of this cost, or $62,467, with the remaining thirty-five percent, or $33,636, being paid by the City.

Should the Council approve the Amended MOU and PSA, Staff is recommending that an appropriation be made to the FY 2018/19 Adopted Budget for the increased cost of the crossing guard contract and for the reimbursement amount that will be received from the Solana Beach School District.

WORK PLAN:

In the FY 2018/19 Work Plan, this item is Community Character – Land Use and Planning – Priority Item 9

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Deny Staff recommendation and provide direction.
DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council consider adoption of Resolution 2019-041:

1. Approving the Amended MOU with the Solana Beach School District for crossing guard services.

2. Approving the Amended PSA with ACMS to provide crossing guard services for one year with the option to extend the agreement for up to four additional one year terms.

3. Authorize the City Manager to execute the MOU and PSA pending approval of these items by the Solana Beach School District.


5. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

Gregory Wade, City Manager

Attachments:

1. Resolution 2019-041
2. Amended Solana Beach School District Memorandum of Understanding
3. Amended Professional Services Agreement with ACMS
RESOLUTION 2019-041


WHEREAS, the City of Solana Beach Fiscal Year (FY) 2018/19 Work Plan directed Staff to explore a partnership with the Solana Beach School District (District) to provide crossing guards on Lomas Santa Fe Drive at the I-5 interchange; and

WHEREAS, the City promotes walking and biking throughout the community to promote a healthier lifestyle and reduce vehicular traffic; and

WHEREAS, the safety of Solana Beach students walking to and from school is paramount; and

WHEREAS, both the City and the District agree that providing crossing guard services will be beneficial to school children and the public as a whole; and

WHEREAS, the District and the City have agreed to share the costs to provide crossing guard services and on July 10, 2018, the City Council approved a Memorandum of Understanding (MOU) with the District (District) for crossing guard services and a Professional Services Agreement (PSA) with ACMS Inc. to provide those services; and

WHEREAS, on August 22, 2018, the City Council approved an amended MOU with the District and an amended PSA with ACMS for crossing guard services to include the intersection at Santa Helena and Lomas Santa Fe; and

WHEREAS, since that approval, the intersection at Lomas Santa Fe Drive and Stevens Avenue was also identified as a possible location for crossing guards to facilitate the safe crossing of school children and it was requested that the City and the District consider adding that crosswalk to the program; and

WHEREAS, the addition of the Lomas Santa Fe Drive and Stevens Avenue intersection to the MOU also necessitates a corresponding addition to the PSA.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:
1. The above recitations are true and correct.

2. The City Council hereby approves the Amended Memorandum of Understanding between the City and Solana Beach School District.

3. The City Council hereby approves the Amended Professional Services Agreement with ACMS to provide crossing guard services for one year with the option to extend the agreement for up to four additional one year terms.

4. The City Council authorizes the City Manager to execute the MOU and PSA pending approval of these items by the Solana Beach School District.

5. The City Council hereby appropriates $7,241 to the Professional Services expenditure account in the Traffic Safety budget unit and $4,707 to the Reimbursed Cost revenue account, both in the General Fund.

6. The City Council hereby authorizes the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

PASSED AND ADOPTED this 10th day of April 2019, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

__________________________
DAVID A. ZITO, Mayor

APPROVED AS TO FORM: ATTEST:

__________________________
JOHANNA N. CANLAS, City Attorney

__________________________
ANGELA IVEY, City Clerk
AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF SOLANA BEACH AND
SOLANA BEACH SCHOOL DISTRICT FOR CROSSING GUARD SERVICES

This Amendment No. 1 to the memorandum of understanding (MOU) entered into and effective as of the 30th of July 2018 by and between the City of Solana Beach, a municipal corporation, ("City"), and the Solana Beach School District, ("District") (collectively, the “Parties”) for crossing guard services.

RECITALS

A. City and District entered into an MOU to share the costs of crossing guard services on July 30, 2018.

B. Pursuant to Resolution 2019-041, under the City Manager’s authorization, the Parties desire to add the intersection of Lomas Santa Fe and Stevens Avenue to the scope of services of the Professional Services Agreement with ACMS, Inc, the provider of the crossing guard services at an additional cost of $7,241, and;

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, City and Contractor agree as follows:

1. The Parties have agreed to a revised Exhibit A to the MOU to include the additional crossing guard services at the intersection of Lomas Santa Fe and Stevens Avenue, which is attached to and incorporated by this reference as Exhibit "A".

2. All other provisions of the MOU, as may have been amended from time to time, shall remain in full force and effect.
3. The individuals executing this MOU and the instruments referenced on behalf of District each represent and warrant that they have the legal power, right and actual authority to bind the District to the terms and conditions hereof of this Amendment.

DISTRICT

By:

Lisa Davis
Assistant Superintendent, Business Services
Solana Beach School District

CITY OF SOLANA BEACH, a municipal corporation of the State of California

Greg Wade, City Manager

APPROVED AS TO CONTENT:

Dan King
Assistant City Manager

APPROVED AS TO FORM:

Johanna N. Canlas, City Attorney

ATTEST:

Angela Ivey, City Clerk
EXHIBIT "A"
SCOPE OF SERVICES AND FEE

During the term of this Agreement, eight guards will be stationed near the following school sites:

- Two guards will be positioned on Lomas Santa Fe Drive where it intersects the Interstate 5 southbound ramp;
- One guard where it intersects the Interstate 5 northbound ramp;
- Two guards at the intersection of Santa Helena;
- One guard at the Santa Helena and Santa Victoria intersection; and
- Two guards at the intersection of Stevens Avenue.

The locations are indicated in the photo below.

The actual configuration of guard numbers and position locations are subject to change pending review and evaluation of the crossing guard program at these sites to ensure student safety.
AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH ACMS, INC. FOR CROSSING GUARD SERVICES

This Amendment No. 1 to the professional services agreement dated July 23, 2018 entered into and effective as of the 23rd day of July 2018 by and between the City of Solana Beach, a municipal corporation, ("City"), and ACMS, Inc., ("Contractor") (collectively, the "Parties") for crossing guard services.

RECITALS

A. City and Contractor entered into an agreement for crossing guard services ("Agreement") on July 23, 2018.

B. Pursuant to Resolution 2019-041, under the City Manager’s authorization, the Parties desire to add an additional intersection to the Agreement increasing the cost of the Agreement by $7,240.64;

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, City and Contractor agree as follows:

1. The Parties have agreed to a revised scope of work and fee schedule, which is attached to and incorporated by this reference as Exhibit "A", Scope of Services and Fee.

2. All other provisions of the Agreement, as may have been amended from time to time, shall remain in full force and effect.

4. All requisite insurance policies to be maintained by the Contractor pursuant to the Agreement, as may have been amended from time to time, shall include coverage for this Amendment.
5. The individuals executing this Amendment and the instruments referenced on behalf of Contractor each represent and warrant that they have the legal power, right and actual authority to bind Contractor to the terms and conditions hereof of this Amendment.

CONTRACTOR

By:

Demetra Farwell, Administrative Services Director
All City Management Services, Inc.
10440 Pioneer Blvd, Suite 5
Santa Fe Springs, CA 90670

CITY OF SOLANA BEACH, a municipal corporation of the State of California

______________________________
Greg Wade, City Manager

APPROVED AS TO CONTENT:

______________________________
Dan King, Assistant City Manager

APPROVED AS TO FORM:

______________________________
Johanna N. Canlas, City Attorney

ATTEST:

______________________________
Angela Ivey, City Clerk
EXHIBIT “A”
SCOPE OF SERVICES AND FEE

During the term of this Agreement, eight guards will be stationed near the following school sites:

- Two guards will be positioned on Lomas Santa Fe Drive where it intersects the Interstate 5 southbound ramp;
- One guard where it intersects the Interstate 5 northbound ramp;
- Two guards at the intersection of Santa Helena;
- One guard at the Santa Helena and Santa Victoria intersection; and
- Two guards at the intersection of Stevens Avenue (New if Amendment approved. Costs for this item on the following page).

The locations are indicated in the photo below.

The actual configuration of guard numbers and position locations are subject to change pending review and evaluation of the crossing guard program at these sites to ensure student safety.
Last fall, the Federal Communications Commission (FCC) adopted new rules that further limit local authority to regulate "small wireless facilities" as that term is defined in 47 C.F.R. § 1.6002(1). The FCC rules, part of which became effective on January 14, 2019, would require the City to review small cell applications faster and consistent with the FCC's national standard for permissible local regulations. These rules are part of a larger rulemaking that aims to reinterpret the federal Telecommunications Act of 1996 and prohibit actual and effective local moratoria on infrastructure deployments.

Small wireless facilities generally include the smaller scale antennas and associated facilities (as compared to first generation macro facilities) that are part of the next generation of wireless technology, known as 5G. 5G operates at significantly faster speeds than the existing 4th Generation (4G) technology, using higher frequency, directional radio waves over shorter distances. 5G technology calls for smaller, more frequently-placed antennas than 4G, which lend themselves to placement on light-poles and similar existing infrastructure. Wireless carriers have begun 5G installation in a number of major cities areas across the country, including Sacramento and Los Angeles, and are working towards nationwide deployment by the end of 2020.

Under the new rules, the FCC defines the presumptively reasonable time for review as 60 days for small cell attachments to existing structures and 90 days for attachments to new structures. Any administrative appeal must also occur within the applicable review times or "shot clock". If the City fails to issue a timely final decision, the City's failure to act presumptively constitutes an effective prohibition of service and the applicant may file a claim in federal court for an injunction to issue "shovel-ready" permits.
In addition, the FCC provides that a local small cell regulation causes an effective prohibition in violation of federal law unless the regulation is 1) reasonable; 2) no more burdensome than regulations imposed on similar infrastructure deployments; and 3) objective and published in advance. Reasonable regulations are those that are technically feasible and reasonably directed to avoiding or remedying the "intangible public harm" (as it is described by the FCC) of unsightly or out-of-character deployments. Although the FCC declared that minimum spacing or undergrounding requirements could potentially violate the new test, the FCC provided little guidance as to the scope of specific local regulations that would likely be considered to be preempted. The regulations mean that the City may not prohibit placement of small cells within the public right-of-way or on publicly-owned and operated utility poles but can prescribe reasonable standards for their placement and design.

On December 10, 2018, the FCC clarified the effective dates for the rule, stating that the shot clock and fee regulations go into effect on January 14, 2019, and the aesthetic regulations go into effect on April 15, 2019. In order to meet the April 15 deadline regarding aesthetic regulations, and provide the public with notice of the policy change, Staff recommends that the Council delegate authority to the City Manager to adopt a revised Council Policy 21 to conform to FCC rulings regarding Small Wireless Facilities and post the new policy immediately.

This item is before Council to consider Resolution 2019-043 (Attachment 1) delegating authority to the City Manager to adopt a revised Council Policy 21 to conform to FCC rulings regarding Small Wireless Facilities for the purpose of regulating the permitting, design and location of such facilities citywide and approving the use of a pole license agreement.

DISCUSSION:

The purpose of the proposed revised policy (Policy) is to establish reasonable and comprehensive standards and procedures for the permitting of small wireless facilities within the City including, but not limited to, the siting of facilities, aesthetics, construction, operation, modification, and removal. The Policy is intended to promote the community interest of protecting the City's visual character from potential adverse impacts from facilities while providing access to high quality advanced wireless technology for the City's residents, businesses, and visitors. The Council should note that, as a policy rather than an Ordinance, the City may amend or revoke the provisions more quickly. This approach is recommended by Staff due to the rapid and sometimes unpredictable changes in the federal law.

Key provisions of the Proposed Policy on Small Wireless Facilities

1. Application Requirements
Staff proposes that applicants be required to submit a variety of items including, but not limited to, a project narrative, construction drawings, a site survey, a radio frequency ("RF") report certifying compliance with federal standards, photo simulations, an executed Pole License Agreement (see Attachment 2), and review/permitting fees.

2. Community Development Director Shall Review All Applications

Staff proposes that the Community Development Director, or his/her designee, shall be responsible for reviewing all applications and approving, conditionally approving or denying the application.

3. Noticing

Staff proposes that the Community Development Director shall ensure that notice of the project application is mailed to all properties and record owners of properties within 300 feet of the project site. The notice will contain a description of the project, the applicant's contact information, the Community Development Director's contact information, a statement that the Director will act on the application without a public hearing but that any interested person or entity may appeal the Director's decision directly to the City Manager, and a statement explaining that the FCC requires the City to take final action of small cell applications within 60 days or 90 days depending on the nature of the proposed facility.

4. Decisions and Appeals

Staff proposes that the findings for approval reflect the new objectivity requirement in the FCC rules. Due to the extremely short shot clocks, the decision to approve or deny will be made by the Community Development Director. Interested persons will have the opportunity to appeal the decision to the City Manager. The entire process will be fast-tracked to ensure adequate time for public participation in the appeal process.

5. Location Preferences and Design Standards

The Policy sets forth ranked preferences for locations and support structures within those locations. Residential areas and new freestanding poles or similar structures are the least preferred and require the applicant to demonstrate why no more preferred location within a reasonable distance from the site is technically feasible. Staff has also worked with outside counsel to develop detailed and objective design criteria and standards that preserve local authority and comply with the FCC's restrictions.

6. Automatic Conditions of Approval

The Policy contains a substantial number of "standard conditions" applicable to all deployments. These ensure that the maintenance and operational requirements for all facilities are evenly applied, and also ensure that all facilities meet minimum standards in the event that an approval is mandated by law.
7. Pole License Agreement

In order to utilize the City's vertical infrastructure (e.g., City light poles or traffic poles), staff proposes that small wireless providers will be required to enter into a Pole License Agreement with the City. The Agreement addresses a variety of issues including, but not limited to, fees payable to the City, an acknowledgment that the City may need to change a street width or make other changes requiring the licensee to remove or relocate equipment, indemnification and insurance requirements, etc.

8. Annual License Fee

Pursuant to the proposed Pole License Agreement, licensees are required to pay the City an annual fee of $270 per site. That fee is set to automatically increase by 3% each year. The City also has the option to adjust the license fee in the future if it determines that the City's actual costs incurred in connection with the license are greater and are reasonable. Licensees would have the right to appeal any adjustment to the City Council.

The proposed Policy is necessary for compliance with new FCC regulations. Although these new regulations are intended to restrict local authority, Staff has worked with outside counsel to develop a flexible approach that preserves as much of the City's authority as possible while still achieving compliance. Staff recommends that the Council adopt Resolution 2019-043 authorizing the City Manager to adopt revisions to Policy 21 and approve the use of a Pole License Agreement.

CEQA COMPLIANCE STATEMENT:

The proposed action is not considered a "project" under the California Environmental Quality Act (CEQA) because the proposal is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Moreover, if the code amendment were to qualify as a "project" subject to CEQA, it would be exempt from further environmental review in accordance with CEQA Guidelines section 15061(b)(3) because the project involves the adoption of regulations for small cell wireless facilities and does not directly or indirectly authorize or approve any actual physical changes in the environment.

FISCAL IMPACT:

There is minimal financial impact. Pursuant to Federal Communications Commission's (FCC) action on December 10, 2018, small wireless providers are required to pay an annual license fee of $270 per site for use of the City’s infrastructure.

WORK PLAN:

N/A
OPTIONS:

- Approve Resolution 2019-043 authorizing the City Manager to adopt revisions to Council Policy 21 to address FCC rules by developing and posting the policy for the purpose of regulating the permitting, design and location of small wireless facilities, which includes use of a Pole License Agreement
- Do not approve Resolution 2019-043
- Provide alternative direction

DEPARTMENT RECOMMENDATION:

Staff recommends the City Council approve Resolution 2019-043 authorizing the City Manager to adopt revisions to Council Policy 21 for the purpose of regulating the permitting, design and location of small wireless facilities and approving use of a Pole License Agreement.

CITY MANAGER RECOMMENDATION:

Approve Department Recommendation.

Gregory Wade, City Manager

Attachments:

1. Resolution 2019-043
RESOLUTION NO 2019-043

RESOLUTION OF THE CITY OF SOLANA BEACH, CALIFORNIA DELEGATING AUTHORITY TO THE CITY MANAGER TO ADOPT A REVISED COUNCIL POLICY 21 REGARDING SMALL WIRELESS FACILITIES AND APPROVING THE USE OF A POLE LICENSE AGREEMENT.

WHEREAS, pursuant to the California Constitution, Article XI, section 7; California Government Code section 37100 and other applicable law, the City of Solana Beach City Council may make and enforce within its limits all local, police, sanitary and other ordinances, resolutions and other regulations not in conflict with general laws; and

WHEREAS, the City Council last amended Solana Beach Municipal Code (SBMC) Section 17.60.120 regarding Wireless Communication Facilities in 2017.

