

# CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,  
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



## AGENDA

### Joint REGULAR Meeting

**Wednesday, October 11, 2017 \* 6:00 P. M.**

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

Hyatt Regency Atlanta, 265 Peachtree Street NE, Atlanta, GA 30303 (Edson)

- 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, 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 website.

#### 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](http://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 public documents 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.

#### AMERICAN DISABILITIES ACT TITLE 2

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

**Mike Nichols, Mayor**

**Ginger Marshall, Deputy Mayor**

**David A. Zito, Councilmember**

**Jewel Edson, Councilmember**

**Judy Hegenauer, 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*

- Great Shakeout

**PRESENTATIONS:** Ceremonial items that do not contain in-depth discussion and no action/direction.

- San Elijo Restoration

**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.4.)

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 September 9 – 22, 2017.

[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.*

**A.2. General Fund Adopted Budget for Fiscal Year 2017-2018 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2017-2018 General Fund Adopted Budget.

[Item A.2. Report \(click here\)](#)

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**A.3. 2016 Sewer Pipeline Repairs Notice of Completion.** (File 1040-36)

Recommendation: That the City Council

1. Adopt Resolution 2017-142
  - a. Authorizing the City Council to accept as complete the 2016 Sewer Repair Project, Bid No. 2016-04, performed by Sancon Technologies.
  - b. Authorizing the City Clerk to file a Notice of Completion.

[Item A.3. Report \(click here\)](#)

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**A.4. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held June 28, 2017.

[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.*

**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 designees 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.** 246 Barbara Avenue, Applicants: Kristin Brinner & Chris Novak, Case 17-16-07.  
(File 0600-40)

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. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
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 2017-069** conditionally approving a DRP to demolish the existing residence and construct a new 2,857 square foot, two-story, single-family residence with an attached carport and associated site improvements at 246 Barbara Avenue, 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. Introduce (1<sup>st</sup> Reading) Ordinance 481 Related to Regulations for Wireless Communication Facilities and Consider Revisions to Council Policy 21.** (File 0610-10)

Recommendation: That the City Council

1. Conduct the Public Hearing; Open the public hearing, Report Council Disclosures, Receive public testimony, Close the public hearing;
2. Introduce **Ordinance 481**
  - a. Finding the project exempt from the California Environmental Quality Act pursuant to Sections 15378 and 15061(b)(3) of the State CEQA Guidelines; and
  - b. Amending SBMC §17.60.120(G)
3. Adopt **Resolution 2017-151** approving revisions to Council Policy No. 21

[Item B.2. Report \(click here\)](#)

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**C. STAFF REPORTS:** (C.1. - C.5.)

*Submit speaker slips to the City Clerk.*

**C.1. Community Choice Aggregation (CCA) Development and Implementation.** (File 1010-40)

Recommendation: That the City Council

1. Authorize the City to move into Phases 2 and 3 of CCA program development and implementation.

[Item C.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.*

**C.2. Lomas Santa Fe / I-5 Pedestrian and Bicycle Improvements.** (File 0820-75)

Recommendation: That the City Council

1. Receive this report and provide further direction if necessary.

[Item C.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.*

**C.3. Marine Safety Center Preliminary Design Request for Proposals.** (File 0730-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-146** authorizing the City Engineer to issue a Request for Proposals for preliminary engineering and discretionary permit processing for the Marine Safety Center at Fletcher Cove Park.

[Item C.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.*

**C.4. Glencrest Drive Emergency Storm Drain Relocation and Drainage Easement Vacation.** (File 0850-40)

Recommendation: That the City Council

1. Adopt **Resolution 2017-144:**

- a. Receiving this report detailing the specifics of the emergency nature of this project;
- b. Making a finding, based on substantial evidence set forth in the Staff Report, that an emergency existed in the City due to the public safety hazard posed by the sink hole and potential roadway impacts from diverting the storm runoff onto the roadway, that the emergency did not permit a delay resulting from a competitive solicitation for bids, and that the action was necessary to respond to the emergency;
- c. Ratifying the City Manager's decision for the emergency storm drain repairs located at 473 and 521 Glencrest Drive and relocating the storm drain system into the street right-of-way under the authority of Section 3.08.060 of the Solana Beach Municipal Code (SBMC) which states that the City Manager may make emergency purchases that exceed \$25,000 in response to conditions that endanger life, health or safety and that those emergency purchases are free from the provisions of Chapter 3.08 of the SBMC;
- d. Authorizing the City Manager to pay all invoices associated with the emergency storm drain repairs located at 473 and 521 Glencrest Drive and relocating the storm drain system into the street right-of-way;
- e. Authorizing the City Council to accept as complete the Glencrest Drive emergency storm drain repairs performed by PAL General Engineering and authorizing the City Clerk to file a Notice of Completion.

2. Adopt **Resolution 2017-150:**

- a. With respect to the drainage easement vacation described in the legal description marked as Exhibit "A," and shown on Exhibit "B," finding:
  - i) The easement has been superseded by relocation and there are no other public facilities located within the easement.
  - ii) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.
- b. Approving the Drainage Easement Vacation, more particularly described in the legal description marked as Exhibit "A," and shown on Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.
- c. Authorizing the City Clerk to record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

[Item C.4. Report \(click here\)](#)

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**C.5. City Manager Employment Contract.** (File 0530-15)

Recommendation: That the City Council

1. Adopt **Resolution 2017-152** authorizing the Mayor to execute the Second Amendment to the employment agreement between the City of Solana Beach and Gregory Wade to reflect the three percent increase in base salary and the additional two thousand dollars towards deferred compensation.

[Item C.5. Report \(click here\)](#)

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**WORKPLAN COMMENTS:**

*Adopted June 8, 2016*

**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:**

**Regional Committees: (outside agencies, appointed by this Council)**

- a. City Selection Committee (meets twice a year) – Nichols (Edson, alternate).
- b. County Service Area 17 – Marshall (Nichols, alternate).
- c. Escondido Creek Watershed Authority – Marshall/Staff (no alternate).
- d. League of Ca. Cities' San Diego County Executive Committee – Nichols (Edson, alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee – Nichols (Edson, alternate)
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) – Nichols (Edson, alternate)
- g. North County Dispatch JPA – Marshall (Edson, alternate).
- h. North County Transit District – Edson (Nichols, alternate)
- i. Regional Solid Waste Association (RSWA) – Nichols (Hegenauer, alternate).
- j. SANDAG – Zito (Primary), Edson (1<sup>st</sup> alternate), Nichols (2<sup>nd</sup> alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee – Zito (Hegenauer, alternate).
- l. San Dieguito River Valley JPA – Hegenauer (Nichols, alternate).
- m. San Elijo JPA – Marshall, Zito (City Manager, alternate).
- n. 22<sup>nd</sup> Agricultural District Association Community Relations Committee – Marshall, Edson.

**Standing Committees: (All Primary Members) (Permanent Committees)**

- a. Business Liaison Committee – Zito, Edson.
- b. Highway 101 / Cedros Ave. Development Committee – Edson, Nichols.
- c. Fire Dept. Management Governance & Organizational Evaluation – Edson, Hegenauer
- d. I-5 Construction Committee – Zito, Edson.
- e. Parks and Recreation Committee – Nichols, Zito
- f. Public Arts Committee – Marshall, Hegenauer.
- g. School Relations Committee – Nichols, Hegenauer.

**ADJOURN:**

**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 October 11, 2017 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 October 4, 2017 at 6:15 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., October 11, 2017, 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 City's Commission's website or the City's Events Calendar for updates.*

- **Budget & Finance Commission**  
Thursday, October 19, 2017, 6:30 p.m. (City Hall)
- **Climate Action Commission**  
Wednesday, October 18, 2017, 5:30 p.m. (City Hall)
- **Parks & Recreation Commission**  
Thursday, October 12, 2017, 4:00 p.m. (Fletcher Cove Community Center)
- **Public Arts Commission**  
Tuesday, October 24, 2017, 5:30 p.m. (City Hall)
- **View Assessment Commission**  
Tuesday, October 17, 2017, 6:00 p.m. (Council Chambers)



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** October 11, 2017  
**ORIGINATING DEPT:** Finance  
**SUBJECT:** Register of Demands

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## 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- 09/09/17 through 09/22/17		
Check Register-Disbursement Fund (Attachment 1)		\$ 202,909.80
Retirement Payroll	September 15, 2017	9,539.00
Net Payroll	September 22, 2017	151,728.91
Federal & State Taxes	September 22, 2017	42,846.13
PERS Retirement (EFT)	September 22, 2017	43,227.92
TOTAL		\$ 450,251.76

## 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 September 9, 2017 through September 22, 2017 reflects total expenditures of \$450,251.76 from various City funding sources.

## WORK PLAN:

N/A

CITY COUNCIL ACTION: _____ _____
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**OPTIONS:**

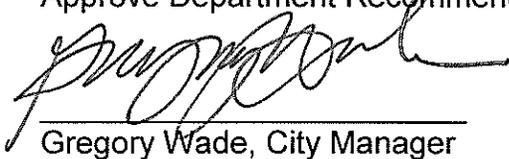
- Ratify the register of demands.
- Do not ratify and provide direction.

**DEPARTMENT RECOMMENDATION:**

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

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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Gregory Wade, City Manager

Attachments:

1. Check Register – Disbursement Fund

CITY OF SOLANA BEACH, CA  
CHECK REGISTER - DISBURSEMENT FUND

PENTAMATION  
DATE: 09/25/2017  
TIME: 14:02:37

SELECTION CRITERIA: transact.ck\_date between '20170909 00:00:00.000' and '20170922 00:00:00.000'  
ACCOUNTING PERIOD: 3/18

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	DESCRIPTION	SALES TAX	AMOUNT
1011	90972	09/14/17	5137	ABLE PATROL & GUARD, INC	00170007110	FCCC SECURITY-AUG	0.00	162.50
1011	90972	09/14/17	5137	ABLE PATROL & GUARD, INC	00170007110	CAMPOUT SECURITY	0.00	200.00
	TOTAL CHECK						0.00	362.50
1011	90973	09/14/17	1135	AFFORDABLE PIPELINE SERV	50900007700	J-SEWER CLEANING	0.00	575.00
1011	90973	09/14/17	1135	AFFORDABLE PIPELINE SERV	00165006520	H-STORM DRAIN MAINT	0.00	1,140.00
	TOTAL CHECK						0.00	1,715.00
1011	90974	09/14/17	1122	APPLE ONE, INC	00150005150	TEMP HELP PE 08/26	0.00	774.53
1011	90975	09/14/17	4832	AT&T CALNET 3	00160006170	9391053651 07/25-8/24	0.00	236.63
1011	90975	09/14/17	4832	AT&T CALNET 3	00160006120	9391012280 07/24-8/23	0.00	337.09
	TOTAL CHECK						0.00	573.72
1011	90976	09/14/17	5029	BILL SMITH FOREIGN CAR S	00165006510	DAKOTA-OIL/FLTR/PLUGS	0.00	133.13
1011	90976	09/14/17	5029	BILL SMITH FOREIGN CAR S	00165006520	DAKOTA-OIL/FLTR/PLUGS	0.00	133.13
	TOTAL CHECK						0.00	266.26
1011	90977	09/14/17	2424	BJ'S RENTALS	00165006560	TILLER	0.00	89.81
1011	90978	09/14/17	1561	CDW GOVERNMENT INC	00150005450	BATTERIES	0.00	20.41
1011	90978	09/14/17	1561	CDW GOVERNMENT INC	00150005450	BATTERIES	0.00	61.22
1011	90978	09/14/17	1561	CDW GOVERNMENT INC	13550005450	FIRE STA DATA SWITCH	0.00	3,411.43
	TOTAL CHECK						0.00	3,493.06
1011	90979	09/14/17	1295	CITY OF DEL MAR	00160006120	FY16/17- FRP OCT22&31	0.00	2,121.60
1011	90980	09/14/17	2631	CLEAN STREET	00165006550	STREET SWP-AUG	0.00	3,173.00
1011	90981	09/14/17	318	COUNTY OF SAN DIEGO ASSE	00155005550	MAP FEE 08/17/17	0.00	2.00
1011	90982	09/14/17	2629	D & D DISPOSAL INC	00160006130	ANIMAL DISPOSAL-AUG	0.00	195.00
1011	90983	09/14/17	108	DEL MAR BLUE PRINT COMPA	00150005150	W-1126/430 CANYON DR	0.00	18.49
1011	90984	09/14/17	134	DIXIELINE LUMBER CO INC	00165006570	HEX NUT	0.00	6.29
1011	90984	09/14/17	134	DIXIELINE LUMBER CO INC	00165006520	SAND BAGS (3)	0.00	9.02
1011	90984	09/14/17	134	DIXIELINE LUMBER CO INC	00165006570	FLEXBL COUPLNG/SCREWS	0.00	28.59
	TOTAL CHECK						0.00	43.90
1011	90985	09/14/17	825	EMERGENCY MEDICAL PRODUC	00160006170	FRST AID SPPL-JR LGRD	0.00	348.06
1011	90986	09/14/17	2062	ENTERPRISE RENT A CAR	27060006120	STRIKETM-7/26-31 FORD	0.00	313.06
1011	90986	09/14/17	2062	ENTERPRISE RENT A CAR	27060006120	STRIKETM-6/21-25 TOTH	0.00	393.83
	TOTAL CHECK						0.00	706.89
1011	90987	09/14/17	5135	FIRE STATION OUTFITTERS	13560006120	2 RECLINERS	0.00	1,454.63
1011	90988	09/14/17	2873	GEOPACIFICA, INC	21365006510	0312/523-525 PACIFIC	0.00	1,340.00
1011	90988	09/14/17	2873	GEOPACIFICA, INC	21365006510	0328/249-311 PACIFIC	0.00	80.00
	TOTAL CHECK						0.00	1,420.00

PENTAMATION  
 DATE: 09/25/2017  
 TIME: 14:02:37

PAGE NUMBER: 2  
 ACCTPA21

CITY OF SOLANA BEACH, CA  
 CHECK REGISTER - DISBURSEMENT FUND

SELECTION CRITERIA: transact\_ck\_date between '20170909 00:00:00.000' and '20170922 00:00:00.000'  
 ACCOUNTING PERIOD: 3/18

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	90989	09/14/17	3859	ICMA RETIREMENT TRUST-RH 001		ICMA PD 09/08/17 IM2	0.00	71.15
1011	90990	09/14/17	99	LAWNMOVERS PLUS	00165006560	HEDGE TRIMMER SRVS	0.00	30.00
1011	90990	09/14/17	99	LAWNMOVERS PLUS	00165006530	HEDGE TRIMMER	0.00	232.74
1011	90990	09/14/17	99	LAWNMOVERS PLUS	00165006560	HEDGE TRIMMER	0.00	232.74
	TOTAL CHECK						0.00	495.48
1011	90991	09/14/17	5324	CHRIS MACPHAIL	001	RFND 9/1/17 FCCC DPST	0.00	500.00
1011	90992	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 07/31/17	0.00	2,215.44
1011	90993	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 07/31/17	0.00	52.50
1011	90994	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 07/31/17	0.00	3,632.27
1011	90995	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 07/31/17	0.00	220.00
1011	90996	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 07/31/17	0.00	35.00
1011	90997	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 07/31/17	0.00	157.50
1011	90998	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 07/31/17	0.00	1,176.00
1011	90999	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 07/31/17	0.00	844.71
1011	91000	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	12050005460	CLM.1704 PE 07/31/17	0.00	367.50
1011	91001	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	12050005460	CLM.1702 PE 07/31/17	0.00	590.50
1011	91002	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 07/31/17	0.00	350.00
1011	91003	09/14/17	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 07/31/17	0.00	5,500.00
1011	91004	09/14/17	5219	JERUSALEM CONSTRUCTION,	00165006530	CLN RE-SEAL CONCRETE	0.00	17,529.40
1011	91004	09/14/17	5219	JERUSALEM CONSTRUCTION,	00165006530	CLN CONCRETE RETNIN	0.00	922.60
1011	91004	09/14/17	5219	JERUSALEM CONSTRUCTION,	001	CLN CONCRETE RETNIN	0.00	-922.60
	TOTAL CHECK						0.00	17,529.40
1011	91005	09/14/17	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	7.11
1011	91005	09/14/17	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	7.14
1011	91005	09/14/17	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	8.03
1011	91005	09/14/17	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	8.03
1011	91005	09/14/17	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	12.64
1011	91005	09/14/17	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	14.27
1011	91005	09/14/17	111	MISSION LINEN & UNIFORM	21100007600	LAUNDRY-PUB WORKS	0.00	1.58
1011	91005	09/14/17	111	MISSION LINEN & UNIFORM	21100007600	LAUNDRY-PUB WORKS	0.00	1.78
1011	91005	09/14/17	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	6.32
1011	91005	09/14/17	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	7.10
	TOTAL CHECK						0.00	74.00
1011	91006	09/14/17	4582	MWI PLUMBERS SUPPLY	00165006570	COPPER PIPE-10FT	0.00	22.77
1011	91006	09/14/17	4582	MWI PLUMBERS SUPPLY	00165006570	VALVE/PRIMER/NIPPLE	0.00	102.72

PENTAMATION  
DATE: 09/25/2017  
TIME: 14:02:37

CITY OF SOLANA BEACH, CA  
CHECK REGISTER - DISBURSEMENT FUND

SELECTION CRITERIA: transact\_ck\_date between '20170909 00:00:00.000' and '20170922 00:00:00.000'  
ACCOUNTING PERIOD: 3/18

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	DESCRIPTION	SALES TAX	AMOUNT
TOTAL CHECK								
1011	91007	09/14/17	4522	NISSHO OF CALIFORNIA	00165006560	RPLC BROKEN VALVE-LCP	0.00	125.49
1011	91008	09/14/17	50	OFFICE DEPOT INC	00155005550	HIGHLIGHTERS	0.00	10.75
1011	91008	09/14/17	50	OFFICE DEPOT INC	00155005550	RULER/WHT OUT/STAPLES	0.00	26.47
TOTAL CHECK							0.00	37.22
1011	91009	09/14/17	5325	ONSTREAM SYSTEMS	00150005150	OCR PROG-9/16-9/17	0.00	70.62
1011	91009	09/14/17	5325	ONSTREAM SYSTEMS	00150005150	OCR PROG-9/17-9/18	0.00	72.74
TOTAL CHECK							0.00	143.36
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.07/246 BARBARA	0.00	250.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1715.28/475 PACIFIC	0.00	250.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1713.24/421 N GRANADO	0.00	250.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1717.23/809 SEABRIGHT	0.00	250.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1715.03/738 CASTRO ST	0.00	250.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1717.10/301 WEST CLIF	0.00	250.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1717.08/520 N GRANADO	0.00	250.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.34/426 N GRANADO	0.00	250.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1714.08/343 HWY 101	0.00	250.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.07/246 BARBARA	0.00	250.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1715.22/525 SAN JULIO	0.00	250.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.10/216 OCEAN ST	0.00	375.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1717.14/986 AVOCADO	0.00	375.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1713.24/421 N GRANADO	0.00	375.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1717.20/729 BARBARA	0.00	375.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1715.22/525 SAN JULIO	0.00	375.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.24/223 OCEAN ST	0.00	375.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1715.28/475 PACIFIC	0.00	375.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.34/426 N GRANADO	0.00	375.00
1011	91010	09/14/17	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.25/309 SOLANA HI	0.00	500.00
TOTAL CHECK							0.00	6,250.00
1011	91011	09/14/17	4767	PARTNERSHIPS WITH INDUST	00165006570	TRASH ABTMT PE08/15	0.00	1,365.35
1011	91012	09/14/17	619	PURE FLO - CMGR #24581 (	00150005350	DRINK WATER-JULY	0.00	158.72
1011	91013	09/14/17	1112	RANCHO SANTA FE SECURITY	00165006570	RPLC SMOKE ALARM-CH	0.00	178.00
1011	91014	09/14/17	141	SANTA FE IRRIGATION DIST	00160006120	M#P04085 07/01-09/01	0.00	487.70
1011	91015	09/14/17	1073	SEASIDE HEATING & AIR CO	00165006570	RESET BRKR-LC	0.00	157.50
1011	91016	09/14/17	3066	SUMMIT ENVIRONMENTAL GRO	21355005550	1714.20/959 GENEVIEVE	0.00	2,000.00
1011	91016	09/14/17	3066	SUMMIT ENVIRONMENTAL GRO	45999036190	9903 PROF SVC LCP-AUG	0.00	2,420.00
1011	91016	09/14/17	3066	SUMMIT ENVIRONMENTAL GRO	45999266190	9926 PROF SVC SND-AUG	0.00	440.00
1011	91016	09/14/17	3066	SUMMIT ENVIRONMENTAL GRO	00155005550	PROF SVC AUG	0.00	1,430.00
1011	91016	09/14/17	3066	SUMMIT ENVIRONMENTAL GRO	21355005550	1717.27/235-245 PACIFI	0.00	1,375.00
1011	91016	09/14/17	3066	SUMMIT ENVIRONMENTAL GRO	21355005550	1717.27/235-245 PACIFI	0.00	1,500.00
1011	91016	09/14/17	3066	SUMMIT ENVIRONMENTAL GRO	21355005550	1714.29/SOL HGHLD-AUG	0.00	1,540.00
TOTAL CHECK							0.00	10,705.00

CITY OF SOLANA BEACH, CA  
CHECK REGISTER - DISBURSEMENT FUND

SELECTION CRITERIA: transact\_ck\_date between '20170909 00:00:00.000' and '20170922 00:00:00.000'  
ACCOUNTING PERIOD: 3/18

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	DESCRIPTION	SALES TAX	AMOUNT
1011	91017	09/14/17	2393	TARGET SOLUTIONS INC	00160006120	ONLINE TRNG-FIRE CREW	0.00	1,520.00
1011	91018	09/14/17	4810	TIPPMAN INDUSTRIAL PRODU	00165006530	SIDE MOUNT ADAPTER	0.00	185.00
1011	91019	09/14/17	4534	TRAFFIC SUPPLY, INC	00165006540	ALUMN DRV RIVETS-100	0.00	96.98
1011	91019	09/14/17	4534	TRAFFIC SUPPLY, INC	00165006540	PED CROSSING SIGNS	0.00	572.37
	TOTAL CHECK						0.00	669.35
1011	91020	09/14/17	1674	SIMPLEXGRINNELL	00165006570	FIRE EXTNGSHR INSPC	0.00	424.53
1011	91021	09/14/17	40	UNDERGROUND SVC ALERT OF	00165006510	DIG ALERT-AUG	0.00	92.50
1011	91022	09/14/17	30	VERIZON WIRELESS-SD	00150005450	IT CELL 07/24-08/23	0.00	114.03
1011	91023	09/14/17	4844	WARWICK GROUP CONSULTANT	45099266190	9926 PROF SVC-AUG	0.00	5,375.00
1011	91024	09/21/17	4706	24 HOUR ELEVATOR, INC	00165006570	ELVTR MAINT-SEPT	0.00	157.48
1011	91025	09/21/17	1122	APPLE ONE, INC	00150005150	TEMP HELP PE 09/02	0.00	215.52
1011	91025	09/21/17	1122	APPLE ONE, INC	00150005150	TEMP HELP PE 09/02	0.00	808.20
	TOTAL CHECK						0.00	1,023.72
1011	91026	09/21/17	4832	AT&T CALNET 3	50900007700	9391012277 07/24-8/23	0.00	13.69
1011	91026	09/21/17	4832	AT&T CALNET 3	00165006540	9391012279 07/24-8/23	0.00	45.31
	TOTAL CHECK						0.00	59.00
1011	91027	09/21/17	5051	CINTAS CORPORATION NO. 2	00165006570	FIRST AID SUPPLIES-CH	0.00	96.02
1011	91028	09/21/17	108	DEL MAR BLUE PRINT COMPA	00150005150	W-1119/125 N ACACIA	0.00	38.78
1011	91029	09/21/17	4252	DEWEY PEST CONTROL INC	00165006570	PEST CNTRL-SEPT	0.00	175.00
1011	91030	09/21/17	134	DIXIELINE LUMBER CO INC	00165006540	CONCRETE MIX	0.00	16.11
1011	91031	09/21/17	1242	DSR - DOOR SERVICE & REP	00165006570	SRV CALL-DOOR RPRS-FD	0.00	236.00
1011	91032	09/21/17	269	DUDEK & ASSOCIATES INC.	21355005550	1714.29/661-781 NARDO	0.00	400.00
1011	91032	09/21/17	269	DUDEK & ASSOCIATES INC.	21355005550	1714.29/661-781 NARDO	0.00	470.00
	TOTAL CHECK						0.00	870.00
1011	91033	09/21/17	1792	HARRIS & ASSOC. INC.	21355005550	1714.08 101/DAHL EIR	0.00	7,097.50
1011	91034	09/21/17	5138	HDL COREN & CONE	00150005300	CAFR SERVICES 2015-16	0.00	645.00
1011	91035	09/21/17	4166	HOGAN LAW APC	00150005250	22ND DIST AG-JUL	0.00	520.00
1011	91035	09/21/17	4166	HOGAN LAW APC	00150005250	22ND DIST AG-AUG	0.00	585.00
	TOTAL CHECK						0.00	1,105.00
1011	91036	09/21/17	11	ICMA RETIREMENT TRUST-45	001	ICMA PD 09/22/17	0.00	8,613.35
1011	91037	09/21/17	3859	ICMA RETIREMENT TRUST-RH	001	ICMA PD 09/22/17	0.00	1,942.63

CITY OF SOLANA BEACH, CA  
CHECK REGISTER - DISBURSEMENT FUND

SELECTION CRITERIA: transact\_ck\_date between '20170909 00:00:00.000' and '20170922 00:00:00.000'  
ACCOUNTING PERIOD: 3/18

FUND - 001 - GENERAL FUND		CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	91038	09/21/17	1075		IRON MOUNTAIN	00150005150	RECORDS STRG-SEPT	0.00	412.03	
1011	91039	09/21/17	378		J.C. BALDWIN CONSTRUCTIO	00165006510	PUB BCH STWY MAINT	0.00	2,499.00	
1011	91040	09/21/17	4165		KANE BALLMER & BERKMAN	65278007810	SA PROF SVC PE 07/31	0.00	540.00	
1011	91040	09/21/17	4165		KANE BALLMER & BERKMAN	65278007810	SA PROF SVC PE 08/30	0.00	2,070.00	
	TOTAL CHECK							0.00	2,610.00	
1011	91041	09/21/17	2106		MIKHAIL OGAWA ENGINEERIN	00165006520	JURMP-JULY	0.00	15,636.83	
1011	91042	09/21/17	111		MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	13.18	
1011	91042	09/21/17	111		MISSION LINEN & UNIFORM	21100007600	LAUNDRY-PUB WORKS	0.00	1.65	
1011	91042	09/21/17	111		MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	6.59	
1011	91042	09/21/17	111		MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	7.41	
1011	91042	09/21/17	111		MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	7.42	
	TOTAL CHECK							0.00	36.25	
1011	91043	09/21/17	4582		MWI PLUMBERS SUPPLY	00165006570	WALL SEAL INSUL-36FT	0.00	16.68	
1011	91043	09/21/17	4582		MWI PLUMBERS SUPPLY	00165006570	WATER DIAPHRAGM-10	0.00	111.90	
	TOTAL CHECK							0.00	128.58	
1011	91044	09/21/17	4522		NISSHO OF CALIFORNIA	00165006530	STREET LNDSCP SVC-AUG	0.00	1,190.19	
1011	91044	09/21/17	4522		NISSHO OF CALIFORNIA	00165006560	PRKS LNDSCP SVC-AUG	0.00	8,665.21	
1011	91044	09/21/17	4522		NISSHO OF CALIFORNIA	00165006570	PUBFAC LNDSCP SVC-AUG	0.00	1,446.35	
1011	91044	09/21/17	4522		NISSHO OF CALIFORNIA	20375007510	MID#33 LNDSCP SVC-AUG	0.00	2,524.95	
1011	91044	09/21/17	4522		NISSHO OF CALIFORNIA	20875007580	CRK LNDSCP SVC-AUG	0.00	2,060.21	
	TOTAL CHECK							0.00	15,886.91	
1011	91045	09/21/17	5252		NOSSAMAN LLP	00150005250	PROF SVC-JULY	0.00	2,361.80	
1011	91045	09/21/17	5252		NOSSAMAN LLP	00150005250	PROF SVC-AUG	0.00	2,914.00	
	TOTAL CHECK							0.00	5,275.80	
1011	91046	09/21/17	4767		PARTNERSHIPS WITH INDUST	00165006570	TRASH ABTMNT PE08/31	0.00	1,430.45	
1011	91047	09/21/17	619		PURE FLO - CMGR #24581 (	00150005350	DRINK WATER-AUG	0.00	153.22	
1011	91048	09/21/17	2260		REDFLEX TRAFFIC SYSTEMS,	00165006540	RED LIGHT CAMERA-AUG	0.00	7,159.35	
1011	91049	09/21/17	86		SAN ELIJO HILLS II HOA	20775007550	LNSCAPE MAINT-AUG	0.00	6,550.00	
1011	91050	09/21/17	88		SANTA FE HILLS HOA	20475007520	LNSCAPE MAINT-AUG	0.00	12,250.00	
1011	91051	09/21/17	141		SANTA FE IRRIGATION DIST	20475007520	GRP 6-01 08/02-09/01	0.00	8,960.95	
1011	91052	09/21/17	1073		SEASIDE HEATING & AIR CO	00165006570	MS HVAC MAINT-SEPT	0.00	40.00	
1011	91053	09/21/17	4281		SIEMENS INDUSTRY, INC	00165006540	TRAFFIC SGNL MNT-AUG	0.00	993.92	
1011	91053	09/21/17	4281		SIEMENS INDUSTRY, INC	00165006540	TRAFFIC CALL OUT-AUG	0.00	1,270.77	
1011	91053	09/21/17	4281		SIEMENS INDUSTRY, INC	21100007600	ST LIGHT REPAIR-AUG	0.00	1,419.62	
	TOTAL CHECK							0.00	3,684.31	

PENTAMATION  
 DATE: 09/25/2017  
 TIME: 14:02:37

PAGE NUMBER: 6  
 ACCTPA21

CITY OF SOLANA BEACH, CA  
 CHECK REGISTER - DISBURSEMENT FUND

SELECTION CRITERIA: transact.ck\_date between '20170909 00:00:00.000' and '20170922 00:00:00.000'  
 ACCOUNTING PERIOD: 3/18

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	DESCRIPTION	SALES TAX	AMOUNT
1011	91054	09/21/17	13	SOLANA BEACH FIREFIGHTER	001	FD DUES PD 09/22/17	0.00	778.50
1011	91055	09/21/17	4842	SUPPLYWORKS, INC	001650006560	BLEACH/CAN LINERS	0.00	249.01
1011	91055	09/21/17	4842	SUPPLYWORKS, INC	001650006560	TOILET PAPER SPINDLE	0.00	118.74
1011	91055	09/21/17	4842	SUPPLYWORKS, INC	001650006570	BLEACH/CAN LINERS	0.00	249.00
	TOTAL CHECK						0.00	616.75
1011	91056	09/21/17	4959	TELECOM LAW FIRM	213550005550	1716.17/100 BORDER AVE	0.00	216.00
1011	91056	09/21/17	4959	TELECOM LAW FIRM	213550005550	1717.17/105 N. CEDROS	0.00	96.00
	TOTAL CHECK						0.00	312.00
1011	91057	09/21/17	2759	TRISTAR RISK MANAGEMENT	12550005465	FY18 CLAIMS SRVC-Q1	0.00	6,250.00
1011	91058	09/21/17	5197	TROUTMAN SANDERS LLP	00150005250	17-162-PROF SVC-APR	0.00	10,562.50
1011	91059	09/21/17	12	UNITED WAY OF SAN DIEGO	001	UNITED WAY PD 09/22/17	0.00	70.00
1011	91060	09/21/17	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB HRNG-1716.07 DRP	0.00	138.38
1011	91060	09/21/17	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB HRNG-1717.02 DRP	0.00	156.45
	TOTAL CHECK						0.00	294.83
1011	91061	09/21/17	30	VERIZON WIRELESS-SD	00165006520	PW CELL 8/02-09/01	0.00	7.24
1011	91061	09/21/17	30	VERIZON WIRELESS-SD	21100007600	PW CELL 8/02-09/01	0.00	7.24
1011	91061	09/21/17	30	VERIZON WIRELESS-SD	50900007700	PW CELL 8/02-09/01	0.00	7.24
1011	91061	09/21/17	30	VERIZON WIRELESS-SD	00165006540	PW CELL 8/02-09/01	0.00	14.48
1011	91061	09/21/17	30	VERIZON WIRELESS-SD	00165006560	PW CELL 8/02-09/01	0.00	14.48
1011	91061	09/21/17	30	VERIZON WIRELESS-SD	00165006510	PW CELL 8/02-09/01	0.00	14.48
1011	91061	09/21/17	30	VERIZON WIRELESS-SD	00165006530	PW CELL 8/02-09/01	0.00	21.72
	TOTAL CHECK						0.00	86.88
	TOTAL CASH ACCOUNT						0.00	202,909.80
	TOTAL FUND						0.00	202,909.80
	TOTAL REPORT						0.00	202,909.80



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** October 11, 2017  
**ORIGINATING DEPT:** Finance  
**SUBJECT:** **Report on Changes Made to the General Fund Adopted Budget for Fiscal Year 2017-2018**

## 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 September 27, 2017.

## 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.

GENERAL FUND - ADOPTED BUDGET PLUS CHANGES As of September 27, 2017					
Action	Description	Revenues	Expenditures	Transfers from GF	Net Surplus
Reso 2017-195	Adopted Budget	17,611,600	(16,932,700)	(372,400) (1)	\$ 306,500
Reso 2017-122	Marine Safety MOU	-	(11,340)	-	295,160
Reso 2017-123	Salary and Comp Plan	-	(75,500)	-	219,660
Reso 2017-126	Miscellaneous MOU	-	(53,600)	-	166,060
(1) Transfers to:					
	Debt Service for Public Facilities		152,400		
	City CIP Fund		220,000	372,400	

## CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA

## COUNCIL ACTION:

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**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 2017-2018 General Fund Adopted Budget.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation



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Gregory Wade, City Manager



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** October 11, 2017  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** **Consideration of Resolution No. 2017-142 Notice of Completion for the 2016 Sewer Pipeline Repairs**

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## **BACKGROUND:**

The Capital Improvement Project Budget makes appropriations to maintain, repair and replace deteriorated and undersized sewer facilities throughout the City. Following the preparation and advertisement of an annual sewer repair project, the City's 2016 Sewer Repair Project was awarded at the May 11, 2016 City Council meeting to Sancon Technologies. Subsequently, additional repair locations were identified during routine sewer video inspections by the City's sewer pipe maintenance contractor, which were added by change order and approved by the City Council on September 14, 2016.

This item is before the City Council to consider adoption of Resolution No. 2017-142 (Attachment 1) to report the final project costs, accepting the project as complete and direct the City Clerk to file a Notice of Completion for the 2016 Sewer Repair Project, Bid No. 2016-04.

## **DISCUSSION:**

Sancon Technologies completed all work on this project in accordance with the approved plans and specifications of Bid No. 2016-04 to the satisfaction of the City Engineer. The plan sheets showing the locations of the improvements are included as Attachment 2. A summary of the project is listed below:

1. Lined 28 sewer pipe segments for a total of 5,513 lineal feet
2. Installed 125 service lateral "top-hat" seals
3. Installed 2 sectional liner repairs
4. Removed and replaced 166 lineal feet of 10" sewer main next to the San Elijo Lagoon
5. Removed and replaced 110 lineal feet of 8" sewer main in Santa Cecelia

CITY COUNCIL ACTION:

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6. Repaired an offset joint in a sewer main in Santa Florencia
7. Installed end of line access "clean-out" on three sewer mains that had broken end caps (Santa Carina, San Patricio, Santa Dominga). This was done as a change order and is not shown on Attachment 2.
8. Replaced one cast iron sewer manhole cover

There were two change orders issued for this project. The first change order was authorized by the City Council on September 14, 2016; this added additional segments to be lined, the offset joint repair and end of line clean-outs. The second change order added the Santa Cecelia removal and replacement; the pipe could not be lined due to extensive damage. The City will release the retention, in the amount of \$18,760, thirty-five (35) days after the project is accepted as complete by the City Council.

#### **CEQA COMPLIANCE STATEMENT:**

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

#### **FISCAL IMPACT:**

The Fiscal Year (FY) 2015/16 Capital Improvement Projects budget included \$500,000 for Sanitary Sewer Pipeline Replacements (CIP-12). The original contract award was for \$326,842. Subsequently, Change Order No. 1 increased the contract by \$90,966, for a revised contract amount of \$417,808. The final project cost is \$375,199. The reduced amount is due to some sewer main segments that could not be lined due to inadequate access at both ends; these will be rehabilitated with a future project.

#### **WORK PLAN:**

Although this project is not mentioned in the Work Plan, it is consistent with the Environmental Sustainability section of the Work Plan.

#### **OPTIONS:**

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments or modifications.

#### **DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2017-142:

1. Authorizing the City Council to accept as complete the 2016 Sewer Repair Project, Bid No. 2016-04, performed by Sancon Technologies.

2. Authorizing the City Clerk to file a Notice of Completion.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution No. 2017-142
2. Plan sheets showing locations of repairs

**RESOLUTION 2017 - 142**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ACCEPTING AS COMPLETE THE 2016 SEWER PIPELINE REPAIRS AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION**

**WHEREAS**, the Capital Improvement Project Budget makes appropriations to maintain, repair and replace deteriorated and undersized sewer facilities throughout the City; and

**WHEREAS**, in March 2016, Staff advertised for construction bids for the 2016 Sewer Pipeline Repairs, Bid 2016-04, and a construction contract was awarded to Sancon Technologies on May 11, 2016.

**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 Council to accept as complete the 2016 Sewer Repair Project, Bid No. 2016-04, performed by Sancon Technologies.
3. That the City Council authorizes the City Clerk to file a Notice of Completion for the project.

**PASSED AND ADOPTED** this 11th day of October, 2017, 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 –

\_\_\_\_\_  
MIKE NICHOLS, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
JOHANNA N. CANLAS, City Attorney

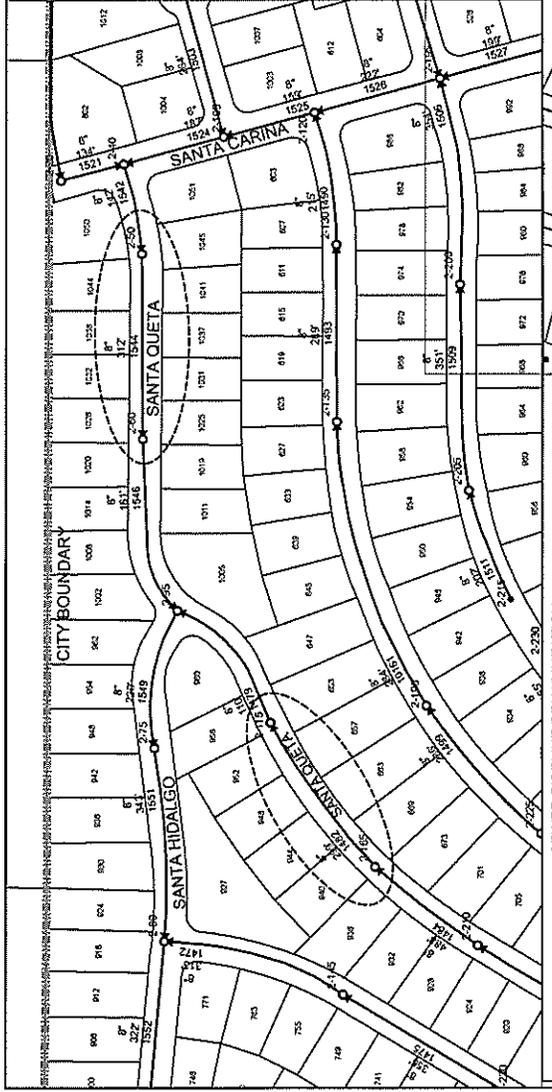
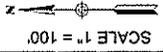
\_\_\_\_\_  
ANGELA IVEY, City Clerk

# CITY OF SOLANA BEACH 2016 SEWER PIPELINE REPAIRS

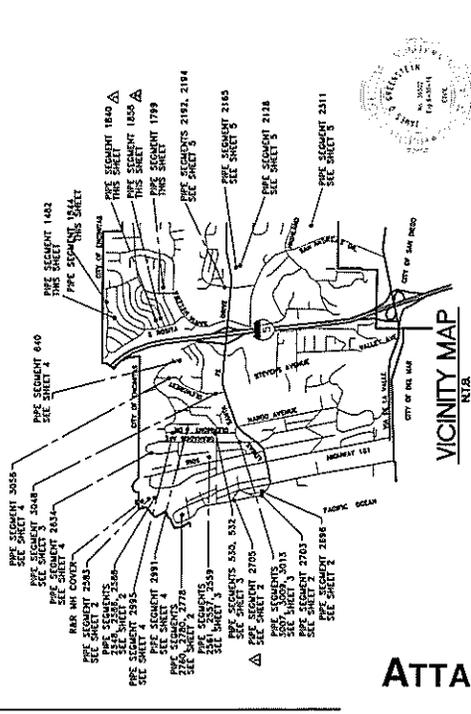
**SEWER CONSTRUCTION NOTES**  
SEWER CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE WATER AGENCIES' STANDARD SPECIFICATIONS FOR PORTABLE WATER, RECYCLED WATER, AND SEWER FACILITIES (HTTP://WWW.SWAG.COM)

**TRAFFIC CONTROL NOTES**  
TRAFFIC CONTROL SHALL BE PROVIDED BY THE CONTRACTOR FOR HIS WORK. THE CONTRACTOR SHALL MAINTAIN THE NEAREST TRAFFIC CONTROL POINTS AND REVEAL THE ORIGINAL STANDARD DRAWINGS. ANY CHANGES FROM THESE PLANS INDICATED BY THE REGIONAL STANDARD DRAWINGS.

**WORK TO BE DONE:**  
THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND THE LATEST EDITIONS OF:  
**STANDARD SPECIFICATIONS**  
(1) STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION INCLUDING THE REGIONAL SUPPLEMENTAL AMENDMENTS.  
(2) CALIFORNIA DEPARTMENT OF TRANSPORTATION "MANUAL OF PRACTICE STANDARD DRAWINGS FOR CONSTRUCTION AND MAINTENANCE WORK ZONES"  
(3) SAN DIEGO REGIONAL STANDARD DRAWINGS



Location	Line Seg #	Upstream SMH	Downstream SMH	Laterals	Notes
Santa Queta	1544	2-50	2-60	8	CIP Liner with Top Hat SIC Sealing
Santa Queta	1482	2-165	2-115	8	CIP Liner with Top Hat SIC Sealing
Santa Alicia	1799	5-170	5-185	8	CIP Liner with Top Hat SIC Sealing
Santa Domingo	1840	5-20	5-90	10	CIP Liner with Top Hat SIC Sealing
Santa Cecilia	1858	5-70	5-160	5	CIP Liner with Top Hat SIC Sealing

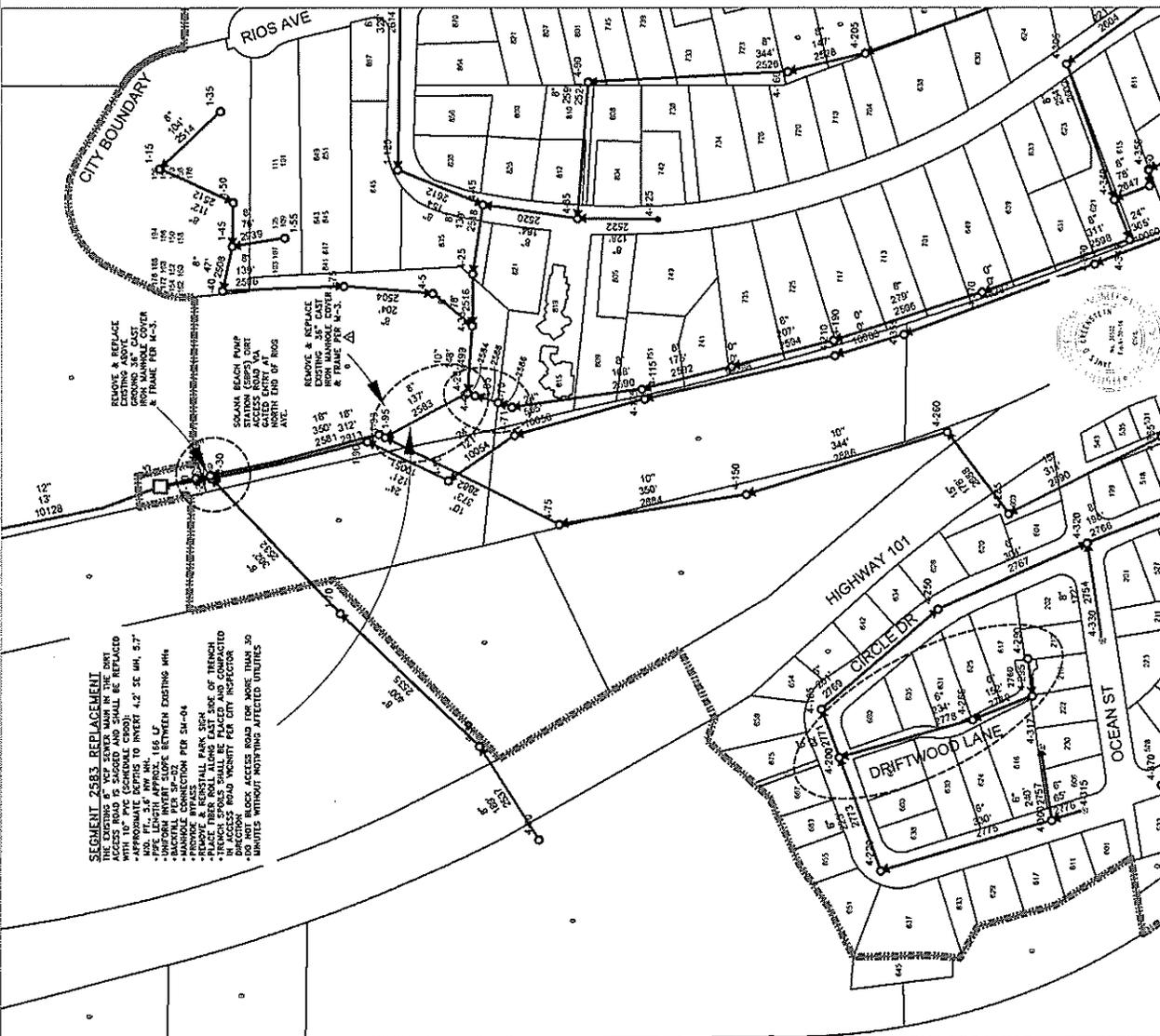


<p>APPROVED FOR APPROVAL</p> <p>By: _____ Date: _____</p>		<p>RECOMMENDED FOR APPROVAL</p> <p>By: _____ Date: _____</p>	
<p>APPROVED FOR CONSTRUCTION</p> <p>By: <i>Mohammed Sammak, P.E.</i> Date: 3/18/16 R.C.E. 3746 Exp. 6/30/16</p>		<p>ENGINEERING DEPARTMENT</p> <p>CITY OF SOLANA BEACH</p> <p>2016 SEWER PIPELINE REPAIRS</p>	
<p>CITY APPROVED PLANSES</p> <p>ISSUED UNDER SEWER REPAIRS</p> <p>DATE: 3/18/16</p> <p>BY: _____</p>		<p>DRAWING NO.</p> <p>CG-3188</p> <p>SHEET 1 OF 5</p>	

### SEWER PIPELINE REHABILITATION

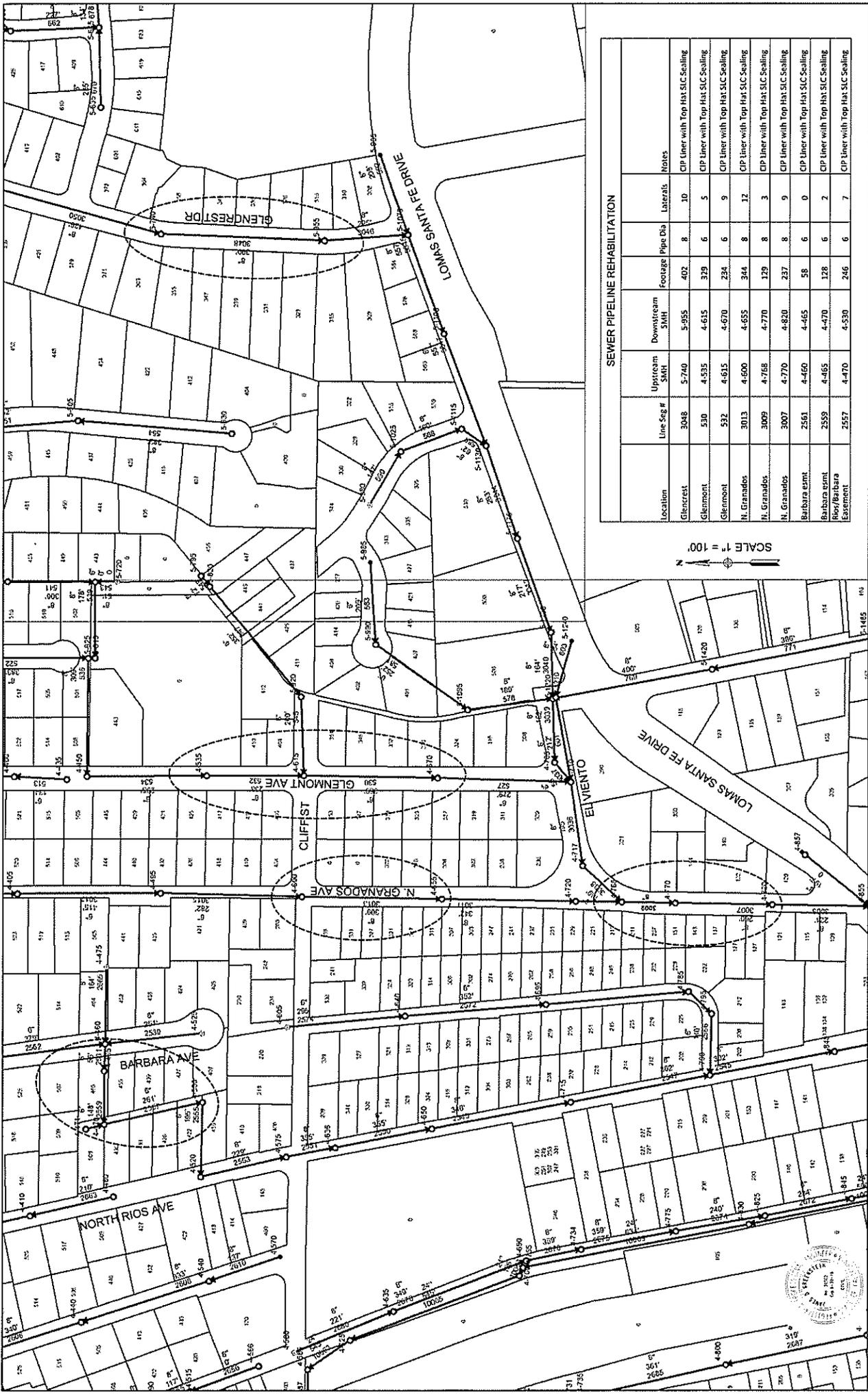
Location	Line Seg #	Upstream SMH	Downstream SMH	Footage	Pipe Dia	Laterals	Notes
SBPS Access Rd	2583	4-20	1-93	166	8	0	Replace: see notes on plan CIP Liner: chain (fall) cleaning required to remove protruding corrosion
SBPS Access Rd	2584	4-40	4-20	7	8	0	CIP Liner: chain (fall) cleaning required to remove protruding corrosion
SBPS Access Rd	2585	4-65	4-40	66	8	0	CIP Liner with Top Hat SIC Sealing
SBPS Access Rd	2588	4-70	4-65	35	8	0	CIP Liner with Top Hat SIC Sealing
Pacific Ave	2705	4-705	4-690	350	9	6	CIP Liner with Top Hat SIC Sealing
Helix North	2696	4-800	4-490	243	6	6	CIP Liner with Top Hat SIC Sealing
Helix South	2697	4-810	4-810	305	6	5	CIP Liner with Top Hat SIC Sealing
Driftwood Ln	2760	4-290	4-295	52	6	4	CIP Liner with Top Hat SIC Sealing
Driftwood Ln	2760	4-295	4-265	103	6	2	CIP Liner with Top Hat SIC Sealing
Driftwood Ln	2778	4-265	4-200	272	6	5	CIP Liner with Top Hat SIC Sealing

\* ON-SITE ACCESS LIMITED



SCALE 1" = 100'

<p>APPROVED FOR CONSTRUCTION</p> <p>By: <i>Mohammad S. Ahmad, City Engineer</i> R.C.E. 31146 Exp. 6/29/16</p>	<p>RECOMMENDED FOR APPROVAL</p> <p>By: _____ Date: _____</p>	<p>APPROVALS</p> <p>CITY APPROVED CHANGES</p> <p>DATE: _____</p> <p>BY: _____</p>	<p>ENGINEER OF WORK</p> <p>By: <i>James R. O'Connell</i> R.C.E. 31592 Exp. 6/29/16</p>	<p>ENGINEERING DEPARTMENT</p> <p>CITY OF SOLANA BEACH</p> <p>IMPROVEMENT PLANS FOR</p> <p>2016 SEWER PIPELINE REPAIRS</p> <p>DRAWING NO.</p> <p>CG-3168</p> <p>SHEET 2 OF 3</p>
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### SEWER PIPELINE REHABILITATION

Location	Line Seg #	Upstream SMH	Downstream SMH	Footage	Pipe Dia	Laterals	Notes
Glencrest	3048	5-740	5-955	402	8	10	CP liner with Top Hat SLC Sealing
Glencrest	530	4-535	4-615	379	6	5	CP liner with Top Hat SLC Sealing
Glencrest	532	4-615	4-670	234	6	9	CP liner with Top Hat SLC Sealing
N. Grandos	3013	4-600	4-655	344	8	12	CP liner with Top Hat SLC Sealing
N. Grandos	3009	4-768	4-770	129	8	3	CP liner with Top Hat SLC Sealing
N. Grandos	3007	4-770	4-820	237	8	9	CP liner with Top Hat SLC Sealing
Barbara esmt	2561	4-460	4-465	58	6	0	CP liner with Top Hat SLC Sealing
Barbara esmt	2559	4-465	4-470	128	6	2	CP liner with Top Hat SLC Sealing
Rios/Barbara Esmtment	2557	4-470	4-530	246	6	7	CP liner with Top Hat SLC Sealing

SCALE 1" = 100'

<p>ENGINEER OF WORK          By: <i>James D. Goldstein</i>          James D. Goldstein, P.E.          P.C.E. 35022 Exp: 6/30/16</p>	<p>RECOMMENDED FOR APPROVAL          By: _____          Date: _____</p>	<p>APPROVED FOR CONSTRUCTION          By: <i>Maureen Samard</i>          Maureen Samard, City Engineer          P.C.E. 37148 Exp: 6/29/16</p>
<p>CITY OF SOLANA BEACH          IMPROVEMENT PLANS FOR          2016 SEWER PIPELINE REPAIRS</p>		
DRAWING NO. CG-3158		ENGINEERING DEPARTMENT
SHEET 3 OF 5		

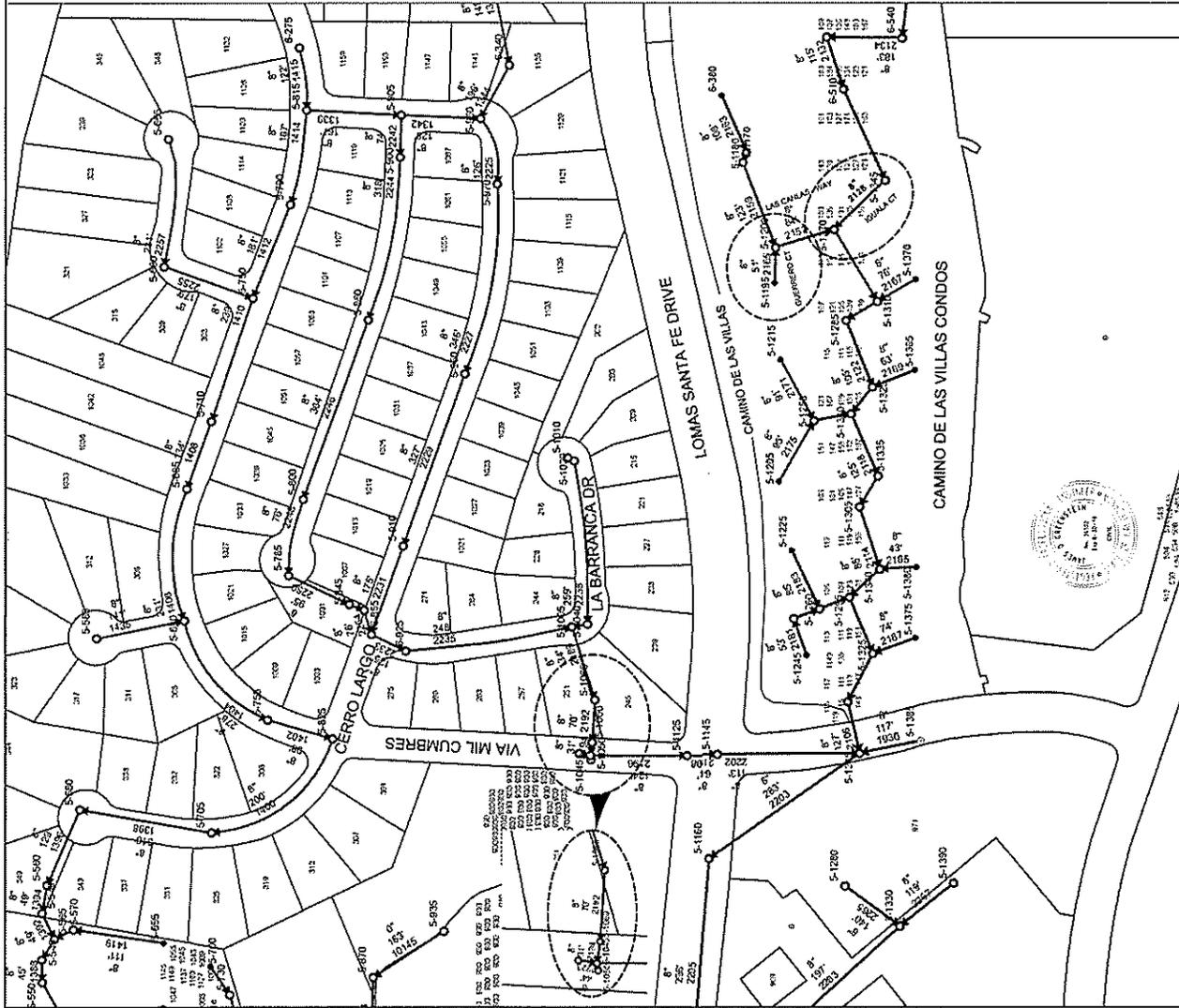
SEWER PIPELINE REHABILITATION						
Location	Line Seg #	Upstream SMH	Downstream SMH	Footage Pipe Dia	Laterals	Notes
RidgeLine	640	5-365	5-390	110 6	3	CIP liner with Top Hat SIC Sealing
Glencrest	3055	5-225	5-325	324 6	8	CIP liner with Top Hat SIC Sealing
Glennmont	2995	4-180	4-240	233 6	9	CIP liner with Top Hat SIC Sealing; if connection at 203.7 is abandoned, do not cut lining.
Lynwood	2991	4-335	4-325	288 6	5	CIP liner with Top Hat SIC Sealing
Barbara	2034	1-80	4-10	167 8	6	CIP liner with Top Hat SIC Sealing



SCALE 1" = 100'

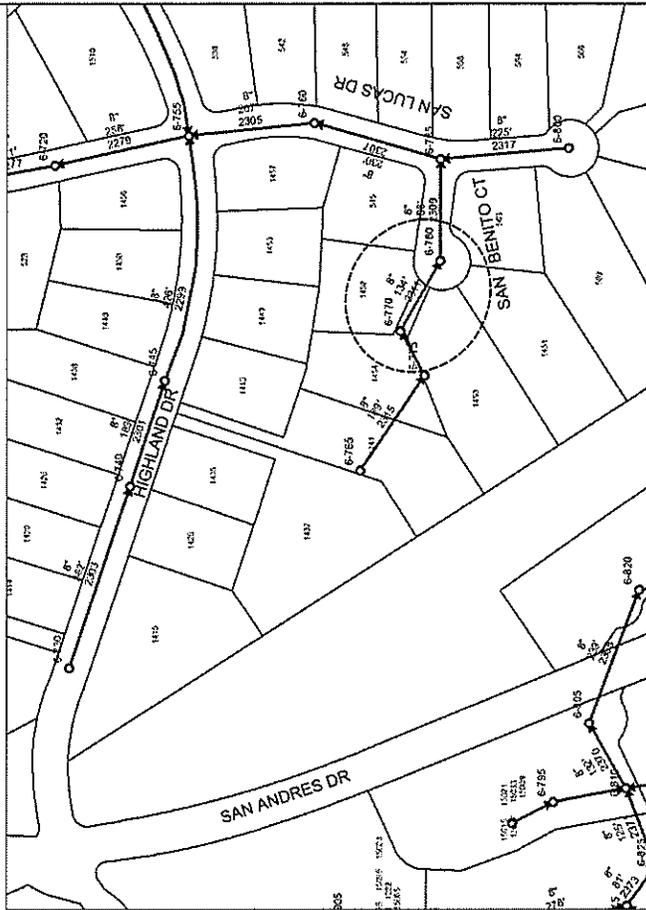


APPROVED FOR CONSTRUCTION	APPROVED FOR APPROVAL	ENGINEERING DEPARTMENT	DRAWING NO.
By: <i>[Signature]</i> Mohammed Samaha, City Engineer R.C.E. 37146 Exp 6/29/16	By: <i>[Signature]</i> James G. Galster R.C.E. 85302 Exp 6/29/16	CITY OF SOLANA BEACH	CG-3158
IMPROVEMENT FLAG TOP		2016 SEWER PIPELINE REPAIRS	
SHEET 4 OF 5			



**SEWER PIPELINE REHABILITATION**

Location	Line Seg #	Upstream SMH	Downstream SMH	Footage	Pipe Dia	Laterals	Notes
Via Mil Cumbres easement	2192	5-1065	5-1060	72	8	0	CP liner
Via Mil Cumbres easement	2194	5-1060	5-1045	24	8	0	CP liner
Guerra Ct	2165	5-1195	5-1200	71	8	4	Structural repair first joint; T liner
Iguala Ct	2128	5-1345	5-1270	141	8	4	CP liner with Top Hat S.C Sealing
San Benito Ct	2311	6-770	6-780	112	8	2	CP liner with Top Hat S.C Sealing



**CITY OF SOLANA BEACH**

**IMPROVEMENT PLANS FOR**  
**2016 SEWER PIPELINE REPAIRS**

APPROVED FOR CONSTRUCTION: *[Signature]* Date: 3/18/16  
 By: *[Signature]* Date: 3/18/16  
 R.C.E. 37146 Exp. 6/30/16

RECOMMENDED FOR APPROVAL: \_\_\_\_\_ Date: \_\_\_\_\_  
 By: \_\_\_\_\_ Date: \_\_\_\_\_

CITY APPROVED CHANGES: \_\_\_\_\_ DATE: \_\_\_\_\_

ENGINEER OF WORK: *[Signature]* Date: 3/18/16  
 Drawn By: *[Signature]* Date: 3/18/16  
 R.C.E. 35292 Exp. 6/30/16

DRAWING NO: **CG-3158**  
 SHEET 3 OF 5

# CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,  
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



## MINUTES

Joint Meeting - Closed Session

Wednesday, June 28, 2017 \* 5:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

Teleconference Location: Monterey Marriott, 350 Calle Principal, Monterey, CA 93940 (Edson)

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

### CITY COUNCILMEMBERS

Mike Nichols, Mayor

Ginger Marshall, Deputy Mayor

David A. Zito, Councilmember

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

### CALL TO ORDER AND ROLL CALL:

Mayor Nichols called the meeting to order at 5:00 p.m.

Present: Mike Nichols, Ginger Marshall, David A. Zito, Jewel Edson

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 LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Gregory Wade

Employee organizations: Miscellaneous Employees and Marine Safety Unit

#### 2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

City Attorney and City Manager review.

#### 3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

One (1) Potential case(s).

#### 4. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4)

One (1) Potential case(s).

#### 5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

- Wakefield, T v. City of Solana Beach, City of Del Mar, PAL General Engineering, et al.  
(Case 37-2017-00010259-CU-PO-CTL)

- City of Solana Beach v. 22<sup>nd</sup> District Agricultural Association (Case 37-2017-00022899-CU-MC-CTL) – added 6-26-17

### ADJOURN:

Mayor Nichols adjourned the meeting at 5:40 p.m.

Angela Ivey, City Clerk

Approved: \_\_\_\_\_

**AGENDA ITEM A.4.**

# CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,  
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



## MINUTES

Joint REGULAR Meeting

Wednesday, June 28, 2017 \* 6:00 P. M.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

Teleconference Location: Monterey Marriott, 350 Calle Principal, Monterey, CA 93940 (Edson)

- 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](#).

### CITY COUNCILMEMBERS

Mike Nichols, Mayor

Ginger Marshall, Deputy Mayor

David A. Zito, Councilmember

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

### CALL TO ORDER AND ROLL CALL:

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

Present: Mike Nichols, Ginger Marshall, David A. Zito, Jewel Edson, Judy Hegenauer

Absent: None

Also Present: Greg Wade, City Manager

Johanna Canlas, City Attorney  
Angela Ivey, City Clerk,  
Mo Sammak, City Engineer/Public Works Dir.  
Marie Berkuti, Finance Manager  
Bill Chopyk, Community Development Dir.  
Dan King, Assistant City Manager

### CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, City Attorney, stated that there was no reportable action.

### FLAG SALUTE:

### APPROVAL OF AGENDA:

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

## **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.

Nelly Cervantes said she was the Hispanic representative from the San Diego County Fair and invited the community to the event.

## **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.** This Item was left blank.

### **A.2. Register Of Demands.** (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for May 27, 2017 through June 9, 2017.

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.*

**Motion:** Moved by Deputy Mayor Marshall and second by Councilmember Zito to approve.

**Approved 5/0.** Motion carried unanimously.

### **A.3. General Fund Adopted Budget for Fiscal Year 2016-2017 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2016-2017 General Fund Adopted Budget.

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.*

**Motion:** Moved by Deputy Mayor Marshall and second by Councilmember Zito to approve.

**Approved 5/0.** Motion carried unanimously.

**A.4. League of California Cities' 2017 Annual Business Meeting Voting Delegates Designees.** (File 0140-10)

Recommendation: That the City Council

1. Appoint Mayor Nichols, primary voting delegate, Councilmember Edson, 1<sup>st</sup> alternate, and City Manager, Gregory Wade, 2<sup>nd</sup> alternate, as the voting delegates for the 2017 Annual Business Meeting of the League of California Cities Annual Conference being held September 13-15 in Sacramento, or provide alternative appointments.
2. Authorize the City Clerk to attest to the appointments and submit the Official Voting Form to the League of California Cities by September 1, 2017.

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.*

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

**A.5. City Hall Passenger Elevator Upgrades.** (File 0710-35)

Recommendation: That the City Council

1. Adopt **Resolution 2017-089:**
  - a. Authorizing the City Engineer to accept as complete the City Hall Passenger Elevator Upgrades, Bid No. 2016-07, constructed by 24 Hour Elevator, Inc.
  - b. Authorizing the City Clerk to file a Notice of Completion.

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.*

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

**A.6. Wastewater Bond Refunding Professional Services Agreements.** (File 0340-45)

Recommendation: That the City Council

1. **Resolution 2017-108** authorizing the City Manager to execute a Professional Services Agreement with Del Rio Advisors, LLC for Municipal Advisors services in connection with the possible refinancing of the 2006 Bonds.
2. **Resolution 2017-109** authorizing the City Manager to execute a Professional Services Agreement with Kronick Moskovitz Tiedemann & Girard for Bond Counsel services in connection with the possible refinancing of the 2006 Bonds.
3. **Resolution 2017-110** authorizing the City Manager to execute a Professional Services Agreement with Quint & Thimmig, LLP for Disclosure Counsel services in connection with the possible refinancing of the 2006 Bonds.

4. **Resolution 2017-111** authorizing the City Manager to execute a Professional Services Agreement with Hilltop Securities for Underwriting services in connection with the possible refinancing of the 2006 Bonds.

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.*

**Motion:** Moved by Deputy Mayor Marshall and second by Councilmember Zito to approve.

**Approved 5/0.** Motion carried unanimously.

**A.7. Special Legal Services – Nossaman LLP.** (File 0400-05)

Recommendation: That the City Council

1. Adopt **Resolution 2017-102** approving the Professional Services Agreement for Legal Services with Nossaman LLP and to authorize the City Manager to execute the agreement.

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.*

**Motion:** Moved by Deputy Mayor Marshall and second by Councilmember Zito to approve.

**Approved 5/0.** Motion carried unanimously.

**A.8. Sewer and Storm Drain Maintenance and Video Inspection.** (File 1040-48)

Recommendation: That the City Council

1. Adopt **Resolution 2017-097:**
  - a. Waiving the formal construction bid process because the Request for Proposals (RFP) process provides a more efficient, effective, and convenient method for hiring a sewer maintenance contractor that would provide the higher level of service required pursuant to Solana Beach Municipal Code section 3.08.140(G).
  - b. Awarding a contract to Affordable Pipeline Service, Inc. in the amount not to exceed \$431,170, in Fiscal Year (FY) 2017-18, for the Sewer and Storm Drain Maintenance and Video Inspection Agreement.
  - c. Authorizing the City Manager to execute the contract on behalf of the City.
  - d. Authorizing the City Manager to extend the agreement for up to four additional one year terms, at the City's option, at an amount not to exceed the amount identified and budgeted for each subsequent year.

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.*

**Motion:** Moved by Deputy Mayor Marshall and second by Councilmember Zito to approve.

**Approved 5/0.** Motion carried unanimously.

**A.9. Debt Management Policy.** (File 0340-80)

Recommendation: That the City Council

1. **Resolution 2017-107** approving the City of Solana Beach's Debt Management Policy.
2. **Resolution SA-019** approving the Successor Agency's Debt Management Policy.
3. **Resolution PFA-004** approving the Solana Beach Public Financing Authority's Debt Management Policy.

[Item A.9. Report \(click here\)](#)

[A.9. Updated Report #1](#)

*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 Marshall and second by Councilmember Zito to approve.  
**Approved 5/0.** Motion carried unanimously.

**A.10. City of Solana Beach's Commitment to the Paris Climate Agreement.** (File 0230-25)

Recommendation: That the City Council

1. Reaffirm the City's commitment to the goals of the Paris Climate Agreement by confirming the decision to sign on to the "We Are Still In" Open Letter and consider signing on to the U.S. Climate Mayors commitment.

[Item A.10. Report \(click here\)](#)

[A.10. Supplemental Documents - R](#)

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This item was pulled for discussion by the public.

Greg Wade, City Manager, introduced the item.

Kristi Becker said she served on the Climate Action Commission and shared her support.

Councilmember Hegenauer said that this was a stronger commitment than before and that it was the most critical danger of the time and for future generations to come.

Councilmember Zito said that City had been involved with this for a long time and that he would suggest that it include having the Mayor sign in on the Mayor's Commitment as a meaningful additional step.

Deputy Mayor Marshall said that everyone wanted clean air and water, she had solar on her house, that she supported Trump's pulling out of the Climate Agreement because it was an unfair agreement loaded with spending funds without accountability from other counties, that she was in support of Solana Beach doing what it could to reduce greenhouse gases but was not in favor of the Paris Agreement.

Mayor Nichols stated that the community had made a decision to support this in the past, to be a leader in the region because the community believed the environment was something worth protecting, and that it was important that the leaders of the community put it in writing so it was clear.

**Motion:** Moved by Councilmember Zito and second by Mayor Nichols to approve. **Approved 4/1** (Noes: Marshall). Motion carried.

**B. PUBLIC HEARINGS:** (B.1. – B.4.)

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 designees 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: Introduce (1st Reading) Ordinance 479 Authorizing a Transportation Impact Fee Program – Establishing the Transportation Impact Fee.** (File 0840-10)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Introduce **Ordinance 479** establishing the Transportation Impact Fee.
3. Adopt **Resolution 2017-018:**
  - a. Accepting the Transportation Impact Fee Program Nexus Study, dated June 2017.
  - b. Establishing the TIF and determining that the TIF shall be paid based upon the use of land set forth in the fee rate table included in the Transportation Impact Fee Program Nexus Study, dated June 2017.
  - c. Establishing that the TIF shall become effective upon the effective date of Ordinance 479.

[Item B.1. Report \(click here\)](#)

[B.1. Updated Report #1](#)

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Greg Wade, City Manager, introduced the item.

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

Skip Shank, EFS Engineering (subcontractor to CRA), author of the Nexus study, presented a PowerPoint (on file) and discussed analysis of improvements, total mobility network, cost of duplicative facilities and TIF program costs.

Council, Staff and Stephen Cook, Chen Ryan Associates, discussed the projections from SANDAG, possible exemptions such as accessory dwelling units, and fees.

### Public Speaker

Michael McSweeney said that he was a senior advisor with San Diego Building Association, that developer fees were not justified since they were essentially paid by residents and that that it would be a negative effect on attracting future development in the City.

Council, Staff and Consultant discussed the Nexus study's outlined benefits, burdens, and how they were apportioned, funding and cost mechanisms, and how the residential fees were calculated

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

Council and Staff discussed that this an identified mitigation for 2014 General Plan Amendment and that Accessory Dwelling Units were given preference removing constraints to ensure affordability.

Deputy Mayor Marshall said that she reviewed the 2015 San Diego Door to Lower Housing Study and that she was not supportive of a \$15,000 or \$3,900 fee on an ADU (Accessory Dwelling Unit) on a new property.

Council discussion continued that the mitigation fee was created to give the City flexibility to use the funds based on the community's needs and input and consideration in the future regarding waiving the impact fee for an Accessory Dwelling Units.

**Motion:** Moved by Councilmember Zito and second by Mayor Nichols to approve. **Approved 4/1** (Noes: Marshall). Motion carried.

### **B.2. Public Hearing: Streetlight Assessment for Fiscal Year 2017-18.** (File 0497-30)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Adopt **Resolution 2017-100** confirming the diagram and assessment; providing for the levy of the annual assessment in a special maintenance district; confirming the Engineer's Report; and ordering the transmission of charges to the County Auditor for collection.
3. Adopt **Resolution 2017-101** ordering the levy and collection of annual assessments for FY 2017-18.

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

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Greg Wade, City Manager, introduced the item.

Angela Ivey, City Clerk, reported that no protests were received.

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

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

**B.3. Public Hearing: Solana Beach Coastal Rail Trail Maintenance District.** (File 0495-20)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Adopt **Resolution 2017-098**, amending and/or approving the Engineer's Report regarding the Coastal Rail Trail Maintenance District.
3. Adopt **Resolution 2017-099**, ordering the levy and collection of the annual assessments regarding the Coastal Rail Trail Maintenance District for Fiscal Year 2017/18.

[Item B.3. Report \(click here\)](#)

[B.3. Updated Report #1](#)

*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.*

Greg Wade, City Manager, introduced the item.

Angela Ivey, City Clerk, reported that no protests were received.

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

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

**B.4. Public Hearing: Commercial Solid Waste Rate Increases Fiscal Year (FY) 2017-18.** (File 1030-15)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing; Report Council Disclosures; Report written protests received; Receive Public Testimony; Close the Public Hearing.
2. Following the Public Hearing, if the City does not receive written protests against the proposed increases to the rates for the trash collection fees by a majority of

owners of the parcels within the City, adopt **Resolution 2017-104** approving EDCO's rate review request increasing commercial solid waste and recycling rates for FY 2017-18 in accordance with the Franchise Agreement.

[Item B.4. Report \(click here\)](#)

[B.4. Updated Report #1](#)

*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.*

Greg Wade, City Manager, introduced the item and said that an increase had not been proposed for the last 3 years.

Angela Ivey, City Clerk, reported that no protests were received.

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

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

### **C. STAFF REPORTS:** (C.1. - C.3.)

*Submit speaker slips to the City Clerk.*

#### **C.1. General and Specialized Law Enforcement and Traffic Services Agreement.**

(File 0250-30)

Recommendation: That the City Council

1. Adopt **Resolution 2017-112** authorizing the City Manager to execute the Agreement for General and Specialized Law Enforcement and Traffic Services between the City of Solana Beach and the County of San Diego for a five-year term beginning July 1, 2017 through June 30, 2022.

[Item C.1. Report \(click here\)](#)

[C.1. Updated Report #1](#)

*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.*

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

Council, Staff, and Captain Brown discussed that the contract did not include pension funding for sheriff, legal fees, settlement payments, and that liability insurance is a payment made into an escrow account which has not changed for a decade, that many fees of running an independent law enforcement department are included in this contract providing savings to the City.

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

**C.2. Refunding Of Solana Beach Public Financing Authority, Subordinate Wastewater Revenue Bonds, Series 2006.** (File 0340-45)

Recommendation: That the City Council

1. Approve **Resolution 2017-105** authorizing the issuance and sale of Wastewater Revenue Refunding Bonds and approving certain other actions in connections therewith.

Item C.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.*

Greg Wade, City Manager, introduced the item

Ken Dieker, Del Rio Advisors, presented a PowerPoint (on file).

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

**C.3. Adopt (2nd Reading) Ordinance 477 Subjecting the City of Solana Beach to the California Uniform Public Construction Cost Accounting Act.** (File 0370-28)

Recommendation: That the City Council

1. Adopt **Ordinance 477** that details the formation of the Solana Beach Uniform Public Construction Cost Accounting Policies and Procedures.

Item C.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.*

Johanna Canlas, City Attorney, read title of ordinance.

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

**COMPENSATION & REIMBURSEMENT DISCLOSURE: None**

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:**

### **Regional Committees: (outside agencies, appointed by this Council)**

- a. City Selection Committee (meets twice a year) – Nichols (Edson, alternate).
- b. County Service Area 17 – Marshall (Nichols, alternate).
- c. Escondido Creek Watershed Authority – Marshall/Staff (no alternate).
- d. League of Ca. Cities' San Diego County Executive Committee – Nichols (Edson, alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee – Nichols (Edson, alternate)
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) – Nichols (Edson, alternate)
- g. North County Dispatch JPA – Marshall (Edson, alternate).
- h. North County Transit District – Edson (Nichols, alternate)
- i. Regional Solid Waste Association (RSWA) – Nichols (Hegenauer, alternate).
- j. SANDAG – Zito (Primary), Edson (1<sup>st</sup> alternate), Nichols (2<sup>nd</sup> alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee – Zito (Hegenauer, alternate).
- l. San Dieguito River Valley JPA – Hegenauer (Nichols, alternate).
- m. San Elijo JPA – Marshall, Zito (City Manager, alternate).
- n. 22<sup>nd</sup> Agricultural District Association Community Relations Committee – Marshall, Edson.

### **Standing Committees: (All Primary Members) (Permanent Committees)**

- a. Business Liaison Committee – Zito, Edson.
- b. Highway 101 / Cedros Ave. Development Committee – Edson, Nichols.
- c. Fire Dept. Management Governance & Organizational Evaluation – Edson, Hegenauer
- d. I-5 Construction Committee – Zito, Edson.
- e. Parks and Recreation Committee – Nichols, Zito
- f. Public Arts Committee – Marshall, Hegenauer.
- g. School Relations Committee – Nichols, Hegenauer.

## **ADJOURN:**

Mayor Nichols adjourned the meeting at 7:50 p.m.

Angela Ivey, City Clerk

Approved: \_\_\_\_\_



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** October 11, 2017  
**ORIGINATING DEPT:** Community Development Department  
**SUBJECT:** **Public Hearing: Request for DRP to Construct a Two-Story, Single-Family Residence with an Attached Carport and Perform Associated Site Improvements at 246 Barbara Avenue (Case # 17-16-07 Applicants: Kristin Brinner and Chris Novak; APN: 263-372-17; Resolution No. 2017-069)**

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## **BACKGROUND:**

The Applicants, Kristin Brinner and Chris Novak, are requesting City Council approval of a Development Review Permit (DRP) to construct a two-story residence with a carport that will tuck under the second story, and perform associated site improvements. The 4,449 square-foot lot is located at 246 Barbara Avenue and within the boundaries of the Medium High Residential (MHR) Zone.

The project proposes approximately 440 cubic yards of soil to be excavated and exported off-site. The project meets three thresholds for the requirement of a DRP, including: 1. construction in excess of 60 percent of the allowable floor area; 2. the square footage of the second story exceeds 40 percent of the first story floor area on a residential lot of 6,000 square feet or less; and 3. an aggregate grading quantity in excess of 100 cubic yards.

The maximum building height would be 18 feet 2 inches above the proposed (finished) grade and 16 feet above the existing grade. The maximum building height would be 117.5 feet above Mean Sea Level (MSL). The project is exempt from the requirement of a Structure Development Permit (SDP) because the proposed residence would not exceed 16 feet in height above the existing grade. The issue before the Council is whether to approve, approve with conditions, or deny the Applicants' request as contained in Resolution 2017-069 (Attachment 1).

CITY COUNCIL ACTION:

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## **DISCUSSION:**

This project was originally heard at the September 27, 2017 City Council meeting. The original Staff Report has been attached (Attachment 2). After receiving public testimony and evidence regarding the project, the Council indicated that they were not able make finding number two; that the proposed development complies with the Development Review Criteria in order to approve the project. Concerns were raised about three specific development review criteria which are as follows:

- 1. 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.*
- 2. 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.*
- 3. 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 Council asked the Applicants if they would be willing to continue the project to a date certain so that the Applicant could revise the proposed landscape plan and install story poles on the site so that the outline of the proposed structure could be viewed. The Applicant agreed. The council voted 4/0/1 (Nichols Recused) to continue the project to a date certain of October 11, 2017.

To address the concerns expressed by the public and the City Council at the September 27, 2017 meeting, the Applicants submitted revised landscaping plans on October 2, 2017, which have been provided in Attachment 3.

Originally, the proposed landscape plans included one Hybrid Strawberry Tree in the northeast corner of the property. Along the eastern property line south of the strawberry tree, the Applicants originally proposed to alternate between planting California Mountain Lilac trees (5 total) and San Diego Mountain Mahogany trees (4 total). Three neighboring property owners gave public testimony during the September 27, 2017 City Council Hearing that the mature heights of the trees would block their views. The

Applicants volunteered to choose alternative tree species that would have a mature height of less than 16 feet.

The following revisions have been proposed:

- The Hybrid Strawberry Tree, *Arbutus Marina*, was removed from the planting plan.
- The California Mountain Lilac was replaced with a Climbing Penstemon, *Keckiella Cordifolia*, which has a mature height of approximately 3-6 feet.
- Along the eastern property line the trees would be planted to alternate between the San Diego Mahogany (4 total) and the Climbing Penstemon (3 total).

The Council also asked that the Applicants erect story poles onsite to illustrate the proposed height, bulk, and scale of the proposed residence. The Applicants scheduled to have story poles erected at the location of the four corners of the proposed residence on October 5, 2017 which was after the distribution of this report. Submittal of a height certification was required after story poles were erected and will be provided as a blue folder attachment to this report.

On September 28, 2017 the City received a letter in opposition to the project in addition to the one received after the original SDP notice was mailed that was attached to the September 27, 2017 Staff Report. This letter has been provided in Attachment 4.