WHEREAS, since the adoption of Policy No. 21, significant changes in federal laws that affect local authority over personal wireless service facilities and other related infrastructure deployments have occurred, including, but not limited to, the following:

- On November 18, 2009, the Federal Communications Commission ("FCC") adopted a Declaratory Ruling on the proceeding titled Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, 24 FCC Rcd. 13994 (rel. Nov. 18, 2009), which imposed procedural restrictions on state and local permit application reviews such as presumptively reasonable times for action. After a petition for judicial review, the U.S. Supreme Court in City of Arlington v. FCC, 569 U.S. 290 (2013), upheld the FCC’s authority to issue these rules;

- On February 22, 2012, Congress adopted the Middle Class Tax Relief and Job Creation Act, which amended the Communications Act to mandate approval for certain "eligible facilities requests" to collocate and/or modify existing wireless towers and/or base stations;

- On October 17, 2014, the FCC adopted a Report and Order in the rulemaking proceeding titled Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, 29 FCC Rcd. 12865 (rel. Oct. 21, 2014), which implemented regulations for "eligible facilities requests" and imposed new procedural restrictions on application reviews. The U.S. Court of Appeals for the Fourth Circuit in Montgomery Cnty. V. FCC, 811 F.3d 121 (4th Cir. 2015), denied petitions for review;

- On October 9, 2015, Governor Edmund Brown signed Assembly Bill No. 57 (Quirk) into law, which creates a "deemed-approved" remedy for when a local government
fails to act on applications for certain wireless facilities within the presumptively reasonable times established in the FCC’s 2009 Declaratory Ruling and 2015 Infrastructure Order;

- On August 2, 2018, the Federal Communications Commission ("FCC") adopted a Third Report & Order and Declaratory Ruling in the rulemaking proceeding titled Accelerating Wireline and Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, 33 FCC Rcd. 7705 (rel. Aug. 3, 2018) (the "August Order"), that formally prohibited express and de facto moratoria for all personal wireless services, telecommunications services and their related facilities under 47 U.S.C. § 253(a) and directed the Wireless Telecommunications Bureau and Wireline Competition Bureau to hear and resolve all complaints on an expedited basis; and

- On September 26, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order in the same rulemaking proceeding, --- FCC Rcd. ---, FCC 18-133 (rel. Sep. 27, 2018) (the "September Order"), which, among many other things, creates a new regulatory classification for small wireless facilities, alters existing “shot clock” regulations to require local public agencies to do more in less time, establishes a national standard for an effective prohibition that replaces the existing "significant gap" test adopted by the United States Court of Appeals for the Ninth Circuit and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition; and

WHEREAS, in addition to the changes described above, local authority may be further impacted by other pending legislative, judicial and regulatory proceedings, including, but not limited to:

- The “STREAMLINE Small Cell Deployment Act” (S. 3157) proposed by Senator John Thune that, among other things, would apply specifically to “small” WCFs and require local governments to review applications based on objective standards, shorten the shot clock timeframes, require all local undertakings to occur within the shot clock timeframes and provide a “deemed granted” remedy for failure to act within the applicable shot clock; and

- Further orders and/or declaratory rulings by the FCC from the same rulemaking proceeding as the August Order and September Order; and

- Multiple petitions for reconsideration and judicial review filed by state and local governments against the August Order and September Order, which could cause the rules in either order to change or be invalidated; and

WHEREAS, given the rapid and substantial changes in applicable law, the active and effective federal prohibition on reasonable moratorium ordinances to allow local public agencies to study these changes and develop appropriate responses and the significant adverse consequences for noncompliance with these changes in applicable
law, the City Council finds that aesthetic and operational regulations adopted through a resolution that supplements the Solana Beach Municipal Code and that may be quickly amended is a necessary and appropriate means to protect the public health, safety and welfare from the potential harm caused by unregulated small wireless facilities and other infrastructure deployments; and

WHEREAS, delegating authority to the City Manager to adopt a revised Policy No. 21 regarding small wireless facilities and other infrastructure deployment, construction, installation, collocation, modification, operation, relocation and removal within the City of Solana Beach’s territorial boundaries, consistent with and to the extent permitted under federal and California state law and approving the use of a Pole License Agreement will establish reasonable and comprehensive standards and procedures for the permitting of such facilities; and

WHEREAS, adoption of such standards as a policy allows the City to respond more quickly to the rapid and sometimes unpredictable changes in the law.

NOW, THEREFORE, THE CITY OF SOLANA BEACH CITY COUNCIL HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

1. Findings. The City Council finds that: (a) the facts set forth in the recitals in this Resolution are true and correct and incorporated by reference; (b) the recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Resolution; (c) the provisions in this Resolution and Policy No. 21 are consistent with the General Plan, Solana Beach Municipal Code and applicable federal and state law; and (d) neither this Resolution nor Policy No. 21 will be detrimental to the public interest, health, safety, convenience or welfare.

2. Policy No. 21. The City Council approves and authorizes the City Manager to revise Policy No. 21 regarding small wireless facilities and the use of pole license agreement.

3. Environmental Review. Pursuant to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the City Council finds that this Resolution is not a "project" because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Even if this Resolution qualified as a "project" subject to CEQA, the City Council finds that, pursuant to CEQA Guidelines § 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. The proposed Amendment merely amends the Solana Beach Municipal Code to authorize the City Council to regulate small wireless facilities and other infrastructure deployments. This Resolution does
not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new small wireless facility or other infrastructure deployment, or change to an existing small wireless facility or other infrastructure deployment, would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this Resolution is not subject to CEQA or, in the alternative, is exempt from CEQA under the general rule.

4. **Severability.** If any section, subsection, paragraph, sentence, clause, phrase or term (each a “Provision”) in this Resolution or Policy No. 21, or any Provision’s application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision’s application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this Resolution and Policy No. 21, and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.

5. **Effective Date.** This Resolution and Policy No. 21 will become immediately effective upon adoption by the City Manager and will remain effective until amended, superseded or repealed by a separate resolution adopted by the City Council.

6. **Publication.** The City Clerk shall cause this Resolution and Policy No. 21 to be published in electronic form on the City of Solana Beach’s website and in physical form for public inspection at City of Solana Beach City Hall.

**PASSED, AND ADOPTED** this 10th day of April, 2019, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

- **AYES:** Councilmembers –
- **NOES:** Councilmembers –
- **ABSTAIN:** Councilmembers –
- **ABSENT:** Councilmembers –

______________________________
DAVID A. ZITO, Deputy Mayor

**APPROVED AS TO FORM:**

______________________________
JOHANNA N. CANLAS, City Attorney

**ATTEST:**

______________________________
ANGELA IVEY, City Clerk
STAFF REPORT
CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: April 10, 2019
ORIGINATING DEPT: Community Development Department
SUBJECT: Continued Public Hearing: Request for DRP and SOP to Construct a Replacement, Multi-Level, Single-Family Residence with an Attached Partially Subterranean Garage and a Basement and Perform Associated Site Improvements at 346 Glenmont Drive (Case # 17-18-06 Applicant: Jonathan and Suzy Weiser; APN: 263-392-02; Resolution No. 2019-031)

BACKGROUND:

The Applicants, Jonathan and Suzy Weiser, are requesting City Council approval of a Development Review Permit (DRP) and a Structure Development Permit (SOP) to demolish a single-family residence and detached garage, construct a replacement multi-level, single-family residence with an attached partially subterranean garage and a basement, and perform associated site improvements at 346 Glenmont Drive. The 9,906 square-foot lot is located within the Low-Medium Residential (LMR) Zone and the Scaled Residential Overlay Zone (SROZ).

The project was originally heard at the March 27, 2019 City Council meeting. Concerns were raised by members of the City Council and the public regarding the project’s conformance with the development review criteria set forth in Solana Beach Municipal Code (SBMC) Section 17.68.040.F, specifically with respect to the appearance of bulk and mass of proposed decks and roof overhangs as viewed from Glenmont Drive and the impact of mature landscape on neighbors’ scenic views. Concerns were also raised regarding the proposed basement lightwell and the appearance of the entry walkway from Glenmont Drive. After receiving public testimony and evidence concerning the project, the Council voted 4-0-1 (Hegenauer recused) to continue the application, date-certain, to the April 10, 2019 Council meeting to allow the Applicants the opportunity to address the referenced concerns.

The issue before the Council is whether to approve, approve with conditions, or deny the Applicants’ revised request as contained in Resolution 2019-031 (Attachment 1).

CITY COUNCIL ACTION:

AGENDA ITEM B.1.
DISCUSSION:

At the March 27, 2019 Council meeting, the Applicants’ representatives indicated that they were willing to address comments and concerns raised during the Public Hearing; therefore, the hearing was continued, to April 10, 2019. The Applicants submitted revised plans to the Community Development Department on April 3, 2019, which are provided in Attachment 2. The March 27, 2019 Staff Report is included in Attachment 3 for reference.

The Applicants have made the following revisions to the proposed project:

- Four-foot, six-inch reduction in the depth of the Main Level Deck. The deck and railing would be located behind the 10-foot “stepback” required for floor area of a second floor above an exposed basement in the SROZ in order to avoid the appearance of a three-story façade.

- Three-foot reduction in the depth of the roof overhang above the Main Level Deck. The western projection of this roofline would be 18 feet east from the west elevation/exposure of the basement-level garage.

- Removal of the stairs from the basement bedroom lightwell. The lightwell would be accessed via a ladder and the width (east-west) of the lightwell would be reduced.

- Update to the top-of-wall and top-of-fence heights (measured above Mean Sea Level (MSL)) on the Preliminary Grading Plan for consistency with the architectural plans. The proposed wooden slat fencing has also been modified to comply with the openness requirements in the front-yard setback.

- Update to the Landscape Plans with regard to plant selection in compliance with the height restriction agreement with the neighbors to the east (Hiraoka).

It should be noted that as of the writing of this Staff Report, the City’s third-party landscape consultant has not yet completed a review of the revised landscape plan for consistency with the City’s Water Efficient Landscape Ordinance. Any updates to the landscape plan will be provided to the City Council under separate cover. A diagram of the vegetation height restrictions agreed upon between the Applicants and the Hiraokas (neighbors to the east) is included in Attachment 4 for reference.

Conditions from the Planning, Engineering, and Fire Departments have been incorporated into the updated Resolution of Approval (Attachment 1).

In conclusion, the proposed project, as conditioned, could be found to be consistent with the Zoning regulations and the General Plan. Should the Council determine that the findings can be made to approve the project, the SDP will be approved concurrently with the DRP.
CEQA COMPLIANCE STATEMENT:

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines. Class 3 consists of construction and location of limited numbers of new, small facilities or structures. Examples of this exemption include one single-family residence or second dwelling unit in a residential zone. In urbanized areas, up to three-single-family residences may be constructed or converted under this exemption.

FISCAL IMPACT: N/A

WORK PLAN: N/A

OPTIONS:

- Approve Staff recommendation adopting the attached Resolution 2019-031.
- Approve Staff recommendation subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a SDP and DRP.
- Deny the project if all required findings for the DRP cannot be made.

DEPARTMENT RECOMMENDATION:

The proposed project meets the minimum zoning requirements under the SSMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and SOP. Therefore, Staff recommends that the City Council:

2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2019-031 conditionally approving a DRP and SDP to demolish a single-family residence, construct a replacement multi-level, single-family residence with a partially subterranean three-car garage and basement, and perform associated site improvements at 346 Glenmont Drive, Solana Beach.
CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.

[Signature]
Gregory Wade, City Manager

Attachments:

1. Updated Resolution 2019-031
2. Revised Project Plans Dated April 3, 2019
3. Applicant Revisions Description
4. March 27, 2019 Staff Report
5. Vegetation Height Restrictions
RESOLUTION NO. 2019-031

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOLANA BEACH, CALIFORNIA, CONDITIONALLY
APPROVING A DEVELOPMENT REVIEW PERMIT AND
STRUCTURE DEVELOPMENT PERMIT TO DEMOLISH A
SINGLE-FAMILY RESIDENCE AND DETACHED GARAGE,
CONSTRUCT A REPLACEMENT MULTI-LEVEL SINGLE-
FAMILY RESIDENCE WITH A PARTIALLY SUBTERRANEAN
GARAGE AND BASEMENT, AND PERFORM ASSOCIATED
IMPROVEMENTS AT 346 GLENMONT DRIVE, SOLANA
BEACH

APPLICANTS: Jonathan and Suzy Weiser
CASE NO.: 17-18-06 DRP/SDP

WHEREAS, Jonathan and Suzy Weiser (hereinafter referred to as “Applicants”), have
submitted an application for a Development Review Permit (DRP) and Structure
Development Permit (SDP) pursuant to Title 17 (Zoning) of the Solana Beach Municipal
Code (SBMC); and

WHEREAS, the public hearing was conducted pursuant to the provisions of Solana
Beach Municipal Code Section 17.72.030; and

WHEREAS, at the public hearing on March 27, 2019, the City Council received and
considered evidence concerning the proposed application; and

WHEREAS, the City Council of the City of Solana Beach continued the project to a
date certain, April 10, 2019, so that the Applicants could revise the project to address
comments made at the March 27, 2019 Council meeting.

WHEREAS, at the public hearing on April 10, 2019, the City Council received and
considered evidence concerning the proposed application as revised; and

WHEREAS, the public hearing was conducted pursuant to the provisions of Solana
Beach Municipal Code Section 17.72.030; and

WHEREAS, the City Council of the City of Solana Beach found the application
request exempt from the California Environmental Quality Act pursuant to Section 15303
of the State CEQA Guidelines; and

WHEREAS, this decision is based upon the evidence presented at the hearing, and
any information the City Council gathered by viewing the site and the area as disclosed
at the hearing.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does
resolve as follows:

I. That the foregoing recitations are true and correct.

II. That the request for a DRP and an administrative SDP to demolish a single-family
residence and detached garage, construct a replacement multi-level, single-family residence with an attached partially-subterranean garage and a basement, and perform associated site improvements at 346 Glenmont Drive, is conditionally approved based upon the following Findings and subject to the following Conditions:

III. FINDINGS

A. In accordance with Section 17.68.040 (Development Review Permit) of the City of Solana Beach Municipal Code, the City Council finds the following:

1. The proposed project is consistent with the General Plan and all applicable requirements of SBMC Title 17 (Zoning Ordinance), including special regulations, overlay zones and specific plans.

General Plan Consistency: The project, as conditioned, is consistent with the City's General Plan designation of Low Density Residential, which allows for a maximum of three dwelling units per acre. The development is also consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

Zoning Ordinance Consistency: The project is consistent with all applicable requirements of the Zoning Ordinance (Title 17) (SBMC 17.20.030 and 17.48.040), which delineates maximum allowable Floor area Ratio (FAR), Permitted Uses and Structures (SBMC Section 17.20.020) which provides for uses of the property for a single-family residence. Further, the project adheres to all property development regulations established for the ER-2 Zone and cited by SBMC Section 17.020.030.

The project is consistent with the provisions for minimum yard dimensions (i.e., setbacks) and the maximum allowable Floor area (FAR), maximum building height, and parking requirements.

II. The proposed development complies with the following development review criteria set forth in Solana Beach Municipal Code Section 17.68.040.F:

a. Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and where feasible, complimentary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects, as well as protection of the property from adverse surrounding influences.
The property is located within the Low-Medium Residential (LMR) Zone. Properties immediately surrounding the lot are located within the LMR and Low Residential (LR) Zones, and are developed with one and two-story, single-family residences. The project, as designed, is consistent with the permitted uses for the LMR Zone as described in SBMC Sections 17.20.010 and 17.12.020. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City’s Specific Plan or Overlay Zone areas; however, it is located within the Coastal Zone. As a condition of project approval, the Applicants shall obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of Building and Grading Permits.

b. Building and Structure Placement: Buildings and structures shall be sited and designed in a manner which visually and functionally enhances their intended use.

The Applicants will construct a replacement, multi-level, single-family residence with a partially subterranean garage and a basement living area. The replacement residence, as designed, will be located within the buildable area.

The Applicants are proposing a partially subterranean basement garage under the western portion of the residence. The basement level will consist of a 1,069 square-foot, partially subterranean three-car garage and storage area with a 20-foot exposure on the west side and a 564 square-foot completely subterranean basement living area. According to SBMC 17.48.040.C, the proposed lower level area is considered a “Basement Attached to a Garage” in which the basement living area can be exempt from the calculation of Floor area as long as the garage is permanently separated from the residential living floor area, except for a standard size door, and there are no exposed sides of the residential living area. A building side is considered exposed when the finished floor of the living area directly above the basement (at any point) is more than three feet above the adjacent natural or finished grade, whichever is lower. In the proposed design, the only exposure is for the garage door and the garage is completely separated from the proposed basement living area except for a standard door.
Therefore, the proposed basement storage of 564 square feet is exempt from the calculation of floor area.

The partially subterranean garage and storage area is subject to the 2 percent formula described in SBMC 17.48.040.C because it has one exposed side. This formula is used to determine what portion of the garage is to be included in the calculation of floor area. SBMC 17.48.040 and 17.20.030 indicate that required parking spaces provided within a garage are exempt from the calculation of floor area. The 2 percent calculation subtracts the square footage of the required parking from the total proposed square footage of the garage, and then the remaining square footage is multiplied by the linear exposure of the garage and then multiplied by 2 percent. The result is the amount of square footage of the proposed garage to be included in the calculation of floor area.

The proposed residence includes a 1,069 square-foot, partially subterranean garage and storage area. A single-family residence requires two parking spaces of 200 square feet each. Therefore, 400 square feet would be subtracted from the proposed partially subterranean garage square footage because it would provide required parking. The total linear exposure of the proposed garage is 20 feet. The 2 percent calculation for this project would be as follows:

\[
\begin{align*}
1,069 \text{ ft}^2 - 400 \text{ ft}^2 &= 669 \text{ ft}^2 \\
669 \text{ ft}^2 \times 20 \text{ ft} \times 0.02 &= 268 \text{ ft}^2
\end{align*}
\]

268 square feet of the proposed partially subterranean garage and storage area is included in the calculation of floor area. The partially subterranean garage and storage area is eligible for an additional 401 square-foot exemption from floor area for the partially exposed basement garage (1,069 - 400 - 401 = 268).

In addition to the basement regulations, the SROZ also restricts the appearance of a three-story façade on a single-family residence. According to the SBMC, when a lower level/basement is completely or partially exposed, the floor area of a third level shall not be directly above the floor area of the basement in order to prevent the appearance of a three-level façade. The SROZ requires that the floor area of the third level be set back at least ten feet from the exposed façade of the basement/lower level. The proposed residence, as designed, complies with this regulation as the upper level living area would be setback at least 10 feet from the exposed basement garage door.
The floor area proposed for the residence includes: a 1,069 square-foot partially subterranean three-car garage and storage area; a 564 square-foot basement-level bedroom and bathroom; a 1,137 "Bedroom Level" with two bedrooms, two bathrooms, and a flex room located above the basement in the southwestern side of the buildable area; a 1,544 square-foot "Entry/Main Level" with the main entry, a powder room, an open concept great room (kitchen, living and dining rooms), a pantry, and office, and a laundry room located in the eastern half of the buildable area; a 722 square-foot master suite located in the northeast portion of the buildable area. The subtotal of the proposed residence would be 5,036 square feet of Floor area. The applicable floor area exemptions, related to the basement and partially subterranean garage, total 1,356 square feet. With the applicable exemptions, the Applicants propose a total of 3,671 square feet of Floor area, which is 13 square feet below the maximum allowable Floor area for the 9,906 square-foot lot, pursuant to the SROZ regulations.

The maximum floor area calculation for this project is as follows:

<table>
<thead>
<tr>
<th>0.50 for first 6,000 ft²</th>
<th>3,000 ft²</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.175 for 6,001 to 15,000 ft²</td>
<td>684 ft²</td>
</tr>
<tr>
<td><strong>Total Allowable Floor area:</strong></td>
<td><strong>3,684 ft²</strong></td>
</tr>
</tbody>
</table>

The proposed project, as designed, meets the minimum required setbacks and is below the maximum allowable floor area for the property.

c. **Landscaping:** The removal of significant native vegetation shall be minimized. Replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area. Trees and other large plantings shall not obstruct significant views when installed or at maturity.

The project is subject to the current water efficient landscaping regulations of SBMC Chapter 17.56. A Landscape Documentation Package is required for new development projects with an aggregate landscape equal to or greater than 500 square feet requiring a building permit, plan check or development review. The Applicants provided a conceptual landscape plan that has been reviewed by the City's third-party landscape architect, who has recommended approval. The Applicants will be required to submit detailed construction landscape drawings that will be reviewed by the City's third-party landscape architect for conformance with the conceptual plan. In addition, the City's third-party landscape architect will perform inspections during the construction phase of the project. A
separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.

d. Roads, Pedestrian Walkways, Parking and Storage Areas: Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas, where permitted, shall be screened from view, to the extent feasible, by existing topography, by the placement of buildings and structures, or by landscaping and plantings.