In conclusion, as conditioned, the revised project could be found to meet the requirements for the zoning regulations, the General Plan, and could be found to meet the findings required to approve a DRP.

#### **CEQA COMPLIANCE STATEMENT:**

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines. Section 15303 is a Class 3 exemption for new construction or the conversion of small 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 2017-069.

- Approve Staff recommendation subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a 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. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
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 2017-069 conditionally approving a DRP to demolish the existing residence and construct a new 2,857 square foot, two-story, single-family residence with an attached carport and associated site improvements at 246 Barbara Avenue, Solana Beach.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2017-069
2. September 27, 2017 Staff Report Packet
3. Revised Landscape Plans
4. Letter in opposition

**RESOLUTION NO. 2017-069**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT TO DEMOLISH AN EXISTING RESIDENCE AND CONSTRUCT A NEW TWO-STORY, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED CARPORT AND PERFORM ASSOCIATED SITE IMPROVEMENTS ON PROPERTY LOCATED AT 246 BARBARA AVENUE, SOLANA BEACH**

**APPLICANTS: CHRIS NOVAK AND KRISTIN BRINNER  
CASE NO.: 17-16-07 DRP**

**WHEREAS**, Chris Novak and Kristin Brinner (hereinafter referred to as "Applicants"), have submitted an application for a Development Review Permit (DRP) 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 September 27, 2017, 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, October 11, 2017, so that the Applicant could address comments made at the September 27, 2017 Council meeting by erecting story poles onsite and revising the landscape plan; and

**WHEREAS**, at the public hearing on October 11, 2017, the City Council received and considered evidence concerning the proposed application; and

**WHEREAS**, the City Council 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 resolves as follows:

1. That the foregoing recitations are true and correct.
2. That the request for a DRP to demolish the existing residence and construct a new two-story, 2,857 square foot, single-family residence with a tuck under carport and perform associated site improvements at 246 Barbara Avenue, is conditionally approved based upon the following Findings and subject to the following Conditions:

### 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 project, as conditioned, is consistent with the City's General Plan designation of Medium High Density Residential, which allows for multi-family residential development with a maximum density of eight to twelve 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. Further, the project adheres to all property development regulations established for the MHR 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 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 MHR Zone. Surrounding properties are also located within the MHR Zone and are developed with a mix of one and two-story single and multi-

family residences. The project site is currently developed with a single-story, single-family residence.

The project, as designed, is consistent with the permitted uses for the MHR Zone as described in SBMC Sections 17.20.010 and 17.12.020. The property is designated Medium High Density Residential in the General Plan and intended for multi-family residential development with a density of 8-12 dwelling units per acre. The proposed development is 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 or overlay zones; however, it is located within the boundaries of 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 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 propose to demolish the existing residence and construct a new two-story, single family residence with a carport that would tuck under the northwest corner of the proposed second floor. The Applicants propose 440 yd<sup>3</sup> of excavation to place a portion of the first floor below grade and to lower the proposed building pad so that the two story residence would not exceed 16 feet in height as measured from the existing grade. Associated site improvements including fences and walls and landscaping are proposed.

The Engineering Department is requiring a four foot dedication along Barbara Avenue. With this dedication, the lot depth would be less than 100 feet. According to SBMC Section 17.20.030(D)(1)(b), when a lot abuts a right-of-way of 55 feet or greater or when a lot is less than 100 feet in depth, the front yard setback can be reduced to 20 feet. As designed, the proposed residence proposes an architectural feature around the windows on the southwest and southeast corners of the proposed first floor. The proposed architectural features are

supported at or behind the required setback lines and would not encroach further than two feet as permitted by SBMC Section 17.20.030(D)(4). On the second floor on each corner of the proposed residence, the proposed balconies project into the required setback no further than two feet. The Applicants are proposing a staircase that leads to the rear yard from the covered deck proposed on the southeast corner of the second floor. The proposed staircase projects into the required setback a maximum of two feet and is cantilevered over a proposed on-grade concrete landing. SBMC Section 17.20.030(D)(5) indicates:

Fireplace chimneys, fire escapes, exterior stairs and landings, and similar architectural features requiring ground contact may project into required yards a maximum distance of two feet; provided such feature shall be three feet from a property line.

As designed, the proposed residence would maintain a 20 foot front yard setback, five foot side yard setbacks and a 25 foot rear yard setback.

The proposed residence includes a carport that would tuck under the northwest corner of the proposed second floor. The carport would be within the buildable area and be accessed from the driveway at the northwest corner of the lot. The first floor would consist of the front entry, two bedrooms, two bathrooms, storage and the master suite. The second floor would consist of the kitchen, living room, dining room, office, bathroom and two decks.

The maximum floor area allowable for properties within the MHR zone is .75 of the lot area. The proposed design includes a total proposed floor area of 2,857 square feet, which is 480 square feet below the maximum allowable Floor Area for the 4,449 square-foot lot. The maximum floor area calculation for this project is as follows:

$$4,449 \text{ SF} \times 0.75 \text{ SF} = 3,337 \text{ SF}$$

The proposed project, as designed, would meet the minimum required setbacks and be 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 would 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 are proposing to construct a carport in the northwest corner of the buildable area of the property that would be accessed from a driveway off of Barbara Avenue. The carport would tuck under the proposed second floor of the structure. One parking space would be located in the carport and one parking space would be located partially under the proposed carport and partially within the required side yard setback along the northern property line. The OSPDM indicates that required parking can be located within the required interior side yard setback if it is screened by a 6 foot high solid fence or wall. The OSPDM also indicates that when a required parking space is located next to a fence or a wall in the side yard setback, the width of the parking space shall be increased to 10.5 ft. X 19 ft. feet. As designed, the carport will provide space for one 9 ft. X 19 ft. parking space. An additional 10.5 ft. X 19 ft. parking space is proposed next to covered space that would be partially covered by the proposed carport and would encroach into the required side yard setback. A combination retaining wall/cedar fence will

provide the required 6 ft. tall screening for the parking within the side yard setback

- 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 approximately 440 cubic yards of excavated soil to be exported off-site in order to lower the grade of the site and place the building pad below grade so that the height of the proposed residence would not exceed 16 feet in height from the existing grade. The grading would occur below the proposed building footprint, in the existing driveway location, and in the rear and side yards to provide exterior access around the building. Retaining walls are proposed around the areas that would be graded in order to support the higher adjacent grades.

- 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).*

All new exterior lighting fixtures shall 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 new two-story, single family residence with a tuck under carport; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 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 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 shall obtain approval from the California Coastal Commission prior to issuance of Building Permits.

#### 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 SBMC Section 17.72.020 and Resolution 1987-36.
- II. Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on September 27, 2017, and located in the project file with a submittal date of September 7, 2017.
- III. Prior to requesting a framing inspection, the Applicants shall be required to 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 September 27, 2017 and will not exceed 16 feet in height from the pre-existing or 117.5 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 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 September 27, 2017. In addition, the City's third-party landscape architect will perform a final inspection to verify substantial conformance onsite prior to final occupancy.
  - 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. Any new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of SBMC 17.60.060.
  - IX. 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.
- B. Fire Department Conditions:
- 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 SPRINKLERS 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.
  - 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.

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. Improvements shall include the construction of a 36" AC swale supported by 8"X8"X10" zero concrete curb and Compacted Stabilized Decomposed Granite (D.G.) from the edge of the swale to the new property line. The swale shall transition to the existing flow line and connect to the proposed driveway to the satisfaction of the City Engineer.
- II. 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.
- 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. All new utility services shall be installed underground.
- V. The Applicants shall record an Encroachment Maintenance Removal Agreement (EMRA) for private improvements in the public right-of-way such as the swale from the property line wall to the 19" swale.
- VI. A 4' dedication of right-of-way is required along Barbara Avenue as shown on the Preliminary Grading Plan prepared by Coastal Land Solutions, Inc.
- VII. 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 SBMC.
  - 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. The Hydrology Report prepared by Coastal Land Solutions, Inc. includes a portion of the driveway to be paved with pervious pavers. Prior to the issuance of the occupancy for this project, the Engineer of Record is required to certify the coefficient of runoff and adequacy of the permeability of these surfaces to the satisfaction of the City Engineer. Additionally, the project Applicants shall record a document on this property that would require maintenance of these surfaces in perpetuity to the satisfaction of the City Engineer.
- d. The Hydrology Report includes a Detention Basin at the west end of the property. An Easement shall be recorded for maintenance of the Detention Basin 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 the 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 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 (BMP's) 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.
- l. 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 convey the drainage. The construction of drainage structures shall comply with the standards set forth in the San Diego Regional Standard Drawings.
- m. Post construction BMP's 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.

## 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 shall expire 24 months from the date of this Resolution, unless the Applicants have obtained building permits and have 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 special meeting of the City Council of the City of Solana Beach, California, held on the 11<sup>th</sup> day of October, 2017, by the following vote:

AYES: Councilmembers –

NOES: Councilmembers –

ABSENT: Councilmembers –

ABSTAIN: Councilmembers –

\_\_\_\_\_  
MIKE NICHOLS, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
JOHANNA N. CANLAS, City Attorney

\_\_\_\_\_  
ANGELA IVEY, City Clerk



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** September 27, 2017  
**ORIGINATING DEPT:** Community Development Department  
**SUBJECT:** **Public Hearing: Request for DRP to Construct a Two-Story, Single-Family Residence with an Attached Carport and Perform Associated Site Improvements at 246 Barbara Avenue (Case # 17-16-07 Applicants: Kristin Brinner and Chris Novak; APN: 263-372-17; Resolution No. 2017-069)**

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## BACKGROUND:

The Applicants, Kristin Brinner and Chris Novak, are requesting City Council approval of a Development Review Permit (DRP) to construct a two-story residence with a carport that will tuck under the second story, and perform associated site improvements. The 4,449 square-foot lot is located at 246 Barbara Avenue and within the boundaries of the Medium High Residential (MHR) Zone.

The project proposes approximately 440 cubic yards of soil to be excavated and exported off-site. The project meets three thresholds for the requirement of a DRP, including: 1. construction in excess of 60 percent of the allowable floor area; 2. the square footage of the second story exceeds 40 percent of the first story floor area on a residential lot of 6,000 square feet or less; and 3. an aggregate grading quantity in excess of 100 cubic yards.

The maximum building height would be 18 feet 2 inches above the proposed (finished) grade and 16 feet above the existing grade. The maximum building height would be 117.5 feet above Mean Sea Level (MSL). The project is exempt from the requirement of a Structure Development Permit (SDP) because the proposed residence would not exceed 16 feet in height above the existing grade.

The issue before the Council is whether to approve, approve with conditions, or deny the Applicants' request as contained in Resolution 2017-069 (Attachment 1).

CITY COUNCIL ACTION:


**DISCUSSION:**

The rectangular shaped lot is located on the east side of Barbara Avenue. The site topography slopes upward approximately four feet as you move east from the frontage on Barbara Avenue toward the rear property line. The lot is currently developed with a one-story, 1,343 square foot, single-family residence. The Applicants propose to demolish the existing residence and construct a new two-story residence with a carport that would tuck under the second floor. Other improvements include grading to lower the building pad so that the residence would not exceed 16 feet in height from the existing grade. The project plans are provided in Attachment 2.

Table 1 (below) provides a comparison of the Solana Beach Municipal Code (SBMC) applicable zoning regulations with the Applicants' proposed design.

<b>Table 1</b>			
<b>LOT INFORMATION</b>			
<b>Property Address:</b>	246 Barbara Ave.	<b>Zoning Designation:</b>	MHR (8-12 du/ac)
<b>Lot Size:</b>	4,449 ft <sup>2</sup>	<b># of Units Allowed:</b>	1 Dwelling Unit, 1 ADU
<b>Max. Allowable Floor Area:</b>	0.75 or 3,337 ft <sup>2</sup>	<b># of Units Requested:</b>	1 Dwelling Unit
<b>Proposed Floor Area:</b>	2,857 ft <sup>2</sup>	<b>Setbacks:</b>	<b>Required</b> <b>Proposed</b>
<b>Below Max. Floor Area by:</b>	480 ft <sup>2</sup>	Front (W)	20 ft.      20 ft.
<b>Max. Allowable Height:</b>	25.0 ft.	Interior Side (N)	5 ft.      5.32 ft.
<b>Max. Proposed Height:</b>	16 ft./ ft.	Interior Side (S)	5 ft.      5.05 ft.
<b>Highest Point/Ridge:</b>	117.5 MSL	Rear (E)	25 ft.      25.05 ft.
<b>Overlay Zone(s):</b>	None		
<b>PROPOSED PROJECT INFORMATION</b>			
<b>Proposed Square Footage:</b>		<b>Required Permits:</b>	
First Floor:	1,510 SF	DRP: A DRP is required for the project because the proposed structure would exceed 60% of the maximum allowable floor area, the proposed second floor would exceed 40% of the first-story floor area, and aggregate grading quantity would exceed 100 cubic yards	
Second Floor:	1,347 SF		
<b>Total:</b>	<b>2,857 SF</b>		
<b>Proposed Grading:</b> Cut:440 yd <sup>3</sup> Fill: 0 yd <sup>3</sup> Export: 440 yd <sup>3</sup>			
<b>Proposed Parking:</b>	One space in the proposed carport and one adjacent in the side yard setback.	<b>Existing Development:</b>	
<b>Proposed Fences and Walls:</b>	Yes	Single-Story, Single-Family Residence to be demolished.	
<b>Proposed Accessory Dwelling Unit:</b>	No		
<b>Proposed Accessory Structure:</b>	No		

Staff has prepared draft findings for approval of the project in the attached Resolution 2017-069 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 as they apply to the proposed project as well as references to recommended conditions of approval contained in Resolution 2017-069.

#### Development Review Permit Compliance (SBMC Section 17.68.40):

A DRP is required because the total proposed square footage would exceed 60 percent of the maximum allowable floor area for the property. The total floor area proposed is 2,857 square feet, which would be 86% of the maximum allowable floor area for the property. A DRP is also required because the 1,347 square foot second floor exceeds 40% of the 1,510 square foot first story floor area and because the proposal includes an aggregate grading quantity that exceeds 100 cubic yards of grading. As designed, the project would include 440 cubic yards of excavated soil to be exported off-site.

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 2017-069 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 Applicants 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 MHR Zone. Surrounding properties are also located within the MHR Zone and are developed with a mix of one and two-story single and multi-family residences. The project site is currently developed with a single-story, single-family residence.

The project, as designed, is consistent with the permitted uses for the MHR Zone as described in SBMC Sections 17.20.010 and 17.12.020. The property is designated Medium High Density Residential in the General Plan and intended for multi-family residential development with a density of 8-12 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 or overlay zones; however, it is located within the boundaries of 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.

#### Building and Structure Placement:

The Applicants propose to demolish the existing residence and construct a new two-story, single family residence with a carport that would tuck under the northwest corner of the proposed second floor. The Applicants propose 440 yd<sup>3</sup> of excavation to place a portion of the first floor below grade and to lower the proposed building pad so that the two-story residence would not exceed 16 feet in height as measured from the existing grade. Associated site improvements include fences and walls and landscaping.

The Engineering Department is requiring a 4 foot dedication along Barbara Avenue. With this dedication, the lot depth would be less than 100 feet. According to SBMC Section 17.20.030(D)(1)(b), when a lot abuts a right-of-way of 55 feet or greater or when a lot is less than 100 feet in depth, the front yard setback can be reduced to 20 feet. As designed, the proposed residence proposes an architectural feature around the windows on the southwest and southeast corners of the proposed first floor. The proposed architectural features are supported at or behind the required setback lines and would not encroach further than two feet as permitted by SBMC Section 17.20.030(D)(4). On the second floor on each corner of the proposed residence, the

proposed balconies project into the required setback no further than two feet. The Applicants are proposing a staircase that leads to the rear yard from the covered deck proposed on the southeast corner of the second floor. The proposed staircase projects into the required setback a maximum of two feet and is cantilevered over a proposed on-grade concrete landing. SBMC Section 17.20.030(D)(5) indicates:

*Fireplace chimneys, fire escapes, exterior stairs and landings, and similar architectural features requiring ground contact may project into required yards a maximum distance of two feet; provided such feature shall be three feet from a property line.*

As designed, the proposed residence would maintain a 20-foot front yard setback, 5-foot side yard setbacks and a 25-foot rear yard setback.

The proposed residence includes a carport that would tuck under the northwest corner of the proposed second floor. The carport would be within the buildable area and be accessed from the driveway at the northwest corner of the lot. The first floor would consist of the front entry, two bedrooms, two bathrooms, storage and the master suite. The second floor would consist of the kitchen, living room, dining room, office, bathroom and two decks.

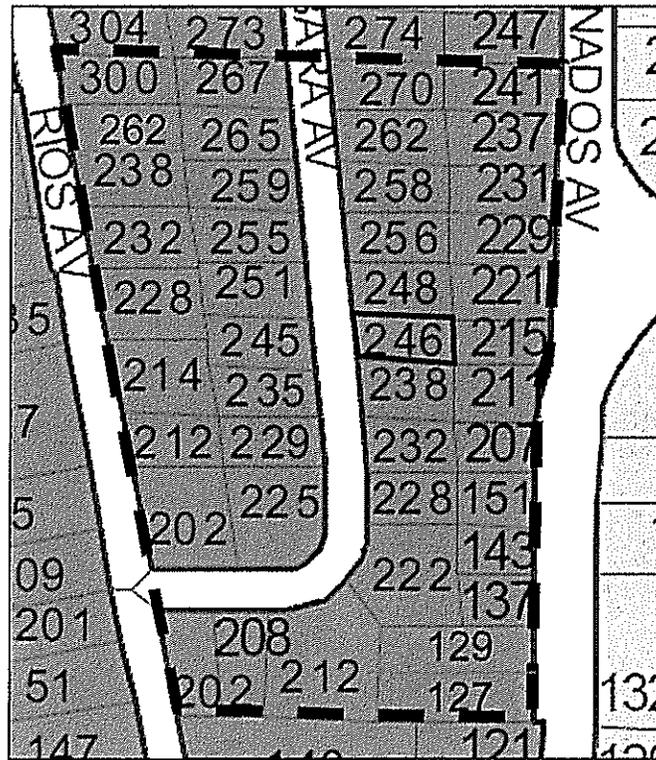
The maximum floor area allowable for properties within the MHR zone is .75 of the lot area. The proposed design includes a total proposed floor area of 2,857 square feet, which is 480 square feet below the maximum allowable Floor Area for the 4,449 square-foot lot. The maximum floor area calculation for this project is as follows:

$$4,449 \text{ SF} \times 0.75 \text{ SF} = 3,337 \text{ SF}$$

The proposed project, as designed, would meet the minimum required setbacks and be below the maximum allowable floor area for the property.

#### Neighborhood Comparison:

Staff compared the proposed project to 43 other properties within the surrounding area. This area includes properties along both sides of Barbara Avenue, the east side of N. Rios Avenue and the west side of N. Granados Avenue as shown on the following Map:



The properties evaluated in this comparison are located in the MHR Zone. The existing homes range in size from 408 square feet to 3,777 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. None of those have been included in the floor area for the proposed residence, therefore, the entire proposed building area would be used for comparison purposes.

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.

<b>Table 2:</b>						
#	Property Address	Lot Size in ft <sup>2</sup> (GIS)	Existing ft <sup>2</sup> Onsite (Assessor's)	Proposed / Recently Approved ft <sup>2</sup>	Max. Allowable ft <sup>2</sup> .75	Zone
1	241 N. Granados Ave.	5,709	2750		4,282	MHR
2	237 N. Granados Ave.	5,610	3,063		4,208	MHR
3	231 N. Granados Ave.	5,220	2,014		3,915	MHR
4	258 Barbara Ave.	5,199	759		3,899	MHR
5	262 Barbara Ave.	5,566	1,462		4,175	MHR
6	270 Barbara Ave.	5,521	3,146		4141	MHR
7	267 Barbara Ave.	5,440	1,462		4,080	MHR

8	300 N. Rios	5,514	1,674		4,136	MHR
9	265 Barbara Ave.	5,828	1,661		4,371	MHR
10	255 Barbara Ave.	5,481	Not Available		4,111	MHR
11	238 N. Rios Ave.	5,219	2,783		3,914	MHR
12	262 N. Rios Ave.	5,777	3,049		4,333	MHR
13	232 N. Rios Ave.	6,187	1,382		4,640	MHR
14	235 Barbara Ave.	4,979	2,048		3,734	MHR
15	229 Barbara Ave.	5,007	1,360		3,755	MHR
16	225 Barbara Ave.	8,849	975		6,637	MHR
17	202 N. Rios Ave.	9,318	2,846		6,989	MHR
18	212 N. Rios Ave.	4,687	466		3,515	MHR
19	214 N. Rios Ave.	7,145	1,220		5,359	MHR
20	228 N. Rios Ave.	6,806	1,542		5,105	MHR
21	225 Barbara Ave.	5,547	1,796		4,160	MHR
22	251 Barbara Ave.	5,481	Not Available		4,111	MHR
23	245 Barbara Ave.	5,256	2,285		3,942	MHR
24	256 Barbara Ave.	5,156	1,794		3,867	MHR
25	229 N. Granados Ave.	5,147	1,925		3,860	MHR
26	221 N. Granados Ave.	5,085	Not Available		3,814	MHR
27	215 N. Granados Ave.	4,353	1,741		3,265	MHR
28	211 N. Granados Ave.	4,909	1,792		3,682	MHR
29	207 N. Granados Ave.	4,403	2,368		3,302	MHR
30	151 N. Granados Ave.	4,240	2,734		3,180	MHR
31	212 Barbara Ave.	12,222	Not Available		9,167	MHR
32	208 Barbara Ave.	5,320	1,930		3,990	MHR
33	202 Barbara Ave.	5,293	868		3,970	MHR
34	222 Barbara Ave.	9,502	3,777		7,127	MHR
35	228 Barbara Ave.	4,514	2,372		3,386	MHR
36	232 Barbara Ave.	4,888	1,574		3,660	MHR
37	238 Barbara Ave.	5,153	1,492		3,865	MHR
<b>38</b>	<b>246 Barbara Ave.</b>	<b>4,449</b>	<b>1,343</b>	<b>2,857</b>	<b>3,337</b>	<b>MHR</b>
39	248 Barbara Ave.	5,114	2,046		3,836	MHR
40	259 Barbara Ave.	5,156	Not Available		3,867	MHR
41	143 N. Granados Ave.	3,811	1,424		2,858	MHR
42	137 N. Granados Ave.	3,926	2,400		3,945	MHR
43	129 N. Granados Ave.	7,799	1,193		5,849	MHR
44	127 N. Granados Ave.	7,401	408		5,551	MHR

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. It should also be noted that fences and walls are measured from the pre-existing grade.

A combination retaining wall/cedar fence is proposed along the entire perimeter of the property except at the northwest corner of the lot where the existing driveway access will remain. At the driveway access, the Applicants are proposing a six foot high sliding gate at the front yard setback line in order to screen the required parking from the street and adjacent properties.

Portions of the proposed retaining wall along the northern and southern property lines would be below the existing grade because the building pad would be lowered by approximately 2.5 feet. The fence proposed on top of the perimeter retaining walls would range in height depending on whether it is located within the required front yard setback or the side and rear yard setbacks. Fences and walls are measured from existing grade, therefore, the portion of the retaining wall proposed below the existing grade would not be counted in the maximum height of the proposed fence/wall combination. In no case would the proposed fence/wall combination exceed the maximum permitted fence and wall heights as measured from the existing grade.

The retaining wall proposed at the east property line would be approximately four feet above the existing grade to support the higher grades on the property to the east. Retaining walls are also proposed between the proposed front entry and the driveway access and between the northeast corner of the residence and the rear yard area.

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 Applicants decide 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 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 two (2) parking spaces for a single-family residence. The Applicants are proposing to construct a carport in the northwest corner of the buildable area of the property that would be accessed from a driveway off of Barbara Avenue. The carport would tuck under the proposed second floor of the structure. One parking space would be located in the carport and one parking space would be located partially under the proposed carport and partially within the required side yard setback along the northern property line. The Off-Street Parking Design Manual (OSPDM) indicates that required parking can be located within the required interior side yard setback if it is screened by a 6 foot high solid fence or wall. The OSPDM also indicates that when a required parking space is located next to a fence or a wall in the side yard setback the width of the parking space shall be increased to 10.5 ft. X 19 ft. feet. As designed, the carport will provide space for one 9 ft. X 19 ft. parking space. An additional 10.5 ft. X 19 ft. parking space is proposed next to covered space that would be partially covered by the proposed carport and would encroach into the required side yard setback. A combination retaining wall/cedar fence will provide the required 6 ft. tall screening for the parking within the side yard setback.

#### Grading:

The project includes approximately 440 cubic yards of excavated soil to be exported off-site in order to lower the grade of the site and place the building pad below grade so that the height of the proposed residence would not exceed 16 feet in height from the existing grade. The grading would occur below the proposed building footprint, in the existing driveway location, and in the rear and side yards to provide exterior access around the building. Retaining walls are proposed around the areas that would be graded in order to support the higher adjacent grades.

#### Lighting:

A condition of project approval is 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 new two-story, single family residence with a tuck under carport; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040.

#### Structure Development Permit Compliance:

When the project was initially submitted the design included the request for a Structure Development Permit as the proposed residence was originally designed to exceed 16

feet in height from the existing grade. The project was story poled and a height certification was submitted on May 19, 2016 certifying the maximum building height at 24.67 feet above the proposed finished grade with the highest pole at 126 feet above Mean Sea Level (MSL). Notices were mailed to all properties owners and residents within 300 feet of the project site which established a 30-day deadline to file for view assessment on July 21, 2016. By that date, the City received four applications for view assessment.

The project was heard at the September 20, 2016 View Assessment Commission (VAC) meeting. After hearing testimony from the Applicants and the View Assessment Claimants and discussing the project, the VAC voted to continue the project to a future meeting to give the Applicants additional time to redesign the project and work with the neighbors to resolve view impairment.

The Applicants submitted revised project plans to the City in October of 2016. The revised design was located entirely within the three-dimensional envelope illustrated by the story poles certified for the original project design; therefore, a new 30-day public notice period was not required. The Applicants revised the story poles to illustrate the revised project envelope and submitted a revised height certification on November 7, 2016. The height certification indicated that the maximum height of the revised design would be 22.40 feet above the proposed finished grade with the highest story pole elevation at 123.40 MSL. After reviewing the revised project design, none of the four original applications for View Assessment were withdrawn. The project went back before the VAC on November 15, 2016. After reviewing the revised project design and hearing testimony from the Applicants and the View Assessment Claimants, the VAC voted to continue the project for a redesign.

The Applicants revised the project design again to include a two-story structure that did not exceed 16 feet in height from the existing grade and would no longer require a SDP. The construction of the proposed residence would exceed 15 feet in height from the existing grade. As a condition of approval, the Applicants will be required to submit a height certification prior to requesting a framing inspection. The height certificate shall be prepared by a licensed land surveyor and will certify that the framing members and the proposed roofing materials will not exceed 16 feet above the existing grade or 117.5 feet above the 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 September 15, 2017. Staff received one letter in opposition to the original project design after the SDP notice was mailed which is attached for your reference (Attachment 3). As of the date of preparation of this Staff Report, Staff has not received any additional correspondence from neighbors or interested parties in support of, or in opposition to, the proposed project.

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.

**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 2017-069.
- Approve Staff recommendation subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a 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. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
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 2017-069 conditionally approving a DRP to demolish the existing residence and construct a new 2,857 square foot, two-story, single-family residence with an attached carport and associated site improvements at 246 Barbara Avenue, Solana Beach.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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Gregory Wade, City Manager

Attachments:

1. Resolution 2017-069
2. Project Plans
3. Letter in Opposition

**RESOLUTION NO. 2017-069**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT TO DEMOLISH AN EXISTING RESIDENCE AND CONSTRUCT A NEW TWO-STORY, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED CARPORT AND PERFORM ASSOCIATED SITE IMPROVEMENTS ON PROPERTY LOCATED AT 246 BARBARA AVENUE, SOLANA BEACH**

**APPLICANTS: CHRIS NOVAK AND KRISTIN BRINNER  
CASE NO.: 17-16-07 DRP**

**WHEREAS**, Chris Novak and Kristin Brinner (hereinafter referred to as "Applicants"), have submitted an application for a Development Review Permit (DRP) 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 September 27, 2017, the City Council received and considered evidence concerning the proposed application; and

**WHEREAS**, the City Council 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 resolves as follows:

1. That the foregoing recitations are true and correct.
2. That the request for a DRP to demolish the existing residence and construct a new two-story, 2,857 square foot, single-family residence with a tuck under carport and perform associated site improvements at 246 Barbara Avenue, is conditionally approved based upon the following Findings and subject to the following Conditions:

### 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 project, as conditioned, is consistent with the City's General Plan designation of Medium High Density Residential, which allows for multi-family residential development with a maximum density of eight to twelve 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. Further, the project adheres to all property development regulations established for the MHR 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 MHR Zone. Surrounding properties are also located within the MHR Zone and are developed with a mix of one and two-story single and multi-family residences. The project site is currently developed with a single-story, single-family residence.

The project, as designed, is consistent with the permitted uses for the MHR Zone as described in SBMC Sections 17.20.010 and 17.12.020. The property is designated Medium High Density Residential in the General Plan and intended for multi-family residential development with a density of 8-12 dwelling units per acre. The proposed development is 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 or overlay zones; however, it is located within the boundaries of 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 in a manner which visually and functionally enhances their intended use.*

The Applicants propose to demolish the existing residence and construct a new two-story, single family residence with a carport that would tuck under the northwest corner of the proposed second floor. The Applicants propose 440 yd<sup>3</sup> of excavation to place a portion of the first floor below grade and to lower the proposed building pad so that the two story residence would not exceed 16 feet in height as measured from the existing grade. Associated site improvements including fences and walls and landscaping are proposed.

The Engineering Department is requiring a four foot dedication along Barbara Avenue. With this dedication, the lot depth would be less than 100 feet. According to SBMC Section 17.20.030(D)(1)(b), when a lot abuts a right-of-way of 55 feet or greater or when a lot is less than 100 feet in depth, the front yard setback can be reduced to 20 feet. As designed, the proposed residence proposes an architectural feature around the windows on the southwest and southeast corners of the proposed first floor. The proposed architectural features are supported at or behind the required setback lines and would not encroach further than two feet as permitted by SBMC Section 17.20.030(D)(4). On the second floor on each corner of the proposed residence, the proposed balconies project into the required setback no further than two feet. The Applicants

are proposing a staircase that leads to the rear yard from the covered deck proposed on the southeast corner of the second floor. The proposed staircase projects into the required setback a maximum of two feet and is cantilevered over a proposed on-grade concrete landing. SBMC Section 17.20.030(D)(5) indicates:

Fireplace chimneys, fire escapes, exterior stairs and landings, and similar architectural features requiring ground contact may project into required yards a maximum distance of two feet; provided such feature shall be three feet from a property line.

As designed, the proposed residence would maintain a 20 foot front yard setback, five foot side yard setbacks and a 25 foot rear yard setback.

The proposed residence includes a carport that would tuck under the northwest corner of the proposed second floor. The carport would be within the buildable area and be accessed from the driveway at the northwest corner of the lot. The first floor would consist of the front entry, two bedrooms, two bathrooms, storage and the master suite. The second floor would consist of the kitchen, living room, dining room, office, bathroom and two decks.

The maximum floor area allowable for properties within the MHR zone is .75 of the lot area. The proposed design includes a total proposed floor area of 2,857 square feet, which is 480 square feet below the maximum allowable Floor Area for the 4,449 square-foot lot. The maximum floor area calculation for this project is as follows:

$$4,449 \text{ SF} \times 0.75 \text{ SF} = 3,337 \text{ SF}$$

The proposed project, as designed, would meet the minimum required setbacks and be 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 would 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 are proposing to construct a carport in the northwest corner of the buildable area of the property that would be accessed from a driveway off of Barbara Avenue. The carport would tuck under the proposed second floor of the structure. One parking space would be located in the carport and one parking space would be located partially under the proposed carport and partially within the required side yard setback along the northern property line. The OSPDM indicates that required parking can be located within the required interior side yard setback if it is screened by a 6 foot high solid fence or wall. The OSPDM also indicates that when a required parking space is located next to a fence or a wall in the side yard setback, the width of the parking space shall be increased to 10.5 ft. X 19 ft. feet. As designed, the carport will provide space for one 9 ft. X 19 ft. parking space. An additional 10.5 ft. X 19 ft. parking space is proposed next to covered space that would be partially covered by the proposed carport and would encroach into the required side yard setback. A combination retaining wall/cedar fence will provide the required 6 ft. tall screening for the parking within the side yard setback

- 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 approximately 440 cubic yards of excavated soil to be exported off-site in order to lower the grade of the site and place the building pad below grade so that the height of the proposed residence would not exceed 16 feet in height from the existing grade. The grading would occur below the proposed building footprint, in the existing driveway location, and in the rear and side yards to provide exterior access around the building. Retaining walls are proposed around the areas that would be graded in order to support the higher adjacent grades.

- 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).*

All new exterior lighting fixtures shall 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 new two-story, single family residence with a tuck under carport; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 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 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 shall obtain approval from the California Coastal Commission prior to issuance of Building Permits.

#### 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 SBMC Section 17.72.020 and Resolution 1987-36.
- II. Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on September 27, 2017, and located in the project file with a submittal date of September 7, 2017.
- III. Prior to requesting a framing inspection, the Applicants shall be required to 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 September 27, 2017 and will not exceed 16 feet in height from the pre-existing or 117.5 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 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 September 27, 2017. In addition, the City's third-party landscape architect will perform a final inspection to

verify substantial conformance onsite prior to final occupancy.

- 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. Any new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of SBMC 17.60.060.
  - IX. 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.
- B. Fire Department Conditions:
- 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 SPRINKLERS 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.
  - 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.

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. Improvements shall include the construction of a 36" AC swale supported by 8"X8"X10" zero concrete curb and Compacted Stabilized Decomposed Granite (D.G.) from the edge of the swale to the new property line. The swale shall transition to the existing flow line and connect to the proposed driveway to the satisfaction of the City Engineer.
- II. 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.
- 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. All new utility services shall be installed underground.
- V. The Applicants shall record an Encroachment Maintenance Removal Agreement (EMRA) for private improvements in the public right-of-way such as the swale from the property line wall to the 19" swale.
- VI. A 4' dedication of right-of-way is required along Barbara Avenue as shown on the Preliminary Grading Plan prepared by Coastal Land Solutions, Inc.
- VII. 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 SBMC.
  - 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. The Hydrology Report prepared by Coastal Land Solutions, Inc. includes a portion of the driveway to be paved with pervious pavers. Prior to the issuance of the occupancy for this project, the Engineer of Record is required to certify the coefficient of runoff and adequacy of the permeability of these surfaces to the satisfaction of the City Engineer. Additionally, the project Applicants shall record a document on this property that would require maintenance of these surfaces in perpetuity to the satisfaction of the City Engineer.
- d. The Hydrology Report includes a Detention Basin at the west end of the property. An Easement shall be recorded for maintenance of the Detention Basin 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 the 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 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 (BMP's) 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.
- l. 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 convey the drainage. The construction of drainage structures shall comply with the standards set forth in the San Diego Regional Standard Drawings.
- m. Post construction BMP's 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.

## 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 shall expire 24 months from the date of this Resolution, unless the Applicants have obtained building permits and have 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 special meeting of the City Council of the City of Solana Beach, California, held on the 27<sup>th</sup> day of September, 2017, by the following vote:

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

\_\_\_\_\_  
MIKE NICHOLS, Mayor

APPROVED AS TO FORM:

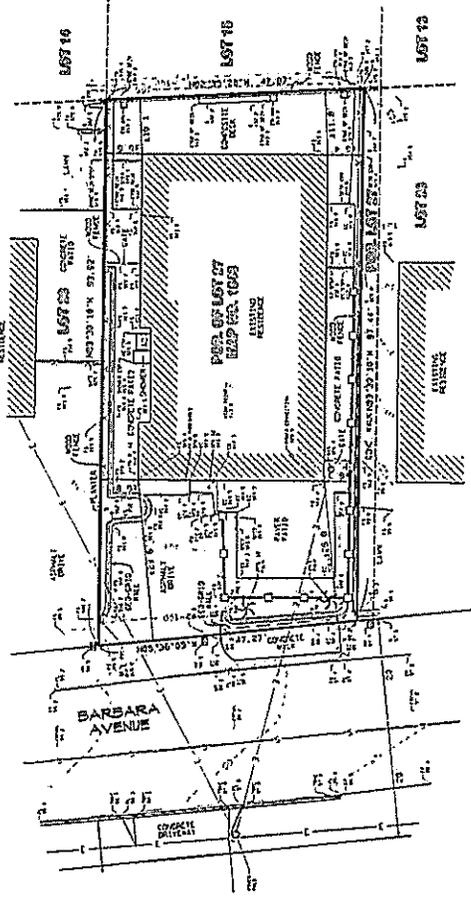
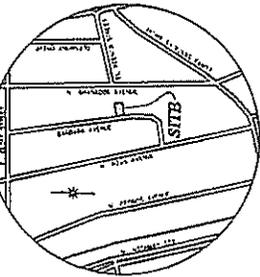
ATTEST:

\_\_\_\_\_  
JOHANNA N. CANLAS, City Attorney

\_\_\_\_\_  
ANGELA IVEY, City Clerk



# TOPOGRAPHIC SURVEY



**OWNER:**  
 WESTON SIMPSON  
**ADDRESS:**  
 548 BARBARA AVENUE  
 SEASIDE BEACH, CA  
**APN:**  
 564-371-17

**BENCHMARK:**  
 TOP CORNER OF 'J' BRACE 1952 LABELED 'M'  
 RECON COUNTY ANCHORAGE, 'M', 7.107'  
 CORNER OF 'M' BRACE 1952 LABELED 'M'  
 CORNER OF 'M' BRACE 1952 LABELED 'M'  
 CORNER OF 'M' BRACE 1952 LABELED 'M'  
 CORNER OF 'M' BRACE 1952 LABELED 'M'  
 CORNER OF 'M' BRACE 1952 LABELED 'M'  
 CORNER OF 'M' BRACE 1952 LABELED 'M'  
 CORNER OF 'M' BRACE 1952 LABELED 'M'

**LEGAL DESCRIPTION:**  
 A PORTION OF LOT 21 OF SUBDIVISION OF  
 'M' BRACE 1952 LABELED 'M', TRACT 107  
 IN THE CITY OF SEASIDE, COUNTY OF  
 SAN DIEGO, CALIFORNIA, AS SHOWN  
 IN THE ORIGINAL MAP, MAP NO. 1111,  
 COUNTY RECORDS OF SAN DIEGO,  
 COUNTY RECORDS OF JAN. 8, 1974.

- NOTES:**
- 1) BEARINGS AND DISTANCES SHOWN ON THIS SURVEY WERE OBTAINED BY A TOTAL STATION SURVEY PERFORMED BY THE SURVEYOR AND CHECKED BY THE COUNTY OF SAN DIEGO, CALIFORNIA, SURVEYOR FOR THE RECORDING PROCEDURE.
  - 2) PLEASE NOTE THAT THIS SURVEY WAS NOT MADE BY THE SURVEYOR AND THAT THE SURVEYOR HAS NOT BEEN LOCATED UNLESS OTHERWISE SHOWN.
  - 3) NOTES THAT ARE LESS THAN 6" IN LENGTH ARE NOT TO BE CONSIDERED AS AN INDICATION OF A SURVEY POINT OR CONTROL POINT UNLESS OTHERWISE NOTED BY THE SURVEYOR OR OTHERWISE INDICATED BY A SURVEYOR'S SYMBOL.
  - 4) ALL SURVEY POINTS WERE REDUCED TO MEAN SEA LEVEL BY APPLYING CORRECTIONS FOR THE EFFECTS OF EARTH TIDAL DEPRESSIONS AND REFRACTIONS.

- LEGEND:**
- AD INDICATES AREA DRAIN
  - BE INDICATES BOTTOM OF WALL
  - CB INDICATES CLEAN OUT
  - CC INDICATES CORNER OF CONCRETE
  - CD INDICATES CORNER OF PAINTWORK
  - CE INDICATES FINISHED FLOOR
  - CF INDICATES FLOW LINE
  - CG INDICATES FINISHED SURFACE
  - CH INDICATES GROUND
  - CI INDICATES ROTATION CONTROL VALVE
  - CK INDICATES SANITARY SEWER CULVERT
  - CL INDICATES TOP EDGE OF CURB
  - CM INDICATES TOP OF WALL
  - CV INDICATES WATER METERS
- FLOOR LINE \_\_\_\_\_  
 WALL \_\_\_\_\_

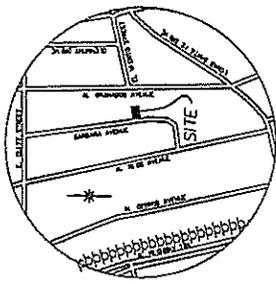
**PREPARED BY:**  
 COASTLAND SOLUTIONS, INC.  
 2150 S. WILSON AVENUE  
 SUITE 100  
 SAN ANTONIO, TEXAS 78202  
 DATE OF SURVEY: DECEMBER 2015



*L.L. Whelan*  
 L.L. WHELAN  
 L.S. 7953  
 DATE

**CLS** COASTLAND SOLUTIONS, INC.  
 2150 S. WILSON AVENUE  
 SUITE 100  
 SAN ANTONIO, TEXAS 78202  
 CLS/1351010

# PRELIMINARY GRADING EXHIBIT (PRELIMINARY NOT FOR CONSTRUCTION)

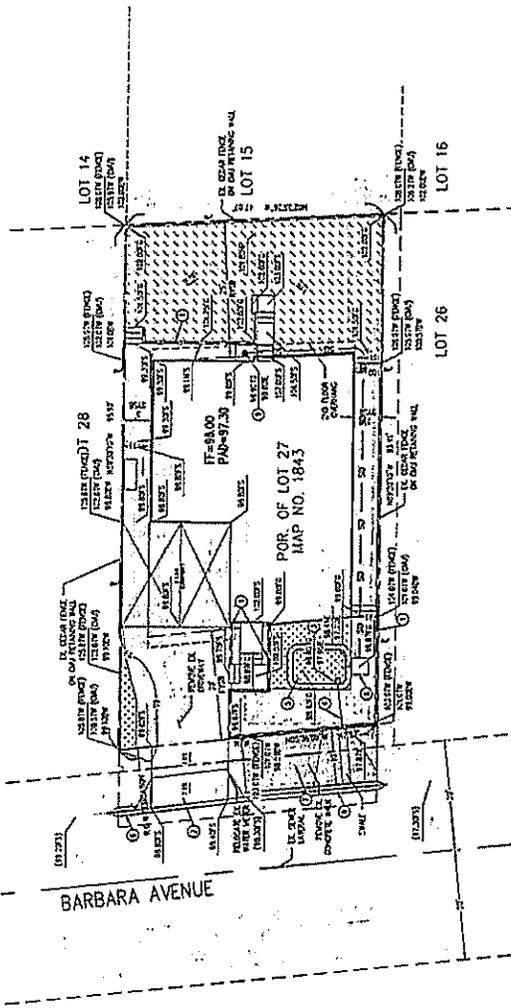


**ESTIMATED EARTHWORK QUANTITIES**

IN CUBIC YARDS (CY)  
FOR EXCAVATION AND FILL

\* THESE ARE ONLY ESTIMATED QUANTITIES AND SHOULD NOT BE USED FOR BIDDING OR CONTRACTING. QUANTITIES ARE BASED ON THE ASSUMPTIONS LISTED IN THE NOTES AND SHOULD BE VERIFIED BY THE CONTRACTOR.

FOR EXCAVATION AND FILL QUANTITIES, SEE THE GRADING PLAN.



**BRIEF LEGAL DESCRIPTION:**

PORTION OF LOT 27 OF RECONSTRUCTION OF LOT 27 TO BE A PORTION OF LOT 27, MAP NO. 1843, AS SHOWN ON PLAT OF SAID RECONSTRUCTION, RECORDING BOOK 1843, PAGE 100, COUNTY OF HENRICO, VIRGINIA.

**OWNER:** KESTLY BROSHER

**ADDRESS:** 2620A BERRY LANE, SUITE 200, DUNES AT THE BEACH, VA 23820

**APN:** 20-03-311-47

**BENCHMARK:** TOP CORNER OF BRACKS BOX LABELED "244" BEING CORNER OF BENCHMARK "200" WHICH IS A BENCHMARK SET BY THE VIRGINIA SURVEYING BOARD AND IS LOCATED AT THE CORNER OF EAST CLAY STREET, CHARLOTTE AVENUE, AND BERRY LANE, HENRICO, VA.

**NOTES:**

- 1) REVISIONS AND DISTANCES INDICATED ABOVE ARE SHOWN FROM THE ORIGINAL PLAT OF SAID RECONSTRUCTION, RECORDING BOOK 1843, PAGE 100, COUNTY OF HENRICO, VIRGINIA.
- 2) ALL EXCAVATION SHALL BE INSTALLED TO THE FINISH GRADE.
- 3) ALL EXCAVATION SHALL BE INSTALLED TO THE FINISH GRADE.
- 4) ALL EXCAVATION SHALL BE INSTALLED TO THE FINISH GRADE.

**CONSTRUCTION NOTES:**

- 1) EXCAVATION SHALL BE TO FINISH GRADE.
- 2) EXCAVATION SHALL BE TO FINISH GRADE.
- 3) EXCAVATION SHALL BE TO FINISH GRADE.
- 4) EXCAVATION SHALL BE TO FINISH GRADE.
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- 25) EXCAVATION SHALL BE TO FINISH GRADE.
- 26) EXCAVATION SHALL BE TO FINISH GRADE.
- 27) EXCAVATION SHALL BE TO FINISH GRADE.
- 28) EXCAVATION SHALL BE TO FINISH GRADE.
- 29) EXCAVATION SHALL BE TO FINISH GRADE.
- 30) EXCAVATION SHALL BE TO FINISH GRADE.

**LEGEND:**

PROPOSED CONTOUR (MAJOR)  
PROPOSED CONTOUR (MINOR)  
EXISTING ELEVATION  
PROPOSED ELEVATION  
SECTION OF TRENCH  
PROPOSED SPINE WALL  
GULCH INLET  
LANDSCAPE  
PERMANENT PAVEMENT  
TEMPORARY PAVEMENT  
AT-TOP OF WALL  
TOP OF SLOPE

**OWNER:** KESTLY BROSHER

**ADDRESS:** 2620A BERRY LANE, SUITE 200, DUNES AT THE BEACH, VA 23820

**APN:** 20-03-311-47

**BENCHMARK:** TOP CORNER OF BRACKS BOX LABELED "244" BEING CORNER OF BENCHMARK "200" WHICH IS A BENCHMARK SET BY THE VIRGINIA SURVEYING BOARD AND IS LOCATED AT THE CORNER OF EAST CLAY STREET, CHARLOTTE AVENUE, AND BERRY LANE, HENRICO, VA.

**PREPARED BY:** COASTAL LAND SOLUTIONS, INC. 3175 HENRICO AVENUE, SUITE 100, HENRICO, VA 23828

**DATE:** 1-11-10

**SCALE:** 1"=10'

**GRAPHIC SCALE:** 0 10 20 30

**COASTAL LAND SOLUTIONS, INC.**  
3175 HENRICO AVENUE, SUITE 100, HENRICO, VA 23828  
TEL: 757-261-1111  
WWW.COASTALLANDSOLUTIONS.COM

CLS-11352620

**CONSTRUCTION NOTES:**

- 1) EXCAVATION SHALL BE TO FINISH GRADE.
- 2) EXCAVATION SHALL BE TO FINISH GRADE.
- 3) EXCAVATION SHALL BE TO FINISH GRADE.
- 4) EXCAVATION SHALL BE TO FINISH GRADE.
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- 28) EXCAVATION SHALL BE TO FINISH GRADE.
- 29) EXCAVATION SHALL BE TO FINISH GRADE.
- 30) EXCAVATION SHALL BE TO FINISH GRADE.

**LEGEND:**

PROPOSED CONTOUR (MAJOR)  
PROPOSED CONTOUR (MINOR)  
EXISTING ELEVATION  
PROPOSED ELEVATION  
SECTION OF TRENCH  
PROPOSED SPINE WALL  
GULCH INLET  
LANDSCAPE  
PERMANENT PAVEMENT  
TEMPORARY PAVEMENT  
AT-TOP OF WALL  
TOP OF SLOPE

**IMPERVIOUS AREA:**

IMPERVIOUS AREA (MAJOR)  
IMPERVIOUS AREA (MINOR)  
IMPERVIOUS AREA (TEMPORARY)  
IMPERVIOUS AREA (PERMANENT)  
IMPERVIOUS AREA (REINFORCED)

**PERIMETER PARALLEL DETAIL:**

PERIMETER PARALLEL DETAIL

**EXCAVATION DETAIL:**

EXCAVATION DETAIL

**IMPERVIOUS AREA:**

IMPERVIOUS AREA (MAJOR)  
IMPERVIOUS AREA (MINOR)  
IMPERVIOUS AREA (TEMPORARY)  
IMPERVIOUS AREA (PERMANENT)  
IMPERVIOUS AREA (REINFORCED)

ALL CIVIL DESIGN WORKING SHALL BE IN ACCORDANCE WITH THE CALIFORNIA CIVIL ENGINEERING ACT AND THE CALIFORNIA CIVIL ENGINEERING BOARD'S REGULATIONS. ALL CIVIL DESIGN WORKING SHALL BE IN ACCORDANCE WITH THE CALIFORNIA CIVIL ENGINEERING BOARD'S REGULATIONS. ALL CIVIL DESIGN WORKING SHALL BE IN ACCORDANCE WITH THE CALIFORNIA CIVIL ENGINEERING BOARD'S REGULATIONS.

PLEASE PRINT AND SIGNATURE OF REGISTERED PROFESSIONAL ENGINEER

**PLEASE EXPEDITE PLAN CHECK PER RESOLUTION 2008-135**

**BRINNER-NOVAK FAMILY**

246 BARBARA AVE.  
SOUTH SAN FRANCISCO, CA 94080

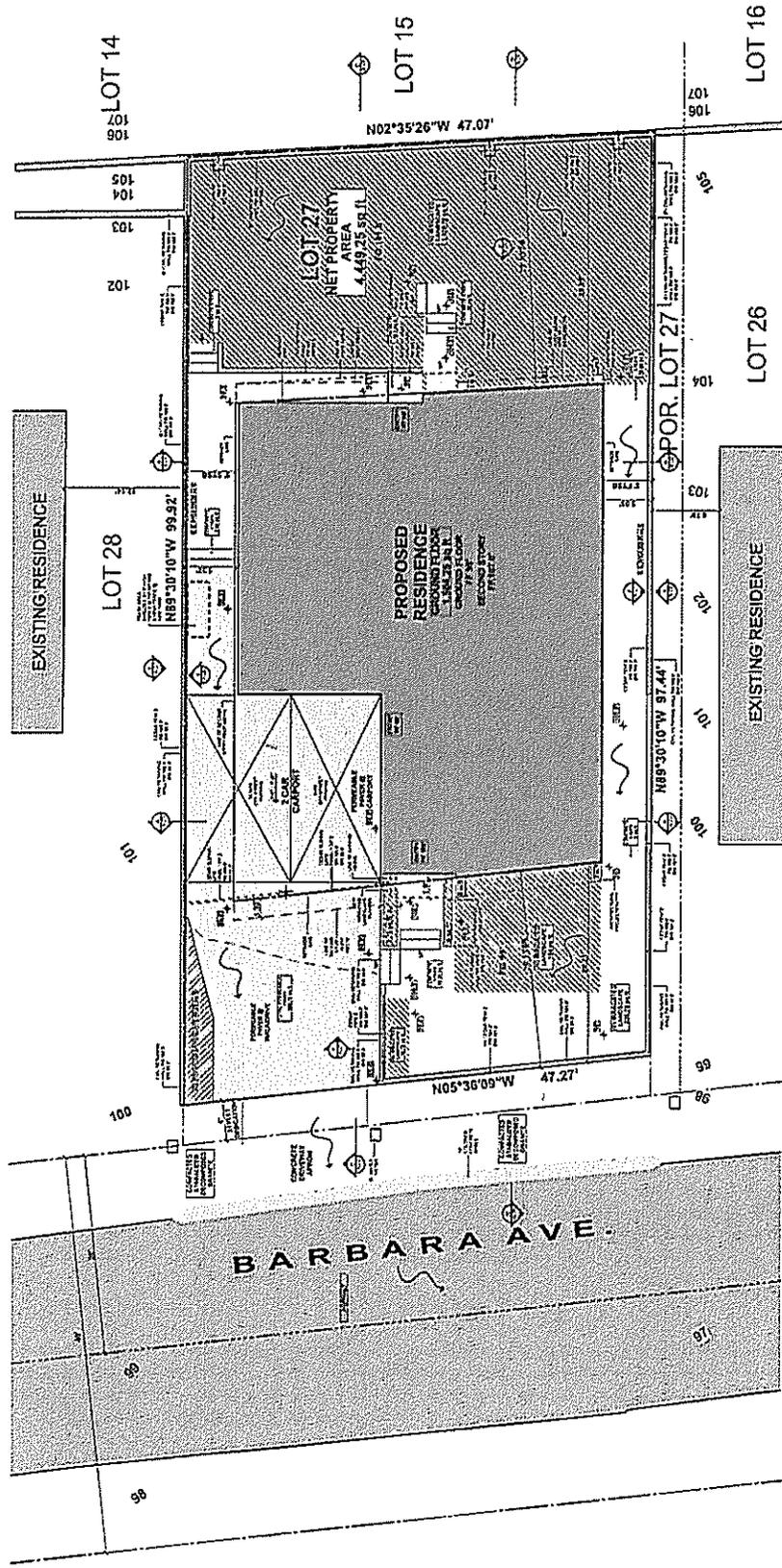
APR 11 2013 12:17

**N**

DATE: 04/05/13  
SCALE: AS SHOWN

**SITE PLAN**

**A.04**



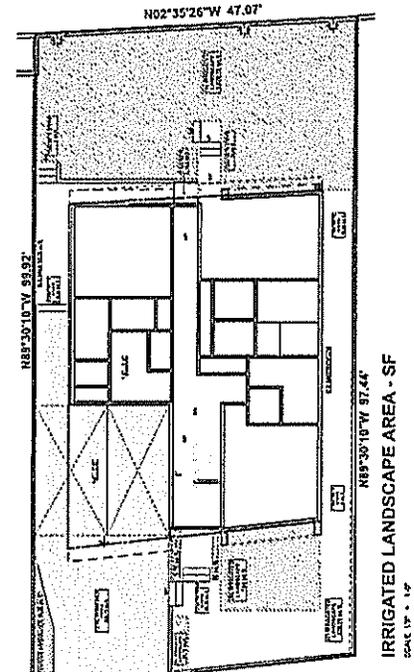
**TOPOGRAPHICAL INFORMATION PROVIDED BY COASTAL LAND SOLUTIONS**

BENCHMARK: TOP CENTER OF 3 BRASS DISC LABELED "SAN DIEGO COUNTY BENCHMARK SKY 2 1987" LOCATED ON THE WESTERN SIDE OF N. GRANADOS AVENUE 1,395 FEET NORTH OF THE INTERSECTION OF N. GRANADOS AVENUE AND EAST CLIFF STREET.  
ELEVATION: 100.00 FT  
DATUM: NAD 83

**DIRECTION OF NATURAL DRAINAGE**

OFF STREET PARKING SPACES REQUIRED 2  
OFF STREET PARKING SPACES PROPOSED 2

EXCAVATION 448 CUBIC YARDS

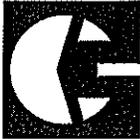


**SITE PLAN**  
SCALE: 1/8" = 1'-0"

PROPERTY SQUARE FOOTAGE	COMMENTS	PERCENTAGE
NON-IRRIGATED LANDSCAPED AREA	4160.25	278.75
NON-IRRIGATED LANDSCAPED AREA	0	0
IRRIGATED LANDSCAPED AREA	207	14.25
WATER FEATURES	0	0
DECORATIVE HARDSCAPE	0	0
TOTAL LOT AREA	4467.25	44.25

PROPERTY SQUARE FOOTAGE	COMMENTS	PERCENTAGE
IRRIGATED LANDSCAPE	1518.25	0
WATER FEATURES	0	0
DECORATIVE HARDSCAPE	145.25	0
AGGREGATE LANDSCAPED AREA	1663.5	166.35



**BUFFETT DESIGN**  
 ARCHITECTS & INTERIORS  
 760.274.3938

ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CALIFORNIA GREEN BUILDING CODE (CALIFORNIA GREEN BUILDING CODE) AND THE CALIFORNIA SUSTAINABLE BUILDING ACT (CALIFORNIA SUSTAINABLE BUILDING ACT). THE DESIGN SHALL BE IN ACCORDANCE WITH THE CALIFORNIA SUSTAINABLE BUILDING ACT (CALIFORNIA SUSTAINABLE BUILDING ACT).

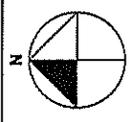
PLEASE RECYCLE AND REUSE OF GREEN BUILDING MATERIALS.

**PLEASE EXPEDITE PLAN CHECK PER RESOLUTION 2008-135**

**BRINNER-NOVAK FAMILY**

246 BARBARA AVE.  
 SOLANA BEACH, CA 92688

APP# 253-072-17

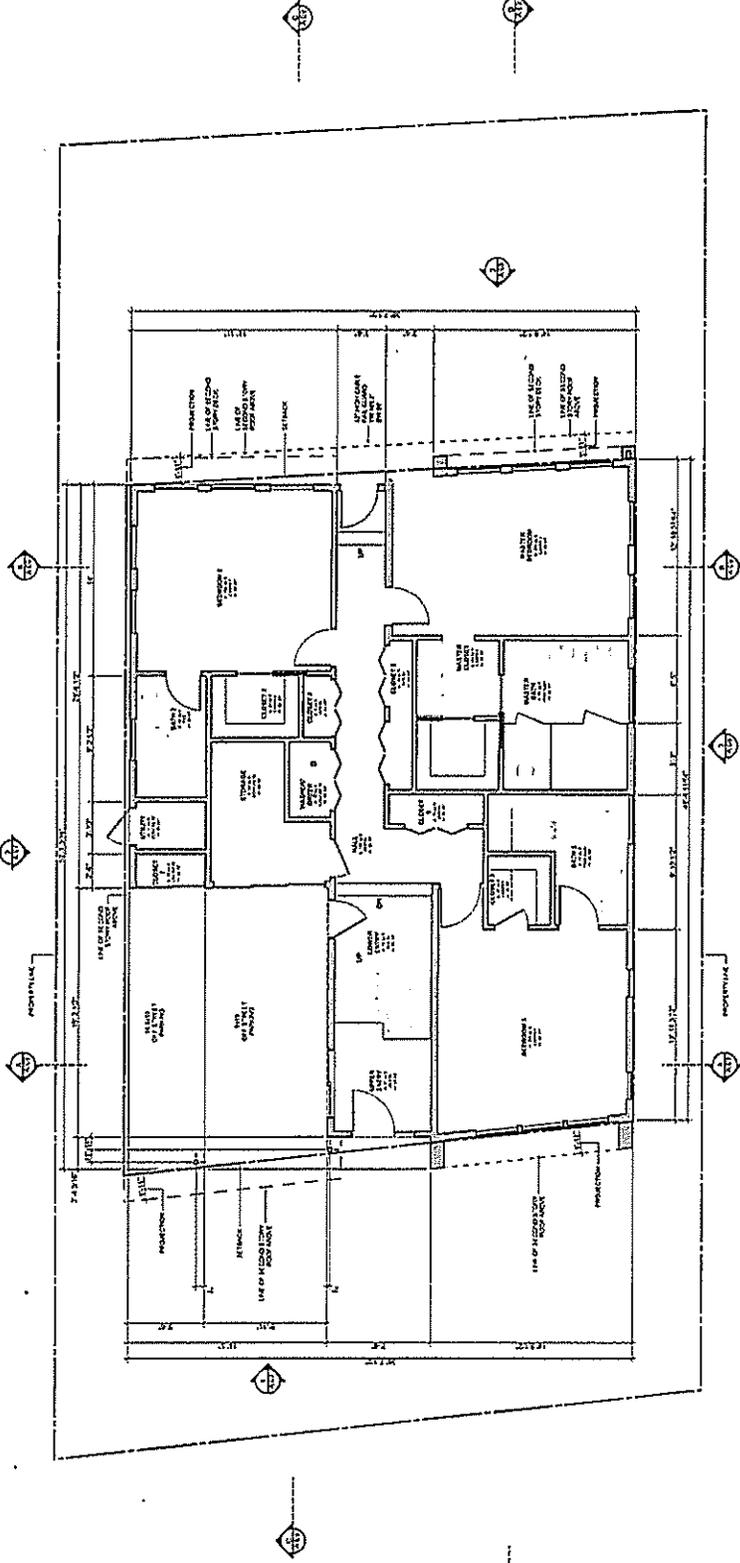


DATE: 04/25/18  
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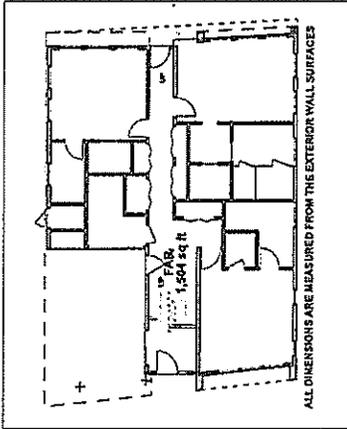
REVISION	DATE

FIRST FLOOR PLAN W/ B.I.G.

**A.05**  
 PERIODS & STATE



FIRST FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



FIRST FLOOR FAR DIAGRAM  
 SCALE: 1/8" = 1'-0"

LEAD PAINT		ASBESTOS		MOLD		RADON		Hazardous Materials	

BUILD IT GREEN SCORE SHEET  
 SCALE: 1/8" = 1'-0"



**BUFFETT  
DESIGN**  
ARCHITECTS  
760.274.3938

ALL LOCAL DESIGN AND CONSTRUCTION REQUIREMENTS SHALL BE COMPLIED WITH AND ALL APPLICABLE ORDINANCES SHALL BE OBTAINED PRIOR TO ANY CONSTRUCTION. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.

PLEASE RECYCLE AND REUSE WHERE APPROPRIATE



PLEASE EXPEDITE PLAN CHECK PER RESOLUTION 2008-135

**BRINNER-NOYAK FAMILY**

246 BARBARA AVE  
SOLANA BEACH, CA 92688

APR 11, 2017



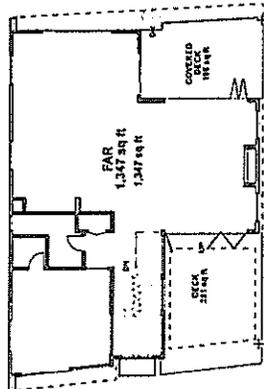
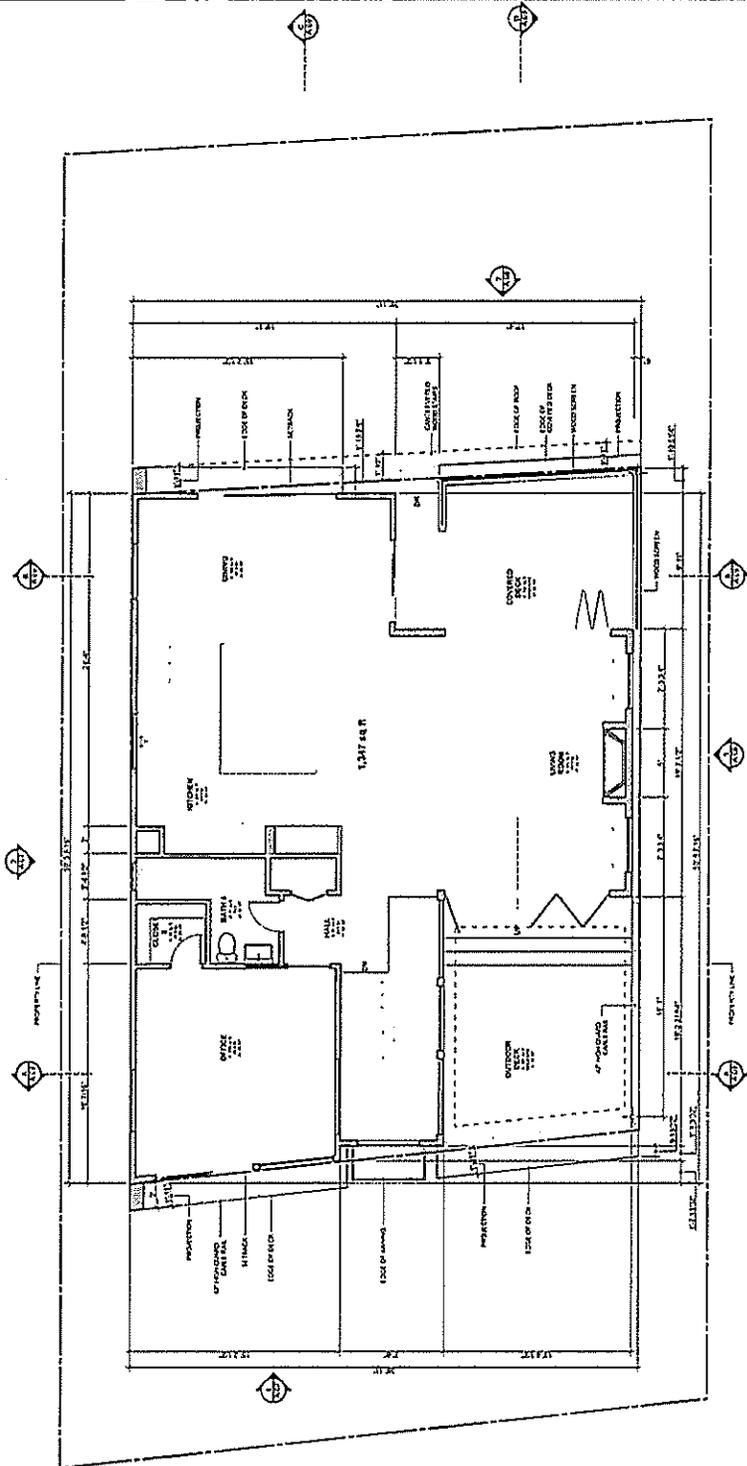
DATE: 04/08/16  
SCALE: AS NOTED

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10

SECOND FLOOR PLAN

**A.06**

ISSUED 4/2017



ALL DIMENSIONS ARE MEASURED FROM THE EXTERIOR WALL SURFACES  
**SECOND FLOOR FAR DIAGRAM**  
SCALE 1/4" = 1'-0"

**SECOND FLOOR PLAN**  
SCALE 1/4" = 1'-0"



**BUFFETT  
DESIGN**  
ARCHITECTS  
760.274.3938

PLEASE PRINT AND SIGNATURE OF CONTRACTOR/OWNER

**PLEASE EXPEDITE PLAN CHECK PER RESOLUTION 2008-135**

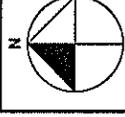


PLEASE RECYCLE

**BRINNER-  
NOVAK  
FAMILY**

246 BARBARA AVE.  
SOLANA BEACH, CA  
92675

APN: 583-372-17



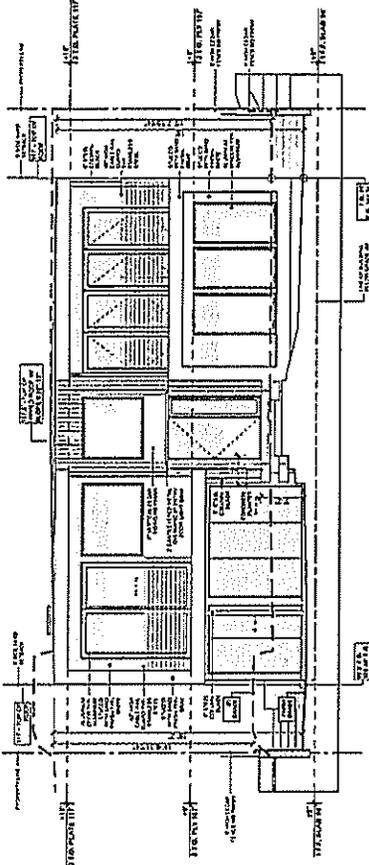
DATE	BY	REVISION	SCALE	ADJUSTED
04/05/16				
← (previous) →				

DATE	BY	REVISION

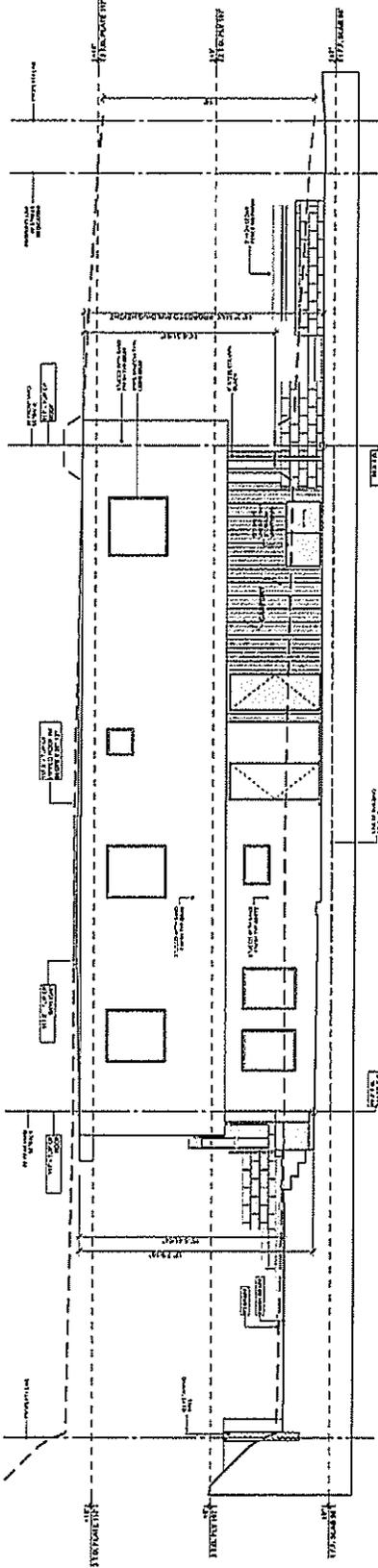
**BUILDING  
ELEVATIONS**

**A.07**

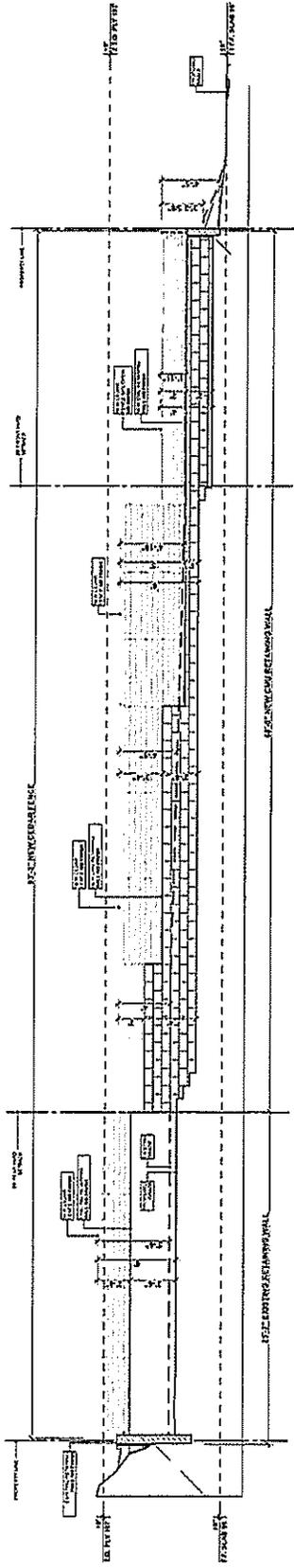
PRINTED 3/28/17



WEST ELEVATION  
SCALE: 1/4" = 1'-0"



NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



SOUTH FENCE - NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

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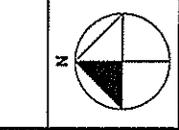
PLEASE RECYCLE THIS DOCUMENT  
BY RECYCLING IT

**PLEASE EXPEDITE  
PLAN CHECK  
PER  
RESOLUTION  
2008-135**

**BRINNER-  
NOVAK  
FAMILY**

248 BARRANCA AVE.  
SOLANA BEACH, CA  
92085

APN: 263-372-17

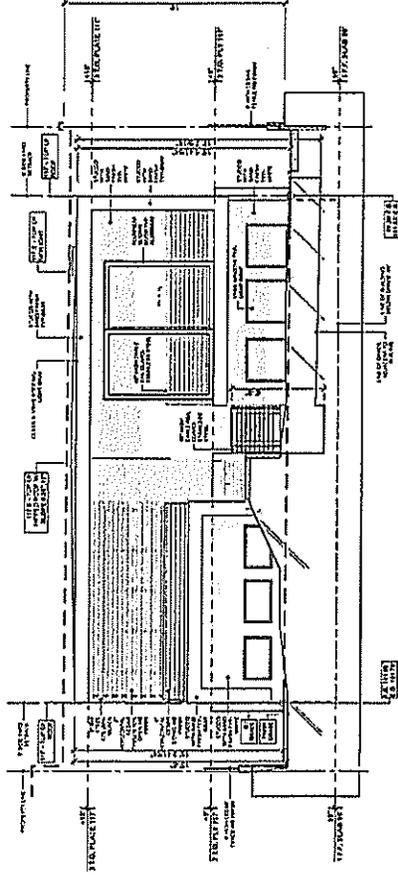


DATE:	04/26/18
SCALE:	AS SHOWN
BY:	UNDESIGNED/DALE

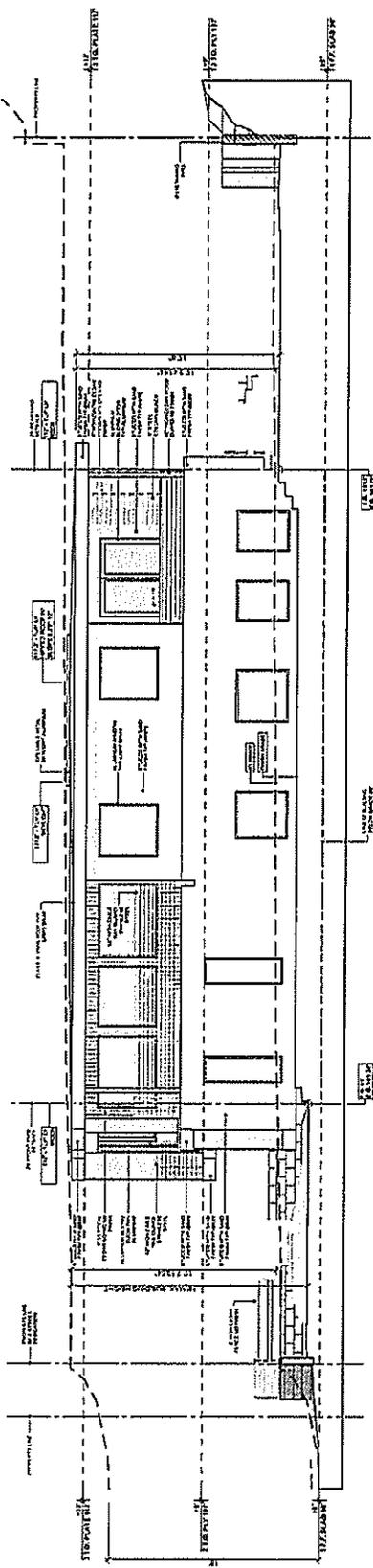
**BUILDING  
ELEVATIONS  
(CONT)**

**A.08**

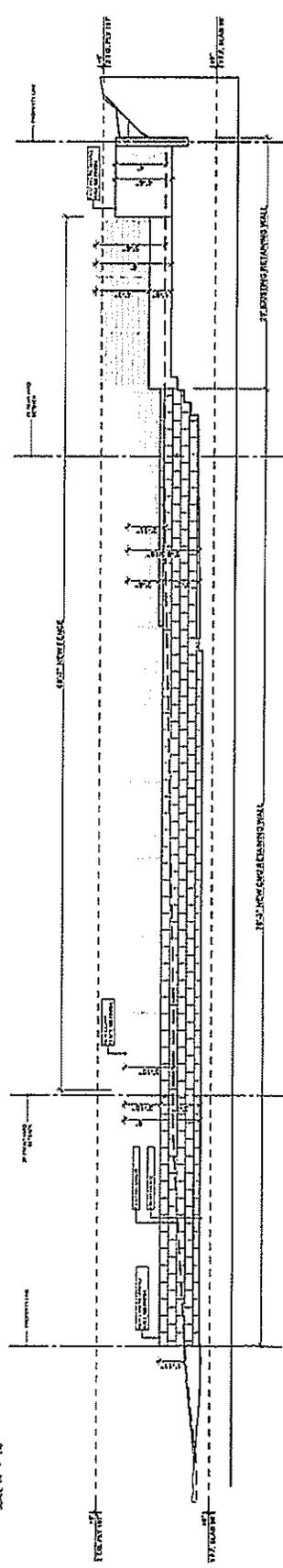
PRINTED: 6/27/18



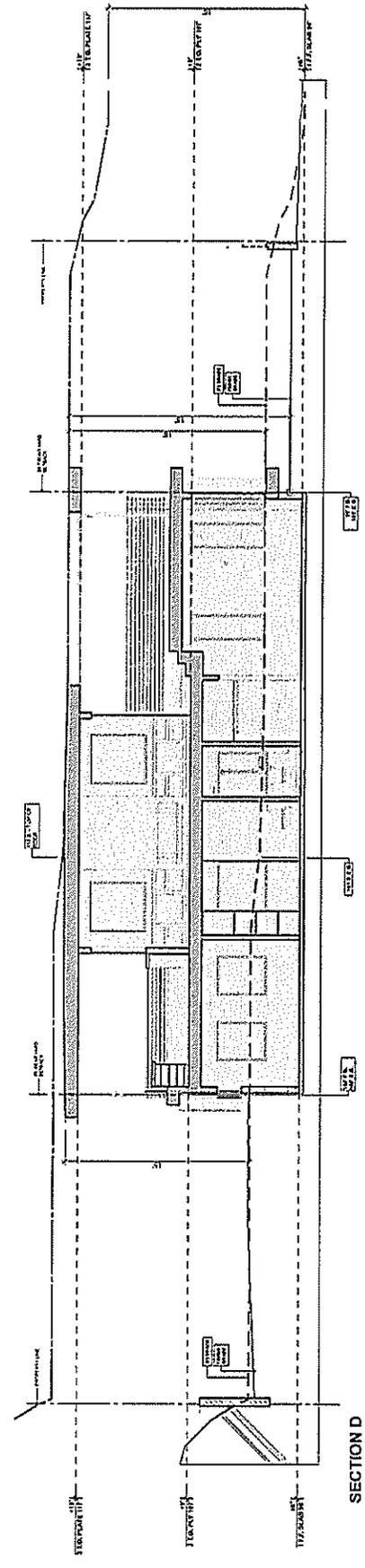
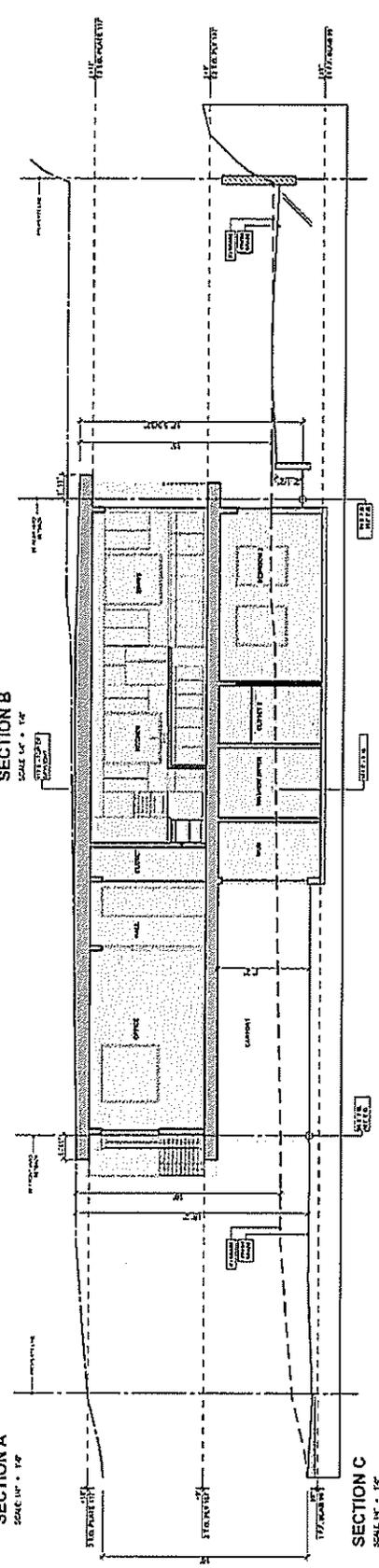
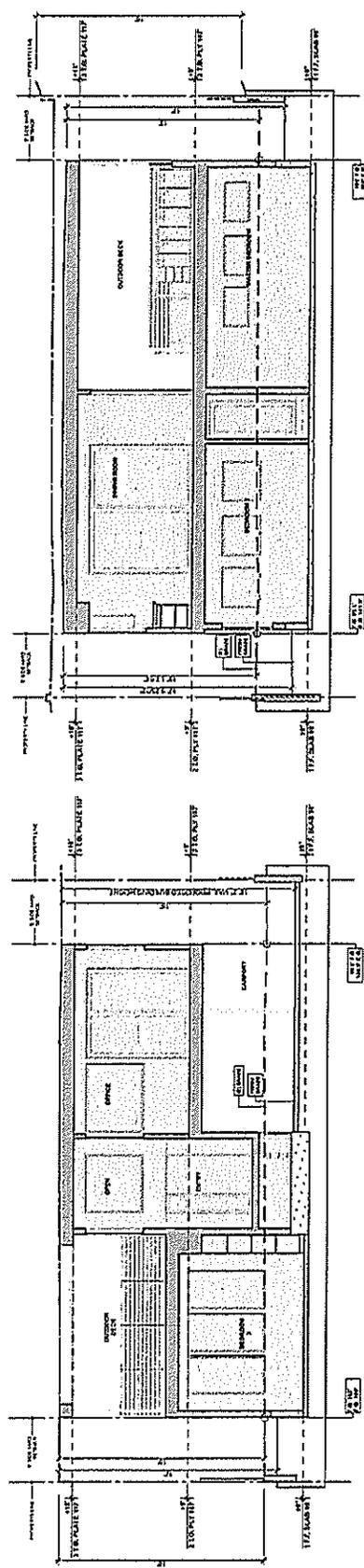
**EAST ELEVATION**  
SCALE 1/4" = 1'-0"



**SOUTH ELEVATION**  
SCALE 1/4" = 1'-0"



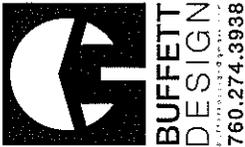
**NORTH FENCE - SOUTH ELEVATION**  
SCALE 1/4" = 1'-0"





— <sup>OF CITY CODE</sup>  
BUTTING IN EXCESS should not be allowed  
BUT IMPROVEMENT OF VIEWS should not be allowed!