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two (2) parking spaces for a single-family residence. The Applicants would replace the existing vehicular access from the rear of the property and construct a partially subterranean, three-car garage accessed by a new driveway and curb cut on Glenmont Drive. SBMC Section 17.08.030 indicates that required parking up to 200 square feet per parking space provided in a garage is exempt from the floor area calculation. The proposed garage will provide three parking spaces. Two spaces are required, therefore, 400 square feet of garage area is exempt from the project’s floor area calculation.

e. Grading: To the extent feasible, natural topography and scenic features of the site shall be retained and incorporated into the proposed development. Any grading or earth-moving operations in connection with the proposed development shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site. Existing exposed or disturbed slopes shall be landscaped with native or naturalized non-native vegetation and existing erosion problems shall be corrected.

The project includes grading in the amount of 1,329 cubic yards of cut, 207 cubic yards of fill, 12 cubic yards of excavation for footings, 370 cubic yards of removal and recompaction, and aggregate grading total of 1,918 cubic yards, and 1,122 cubic yards of export. The majority of proposed cut accounts for the excavation of the driveway and basement. The remaining cut and the proposed fill would account for the creation of level finished pads and yard areas. Grading is also proposed to provide for two bio-retention (stormwater detention) areas in the northwest and southwest corners of the front yard.

f. Lighting: Light fixtures for walkways, parking areas, driveways, and other facilities shall be provided in sufficient number and at proper locations to assure safe and convenient nighttime use.
All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding areas per SBMC 17.60.060 (Exterior Lighting Regulations).

A condition of project approval includes that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

g. Usable Open Space: Recreational facilities proposed within required usable open space shall be located and designed to maintain essential open space values.

The project consists of the construction of a replacement, multi-level, single-family residence with a basement garage on a developed residential lot; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040. As a condition of approval, the Applicants will be required to pay the City’s Park Fee for developing a vacant lot.

III. All required permits and approvals including variances, conditional use permits, comprehensive sign plans, and coastal development permits have been obtained prior to or concurrently with the development review permit.

All required permits, including a Structure Development Permit, are being processed concurrently with the Development Review Permit.

IV. If the development project also requires a permit or approval to be issued by a state or federal agency, the city council may conditionally approve the development review permit upon the Applicants obtaining the required permit or approval from the other agency.

The Applicants are required to obtain approval from the California Coastal Commission prior to issuance of Building Permits.

B. In accordance with Section 17.63.040 (Structure Development Permit) of the Solana Beach Municipal Code, the City Council finds the following:

The proposed structure exceeds 16 feet in height above the pre-existing grade; therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63 and the Applicants were required to complete the SDP process. The Applicants had story poles erected onsite. A final Story Pole Height Certification was issued by a licensed land surveyor.
on August 13, 2018, which showed a maximum building height of 24.96 feet above existing grade and the highest story pole (SP #12) certified at 199.1 MSL. Notices to apply for View Assessment were mailed to property owners and occupants within 300 feet of the project site, which established a deadline to file for View Assessment on September 28, 2018. Three applications for View Assessment were received by the City.

The project was scheduled to be heard at the November 20, 2018 View Assessment Commission (VAC) meeting. Prior to the meeting, one of the Claimants (Billmeyer) withdrew their application for View Assessment. The remaining two View Claims were assessed at the November meeting. In their discussions, the VAC noted that they could make all required findings on the Howard Claim, but unanimously agreed that the Applicants had not reasonably designed the project to minimize view impairment from the Hiraoka property. The VAC moved to continue the project to allow the Applicants more time to work with the neighbors.

Following the November VAC meeting, the Applicants formally proposed a revised design that lowered all finished floors by two feet and reduced the plate height of the Main Level by one foot. The story poles were modified to reflect these changes and certified on December 18, 2018 with a maximum roof elevation of 197.1 MSL. After subsequent discussions with the Hiraokas, the Applicants formally proposed to lower the Master Suite by an additional foot or a maximum elevation of 196.1 MSL. It should be noted that the story poles depicting the Master Suite were not lowered to reflect this change, although it is accurately reflected on the project plans. At the Applicants’ request, the continued public hearing for the project was scheduled for the January 15, 2018 VAC meeting, however, prior to the meeting, both remaining Claimants (Howard and Hiraoka) withdrew their View Assessment applications. With no outstanding View Assessment claims, the project has satisfied the requirements of the View Assessment Ordinance. Therefore, if the Council is able to make the required findings to approve the DRP, the SDP would be approved administratively.

As a condition of approval, a height certificate prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the maximum height of the proposed addition will not exceed 21.96 feet above the proposed grade or 196.1 feet above the Mean Sea Level (MSL), which is the maximum proposed structure height reflected on the project plans.

IV. CONDITIONS

Prior to use or development of the property in reliance on this permit, the Applicants shall provide for and adhere to the following conditions:

A. Community Development Department Conditions:

   I. The Applicants shall pay required Fire Mitigation, Park Development
and Public Facilities Impact Fees.

II. Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on April 10, 2019, and located in the project file with a submittal date of April 3, 2019.

III. Prior to requesting a framing inspection, the Applicants shall submit a height certification, signed by a licensed land surveyor, certifying that the building envelope is in conformance with the plans as approved by the City Council on April 10, 2019, and will not exceed 21.96 feet in height from the pre-existing grade or 196.1 feet above MSL.

IV. Any proposed onsite fences, walls and retaining walls and any proposed railing located on top, or any combination thereof, shall comply with applicable regulations of SBMC Section 17.20.040 and 17.60.070 (Fences and Walls).

V. The Applicants shall obtain required California Coastal Commission (CCC) approval of a Coastal Development Permit, Waiver or Exemption as determined necessary by the CCC, prior to the issuance of a grading or building permit.

VI. The Applicants shall provide a full Landscape Documentation Package in compliance with SBMC Chapter 17.56 prior to building permit issuance, which will be reviewed and inspected by the City’s third party landscape professional.

VII. Native or drought tolerant and non-invasive plant materials and water conserving irrigation systems shall be incorporated into any proposed landscaping and compatible with the surrounding area to the extent feasible.

VIII. All new exterior lighting fixtures shall be in conformance with the City-wide lighting regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

IX. Construction vehicles shall be parked on the subject property at all times feasible. If construction activity prohibits parking on the subject property, the Applicants shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on the street and minimize impact to the surrounding neighbors.

X. The Applicants shall connect to temporary electrical service as soon as feasible to the satisfaction of the City.
B. Fire Department Conditions:

I. ADDRESS NUMBERS: STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.

II. AUTOMATIC FIRE SPRINKLER SYSTEM-ONE AND TWO FAMILY DWELLINGS: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to installation.

III. CLASS "A" ROOF: All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.

IV. BASEMENT:

   a. All basements shall be designed and equipped with emergency exit systems consisting of operable windows, window wells or exit door that leads directly outside via staircase and exit door or exit door at grade.

   b. Window wells/Light wells that intrude into side yard or backyard setbacks of five feet or less, shall require a hinged grating covering the window well/lightwell opening. The grating shall be capable of supporting a weight of 250lb person; yet must be able to be opened by someone of minimal strength with no special knowledge, effort or use of key or tool. Any modification of previously approved plans related to this condition shall be subject to re-submittal and review by City staff (Fire, Building, Planning)

C. Engineering Department Conditions:

   Grading:

   I. Obtain an Encroachment permit in accordance with Chapter 11.20 of the Solana Beach Municipal Code, prior to the construction of any improvements within the public right-of-way, including, but not limited
to demolition and construction of surface improvements. All proposed improvements within the public right-of-way shall comply with city standards including but not limited to the Off-Street Parking Design Manual.

II. The Applicants shall construct a low profile mountable concrete curb at the existing flow line on Glenmont Drive and 8’ width of Stabilized, Compacted, Decomposed Granite (D.G.) from the curb toward the property line. The proposed curb shall transition to the existing improvements on both sides and shall be constructed under a valid encroachment permit to the satisfaction of the City Engineer.

III. All construction demolition materials shall be recycled according to the City’s Construction and Demolition recycling program and an approved waste management plan shall be submitted.

IV. Construction fencing shall be located on the subject property unless the Applicants has obtained an Encroachment Permit in accordance with chapter 11.20 of the Solana Beach Municipal Code which allows otherwise.

V. An Encroachment Maintenance Removal Agreement (EMRA) shall be required for private improvements such as steps and drains in the public right-of-way.

VI. Obtain a Grading Permit in accordance with Chapter 15.40 of the Solana Beach Municipal Code. Conditions prior to the issuance of a grading permit shall include, but not be limited to, the following:

a. The Grading Plan shall be prepared by a Registered Civil Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.

b. A Soils Report shall be prepared by a Registered Soils Engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The Grading Plan shall incorporate all recommendations contained in the soils report.

c. Provide a Drainage Report prepared by a Registered Civil Engineer. This report shall address the design for detention basin and corresponding outflow system to ensure the rate of runoff for the proposed development is at or below that of pre-existing condition. Detention basin easement(s) will be required over the proposed basin site. All recommendations of this report shall be incorporated into the Preliminary Grading Plan.
d. An easement shall be recorded for maintenance of the detention basins by the property owner(s) in perpetuity, prior to the occupancy of this project.

e. All retaining walls and drainage structures shall be shown. Retaining walls shown on the grading plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. Retaining walls may not exceed the allowable height within the property line setback as determined by the City of Solana Beach Municipal Code. Contact the Community Development department for further information.

f. The Applicants are responsible to protect the adjacent properties during construction. If any grading or other types of construction are anticipated beyond the property lines, the Applicants shall obtain a written permission from the adjoining property owners for incidental grading or construction that may occur and submit the letter to the City Engineer prior to the anticipated work.

g. Pay grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.

h. Obtain and submit grading security in a form prescribed by the City Engineer.

i. Obtain haul permit for import / export of soil. The Applicants shall transport all excavated material to a legal disposal site.

j. Submit certification from the Engineer of Record and the Soils Engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans. This shall be accomplished by the Engineer of record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the Engineer of Record and the Soils Engineer certifying the as-built conditions.

k. An Erosion Prevention and Sediment Control Plan shall be prepared. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during excavation and grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities. Sediment controls shall be
used as a supplement to erosion prevention for keeping sediment on site.

I. Show all proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The construction of drainage structures shall comply with the standards set forth by the San Diego Regional Standard Drawings.

m. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.

n. No increased cross lot drainage shall be allowed.

V. ENFORCEMENT

Pursuant to SSMC 17.72.120(B) failure to satisfy any and all of the above-mentioned conditions of approval is subject to the imposition of penalties as set forth in SSMC Chapters 1.1.6 and 1.18 in addition to any applicable revocation proceedings.

VI. EXPIRATION

The Development Review Permit and Structure Development Permit for the project will expire 24 months from the date of this Resolution, unless the Applicants have obtained building permits and has commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council according to SSMC 17.72.110.

VII. INDEMNIFICATION AGREEMENT

The Applicants shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney’s fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicants of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicants shall pay all of the costs related thereto, including without limitation reasonable attorney’s fees and costs. In the event of a disagreement between the City and Applicants regarding litigation issues, the City shall have the authority to control the litigation and make litigation
related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicants shall not be required to pay or perform any settlement unless such settlement is approved by the Applicants.

NOTICE TO APPLICANTS: Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other exactions described in this resolution commences on the effective date of this resolution. To protest the imposition of any fee, dedications, reservations or other exactions described in this resolution you must comply with the provisions of Government Code Section 66020. Generally the resolution is effective upon expiration of the tenth day following the date of adoption of this resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Zoning Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 10th day of April 10, 2019, by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSENT: Councilmembers –
ABSTAIN: Councilmembers –

DAVID A. ZITO, MAYOR

APPROVED AS TO FORM: ATTEST:

JOHANNA N. CANLAS, City Attorney ANGELA IVEY, City Clerk
LANDSCAPE CONSTRUCTION DRAWINGS FOR
THE WEISER RESIDENCE
346 GLENMONT DRIVE
SOLANA BEACH, CA 92075

SHEET INDEX
TITLE SHEET
CONCEPTUAL HARDSCAPE PLAN
CONCEPTUAL PLANTING PLAN
WATER CONSERVATION PLAN

COMPLIANCE STATEMENT
I am familiar with the requirements for landscape and irrigation plans contained in the City's Water Efficient Landscape Regulations. I have prepared this plan in compliance with those regulations and the Landscape Design Manual. I certify that the plan implements features to provide efficient use of water.

DATE
6-4-2018

SIGNED BY
JOHN HANNA
CONCEPTUAL LANDSCAPE PLAN NOTES:

CONCRETE ENTRY LANDINGS & STEPS
ENTRY SECURITY GATE WITH CALL BOX
ENTRY WALLS
ENTRY CONCRETE STEPS SET INTO SLOPE TERRAIN
ACENTS FOR WOOD & BRICK OF DIFFERENT SHAPE
LOW RAMPS PLANTER
CONCRETE LANDING, STEPS, COURTYARD & STAIRS
LOV-MASONRY WALLS
ARCHITECTURAL WALLS & GATES
ARCHITECTURAL HARDSCAPES
STONE WALLS
STONE STEPS Set INTO SLOPE
CONTINUOUS FRENCH DRAIN ACROSS DRIVEWAY TO SWAP
LOCATION OF SUB-SURFACE SWAP WITH PUMP.
HEARTHSTONE THAT FRAME IRON OR METAL FENCE.

NOTE:
1. ALL ASPECTS OF THE FUTURE LANDSCAPE CONSTRUCTION PLANS ARE TO BE IN TACT, COMPLIANCE WITH THE LATEST VERSION OF THE CITY OF SOLANA BEACH'S LANDSCAPE MANUAL.
2. SEE SHEET L-2 PLANTING PLAN FOR ALL PLANT MATERIALS. SEE SHEET L-3 IRRIGATION PLAN FOR ALL IRRIGATION WATER USAGE BY THE IRRIGATION SYSTEM.
3. SEE ARCHITECTURAL PLAN SHEETS A-21 TO A-24 FOR ALL WALL, FENCE AND PLANT ELEVATIONS.

ABBREVIATION:
P.A. = PLANTING AREA

SCALE: 1/5", 1'-0"
PROPERTY AREA TYPE BREAKDOWN

<table>
<thead>
<tr>
<th>Area Name</th>
<th>Area</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-landscaped Area (sod/cherchains)</td>
<td>1,532 SF</td>
<td></td>
</tr>
<tr>
<td>New upgraded landscape (plant species)</td>
<td>1,019 SF</td>
<td></td>
</tr>
<tr>
<td>Water Features</td>
<td>615 SF</td>
<td></td>
</tr>
<tr>
<td>Decorative landscape (permeable rock, etc)</td>
<td>652 SF</td>
<td></td>
</tr>
<tr>
<td>Total Lot Area</td>
<td>4,022 SF</td>
<td></td>
</tr>
</tbody>
</table>

Total Export: 1,122 CY

GRADING / STORMWATER

Site Grading (outside and below structure): 626 CY
Site Grading (outside only): 1,062 CY
Expansion for planting: 1,062 CY
Total Grading: 2,750 CY

JLC Architecture
346 Glenmont Drive, Solana Beach, CA 92075
Weiser Residence

A002 Existing Site Plan
East Elevation
CITY OF SOLANA BEACH

STAFF REPORT

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: March 27, 2019
ORIGINATING DEPT: Community Development Department
SUBJECT: Public Hearing: Request for DRP and SDP to Construct a Replacement, Multi-Level, Single-Family Residence with an Attached Partially Subterranean Garage and a Basement and Perform Associated Site Improvements at 346 Glenmont Drive (Case # 17-18-06 Applicant: Jonathan and Suzy Weiser; APN: 263-392-02; Resolution No. 2019-031)

BACKGROUND:

The Applicants, Jonathan and Suzy Weiser, are requesting City Council approval of a Development Review Permit (DRP) and a Structure Development Permit (SDP) to demolish a single-family residence and detached garage, construct a replacement multi-level, single-family residence with an attached partially subterranean garage and a basement, and perform associated site improvements at 346 Glenmont Drive. The 9,906 square-foot lot is located within the Low-Medium Residential (LMR) Zone and the Scaled Residential Overlay Zone (SROZ).

The project proposes grading in the amounts of 1,329 cubic yards of cut, 207 cubic yards of fill, 12 cubic yards of excavation for footings, 370 cubic yards of removal and recompack, and aggregate grading total of 1,918 cubic yards, and 1,122 cubic yards of export. The maximum building height would be 21.96 feet above the pre-existing grade with the highest story pole at 196.1 feet above Mean Sea Level (MSL). The project requires a DRP for 1) an aggregate grading quantity in excess of 100 cubic yards, 2) a structure that exceeds 60 percent of the maximum allowable floor area, and 3) a second floor that exceeds 35 percent of the floor area of the first floor. The project requires a SDP because the proposed development exceeds 16 feet in height above existing grade.

The issue before the Council is whether to approve, approve with conditions, or deny the Applicant’s request as contained in Resolution 2019-031 (Attachment 1).

CITY COUNCIL ACTION:

AGENDA ITEM B.1.
ATTACHMENT 3
DISCUSSION:

The rectangular shaped lot fronts on the east side of the 300 Block of Glenmont Drive and is currently developed with a single-story, single-family residence and a detached garage and carport. The topography slopes up from Glenmont Drive to the northeast or toward the rear property line with an approximate 20-foot elevation change. The existing detached garage and carport are located in the rear-yard setback and accessed from East Cliff Street by a partially paved 12-foot wide strip of land.

The Applicants propose to demolish all existing structures on site, including the residence, garage, carport, and retaining walls (except for shared fences along the north and south property lines). The proposal includes construction of a 3,671 square-foot multi-level, single-family residence with a partially subterranean three-car garage attached to a basement. The project would also include associated site improvements including, grading, fencing, hardscape, landscape, and construction of a spa and outdoor barbeque counter in the rear-yard setback. The project plans are provided in Attachment 2.

Table 1 (below) provides a comparison of the SBMC applicable zoning regulations with the Applicant’s proposed design.