THANKS, RON JIMEDMAN  
[REDACTED] N. GRANADOS AVE [REDACTED]

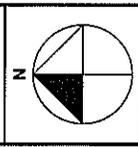


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**PLEASE EXPEDITE PLAN CHECK PER RESOLUTION 2008-135**

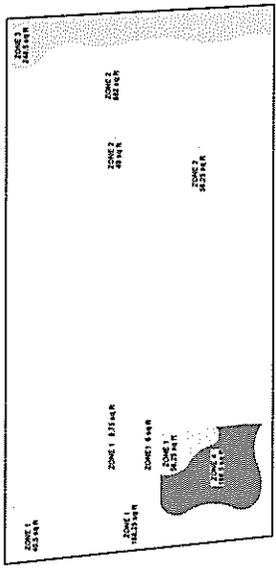
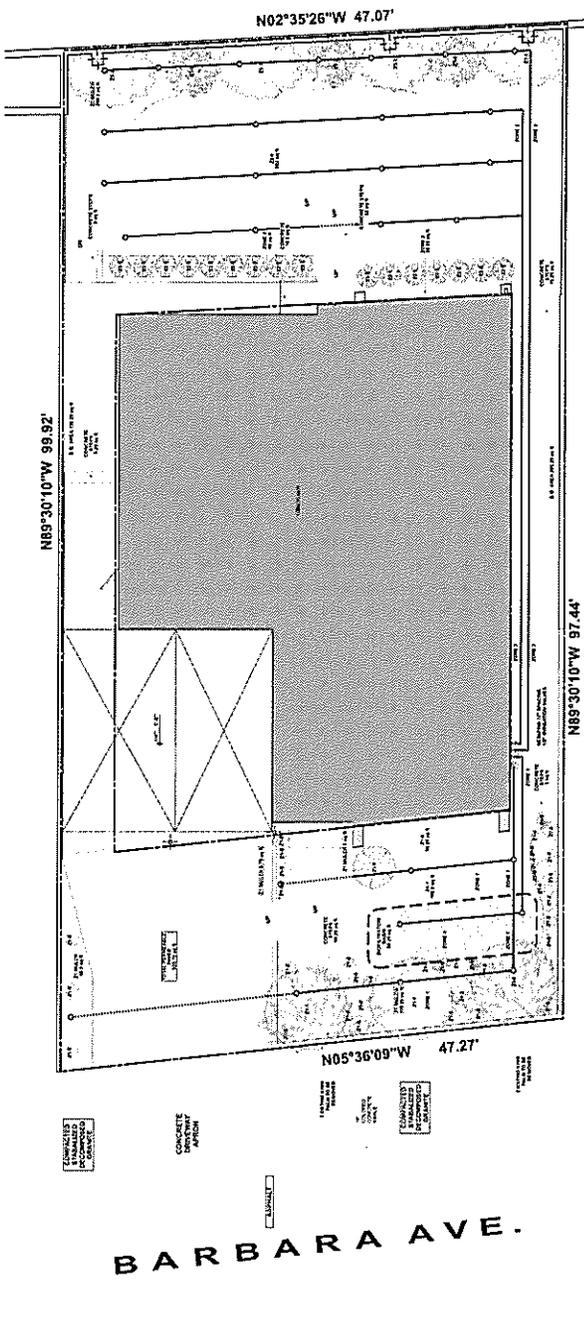
**BRINNER-NOYAK FAMILY**  
246 BARBARA AVE.  
SOLANA BEACH, CA 92075

APR 11 2013 3:21:17



DATE: 04.05.16  
SCALE: AS NOTED  
BY: [Signature]

**LANDSCAPE**  
**A.10**  
PRINTED: 10:21:17



**HYDRO ZONES**  
SCALE: 1" = 12'

ZONE	LANDSCAPE SCHEDULE															
	ZONE 1				ZONE 2				ZONE 3				ZONE 4			
ID	21-1	21-2	21-3	21-4	21-5	21-6	21-7	21-8	21-9	21-10	21-11	21-12	21-13	21-14	21-15	21-16
QUANTITY	1	3	4	11	0	8	1	16	1	1	1	1	1	1	1	1
SPECIES	ARCTOSTAPHYLOS EMERSONII	CITRUS IMPERIAL MEYER	ALYSSA TRIPHYLLA	BES DOUGLASSIANA	SALVIA ELEGANS	JARDAS PATENS	CITRUS JAPONICA	HOCHERIA MAJOR	PEROGONIA MUNITIFORMIS	MAZUNIA CARVELLII	DIYODONIA MARGARITE	SILVER CARPET	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER
COMMON NAME	MAZUNIA CARVELLII	DIYODONIA MARGARITE	SILVER CARPET	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER	SPREADING GROUND COVER
INSTALLATION SIZE	6"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"
MATURE SIZE	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW	6" S HLOW
HYDRO ZONES	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON	(1) 1 GALLON
NOTES																

**VITASCAPE**  
LANDSCAPE DESIGN & CONSTRUCTION

JUNE 9, 2017  
Noyak Villa - Owners  
Vitascape Landscape Design & Construction  
Solana Beach, CA  
9521484632  
Cell: 714-431339

Ceryn Andrews  
Principal Planner  
10000 Wilshire Blvd, Suite 1000  
Solana Beach, CA

RE: DRP Case No 17-16-07  
Dear Ms. Andrews,

I am familiar with the requirements for Landscapes and Irrigation plans contained in the City's Water Efficient Landscape Regulations. I have prepared this plan in accordance with the City's Water Efficient Landscape Regulations to provide efficient use of water. Use plan implements these regulations to provide efficient use of water.

Sincerely,  
*[Signature]*  
Harold Vita

**NOTE: FINE GROUND COVER MULCH WILL BE USED IN ALL IRRIGATED LANDSCAPE AREAS THAT DO NOT HAVE GROUND COVER**

PROPERTY SQUARE FOOTAGE	EXISTS AS	PROPOSED AS
NON-IRRIGATED LANDSCAPED AREA	0	0
IRRIGATED LANDSCAPED AREA	269	1518.25
WATER FEATURES	0	0
DECORATIVE HARDSCAPE	0	145.25
TOTAL LOT AREA	449.25	1663.50
ZONE SQUARE FOOTAGE		
ZONE 1	361	1518.25
ZONE 2	760.25	248.5
ZONE 3	248.5	168.5
ZONE 4	168.5	1518.25
AGGREGATE IRRIGATED LANDSCAPED AREA		1518.25
PROPERTY SQUARE FOOTAGE		
IRRIGATED LANDSCAPE		1518.25
WATER FEATURES		0
DECORATIVE HARDSCAPE		145.25
AGGREGATE LANDSCAPED AREA		1663.50

IF THIS PROJECT INTERFERES / BLOCKS  
SURROUNDING NEIGHBOR VIEWS, OR TOTALLY COULD SCALE WITH  
THE NEIGHBORHOOD I'M AGAINST IT!

YOUNG (MURKIN)





# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** October 11, 2017  
**ORIGINATING DEPT:** City Attorney's Office  
**SUBJECT:** **Introduce (1<sup>st</sup> Reading) Ordinance 481 Amending Section 17.60.120(G) of the Solana Beach Municipal Code Related to Regulations for Wireless Communication Facilities and Consider Revisions to Council Policy 21**

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## **BACKGROUND:**

In 1994, the City Council adopted Solana Beach Municipal Code (SBMC) §17.60.120(G), which required a conditional use permit for all commercial antennas, except that antennas “architecturally integrated with an existing or proposed building (consistent with the guidelines below) shall be a permitted use.” Two years later, the Council expanded the “guidelines” to promote collocation, ensure maintenance and code compliance and require removal for abandoned facilities.

In 2008, the Council amended the SBMC to require *all* wireless facilities to obtain a conditional use permit subject to the standards and requirements in Council Policy No. 21. The provisions in Council Policy No. 21, adopted one month earlier, include application procedures and requirements, design standards, performance standards and findings for decision makers.

Although neither SBMC §17.60.120(G) nor Council Policy No. 21 have changed in the nearly 10 years since their adoption, changes in federal and state law have significantly impacted the City’s authority over wireless facilities. These changes include stricter timeframes and limitations on application reviews, new regulatory classifications for collocations and modifications to existing facilities and even automatic approvals under certain circumstances.

COUNCIL ACTION:

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More preemptive changes are on the horizon. Rulemaking proceedings at the Federal Communications Commission (“FCC”) have proposed to revisit essentially all the existing federal rules with an eye to streamline and accelerate wireless deployments. Closer to home, the California Legislature recently passed SB 649 (Hueso)—a bill that would require cities and counties to process specified “small cells” through a ministerial process and to make space on municipal property available to site operators on regulated rates, terms and conditions. SB 649 is currently before the Governor to approve or veto by October 15, 2017.

To preserve the City’s regulatory authority to the maximum degree possible, Staff recommends revisions to SBMC § 17.60.120(G) that will allow the City to respond to changes in law more quickly through Council Policy No. 21. In addition, Staff proposes amendments to Council Policy No. 21 that would carve out a narrow classification for facilities subject to preemption, and leave the existing discretionary standards for all other facilities unchanged.

### **DISCUSSION:**

The issue before the City Council is to consider the proposed amendment to SBMC section 17.60.120(G) that will allow the City greater flexibility to update its WCF regulations through amendments to Council Policy No. 21. Under Ordinance 481, the proposed amendment would proactively allow such changes to be immediately effective upon approval by the City Council, and will therefore promote both compliance with applicable federal and State laws, while at the same time ensuring that the City can take necessary steps to preserve its discretionary authority more quickly than if such changes were required to be implemented by an ordinance.

Given that the current FCC administration has publicly expressed a desire to issue rules that would remove local barriers to infrastructure deployment, and that SB 649 has already passed several gates in the legislative process, some or all these proposed changes described above are very likely to become law in the near future.

The challenge facing the City is that, while it desires to maintain as much local control as possible over development projects under its existing standards and procedures, several pending regulatory changes would prohibit conditional use permits for specific classifications of WCFs or would effectively prohibit conditional use permits by establishing timelines for review that would be too short to take the project to a duly noticed public hearing. In light of the current “deemed granted” remedies, proposed expedited shot clocks and the potential for further degradation of local aesthetic discretion, the City’s existing standards and procedures are not sufficiently flexible to comply with sudden changes in the law.

To the extent that the City’s existing standards and procedures is incompatible with any new federal or state law, the City may not have a framework to make decisions on wireless projects that preserves local authority to the extent permitted and avoids exposure to litigation. Accordingly, the City Council may wish to amend SBMC section

17.60.120(G) to allow both the substantive standards for application review and the permit required for approval to be defined by Council Policy No. 21.

### **Proposed Revisions to Council Policy No. 21**

In conjunction with the amendments to the SBMC, Staff also recommends that the City Council approve proposed revisions to Council Policy No. 21 that would require a conditional use permit subject to approval by the Director of Community Development (“DUP”) for WCFs that must be approved under Section 6409(a). The proposed amendments are included as Attachment 3.

Federal law limits the application review process for these projects and generally preempts local discretionary zoning regulations. Given the presumed preemption, the continued practice of taking these applications to a public hearing before the City Council is unsustainable when neither the City Council nor the public can influence the outcome in most cases. However, it would be appropriate to leave open the possibility of a public hearing as there may be instances where a project is disqualified from Section 6409(a) for a technical reason.

Accordingly, Staff recommends that the City Council amend Council Policy No. 21 to require a director-level conditional use permit (“DUP”). This approach would promote a more efficient review process for largely nondiscretionary applications, but enable the director to refer a DUP application to the City Council if the director determines that the application does not qualify for Section 6409(a) approval.

As proposed, the amendments to SBMC § 17.60.120(G) and Council Policy No. 21 would preserve the City’s discretionary authority to the maximum extent permitted by law and allow the City to respond more quickly to future state or federal preemption. The proposed revisions to Council Policy No. 21 would also create a more efficient process for nondiscretionary applications under Section 6409(a) with appropriate safeguards to ensure the City Council has the opportunity to exercise discretion when permitted by federal law.

Staff recommends that the City Council introduce the proposed amendments to SBMC § 17.60.120 and adopt Resolution 2017-151 approving revisions to Council Policy No. 21.

### **CEQA COMPLIANCE STATEMENT:**

The proposed ordinance and revised policy are not projects under California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15378 and Public Resources Code Section 21065. Even if considered to be a “project” under CEQA, they are exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines 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.

**FISCAL IMPACT:**

There is no anticipated increase in costs to the City associated with the recommended actions. Permit application fees are established and routinely reviewed through a user fee study. Currently, the application fee associated with a Conditional Use Permit is \$9300 while the Director's Use Permit application fee is \$2327. WCF applicants are also required to deposit \$3000 for third party review.

**WORKPLAN:** ITEM # 2 – Land Use

**OPTIONS:**

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

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council:

1. Conduct the Public Hearing; Open the public hearing, Report Council Disclosures, Receive public testimony, Close the public hearing;
2. Introduce Ordinance 481
  - a. Finding the project exempt from the California Environmental Quality Act pursuant to Sections 15378 and 15061(b)(3) of the State CEQA Guidelines; and
  - b. Amending SBMC §17.60.120(G)
3. Adopt Resolution 2017-151 approving revisions to Council Policy No. 21

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation



Gregory Wade, City Manager

Attachments:

1. Ordinance 481
2. Resolution 2017-151
3. Revised Council Policy 21
4. Council Policy 21 redlined strike out

## ORDINANCE 481

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AMENDING SECTIONS 17.60.120(G) AND 17.12.010(D)(2) OF THE SOLANA BEACH MUNICIPAL CODE, ALL RELATED TO WIRELESS COMMUNICATION FACILITIES**

WHEREAS, pursuant to Article XI, section 7 of the California Constitution and sections 36931 et seq. of the California Government Code, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws;

WHEREAS, on April 4, 1994, the City Council adopted Ordinance No. 191, which added Section 17.60.120.G to the Solana Beach Municipal Code and deemed "architecturally integrated" antennas to be a permitted use but required a conditional use permit for all other wireless communication facilities ("WCFs");

WHEREAS, on November 12, 2008, the City Council adopted Ordinance No. 391, which amended Section 17.60.120.G to require a conditional use permit for all WCFs subject to City Council Policy No. 21;

WHEREAS, since the City Council last amended its WCF regulations, significant changes in federal and State law that affect local authority over WCFs have occurred, including but not limited to the following:

- On November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling (the "Shot Clock"), which established presumptively reasonable timeframes for State and local governments to act on applications for WCFs.
- On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act, which mandated that State and local governments approve certain modifications and collocations to existing WCFs.
- On October 17, 2014, the FCC adopted a report and order that, among other things, implemented new limitations on how State and local governments review applications covered by Section 6409(a), established an automatic approval for such applications when the local reviewing authority fails to act within 60 days, and also further restricted generally applicable procedural rules under the Shot Clock. This report and order effectively preempted local moratoria on WCFs by finding that the Shot Clock continues to run even when a valid moratorium is adopted.

- On October 9, 2015, California adopted Assembly Bill No. 57 (Quirk), which deemed approved any WCF applications when the local reviewing authority fails to act within the Shot Clock timeframes;

WHEREAS, in addition to the changes described above, new federal and State laws that would drastically alter local authority over WCFs are currently pending, including without limitation, the following:

- On March 30, 2017, the FCC issued a Notice of Proposed Rulemaking (WT Docket No. 17-79) that, among other things, proposed to create automatic approvals for all WCF applications after a failure to act within a proscribed timeframe, shorten the Shot Clock timeframes for all WCFs, further restrict the information and other disclosures municipalities could require in their application review process, and create a new WCF classification for “small cells” that would be subject to additional exemptions from local review processes.

- On September 14, 2017, the California Legislature passed Senate Bill No. 649 (Hueso), which would generally (1) create a new regulatory classification for “small cells” that would be defined as a permitted use exempt from local discretionary review; (2) mandate that cities and counties allow such “small cells” on their municipal infrastructure and private property on State-regulated rates, terms and conditions; and (3) create another regulatory classification for “micro wireless facilities” that would be completely exempt from all local permit or fee requirements.

WHEREAS, given the rapid and drastic changes in federal and State law, effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance, the City Council desires to amend Section 17.60.120.G to allow greater flexibility and responsiveness to new federal and State laws in order to preserve the City’s traditional authority to maximum extent possible (collectively, the “Amendments”);

WHEREAS, the public notice required by Solana Beach Municipal Code Section 17.72.030 was given;

WHEREAS, on October 11, 2017, the City Council held a duly noticed public hearing on the proposed Amendments, reviewed and considered the staff report, other written reports, public testimony and other information contained in the record.

NOW, THEREFORE, THE SOLANA BEACH CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

#### SECTION 1. FINDINGS.

The City Council does hereby find that:

A. The facts set forth in the recitals in this Ordinance are true and correct and incorporated by reference. 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 Ordinance.

B. The Amendments are consistent with the General Plan, Solana Beach Municipal Code and applicable federal and State law.

C. The Amendments will not be detrimental to the public interest, health, safety, convenience or welfare.

## SECTION 2. ENVIRONMENTAL REVIEW.

Pursuant to CEQA Guidelines § 15378 and Public Resources Code § 21065, the City Council finds that this Ordinance 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. Accordingly, this Ordinance is not subject to CEQA.

Even if this Ordinance were considered to be 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. This Ordinance merely amends existing provisions in the Solana Beach Municipal Code to allow the City to be more responsive to changes in federal and State laws related to local authority over WCFs. This Ordinance does not directly or indirectly authorize or approve any actual changes in the physical environment. Although this Ordinance would allow the City Council to adjust the permit(s) required for a particular WCF by an amendment to Council Policy No. 21, this Ordinance does not in fact change the existing requirement for a conditional use permit. All applications for any new WCF or change to an existing WCF would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this Ordinance would be exempt from CEQA under the general rule.

## SECTION 3. REVISION TO SBMC § 17.60.120.G.

Solana Beach Municipal Code Section 17.60.120.G is amended to read as follows (strikeout indicates a deletion, underline indicated an addition):

### G. Wireless Communication Facilities (WCFs).

1. All wireless communication facilities, and any modifications, collocations, expansions or other changes to existing WCFs, are subject to a ~~conditional-use permit~~ as specified in City Council Policy No. 21. All WCFs shall comply with City Council Policy No. 21.

2. "Wireless communication facility" (WCFs) means any component, including antennas and all related equipment, buildings and improvements for the provision of personal wireless services defined by the Federal Telecommunications Act of 1996 and as subsequently amended. Personal wireless services include, but are not limited to, cellular, personal communication services (PCS), enhanced specialized mobile radio (ESMR), paging, ground-based repeaters for satellite radio services, micro-cell antennas and similar systems which exhibit technological characteristics similar to them.

#### SECTION 4. REVISION TO SBMC § 17.12.010.D.12.e.

Solana Beach Municipal Code Section 17.12.010.D.12.e is amended to read as follows (strikeout indicates a deletion, underline indicated an addition):

e. Commercial Transmission and Receiving Antennas (Facilities). The use of any premises for the commercial transmission or receiving of electromagnetic signals, including, but not limited to, ~~cellular radio telephone antennas~~ wireless communication facilities (WCFs), television and radio broadcasting antennas and associated facilities, and microwave relay antennas.

#### SECTION 5. SEVERABILITY.

In the event that any court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this Ordinance to be unconstitutional, preempted or otherwise invalid, the invalid portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance. The City hereby declares that it would have adopted each section, subsection, paragraph, sentence, clause or phrase in this Ordinance irrespective of whether any one or more sections, subsections, paragraphs, sentences, clauses or phrases in this Ordinance might be declared unconstitutional, preempted or otherwise invalid.

#### SECTION 6. CONFLICTS WITH PRIOR ORDINANCES.

In the event that any City ordinance or regulation, in whole or in part, adopted prior to the effective date of this Ordinance, conflicts with any provisions in this Ordinance, the provisions in this Ordinance will control.

**EFFECTIVE DATE:** This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code Section 36933.

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Solana Beach, California, on the 11th day of October, 2017; and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Solana Beach, California, on the 25th day of October, 2017, by the following vote:

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

\_\_\_\_\_  
MIKE NICHOLS, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
JOHANNA N. CANLAS, City Attorney

\_\_\_\_\_  
ANGELA IVEY, City Clerk

## RESOLUTION 2017-151

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AMENDING COUNCIL POLICY NO. 21 SETTING FORTH THE STANDARDS AND REQUIREMENTS FOR ALL WIRELESS FACILITIES

**WHEREAS**, in 2008, the Council amended the SBMC to require *all* wireless facilities to obtain a conditional use permit subject to the standards and requirements in Council Policy No. 21; and

**WHEREAS**, the provisions in Council Policy No. 21 include application procedures and requirements, design standards, performance standards and findings for decision makers; and

**WHEREAS**, changes in federal and state law have significantly impacted the City's authority over wireless facilities; and

**WHEREAS**, the revisions would preserve the City's discretionary authority to the maximum extent permitted by law and allow the City to respond more quickly to future state or federal preemption; and

**WHEREAS**, the proposed revisions to Council Policy No. 21 would also create a more efficient process for nondiscretionary applications under Section 6409(a) with appropriate safeguards to ensure the City Council has the opportunity to exercise discretion when permitted by federal law; and

**WHEREAS**, the proposed revisions to Council Policy 21 is not a project subject to the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15378 and Public Resources Code Section 21065.

**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 Council Policy No. 21 is hereby revised as attached.

//

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017, 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 –

\_\_\_\_\_  
MIKE NICHOLS, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
JOHANNA N. CANLAS, City Attorney

\_\_\_\_\_  
ANGELA IVEY, City Clerk

<b>CITY OF SOLANA BEACH</b>	<b>Policy No. 21</b>
<b>COUNCIL POLICY</b>	Adopted: 10/22/2008 Revised: 10/11/2017
<b>GENERAL SUBJECT:</b> WIRELESS COMMUNICATION FACILITIES	
<b>SPECIFIC SUBJECT:</b> Review and operation guidelines for wireless communication facilities	

**PURPOSE:**

Wireless communication facilities, or WCFs, refer to the many facilities with antennas and supporting equipment that receive and transmit signals and together enable mobile or other “wire-free” communication and information services. Unlike ground-wired telecommunications, such as the land-based telephone system, wireless communication technologies, by their operational nature, require a network of antennas mounted at various heights and attached typically to buildings, structures and poles. A common name for WCF is “cell site.”

As the popularity and variety of wireless services grow, providers are expected to install more facilities to improve coverage and gain user capacity.

This policy’s purpose is to guide the public, applicants, and staff in reviewing the placement, construction, and modification of WCFs. The goal is to assure WCFs in Solana Beach:

- Are reviewed and provided within the parameters of the law.
- Are encouraged to locate away from residential and other sensitive areas, except as allowed by Section A of this policy - Location Guidelines for the Placement of WCFs.
- Represent the fewest possible facilities necessary to complete a network without discriminating against providers of functionally equivalent services or prohibiting the provision of wireless services.
- Use, as much as possible, “stealth” techniques so they are not seen or easily noticed.
- Maintain the community of Solana Beach’s quality of life.

This policy applies to all commercial providers of wireless communication services. It does not apply to amateur (HAM) radio antennas and dish and other antennas installed on a residence for an individual’s private use.

## POLICY STATEMENT

### Background:

To secure the right to provide wireless services to a region, companies obtain airwave licenses that are auctioned by the Federal Communications Commission (FCC), the federal agency that regulates the telecommunications industry. The FCC mandates the licensees establish their service networks as quickly as possible.

### Review Restrictions:

The Federal Telecommunications Act of 1996 (TCA) preserves the City's ability to regulate the placement, construction, and modification of wireless communication facilities subject to the following restrictions, as contained in TCA Section 704.

- ***The City may not favor any carrier.***  
Regulations may not unreasonably discriminate among competitive networks
- ***The City may not prevent completion of a network.***  
Regulations may not prohibit or have the effect of prohibiting the provision of wireless communication services.
- ***Applications are to be processed in a reasonable time.***  
A city must act on an application for WCFs within a "reasonable" amount of time, roughly the same time as for any similar application.
- ***The City cannot deny an application because of perceived radio frequency health hazards.***  
If federal standards are met, cities may not deny permits or leases on the grounds that radio frequency emissions are harmful to the environment or to the health of residents. However, local governments may require wireless carriers to prove compliance with the standards. The FCC has established procedures to enforce compliance with its rules.
- ***A decision to deny an application must be supported by substantial evidence.***  
A decision to deny a WCF application must be in writing and supported by substantial evidence contained in a written record.
- ***Federal law mandates local approval for certain collocations and modifications to existing WCFs.***  
Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, codified as 47 U.S.C. § 1455(a) ("Section 6409"), generally requires that State and local governments "may not deny, and shall approve" requests to collocate, remove or replace transmission equipment at an existing tower or base station.

In *Airtouch Cellular v. City of El Cajon* (9th Cir. 2000) 83 F.Supp. 2d 1158, 1166, the court ruled that a city may consider factors such as community aesthetics and noise in regulating the placement, construction, or modification of WCFs.

### **Health Concerns & Safeguards:**

Possible health risks from exposure to the radio frequency (RF) electromagnetic fields generated by WCFs are a significant community concern. Accordingly, the FCC requires facilities to comply with RF exposure guidelines published in the Code of Federal Regulations (see, 47 CFR §1.1307 and 47 CFR §1.1310). The limits of exposure established by the guidelines are designed to protect the public health with a very large margin of safety as they are many times below the levels that generally are accepted as having the potential to cause adverse health effects. Both the Environmental Protection Agency and Food and Drug Administration have endorsed the FCC's exposure limits, and courts have upheld the FCC rules requiring compliance with limits.

Most WCFs create maximum exposures that are only a small fraction of the limits. Furthermore, because the antennas in a PCS, cellular, or other wireless network must be in a line of sight arrangement to effectively transmit, their power is focused on the horizon instead of toward the sky or ground. Generally, unless a person is physically next to and the same height as the antenna, it is not possible to be exposed to the established limits for RF exposure.

The FCC requires providers, upon license application, renewal, or modification, to demonstrate compliance with RF exposure guidelines. Where two or more wireless operators have located their antennas at a common location (called "collocation"), the total exposure from all antennas taken together must be within FCC guidelines. Many facilities are exempt from having to demonstrate compliance with FCC guidelines, however, because their low power generation or height above ground level is highly unlikely to cause exposures that exceed the guidelines.

## **POLICY PROCEDURES**

### **Review and Approval Guidelines:**

Solana Beach Municipal Code Section 17.60.120.G allows WCFs in all zones with the approval of a permit as specified in this policy. These guidelines shall be followed in the review of permits for new wireless facilities as well as collocations, modifications and other extensions and amendments to CUPs for existing installations.

A conditional use permit (CUP), subject to review and approval by the city council, shall be required for (1) all new WCFs and (2) all collocations, modifications or other changes or expansions to existing WCFs that do not qualify for mandatory approval under Section 6409(a). The guidelines in Part I of this policy shall be followed in the review of permits for WCFs subject to a CUP.

A director's use permit (DUP), subject to review and approval by the director of community development or the director's designee, shall be required for all collocations, modifications or other changes or expansions subject to mandatory approval under Section 6409(a). The guidelines in Part II of this policy shall be followed in the review of permits for WCFs subject to a DUP.

## **PART I. Guidelines for WCFs Subject to a CUP**

### **A. Location Guidelines for Placement of WCFs**

1. *Preferred Locations* - WCFs are encouraged to locate on existing buildings and structures. In addition, WCFs should locate in the following zones and areas, which are listed in order of descending preference:
  - a. Collocation<sup>1</sup> to existing facilities located in non-residential zones.
  - b. Industrial zones.
  - c. Commercial Zones
  - d. Other non-residential zones, except open space.
  - e. Public right-of-way of roads adjacent to industrial and commercial zones and identified on the Circulation Plan contained in the Circulation Element of the city's General Plan.
  - f. Public property (e.g., city facilities) not in residential areas.
  - g. Major power transmission towers in non-residential zones or areas.
  - h. Public and private utility installations (not publicly accessible) open space zones (e.g., water tanks, reservoirs, or the existing communications towers).
  - i. Parks and community facilities (e.g., places of worship, community centers) in residential zones or areas.
  - j. Public right-of-way roads adjacent to residential zones and identified on the Circulation Plan contained in the Circulation Element of the city's General Plan.
  
2. *Discouraged Locations* - WCFs should not locate in any of the following zones or areas unless the applicant demonstrates no feasible alternative exists as required by Application and Review Guideline D.2.
  - a. Open space zones and lots (except as noted in Location Guideline A.2.).
  - b. Residential zones or areas (except as noted in Location Guideline A.1.)
  - c. Major power transmission towers in corridors located in/or next to a residential zone or area.
  - d. Environmentally sensitive habitat.
  - e. Public right-of-way of roads not identified on the Circulation Plan contained in the Circulation Element of the city's General Plan.
  - f. On vacant land.
  - g. Scenic highways as identified on the Circulation Element of the city's General Plan.

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<sup>1</sup> The term "collocation" is defined as an arrangement where one or more carriers lease or occupy the same space or facility for its equipment.

3. *Visibility to the Public* - In all areas, WCFs should locate where least visible to the public and where least disruptive to the appearance of the host property. Furthermore, no WCF should be installed on an exposed ridgeline or in a location readily visible from a public place, recreation area, scenic area or residential area unless it is satisfactorily located and/or screened so it is hidden or disguised to fit with the surrounding site design, architecture, and landscaping.
4. *Collocation* - Collocating with existing or other planned wireless communication facilities is recommended whenever feasible. Service providers are also encouraged to collocate with major power transmission and distribution towers, and other utility structures when in compliance with these guidelines.
5. *Monopoles* - No new ground-mounted monopoles shall be permitted unless the applicant demonstrates no existing monopole, building, or structure can accommodate the applicant's proposed antenna as required by Application and Review Guideline D.3. The term "monopole" is defined as a cylinder self-supporting structure which supports the antennas and cables associated with a WCF. The cables and antennas may be contained within the monopole or may be external to the monopole. A camouflaged monopole may include design configuration such as mono-pine, mono-palm, mono-elm, or other similar structures that are constructed utilizing a monopole for the base. Monopoles may be permitted if it is satisfactorily located and/or screened so it is hidden or disguised to fit with the surrounding site design, architecture, and landscaping.

#### B. Design Guidelines

1. *Stealth Design* - All aspects of a WCF, including the supports, antennas, screening methods, and equipment shall exhibit "stealth" design techniques so they visually blend into the background or the surface on which they are mounted. Subject to City approval, developers should use false architectural elements (e.g., cupolas, bell towers, dormers, and chimneys), architectural treatments (e.g., colors and materials), elements replicating natural features (e.g., trees and rocks), landscaping, and other creative means to hide or disguise WCFs. Stealth can also refer to facilities completely hidden by existing improvements, such as parapet walls.
2. *Equipment* - Equipment shall be located within existing buildings to the extent feasible. If equipment must be located outside, it shall be screened with walls, plants, or some other screening device. If small outbuildings are constructed specifically to house equipment, they should be designed and treated to match nearby architecture or the surrounding landscape.

3. *Collocation* - Whenever feasible and appropriate, WCF design and placement should promote and enable collocation.
4. *Height* - WCFs should adhere to the existing height limitations for structures and buildings of the zone in which they are located.
5. *Setbacks* - WCFs, including all equipment, should adhere to the building setback requirements of the zone in which they are located, with the following clarifications:
  - a. If on a site next to a residential zone, the WCF should be set back from the residential boundary a minimum distance equal to the above-ground height of the antenna.
  - b. If in a residential zone and in a public utility installation, park, or community facility, the WCF should be set back from the property boundaries of the utility installation, park, or community facility a minimum distance equal to the above-ground height of the antenna.
  - c. The City Council may decrease or increase these setbacks if it finds such changes would improve the overall compatibility of the WCF based on the factors contained in Application and Review Guideline D.4.
6. *Building or Structure-Mounted WCFs:*
  - a. Antennas and their associated mountings should not project outward more than 18 inches from the face of the building.
  - b. Roof mounted antennas should not be placed on roof peaks.
  - c. If permitted, WCFs on residential buildings shall only be allowed if disguised as a typical residential feature (e.g., a chimney, a dormer) and if all equipment is located inside, not outside, the building.
7. *Ground-mounted Monopoles:*
  - a. All antennas should be mounted as close as possible to the monopole to improve facility appearance.
  - b. The placement, screening, and disguise of the monopole should fit with the surrounding site design, architecture, and landscaping. Tree disguises may be acceptable depending on their quality and compatibility with the landscaping nearby.
  - c. Landscaping should be provided as necessary to screen, complement, or add realism to a monopole. Landscaping should include mature shrubs and trees. Some of the trees should be tall enough to screen at least three-quarters of the height of the monopole at the time of planting. Sometimes, landscaping may not be needed because of the monopole's location or vegetation already nearby.
  - d. When possible and in compliance with these guidelines, monopoles should be placed next to tall buildings, structures, or tall trees.
8. *Lattice Towers*

- a. New lattice towers shall not be permitted in the City. Lattice tower is defined as a free-standing framework tower, typically 3 or 4 sided.
  - b. On the existing lattice towers, all antennas shall be mounted as close as possible to the tower so they are less noticeable.
9. *Undergrounding* - All utilities shall be placed underground.
10. *Regulatory Compliance* - WCFs shall comply with all FCC, FAA (Federal Aviation Administration), and local zoning and building code requirements.
11. *WCFs in Public Right-of-Way*
- a. Antennas for facilities shall be attached to existing poles (e.g., street lights), substantially similar replacement poles in the same location, or vertical structures already located in the right-of-way. The installation of new poles or vertical structures shall only be permitted if it can be demonstrated that new pole or structure is essential to providing coverage.
  - b. The antenna assembly may not exceed the height of the existing pole.
  - c. The use of an existing pole, replacement pole or other existing vertical structure shall require the authorization of the owner of the pole or structure. If a city street light or other city-owned structure is used, compensation shall be paid to the city as the owner. If a private pole or structure is used, a right-of-way permit shall be obtained from the city.
  - d. Panel antennas shall be vertically mounted to a pole or structure in compliance with any applicable separation requirements and shall not exceed eight-inches in distance from the pole to the front side of the panel.
  - e. No more than four Panel Antennas or two omni-directional Antennas shall be mounted on any utility pole or structure by any one provider.
  - f. Antennas shall be painted to match the color of the surface of the pole on which they are attached or shall otherwise be screened to reduce their visibility.
  - g. All other equipment associated with the facility shall be placed underground wherever possible. If it can be demonstrated that complete undergrounding of associated equipment is not physically possible, waiver requests involving landscaping or other screening techniques or visual mitigation will be considered. All equipment not placed underground shall be setback at least 2.5 feet from the back of the curb and within the parkway or greenway or 2.5 feet back from the edge of the sidewalk when it is contiguous to the curb.
  - h. All equipment associated with the facility shall be located so as to minimize impacts to pedestrian access and vehicular site distance and safety.

### C. Performance Guidelines

1. *Noise* - All equipment, such as emergency generators and air conditioners shall be designed and operated consistent with the City noise standards.
2. *Maintenance* - All facilities, related equipment, and landscaping shall be maintained in good condition and free from trash, debris, graffiti, and any form of vandalism. Damaged equipment and damaged, dead or decaying landscaping shall be replaced promptly. Replacement of landscaping that provides facility screening should be, as much as possible, of similar size (including height), type, and screening capability at the time of planting as the plant(s) being replaced.
3. *Maintenance Hours* - Routine maintenance of equipment located in residential zones or within 100 feet of a residential district shall be conducted only during the hours of 8 am and 5 pm weekdays, not including holidays. In other areas, routine maintenance may be conducted at any time. Emergency repairs and maintenance shall be conducted within a reasonable length of time to be determined by the City Manager or his designee in the cases of power outages and equipment failure or malfunction. Equipment "change out" and overhaul can occur any time with 30 days notice to the Director of Community Development to allow notice to property owners and residents within 300 feet of the facility. Maintenance should not take place on Sundays or holidays.
4. *Lighting* - Security lighting should be kept to a minimum and should only be triggered by a motion detector where practical.
5. *Compliance with FCC RF Exposure Guidelines* - Within six (6) months after the issuance of occupancy, and with each time extension or amendment request, the developer/operator shall submit to the Planning Director either verification that the WCF is categorically excluded from having to determine compliance with the guidelines per 47 CFR §1.1307(b)(1) or a project implementation report that provides cumulative field measurements of radio frequency (RF) electromagnetic fields of all antennas installed at the subject site. The report shall quantify the RF emissions and compare the results with currently accepted ANSI/IEEE standards as specified by the FCC. The Planning Director shall review the report for consistency with the project's preliminary proposal report submitted with the initial project application and the accepted ANSI/IEEE standards. If, on review, the Planning Director finds the project does not meet ANSI/IEEE standards, the City may take any action necessary, as provided by law, to require compliance, including but not limited to revoking the conditional use permit.
6. *Abandonment* - Any WCF that is not operated for a continuous period of 90 days will be considered abandoned. Within 90 days of receipt of notice from the City notifying the owner of such abandonment, the WCF owner

must remove the facility and restore the site, as much as is reasonable and practical, to its prior condition. If such WCF is not removed within 90 days, the WCF will be considered a nuisance and in addition to any other available remedy, will be subject to abatement under Chapter 6.04 of the Solana Beach Municipal Code. If there are two or more users of a single WCF, then this provision will not become effective until all users stop using the WCF. The provider or owner must give notice to the City of the intent to discontinue use of any facility before discontinuing the use.

#### D. Application and Review Guidelines

1. Besides the typical submittal requirements for a conditional use permit (including plans, landscape details, and color and material samples, as appropriate), all WCF applications shall include the following items:
  - a. A description of the site selection process undertaken for the WCF proposed. Coverage objectives and the reasons for selecting the proposed site and rejecting other sites should be provided.
  - b. A description or map of the applicant's existing and other proposed sites.
  - c. A description of the wireless system proposed (e.g., cellular, PCS, etc.) and its consumer features (e.g., voice, video, and data transmissions).
  - d. Verification that the proposed WCF will either comply with the FCC's guidelines for human exposure to radio frequency (RF) electromagnetic fields or will be categorically excluded from having to determine compliance with the guidelines per 47 CFR §1.1307(b)(1). If WCFs are proposed for collocation, the verification must show the total exposure from all facilities taken together meets the FCC guidelines.
  - e. Color photo-simulation exhibits, prepared to scale, of the proposed WCF to show what the project would look like at its proposed location and from surrounding viewpoints. The Planning Director may waive the requirement to provide the exhibits if s/he determines they are unnecessary.
2. For WCFs proposed in a zone or area that is a discouraged WCF location as listed in Location Guideline A.2, the applicant shall provide evidence that no location in a preferred zone or area as listed in Location Guideline A.1 can accommodate the applicant's proposed facility. Evidence shall document that preferred zone or area locations do not meet engineering, coverage, location, or height requirements, or have other unsuitable limitations.
3. For proposed new ground-mounted monopoles, the applicant shall also provide evidence to the City's satisfaction that no existing monopole, building, structure, or WCF site ("existing facility") could accommodate the proposal. Evidence should demonstrate any of the following.

- a. No existing facility is located within the geographic area or provides the height or structural length needed to meet the applicant's engineering requirements.
  - b. The applicant's proposed WCF would cause electromagnetic interference with the existing antennae array or vice versa.
  - c. The fees, costs, or contractual provisions required by the owner to locate on an existing facility or to modify the same to enable location are unreasonable. Costs exceeding new monopole development are presumed to be unreasonable.
  - d. The applicant demonstrates to the City Council's satisfaction that there are other limiting factors that render an existing facility unsuitable.
4. In considering a Conditional Use Permit for a WCF, the City Council shall consider the following factors:
- a. Compliance with these guidelines.
  - b. Height and setbacks.
  - c. Proximity to residential uses.
  - d. The nature of uses on adjacent and nearby properties.
  - e. Surrounding topography and landscaping.
  - f. Quality and compatibility of design and screening.
  - g. Impacts on public views and the visual quality of the surrounding area.
  - h. Availability of other facilities and buildings for collocation.
5. Conditional Use Permits for WCFs shall be granted for a period not to exceed five years. Upon a request for either an extension or an amendment of a CUP, the WCF should be reevaluated to assess the impact of the facility on adjacent properties, the record of maintenance and performance with reference to the conditions of approval, and consistency with these guidelines. Additionally, the City shall review the appropriateness of the existing facility's technology, and the applicant shall be required to document that the WCF maintains the technology that is the smallest, most efficient, and least visible and that there are not now more appropriate and available locations for the facility, such as the opportunity to collocate or relocate to an existing building.
6. A minimum deposit of \$3000.00 is required at the time of application for a WCF for the services of an independent third party expert consultant, as selected by the City, for technical plan review, staff report preparation and attendance at City Council hearings as required as part of the application process. The actual costs of the services rendered by the independent third party consultant, as retained by the City, shall be borne by the applicant. These costs are independent of, and in addition to the conditional use permit fee.

## **PART II. Guidelines for WCFs Subject to a DUP**

## A. General Overview for Section 6409(a) Applications

Section 6409(a) generally requires that State and local governments “may not deny, and shall approve” requests to collocate, remove or replace transmission equipment at an existing tower or base station. FCC regulations interpret this statute and establish procedural rules for local review, which generally preempt certain subjective land-use regulations, limit permit application content requirements and provide the applicant with a potential “deemed granted” remedy when the State or local government fails to approve or deny the request within 60 days after submittal (accounting for any tolling periods). Moreover, whereas Section 704 of the Telecommunications Act of 1996, Pub. L. 104-104, codified as 47 U.S.C. § 332, applies to only “personal wireless service facilities” (e.g., cellular telephone towers and equipment), Section 6409(a) applies to all “wireless” facilities licensed or authorized by the FCC (e.g., cellular, Wi-Fi, satellite, microwave backhaul, etc.).

The guidelines in this Part II shall be applied to DUP applications submitted for approval pursuant to Section 6409(a). If the director finds that Section 6409(a) does not apply, any denials shall be without prejudice to allow the applicant the opportunity to resubmit an application for a CUP for the same modification to be reviewed under the City’s guidelines in Part I of this policy.

## B. Definitions for Section 6409(a)

The following definitions are for use by the City in reviewing a DUP application submitted for approval pursuant to Section 6409(a). These definitions are derived from the FCC’s interpretive rules to implement Section 6409(a) and, in the event of any conflict between the definitions in this section and the FCC’s rules, the FCC’s rules shall be controlling.

1. “Base Station” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.40001(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or

local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii).

2. “Collocation” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC’s definition effectively means “to add” to an eligible support structure.
3. “Eligible Facilities Request” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(3), as may be amended, which defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.
4. “Existing” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(4), as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC’s Section 6409 regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
5. “Site” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(6), as may be amended, which provides that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
6. “Substantial Change” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(7), as may be amended, which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public right-of-way). For clarity, this definition organizes the FCC’s criteria and thresholds for a substantial change according to the wireless facility type and location.
  - a. For towers outside the public rights-of-way, a substantial change occurs when:

- i. The proposed collocation or modification increases the overall height more than 10% or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or
  - ii. The proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
  - iii. The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
  - iv. The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
- b. For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
  - i. The proposed collocation or modification increases the overall height more than 10% or 10 feet (whichever is greater); or
  - ii. The proposed collocation or modification increases the width more than 6 feet from the edge of the wireless tower or base station; or
  - iii. The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
  - iv. The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (10%) larger in height or volume than any existing ground-mounted equipment cabinets; or
  - v. The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
- c. In addition to the applicable criteria in (a) and (b) above, for all towers and base stations wherever located, a substantial change occurs when:

- i. The proposed collocation or modification would defeat the existing concealment elements of the support structure as reasonably determined by the director; or
  - ii. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.
7. "Tower" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles, mono-trees and lattice towers.
8. "Transmission Equipment" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
9. "Wireless" means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

#### C. Decisions

1. Administrative Review. The director shall administratively review a complete and duly filed application for a DUP and may act on such application without prior notice or a public hearing.
2. Decision Notices. Within five working days after the director acts on an application for a DUP or before the FCC shot clock expires (whichever occurs first), the director shall send a written notice to the applicant. In the event that the director denies the application, the written notice to the applicant must contain (1) the reasons for the decision; (2) a statement

that the denial will be without prejudice; and (3) instructions for how and when to file an appeal.

4. Required Findings for Approval. The director may approve or conditionally approve any application for a DUP when the director finds that the proposed project:
  - a. Involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
  - b. Does not substantially change the physical dimensions of the existing wireless tower or base station.
5. Criteria for Denial Without Prejudice. Notwithstanding any other provision in this policy, and consistent with all applicable federal laws and regulations, the director may deny without prejudice any application for a DUP when the director finds that the proposed project:
  - a. Does not meet the findings for approval;
  - b. Involves the replacement of the entire support structure; or
  - c. Violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health and safety.
6. Conditional Approvals. Subject to any applicable limitations in federal or state law, nothing in this policy is intended to limit the director's authority to conditionally approve an application for a DUP to protect and promote the public health and safety.

#### D. Application Requirements

1. Application Required. The director shall not approve any request for a collocation or modification submitted for approval pursuant to Section 6409 except upon a duly filed application consistent with this Section D and any other written rules the City or the director may establish from time to time in any publicly-stated format.
2. Application Content. All applications for a DUP must include the following information and materials:
  - a. Application Form and Fee. The applicant must submit the appropriate and completed application submittal package as described in the General Project Application and fee required for a DUP.
  - b. Title Report and Owner's Authorization. For facilities proposed on private property, the applicant must provide a title report prepared

within the six months prior to the application filing date. No title report will be required for facilities proposed to be located within the public rights-of-way. For all facilities, if the applicant does not own the subject property or support structure, the application must include a written authorization signed by the property owner that empowers the applicant to file the application and perform all wireless facility construction, installation, operation and maintenance to the extent described in the application.

- c. Regulatory Authorizations and Approvals. All applications for an administrative conditional use permit or conditional use permit must include the following information and materials:
  - i. Documented evidence that the applicant holds all current licenses and registrations from the FCC, the CPUC and any other applicable regulatory bodies where such license(s) and/or registration(s) are necessary to provide wireless services utilizing the proposed wireless facility.
  - ii. To the extent that the applicant claims any regulatory authorization, franchise or other legal right, which includes without limitation a CPCN, to access and use the public right-of-way to provide telecommunications services, the applicant must provide a true, correct and complete copies of such certificates, licenses, franchises, notices to proceed or other regulatory authorizations.
  - iii. True, correct and complete copies of all permits and/or other regulatory approvals issued by the City (or other local public agency with jurisdiction over the subject wireless tower or base station) in connection with the initial construction or installation and any subsequent collocations, modifications or renewals of the subject wireless tower or base station. Alternatively, the applicant may submit a written justification that sets forth reasons why prior permits or other regulatory approvals were not required for the subject wireless tower or base station at the time it was constructed or modified.
- d. Project Plans. A fully dimensioned site plan and elevation drawings prepared and sealed by a California-licensed engineer showing any existing wireless facilities with all existing transmission equipment and other improvements, the proposed wireless facility with all proposed transmission equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed wireless facility and any associated access or utility easements. The plans must specifically depict and call out the original overall height of the structure and, if the structure was constructed prior to February 22, 2012, the overall height that

existed on February 22, 2012. The plans must also contain cut sheets that contain detailed equipment specifications for all existing and proposed equipment in connection with the site. In addition, the plans must contain all other elements and details required for site plans submitted with a CUP application.

- e. Site Photos and Photo Simulations. Photographs and photo simulations that show the existing wireless facility and proposed changes in context of the site from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that identifies the photo location of each view angle.
- f. Acoustic Analysis. A written report that analyzes acoustic levels for the proposed wireless facility and all associated equipment including without limitation all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators in order to demonstrate compliance with applicable provisions in the Solana Beach Municipal Code. The acoustic analysis must be prepared and certified by a qualified engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. As an alternative to the report, the applicant may submit written evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.
- g. Verification that the proposed WCF will either comply with the FCC's guidelines for human exposure to radio frequency (RF) electromagnetic fields or will be categorically excluded from having to determine compliance with the guidelines per 47 CFR §1.1307(b)(1). If WCFs are proposed for collocation, the verification must show the total exposure from all facilities taken together meets the FCC guidelines.
- h. Section 6409 Justification Analysis. A written statement that explains in plain factual detail whether and why Section 6409 and the related FCC regulations at 47 C.F.R. §§ 1.40001 et seq. require approval for the specific project. A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of this written statement the applicant must also include (i) whether and why the support structure qualifies as an existing tower or existing base station; and (ii) whether and why the proposed collocation or modification does not cause a substantial change in height, width, excavation, equipment cabinets, concealment or permit compliance. The written

justification analysis described in this subsection (B)(7) may be substituted by a form or worksheet developed or otherwise approved by the director.

- i. A minimum deposit of \$3000.00 is required at the time of application for a WCF for the services of an independent third party expert consultant, as selected by the City, for technical plan review, Director's Decision preparation and attendance at Directors Use Permit hearings as required as part of the application process. The actual costs of the services rendered by the independent third party consultant, as retained by the City, shall be borne by the applicant. These costs are independent of, and in addition to the director's use permit fee.

<b>CITY OF SOLANA BEACH</b>	<b>Policy No. 21</b>
<b>COUNCIL POLICY</b>	Adopted: 10/22/2008 Revised: 10/11/2017
<b>GENERAL SUBJECT:</b> WIRELESS COMMUNICATION FACILITIES	
<b>SPECIFIC SUBJECT:</b> Review and operation guidelines for wireless communication facilities	

**PURPOSE:**

Wireless communication facilities, or WCFs, refer to the many facilities with antennas and supporting equipment that receive and transmit signals and together enable mobile or other “wire-free” communication and information services. Unlike ground-wired telecommunications, such as the land-based telephone system, wireless communication technologies, by their operational nature, require a network of antennas mounted at various heights and attached typically to buildings, structures and poles. A common name for WCF is “cell site.”

As the popularity and variety of wireless services grow, providers are expected to install more facilities to improve coverage and gain user capacity.

This policy’s purpose is to guide the public, applicants, and staff in reviewing the placement, construction, and modification of WCFs. The goal is to assure WCFs in Solana Beach:

- Are reviewed and provided within the parameters of the law.
- Are encouraged to locate away from residential and other sensitive areas, except as allowed by Section A of this policy - Location Guidelines for the Placement of WCFs.
- Represent the fewest possible facilities necessary to complete a network without discriminating against providers of functionally equivalent services or prohibiting the provision of wireless services.
- Use, as much as possible, “stealth” techniques so they are not seen or easily noticed.
- Maintain the community of Solana Beach’s quality of life.

This policy applies to all commercial providers of wireless communication services. It does not apply to amateur (HAM) radio antennas and dish and other antennas installed on a residence for an individual’s private use.

## POLICY STATEMENT

### Background:

To secure the right to provide wireless services to a region, companies obtain airwave licenses that are auctioned by the Federal Communications Commission (FCC), the federal agency that regulates the telecommunications industry. The FCC mandates the licensees establish their service networks as quickly as possible.

### Review Restrictions:

The Federal Telecommunications Act of 1996 (TCA) preserves the City's ability to regulate the placement, construction, and modification of wireless communication facilities subject to the following restrictions, as contained in TCA Section 704.

- ***The City may not favor any carrier.***  
Regulations may not unreasonably discriminate among competitive networks
- ***The City may not prevent completion of a network.***  
Regulations may not prohibit or have the effect of prohibiting the provision of wireless communication services.
- ***Applications are to be processed in a reasonable time.***  
A city must act on an application for WCFs within a "reasonable" amount of time, roughly the same time as for any similar application.
- ***The City cannot deny an application because of perceived radio frequency health hazards.***  
If federal standards are met, cities may not deny permits or leases on the grounds that radio frequency emissions are harmful to the environment or to the health of residents. However, local governments may require wireless carriers to prove compliance with the standards. The FCC has established procedures to enforce compliance with its rules.
- ***A decision to deny an application must be supported by substantial evidence.***  
A decision to deny a WCF application must be in writing and supported by substantial evidence contained in a written record.
- **Federal law mandates local approval for certain collocations and modifications to existing WCFs.**  
Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, codified as 47 U.S.C. § 1455(a) ("Section 6409"), generally requires that State and local governments "may not deny, and shall approve" requests to collocate, remove or replace transmission equipment at an existing tower or base station.

In *Airtouch Cellular v. City of El Cajon* (9th Cir. 2000) 83 F.Supp. 2d 1158, 1166, the court ruled that a city may consider factors such as community aesthetics and noise in regulating the placement, construction, or modification of WCFs.

### **Health Concerns & Safeguards:**

Possible health risks from exposure to the radio frequency (RF) electromagnetic fields generated by WCFs are a significant community concern. Accordingly, the FCC requires facilities to comply with RF exposure guidelines published in the Code of Federal Regulations (see, 47 CFR §1.1307 and 47 CFR §1.1310). The limits of exposure established by the guidelines are designed to protect the public health with a very large margin of safety as they are many times below the levels that generally are accepted as having the potential to cause adverse health effects. Both the Environmental Protection Agency and Food and Drug Administration have endorsed the FCC's exposure limits, and courts have upheld the FCC rules requiring compliance with limits.

Most WCFs create maximum exposures that are only a small fraction of the limits. Furthermore, because the antennas in a PCS, cellular, or other wireless network must be in a line of sight arrangement to effectively transmit, their power is focused on the horizon instead of toward the sky or ground. Generally, unless a person is physically next to and the same height as the antenna, it is not possible to be exposed to the established limits for RF exposure.

The FCC requires providers, upon license application, renewal, or modification, to demonstrate compliance with RF exposure guidelines. Where two or more wireless operators have located their antennas at a common location (called "collocation"), the total exposure from all antennas taken together must be within FCC guidelines. Many facilities are exempt from having to demonstrate compliance with FCC guidelines, however, because their low power generation or height above ground level is highly unlikely to cause exposures that exceed the guidelines.

## **POLICY PROCEDURES**

### **Review and Approval Guidelines:**

Solana Beach Municipal Code Section 17.60.120.G allows WCFs in all zones with the approval of a conditional use permit (CUP) and subject to this policy of a permit as specified in this policy. These guidelines shall be followed in the review of conditional use permits for new wireless facilities as well as collocations, modifications and other extensions and amendments to CUPs for existing installations.

A conditional use permit (CUP), subject to review and approval by the city council, shall be required for (1) all new WCFs and (2) all collocations, modifications or other changes or expansions to existing WCFs that do not qualify for mandatory approval under Section 6409(a). The guidelines in Part I of this policy shall be followed in the review of permits for WCFs subject to a CUP.

A director's use permit (DUP), subject to review and approval by the director of community development or the director's designee, shall be required for all collocations, modifications or other changes or expansions subject to mandatory approval under Section 6409(a). The guidelines in Part II of this policy shall be followed in the review of permits for WCFs subject to a DUP.

## **PART I. Guidelines for WCFs Subject to a CUP**

### A. Location Guidelines for Placement of WCFs

1. *Preferred Locations* - WCFs are encouraged to locate on existing buildings and structures. In addition, WCFs should locate in the following zones and areas, which are listed in order of descending preference:
  - a. Collocation<sup>1</sup> to existing facilities located in non-residential zones.
  - b. Industrial zones.
  - c. Commercial Zones
  - d. Other non-residential zones, except open space.
  - e. Public right-of-way of roads adjacent to industrial and commercial zones and identified on the Circulation Plan contained in the Circulation Element of the city's General Plan.
  - f. Public property (e.g., city facilities) not in residential areas.
  - g. Major power transmission towers in non-residential zones or areas.
  - h. Public and private utility installations (not publicly accessible) open space zones (e.g., water tanks, reservoirs, or the existing communications towers).
  - i. Parks and community facilities (e.g., places of worship, community centers) in residential zones or areas.
  - j. Public right-of-way roads adjacent to residential zones and identified on the Circulation Plan contained in the Circulation Element of the city's General Plan.
  
2. *Discouraged Locations* - WCFs should not locate in any of the following zones or areas unless the applicant demonstrates no feasible alternative exists as required by Application and Review Guideline D.2.
  - a. Open space zones and lots (except as noted in Location Guideline A.2.).
  - b. Residential zones or areas (except as noted in Location Guideline A.1.)
  - c. Major power transmission towers in corridors located in/or next to a residential zone or area.
  - d. Environmentally sensitive habitat.
  - e. Public right-of-way of roads not identified on the Circulation Plan contained in the Circulation Element of the city's General Plan.
  - f. On vacant land.
  - g. Scenic highways as identified on the Circulation Element of the city's General Plan.

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<sup>1</sup> The term "collocation" is defined as an arrangement where one or more carriers lease or occupy the same space or facility for its equipment.

3. *Visibility to the Public* - In all areas, WCFs should locate where least visible to the public and where least disruptive to the appearance of the host property. Furthermore, no WCF should be installed on an exposed ridgeline or in a location readily visible from a public place, recreation area, scenic area or residential area unless it is satisfactorily located and/or screened so it is hidden or disguised to fit with the surrounding site design, architecture, and landscaping.
4. *Collocation* - Collocating with existing or other planned wireless communication facilities is recommended whenever feasible. Service providers are also encouraged to collocate with major power transmission and distribution towers, and other utility structures when in compliance with these guidelines.
5. *Monopoles* - No new ground-mounted monopoles shall be permitted unless the applicant demonstrates no existing monopole, building, or structure can accommodate the applicant's proposed antenna as required by Application and Review Guideline D.3. The term "monopole" is defined as a cylinder self-supporting structure which supports the antennas and cables associated with a WCF. The cables and antennas may be contained within the monopole or may be external to the monopole. A camouflaged monopole may include design configuration such as mono-pine, mono-palm, mono-elm, or other similar structures that are constructed utilizing a monopole for the base. Monopoles may be permitted if it is satisfactorily located and/or screened so it is hidden or disguised to fit with the surrounding site design, architecture, and landscaping.

## B. Design Guidelines

1. *Stealth Design* - All aspects of a WCF, including the supports, antennas, screening methods, and equipment shall exhibit "stealth" design techniques so they visually blend into the background or the surface on which they are mounted. Subject to City approval, developers should use false architectural elements (e.g., cupolas, bell towers, dormers, and chimneys), architectural treatments (e.g., colors and materials), elements replicating natural features (e.g., trees and rocks), landscaping, and other creative means to hide or disguise WCFs. Stealth can also refer to facilities completely hidden by existing improvements, such as parapet walls.
2. *Equipment* - Equipment shall be located within existing buildings to the extent feasible. If equipment must be located outside, it shall be screened with walls, plants, or some other screening device. If small outbuildings are constructed specifically to house equipment, they should be designed and treated to match nearby architecture or the surrounding landscape.

3. *Collocation* - Whenever feasible and appropriate, WCF design and placement should promote and enable collocation.
4. *Height* - WCFs should adhere to the existing height limitations for structures and buildings of the zone in which they are located.
5. *Setbacks* - WCFs, including all equipment, should adhere to the building setback requirements of the zone in which they are located, with the following clarifications:
  - a. If on a site next to a residential zone, the WCF should be set back from the residential boundary a minimum distance equal to the above-ground height of the antenna.
  - b. If in a residential zone and in a public utility installation, park, or community facility, the WCF should be set back from the property boundaries of the utility installation, park, or community facility a minimum distance equal to the above-ground height of the antenna.
  - c. The City Council may decrease or increase these setbacks if it finds such changes would improve the overall compatibility of the WCF based on the factors contained in Application and Review Guideline D.4.
6. *Building or Structure-Mounted WCFs:*
  - a. Antennas and their associated mountings should not project outward more than 18 inches from the face of the building.
  - b. Roof mounted antennas should not be placed on roof peaks.
  - c. If permitted, WCFs on residential buildings shall only be allowed if disguised as a typical residential feature (e.g., a chimney, a dormer) and if all equipment is located inside, not outside, the building.
7. *Ground-mounted Monopoles:*
  - a. All antennas should be mounted as close as possible to the monopole to improve facility appearance.
  - b. The placement, screening, and disguise of the monopole should fit with the surrounding site design, architecture, and landscaping. Tree disguises may be acceptable depending on their quality and compatibility with the landscaping nearby.
  - c. Landscaping should be provided as necessary to screen, complement, or add realism to a monopole. Landscaping should include mature shrubs and trees. Some of the trees should be tall enough to screen at least three-quarters of the height of the monopole at the time of planting. Sometimes, landscaping may not be needed because of the monopole's location or vegetation already nearby.
  - d. When possible and in compliance with these guidelines, monopoles should be placed next to tall buildings, structures, or tall trees.

## 8. *Lattice Towers*

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- a. New lattice towers shall not be permitted in the City. Lattice tower is defined as a free-standing framework tower, typically 3 or 4 sided.
  - b. On the existing lattice towers, all antennas shall be mounted as close as possible to the tower so they are less noticeable.
9. *Undergrounding* - All utilities shall be placed underground.
10. *Regulatory Compliance* - WCFs shall comply with all FCC, FAA (Federal Aviation Administration), and local zoning and building code requirements.
11. *WCFs in Public Right-of-Way*
- a. Antennas for facilities shall be attached to existing poles (e.g., street lights), substantially similar replacement poles in the same location, or vertical structures already located in the right-of-way. The installation of new poles or vertical structures shall only be permitted if it can be demonstrated that new pole or structure is essential to providing coverage.
  - b. The antenna assembly may not exceed the height of the existing pole.
  - c. The use of an existing pole, replacement pole or other existing vertical structure shall require the authorization of the owner of the pole or structure. If a city street light or other city-owned structure is used, compensation shall be paid to the city as the owner. If a private pole or structure is used, a right-of-way permit shall be obtained from the city.
  - d. Panel antennas shall be vertically mounted to a pole or structure in compliance with any applicable separation requirements and shall not exceed eight-inches in distance from the pole to the front side of the panel.
  - e. No more than four Panel Antennas or two omni-directional Antennas shall be mounted on any utility pole or structure by any one provider.
  - f. Antennas shall be painted to match the color of the surface of the pole on which they are attached or shall otherwise be screened to reduce their visibility.
  - g. All other equipment associated with the facility shall be placed underground wherever possible. If it can be demonstrated that complete undergrounding of associated equipment is not physically possible, waiver requests involving landscaping or other screening techniques or visual mitigation will be considered. All equipment not placed underground shall be setback at least 2.5 feet from the back of the curb and within the parkway or greenway or 2.5 feet back from the edge of the sidewalk when it is contiguous to the curb.
  - h. All equipment associated with the facility shall be located so as to minimize impacts to pedestrian access and vehicular site distance and safety.

### C. Performance Guidelines

1. *Noise* - All equipment, such as emergency generators and air conditioners shall be designed and operated consistent with the City noise standards.
2. *Maintenance* - All facilities, related equipment, and landscaping shall be maintained in good condition and free from trash, debris, graffiti, and any form of vandalism. Damaged equipment and damaged, dead or decaying landscaping shall be replaced promptly. Replacement of landscaping that provides facility screening should be, as much as possible, of similar size (including height), type, and screening capability at the time of planting as the plant(s) being replaced.
3. *Maintenance Hours* - Routine maintenance of equipment located in residential zones or within 100 feet of a residential district shall be conducted only during the hours of 8 am and 5 pm weekdays, not including holidays. In other areas, routine maintenance may be conducted at any time. Emergency repairs and maintenance shall be conducted within a reasonable length of time to be determined by the City Manager or his designee in the cases of power outages and equipment failure or malfunction. Equipment "change out" and overhaul can occur any time with 30 days notice to the Director of Community Development to allow notice to property owners and residents within 300 feet of the facility. Maintenance should not take place on Sundays or holidays.
4. *Lighting* - Security lighting should be kept to a minimum and should only be triggered by a motion detector where practical.
5. *Compliance with FCC RF Exposure Guidelines* - Within six (6) months after the issuance of occupancy, and with each time extension or amendment request, the developer/operator shall submit to the Planning Director either verification that the WCF is categorically excluded from having to determine compliance with the guidelines per 47 CFR §1.1307(b)(1) or a project implementation report that provides cumulative field measurements of radio frequency (RF) electromagnetic fields of all antennas installed at the subject site. The report shall quantify the RF emissions and compare the results with currently accepted ANSI/IEEE standards as specified by the FCC. The Planning Director shall review the report for consistency with the project's preliminary proposal report submitted with the initial project application and the accepted ANSI/IEEE standards. If, on review, the Planning Director finds the project does not meet ANSI/IEEE standards, the City may take any action necessary, as provided by law, to require compliance, including but not limited to revoking the conditional use permit.
6. *Abandonment* - Any WCF that is not operated for a continuous period of 90 days will be considered abandoned. Within 90 days of receipt of notice from the City notifying the owner of such abandonment, the WCF owner

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must remove the facility and restore the site, as much as is reasonable and practical, to its prior condition. If such WCF is not removed within 90 days, the WCF will be considered a nuisance and in addition to any other available remedy, will be subject to abatement under Chapter 6.04 of the Solana Beach Municipal Code. If there are two or more users of a single WCF, then this provision will not become effective until all users stop using the WCF. The provider or owner must give notice to the City of the intent to discontinue use of any facility before discontinuing the use.

#### D. Application and Review Guidelines

1. Besides the typical submittal requirements for a conditional use permit (including plans, landscape details, and color and material samples, as appropriate), all WCF applications shall include the following items:
  - a. A description of the site selection process undertaken for the WCF proposed. Coverage objectives and the reasons for selecting the proposed site and rejecting other sites should be provided.
  - b. A description or map of the applicant's existing and other proposed sites.
  - c. A description of the wireless system proposed (e.g., cellular, PCS, etc.) and its consumer features (e.g., voice, video, and data transmissions).
  - d. Verification that the proposed WCF will either comply with the FCC's guidelines for human exposure to radio frequency (RF) electromagnetic fields or will be categorically excluded from having to determine compliance with the guidelines per 47 CFR §1.1307(b)(1). If WCFs are proposed for collocation, the verification must show the total exposure from all facilities taken together meets the FCC guidelines.
  - e. Color photo-simulation exhibits, prepared to scale, of the proposed WCF to show what the project would look like at its proposed location and from surrounding viewpoints. The Planning Director may waive the requirement to provide the exhibits if s/he determines they are unnecessary.
2. For WCFs proposed in a zone or area that is a discouraged WCF location as listed in Location Guideline A.2, the applicant shall provide evidence that no location in a preferred zone or area as listed in Location Guideline A.1 can accommodate the applicant's proposed facility. Evidence shall document that preferred zone or area locations do not meet engineering, coverage, location, or height requirements, or have other unsuitable limitations.
3. For proposed new ground-mounted monopoles, the applicant shall also provide evidence to the City's satisfaction that no existing monopole, building, structure, or WCF site ("existing facility") could accommodate the proposal. Evidence should demonstrate any of the following.

- a. No existing facility is located within the geographic area or provides the height or structural length needed to meet the applicant's engineering requirements.
  - b. The applicant's proposed WCF would cause electromagnetic interference with the existing antennae array or vice versa.
  - c. The fees, costs, or contractual provisions required by the owner to locate on an existing facility or to modify the same to enable location are unreasonable. Costs exceeding new monopole development are presumed to be unreasonable.
  - d. The applicant demonstrates to the City Council's satisfaction that there are other limiting factors that render an existing facility unsuitable.
4. In considering a Conditional Use Permit for a WCF, the City Council shall consider the following factors:
- a. Compliance with these guidelines.
  - b. Height and setbacks.
  - c. Proximity to residential uses.
  - d. The nature of uses on adjacent and nearby properties.
  - e. Surrounding topography and landscaping.
  - f. Quality and compatibility of design and screening.
  - g. Impacts on public views and the visual quality of the surrounding area.
  - h. Availability of other facilities and buildings for collocation.
5. Conditional Use Permits for WCFs shall be granted for a period not to exceed five years. Upon a request for either an extension or an amendment of a CUP, the WCF should be reevaluated to assess the impact of the facility on adjacent properties, the record of maintenance and performance with reference to the conditions of approval, and consistency with these guidelines. Additionally, the City shall review the appropriateness of the existing facility's technology, and the applicant shall be required to document that the WCF maintains the technology that is the smallest, most efficient, and least visible and that there are not now more appropriate and available locations for the facility, such as the opportunity to collocate or relocate to an existing building.
6. A minimum deposit of \$3000.00 is required at the time of application for a WCF for the services of an independent third party expert consultant, as selected by the City, for technical plan review, staff report preparation and attendance at City Council hearings as required as part of the application process. The actual costs of the services rendered by the independent third party consultant, as retained by the City, shall be borne by the applicant. These costs are independent of, and in addition to the conditional use permit fee.

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**PART II. Guidelines for WCFs Subject to a DUP**

## A. General Overview for Section 6409(a) Applications

Section 6409(a) generally requires that State and local governments “may not deny, and shall approve” requests to collocate, remove or replace transmission equipment at an existing tower or base station. FCC regulations interpret this statute and establish procedural rules for local review, which generally preempt certain subjective land-use regulations, limit permit application content requirements and provide the applicant with a potential “deemed granted” remedy when the State or local government fails to approve or deny the request within 60 days after submittal (accounting for any tolling periods). Moreover, whereas Section 704 of the Telecommunications Act of 1996, Pub. L. 104-104, codified as 47 U.S.C. § 332, applies to only “personal wireless service facilities” (e.g., cellular telephone towers and equipment), Section 6409(a) applies to all “wireless” facilities licensed or authorized by the FCC (e.g., cellular, Wi-Fi, satellite, microwave backhaul, etc.).

The guidelines in this Part II shall be applied to DUP applications submitted for approval pursuant to Section 6409(a). If the director finds that Section 6409(a) does not apply, any denials shall be without prejudice to allow the applicant the opportunity to resubmit an application for a CUP for the same modification to be reviewed under the City’s guidelines in Part I of this policy.

## B. Definitions for Section 6409(a)

The following definitions are for use by the City in reviewing a DUP application submitted for approval pursuant to Section 6409(a). These definitions are derived from the FCC’s interpretive rules to implement Section 6409(a) and, in the event of any conflict between the definitions in this section and the FCC’s rules, the FCC’s rules shall be controlling.

1. “Base Station” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.40001(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or

local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii).

2. “Collocation” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC’s definition effectively means “to add” to an eligible support structure.
3. “Eligible Facilities Request” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(3), as may be amended, which defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.
4. “Existing” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(4), as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC’s Section 6409 regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
5. “Site” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(6), as may be amended, which provides that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
6. “Substantial Change” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(7), as may be amended, which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public right-of-way). For clarity, this definition organizes the FCC’s criteria and thresholds for a substantial change according to the wireless facility type and location.

- a. For towers outside the public rights-of-way, a substantial change occurs when:
- i. The proposed collocation or modification increases the overall height more than 10% or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or
  - ii. The proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
  - iii. The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
  - iv. The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
- b. For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
- i. The proposed collocation or modification increases the overall height more than 10% or 10 feet (whichever is greater); or
  - ii. The proposed collocation or modification increases the width more than 6 feet from the edge of the wireless tower or base station; or
  - iii. The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
  - iv. The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (10%) larger in height or volume than any existing ground-mounted equipment cabinets; or
  - v. The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.

c. In addition to the applicable criteria in (a) and (b) above, for all towers and base stations wherever located, a substantial change occurs when:

i. The proposed collocation or modification would defeat the existing concealment elements of the support structure as reasonably determined by the director; or

ii. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.

7. "Tower" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles, mono-trees and lattice towers.

8. "Transmission Equipment" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

9. "Wireless" means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

## C. Decisions

1. Administrative Review. The director shall administratively review a complete and duly filed application for a DUP and may act on such application without prior notice or a public hearing.

2. Decision Notices. Within five working days after the director acts on an application for a DUP or before the FCC shot clock expires (whichever occurs first), the director shall send a written notice to the applicant. In the

event that the director denies the application, the written notice to the applicant must contain (1) the reasons for the decision; (2) a statement that the denial will be without prejudice; and (3) instructions for how and when to file an appeal.

4. Required Findings for Approval. The director may approve or conditionally approve any application for a DUP when the director finds that the proposed project:

a. Involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and

b. Does not substantially change the physical dimensions of the existing wireless tower or base station.

5. Criteria for Denial Without Prejudice. Notwithstanding any other provision in this policy, and consistent with all applicable federal laws and regulations, the director may deny without prejudice any application for a DUP when the director finds that the proposed project:

a. Does not meet the findings for approval;

b. Involves the replacement of the entire support structure; or

c. Violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health and safety.

6. Conditional Approvals. Subject to any applicable limitations in federal or state law, nothing in this policy is intended to limit the director's authority to conditionally approve an application for a DUP to protect and promote the public health and safety.

#### D. Application Requirements

1. Application Required. The director shall not approve any request for a collocation or modification submitted for approval pursuant to Section 6409 except upon a duly filed application consistent with this Section D and any other written rules the City or the director may establish from time to time in any publicly-stated format.

2. Application Content. All applications for a DUP must include the following information and materials:

a. Application Form and Fee. The applicant must submit the appropriate and completed application submittal package as described in the General Project Application and fee required for a DUP.

- b. Title Report and Owner's Authorization. For facilities proposed on private property, the applicant must provide a title report prepared within the six months prior to the application filing date. No title report will be required for facilities proposed to be located within the public rights-of-way. For all facilities, if the applicant does not own the subject property or support structure, the application must include a written authorization signed by the property owner that empowers the applicant to file the application and perform all wireless facility construction, installation, operation and maintenance to the extent described in the application.
- c. Regulatory Authorizations and Approvals. All applications for an administrative conditional use permit or conditional use permit must include the following information and materials:
- i. Documented evidence that the applicant holds all current licenses and registrations from the FCC, the CPUC and any other applicable regulatory bodies where such license(s) and/or registration(s) are necessary to provide wireless services utilizing the proposed wireless facility.
  - ii. To the extent that the applicant claims any regulatory authorization, franchise or other legal right, which includes without limitation a CPCN, to access and use the public right-of-way to provide telecommunications services, the applicant must provide a true, correct and complete copies of such certificates, licenses, franchises, notices to proceed or other regulatory authorizations.
  - iii. True, correct and complete copies of all permits and/or other regulatory approvals issued by the City (or other local public agency with jurisdiction over the subject wireless tower or base station) in connection with the initial construction or installation and any subsequent collocations, modifications or renewals of the subject wireless tower or base station. Alternatively, the applicant may submit a written justification that sets forth reasons why prior permits or other regulatory approvals were not required for the subject wireless tower or base station at the time it was constructed or modified.
- d. Project Plans. A fully dimensioned site plan and elevation drawings prepared and sealed by a California-licensed engineer showing any existing wireless facilities with all existing transmission equipment and other improvements, the proposed wireless facility with all proposed transmission equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed wireless facility and any associated access or utility easements. The plans must specifically depict and call out the

original overall height of the structure and, if the structure was constructed prior to February 22, 2012, the overall height that existed on February 22, 2012. The plans must also contain cut sheets that contain detailed equipment specifications for all existing and proposed equipment in connection with the site. In addition, the plans must contain all other elements and details required for site plans submitted with a CUP application.

- e. Site Photos and Photo Simulations. Photographs and photo simulations that show the existing wireless facility and proposed changes in context of the site from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that identifies the photo location of each view angle.
- f. Acoustic Analysis. A written report that analyzes acoustic levels for the proposed wireless facility and all associated equipment including without limitation all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators in order to demonstrate compliance with applicable provisions in the Solana Beach Municipal Code. The acoustic analysis must be prepared and certified by a qualified engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. As an alternative to the report, the applicant may submit written evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.
- g. Verification that the proposed WCF will either comply with the FCC's guidelines for human exposure to radio frequency (RF) electromagnetic fields or will be categorically excluded from having to determine compliance with the guidelines per 47 CFR §1.1307(b)(1). If WCFs are proposed for collocation, the verification must show the total exposure from all facilities taken together meets the FCC guidelines.
- h. Section 6409 Justification Analysis. A written statement that explains in plain factual detail whether and why Section 6409 and the related FCC regulations at 47 C.F.R. §§ 1.40001 et seq. require approval for the specific project. A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of this written statement the applicant must also include (i) whether and why the support structure qualifies as an existing tower or existing base station; and (ii) whether and why

the proposed collocation or modification does not cause a substantial change in height, width, excavation, equipment cabinets, concealment or permit compliance. The written justification analysis described in this subsection (B)(7) may be substituted by a form or worksheet developed or otherwise approved by the director.

- i. A minimum deposit of \$3000.00 is required at the time of application for a WCF for the services of an independent third party expert consultant, as selected by the City, for technical plan review, Director's Decision preparation and attendance at Directors Use Permit hearings as required as part of the application process. The actual costs of the services rendered by the independent third party consultant, as retained by the City, shall be borne by the applicant. These costs are independent of, and in addition to the director's use permit fee.



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** October 11, 2017  
**ORIGINATING DEPT:** City Manager's Department  
**SUBJECT:** **Council Consideration of Authorization to Move Into Phases 2 and 3 of CCA Development and Implementation**

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## 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 (IOUs), while giving consumers local choices and promoting the development of renewable power sources and local job growth. Since 2011, City Staff has been tasked by the City Council to research and analyze the possibility of developing a viable CCA for Solana Beach.

The City Council first placed researching CCA in the Council Work Plan in Fiscal Year 2012/2013 as an "Unprioritized Environmental Sustainability Issue". The following year, Council elevated the item to a "Priority Issue" and directed Staff to more closely monitor the progress of the San Diego Energy District, a local group studying the viability of the regional formation of a CCA in San Diego County.

On January 14, 2015, the City Council passed a Resolution of Support to continue studying the feasibility of the formation of a CCA and to demonstrate to the region that the City is committed to developing and implementing a local CCA. Soon after, the City was approached by a company, California Clean Power (CCP), who proposed preparing a feasibility/technical analysis report, at no cost to the City, to study the potential of a CCA in Solana Beach, which is the first necessary step in the process of developing a CCA.

CITY COUNCIL ACTION:

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On May 11, 2016, the City Council received the final Technical Study that demonstrated that a CCA, either through a public/private partnership or through a regional Joint Powers Authority (JPA), would be feasible for Solana Beach (a copy of the Technical Study is at [http://solana-beach.hdso.net/docs/CCA/CCA\\_TechnicalAnalysis.pdf](http://solana-beach.hdso.net/docs/CCA/CCA_TechnicalAnalysis.pdf)). During this meeting, the City Council directed Staff to prepare a request for proposals to seek comprehensive consultant services to further assess, finance, develop, implement and operate a CCA on behalf of the City. Council also directed Staff to continue meeting with neighboring cities including Del Mar, Encinitas, Carlsbad and Oceanside to discuss the possibility of partnering in a JPA or other regional CCA in the future. Staff then began working on developing a Request for Qualifications/Proposals (RFQ/P) to seek qualified consultants to assist with the development and ongoing administration of a local CCA.

On June 22, 2016, the City Council unanimously authorized the release of the RFQ/P to solicit proposals for the development and ongoing administration of a local CCA program. Staff came back to the City Council on September 14, 2016 with the results of the RFQ/P. The City received three (3) proposals and evaluated the RFQ/P submittals with assistance from outside expert consultants.

On November 16, 2016, the City Council authorized and directed the City Manager to negotiate a professional services agreement with The Energy Authority (TEA) and Calpine (formerly Noble Energy Services) to develop, finance, implement and manage a local CCA program. Collectively, TEA and Calpine have more than 36 years of experience in energy procurement, including operations, risk management and regulatory compliance and over 8 years of direct experience with CCA formation and operations and are currently providing services to seven of the active CCA's in California.

On May 24, 2017, the City Council authorized the execution of professional services agreements with TEA and Calpine to enter into Phase 1 of the CCA development and implementation efforts. Since that time, TEA and Calpine have been working with City Staff to accomplish the tasks of Phase 1 consisting primarily of the initial public engagement efforts, the updated technical analysis/financial Pro Formas and the draft Implementation Plan.

This item is before the City Council to receive an update on the Phase 1 tasks and to consider authorizing the City to move into Phases 2 and 3 of CCA development and implementation.

### **DISCUSSION:**

Community Choice Aggregation (CCA) is not a new phenomenon and several CCA's are currently operating successfully in California and in other states. To date, there are thirteen (13) operational CCA programs in California, up from eight (8) as reported in the May 24, 2017 Staff Report. The thirteen operating programs are:

- Marin Clean Energy
- Sonoma Clean Power
- Lancaster Choice Energy
- CleanPowerSF
- Peninsula Clean Energy
- Redwood Coast Energy Authority
- Silicon Valley Clean Energy
- Apple Valley Choice Energy
- East Bay Community Energy
- Los Angeles County Choice Energy
- Monterey Bay Community Power
- Pioneer Community Energy
- Pico Rivera Innovative Municipal Energy (PRIME)

There are another five (5) emerging CCA programs actively being developed:

- Central Coast Power
- San Jose Clean Energy
- South Bay Clean Power
- Western Riverside Association of Governments (WRCOG) and Coachella Valley Association of Governments (CVAG)
- San Jacinto Power

#### CCA Development Phasing

The City developed the RFQ/P in a way that would require no upfront funding or credit support from the City and would place that obligation on the selected consultant team with future credit support and financial backing provided by the operational CCA. As proposed by TEA and Calpine, the CCA development was separated into three (3) phases with a goal for program launch within the first year followed by provision of two to five years of power supply and all CCA operational services. The phases are broken up as follows:

Phase 1	Phase 2	Phase 3
Program Development	Program Launch	Operations
0-6 Months	6-12 Months	Years 2-5
<ul style="list-style-type: none"> <li>• Technical study completed</li> <li>• Community and local government outreach</li> <li>• Implementation Plan drafted</li> <li>• Operations, budget, and staffing plan developed</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation Plan certified</li> <li>• Data management, accounting, and back office functions established</li> <li>• Utility service agreement, regulatory registrations, bond posting</li> <li>• Power procurement and contracting</li> <li>• Rate design/rate setting</li> <li>• Public outreach and marketing campaign</li> <li>• Customer notifications/enrollment period</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing power supply services (scheduling, etc.)</li> <li>• Customer account management</li> <li>• Community outreach and marketing</li> <li>• Regulatory and legislative affairs</li> <li>• Net energy metering and feed-in tariff</li> <li>• Enrollment of additional communities</li> </ul>

As soon as the Council authorized moving into Phase 1 of the CCA development, Staff and the consultant team immediately began working on the tasks listed above. The results of the key tasks (Technical Study update, community outreach and Implementation Plan) are outlined in more detail below.

Technical Study Update and Feasibility Scenarios

Given that the City’s original Technical Study was completed in April 2016, a few of the key assumptions included in the study needed to be updated to accurately reflect current conditions to analyze the ongoing feasibility of a potential CCA. As mentioned in the May 24, 2017 Staff Report, the City retained the services of EES Consulting Inc. to conduct an independent, third party peer review of the City’s Technical Study. EES concluded that, “Overall, the CCA Study provided an adequate level of analysis for decision-making given the early stage of consideration by the City. In the opinion of EES, the CCA Study is a good basis for making policy decisions about proceeding with the CCA for the City.” However, EES identified a few key assumptions that were either out of date or too generic in nature and recommended that they be more refined by the consultant tasked with developing the proposed CCA. These included:

- The cost of renewables and the escalation rate appear to be too high.
- The PCIA (Power Charge Indifference Adjustment) levels are expected to be higher in 2017 and beyond.
- The SDG&E rate is too simplistic.

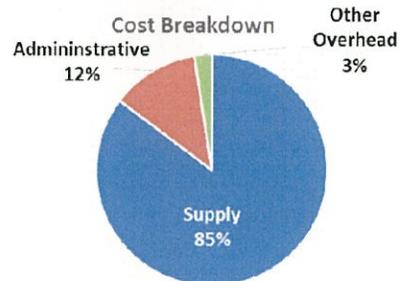
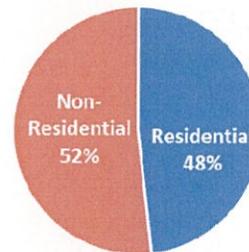
TEA ensured their updated technical analysis included these recommendations and utilized current and forecasted SDG&E rates, renewable energy costs and PCIA costs. TEA also projected future PCIA charges through 2027 factoring in many variables that include SDG&E contract roll-offs, premium renewable energy charges and estimated

future market prices. TEA then used the technical analysis to develop financial Pro Formas at various levels of renewable energy scenarios similar to what was included in the original CCP study. The updated scenarios included the expected program revenues versus costs to test feasibility and demonstrated once again, that a CCA in Solana Beach is financially feasible. It should be noted that the costs in each scenario include all costs including energy costs, consultant costs to administer the program and program reserve requirements.