<table>
<thead>
<tr>
<th>Table 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOT INFORMATION</strong></td>
</tr>
<tr>
<td>Property Address:</td>
</tr>
<tr>
<td>Lot Size (Net):</td>
</tr>
<tr>
<td>Max. Allowable Floor area:</td>
</tr>
<tr>
<td>Proposed Floor area:</td>
</tr>
<tr>
<td>Below Max. Floor area by:</td>
</tr>
<tr>
<td>Max. Allowable Height:</td>
</tr>
<tr>
<td>Max. Proposed Height:</td>
</tr>
<tr>
<td>Highest Point/Ridge:</td>
</tr>
<tr>
<td>Zoning Designation:</td>
</tr>
<tr>
<td># of Units Allowed:</td>
</tr>
<tr>
<td># of Units Requested:</td>
</tr>
<tr>
<td><strong>Setbacks:</strong></td>
</tr>
<tr>
<td>Front (W)</td>
</tr>
<tr>
<td>Interior Side (N)</td>
</tr>
<tr>
<td>Interior Side (S)</td>
</tr>
<tr>
<td>Rear (E)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROPOSED PROJECT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor area Breakdown:</td>
</tr>
<tr>
<td>Basement Level Garage/Storage</td>
</tr>
<tr>
<td>Basement Level Living Area</td>
</tr>
<tr>
<td>Bedroom Level</td>
</tr>
<tr>
<td>Entry/Main Level</td>
</tr>
<tr>
<td>Master Level</td>
</tr>
<tr>
<td>Subtotal</td>
</tr>
<tr>
<td>Basement Exemption</td>
</tr>
<tr>
<td>Off-Street Parking Exemption</td>
</tr>
<tr>
<td>Garage Basement</td>
</tr>
<tr>
<td>Total Floor area:</td>
</tr>
<tr>
<td>Proposed Grading:</td>
</tr>
<tr>
<td>Proposed Parking: Basement 3-Car Garage</td>
</tr>
<tr>
<td>Proposed Fences and Walls: Yes</td>
</tr>
<tr>
<td>Proposed Accessory Dwelling Unit: No</td>
</tr>
<tr>
<td>Proposed Accessory Structure: No</td>
</tr>
<tr>
<td>Required Permits:</td>
</tr>
<tr>
<td>DRP: A DRP is required for: 1) grading in excess of 100 cubic yards (aggregate); 2) a structure that exceeds 60% of the maximum allowable floor area; and 3) a second floor that exceeds 35% of the floor area of the first floor</td>
</tr>
<tr>
<td>SDP: A SDP is required for a new structure that exceeds 16 feet in height from the existing grade.</td>
</tr>
</tbody>
</table>

Existing Development:
Single-Family Residence with a detached garage and carport.
Staff has prepared draft findings for approval of the project in the attached Resolution 2019-031 for Council’s consideration based upon the information in this report. The applicable SBMC sections are provided in italicized text and conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution of Approval. The Council may direct Staff to modify the Resolution to reflect the findings and conditions it deems appropriate as a result of the public hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for adoption at a subsequent Council meeting.

The following is a discussion of the findings for a DRP and SDP as each applies to the proposed project as well as references to recommended conditions of approval contained in Resolution 2019-031.

Development Review Permit Compliance (SBMC Section 17.68.40):

A DRP is required for the following reasons: 1) grading in excess of 100 cubic yards (aggregate); 2) a structure that exceeds 60% of the maximum allowable floor area; and 3) a second floor that exceeds 35% of the floor area of the first floor.

In addition to meeting zoning requirements, the project must also be found in compliance with development review criteria. The following is a list of the development review criteria topics:

1. Relationship with Adjacent Land Uses
2. Building and Structure Placement
3. Landscaping
4. Roads, Pedestrian Walkways, Parking, and Storage Areas
5. Grading
6. Lighting
7. Usable Open Space

The Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made. Resolution 2019-031 provides the full discussion of the findings.

1. The proposed development is consistent with the general plan and all applicable requirements of the zoning ordinance including special regulations, overlay zones, and specific plans.

2. The proposed development complies with the development review criteria.

3. All required permits and approvals issued by the city, including variances, conditional use permits, comprehensive sign plans, and coastal development permits have been obtained prior to or concurrently with the development review permit.

4. If the development project also requires a permit or approval to be issued by a state or federal agency, the city council may conditionally
approve the development review permit upon the Applicant obtaining the required permit or approval from the other agency.

If the above findings cannot be made, the Council shall deny the DRP. The following is a discussion of the applicable development review criteria as they relate to the proposed project.

Relationship with Adjacent Land Uses:

The property is located within the LMR Zone. Properties immediately to the north, south, and west are also located within the LMR Zone, while properties to the east are located within the Low Residential (LR) Zone. All surrounding properties are developed with one and two-story, single-family residences.

The project, as designed, is consistent with the permitted uses for the LMR Zone as described in SBMC Sections 17.20.010 and 17.12.020. The property is designated Low-Medium Density Residential in the General Plan and intended for single-family residences developed at a maximum density of four dwelling units per acre. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City’s Specific Plan areas; however, it is located within the boundaries of the Scaled Residential Overlay Zone (SROZ) and within the Coastal Zone. The project has been evaluated, and could be found to be in conformance with, the regulations of the SROZ, which are discussed further later in this report. As a condition of project approval, the Applicants would be required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of a Building Permit.

Building and Structure Placement:

The Applicants are proposing to construct a replacement, multi-level, single-family residence with a partially subterranean garage and a basement living area. The replacement residence, as designed, would be located within the buildable area.

The Applicants are proposing a partially subterranean basement garage under the western portion of the residence. The basement level would consist of a 1,069 square-foot, partially subterranean three-car garage and storage area with a 20-foot exposure on the west side and a 564 square-foot completely subterranean basement living area. According to SBMC 17.48.040.C, the proposed lower level area is considered a “Basement Attached to a Garage” in which the basement living area can be exempt from the calculation of Floor area as long as the garage is permanently separated from the residential living floor area, except for a standard size door, and there are no exposed sides of the residential living area. A building side is considered exposed when the finished floor of the living area directly above the basement (at any point) is more than
three feet above the adjacent natural or finished grade, whichever is lower. In the proposed design, the only exposure is for the garage door and the garage is completely separated from the proposed basement living area except for a standard door. Therefore, the proposed basement living area of 564 square feet would be exempt from the calculation of floor area.

The partially subterranean garage and storage area would be subject to the 2 percent formula described in SBMC 17.48.040.C because it has one exposed side. This formula is used to determine what portion of the garage is to be included in the calculation of Floor area. SBMC 17.48.040 and 17.20.030 indicate that required parking spaces provided within a garage are exempt from the calculation of floor area. The 2 percent calculation subtracts the square footage of the required parking from the total proposed square footage of the garage, and then the remaining square footage is multiplied by the linear exposure of the garage and then multiplied by 2 percent. The result is the amount of square footage of the proposed garage to be included in the calculation of floor area.

The proposed residence includes a 1,069 square-foot, partially subterranean garage and storage area. A single-family residence requires two parking spaces of 200 square feet each. Therefore, 400 square feet would be subtracted from the proposed partially subterranean garage square footage because it would provide required parking. The total linear exposure of the proposed garage is 20 feet. The 2 percent calculation for this project would be as follows:

\[
\begin{align*}
1,069 \text{ ft}^2 - 400 \text{ ft}^2 &= 669 \text{ ft}^2 \\
669 \text{ ft}^2 \times 20 \text{ ft} \times 0.02 &= 268 \text{ ft}^2
\end{align*}
\]

268 square feet of the proposed partially subterranean garage and storage area would be included in the calculation of Floor area. The partially subterranean garage and storage area is eligible for an additional 401 square-foot exemption from floor area for the partially exposed basement garage (1,069 – 400 – 401 = 268).

In addition to the basement regulations, the SROZ also restricts the appearance of a three-story façade on a single-family residence. According to the SBMC, when a lower level/basement is completely or partially exposed, the floor area of a third level shall not be directly above the floor area of the basement in order to prevent the appearance of a three-level façade. The SROZ requires that the floor area of the third level be set back at least ten feet from the exposed façade of the basement/lower level. The proposed residence, as designed, complies with this regulation as the upper level living area would be setback at least 10 feet from the exposed basement garage door.

The floor area proposed for the residence includes: a 1,069 square-foot partially subterranean three-car garage and storage area; a 564 square-foot basement-level bedroom and bathroom; a 1,137 “Bedroom Level” with two bedrooms, two bathrooms, and a flex room located above the basement in the southwestern side of the buildable area; a 1,544 square-foot “Entry/Main Level” with the main entry, a powder room, an open concept great room (kitchen, living and dining rooms), a pantry, and office, and a laundry room located in the eastern half of the buildable area; a 722 square-foot master suite.
located in the northeast portion of the buildable area. The subtotal of the proposed residence would be 5,036 square feet of Floor area. The applicable floor area exemptions, related to the basement and partially subterranean garage previously explained in this report, total 1,356 square feet. With the applicable exemptions, the Applicants propose a total of 3,671 square feet of Floor area, which is 13 square feet below the maximum allowable Floor area for the 9,906 square-foot lot, pursuant to the SROZ regulations.

The maximum floor area calculation for this project is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Allowable Floor area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.50 for first 6,000 ft²</td>
<td>3,000 ft²</td>
</tr>
<tr>
<td>0.175 for 6,001 to 15,000 ft²</td>
<td>684 ft²</td>
</tr>
<tr>
<td>Total Allowable Floor area:</td>
<td>3,684 ft²</td>
</tr>
</tbody>
</table>

The proposed project, as designed, meets the minimum required setbacks and is below the maximum allowable floor area for the property.

Neighborhood Comparison:

Staff compared the proposed project to 34 other properties within the surrounding area. This area includes properties along Glenmont Drive, North Granados Avenue, Hilmen Place, East Cliff Street, and Marview Lane, as shown on the following map:
The properties evaluated in this comparison are located in the LMR and LR Zones. The existing homes range in size from 888 square feet to 4,251 square feet, according to the County Assessor records. It should be noted that the County Assessor does not include the garage, covered porch area, unfinished basement, or accessory building area in the total square footage. Accordingly, the building area of the proposed project has been calculated for comparison purposes by deleting the area of the proposed garages, the covered porch, and ceiling height over 15 feet as follows:

- **Project Gross Building Area:** 5,036 ft²
- **Delete Partially Subterranean Garage/Storage:** - 1,069 ft²
- **Project Area for Comparison to Assessor’s Data:** 3,967 ft²

Table 2 is based upon the County Assessor’s data and SanGIS data. It contains neighboring lot sizes, the square footage of existing development and the maximum allowable square footage for potential development on each lot.

<table>
<thead>
<tr>
<th>#</th>
<th>Property Address</th>
<th>Lot Size in ft² (SanGis)</th>
<th>Existing ft² (Assessor)</th>
<th>Proposed / Recently Approved ft²</th>
<th>Max. Allowable ft²</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>410 Glenmont DR</td>
<td>7,500</td>
<td>980</td>
<td>3,263</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>404 Glenmont DR</td>
<td>8,200</td>
<td>1,544</td>
<td>3,385</td>
<td>LMR</td>
<td></td>
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<tr>
<td>3</td>
<td>354 Glenmont DR</td>
<td>10,900</td>
<td>3,614</td>
<td>3,856</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>346 Glenmont DR</td>
<td>9,906</td>
<td>1,497</td>
<td>3,967</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>338 Glenmont DR</td>
<td>10,100</td>
<td>3,552</td>
<td>3,718</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>330 Glenmont DR</td>
<td>9,500</td>
<td>1,423</td>
<td>3,613</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>316 Glenmont DR</td>
<td>11,100</td>
<td>2,786</td>
<td>3,893</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>308 Glenmont DR</td>
<td>13,600</td>
<td>1,249</td>
<td>4,330</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>411 Glenmont DR</td>
<td>8,400</td>
<td>1,444</td>
<td>3,420</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>405 Glenmont DR</td>
<td>8,300</td>
<td>1,697</td>
<td>3,403</td>
<td>LMR</td>
<td></td>
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<tr>
<td>11</td>
<td>353 Glenmont DR</td>
<td>8,300</td>
<td>3,927</td>
<td>3,403</td>
<td>LMR</td>
<td></td>
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<tr>
<td>12</td>
<td>347 Glenmont DR</td>
<td>8,400</td>
<td>1,534</td>
<td>3,420</td>
<td>LMR</td>
<td></td>
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<tr>
<td>13</td>
<td>339 Glenmont DR</td>
<td>8,400</td>
<td>2,786</td>
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<td>14</td>
<td>333 Glenmont DR</td>
<td>8,400</td>
<td>3,044</td>
<td>3,420</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>327 Glenmont DR</td>
<td>8,400</td>
<td>2,600</td>
<td>3,420</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>319 Glenmont DR</td>
<td>8,400</td>
<td>2,307</td>
<td>3,420</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>311 Glenmont DR</td>
<td>8,400</td>
<td>1,306</td>
<td>3,420</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>320 El Viento St</td>
<td>12,100</td>
<td>2,899</td>
<td>4,068</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>410 N Granados Ave</td>
<td>6,400</td>
<td>1,289</td>
<td>3,420</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>404 N Granados Ave</td>
<td>8,300</td>
<td>3,057</td>
<td>3,403</td>
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<tr>
<td>21</td>
<td>236 N Granados Ave</td>
<td>15,600</td>
<td>1,148</td>
<td>4,635</td>
<td>LMR</td>
<td></td>
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<tr>
<td>22</td>
<td>238 N Granados Ave</td>
<td>8,000</td>
<td>1,500</td>
<td>3,350</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>302 N Granados Ave</td>
<td>8,700</td>
<td>1,816</td>
<td>3,473</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>308 N Granados Ave</td>
<td>8,400</td>
<td>1,640</td>
<td>3,420</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>316 N Granados Ave</td>
<td>8,400</td>
<td>886</td>
<td>3,420</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>322 N Granados Ave</td>
<td>8,400</td>
<td>1,880</td>
<td>3,420</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>360 N Granados Ave</td>
<td>8,313</td>
<td>4,251</td>
<td>3,405</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>336 N Granados Ave</td>
<td>8,400</td>
<td>3,302</td>
<td>3,420</td>
<td>LMR</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>412 E Cliff St</td>
<td>17,800</td>
<td>4,173</td>
<td>5,065</td>
<td>LR</td>
<td></td>
</tr>
</tbody>
</table>
Fences, Walls and Retaining Walls:

Within the front yard setback area, the SBMC Section 17.20.040(O) allows fences and walls, or any combination thereof, to be no higher than 42 inches in height as measured from existing grade, except for an additional two feet of fence that is at least 80% open to light. Fences, walls and retaining walls located within the rear and interior side yards are allowed to be up to six feet in height with an additional 24 inches that is 50% open to light and air. However, the SBMC also permits fences or walls to be 5 feet high in the front-yard setback to comply with pool fencing requirements.

Various low retaining walls (less than three feet measured from proposed finished grade) are proposed along the south and north property lines. Other site walls would follow pathways along the north and south sides of the residence. Retaining walls (ranging from 1 to 7.5 feet measured from the proposed finished grade) are proposed to support the descending driveway access from the Glenmont Drive right-of-way to the proposed basement-level garage. Portions of the retaining walls would also include slatted wood fencing for privacy and safety purposes. Existing fencing along the north and south property lines would remain. A new 6-foot high wooden fence would be constructed along the rear property line, with a rolling gate at the north end. The fence would extend from the rear property line west to the residence.

Currently, the plans show fences and walls that comply with the requirements of SBMC 17.20.040(O) and 17.60.070(C). If the Applicant decides to modify any of the proposed fences and walls or construct additional fences and walls on the project site, a condition of project approval indicates that they would be required to be in compliance with the Municipal Code.

Landscape:

The project is subject to the current water efficient landscaping regulations of SBMC Chapter 17.56. A Landscape Documentation Package is required for new development projects with an aggregate landscape equal to or greater than 500 square feet requiring a building permit, plan check or development review. The Applicant provided a conceptual landscape plan that has been reviewed by the City’s third-party landscape architect, who has recommended approval. The Applicant will be required to submit detailed construction landscape drawings that will be reviewed by the City’s third-party landscape architect for conformance with the conceptual plan. In addition, the City’s third-party landscape architect will perform inspections during the construction phase of the project. A separate condition has been added to require that native or drought-tolerant and non-
invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.

Parking:

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two (2) parking spaces for a single-family residence. The Applicants would replace the existing vehicular access from the rear of the property and construct a partially subterranean, three-car garage accessed by a new driveway and curb cut on Glenmont Drive. SBMC Section 17.08.030 indicates that required parking up to 200 square feet per parking space provided in a garage is exempt from the floor area calculation. The proposed garage will provide three parking spaces. Two spaces are required, therefore, 400 square feet of garage area is exempt from the project’s floor area calculation.

Grading:

The project includes grading in the amount of 1,329 cubic yards of cut, 207 cubic yards of fill, 12 cubic yards of excavation for footings, 370 cubic yards of removal and recompaction, and aggregate grading total of 1,918 cubic yards, and 1,122 cubic yards of export. The majority of proposed cut accounts for the excavation of the driveway and basement. The remaining cut and the proposed fill would account for the creation of level finished pads and yard areas. Grading is also proposed to provide for two bio-retention (stormwater detention) areas in the northwest and southwest corners of the front yard.

Lighting:

A condition of project approval includes that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

Usable Open Space:

The project consists of the construction of a replacement, multi-level, single-family residence with a basement garage on a developed residential lot; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040. As a condition of approval, the Applicant will be required to pay the City's Park Fee for developing a vacant lot.

Structure Development Permit Compliance:

The proposed structure exceeds 16 feet in height above the pre-existing grade; therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63 and the Applicant was required to complete the SDP process. The Applicant had story poles erected onsite. A final Story Pole Height Certification was issued by a licensed land surveyor on August 13, 2018, which showed a maximum building height of 24.96 feet above existing grade and the highest story pole (SP #12) certified at 199.1 MSL.
Notices to apply for View Assessment were mailed to property owners and occupants within 300 feet of the project site, which established a deadline to file for View Assessment on September 28, 2018. Three applications for View Assessment were received by the City.

The project was scheduled to be heard at the November 20, 2018 View Assessment Commission (VAC) meeting. Prior to the meeting, one of the Claimants (Billmeyer) withdrew their application for View Assessment. The remaining two View Claims were assessed at the November meeting. In their discussions, the VAC noted that they could make all required findings on the Howard Claim, but unanimously agreed that the Applicants had not reasonably designed the project to minimize view impairment from the Hiroaka property. The VAC moved to continue the project to allow the Applicants more time to work with the neighbors.

Following the November VAC meeting, the Applicants formally proposed a revised design that lowered all finished floors by two feet and reduced the plate height of the Main Level by one foot. The story poles were modified to reflect these changes and certified on December 18, 2018 with a maximum roof elevation of 197.1 MSL. After subsequent discussions with the Hioakas, the Applicants formally proposed to lower the Master Suite by an additional foot or a maximum elevation of 196.1 MSL. It should be noted that the story poles depicting the Master Suite were not lowered to reflect this change, although it is accurately reflected on the project plans. At the Applicants' request, the continued public hearing for the project was scheduled for the January 15, 2018 VAC meeting, however, prior to the meeting, both remaining Claimants (Howard and Hiroaka) withdrew their View Assessment applications. With no outstanding View Assessment claims, the project has satisfied the requirements of the View Assessment Ordinance. Therefore, if the Council is able to make the required findings to approve the DRP, the SDP would be approved administratively.