Base Scenario – 33% Renewable Energy (Renewable Portfolio Standard Compliant)

Five Year Total (2018-2022)	
Total Revenues	\$21,958,707
Total Costs	\$18,969,038
Retained Revenue	\$2,989,669
% of Revenue	13.6%

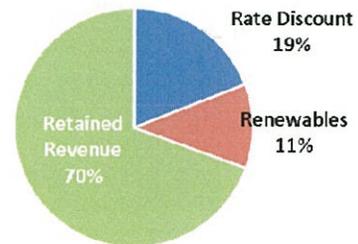
Revenue Breakdown



50% Renewable Energy and 2% Rate Savings

Five Year Total (2018-2022)	
Rate Discount	\$571,166
Renewables	\$339,419
Retained Revenue	\$2,079,083
% of Revenue	9.7%

Retained Revenue Allocation



### 100% Renewable Opt-Up (Voluntary)

- CCA Opt-Up Rate
  - Based on 50% default portfolio
  - Between \$0.003/kWh - \$0.010/kWh higher than 50% default rate

<b>Typical Monthly Bill (non T&amp;D) - 2018</b>	
<b>Residential Usage (kWh)</b>	<b>437</b>
<b>CCA Rate</b>	<b>\$0.07</b>
<b>PCIA + Franchise Fee</b>	<b>\$0.03</b>
<b>Average Bill</b>	<b>\$43.29</b>
<b>Opt-Up Rate</b>	<b>\$0.01</b>
<b>Opt-Up Cost</b>	<b>\$4.37</b>

### Community Engagement Efforts

Another significant element of Phase 1 of the CCA development is community engagement. This community engagement effort has been conducted primarily by City Staff with assistance from the City's consultant team and Climate Action Commission members. The community engagement efforts focused primarily on gauging general community interest in CCAs and were conducted at various community events over the past several months. Outreach efforts were conducted at:

- Concerts at the Cove
- Farmer's Market
- Chamber of Commerce Business Expo
- Community group presentations (HOAs, civic groups, etc.)

The City also developed a basic survey (Attachment 2) to gauge community interest in implementing a CCA and, if interested, to assess the respondents' priorities in developing the program. Respondents not in favor of a CCA were asked to state their reasons for opposing a CCA. There was also room to provide additional comments and questions, if necessary. These surveys were conducted at the community outreach events and were also sent out via the City's eBlast notification system. To date, the City has received 105 responses. The general results of the survey are as follows:

1) Are you interested in having a CCA program in Solana Beach?

Yes – 88 (83.8%)

No – 17 (16.2%)

2) If yes, what do you believe is the most important? (please mark all that apply)

<b>Value</b>	<b>Count</b>
Customer Choice	49
Local Control (i.e.: Rate Setting, Policy Decisions, etc.)	52
Competitive or Lower Prices	60
Local Benefits	37
Increase in Renewable Energy / Reducing Greenhouse Gas Emissions	74
<b>Other</b>	
Lowest cost possible	1
Higher \$ return for KWHs our solar panels add to the grid	1
Long term stability to rates and service	1

3) Would you like to learn about CCA and/or receive updates on Solana Beach's progress?

Yes – 97 (92%.4)

No – 8 (7.6%)

City Staff will continue to compile the written responses received and will be responding accordingly, whether that be incorporating the answers to the questions in an additional document/FAQ or incorporating them into the next CCA public workshop.

The community engagement has been limited to providing general education of what a CCA is, what the benefits could be, what the potential risks are and how they have been mitigated by other existing CCAs and gauging the level of community support to pursue further development and launch of a CCA. In conducting the initial public outreach, it appeared that many people are currently aware of what a CCA is and many had more technical and structural questions that will be more appropriately answered in Phase 2. If Council authorizes the City to move into Phase 2 of CCA development, many of these more technical questions can be addressed including potential rates, how this will affect current solar customers (net energy metering) and determining the renewable energy content options.

A major focus of the Phase 2 outreach efforts will be engaging the business community. Staff has already begun to reach out to the business community through the Chamber of Commerce and by contacting the larger commercial business energy users to conduct direct outreach and education to them. If Council authorizes the program to move into Phase 2, this will be a major focus of the community engagement program.

### Draft Implementation Plan

As part of the Phase 1 tasks, TEA has been working on a draft Implementation Plan and Statement of Intent (Implementation Plan) that, if authorized by City Council, will need to be submitted to the California Public Utilities Commission (CPUC) for certification prior to the launch of a CCA. The Implementation Plan describes the City's plans to implement a voluntary CCA program for electric customers within the jurisdictional boundary of Solana Beach. The content of the Implementation Plan complies with the statutory requirements of AB 117. As required by Public Utilities Code Section 366.2(c)(3), the Implementation Plan details the process and consequences of aggregation and provides the City's statement of intent for implementing a CCA program. A draft Implementation Plan is included as Attachment 2.

### Fiscal Impact

Pursuant to the Resource Management Agreements with the consultant teams, Phase 1 services were completed with no upfront costs to be paid to the consultant team from the City. Based upon the results of Phase 1 activities (updated technical study/financial analysis, community engagement and draft Implementation Plan), the City Council could decide to stop the CCA development and implementation with no financial implications to the City. However, if the City Council authorizes the City to move into Phase 2 of the development and implementation, then financial obligations will begin to accrue for tasks already completed in Phase 1 as well as those tasks to be completed in Phases 2 and 3 by the consultant teams. However, it should be noted that, under the terms of the Resource Management Agreements, these costs will be deferred until the CCA is launched and revenue is available to pay for these costs. However, if the City moves into Phase 2 and, for whatever reason, decides to not launch, the City will be liable for costs incurred up to that point, or a maximum of \$150,000.

### **CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA

### **FISCAL IMPACT:**

As mentioned previously, all actions and associated costs in Phase 1 were borne by the consultant team. However, if the Council elects to proceed with the CCA, costs will then be incurred but would be paid for by the CCA after revenue begins to come into the CCA. Additionally, the City has incurred Staff costs as well as consultant services costs to provide assistance to the City in the review of proposals and negotiation of the proposed contracts to ensure the CCA is structured in a manner that protects the City's General Fund while providing the necessary legal protections as directed by the Council. Minimal additional consultant services are ongoing for assistance in the ongoing development and implementation of Phase 1 tasks. These costs can also be reimbursed through CCA program revenue after launch.

**WORK PLAN:**

Environmental Sustainability – “Policy Development” – Priority Item 2) Develop and Implement a Community Choice Aggregation (CCA) Program

**OPTIONS:**

- Approve Staff recommendation and authorize the City to move into Phases 2 and 3 of CCA program development and implementation.
- Do not approve Staff recommendation.
- Provide further direction to Staff.

**DEPARTMENT RECOMMENDATION:**

Staff recommends the City Council authorize the City to move into Phases 2 and 3 of CCA program development and implementation.

**CITY MANAGER RECOMMENDATION:**

Approve Department Recommendation

  
\_\_\_\_\_  
Gregory Wade, City Manager

Attachments:

1. CCA Community Engagement Survey
2. Draft Implementation Plan



## COMMUNITY CHOICE AGGREGATION (CCA) SURVEY

### Personal Information (Optional)

Name: \_\_\_\_\_ Email: \_\_\_\_\_ Phone: \_\_\_\_\_

### CCA Interests

Are you interested in having a CCA program in Solana Beach?  Yes  No

If yes, what do you believe is most important? (Please mark all that apply)

- Customer Choice                       Increase in Renewable Energy / Reducing Greenhouse Gas Emissions
- Competitive or Lower Prices       Local Control (ie: Rate Setting, Policy Decisions, etc.)
- Local Benefits                           Other: \_\_\_\_\_

If no, why: \_\_\_\_\_

### Join Our Newsletter

Would you like to learn about CCA and/or receive updates on Solana Beach's progress?  Yes  No

# **CITY OF SOLANA BEACH**

## **COMMUNITY CHOICE AGGREGATION IMPLEMENTATION PLAN AND STATEMENT OF INTENT - DRAFT**

**October 2017**

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# 1 INTRODUCTION

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The City of Solana Beach (“City” or “Solana Beach”), located within San Diego County, is pursuing the implementation of a community choice aggregation program (“CCA”), which has been named Solana Beach CCA (the “Program” or “SBCCA” – \*this is a placeholder). SBCCA will offer service to all eligible customers within the City’s geographic boundaries.

This Implementation Plan and Statement of Intent (“Implementation Plan”) describes the City’s plans to implement a voluntary CCA program for electric customers within the jurisdictional boundaries of Solana Beach that currently take bundled electric service from San Diego Gas and Electric (“SDGE”). The Program will provide electricity customers the opportunity to jointly procure electricity from competitive suppliers, with such electricity being delivered over SDGE’s transmission and distribution system. The planned start date for the Program is June, X 2018. All current SDGE customers within the City’s service area will receive information describing the SBCCA Program and will have multiple opportunities to opt out and choose to remain full requirement (“bundled”) customers of SDGE, in which case they will not be enrolled. Thus, participation in the SBCCA Program is completely voluntary. However, customers, as provided by law, will be automatically enrolled according to the anticipated schedule later described in Chapter 5 unless they affirmatively elect to opt-out.

Implementation of SBCCA will enable customers within Solana Beach’s service area to take advantage of the opportunities granted by Assembly Bill 117 (“AB 117”), the Community Choice Aggregation Law. Solana Beach’s primary objectives in implementing this Program are to procure an electric supply portfolio with higher renewable content than SDGE; to provide cost competitive electric services; and to sustain long-term rate stability for residents and businesses through local control. The prospective benefits to consumers include increased renewable energy options, stable and competitive electric rates, and the opportunity for public participation in determining which technologies are utilized to meet local electricity needs.

To ensure successful operation of the Program, the City has contracted with a not-for-profit energy services company that will procure SBCCA’s initial supply portfolio in the open market. Information regarding the procurement process is contained in Chapter 10.

The California Public Utilities Code provides the relevant legal authority for the City to become a Community Choice Aggregator and invests the California Public Utilities Commission (“CPUC” or “Commission”) with the responsibility for establishing the cost recovery mechanism that must be in place before customers can begin receiving electrical service through the SBCCA Program. The CPUC also has responsibility for registering the City as a Community Choice Aggregator and ensuring compliance with basic consumer protection rules. The Public Utilities Code requires adoption of an Implementation Plan at a duly noticed public hearing. The plan must then be filed with the Commission.

On October X, 2017 the City, at a duly noticed public hearing, introduced this Implementation Plan, through Ordinance No. XXX (a copy of which is included as part of Appendix A). Then on October Y, 2017, the City, at a duly noticed City Council meeting, approved this Implementation Plan and the implementation of a CCA Program through the adoption of Ordinance No. XXX.

## **SBCCA Implementation Plan**

The Commission has established the methodology to use to determine the cost recovery mechanism, and SDGE has approved tariffs for imposition of the cost recovery mechanism. Having accomplished this milestone, the City submits this Implementation Plan to the CPUC. Following the CPUC's certification of its receipt of this Implementation Plan and resolution of any outstanding issues, the City will take the final steps needed to register as a CCA prior to initiating the customer notification and enrollment process.

### **1.1 STATEMENT OF INTENT**

The content of this Implementation Plan complies with the statutory requirements of AB 117. As required by Public Utilities Code Section 366.2(c)(3), this Implementation Plan details the process and consequences of aggregation and provides the City's statement of intent for implementing a CCA program that includes all of the following:

- Universal access;
- Reliability;
- Equitable treatment of all customer classes; and
- Any requirements established by state law or by the CPUC concerning aggregated service.

### **1.2 ORGANIZATION OF THIS IMPLEMENTATION PLAN**

The remainder of this Implementation Plan is organized as follows:

Chapter 2: Aggregation Process

Chapter 3: Organizational Structure

Chapter 4: Startup Plan & Funding

Chapter 5: Program Phase-In

Chapter 6: Load Forecast & Resource Plan

Chapter 7: Financial Plan

Chapter 8: Rate setting

Chapter 9: Customer Rights and Responsibilities

Chapter 10: Procurement Process

Chapter 11: Contingency Plan for Program Termination

Appendix A: City of Solana Beach Ordinance No. XXX (Adopting Implementation Plan)

The requirements of AB 117 are cross-referenced to Chapters of this Implementation Plan in the following table.

AB 117 Cross References

AB 117 REQUIREMENT	IMPLEMENTATION PLAN CHAPTER
Statement of Intent	Chapter 1: Introduction
Process and consequences of aggregation	Chapter 2: Aggregation Process
Organizational structure of the program, its operations and funding	Chapter 3: Organizational Structure Chapter 4: Startup Plan & Funding Chapter 7: Financial Plan
Disclosure and due process in setting rates and allocating costs among participants	Chapter 8: Rate setting
Rate setting and other costs to participants	Chapter 8: Rate setting Chapter 9: Customer Rights and Responsibilities
Participant rights and responsibilities	Chapter 9: Customer Rights and Responsibilities
Methods for entering and terminating agreements with other entities	Chapter 10: Procurement Process
Description of third parties that will be supplying electricity under the program, including information about financial, technical and operational capabilities	Chapter 10: Procurement Process
Termination of the program	Chapter 11: Contingency Plan for Program Termination

## 2 AGGREGATION PROCESS

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### 2.1 INTRODUCTION

This Chapter describes the background leading to the development of this Implementation Plan and describes the process and consequences of aggregation, consistent with the requirements of AB 117.

## **SBCCA Implementation Plan**

In early 2016 Solana Beach engaged the assistance of California Clean Power to evaluate the feasibility of Solana Beach operating a standalone CCA program. The initial study revealed that a CCA program was viable, offering customers rates competitive with SDGE. The City has subsequently contracted with EES to validate the results of the initial feasibility study as some time had passed. EES also found a Solana Beach CCA to be viable. Finally, in 2017, the City contracted with The Energy Authority (TEA) to be its wholesale services provider. TEA has refreshed the feasibility analysis and finds SBCCA to be feasible as reflected in this implementation plan.

The City created SBCCA with the following objectives: 1) procure a power supply with greater renewable content than SDGE; 2) help meet the goals of the Climate Action Plan to reduce GHG emissions; 3) provide cost-competitive electric services to the residents of Solana Beach; 4) gain local control of the City's energy procurement needs; and 5) provide local clean energy programs and benefits.

The City released a draft Implementation Plan in October, 2017, which described the planned organization, governance and operation of the CCA Program. Following consideration of comments related to the draft document, a final Implementation Plan was prepared and duly adopted by the Solana Beach City Council.

The SBCCA Program represents a culmination of planning efforts that are responsive to the expressed needs and priorities of the residents and business community within Solana Beach. The City plans to expand the energy choices available to eligible customers through creation of innovative new programs for voluntary purchases of renewable energy and net energy metering to promote customer-owned renewable generation.

### **2.2 PROCESS OF AGGREGATION**

Before they are enrolled in the Program, prospective SBCCA customers will receive two written notices in the mail, from Solana Beach, that will provide information needed to understand the Program's terms and conditions of service and explain how customers can opt-out of the Program, if desired. All customers that do not follow the opt-out process specified in the customer notices will be automatically enrolled, and service will begin at their next regularly scheduled meter read date following the date of automatic enrollment, subject to the service phase-in plan described in Chapter 5. The initial enrollment notices will be provided to customers in April 2018, with a second notice being provided in May 2018.

Customers enrolled in the SBCCA Program will continue to have their electric meters read and to be billed for electric service by the distribution utility (SDGE). The electric bill for Program customers will show separate charges for generation procured by the City as well as other charges related to electricity delivery and other utility charges assessed by SDGE.

After service cutover, customers will have approximately 60 days (two billing cycles) to opt-out of the SBCCA Program without penalty and return to the distribution utility (SDGE). SBCCA customers will be advised of these opportunities via the distribution of two additional enrollment notices provided within the first two months of service. Customers that opt-out between the initial cutover date and the close of the post enrollment opt-out period will be responsible for program charges for the time they were served by SBCCA but will not otherwise be subject to any penalty for leaving the program. Customers that have not opted-out within thirty days of the fourth enrollment notice will be deemed to have elected to become a participant in the SBCCA Program and to have agreed to the SBCCA Program's

## **SBCCA Implementation Plan**

terms and conditions, including those pertaining to requests for termination of service, as further described in Chapter 8.

### **2.3 CONSEQUENCES OF AGGREGATION**

#### **2.3.1 Rate Impacts**

SBCCA Customers will pay the generation charges set by the City and no longer pay the costs of SDGE generation. Customers enrolled in the Program will be subject to the Program's terms and conditions, including responsibility for payment of all Program charges as described in Chapter 9.

The City's rate setting policies described in Chapter 7 establish a goal of providing rates that are competitive with the projected generation rates offered by the incumbent distribution utility (SDGE). The City will establish rates sufficient to recover all costs related to operation of the Program, and the Solana Beach City Council will adopt actual rates.

Initial SBCCA Program rates will be established following approval of the City's inaugural program budget, reflecting final costs from the SBCCA Program's energy procurement. The City's rate policies and procedures are detailed in Chapter 7. Information regarding final SBCCA Program rates will be disclosed along with other terms and conditions of service in the pre-enrollment and post-enrollment notices sent to potential customers.

Once Solana Beach gives definitive notice to SDGE that it will commence service, SBCCA customers will generally not be responsible for costs associated with SDGE's future electricity procurement contracts or power plant investments. Certain pre-existing generation costs and new generation costs that are deemed to provide system-wide benefits will continue to be charged by SDGE to CCA customers through separate rate components, called the Cost Responsibility Surcharge and the New System Generation Charge. These charges are shown in SDGE's electric service tariffs, which can be accessed from the utility's website, and the costs are included in charges paid by both SDGE bundled customers as well as CCA and Direct Access customers.<sup>1</sup>

#### **2.3.2 Renewable Energy Impacts**

A second consequence of the Program will be an increase in the proportion of energy generated and supplied by renewable resources. The resource plan includes procurement of renewable energy in excess of California's renewable energy procurement mandate, and SDGE's forecast renewable percentage, for all enrolled customers. SBCCA customers may also voluntarily participate in a higher renewable supply option, potentially up to 100%. To the extent that customers choose SBCCA's voluntary renewable energy option, the renewable content of SBCCA's aggregate supply portfolio will further increase. Initially, requisite renewable energy supply will be sourced through over-the-counter energy transactions. Over time, however, the City will consider independent development of new renewable generation resources.

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<sup>1</sup> For SDGE bundled service customers, the Power Charge Indifference Adjustment element of the Cost Responsibility Surcharge is contained within the CCA-CRS rate tariff.

## **SBCCA Implementation Plan**

### **2.3.3 Greenhouse Gas Reduction**

A third consequence of the Program will be an anticipated reduction in the greenhouse gas emissions attributed to the SBCCA supply portfolio. An important objective of the SBCCA formation is to support the City's Climate Action Plan. Therefore, SBCCA will set aggressive GHG-emissions reduction targets and acquire zero or low GHG emitting supply to achieve those targets.

## **3 ORGANIZATION AND GOVERNANCE STRUCTURE**

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This section provides an overview of the organizational structure of the City and its proposed implementation of the CCA program. Specifically, the key agreements, governance, management, and organizational functions of the City are outlined and discussed below.

### **3.1 ORGANIZATIONAL OVERVIEW**

The Solana Beach City Council is responsible for establishing SBCCA Program policies and objectives and overseeing SBCCA's operation. The Solana Beach City Manager will serve as the SBCCA Executive Director to manage the operations of SBCCA in accordance with policies adopted by the City Council.

### **3.2 GOVERNANCE**

The SBCCA Program will be governed by the Solana Beach City Council. SBCCA is the CCA entity that will register with the CPUC, and it is responsible for implementing and managing the program pursuant to the City Council's direction. The City Council is comprised of five councilmembers, one of which, the Mayor, serves as the presiding officer at all meetings. The SBCCA Program will be operated under the direction of an Executive Director (City Manager) appointed by the City Council.

The City Council's primary duties are to establish program policies, approve rates and provide policy direction to the Executive Director, who has general responsibility for program operations, consistent with the policies established by the City Council. The City may form various standing and ad hoc committees, as appropriate, which would have responsibility for evaluating various issues that may affect the City and its customers, including rate-related and power contracting issues, and would provide analytical support and recommendations to the City Council in these regards.

### **3.3 MANAGEMENT**

The SBCCA Executive Director has management responsibilities over the functional areas of Administration & Finance, Marketing & Public Affairs, Power Resources & Energy Programs, and Government Affairs. In performing the defined obligations to SBCCA, the Executive Director may utilize a combination of internal staff, partnerships with other CCA agencies, and/or contractors. Certain specialized functions needed for program operations, namely the electric supply and customer account management functions described below, will be performed by experienced third-party contractors.

Major functions of SBCCA that will be managed by the Executive Director are summarized below.

### **3.4 ADMINISTRATION**

SBCCA's Executive Director will be responsible for managing the organization's human resources and administrative functions and will coordinate with the City Council, as necessary, with regard to these functions. The functional area of administration will include oversight of employee hiring and termination, compensation and benefits management, identification and procurement of requisite office space and various other issues.

### **3.5 FINANCE**

The Executive Director is also responsible for managing the financial affairs of SBCCA, including the development of an annual budget, revenue requirement and rates; managing and maintaining cash flow requirements; arranging potential bridge loans as necessary; and other financial tools.

Revenues via rates and other funding sources (such as a rate stabilization fund, when necessary) must, at a minimum, meet the annual budgetary revenue requirement, including recovery of all expenses and any reserves or coverage requirements set forth in bond covenants or other agreements. The City will have the flexibility to consider rate adjustments, administer a standardized set of electric rates, and may offer optional rates to encourage policy goals such as encouraging renewable generation and incentivizing peak demand reduction, provided that the overall revenue requirement is achieved.

In conjunction with the City's Finance Department, SBCCA's finance function will be responsible for preparing the annual budget, arranging financing necessary for any capital projects, preparing financial reports, managing required audits and ensuring sufficient cash flow for successful operation of the SBCCA Program. The finance function will play an important role in risk management by monitoring the credit of energy suppliers so that credit risk is properly understood and mitigated. In the event that changes in a supplier's financial condition and/or credit rating are identified, the City will be able to take appropriate action, as would be provided for in the electric supply agreement(s).

### **3.6 MARKETING & PUBLIC AFFAIRS**

The marketing and public affairs functions include general program marketing and communications as well as direct customer interface ranging from management of key account relationships to call center and billing operations. The City will conduct program marketing to raise consumer awareness of the SBCCA Program and to establish the SBCCA "brand" in the minds of the public, with the goal of retaining and attracting as many customers as possible into the SBCCA Program. Communications will also be directed at key policy-makers at the state and local level, community business and opinion leaders, and the media.

In addition to general program communications and marketing, a significant focus on customer service, particularly representation for key accounts, will enhance the City's ability to differentiate itself as a highly customer-focused organization that is responsive to the needs of the community. The City will also establish a customer call center designed to field customer inquiries and routine interaction with customer accounts.

The customer service function also encompasses management of customer data. Customer data management services include retail settlements/billing-related activities and management of a customer database. This function processes customer service requests and administers customer enrollments and departures from the SBCCA Program, maintaining a current database of enrolled customers. This function coordinates the issuance of monthly bills through the distribution utility's billing process and tracks customer payments. Activities include the electronic exchange of usage, billing, and payments data with the distribution utility and the City, tracking of customer payments and accounts receivable, issuance of late payment and/or service termination notices (which would return affected customers to bundled service), and administration of customer deposits in accordance with credit policies of the City.

The customer data management services function also manages billing-related communications with customers, customer call centers, and routine customer notices. The City has contracted with an experienced third party to perform the customer account and billing services functions.

### 3.7 POWER RESOURCES & ENERGY PROGRAMS

Solana Beach must plan for meeting the electricity needs of its customers utilizing resources consistent with its policy goals and objectives as well as applicable legislative and/or regulatory mandates. The City's long-term resource plans (addressing the 10-20 year planning horizon) will comply with California Law and other pertinent requirements of California regulatory bodies. The City may develop and administer complementary energy programs that may be offered to SBCCA customers, including green pricing, energy efficiency, net energy metering and various other programs that may be identified to support the overarching goals and objectives of the City.

The City will develop integrated resource plans that meet program supply objectives and balance cost, risk and environmental considerations. Such integrated resource plans will also conform to applicable requirements imposed by the State of California. Integrated resource planning efforts of the City will make use of demand side energy efficiency, distributed generation and demand response programs as well as traditional supply options, which rely on structured wholesale transactions to meet customer energy requirements. Integrated resource plans will be updated and adopted by the City Council on an annual basis.

#### 3.7.1 Electric Supply Operations

Electric supply operations encompass the activities necessary for wholesale procurement of electricity to serve end use customers. These highly specialized activities include the following:

- *Electricity Procurement* – assemble a portfolio of electricity resources to supply the electric needs of Program customers.
- *Risk Management* – application of standard industry techniques to reduce exposure to the volatility of energy and credit markets and insulate customer rates from sudden changes in wholesale market prices.
- *Load Forecasting* – develop load forecasts, both long-term for resource planning, short-term for the electricity purchases, and sales needed to maintain a balance between hourly resources and loads.
- *Scheduling Coordination* – scheduling and settling electric supply transactions with the California Independent System Operator (“CAISO”).

The City has contracted with a third party not-for-profit wholesale energy services firm to perform most of the electric supply operations for the SBCCA Program. These requirements include the procurement of energy, capacity and ancillary services, scheduling coordinator services, short-term load forecasting and day-ahead and real-time electricity trading.

### **3.8 GOVERNMENTAL AFFAIRS & LEGAL SUPPORT**

The SBCCA Program will require ongoing regulatory and legislative representation to manage various regulatory compliance filings related to resource plans, resource adequacy, compliance with California's Renewables Portfolio Standard ("RPS"), and overall representation on issues that will impact the City and SBCCA customers. The City will maintain an active role at the CPUC, the California Energy Commission, the California Independent System Operator, the California legislature and, as necessary, the Federal Energy Regulatory Commission.

The City may retain outside legal services, as necessary, to administer SBCCA, review contracts, and provide overall legal support related to activities of the SBCCA Program. In addition, SBCCA's wholesale services provider will assist with regulatory filings related to wholesale procurement.

## 4 STARTUP PLAN AND FUNDING

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This Chapter presents the City's plans for the start-up period, including necessary expenses and capital outlays. As described in the previous Chapter, Solana Beach will utilize a mix of internal staff and contractors in its CCA Program implementation and operation.

### 4.1 STARTUP ACTIVITIES

The initial program startup activities include the following:

- Hire staff and/or contractors to manage implementation
- Identify qualified suppliers (of requisite energy products and related services) and negotiate supplier contracts
  - Electric supplier and scheduling coordinator
  - Data management provider (if separate from energy supply)
- Define and execute communications plan
  - Customer research/information gathering
  - Media campaign
  - Key customer/stakeholder outreach
  - Informational materials and customer notices
  - Customer call center
- Post CCA bond and complete requisite registration requirements
- Pay utility service initiation, notification and switching fees
- Perform customer notification, opt-out and transfers
- Conduct load forecasting
- Establish rates
- Legal and regulatory support
- Financial management and reporting

Other costs related to starting up the SBCCA Program will be the responsibility of the SBCCA Program's contractors (and are assumed to be covered by any fees/charges imposed by such contractors). These may include capital requirements needed for collateral/credit support for electric supply expenses, customer information system costs, electronic data exchange system costs, call center costs, and billing administration/settlements systems costs.

### **4.2 STAFFING AND CONTRACT SERVICES**

Personnel in the form of City staff or contractors will be utilized as needed to match workloads involved in forming SBCCA, managing contracts, and initiating customer outreach/marketing during the pre-operations period. During the startup period, minimal personnel requirements would include an Executive Director, legal support, and other personnel needed to support regulatory, procurement, finance, legal, and communications activities. This support will come from using existing city staff and contractors. Following this period, additional staff and/or contractors may be retained, as needed, to support the rollout of additional value-added services (e.g., efficiency projects) and local generation projects and programs.

### **4.3 CAPITAL REQUIREMENTS**

The start-up of the CCA Program will require capital for three major functions: (1) staffing and contractor costs; (2) deposits and reserves; and (3) operating cash flow. Based on the City's anticipated start-up activities and implementation schedule, a total need of \$1,350,000 has been identified to support the aforementioned functions. Out of the \$1,350,000 in capital requirements, \$225,000 is related to the implementation/startup efforts (i.e., rate setting, power procurement and contract negotiations, marketing and communications, regulatory compliance, CPUC bond, SDGE security deposit, etc.) in order to serve customers by June 2018. \$500,000 is required as collateral for CAISO. The remaining \$625,000 is the "float" required for SBCCA to pay its monthly bills before the program generates enough internal cash to self-fund its working capital needs.

The finance plan in Chapter 7 provides additional detail regarding the City's expected capital requirements and general Program finances. All the capital required for start-up is provided through SBCCA's contracts with its service providers – through deferred fees and direct loans.

Related to the City's initial capital requirement, this amount is expected to cover staffing and contractor costs during startup and pre-startup activities, including direct costs related to public relations support, technical support, and customer communications. Requisite deposits and operating reserves are also reflected in the initial capital requirement, including the following items: 1) operating reserves to address anticipated cash flow variations; 2) requisite deposit with the CAISO prior to commencing market operations; 3) CCA bond (posted with the CPUC); and 4) SDGE service fee deposit.

Operating revenues from sales of electricity will be remitted to the City beginning approximately sixty days after the initial customer enrollments. This lag is due to the distribution utility's standard meter reading cycle of 30 days and a 30-day payment/collections cycle. The City will need working capital to support electricity procurement and costs related to program management, which is included in the City's initial \$1,350 thousand capital requirement.

### **4.4 FINANCING PLAN**

The City's initial capital requirement will be met through credit supplied by the wholesale energy management services and data management services vendors. Solana Beach will pay back the principal and interest costs associated with the start-up funding via retail generation rates charged to SBCCA customers. It is anticipated that the start-up costs will be fully recovered through such customer

## **SBCCA Implementation Plan**

generation rates within the first several years of operations. Other needs will be met using existing city staff and resources.

## **5 PROGRAM PHASE-IN**

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Solana Beach will roll out its service offering to all eligible customers who are not Net Energy Metering customers at start-up. Given that there are only about 7200 eligible customer accounts within the City’s boundaries, a one phase roll-out is reasonable and the most efficient way for SBCCA to serve customers beginning June 2018. NEM customers may be enrolled over multiple periods to mitigate the impact of SDGE NEM true-up treatment.

## 6 LOAD FORECAST & RESOURCE PLAN

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### 6.1 INTRODUCTION

This Chapter describes the planned mix of electric resources that will meet the energy demands of SBCCA customers using a diversified portfolio of electricity supplies. Several overarching policies govern the resource plan and the ensuing resource procurement activities that will be conducted in accordance with the plan. These key policies are as follows:

- Develop a portfolio with more renewables and lower greenhouse gas emissions than SDGE
- Manage a diverse resource portfolio to increase control over energy costs and maintain competitive and stable electric rates.

The plan described in this section would accomplish the following:

- **Procure Competitive Supply:** Procure energy, RA, renewables and low-GHG supply through competitive processes in the open market using the enabling agreements and credit supplied by the City's wholesale services adviser.
- **Use Best Practices Risk Management:** Maintain rate competitiveness by using a dollar-cost-averaging approach with particular attention to the methodology used in the power charge indifference adjustment calculation. Use stochastic modeling to measure and achieve risk management objectives.
- **Achieve Environmental Objectives:** Procure supply to offer two distinct generation rate tariffs: 1) a voluntary 100% renewable energy offered to SBCCA customers on a price premium basis relative to the SBCCA default retail option; and 2) a default SBCCA service option that includes a proportion of renewable energy greater than SDGE.
- **Provide NEM Tariff:** Encourage distributed renewable generation in the local area through the offering of a net energy metering tariff that is more remunerative than SDGE's NEM tariff.

The City will comply with regulatory rules applicable to California load serving entities. The City will arrange for the scheduling of sufficient electric supplies to meet the demands of its customers. Solana Beach will adhere to capacity reserve requirements established by the CPUC and the CAISO designed to address uncertainty in load forecasts and potential supply disruptions caused by generator outages and/or transmission contingencies. These rules also ensure that physical generation capacity is in place to serve the City's customers, even if there were a need for the SBCCA Program to cease operations and return customers to SDGE. In addition, the City will be responsible for ensuring that its resource mix contains sufficient production from renewable energy resources needed to comply with the statewide RPS mandate (33 percent renewable energy by 2020, increasing to 50 percent by 2030). The resource plan will meet or exceed all of the applicable regulatory requirements related to resource adequacy and the RPS.

### **6.2 RESOURCE PLAN OVERVIEW**

To meet the aforementioned objectives and satisfy the applicable regulatory requirements pertaining to the City's status as a California load serving entity, Solana Beach's resource plan includes a diverse mix of power purchases, renewable energy, and potentially, new energy efficiency programs, demand response, and distributed generation. A diversified resource plan minimizes risk and volatility that can occur from over-reliance on a single resource type or fuel source, and thus increases the likelihood of rate stability. The planned power supply is initially comprised of power purchases from third party electric suppliers and, in the longer-term, may include renewable generation assets owned and/or controlled by the City.

Once the SBCCA Program demonstrates it can operate successfully, Solana Beach may begin evaluating opportunities for investment in renewable generating assets, subject to then-current market conditions, statutory requirements and regulatory considerations. Any renewable generation owned by the City or controlled under long-term power purchase agreement with a proven public power developer, could provide a portion of Solana Beach's electricity requirements on a cost-of-service basis. Depending upon market conditions and, importantly, the applicability of tax incentives for renewable energy development, electricity purchased under a cost-of-service arrangement can be more cost-effective than purchasing renewable energy from third party developers, which will allow the SBCCA Program to pass on cost savings to its customers through competitive generation rates. Any investment decisions will be made following thorough environmental reviews and in consultation with qualified financial and legal advisors.

As an alternative to direct investment, Solana Beach may consider partnering with an experienced public power developer and could enter into a long-term (15-to-30 year) power purchase agreement that would support the development of new renewable generating capacity. Such an arrangement could be structured to reduce the SBCCA Program's operational risk associated with capacity ownership while providing its customers with all renewable energy generated by the facility under contract.

Solana Beach's indicative resource plan for the years 2017 through 2026 is summarized in the following table. Note that SBCCA's projections reflect a portfolio mix of renewable energy compliant with the annual RPS requirement and all other supply coming in the form of conventional resources or CAISO system power.

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*Table 1: Proposed Resource Plan*

City of Solana Beach Proposed Resource Plan (MWh) 2018-2027										
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
<b>Demand (MWh)</b>										
Retail Demand	44,239	65,941	66,600	67,266	67,939	68,619	69,305	69,998	70,698	71,405
Losses	2,079	3,099	3,130	3,162	3,193	3,225	3,257	3,290	3,323	3,356
Wholesale	46,319	69,040	69,731	70,428	71,132	71,844	72,562	73,288	74,021	74,761
<b>Supply (MWh)</b>										
Renewable	22,120	32,971	33,300	33,633	33,970	34,309	34,652	34,999	35,349	35,702
System	24,199	36,070	36,430	36,795	37,163	37,534	37,910	38,289	38,672	39,058
Total Supply	46,319	69,040	69,731	70,428	71,132	71,844	72,562	73,288	74,021	74,761
<b>Net Position (MWh)</b>	0	0	0	0	0	0	0	0	0	0

**6.3 SUPPLY REQUIREMENTS**

The starting point for Solana Beach’s resource plan is a projection of participating customers and associated electric consumption. Projected electric consumption is evaluated on an hourly basis, and matched with resources best suited to serving the aggregate of hourly demands or the program’s “load profile.” The electric sales forecast and load profile will be affected by Solana Beach’s plan to introduce the SBCCA Program to customers in one single phase and the degree to which customers choose to remain with SDGE during the customer enrollment and opt-out period. The City’s rollout plan and assumptions regarding customer participation rates are discussed below.

**6.4 CUSTOMER PARTICIPATION RATES**

Customers will be automatically enrolled in the SBCCA Program unless they opt-out during the customer notification process conducted during the 60-day period prior to enrollment and continuing through the 60-day period following commencement of service. The City anticipates an overall customer participation rate of approximately 90 percent of eligible SDGE bundled service customers, based on reported opt-out rates for already operating CCAs. It is assumed that customers taking direct access service from a competitive electricity provider will continue to remain with their current supplier.

The participation rate is not expected to vary significantly among customer classes, in part because the City will offer two distinct rate tariffs that will address the needs of cost-sensitive customers as well as the needs of both residential and business customers that prefer a highly renewable energy product. The assumed participation rates will be refined as Solana Beach’s public outreach and market research efforts continue to develop.

**6.5 CUSTOMER FORECAST**

Once customers enroll during June 2018, they will be transferred to service by the City on their regularly scheduled meter read date over an approximately thirty-day period. Approximately 240 service

## SBCCA Implementation Plan

accounts per day will be transferred during the first month of service. The number of accounts anticipated to be served by Solana Beach at the end of June 2018, is shown in Table 2.

Table 2: Total Customer Counts at the end of First Month of Operation.

	<b><u>Jun-18</u></b>
Residential	6,140
Commercial & Agriculture	1,116
Street Lighting & Traffic	9
<b>Total</b>	<b>7,266</b>

The City assumes that customer growth will generally offset customer attrition (opt-outs) over time, resulting in a relatively stable customer base (1% annual growth) over the noted planning horizon. While the successful operating track record of California CCA programs continues to grow, there is a relatively short history with regard to CCA operations, which makes it difficult to anticipate the actual levels of customer participation within the SBCCA Program. The City believes that its assumptions regarding the offsetting effects of growth and attrition are reasonable in consideration of the historical customer growth within the City and the potential for continuing customer opt-outs following mandatory customer notification periods. The following table shows the forecast of service accounts (customers) served by Solana Beach for each of the next ten years.

Table 3: Customer Accounts by Year

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
Residential	6,602	6,668	6,735	6,802	6,870	6,939	7,008	7,078	7,149	7,221
Commercial & Agriculture	1,200	1,212	1,224	1,236	1,249	1,261	1,274	1,287	1,300	1,313
Street Lighting & Traffic	10	10	10	10	11	11	11	11	11	11
<b>Total</b>	<b>7,812</b>	<b>7,891</b>	<b>7,969</b>	<b>8,049</b>	<b>8,130</b>	<b>8,211</b>	<b>8,293</b>	<b>8,376</b>	<b>8,460</b>	<b>8,544</b>

## 6.6 SALES FORECAST

The City's forecast of kWh sales reflects the rollout and customer enrollment schedule shown above. Annual energy requirements is shown in Table 4.

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Table 4: Demand Forecast in MWh, 2018-2027

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
Demand (MWh)										
Retail Demand	44,239	65,941	66,600	67,266	67,939	68,619	69,305	69,998	70,698	71,405
Losses	2,079	3,099	3,130	3,162	3,193	3,225	3,257	3,290	3,323	3,356
Wholesale	46,319	69,040	69,731	70,428	71,132	71,844	72,562	73,288	74,021	74,761

### 6.7 CAPACITY REQUIREMENTS

The CPUC's resource adequacy standards applicable to the SBCCA Program require a demonstration one year in advance that the City has secured physical capacity for 90 percent of its projected peak loads for each of the five months May through September, plus a minimum 15 percent reserve margin. On a month-ahead basis, Solana Beach must demonstrate 100 percent of the peak load plus a minimum 15 percent reserve margin.

A portion of the City's capacity requirements must be procured locally, from the San Diego – Imperial Valley local capacity area as defined by the CAISO. The City would be required to demonstrate its local capacity requirement for each month of the following calendar year. The local capacity requirement is a percentage of the total (SDGE service area) local capacity requirements adopted by the CPUC based on Solana Beach's forecasted peak load. Solana Beach must demonstrate compliance or request a waiver from the CPUC requirement as provided for in cases where local capacity is not available.

The City is also required to demonstrate that a specified portion of its capacity meets certain operational flexibility requirements under the CPUC and CAISO's flexible resource adequacy framework.

The estimated forward resource adequacy requirements for 2017 through 2019 are shown in the following tables<sup>2</sup>:

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<sup>2</sup> The figures shown in the table are estimates. Solana Beach's resource adequacy requirements will be subject to modification due to application of certain coincidence adjustments and resource allocations relating to utility demand response and energy efficiency programs, as well as generation capacity allocated through the Cost Allocation Mechanism. These adjustments are addressed through the CPUC's resource adequacy compliance process.

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Table 5: Forward Capacity Requirements (Total) for 2018-2020 in MW

Month	<u>2018</u>	<u>2019</u>	<u>2020</u>
January		13.3	13.5
February		13.3	13.5
March		13.7	13.8
April		12.1	12.2
May		12.1	12.7
June	12.9	13.6	13.2
July	16.2	15.8	15.9
August	16.4	16.6	17.4
September	19.0	19.2	18.6
October	13.5	13.6	13.7
November	14.8	15.0	15.8
December	12.4	12.6	12.2

Solana Beach’s plan ensures that sufficient reserves will be procured to meet its peak load at all times. The projected SBCCA annual capacity requirements are shown in the following table:

Table 6: Annual Maximum Capacity Requirements 2018-2027

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
Max Wholesale Demand	16.5	16.7	16.2	16.4	16.5	16.7	17.6	17.0	17.2	17.4
Reserve Requirement (15%)	2.5	2.5	2.4	2.5	2.5	2.5	2.6	2.6	2.6	2.6
Total Capacity Requirement	19.0	19.2	18.6	18.8	19.0	19.2	20.2	19.6	19.8	20.0

Local capacity requirements are a function of the SDGE area resource adequacy requirements and Solana Beach’s projected peak demand. The City will need to work with the CPUC’s Energy Division and staff at the California Energy Commission to obtain the data necessary to calculate its monthly local capacity requirement. A preliminary estimate of the City’s annual maximum local capacity requirement for the ten-year planning period ranges between 7-9 MW as shown in Table 7.