As a condition of approval, a height certificate prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the maximum height of the proposed addition will not exceed 21.96 feet above the proposed grade or 196.1 feet above the Mean Sea Level (MSL), which is the maximum proposed structure height reflected on the project plans.

Public Hearing Notice:

Notice of the City Council Public Hearing for the project was published in the Union Tribune more than 10 days prior to the public hearing. The same public notice was mailed to property owners and occupants within 300 feet of the proposed project site on March 14, 2019. As of the date of preparation of this Staff Report, Staff has not received any official correspondence other than the correspondence referenced previously regarding View Assessment. However, the neighbor to the south (338 Glenmont Drive) has voiced concerns to Staff regarding the location of the rear property line fence, which would abut the 12-foot wide partially paved strip of land to the east of the property.
For reference, Staff has provided a timeline explaining the background of the 12-foot wide strip of land east of the property below:

- **1943** - Santa Fe Irrigation District grants a 12' wide “perpetual easement and right-of-way” to the US Government for military purposes.

- **1948** – Marview Heights Unit 1 is subdivided (Glenmont properties, Map 2454) with the easterly subdivision boundary located along the westerly boundary of the 12-foot easement/right-of-way.


- **1961** – Malcom Terrace Unit No. 1 is subdivided (Hilmen properties, Map 4779) with the westerly subdivision boundary located along the centerline of the former easement/right-of-way and an easement over the easterly 6 feet of the former easement/right-of-way.

The westerly 6 feet of the former easement/right-of-way is a strip of undefined property (outlined in yellow below). The City does not have evidence that rights to the 12-foot strip of land was ever granted to the County or subsequently, the City. Therefore, the City does not have rights for public use to the land. The Applicants are proposing to place a 6-foot high wooden fence and rolling gate within their property and along the rear property line. Below is a map of the area:
Conditions from the Planning, Engineering, and Fire Departments have been incorporated into the Resolution of Approval.

In conclusion, the proposed project, as conditioned, could be found to be consistent with the Zoning regulations and the General Plan. Should the Council determine that the findings can be made to approve the project, the SDP will be approved concurrently with the DRP.

**CEQA COMPLIANCE STATEMENT:**

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines. Class 3 consists of construction and location of limited numbers of new, small facilities or structures. Examples of this exemption include one single-family residence or second dwelling unit in a residential zone. In urbanized areas, up to three-single-family residences may be constructed or converted under this exemption.

**FISCAL IMPACT:** N/A

**WORK PLAN:** N/A

**OPTIONS:**

- Approve Staff recommendation adopting the attached Resolution 2019-031.
- Approve Staff recommendation subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a SDP and DRP.
- Deny the project if all required findings for the DRP cannot be made.

**DEPARTMENT RECOMMENDATION:**

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and SOP. Therefore, Staff recommends that the City Council:

2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2019-031 conditionally approving a DRP and SDP to demolish a single-family residence, construct a replacement multi-level, single-family residence with
a partially subterranean three-car garage and basement, and perform associated site improvements at 346 Glenmont Drive, Solana Beach.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

________________________
Gregory Wade, City Manager

Attachments:

1. Resolution 2019-031
2. Project Plans
Vegetation Height Restrictions

Vegetation to be maintained at or below 196' MSL

Vegetation to be maintained at or below 193' MSL

Vegetation to be maintained at or below 191' MSL
BACKGROUND

The Applicants, Mark and Karen Snyder, are requesting City Council approval of a Development Review Permit (DRP) and administrative Structure Development Permit (SDP) to demolish a single-family residence with attached two-car garage, construct a replacement single-story, single-family residence with a partially exposed walk-out basement and attached two-car garage, and perform associated site improvements at 729 Barbara Avenue. The existing 10,500 square foot lot is located within the Low Residential (LR) Zone and within the boundaries of the Hillside Overlay Zone (HOZ) and the Scenic Area Overlay Zone (SAOZ).

The project proposes a total of 1,085 cubic yards of cut, 10 cubic yards of excavation for footings, and 50 cubic yards of removal and remcompaction, which would result in 1,085 cubic yards of export. The maximum building height would be 24.32 feet above the proposed (finished) grade and 156.65 feet above Mean Sea Level (MSL).

The project requires a DRP for: 1) construction in excess of 60 percent of the maximum allowable floor area; 2) the project proposes an aggregate grading quantity in excess of 100 cubic yards; 3) the property is within the HOZ; and 4) the property is within the SAOZ. The project requires an SDP because the proposed project exceeds a height of 16 feet above existing grade.

The issue before the City Council is whether to approve, approve with conditions, or deny the Applicants' request as contained in Resolution 2019-037 (Attachment 1).
DISCUSSION

The subject property is located on the west side of Barbara Avenue. The 10,500 square foot lot is rectangular in shape, approximately 75 feet wide and 140 feet deep. The topography of the lot slopes downward from the front property line (east) to the rear (west) of the property with an approximate 24-foot change in elevation.

The site is currently developed with a single-story, single-family residence and attached garage. The Applicants propose to demolish the existing residence and construct a new single-story residence with partially exposed walk-out basement and attached two-car garage. The main level would include living and dining areas, kitchen, master bedroom, guest room, utility hall, and bathrooms. The lower level would include three bedrooms, three bathrooms, a rec room, laundry room, and storage. Other proposed improvements include: a deck off the main level; patios and a fire pit off the lower level; an outdoor spa off the master bedroom; a detached trellis, outdoor fireplace, and water fountain in the front of the house; planters; retaining walls and fencing; landscaping and hardscape; a series of steps from the upper front yard to the lower rear yard; and other associated site improvements.

The property is not located within any of the City’s Specific Plan areas; however, it is located within the boundaries of the HOZ and the SAOZ. The project has been evaluated and could be found to be in conformance with the regulations of the SAOZ and the HOZ, which are discussed later in this report. The project is also located within the Coastal Zone. As a condition of project approval, the Applicants will be required to obtain a Coastal Development Permit, Waiver, or Exemption from the California Coastal Commission prior to the issuance of a building permit.

The project plans are provided in Attachment 2. The proposed project has been story-poled as required by the SDP process, which is discussed later in this report.

Table 1 (on the following page) provides a comparison of applicable zoning regulations of the Solana Beach Municipal Code (SBMC) with the Applicants’ proposed design. As shown, the proposed height, setbacks, floor area ratio (FAR) and required parking for the proposed structure are in compliance with the regulations of the SBMC.
### Table 1

<table>
<thead>
<tr>
<th>Property Address:</th>
<th>Zoning Designation:</th>
<th># of Units Allowed:</th>
<th># of Units Requested:</th>
</tr>
</thead>
<tbody>
<tr>
<td>729 Barbara Ave.</td>
<td>LR (3 du/ac)</td>
<td>1 Dwelling Unit, 1 ADU</td>
<td>1 Dwelling Unit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>10,500 ft²</td>
<td>4,650 ft²</td>
<td>3,601 ft²</td>
<td>1,049 ft²</td>
<td>25'</td>
<td>24.32'</td>
<td>156.65 MSL</td>
<td>HOZ and SAOZ</td>
</tr>
</tbody>
</table>

### Proposed Project Information

<table>
<thead>
<tr>
<th>Proposed Square Footage Breakdown:</th>
<th>Required Permits:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Floor Living Area 2,691 ft²</td>
<td>DRP: Required for 1) a structure that would exceed 60% of the maximum allowable floor area; 2) aggregate grading quantity that would exceed 100 cubic yards; 3) development in the HOZ; and 4) development in the SAOZ.</td>
</tr>
<tr>
<td>Main Floor Garage 525 ft²</td>
<td><strong>SDP:</strong> Construction in excess of 16 feet in height from the existing grade.</td>
</tr>
<tr>
<td>Lower Level Living Area 1,797 ft²</td>
<td><strong>Per SBMC 17.48.020(D)(1)(b)</strong> for below-grade structures.</td>
</tr>
<tr>
<td>Lower Level Storage 377 ft²</td>
<td><strong>Per SBMC 17.48.020(D)(1)(b)</strong> for at-grade structures.</td>
</tr>
<tr>
<td>Subtotal: 5,390 ft²</td>
<td></td>
</tr>
<tr>
<td>Parking Exemption (2-Car) -400 ft²</td>
<td></td>
</tr>
<tr>
<td>Basement Exemption -1,389 ft²</td>
<td></td>
</tr>
<tr>
<td><strong>Total Square Footage:</strong> 3,601 ft²</td>
<td></td>
</tr>
</tbody>
</table>

**Proposed Grading:** Cut: 1,085 yd³ Excavation for Footings: 10 yd³
Removal/Recompaction: 50 yd³ Export: 570 yd³

**Proposed Parking:** Attached 2-car garage

**Proposed Fences and Walls:** Yes

**Proposed Guest House:** No

**Proposed Accessory Living Unit:** No

**Proposed Accessory Structure:** Trellis

**Existing Development:** Single-family residence with an attached two-car garage to be demolished

The LR Zone requires a 25-foot front yard setback, which is measured from the eastern property line along Barbara Avenue. SBMC 17.20.030(D)(1)(b) provides that properties fronting on a right-of-way that is 55 feet wide or greater shall have a reduced front yard setback of 20 feet. Barbara Avenue in this location is 60 feet in width; therefore, the required front yard setback shall be reduced to 20 feet. The LR Zone requires a 25-foot rear yard setback, which is taken from the western property line. The property is within the HOZ (see SBMC17.48.020), which has supplemental development regulations for rear yard setbacks for development activity on slopes that exist in an unnatural condition. Per SBMC 17.48.020(H)(1), the minimum rear yard setback for new structures or additions to existing structures situated below-grade (below the ground elevation of the existing structure) shall be 40 feet from the property line. The minimum rear yard setback for at-grade structures (at the same ground elevation as the existing structure) shall be stepped back an additional 10 feet to create a minimum setback of 50 feet. As designed, the project would comply with the required setbacks for both the LR Zone and the supplemental development regulations for the HOZ.
Staff has prepared draft findings for approval of the project in the attached Resolution 2019-037 for Council’s consideration based upon the information in this report. The applicable SBMC sections are provided in italicized text and conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution of Approval. The Council may direct Staff to modify the Resolution to reflect the findings and conditions it deems appropriate as a result of the public hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for adoption at a subsequent Council meeting.

The following is a discussion of the findings for a DRP, for development within the HOZ, for development within the SAOZ, and for an administrative SDP as each applies to the proposed project, as well as references to recommended conditions of approval contained in Resolution 2019-037.

Development Review Permit Compliance:

The proposed project requires a DRP for the following reasons: 1) construction in excess of 60 percent of the maximum allowable floor area; 2) the project proposes an aggregate grading quantity in excess of 100 cubic yards; 3) the property is within the HOZ; and 4) the property is within the SAOZ.

In addition to meeting zoning requirements, the project must also be found in compliance with development review criteria pursuant to SBMC 17.68.0404. The following is a list of the development review criteria topics:

1. Relationship with Adjacent Land Uses
2. Building and Structure Placement
3. Landscaping
4. Roads, Pedestrian Walkways, Parking and Storage Areas
5. Grading
6. Lighting
7. Usable Open Space

The Council may approve or conditionally approve a DRP only if all the findings listed below can be made. Resolution 2019-037 (Attachment 1) provides the full discussion of the following findings.

1. The proposed development is consistent with the General Plan and all applicable requirements of this the Zoning Ordinance, including special regulations, overlay zones, and specific plans.

2. The proposed development complies with the development review criteria set forth in Subsection F of Section 17.68.040.

3. All required permits and approvals issued by the City, including variances, conditional use permits, comprehensive sign plans, and
coastal development permits, have been obtained prior to or concurrently with the development review permit.

4. If the development project also requires a permit or approval to be issued by a state or federal agency, the City Council may conditionally approve the development review permit upon the applicant obtaining the required permit or approval from the other agency.

If the above findings cannot be made, the Council shall deny the DRP. The following is a discussion of the applicable development review criteria as they relate to the proposed project.

Relationship with Adjacent Land Uses:

The property is located within the LR Zone, the HOZ, and the SAOZ. Properties directly to the north and south along the west side of the 700 Block of Barbara Avenue are also located within the LR Zone, the HOZ, and the SAOZ. The properties on the east side of Barbara Avenue are also located within the LR Zone, but they are not located within either the HOZ or SAOZ; these properties, however, are located within the Scaled Residential Overlay Zone (SROZ). Properties to the west on Midori Court are located within the Low Residential/Specific Plan Zone, which is regulated by the North Rios Specific Plan. The Midori Court properties are also located within the SAOZ and the east side of Midori Court is in the HOZ. All surrounding properties are developed with one and two-story single-family residences. The project, as designed, is consistent with the permitted uses for the LR Zone as described in SSMC Sections 17.20.010 and 17.12.020, and is also consistent with the General Plan, which designates the property as Low Density Residential. The proposed development is consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City’s Specific Plan areas; however, it is within the Coastal Zone. As a condition of project approval, the Applicant would be required to obtain a Coastal Development Permit, Waiver, or Exemption from the California Coastal Commission prior to the issuance of a Building Permit.

Building and Structure Placement:

The Applicants are proposing a new single-story, single-family residence with a partially exposed walk-out basement and attached two-car garage. The proposed project would appear as one-story as viewed from Barbara Avenue (the east elevation). The project has been designed to lower the finished floor of the main level of the proposed residence by 0.7 feet. All other residences on the west side of Barbara Avenue in the vicinity of the subject site also appear as one-story as viewed from Barbara Avenue. The proposed two-car garage would be located at the 20-foot front setback line, while the remainder of façade of the residence is proposed to be set back approximately 35.5 feet from the front property line.
The residence is designed to have a partially exposed, walk-out basement and would appear as two stories, as viewed from the west (rear) elevation, which is consistent with the design of other existing residences on the west side of Barbara Avenue. The existing grade along the rear elevation would be lowered by up to 5.5 feet to accomplish this. On the north side of the residence, the site would be graded to generally follow the existing slope, resulting in a structure that appears to be one story. Along the south side of the residence, a portion of the lower level toward the rear (west end) of the residence would be exposed. (See the Grading section for more additional details.) 1,389 square feet (over half) of the lower level would qualify as a “Basement” and be exempt from floor area as more than 60 percent of the story height would be located below the lower of the existing or proposed grade.

As mentioned previously, the rear (west) side of the proposed residence would conform to the 50-foot rear yard setback for at-grade structures as required by the HOZ. The proposed deck, which would be located off the rear of the main level of the house, would comply with the 40-foot setback for below-grade structures as required by the HOZ.

The floor area proposed for the residence includes: a 2,691 square-foot main level with an open-concept kitchen, living, and dining room, pantry, power room, utility hall, guest bedroom and bathroom, and a master suite; a 525 square-foot, two-car garage on the main level; a 1,797 square-foot lower level with a rec room, three bedrooms and three bathrooms, and a laundry room; and a 377 square-foot storage and mechanical area on the lower level.

A single-family residence requires two off-street parking spaces. When required spaces are provided in a garage, 200 square feet of floor area is exempted for each required space. Therefore, the project is afforded a 400 square-foot exemption for off-street parking. Additionally, 1,389 square feet would be exempted for the portion of the lower level that qualifies as a basement. The total proposed floor area would be 3,601 square feet, which is 1,049 square feet below the maximum allowable for the 10,500 square-foot lot. The maximum floor area calculation for this property is as follows:

<table>
<thead>
<tr>
<th>Range</th>
<th>Maximum Allowable Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.6 for the first 5,000 ft²</td>
<td>3,000 ft²</td>
</tr>
<tr>
<td>0.3 for 5,001 to 20,000 ft²</td>
<td>1,650 ft²</td>
</tr>
<tr>
<td>Maximum Allowable Floor Area</td>
<td>4,560 ft²</td>
</tr>
</tbody>
</table>

The proposed project, as designed, meets the minimum required setbacks and is below the maximum allowable floor area for the property.

Neighborhood Comparison:

Staff compared the proposed project to 30 properties within the surrounding area located along both sides of Barbara Avenue and properties on the east side of Midori Court and north side of Patty Hill Drive, as designated on the following Zoning Map:
The properties in this comparison area have very diverse zoning regulations. Properties on the west side of Barbara Avenue, including the subject property, are located within the LR Zone but not in the SROZ. Properties on the east side of Barbara Avenue are located within the LR Zone and the Scaled SROZ; therefore, they have a lower maximum floor area allowance that uses a tiered calculation of 0.50 for the first 6,000 square feet of lot area, 0.175 for the next 9,000 square feet, 0.10 for the next 4,000 square feet and 0.05 for the remainder of the lot. Properties on Midori Court are located within the North Rios Specific Plan (NRSP) and have a zoning designation of LR/SP and a FAR of .50 of the lot area. Finally, the lot located at 236 Patty Hill Drive is located within the Patty Hill Specific Plan (PHSP) and has a zoning designation of LR/SP. The PHSP does not have specific requirements for maximum allowable floor area, but it does indicate that “the City of Solana Beach Zoning Ordinance for the LR zone shall be utilized for any applicable issues that are not addressed in this Specific Plan”; therefore, the FAR allowance would be the same as the properties on the west side of Barbara Avenue.

The existing homes in this comparison area range in size from 1,428 square feet to 4,463 square feet, according to the County Assessor records. It should be noted that the County Assessor does not include the garage, covered porch area, unfinished basement, or accessory building area in its total square footage. Accordingly, the
The building area of the proposed project has been calculated for comparison purposes by deleting the area of the basement storage area and garage space as follows:

- **Project Gross Building Area:** 5,390 ft²
- **Delete Basement Storage Area:** - 377 ft²
- **Delete Attached Garage Area:** - 525 ft²
- **Project Area for Comparison to Assessor’s Data:** 4,488 ft²

The table below is based upon the County Assessor’s data and SanGIS data. It contains neighboring lot sizes, the square footage of existing development, and the maximum allowable square footage for potential development on each lot.

<table>
<thead>
<tr>
<th>Lot Size Proposed Existing</th>
<th>Max. Allowable</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td># Property Address</td>
<td>Lot Size in ft² (SanGIS)</td>
<td>Proposed /Recently Approved ft²</td>
</tr>
<tr>
<td>----------------------</td>
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</tr>
<tr>
<td>North Rios SP</td>
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</tr>
<tr>
<td>1 806 Midori Court</td>
<td>17,871</td>
<td>4,132</td>
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<tr>
<td>2 804 Midori Court</td>
<td>14,751</td>
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</tr>
<tr>
<td>3 802 Midori Court</td>
<td>14,800</td>
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<tr>
<td>4 710 Midori Court</td>
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<tr>
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<tr>
<td>6 706 Midori Court</td>
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<tr>
<td>30 708 Barbara Avenue</td>
<td>11,051</td>
<td>1,882</td>
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</tbody>
</table>
Fences, Walls and Retaining Walls:

The SBMC allows for fences and walls or any combination thereof to be no higher than 42 inches in height as measured from existing grade within the front yard setback, except for an additional two feet of fence that is at least 80% open to light. Fences, walls, and retaining walls located within the rear and interior side yards are allowed to be up to six feet in height with an additional 24 inches that is 50% open to light and air.

The westernmost retaining wall would be maintained. The project proposes construction of new retaining walls that range in height from 1.2 to 5 feet, and which are located within the rear and side yards. The project also proposes combination retaining wall and fencing along the side property lines that would be six feet in height with an additional two-foot open fence on top and three and a half feet in height with an additional two-foot open fence on top within the front-yard setback. Additionally, the project proposes a property line fence that is five feet along the rear property line and the rear portions of the side property lines. As a condition of project approval, the Applicants will be required to show that the retaining walls and any combination of fence, wall, or railing added to the retaining walls, will not exceed the maximum heights allowed within the required setbacks according to SBMC Section 17.20.040 during the building permit process.

Landscape:

The project is subject to the current water efficient landscaping regulations of SBMC Chapter 17.56 (Water Efficient Landscape Regulations). A Landscape Documentation Package is required for new development projects with an aggregate landscape equal to or greater than 500 square feet requiring a building permit, plan check, or development review. The Applicants provided a conceptual landscape plan that has been reviewed by the City's third-party landscape architect, who has recommended approval. The Applicants will be required to submit detailed construction landscape drawings that will be reviewed by the City's third-party landscape architect for conformance with the conceptual plan. In addition, the City's third-party landscape architect will perform inspections during the construction phase of the project. A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.
Parking:

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require each single-family residence to provide two off-street parking spaces that are a minimum of 9' X 19' clear. The project proposes a two-car garage on the southeast corner of the buildable area of the property that would be accessed from a driveway off Barbara Avenue. If the required parking spaces are provided in a garage, up to 200 square feet per required parking space is exempt from the calculation of floor area. The proposed attached garage provides two parking spaces that comply with the regulations; therefore, 400 square feet has been exempted from the calculation of maximum floor area. The remaining square footage of the garage has been added to the square footage calculations and counts toward the floor area.

Grading:

The project site is located within the HOZ area of Barbara Avenue, which was previously graded and is considered on slopes that exists in an unnatural condition, as discussed in greater detail later in this report. According to the slope analysis provided by the Applicants in Attachment 2, approximately 73 percent of the site has slopes below 25 percent, which includes the pad for the existing house and garage, the driveway, the front yard, and most of the area below the existing deck off the west end of the existing house. Approximately 17 percent of the site has slopes between 25 and 40 percent and approximately 10 percent has slopes in excess of 40 percent. The majority of these steeper sloped areas are located in the western third of the site.

The project proposes a total of 1,085 cubic yards of cut, 10 cubic yards of excavation for footings, and 50 cubic yards of removal and recompaction, which would result in 1,085 cubic yards of export. The finished floor of the main level of the new house is proposed to be located at a slightly lower (0.7 feet) elevation than the existing house. A majority of the grading is proposed to provide a partially subterranean lower level, which would be fully exposed on the west side of the residence and partially exposed on the west end of the south side. The north and east sides of the lower level would not be exposed. According to the definition for a basement (SBMC 17.08.030), any portion of a building story which has at least 60 percent or more of the story height below the finished grade or pre-existing grade, whichever is lower, is considered a basement and does not count toward floor area for the purposes of determining maximum allowable floor area. The total floor area of the lower level would be 2,174 square feet. Based on how the project is proposed to be graded, 1,389 square feet of the lower level is considered basement and is not required to be included in total allowable floor area.

The property currently has four retaining walls within the west end of the site. The lowest, western-most retaining wall is concrete and is proposed to be retained; the other three are wood and are proposed to be removed. New retaining walls are proposed to support the proposed patios and fire pit on the west end of the lower level, and to support the proposed spa, which would be located off the master bedroom, on the north side of the residence on the main level.
Lighting:

A condition of project approval requires that all new exterior lighting fixtures comply with the Citywide lighting regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

Useable Open Space:

The project consists of construction of a new single-family residence, attached garage, and associated site improvements; therefore, usable open space and recreational facilities are not required according to SBMC 17.20.040.

Hillside Overlay Zone (HOZ) Compliance:

The property is located within the Barbara Avenue Hillside, which is one of two of the 23 areas designated as HOZ slopes that exist in an unnatural condition. As such, limited grading and other development activity may be permitted in these areas provided that the activity is in compliance with the supplemental submittal and review techniques of the SBMC section 17.48.020.G. Development activity within the Barbara Avenue Hillside area shall only be allowed if the Council can make the following findings:

1. The development activity meets the intent of all performance standards set forth herein;

2. The development has been designed so that its visibility has been effectively minimized and integrated in the natural surroundings to the extent feasible;

3. Soil erosion and site disturbance has been effectively minimized;

4. Drainage patterns have been preserved;

5. Potential impacts upon existing adjacent residential development have been minimized to the extent feasible;

6. Development has been sited so that it is compatible with existing surrounding development in terms of height, bulk and scale;

7. Adequate drainage and utility facilities are available to serve the subject property, while maintaining sufficient levels of services for existing development;

8. Potential lighting and noise impacts upon existing adjacent residential development has been effectively minimized;
9. The **cumulative visual impact of the development activity, as viewed from west to east, has been effectively mitigated**

In addition to the review criteria set forth in SBMC 17.48.010, Development Review Permits in the Barbara Avenue HOZ shall meet the intent of the following performance-based review criteria:

1. Site Design
2. Building Form
3. Fences and Retaining Walls
4. Color and Materials
5. Vegetation
6. Lighting
7. Noise

Site Design

*The site design should incorporate the existing natural features and terrain taking into consideration the contours of the land. The building form should follow the natural contours of the land. The site design and structure should take into consideration the impacts on privacy and views of neighboring properties. Window placement, landscaping, deck and other accessory structure placement should be carefully planned to ensure adjacent properties are not compromised.*

The site has been graded previously to construct an existing residence on the site, which will be demolished. The finished floor of the main level of the project is proposed at a slightly lower elevation than the existing house. A partially exposed basement is proposed for the lower level, where it will daylight toward the western property line and be below grade toward the east. The main level will be located on top of the basement and the residence and would appear as a one-story residence from Barbara Avenue, where the topography is highest and where the existing flat building pad is located. Although most of the natural features and terrain of the site are no longer present, the proposed residence has been designed to follow the contours of the existing site on the east and north elevations. The existing grade will be retained within the front yard setback. The portions of the lower level are proposed to be excavated more than the existing residence to provide a walk-out for the lower level along the west elevation, and to provide windows on the western end of the south elevation of the lower level.

The majority of the windows on both levels would face west, and a main-level deck is proposed over a lower level patio along the entire west elevation. As shown on the East-West Section 1 (Sheet A5.0) of the project plans (Attachment 2), the proposed finished floor of the basement level of the house would be slightly above the roofline of the existing downslope residence on Midori Court. The sightline from the majority of the proposed windows, patio doors, deck, and patio would be to the west over the downslope residences.
Building Form

The slopes of the roof should follow the natural contours (i.e., oriented in the same direction as the slope). The bulk of the building should be broken up by incorporating varied roof heights rather than having just one or two massive roof planes. Expansive facades shall be avoided by offsetting walls and architectural elements to produce patterns of light and shade. Second stories shall be set back from the first floor as specified herein to step with the slope so that bulk is minimized.

The proposed roof plan shows a variety of hipped roof planes with ridgelines running east/west and north/south, as well as two flat areas. The elevations of the ridgelines and flat areas vary, providing varied roof heights and breaking up the massing of the roof. The front (east elevation) of the proposed residence provides articulation through a recessed entry and varied façade setbacks, with the garage set back 20 feet from the property line and the remaining façade stepped back 35.5 and 36.5 feet. The proposed main level deck provides an architectural element to break up the rear (west) façade of the residence.

According to SBMC 17.48.020(H), any portion of a structure located below grade is required to be set back 40 feet from the rear property line, while any at-grade portion of a structure is required to be set back an additional 10 feet, with a minimum 50-foot setback from the rear property line. As designed, the proposed residence meets or exceeds these requirements.

Fences and Retaining Walls

Solid fencing should be avoided where visible to the public. Retaining walls should be landscaped so that they blend with surroundings and reduce visual impacts.

The project includes retaining walls and fences along the side property lines within the front and side-yard setbacks. These fences would be screened from public view by six-foot high hedges.

Color and Materials

Exterior colors of all structures shall use natural dark, or earth tones. Light, bright and reflective materials are to be avoided.

A condition of project approval has been added to the project to indicate that the exterior structure shall utilize natural dark or earth tones and that light, bright and reflective materials shall be minimized to the extent feasible.

Vegetation

Vegetation shall be used to blend structures with the surrounding landscape, soften the impact of development on manufactured slopes, and provide erosion control. Landscaping shall be used to screen views of down slope elevations. Landscaping
material shall consist of native or naturalized plant material that blends naturally with the landscape and provides screening. An irrigation system that utilizes water and energy conservation techniques, sufficient to establish, and if required, facilitate revegetation and minimize erosion shall be used. Required rear yard landscape buffer areas shall be planted with land material that is sufficient in size and quantity to adequately buffer and screen views from down slope elevations to minimize impacts within existing adjacent residential development. Landscaping shall not exceed the height of adjacent rooflines, either when installed or when they reach maturity.

The project is required to comply with the Water Efficient Landscape Ordinance of SBMC 17.56, which requires the Applicants to provide a full Landscape Documentation Package prior to building permit approval. The Landscaping Documentation Package will provide the proposed species and location of native vegetation to be planted on site as well as the type of water efficient irrigation systems to be installed and a maintenance schedule. The proposed plans in Attachment 1 provide a preliminary plan of the proposed landscaping and how it will provide screening for the proposed development. SBMC 17.48.020(H)(3) requires that slopes that exist in an unnatural condition provide a minimum 20-foot landscaped buffer area along the rear property line to provide visual screening for adjacent residents to the west, as well as minimize view blockage for residents to the east. The Applicants propose to landscape this area with a variety of shrubs and groundcover. A condition of project approval has been added to the attached Resolution to indicate that landscaping shall not exceed the height of the adjacent rooflines when installed or at maturity.

Lighting

All exterior lighting shall be designed pursuant to SBMC 17.48.010(F)(8).

A condition of project approval includes that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

Noise

Noise levels shall not exceed the dBA levels set forth in the city of Solana Beach noise ordinance. Intervening structures may be required to be incorporated into the site design to minimize noise impacts.

A condition of project approval includes that the Applicants will be required to comply with the regulations of the noise ordinance of SMBC 7.34.

Scenic Area Overlay Zone (SAOZ) Compliance:

The purpose of the specific requirements of the SAOZ is to regulate development in areas of high scenic value to preserve and enhance the scenic resources present within, and adjacent to, such areas and to assure the exclusion of incompatible uses
and structures. It is further recognized that the preservation and enhancement of scenic resources within the City of Solana Beach provides important social, recreation, and economic benefits for both residents and visitors. Specific review criterions are required for properties within the designated areas of the SAOZ. These are established to ensure that proposed development does not interfere with or degrade those visual features of the site or adjacent sites that contribute to its scenic attractiveness, as viewed from the scenic highway or the adjacent scenic, historic, or recreational resource. The following specific criteria shall be evaluated when they are applicable:

1. Building Characteristics
2. Building and Structure Placement
3. Landscaping
4. Roads, Pedestrian Walkways, Parking and Storage Areas
5. Aboveground Utilities
6. Grading
7. Signs
8. Lighting

An application for development in the SAOZ also requires submittal of a view analysis consisting of an accurate representation of the development as viewed from at least three separate and critical points exterior to the development site and which show the treatment of the scenic resources present on the site as related to those resources which are adjacent to the site. The view analysis is provided in Attachment 3. The site is located on the hilltop between Midori Court and Barbara Avenue. The proposed east (front) elevation would be visible from Barbara Avenue, as depicted in the first three renderings provided (Attachment 3). The proposed west (rear) elevation would be partially visible from the southern terminus of Midori Court, as depicted in the fourth rendering provided (Attachment 3). The following is a review according to the development review criteria listed above.

Building Characteristics

All development shall be compatible with the topography, vegetation and colors of the natural environment and with the scenic, historic and recreation resources of the designated areas.

The proposed residence, as shown in view analysis, will be developed to a similar height as the existing residences to the north and south. The proposed residence will appear as a single story from the eastern elevation. The proposed lower level will be built into the existing slope, with the entire west elevation designed as a walk-out basement with patio doors across the rear and windows located on the west end of the south elevation. Native, non-invasive vegetation is required in compliance with the Water Efficient Landscaping Regulations that will provide screening of the project for the adjacent properties. The project has been conditioned to be constructed with exterior colors that are natural dark or earth toned to the extent feasible.
Building and Structure Placement

The placement of buildings and structures shall not detract from the visual setting or obstruct significant views, and shall be compatible with the topography of the site and adjacent areas. In prime viewshed areas designated in the general plan, building and structures should not be placed along bluff-top silhouette lines or on the adjacent slopes within view from a lagoon area, but should be clustered along the bases of the bluffs and on the mesa tops set back from the bluff-top silhouette lines. Buildings and structures should be sited to provide unobstructed view corridors from the nearest scenic highway, or view corridor road. These criteria may be modified when necessary to mitigate other overriding environmental considerations such as protection of habitat or wildlife corridors.

The proposed structure would expand the footprint of the existing structure within the buildable area of the lot. The residence would appear as a single-story from Barbara Avenue with a lower level built partially into the existing slope. The lower level improvements include the floor area and deck off the main level, would be setback at least 40 feet from the rear property line. The main level would be setback at least 50 feet from the rear property line.

The proposed design went through the required 30-day public noticing period required for the Structure Development Permit because the proposed residence will exceed 16 feet in height from the pre-existing grade. The entire process is discussed further in this report. Three appeals were received by the City, however, the Applicants modified the design in response to the neighbors’ concerns and all three view claims were withdrawn. Therefore, it could be found that the proposed design, as story poled, will not obstruct significant views.

Landscaping

The removal of native vegetation shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the designated area. Landscaping and plantings shall be used to the maximum extent practicable to screen those features listed in paragraphs (F)(4), (5) and (6) of this subsection. Landscaping and plantings shall not obstruct significant views, either when installed or when they reach mature growth.

The project is required to comply with the Water Efficient Landscaping Regulations of SBMC 17.56, which require native, non-invasive plant species for any new landscaping. Landscaping is proposed to screen the proposed retaining walls at the rear and sides of the day lighting basement from adjacent properties. Landscaping is also proposed at the front of the proposed structure. Proposed landscaping has been conditioned so that the landscaping shall be maintained to ensure that it does not exceed the height of the adjacent rooflines when installed or at maturity. A majority of the 25-40% sloped area will be left in its existing condition.
Roads, Pedestrian Walkways, Parking and Storage Areas.

Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, from either the scenic highway or the adjacent scenic, historic, or recreational resource. Acceptable screening methods shall include, but are not limited to, the use of existing topography, the strategic placement of buildings and structures, or landscaping and plantings which harmonize with the natural landscape of the designated area.

The proposed driveway, parking, and storage areas will not be visible from the western or downslope properties. The proposed driveway, located at the southeast corner of the lot, will provide access to a two-car garage which will house the two 9’ X 19’ clear parking spaces. Storage areas are provided in the garage and basement area and will not be visible to adjacent properties. The refuse storage area is proposed to be located on the south side of the garage, behind a fence with gate, and will not be visible to the public. The air conditioning units are proposed to be located on the north side of the house and will be screened from public view.

Aboveground Utilities

Utilities shall be constructed and routed underground except in those situations where natural features prevent undergrounding or where safety considerations necessitate aboveground construction and routing.

The Engineering Department has placed a condition on the project that requires any new utility services shall be undergrounded.

Grading

The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view from either the scenic highway or the adjacent scenic, historic, or recreational resource by landscaping and plantings which harmonize with the natural landscape of the designated area, except when such alterations add variety to or otherwise enhance the visual setting of the designated area. However, design emphasis shall be placed on preserving the existing quality of scenic resources rather than concealment of disturbances or replacement in kind. In portions of the scenic area overlay zone containing sensitive lands, grading may be severely restricted or prohibited.

The project site is located within the Hillside Overlay Zone area of Barbara Avenue that was previously graded and exists in an unnatural condition. Therefore, there is no natural topography located onsite. Grading will take place to construct a walk-out basement that is exposed on the west elevation and partially exposed on the south elevation.
Signs

Off-site signs shall be prohibited in areas subject to the scenic area overlay zone, except temporary real estate signs pursuant to SBMC 17.64.060. The number, size, location, and design of all other signs shall be consistent with the Comprehensive Sign Ordinance (Chapter 17.64 SBMC) and shall not detract from the visual setting of the designated area or obstruct significant views.

The project consists of a new single-family residence, attached garage, and associated site improvements; therefore, signs are not proposed as part of the development.

Lighting

The interior and exterior lighting of the buildings and structures and the lighting of signs, roads and parking areas shall be compatible with the lighting permitted in the designated area. All exterior lighting, including lighting in designated “dark sky” areas, shall be in conformance with SBMC 17.60.060 (Exterior Lighting Regulations).

A condition of project approval includes that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

Structure Development Permit Compliance:

The proposed project proposes construction of a new residence that will exceed 16 feet in height from the pre-existing grade; therefore, the project must comply with all the requirements of SBMC Chapter 17.63 (View Assessment) and the Applicants must complete the SDP process. A Story Pole Height Certificate was issued by a licensed land surveyor on June 13, 2018, which showed a maximum building height of 25.0 feet above the existing grade. The highest story pole was certified at 157.94 feet above MSL as measured from the existing grade. Notices to apply for View Assessment were mailed to property owners and occupants within 300 feet of the project site, which established a deadline to file for View Assessment on August 6, 2018. Three applications for View Assessment by neighboring property owners were received by the City (Mayo, Larkin, and Filler).

The Applicants worked with the View Claimants to address their concerns related to the proposed height of the maximum ridgeline and chimney as well as proposed landscaping. Proposed changes included lowering the proposed grade by 6 inches; lowering the overall roof pitch; and lowering the chimney heights to the minimum pursuant to California Building Code. The proposed ridgelines were lowered a total of 15 inches between the lowering of the grade and reduction of the roof pitch. Prior to scheduling the project for a View Assessment Commission (VAC) meeting, all three View Claimants withdrew their applications. With no outstanding View Assessment claims, the project has satisfied the requirements of the View Assessment Ordinance. Therefore, if the Council is able to make the required findings to approve the DRP, the
SOP would be approved administratively. It should be noted that the story poles were not modified to reflect the lowered roofline, although the project plans accurately reflect the current proposal.

As a condition of approval, a height certificate prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the maximum height of the proposed structure (including framing and roofing materials) will not exceed 24.32 feet above the proposed grade or 156.65 feet above the Mean Sea Level (MSL), which is the maximum proposed structure height reflected on the project plans.

Notice of the City Council Public Hearing for this project was published in the San Diego Union Tribune more than 10 days prior to the public hearing. The same public notice was mailed to property owners and occupants within 300 feet of the proposed project site on Thursday, March 28, 2019. As of the date of preparation of this Staff Report, Staff has not received any letters, phone calls, or emails from neighbors or interested parties in support of, or in opposition to, the proposed project.

In conclusion, if the Council can make the required findings, the proposed project, as conditioned, could be found to be consistent with the Zoning Ordinance and the General Plan. Should the City Council determine that the findings can be made to approve the project, the SDP will be issued administratively with the DRP.

CEQA COMPLIANCE STATEMENT:

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 State CEQA Guidelines. Class 3 consists of construction and located of limited numbers of new, small facilities or structures. Examples of this exemption include one single-family residence or second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

FISCAL IMPACT: N/A

WORK PLAN: N/A

OPTIONS:

- Approve Staff recommendation adopting the attached Resolution 2019-037.
- Approve Staff recommendation subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a DRP and administrative SDP.
- Deny the project if all required findings for the DRP cannot be made.

DEPARTMENT RECOMMENDATION:

The proposed project meets the requirements under the SBMC, is consistent with the General Plan, and may be found, as conditioned, to meet the discretionary findings
required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends that the City Council:


2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2019-037 conditionally approving a DRP and an administrative SDP to demolish a single-family residence with attached two-car garage and construct a replacement single-story, single-family residence with a partially exposed walk-out basement and attached two-car garage at 729 Barbara Avenue.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

/Gregory Wade, City Manager

Attachments:

1. Resolution 2019-037
2. Project Plans
3. View Analysis
RESOLUTION 2019-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOLANA BEACH, CALIFORNIA, CONDITIONALLY
APPROVING A DEVELOPMENT REVIEW PERMIT AND AN
ADMINISTRATIVE STRUCTURE DEVELOPMENT PERMIT
FOR THE DEMOLITION OF THE EXISTING RESIDENCE AND
GARAGE AND CONSTRUCTION OF A REPLACEMENT
SINGLE-STORY, SINGLE-FAMILY RESIDENCE WITH A
PARTIALLY EXPOSED WALK-OUT BASEMENT, AN
ATTACHED GARAGE, AND ASSOCIATED SITE
IMPROVEMENTS AT 729 BARBARA AVE, SOLANA BEACH

APPLICANTS: Mark and Karen Snyder
CASE NO.: 17-17-20 DRP/SDP

WHEREAS, Mark and Karen Snyder (hereinafter referred to as “Applicants”) have
submitted an application for a Development Review Permit (DRP) and administrative
Structure Development Permit (SDP) pursuant to Title 17 (Zoning), of the Solana Beach
Municipal Code (SBMC); and

WHEREAS, the Public Hearing was conducted pursuant to the provisions of Solana
Beach Municipal Code Section 17.72.030; and

WHEREAS, at the Public Hearing on April 10, 2019, the City Council received and
considered evidence concerning the proposed application; and

WHEREAS, the City Council of the City of Solana Beach found the application
request exempt from the California Environmental Quality Act pursuant to Section
15303 of the State CEQA Guidelines; and

WHEREAS, this decision is based upon the evidence presented at the hearing and
any information the City Council gathered by viewing the site and the area as disclosed
at the hearing.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does
resolve as follows:

1. That the foregoing recitations are true and correct.

2. That the request for a DRP and an administrative SDP to demolish a single-
family residence with attached two-car garage, construct a replacement single-
story, single-family residence with a partially exposed walk-out basement and
attached two-car garage, and perform associated site improvements is
conditionally approved based upon the following findings and subject to the
following conditions:

ATTACHMENT 1
3. FINDINGS

A. In accordance with Section 17.68.040 (Development Review Permit) of the City of Solana Beach Municipal Code, the City Council finds the following:

I. The proposed project is consistent with the General Plan and all applicable requirements of SBMC Title 17 (Zoning Ordinance), including special regulations, overlay zones and specific plans.

General Plan Consistency: The proposed project, as conditioned, is consistent with the City's General Plan designation of Low Density Residential, which allows for single-family residential development with a maximum density of three dwelling units per acre or one unit for this 10,500 square foot lot. Further, the proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

Zoning Ordinance Consistency: The proposed project is consistent with all applicable requirements of the Zoning Ordinance (Title 17) (SBMC 17.20.030 and 17.48.040), which delineates maximum allowable Floor Area Ratio (FAR), Permitted Uses and Structures (SBMC Section 17.20.020), which provides for uses of the property for a single-family residence. Further, the proposed project adheres to all property development regulations established for the Low Residential (MR) Zone and cited by SBMC Section 17.020.030 as well as the specific development regulations of the Scenic Area Overlay Zone (SAOZ) as cited in SBMC 17.48.010 and the Hillside Overlay Zone (HOZ) as cited in SBMC Section 17.48.020.

II. The proposed development complies with the following development review criteria set forth in Solana Beach Municipal Code Section 17.68.040.F:

a. Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and complementary to existing development in the immediate vicinity of the project site and the surrounding neighborhood. The development as proposed shall also be compatible in scale, apparent bulk, and massing with such existing development in the surrounding neighborhood. Site planning on or near the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects.
The property is located within the Low Residential (LR) Zone on the west side of Barbara Avenue. The properties directly to the north and south are also located within the LR Zone, the HOZ, and the SAOZ. The properties on the east side of Barbara Avenue are also located within the LR Zone, but they are not located within either the HOZ or SAOZ; these properties, however, are located within the Scaled Residential Overlay Zone (SROZ). Properties to the west are located within the Low Residential/Specific Plan Zone, which is regulated by the North Rios Specific Plan. All surrounding properties are developed with single-family residences. The project, as designed, is consistent with the permitted uses for the LR Zone as described in SBMC Sections 17.20.010 and 17.12.020, and is also consistent with the General Plan, which designates the property as Low Density Residential. The proposed development is consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City's Specific Plan areas; however, it is within the Coastal Zone. As a condition of project approval, the Applicants would be required to obtain a Coastal Development Permit, Waiver, or Exemption from the California Coastal Commission prior to the issuance of a Building Permit.

b. Building and Structure Placement: Buildings and structures shall be sited and designed to minimize adverse impacts on the surrounding properties and designed in a manner which visually and functionally enhance their intended use and complement existing site topography. Multi-family residential buildings shall be sited to avoid crowding and to allow for a functional use of the space between buildings.

The Applicants are proposing a new single-story, single-family residence with a partially exposed walk-out basement and attached two-car garage. The proposed project will appear as one-story as viewed from Barbara Avenue (the east elevation). The project has been designed to lower the finished floor of the main level of the proposed residence by 0.7 feet. All other residences on the west side of Barbara Avenue in the vicinity of the subject site also appear as one-story as viewed from Barbara Avenue. The proposed two-car garage will be located at the 20-foot front setback line, while the remainder of façade
of the residence is proposed to be set back approximately 35.5 feet from the front property line.

The residence is designed to have a partially exposed, walk-out basement and would appear as two stories, as viewed from the west (rear) elevation, which is consistent with the design of other existing residences on the west side of Barbara Avenue. The existing grade along the rear elevation will be lowered by up to 5.5 feet to accomplish this. On the north side of the residence, the site will be graded to generally follow the existing slope, resulting in a structure that appears to be one story. Along the south side of the residence, a portion of the lower level toward the rear (west end) of the residence will be exposed. 1,389 square feet (over half) of the lower level will qualify as a “Basement” and be exempt from floor area as more than 60 percent of the story height will be located below the lower of the existing or proposed grade.

The rear (west) side of the proposed residence will conform to the 50-foot rear yard setback for at-grade structures as required by the HOZ. The proposed deck, which will be located off the rear of the main level of the house, will comply with the 40-foot setback for below-grade structures as required by the HOZ.

The floor area proposed for the residence includes: a 2,691 square-foot main level with an open-concept kitchen, living, and dining room, pantry, power room, utility hall, guest bedroom and bathroom, and a master suite; a 525 square-foot, two-car garage on the main level; a 1,797 square-foot lower level with a rec room, three bedrooms and three bathrooms, and a laundry room; and a 377 square-foot storage and mechanical area on the lower level.

A single-family residence requires two off-street parking spaces. When required spaces are provided in a garage, 200 square feet of floor area is exempted for each required space. Therefore, the project is afforded a 400 square-foot exemption for off-street parking. Additionally, 1,389 square feet is exempted for the portion of the lower level that qualifies as a basement. The total proposed floor area is 3,601 square feet, which is 959 square feet below the maximum allowable for the 10,500 square-foot lot. The maximum floor area calculation for this property is as follows:
<table>
<thead>
<tr>
<th>Area Description</th>
<th>Allowable Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.6 for the first 5,000 ft(^2)</td>
<td>3,000 ft(^2)</td>
</tr>
<tr>
<td>0.3 for 5,001 to 20,000 ft(^2)</td>
<td>1,650 ft(^2)</td>
</tr>
<tr>
<td>Maximum Allowable Floor Area</td>
<td>4,560 ft(^2)</td>
</tr>
</tbody>
</table>

The proposed project, as designed, meets the minimum required setbacks and is below the maximum allowable floor area for the property.

c. **Landscaping:** The removal of significant native vegetation shall be minimized. Replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area. To the maximum extent practicable, landscaping and plantings shall be used to screen parking areas, storage areas, access roads, and other service uses of the site. Trees and other large plantings shall not obstruct significant views when installed or at maturity. Drought tolerant plant materials and water conserving irrigation systems shall be incorporated into all landscaping plans.

The project is subject to the current water efficient landscaping regulations of SBMC Chapter 17.56 (Water Efficient Landscape Regulations). A Landscape Documentation Package is required for new development projects with an aggregate landscape equal to or greater than 500 square feet requiring a building permit, plan check, or development review. The Applicants provided a conceptual landscape plan that has been reviewed by the City’s third-party landscape architect, who has recommended approval. The Applicants will be required to submit detailed construction landscape drawings that will be reviewed by the City’s third-party landscape architect for conformance with the conceptual plan. In addition, the City’s third-party landscape architect will perform inspections during the construction phase of the project. A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.

d. **Roads, Pedestrian Walkways, Parking and Storage Areas:** Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas, where permitted, shall be screened from view, to the extent feasible, by existing topography, by the placement of buildings and structures, or by landscaping and plantings.
SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require each single-family residence to provide two off-street parking spaces that are a minimum of 9' X 19' clear. The project proposes a two-car garage on the southeast corner of the buildable area of the property that would be accessed from a driveway off Barbara Avenue. If the required parking spaces are provided in a garage, up to 200 square feet per required parking space is exempt from the calculation of floor area. The proposed attached garage provides two parking spaces that comply with the regulations; therefore, 400 square feet has been exempted from the calculation of maximum floor area. The remaining square footage of the garage has been added to the square footage calculations and counts toward the floor area.

e. Grading: To the extent feasible, natural topography and scenic features of the site shall be retained and incorporated into the proposed development. Any grading or earth-moving operations in connection with the proposed development shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site. Existing exposed or disturbed slopes shall be landscaped with native or naturalized non-native vegetation and existing erosion problems shall be corrected.

The project site is located within the HOZ area of Barbara Avenue, which was previously graded and is considered on slopes that exists in an unnatural condition. According to the slope analysis provided by the Applicants, approximately 73 percent of the site has slopes below 25 percent, which includes the pad for the existing house and garage, the driveway, the front yard, and most of the area below the existing deck off the west end of the existing house. Approximately 17 percent of the site has slopes between 25 and 40 percent and approximately 10 percent has slopes in excess of 40 percent; the majority of these steeper sloped areas are located in the western third of the site.

The project proposes a total of 1,085 cubic yards of cut, 10 cubic yards of excavation for footings, and 50 cubic yards of removal and recompaction, which will result in 1,085 cubic yards of export. The finished floor of the main level of the new house is proposed to be located at a slightly lower (0.7 feet) elevation than the existing house. A majority of the grading is proposed to provide a partial daylight lower level, which would be fully exposed on the west side of the residence and partially
exposed on the west end of the south side of the lower level. The north side of the lower level would not be exposed. According to the definition for a basement (SBMC 17.08.030), any portion of a building story which has at least 60 percent or more of the story height below the finished grade or pre-existing grade, whichever is lower, is considered a basement and does not count toward floor area for the purposes of determining maximum allowable floor area. The total floor area of the lower level would be 2,174 square feet. Based on how the project is proposed to be graded, 1,389 square feet of the lower level is considered basement and is not required to be included in total allowable floor area.

The property currently has four retaining walls within the west end of the site. The lowest, western-most retaining wall is concrete and is proposed to be retained; the other three are wood and are proposed to be removed. New retaining walls are proposed to support the proposed patios and fire pit on the west end of the lower level, and to support the proposed spa, which would be located off the master bedroom, on the north side of the residence on the main level.

f. Lighting: Light fixtures for walkways, parking areas, driveways, and other facilities shall be provided in sufficient number and at proper locations to assure safe and convenient nighttime use. All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding areas per SBMC 17.60.060 (Exterior Lighting Regulations).

A condition of project approval includes that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

g. Usable Open Space: Recreational facilities proposed within required usable open space shall be located and designed to maintain essential open space values. Consideration shall be given to type and quantity of such uses, including but not limited to golf courses, picnic and barbecue areas, tot lots, open playing fields, swimming pools and spas, and court facilities.

The project consists of construction of a new single-family residence, attached garage, and associated site improvements;
therefore, usable open space and recreational facilities are not required according to SBMC 17.20.040.

III. All required permits and approvals, including variances, conditional use permits, comprehensive sign plans, and coastal development permits, have been obtained prior to or concurrently with the development review permit.

All required permits, including a Structure Development Permit, are being processed concurrently with the Development Review Permit.

IV. If the development project also requires a permit or approval to be issued by a state or federal agency, the City Council may conditionally approve the development review permit upon the Applicants obtaining the required permit or approval from the other agency.

The Applicants are required to obtain approval from the California Coastal Commission (CCC) prior to issuance of Building Permits.

B. In accordance with Section 17.48.020 (Hillside Overlay Zone) of the City of Solana Beach Municipal Code, the City Council finds the following:

I. The development activity meets the intent of all performance standards set forth herein:

a. Site Design. The site design should incorporate the existing natural features and terrain taking into consideration the contours of the land. The building form should follow the natural contours of the land. The site design and structure should take into consideration the impacts on privacy and views of neighboring properties. Window placement, landscaping, deck and other accessory structure placement should be carefully planned to ensure adjacent properties are not compromised.

The site has been graded previously to construct an existing residence on the site, which will be demolished. The finished floor of the main level of the project is proposed at a slightly lower elevation as the existing house. A partially exposed basement is proposed for the lower level, where it will daylight toward the western property line and be below grade toward the east. The main level will be located on top of the basement and the residence and would appear as a one-story residence from Barbara Avenue, where the topography is highest and where the existing flat building pad is located. Although most of the natural features and terrain of the site are no longer present, the proposed residence has been designed to follow the contours of
the existing site on the east and north elevations. The existing grade will be retained within the front yard setback. The portions of the lower level are proposed to be excavated more than the existing residence to provide a walk-out for the lower level along the west elevation, and to provide windows on the western end of the south elevation of the lower level.

The majority of the windows on both levels would face west, and a main-level deck is proposed over a lower level patio along the entire west elevation. As shown on the East-West Section 1 (Sheet A5.0) of the project plans (Attachment 2), the proposed finished floor of the basement level of the house would be slightly above the roofline of the existing downslope residence on Midori Court. The sightline from the majority of the proposed windows, patio doors, deck, and patio would be to the west over the downslope residences.

b. Building Form. The slopes of the roof should follow the natural contours (i.e., oriented in the same direction as the slope). The bulk of the building should be broken up by incorporating varied roof heights rather than having just one or two massive roof planes. Expansive facades shall be avoided by offsetting walls and architectural elements to produce patterns of light and shade. Second stories shall be set back from the first floor as specified herein to step with the slope so that bulk is minimized.

The proposed roof plan shows a variety of hipped roof planes with ridgelines running east/west and north/south, as well as two flat areas. The elevations of the ridgelines and flat areas vary, providing varied roof heights and breaking up the massing of the roof. The front (east elevation) of the proposed residence provides articulation through a recessed entry and varied facade setbacks, with the garage set back 20 feet from the property line and the remaining façade stepped back 35.5 and 36.5 feet. The proposed main level deck provides an architectural element to break up the rear (west) façade of the residence.

According to SBMC 17.48.020(H), any portion of a structure located below grade is required to be set back 40 feet from the rear property line, while any at-grade portion of a structure is required to be set back an additional 10 feet, with a minimum 50-foot setback from the rear property line. As designed, the proposed residence meets or exceeds these requirements.

c. Fences and Retaining Walls. Solid fencing should be avoided where visible to the public. Retaining walls should be
landscaped so that they blend with surroundings and reduce visual impacts.

The project includes retaining walls and fences along the side property lines within the front and side-yard setbacks. These fences will be screened from public view by six-foot high hedges.

d. Color and Materials. Exterior colors of all structures shall use natural dark, or earth tones. Light, bright and reflective materials are to be avoided.

A condition of project approval has been added to the project to indicate that the exterior structure shall utilize natural dark or earth tones and that the light, bright and reflective materials shall be minimized to the extent feasible.

e. Vegetation. Vegetation shall be used to blend structures with the surrounding landscape, soften the impact of development on manufactured slopes, and provide erosion control. Landscaping shall be used to screen views of down slope elevations. Landscaping material shall consist of native or naturalized plant material that blends naturally with the landscape and provides screening. An irrigation system that utilizes water and energy conservation techniques, sufficient to establish, and if required, facilitate revegetation and minimize erosion shall be used. Required rear yard landscape buffer areas shall be planted with land material that is sufficient in size and quantity to adequately buffer and screen views from down slope elevations to minimize impacts within existing adjacent residential development. Landscaping shall not exceed the height of adjacent rooflines, either when installed or when they reach maturity.

The project is required to comply with the Water Efficient Landscape Ordinance of SBMC 17.56, which requires the Applicants to provide a full Landscape Documentation Package prior to building permit approval. The Landscaping Documentation Package will provide the proposed species and location of native vegetation to be planted on site as well as the type of water efficient irrigation systems to be installed and a maintenance schedule. The proposed plans in Attachment 1 provide a preliminary plan of the proposed landscaping and how it will provide screening for the proposed development. SBMC 17.48.020(H)(3) requires that slopes that exist in an unnatural condition provide a minimum 20-foot landscaped buffer area along the rear property line to provide visual screening for
adjacent residents to the west, as well as minimize view blockage for residents to the east. The Applicants propose to landscape this area with a variety of shrubs and groundcover. A condition of project approval has been added to the attached Resolution to indicate that landscaping shall not exceed the height of the adjacent rooflines when installed or at maturity.

f. Lighting. All exterior lighting shall be designed pursuant to SBMC 17.48.010(F)(8).

A condition of project approval includes that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

g. Noise. Noise levels shall not exceed the dBA levels set forth in the city of Solana Beach noise ordinance. Intervening structures may be required to be incorporated into the site design to minimize noise impacts.

A condition of project approval includes that the Applicants will be required to comply with the regulations of the noise ordinance of SMBC 7.34.

C. In accordance with Section 17.48.010 (Scenic Area Overlay Zone) of the Solana Beach Municipal Code, the City Council finds the following:

I. The development activity meets the intent of all performance standards set forth herein:

a. Building Characteristics. All development shall be compatible with the topography, vegetation and colors of the natural environment and with the scenic, historic and recreation resources of the designated areas.

The proposed residence, as shown in view analysis, will be developed to a similar height as the existing residences to the north and south. The proposed residence will appear as a single story from the eastern elevation. The proposed lower level will be built into the existing slope, with the entire west elevation designed as a walk-out basement with patio doors across the rear and windows located on the west end of the south elevation. Native, non-invasive vegetation is required in compliance with the Water Efficient Landscaping Regulations
that will provide screening of the project for the adjacent properties. The project has been conditioned to be constructed with exterior colors that are natural dark or earth toned to the extent feasible.

b. Building Structure and Placement. The placement of buildings and structures shall not detract from the visual setting or obstruct significant views, and shall be compatible with the topography of the site and adjacent areas. In prime viewshed areas designated in the general plan, building and structures should not be placed along bluff-top silhouette lines or on the adjacent slopes within view from a lagoon area, but should be clustered along the bases of the bluffs and on the mesa tops set back from the bluff-top silhouette lines. Buildings and structures should be sited to provide unobstructed view corridors from the nearest scenic highway, or view corridor road. These criteria may be modified when necessary to mitigate other overriding environmental considerations such as protection of habitat or wildlife corridors.

The proposed structure would expand the footprint of the existing structure within the buildable area of the lot. The residence would appear as a single-story from Barbara Avenue with a lower level built partially into the existing slope. The lower level improvements include the floor area and deck off the main level, would be setback at least 40 feet from the rear property line. The main level would be setback at least 50 feet from the rear property line.

The proposed design went through the required 30-day public noticing period required for the Structure Development Permit because the proposed residence will exceed 16 feet in height from the pre-existing grade. The entire process is discussed further in this report. Three appeals were received by the City, however, the Applicants modified the design in response to the neighbors’ concerns and all three view claims were withdrawn. Therefore, it could be found that the proposed design, as story poled, will not obstruct significant views.

c. Landscaping. The removal of native vegetation shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the designated area. Landscaping and plantings shall be used to the maximum extent practicable to screen those features listed in paragraphs (F)(4), (5) and (6) of this subsection. Landscaping and plantings shall
not obstruct significant views, either when installed or when they reach mature growth.

The project is required to comply with the Water Efficient Landscaping Regulations of SBMC 17.56, which require native, non-invasive plant species for any new landscaping. Landscaping is proposed to screen the proposed retaining walls at the rear and sides of the daylighting basement from adjacent properties. Landscaping is also proposed at the front of the proposed structure. Proposed landscaping has been conditioned so that the landscaping shall be maintained to ensure that it does not exceed the height of the adjacent rooflines when installed or at maturity. A majority of the 25-40% sloped area will be left in its existing condition.

d. Roads, Pedestrian Walkways, Parking and Storage Areas. Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, from either the scenic highway or the adjacent scenic, historic, or recreational resource. Acceptable screening methods shall include, but are not limited to, the use of existing topography, the strategic placement of buildings and structures, or landscaping and plantings which harmonize with the natural landscape of the designated area.

The proposed driveway, parking, and storage areas will not be visible from the western or downslope properties. The proposed driveway, located at the southeast corner of the lot, will provide access to a two-car garage which will house the two 9' X 19' clear parking spaces. Storage areas are provided in the garage and basement area and will not be visible to adjacent properties. The refuse storage area is proposed to be located on the south side of the garage, behind a fence with gate, and will not be visible to the public. The air conditioning units are proposed to be located on the north side of the house and will be screened from public view.

e. Aboveground Utilities. Utilities shall be constructed and routed underground except in those situations where natural features prevent undergrounding or where safety considerations necessitate aboveground construction and routing.

The Engineering Department has placed a condition on the project that requires any new utility services shall be undergrounded.
f. Grading. The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view from either the scenic highway or the adjacent scenic, historic, or recreational resource by landscaping and plantings which harmonize with the natural landscape of the designated area, except when such alterations add variety to or otherwise enhance the visual setting of the designated area. However, design emphasis shall be placed on preserving the existing quality of scenic resources rather than concealment of disturbances or replacement in kind. In portions of the scenic area overlay zone containing sensitive lands, grading may be severely restricted or prohibited.

The project site is located within the Hillside Overlay Zone area of Barbara Avenue that was previously graded and exists in an unnatural condition. Therefore, there is no natural topography located onsite. Grading will take place to construct a walk-out basement that is exposed on the west elevation and partially exposed on the south elevation.

g. Signs. Off-site signs shall be prohibited in areas subject to the scenic area overlay zone, except temporary real estate signs pursuant to SBMC 17.64.060. The number, size, location, and design of all other signs shall be consistent with the Comprehensive Sign Ordinance (Chapter 17.64 SBMC) and shall not detract from the visual setting of the designated area or obstruct significant views.

The project consists of a new single-family residence, attached garage, and associated site improvements; therefore, signs are not proposed as part of the development.

h. Lighting. The interior and exterior lighting of the buildings and structures and the lighting of signs, roads and parking areas shall be compatible with the lighting permitted in the designated area. All exterior lighting, including lighting in designated “dark sky” areas, shall be in conformance with SBMC 17.60.060 (Exterior Lighting Regulations).

The project has been conditioned to meet City-wide exterior lighting regulations of SBMC 17.60.060 and the Noise Ordinance of SBMC 7.34.
D. In accordance with Section 17.63.040 (Structure Development Permit) of the Solana Beach Municipal Code, the City Council finds the following:

The proposed project proposes construction of a new residence that will exceed 16 feet in height from the pre-existing grade; therefore, the project must comply with all the requirements of SBMC Chapter 17.63 (View Assessment) and the Applicants must complete the SDP process. A Story Pole Height Certificate was issued by a licensed land surveyor on June 13, 2018, which showed a maximum building height of 25.0 feet above the existing grade. The highest story pole was certified at 157.94 feet above MSL as measured from the existing grade. Notices to apply for View Assessment were mailed to property owners and occupants within 300 feet of the project site, which established a deadline to file for View Assessment on August 6, 2018. Three applications for View Assessment by neighboring property owners were received by the City (Mayo, Larkin, and Filler).

The Applicants worked with the View Claimants to address their concerns related to the proposed height of the maximum ridgeline and chimney as well as proposed landscaping. Proposed changes included lowering the proposed grade by 6 inches; lowering the overall roof pitch; and lowering the chimney heights to the minimum pursuant to California Building Code. The proposed ridgelines were lowered a total of 15 inches between the lowering of the grade and reduction of the roof pitch. Prior to scheduling the project for a View Assessment Commission (VAC) meeting, all three View Claimants withdrew their applications. With no outstanding View Assessment claims, the project has satisfied the requirements of the View Assessment Ordinance. Therefore, if the Council is able to make the required findings to approve the DRP, the SOP would be approved administratively. It should be noted that the story poles were not modified to reflect the lowered roofline, although the project plans accurately reflect the final proposal.

As a condition of approval, a height certificate prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the maximum height of the proposed structure (including framing and roofing materials) will not exceed 24.32 feet above the proposed grade or 156.65 feet above the Mean Sea Level (MSL), which is the maximum proposed structure height reflected on the project plans.
4. CONDITIONS

Prior to use or development of the property in reliance on this permit, the Applicants shall provide for and adhere to the following conditions:

A. Community Development Department Conditions:

I. The Applicants shall pay required Public Facilities Fees, as established by SSMC Section 17.72.020 and Resolution 1997-36.

II. Building Permit plans must be in substantial conformance with the plans presented to the City Council on April 10, 2019 and located in the project file with a submittal date of October 29, 2018.

III. Prior to requesting a framing inspection, the Applicants will be required to submit two height certifications signed by a licensed land surveyor certifying that the building envelope is in conformance with the plans dated October 29, 2018, as approved by the City Council on April 10, 2019, and that the structure will not exceed 24.32 feet in height or 156.65 feet above MSL from the proposed finished grade.

IV. Any proposed onsite fences, walls, retaining walls, and any proposed railing located on top or any combination thereof shall comply with applicable regulations of SSMC Section 17.20.040 and 17.60.070 (Fences and Walls).

V. The Applicants shall obtain required CCC approval of a Coastal Development Permit, Waiver or Exemption as determined necessary by the CCC, prior to the issuance of a building permit by the City.

VI. Any new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of SSMC 17.60.060.

VII. All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities that render them detrimental to the surrounding area.

VIII. The Applicants shall submit detailed construction landscape drawings that will be reviewed by the City’s third-party landscape architect and shall be in substantial conformance with the conceptual plan presented to the City Council on April 10, 2019. In addition, the City’s third-party landscape architect will perform a final inspection to verify substantial conformance onsite prior to final occupancy.

IX. Native, drought-tolerant and non-invasive plant materials and water-
conserving irrigation systems shall be incorporated into any proposed landscaping and compatible with the surrounding area to the extent feasible.

X. Proposed landscaping has been conditioned so that the landscaping shall be maintained to ensure that it does not exceed the height of the adjacent rooflines when installed or at maturity.

XI. Any existing above-ground utilities to remain shall be screened from public view from either the scenic highway or the adjacent scenic, historic, or recreational resources by the placement of buildings and structures, or by landscaping and plantings.

XII. The exterior structure shall utilize natural dark or earth tones and that the use of light, bright, and reflective materials shall be minimized to the extent feasible.

XIII. The Applicants shall comply with the regulations of the Noise Ordinance of SMBC 7.34.

XIV. Construction vehicles shall be parked on the subject property at all times feasible. If construction activity prohibits parking on the subject property, the Applicants shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on the street and minimize impact to the surrounding neighbors.

XV. The Applicants shall connect to temporary electrical service as soon as feasible to the satisfaction of the City.

B. Fire Department Conditions: Please note that this list provides detailed Fire Department requirements and is not meant to be an all-inclusive plan check list of the Fire Department comments.

I. OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION: All roadways shall be a minimum of 24 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Fire Department.

II. ADDRESS NUMBERS: Street Numbers: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke
for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.

III. AUTOMATIC FIRE SPRINKLER SYSTEM ONE AND TWO FAMILY DWELLINGS: Structures shall be protected subject to the current edition of the California Fire Code by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to installation.

IV. SMOKE DETECTORS/CARBON MONOXIDE ALARMS/FIRE SPRINKLER SYSTEMS: Smoke detectors/carbon monoxide alarms/fire sprinklers shall be inspected by the Solana Beach Fire Department.

V. CLASS “A” ROOF: All structures shall be provided with a Class “A” Roof covering to the satisfaction of the Solana Beach Fire Department.

VI. SOLAR PHOTOVOLTAIC INSTALLATIONS (Solar Panels): Solar Photovoltaic systems shall be installed per the California Fire Code and Solana Beach Fire Department requirements.

C. Engineering Department Conditions:

I. Obtain an Encroachment Permit in accordance with Chapter 11.20 of the Solana Beach Municipal Code, prior to the construction of any improvements within the public right-of-way including, but not limited to, demolition and construction of surface improvements. All proposed improvements within the public right-of-way shall comply with City standards including, but not limited to, the Off-Street Parking Design Manual.

II. Improvements shall include, but not be limited to, the construction of a 19” swale and Stabilized, Compacted Decomposed Granite (D.G.) at 2% maximum cross slope connecting to the G-14A driveway approach as shown on the Preliminary Grading Plan prepared by Pasco Laret Suiter and Associates dated 4/28/2017.

III. Construction fencing shall be located on the subject property unless the Applicants have obtained an Encroachment Permit in accordance with Chapter 11.20 of the Solana Beach Municipal Code, which allows otherwise.
IV. The proposed walkway within the public right-of-way, and all other private improvements in the public right-of-way, shall be subject to an Encroachment Maintenance Removal Agreement (EMRA).

V. All construction demolition materials shall be recycled according to the City’s Construction and Demolition recycling program and an approved Waste Management Plan shall be submitted.

VI. All new utility services shall be installed underground.

VII. GRADING: Prior to issuance of a Building Permit, the Applicants shall obtain a Grading Permit and provide Pad Certifications from Registered Land Surveyor and Soils Engineer. Conditions prior to the issuance of a Grading Permit shall include, but not be limited to, the following:

i. The Grading Plan shall be prepared by a Registered Civil Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.

j. A Soils Report shall be prepared by a Registered Soils Engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The Grading Plan shall incorporate all recommendations contained in the soils report.

k. The proposed drainage design for this project shall include a drainage system consistent with the recommendations of the Hydrology Study prepared by Pasco, Laret, Suiter and Associates, Inc. dated July 26th, 2017. The outflow system shall be designed and constructed so that the rate of runoff for the proposed development is the same or less than that of existing condition.

l. An easement shall be recorded over the detention basin for maintenance by the property owner in perpetuity.

m. All retaining walls and drainage structures shall be shown. Retaining walls shown on the Grading Plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. Retaining walls may not exceed the allowable height within the property line setback as determined
by the City of Solana Beach Municipal Code. Contact the Community Development department for further information.

n. The Applicants are responsible to protect the adjacent properties during construction. If any grading or other types of construction are anticipated beyond the property lines, the Applicants shall obtain a written permission from the adjoining property owners for incidental grading or construction that may occur and submit the letter to the City Engineer prior to the anticipated work.

o. Pay grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.

p. Obtain and submit grading security in a form prescribed by the City Engineer.

q. Obtain haul permit for import / export of soil. The Applicants shall transport all excavated material to a legal disposal site.

r. Submit certification from the Engineer of Record and the Soils Engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans. This shall be accomplished by the Engineer of Record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the Engineer of Record and the Soils Engineer certifying the as-built conditions.

s. An Erosion Prevention and Sediment Control Plan shall be prepared. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during excavation and grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities. Sediment controls shall be used as a supplement to erosion prevention for keeping sediment on site.

t. Show all proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The construction of drainage
structures shall comply with the standards set forth by the San Diego Regional Standard Drawings.

u. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.

v. No increased cross lot drainage shall be allowed.

w. Due to actual field conditions encountered during construction, additional Engineering Department conditions may be added as warranted.

5. ENFORCEMENT: Pursuant to SBMC 17.72.120(B) failure to satisfy any and all of the above-mentioned conditions of approval is subject to the imposition of penalties as set forth in SBMC Chapters 1.1.6 and 1.18 in addition to any applicable revocation proceedings.

6. EXPIRATION: The Development Review Permit for the project will 24 months from the date of this Resolution, unless the Applicants have obtained building permits and has commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council according to SBMC 17.72.110.

7. INDEMNIFICATION AGREEMENT: The Applicants shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney’s fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicants of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicants shall pay all of the costs related thereto, including without limitation reasonable attorney’s fees and costs. In the event of a disagreement between the City and Applicants regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicants shall not be required to pay or perform any settlement unless such settlement is approved by the Applicants.

NOTICE TO APPLICANTS: Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other exactions described in this resolution commences
on the effective date of this resolution. To protest the imposition of any fee, dedications, reservations or other exactions described in this resolution you must comply with the provisions of Government Code Section 66020. Generally the resolution is effective upon expiration of the tenth day following the date of adoption of this resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Zoning Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 10th day of April 2019, by the following vote:

AYES: Councilmembers –

NOES: Councilmembers –

ABSENT: Councilmembers –

ABSTAIN: Councilmembers –

__________________________
DAVID A. ZITO, Mayor

APPROVED AS TO FORM: ATTEST:

__________________________
JOHANNA N. CANLAS, City Attorney

__________________________
ANGELA IVEY, City Clerk
SLOPE ANALYSIS
729 BARBARA AVENUE
LIGHTING SCHEDULE

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NOTES:
- PROPOSED UPLIGHT HEIGHT: 72" TO 96" FOR TOPOGRAPHIC LANDSCAPE LIGHTING. HANGING FIXTURES SHOULD BE SUITED TO DESIGN AND VERSATILITY.
SURFACE AND SUBSURFACE ENSHADOWS ARE IMPORTANT. EMISSIVITY AT 120° CFM RATE ANALYSIS SPACE AT 120°. ALL ZONES SHALL BE ON SEPARATE VALUES. ALL OPERATIONS SHALL BE NEW NAME. PROTECTION FOR THE A.00 CONTRACTOR SHALL BE EXERCISE EXTREME CARE. CONSTRUCTION DETAILS USE ACCORDANCE WITH LOCAL ELECTRICAL CODE TO PREVENT ADDITIONAL. ESTIMATED TOTAL USE (ETU) WORKSHEET

MAXIMUM APPLIED WATER APPLICATION (MAW) Worksheet

WATER CONSERVATION STATEMENT

A DECISION TO USE A DESIGNED IRIGATION SYSTEM IN EASTERN CALIFORNIA THE AWARDS AND REQUIREMENTS OF THE PROJECTS' DESIGNED WATER CONSERVATION STATEMENTS SHALL INCORPORATE: 1. THE INTEGRATION SYSTEMS WILL BE AUTOMATIC, AND WILL INCORPORATE LOW VOLUME WATER THROUGH TRANSPARENT CONVEYANCE FORIRRIGATION SYSTEMS. 2. IRRIGATION SYSTEMS MAY BE ECONOMICAL CONSIDERED TO BE EFFECTIVE AND EFFICIENT. MAKE IT TO THE PROJECT WILL BE FOR THE GEN- GENERAL PUBLIC. 3. THE INSTALLATION AND SYSTEM OPERATION WILL BE ECONOMICALLY CONSIDERED TO BE EFFECTIVE AND EFFICIENT. MAKE IT TO THE PROJECT WILL BE FOR THE GENERAL PUBLIC. 4. THE INSTALLATION AND SYSTEM OPERATION WILL BE ECONOMICALLY CONSIDERED TO BE EFFECTIVE AND EFFICIENT. MAKE IT TO THE PROJECT WILL BE FOR THE GENERAL PUBLIC.