Table 7: Annual Maximum Local Capacity Requirements 2018-2027

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
Total Capacity Requirement	16.5	16.7	16.2	16.4	16.5	16.7	17.6	17.0	17.2	17.4
Local Capacity (% of Total)	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
San Diego - IV (MW)	12.4	12.5	12.1	12.3	12.4	12.5	13.2	12.8	12.9	13.0

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The CPUC assigns local capacity requirements during the year prior to the compliance period; thereafter, the CPUC provides local capacity requirement true-ups for the second half of each compliance year.

The City will coordinate with SDGE and appropriate state agencies to manage the transition of responsibility for resource adequacy from SDGE to Solana Beach during CCA program phase-in. For system resource adequacy requirements, the City will make month-ahead showings for each month that the City plans to serve load, and load migration issues would be addressed through the CPUC's approved procedures. Solana Beach will work with the California Energy Commission and CPUC prior to commencing service to customers to ensure it meets its local and system resource adequacy obligations through its agreement(s) with its chosen electric supplier(s).

### **6.8 RENEWABLES PORTFOLIO STANDARDS ENERGY REQUIREMENTS**

#### **6.8.1 Basic RPS Requirements**

As a CCA, the City will be required by law and ensuing CPUC regulations to procure a certain minimum percentage of its retail electricity sales from qualified renewable energy resources. For purposes of determining Solana Beach's renewable energy requirements, many of the same standards for RPS compliance that are applicable to the distribution utilities will apply to SBCCA.

California's RPS program is currently undergoing reform. On October 7, 2015, Governor Brown signed Senate Bill 350 ("SB 350"; De Leon and Leno), the Clean Energy and Pollution Reduction Act of 2015, which increased California's RPS procurement target from 33 percent by 2020 to 50 percent by 2030 amongst other clean-energy initiatives. Many details related to SB 350 implementation will be developed over time with oversight by designated regulatory agencies. However, it is reasonable to assume that interim annual renewable energy procurement targets will be imposed on CCAs and other retail electricity sellers to facilitate progress towards the 50 percent procurement mandate. For planning purposes, the City has assumed straight-line annual increases (1.7 percent per year) to the RPS procurement target beginning in 2021, as the state advances on the 50 percent RPS. The City will also adopt an integrated resource plan in compliance with SB 350. Solana Beach understands that various details related to this planning requirement have yet to be developed, and Solana Beach intends to monitor and participate, as appropriate, in pertinent proceedings to promote the preparation and submittal of a responsive planning document. Furthermore, the City will ensure that all long-term renewable energy contracting requirements, as imposed by SB 350, will be satisfied through appropriate transactions with qualified suppliers and will also reflect this intent in ongoing resource planning and procurement efforts.

#### **6.8.2 Solana Beach's Renewables Portfolio Standards Requirement**

The City's annual RPS procurement requirements, as specified under California's RPS program, are shown in Table 8.

## SBCCA Implementation Plan

Table 8: Renewable Procurement Obligation and Target Percentages and Volumes 2018-2027

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
Retail Load (MWh)	44,239	65,941	66,600	67,266	67,939	68,619	69,305	69,998	70,698	71,405
RPS % Target	29%	31%	33%	35%	36%	38%	40%	42%	43%	45%
RPS Obligation (MWh)	12,829	20,442	21,978	23,341	24,730	26,144	27,583	29,049	30,541	32,061
SBCCA % Target	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
SBCCA Target (MWh)	22,120	32,971	33,300	33,633	33,970	34,309	34,652	34,999	35,349	35,702

\*Note: Specific details related to SB 350 implementation have yet to be identified. For purposes of this table, the City assumed a straight-line increase from California's 33 percent RPS procurement mandate in 2020 to California's new, 50 percent RPS procurement mandate in 2030.

### 6.9 PURCHASED POWER

Power purchased from power marketers, public agencies, generators, and/or utilities will be a significant source of supply during the first several years of SBCCA Program operation. Solana Beach will initially contract to obtain all of its electricity from one or more third party electric providers under one or more power supply agreements, and the supplier(s) will be responsible for procuring the specified resource mix, including the City's desired quantities of renewable energy, to provide a stable and cost-effective resource portfolio for the SBCCA Program.

### 6.10 RENEWABLE RESOURCES

The City will initially secure necessary renewable power supply from its third party electric supplier(s). Solana Beach may supplement the renewable energy provided under the initial power supply contract(s) with direct purchases of renewable energy from renewable energy facilities or from renewable generation developed and owned by the City. At this point in time, it is not possible to predict what projects might be proposed in response to future renewable energy solicitations administered by Solana Beach, unsolicited proposals or discussions with other agencies. Renewable projects that are located virtually anywhere in the Western Interconnection can be considered as long as the electricity is deliverable to the CAISO control area, as required to meet the Commission's RPS rules and any additional guidelines ultimately adopted by the City. The costs of transmission access and the risk of transmission congestion costs would need to be considered in the bid evaluation process if the delivery point is outside of the City's load zone, as defined by the CAISO.

### 6.11 ENERGY EFFICIENCY

SBCCA does not currently anticipate running locally managed energy efficiency programs. In the future, should SBCCA expand its service territory it may become feasible to apply to become EE program administrators. In the meantime, SBCCA will support already existing energy efficiency efforts within its service territory.

## 7 FINANCIAL PLAN

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This Chapter examines the monthly cash flows expected during the startup and customer phase-in period of the SBCCA Program and identifies the anticipated financing requirements. It includes estimates of program startup costs, including necessary expenses and capital outlays. It also describes the requirements for working capital and long-term financing for the potential investment in renewable generation, consistent with the resource plan contained in Chapter 6.

### 7.1 DESCRIPTION OF CASH FLOW ANALYSIS

The City's cash flow analysis estimates the level of capital that will be required during the startup and phase-in period. The analysis focuses on the SBCCA Program's monthly costs and revenues and the lags between when costs are incurred and revenues received.

### 7.2 COST OF CCA PROGRAM OPERATIONS

The first category of the cash flow analysis is the Cost of CCA Program Operations. To estimate the overall costs associated with CCA Program Operations, the following components were taken into consideration:

- Electricity Procurement;
- Ancillary Service Requirements;
- Exit Fees;
- Staffing and Professional Services;
- Data Management Costs;
- Administrative Overhead;
- Billing Costs;
- Scheduling Coordination;
- Grid Management and other CAISO Charges;
- CCA Bond and Security Deposit; and,
- Pre-Startup Cost Reimbursement.

### 7.3 REVENUES FROM CCA PROGRAM OPERATIONS

The cash flow analysis also provides estimates for revenues generated from CCA operations or from electricity sales to customers. In determining the level of revenues, the analysis assumes the customer phase-in schedule described herein, and assumes that Solana Beach charges a standard, default electricity tariff similar to the generation rates of SDGE for each customer class and an optional renewable energy tariff (with a renewable energy content that exceeds the SBCCA default retail option) at a premium reflective of incremental renewable power costs. More detail on SBCCA Program rates can be found in Chapter 8.

#### **7.4 CASH FLOW ANALYSIS RESULTS**

The results of the cash flow analysis provide an estimate of the level of capital required for the City to move through the CCA startup and phase-in periods. This estimated level of capital is determined by examining the monthly cumulative net cash flows (revenues from CCA operations minus cost of CCA operations) based on assumptions for payment of costs or other cash requirements (e.g., deposits) by Solana Beach, along with estimates for when customer payments will be received. This identifies, on a monthly basis, what level of cash flow is available in terms of a surplus or deficit.

The cash flow analysis identifies funding requirements in recognition of the potential lag between revenues received and payments made during the phase-in period. The estimated financing requirements for the startup and phase-in period, including working capital needs associated with the customer enrollments, was determined to be \$1,350,000. Out of the \$1,350,000 in capital requirements, \$225,000 is related to the implementation/startup efforts (i.e., rate setting, power procurement and contract negotiations, marketing and communications, regulatory compliance, CPUC bond, SDGE security deposit, etc.) in order to serve customers by June 2018. \$500,000 is required as collateral to CAISO. The other \$625,000 is the “float” required for SBCCA to pay its monthly bills before the program generates enough internal cash to self-fund its working capital needs. Working capital requirements peak soon after enrollment of all SBCCA customers in September 2018.

#### **7.5 CCA PROGRAM IMPLEMENTATION PRO FORMA**

In addition to developing a cash flow analysis that estimates the level of working capital required to move Solana Beach through full CCA phase-in, a summary pro forma analysis that evaluates the financial performance of the CCA program during the phase-in period is shown in Table 9. The difference between the cash flow analysis and the CCA pro forma analysis is that the pro forma analysis does not include a lag associated with payment streams. In essence, costs and revenues are reflected in the month in which service is provided. All other items, such as costs associated with CCA Program operations and rates charged to customers remain the same. Cash provided by financing activities are not shown in the pro forma analysis, although payments for loan repayments are included as a cost item.

The results of the pro forma analysis is shown in Table 9. In particular, the summary of CCA program startup and phase-in addresses projected SBCCA Program operations for the period beginning January 2018 through December 2027. The City has also included a summary of Program reserves, which are expected to accrue over this same period.

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Table 9: Pro Forma including Reserves Accumulation 2018-2027

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
<b>Revenues from Operations (\$)</b>										
Electric Sales Revenues	3,223,816	4,626,572	4,412,264	4,500,761	4,707,547	4,826,713	4,843,288	4,890,499	5,103,581	5,352,349
Uncollected Accounts	(9,671)	(13,880)	(13,237)	(13,502)	(14,123)	(14,480)	(14,530)	(14,671)	(15,311)	(16,057)
<b>Total Revenues</b>	<b>3,214,144</b>	<b>4,612,693</b>	<b>4,399,027</b>	<b>4,487,259</b>	<b>4,693,424</b>	<b>4,812,233</b>	<b>4,828,758</b>	<b>4,875,827</b>	<b>5,088,270</b>	<b>5,336,292</b>
<b>Cost of Operations (\$)</b>										
Staffing & Consulting	183,333	191,667	150,000	150,000	150,000	100,000	100,000	100,000	100,000	100,000
Wholesale Services	140,667	217,330	223,850	230,565	237,482	244,607	251,945	259,503	267,288	275,307
Data Management Services	75,562	117,911	122,663	127,606	132,748	138,098	143,663	149,453	155,476	161,742
IOU Fees	130,527	46,711	47,650	48,608	49,585	50,581	51,598	52,635	53,693	54,772
Energy Procurement	2,318,193	3,365,799	3,486,395	3,639,177	3,780,781	3,846,792	3,998,861	4,154,902	4,316,046	4,483,554
<b>Total Operations</b>	<b>2,848,282</b>	<b>3,939,417</b>	<b>4,030,557</b>	<b>4,195,956</b>	<b>4,350,596</b>	<b>4,380,079</b>	<b>4,546,068</b>	<b>4,716,494</b>	<b>4,892,503</b>	<b>5,075,375</b>
<b>Net Program Revenues</b>	<b>365,862</b>	<b>673,275</b>	<b>368,470</b>	<b>291,303</b>	<b>342,828</b>	<b>432,154</b>	<b>282,690</b>	<b>159,333</b>	<b>195,767</b>	<b>260,917</b>
<b>Cumulative Reserves</b>	<b>365,862</b>	<b>1,039,137</b>	<b>1,407,607</b>	<b>1,698,910</b>	<b>2,041,738</b>	<b>2,473,893</b>	<b>2,756,583</b>	<b>2,915,916</b>	<b>3,111,683</b>	<b>3,372,600</b>

The surpluses achieved during the phase-in period serve to build SBCCA's net financial position and credit profile and to provide operating reserves for the City in the event that operating costs (such as power purchase costs) exceed collected revenues for short periods of time.

### 7.6 SBCCA FINANCINGS

It is not anticipated that SBCCA will need any additional financing for its start-up activities. SBCCA arranged that its service providers will amortize their start-up costs over the subsequent months following when revenues begin flowing. In addition, the wholesale service provider will float the initial power supply costs for the CCA and allow SBCCA to repay over the first 12 months of service. Subsequent capital requirements will be self-funded from the City's accrued SBCCA generated financial reserves.

### 7.7 RENEWABLE RESOURCE PROJECT FINANCING

Solana Beach may consider project financings for renewable resources, likely local wind and solar projects. These financings would only occur after a sustained period of successful SBCCA Program operation and after appropriate project opportunities are identified and subjected to appropriate environmental review.

In the event that such financing occurs, funds would include any short-term financing for the renewable resource project development costs, and would likely extend over a 20 to 30-year term. The security for such bonds would be the revenue from sales to the retail customers of Solana Beach.

## 8 RATE SETTING, PROGRAM TERMS AND CONDITIONS

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### 8.1 INTRODUCTION

This Chapter describes the initial policies proposed for Solana Beach in setting its rates for electric aggregation services. These include policies regarding rate design, rate objectives, and provision for due process in setting Program rates. Program rates are ultimately approved by the Solana Beach City Council. The City would retain authority to modify program policies from time to time at its discretion.

### 8.2 RATE POLICIES

The City will establish rates sufficient to recover all costs related to operation of the SBCCA Program, including any reserves that may be required as a condition of financing and other discretionary reserve funds that may be approved by Solana Beach. As a general policy, rates will be uniform for all similarly situated customers enrolled in the SBCCA Program throughout the City.

The primary objectives of the rate setting plan are to set rates that achieve the following:

- Rate competitive tariff option (default service offering), including a proportionate quantity of renewable energy in excess of California's prevailing renewable energy procurement mandate;
- Voluntary renewable energy supply option (renewable content greater than the SBCCA default retail service offering));
- Rate stability;
- Equity among customers in each tariff;
- Customer understanding; and
- Revenue sufficiency.

Each of these objectives is described below.

### 8.3 RATE COMPETITIVENESS

The primary goal is to offer competitive rates for electric services that the City would provide to participating customers. For participants in the SBCCA standard Tariff, the goal would be for SBCCA Program rates to be initially one to five percent below, subject to actual energy product pricing and decisions of the City Council, similar generation rates offered by SDGE. For participants in the SBCCA Program's voluntary renewable energy Tariff, the goal would be to offer the lowest possible customer rates with an incremental monthly cost premium reflective of the actual cost of additional renewable energy supply required to serve such customers.

Competitive rates will be critical to attracting and retaining key customers. In order for the City to be successful, the combination of price and value must be perceived as superior when compared to the bundled utility service alternative. As planned, the value provided by the SBCCA Program will include a community focus and local investment and control.

## **SBCCA Implementation Plan**

As previously discussed, the SBCCA Program will increase renewable energy supply to program customers, relative to the incumbent utility, by offering two distinct rate tariffs. The default tariff for SBCCA Program customers will be the standard tariff, which will increase renewable energy supply while maintaining generation rates that are generally comparable to SDGE's. The initial renewable energy content provided under SBCCA's standard tariff will at a minimum meet California's prevailing renewable energy procurement mandate. The City will also offer its customers a voluntary renewable energy tariff, which will supply participating customers with renewable energy above the minimum RPS mandate and potentially up to 100 percent, at rates that reflect SBCCA's cost for procuring related energy supplies.

Participating qualified low- or fixed-income households, such as those currently enrolled in the California Alternate Rates for Energy ("CARE") program, will be automatically enrolled in the standard tariff and will continue to receive related discounts on monthly electricity bills through SDGE.

### **8.4 RATE STABILITY**

The City will offer stable rates by hedging its supply costs over multiple time horizons and by including renewable energy supplies that exhibit stable costs. Rate stability considerations may prevent SBCCA Program rates from directly tracking similar rates offered by the distribution utility, SDGE, and may result in differences from the general rate-related targets initially established for the SBCCA Program. Solana Beach plans to offer the most competitive rates possible after all Program operating costs are recovered and reserve targets are achieved.

### **8.5 EQUITY AMONG CUSTOMER CLASSES**

Initial rates of the SBCCA Program will be set based on cost-of-service considerations with reference to the rates customers would otherwise pay to SDGE. Rate differences among customer classes will reflect the rates charged by the local distribution utility as well as differences in the costs of providing service to each class. Rate benefits may also vary among customers within the major customer class categories, depending upon the specific rate designs adopted by the City.

### **8.6 CUSTOMER UNDERSTANDING**

The goal of customer understanding involves rate designs that are relatively straightforward so that customers can readily understand how their bills are calculated. This not only minimizes customer confusion and dissatisfaction but will also result in fewer billing inquiries to the SBCCA Program's customer service call center. Customer understanding also requires rate structures to reflect rational rate design principles (i.e., there should not be differences in rates that are not justified by costs or by other policies such as providing incentives for conservation).

### **8.7 REVENUE SUFFICIENCY**

SBCCA Program rates must collect sufficient revenue from participating customers to fully fund the annual SBCCA operating budget. Rates will be set to collect the adopted budget based on a forecast of electric sales for the budget year. Rates will be adjusted as necessary to maintain the ability to fully recover all costs of the SBCCA Program, subject to the disclosure and due process policies described

## **SBCCA Implementation Plan**

later in this chapter. To ensure rate stability, funds available in the City's rate stabilization reserve may be used from time to time to augment operating revenues.

### **8.8 RATE DESIGN**

The City will generally match the rate structures from SDGE's standard rates to avoid the possibility that customers would see significantly different bill impacts as a result of changes in rate structures that would take effect following enrollment in the SBCCA Program.

### **8.9 NET ENERGY METERING**

As planned, customers with on-site generation eligible for net metering from SDGE will be offered a net energy metering rate from the City. Net energy metering allows for customers with certain qualified solar or wind distributed generation to be billed on the basis of their net energy consumption. Solana Beach's net energy metering tariff will apply to the generation component of the bill, and the SDGE net energy metering tariff will apply to the utility's portion of the bill. The City plans to pay customers for excess power produced from net energy metered generation systems in accordance with the rate designs adopted by the City. The goal is to offer a higher payout for surplus generation than SDGE.

### **8.10 DISCLOSURE AND DUE PROCESS IN SETTING RATES AND ALLOCATING COSTS AMONG PARTICIPANTS**

Initial program rates will be adopted by Solana Beach following the establishment of the first year's operating budget prior to initiating the customer notification process. Subsequently, the City will prepare an annual budget and corresponding customer rates. Following the commencement of service, any proposed rate adjustment will be made to the City Council and ample time will be given to affected customers to provide comment on the proposed rate changes.

After proposing a rate adjustment, the City will furnish affected customers with a notice of its intent to adjust rates, either by mailing such notices postage prepaid to affected customers, by including such notices as an insert to the regular bill for charges transmitted to affected customers, or by including a related message directly on the customer's monthly electricity bill (on the page addressing SBCCA charges). The notice will provide a summary of the proposed rate adjustment and will include a link to the SBCCA Program website where information will be posted regarding the amount of the proposed adjustment, a brief statement of the reasons for the adjustment, and the mailing address of the SBCCA Program to which any customer inquiries relative to the proposed adjustment, including a request by the customer to receive notice of the date, time, and place of any hearing on the proposed adjustment, may be directed.

## **9 CUSTOMER RIGHTS AND RESPONSIBILITIES**

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This Chapter discusses customer rights, including the right to opt-out of the SBCCA Program and the right to privacy of customer usage information, as well as obligations customers undertake upon agreement to enroll in the CCA Program. All customers that do not opt out within 30 days of the fourth enrollment notice will have agreed to become full status program participants and must adhere to the obligations set forth below, as may be modified and expanded by the City Council from time to time.

By adopting this Implementation Plan, the City will have approved the customer rights and responsibilities policies contained herein to be effective at Program initiation. The City retains authority to modify program policies from time to time at its discretion.

### **9.1 CUSTOMER NOTICES**

At the initiation of the customer enrollment process, four notices will be provided to customers describing the Program, informing them of their opt-out rights to remain with utility bundled generation service, and containing a simple mechanism for exercising their opt-out rights. The first notice will be mailed to customers approximately sixty days prior to the date of automatic enrollment. A second notice will be sent approximately thirty days later. The City will likely use its own mailing service for requisite enrollment notices rather than including the notices in SDGE's monthly bills. This is intended to increase the likelihood that customers will read the enrollment notices, which may otherwise be ignored if included as a bill insert. Customers may opt out by notifying the City using the SBCCA Program's designated telephone-based or Internet opt-out processing service. Should customers choose to initiate an opt-out request by contacting SDGE, they would be transferred to the SBCCA Program's call center to complete the opt-out request. Consistent with CPUC regulations, notices returned as undelivered mail would be treated as a failure to opt out, and the customer would be automatically enrolled.

Following automatic enrollment, at least two notices will be mailed to customers within the first two billing cycles (approximately sixty days) after SBCCA service commences. Opt-out requests made on or before the sixtieth day following start of SBCCA Program service will result in customer transfer to bundled utility service with no penalty. Such customers will be obligated to pay charges associated with the electric services provided by the City during the time the customer took service from the SBCCA Program, but will otherwise not be subject to any penalty or transfer fee from SBCCA.

Customers who establish new electric service accounts within the Program's service area will be automatically enrolled in the SBCCA Program and will have sixty days from the start of service to opt out if they so desire. Such customers will be provided with two enrollment notices within this sixty-day post enrollment period. Such customers will also receive a notice detailing the City's privacy policy regarding customer usage information. Solana Beach will have the authority to implement entry fees for customers that initially opt out of the Program, but later decide to participate. Entry fees, if deemed necessary, would aid in resource planning by providing additional control over the SBCCA Program's customer base.

### **9.2 TERMINATION FEE**

Customers that are automatically enrolled in the SBCCA Program can elect to transfer back to the incumbent utility without penalty within the first two months of service. After this free opt-out period, customers will be allowed to terminate their participation but may be subject to payment of a Termination Fee, which Solana Beach reserves the right to impose, if deemed necessary. Customers that relocate within the City's service territory would have SBCCA service continued at their new address. If a customer relocating to an address within the City's service territory elected to cancel CCA service, the Termination Fee could be applied. Program customers that move out of Solana Beach's service territory would not be subject to the Termination Fee. If deemed applicable by Solana Beach, SDGE would collect the Termination Fee from returning customers as part of SBCCA's final bill to the customer.

If adopted, the Termination Fee would be clearly disclosed in the four enrollment notices sent to customers during the sixty-day period before automatic enrollment and following commencement of service. The fee could also be changed prospectively by Solana Beach subject to applicable customer noticing requirements.

Customers electing to terminate service after the initial notification period would be transferred to SDGE on their next regularly scheduled meter read date if the termination notice is received a minimum of fifteen days prior to that date. Such customers would also be liable for the nominal reentry fees imposed by SDGE and would be subject to SDGE's current terms and conditions, including being required to remain on bundled utility service for a period of one year, as described in the utility CCA tariffs.

#### **Customer Confidentiality**

Solana Beach will establish policies covering confidentiality of customer data that are fully compliant with the required privacy protection rules for CCA customer energy usage information, as detailed within Decision 12-08-045. The City will maintain the confidentiality of individual customers' names, service addresses, billing addresses, telephone numbers, account numbers, and electricity consumption, except where reasonably necessary to conduct business of the SBCCA Program or to provide services to customers, including but not limited to where such disclosure is necessary to (a) comply with the law or regulations; (b) enable Solana Beach to provide service to its customers; (c) collect unpaid bills; (d) obtain and provide credit reporting information; or (e) resolve customer disputes or inquiries. The City will not disclose customer information for telemarketing, e-mail, or direct mail solicitation. Aggregate data may be released at Solana Beach's discretion.

### **9.3 RESPONSIBILITY FOR PAYMENT**

Customers will be obligated to pay SBCCA Program charges for service provided through the date of transfer including any applicable Termination Fees. Pursuant to current CPUC regulations, the City will not be able to direct that electricity service be shut off for failure to pay SBCCA bills. However, SDGE has the right to shut off electricity to customers for failure to pay electricity bills, and SDGE Electric Rule 23 mandates that partial payments are to be allocated pro rata between SDGE and the CCA. In most circumstances, customers would be returned to utility service for failure to pay bills in full and customer deposits (if any) would be withheld in the case of unpaid bills. SDGE would attempt to collect any

## **SBCCA Implementation Plan**

outstanding balance from customers in accordance with Rule 23 and the related CCA Service Agreement. The proposed process is for two late payment notices to be provided to the customer within 30 days of the original bill due date. If payment is not received within 45 days from the original due date, service would be transferred to the utility on the next regular meter read date, unless alternative payment arrangements have been made. Consistent with the CCA tariffs, Rule 23, service cannot be discontinued to a residential customer for a disputed amount if that customer has filed a complaint with the CPUC, and that customer has paid the disputed amount into an escrow account.

### **9.4 CUSTOMER DEPOSITS**

Under certain circumstances, SBCCA customers may be required to post a deposit equal to the estimated charges for two months of CCA service prior to obtaining service from the SBCCA Program. A deposit would be required for an applicant who previously had been a customer of SDGE or SBCCA and whose electric service has been discontinued by SDGE or SBCCA during the last twelve months of that prior service arrangement as a result of bill nonpayment. Such customers may be required to reestablish credit by depositing the prescribed amount. Additionally, a customer who fails to pay bills before they become past due as defined in SDGE Electric Rule 11 (Discontinuance and Restoration of Service), and who further fails to pay such bills within five days after presentation of a discontinuance of service notice for nonpayment of bills, may be required to pay said bills and reestablish credit by depositing the prescribed amount. This rule will apply regardless of whether or not service has been discontinued for such nonpayment<sup>3</sup>. Failure to post deposit as required would cause the account service transfer request to be rejected, and the account would remain with SDGE.

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<sup>3</sup> A customer whose service is discontinued by Solana Beach is returned to SDGE generation service.

## **10 PROCUREMENT PROCESS**

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### **10.1 INTRODUCTION**

This Chapter describes Solana Beach’s initial procurement policies and the key third party service agreements by which the City will obtain operational services for the SBCCA Program. By adopting this Implementation Plan, the City will have approved the general procurement policies contained herein to be effective at Program initiation. Solana Beach retains authority to modify Program policies from time to time at its discretion.

### **10.2 PROCUREMENT METHODS**

Solana Beach will enter into agreements for a variety of services needed to support program development, operation and management. It is anticipated that the City will generally utilize Competitive Procurement methods for services but may also utilize Direct Procurement or Sole Source Procurement, depending on the nature of the services to be procured. Direct Procurement is the purchase of goods or services without competition when multiple sources of supply are available. Sole Source Procurement is generally to be performed only in the case of emergency or when a competitive process would be an idle act.

The City will utilize a competitive solicitation process to enter into agreements with entities providing electrical services for the program. Agreements with entities that provide professional legal or consulting services, and agreements pertaining to unique or time sensitive opportunities, may be entered into on a Direct Procurement or Sole Source basis at Solana Beach’s discretion. Authority for terminating agreements will generally mirror the authority for entering into such agreements.

### **10.3 KEY CONTRACTS**

#### **10.3.1 Electric Supply**

Solana Beach has signed an agreement with a wholesale services provider whereby that provider will procure energy and capacity on SBCCA’s behalf through competitive solicitation in the over-the-counter electricity markets. The provider has enabling agreements with over a hundred counterparties and will procure standard market products to hedge SBCCA’s financial risk, meet its capacity obligations and achieve its environmental objectives. Typically, energy procurement can be done within hours while Resource Adequacy and Renewable Energy take several days. Procurement will commence once this implementation plan has been approved and the Solana Beach City Council has made the final determination to proceed to going live with the CCA.

Procurement will be an ongoing process in order to achieve desired levels of risk mitigation by dollar-cost-averaging supply costs. In addition, particular strategies will be employed to mitigate the risk of changes to the PCIA impacting SBCCA’s rate competitiveness. Specifically, this entails procuring a certain amount of supply annually during the month of October when the PCIA market price benchmark is set for the coming year.

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SBCCA's wholesale services provider will also serve as the Scheduling Coordinator for scheduling loads, resources and Inter-SC trades into the CAISO market. In addition, the provider will be responsible for ensuring Solana Beach's compliance with all applicable resource adequacy and regulatory requirements imposed by the CPUC or FERC.

### **10.3.2 Data Management Contract**

A data manager will provide the retail customer services of billing and other customer account services (electronic data interchange or EDI with SDGE, billing, remittance processing, and account management). The data management contract has been awarded to an experienced data management services provider.

The data manager is responsible for the following services:

- Data exchange with SDGE;
- Technical testing;
- Customer information system;
- Customer call center;
- Billing administration/retail settlements; and
- Settlement quality meter data reporting
- Reporting and audits of utility billing.

Utilizing a third party for account services eliminates a significant expense associated with implementing a customer information system. Such systems can impose significant information technology costs and take significant time to deploy. Separation of the data management contract from the energy supply contract provides the City with greater flexibility to change energy suppliers, if desired, without facing an expensive data migration issue.

## **11 CONTINGENCY PLAN FOR PROGRAM TERMINATION**

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### **11.1 INTRODUCTION**

This Chapter describes the process to be followed in the case of SBCCA Program termination. By adopting the original Implementation Plan, the City will have approved the general termination process contained herein to be effective at Program initiation. In the unexpected event that the City would terminate the SBCCA Program and return its customers to SDGE service, the proposed process is designed to minimize the impacts on its customers and on SDGE. The proposed termination plan follows the requirements set forth in SDGE's tariff Rule 27 governing service to CCAs. The City retains authority to modify program policies from time to time at its discretion.

### **11.2 TERMINATION BY SBCCA**

Solana Beach will offer services for the long term with no planned Program termination date. In the unanticipated event that the City decides to terminate the Program, the City Council would vote on Program termination.

## SBCCA Implementation Plan

After any applicable restrictions on such termination have been satisfied, notice would be provided to customers six months in advance that they will be transferred back to SDGE. A second notice would be provided during the final sixty-days in advance of the transfer. The notice would describe the applicable distribution utility bundled service requirements for returning customers then in effect, such as any transitional or bundled portfolio service rules.

At least one year advance notice would be provided to SDGE and the CPUC before transferring customers, and the City would coordinate the customer transfer process to minimize impacts on customers and ensure no disruption in service. Once the customer notice period is complete, customers would be transferred *en masse* on the date of their regularly scheduled meter read date.

Solana Beach will post a bond or maintain funds held in reserve to pay for potential transaction fees charged to the Program for switching customers back to distribution utility service. Reserves would be maintained against the fees imposed for processing customer transfers (CCASRs). The Public Utilities Code requires demonstration of insurance or posting of a bond sufficient to cover reentry fees imposed on customers that are involuntarily returned to distribution utility service under certain circumstances. The cost of reentry fees are the responsibility of the energy services provider or the community choice aggregator, except in the case of a customer returned for default or because its contract has expired. The City will post financial security in the appropriate amount as part of its registration materials and will maintain the financial security in the required amount, as necessary.

## 12 APPENDICES

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### 12.1 APPENDIX A: CITY OF SOLANA BEACH ORDINANCE NO. XXX (ADOPTING IMPLEMENTATION PLAN)





# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** October 11, 2017  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** Lomas Santa Fe/I-5 Pedestrian and Bicycle Improvements

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## **BACKGROUND:**

Since the completion of the Lomas Santa Fe (LSF)/Interstate 5 (I-5) interchange improvements in 2010, some residents have raised concerns related to the pedestrian path and bike lane in the east/west direction, particularly along the north side of Lomas Santa Fe. Because this area is not within the City's control, Staff informed the California Department of Transportation (Caltrans) about this issue and minor enhancements have been implemented both by the City and Caltrans.

The minor enhancements to the interchange and the provision of crossing guards by the Solana Beach School District (School District) at this location during school hours have been relatively successful in mitigating potential safety concerns. Due to jurisdictional boundaries between the City and Caltrans, Staff engaged the Caltrans Traffic Engineering Department in early 2017 to work collaboratively on additional safety measures. Recently, the City was advised that the School District stopped providing crossing guards, which again prompted complaints from residents. In July 2017, Staff and Caltrans traffic engineers organized a design team meeting at the Caltrans District 11 Office to explore potential solutions that could be implemented by both agencies.

This item is before the City Council to present the proposed enhancements to the interchange and receive comments.

## **DISCUSSION:**

The construction of the LSF/I-5 interchange resulted in realignment of Marine View Avenue. Prior to this major construction project, Marine View intersected with Lomas Santa Fe at a signalized intersection opposite of Santa Helena. Also, before

COUNCIL ACTION:

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construction of the interchange project, the northbound off-ramp from I-5 to LSF terminated at a fully signalized intersection and was opposite of the I-5 on-ramp. This roadway geometry allowed for both intersections to be fully signalized which included signalized pedestrian crossings in most directions. The freeway interchange construction created an uncontrolled pedestrian crossing along the north side of Lomas Santa Fe at the northbound on-ramp to I-5. Additionally, concerns were raised by cyclists about potential conflicts on the north side of LSF at the new southbound loop on-ramp on the west side of the interchange.

These issues were discussed in length and in detail with Caltrans traffic engineers during the final phase of the interchange construction. After several meetings at the District Office and on-site, Caltrans traffic engineers agreed with Staff's concerns and made some adjustments immediately after construction of the major work. These improvements, in addition to minor improvements in the City's right-of-way by the City, combined with the provision of crossing guards by the School District, were well received by the community. However, since the crossing guard program was discontinued, concerns from the community have resurfaced. Early this year, the City had already engaged Caltrans traffic engineers again in an effort to explore additional improvements that would further enhance the interchange crossings by cyclists and pedestrians. These meetings were very productive and resulted in proposed additional enhancements as depicted in Attachment 1. Caltrans has committed to implementing these improvements once the City completes its review. The proposed enhancements were also shared with BikeWalkSolana during their monthly meeting of October 2, 2017. In general, the group was supportive of the proposed improvements.

#### **CEQA COMPLIANCE STATEMENT:**

Since this project is not being performed by the City, the City of Solana Beach would not be responsible for providing CEQA compliance.

#### **FISCAL IMPACT:**

The work mentioned in this Staff Report will be performed by Caltrans at no cost to the City. Therefore, there is no fiscal impact to the City.

#### **WORK PLAN:**

The work mentioned in this Staff Report is consistent with Item B.6 of the Community Character Priorities of the FY 2017/18 Work Plan.

#### **OPTIONS:**

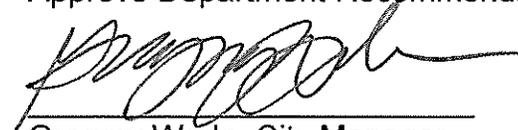
- Receive report.
- Provide direction/feedback.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council receive this report and provide further direction if necessary.

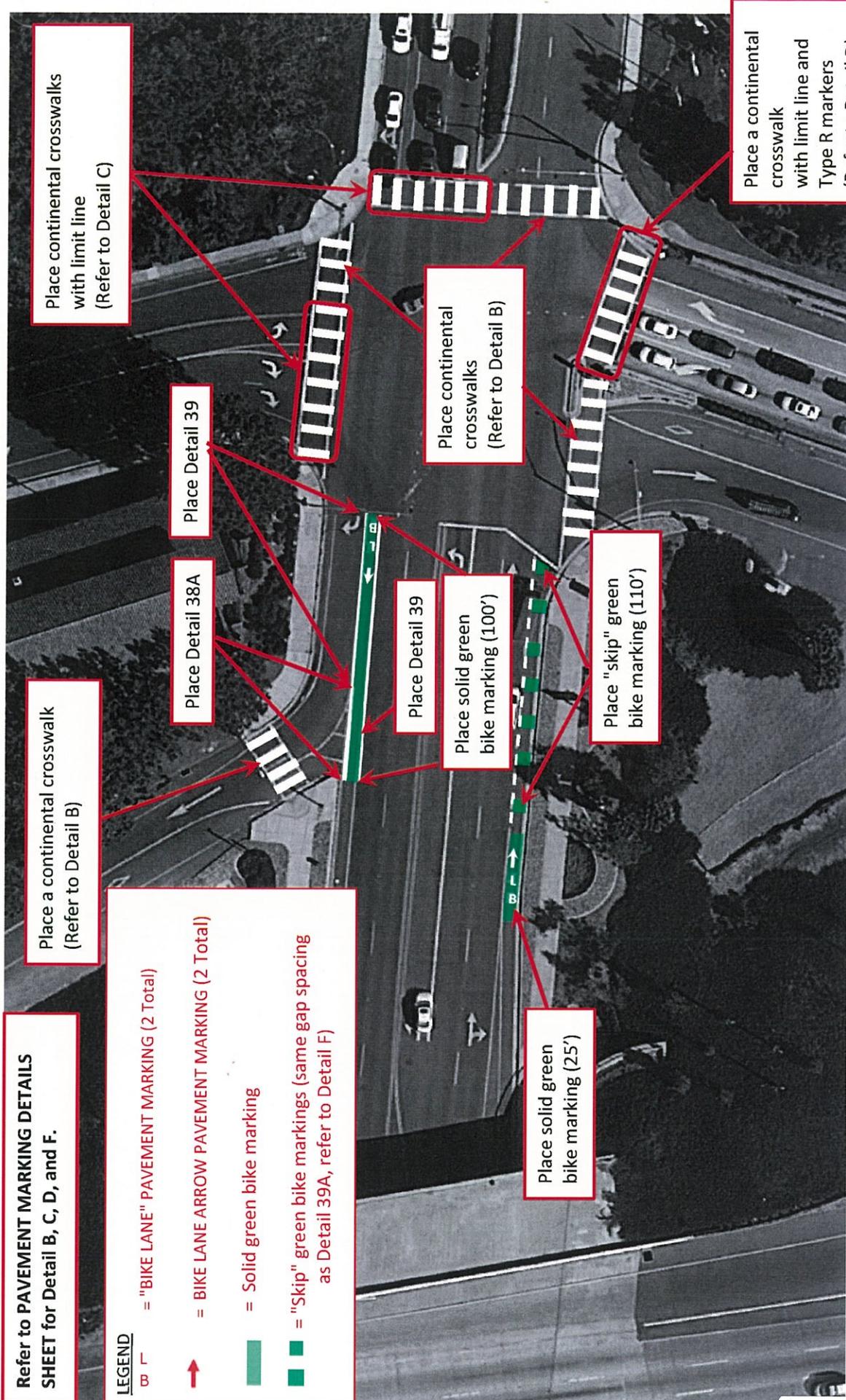
**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.

  
\_\_\_\_\_  
Gregory Wade, City Manager

Attachments:

1. Interchange improvement exhibits from Caltrans

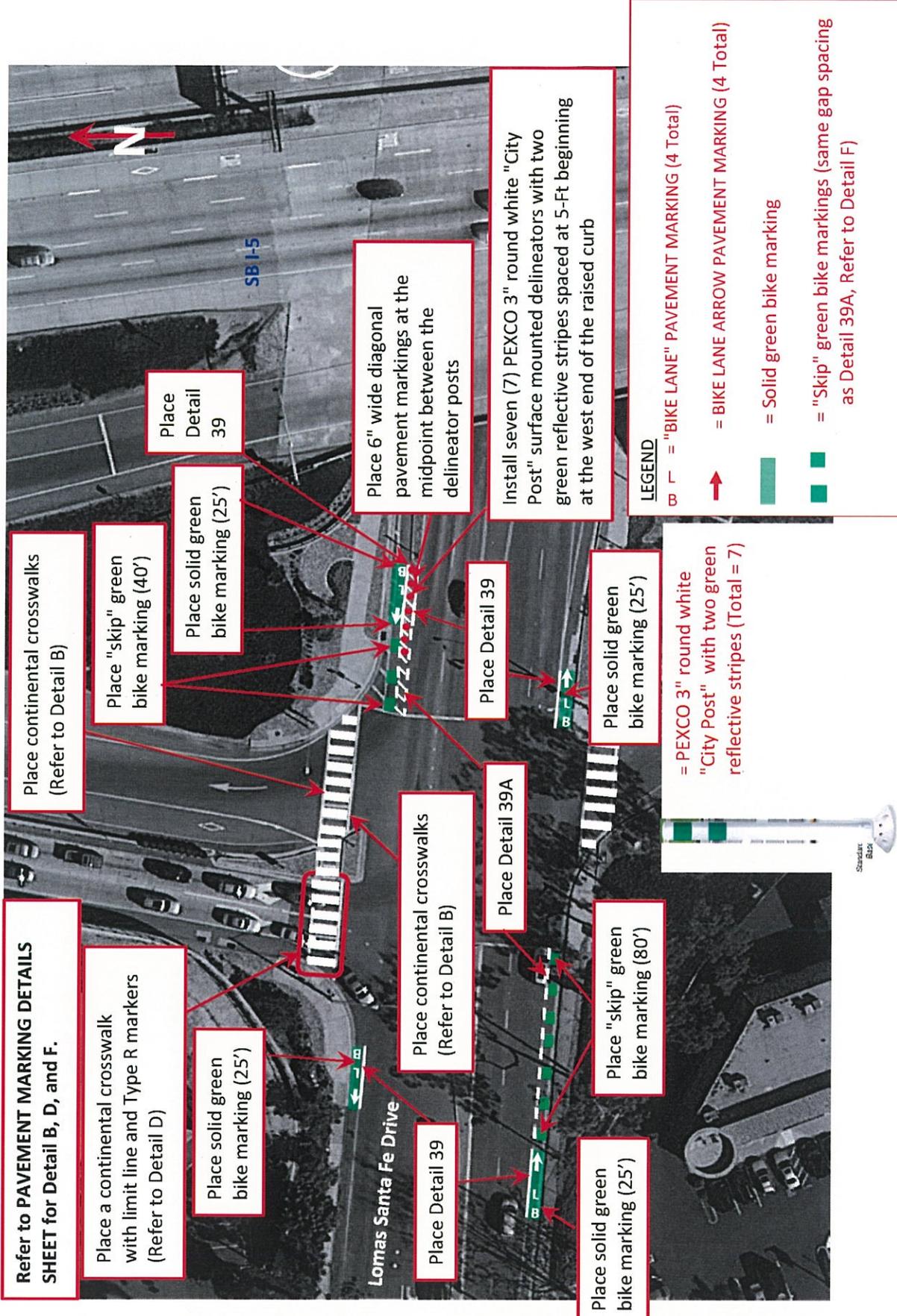


Refer to PAVEMENT MARKING DETAILS SHEET for Detail B, C, D, and F.

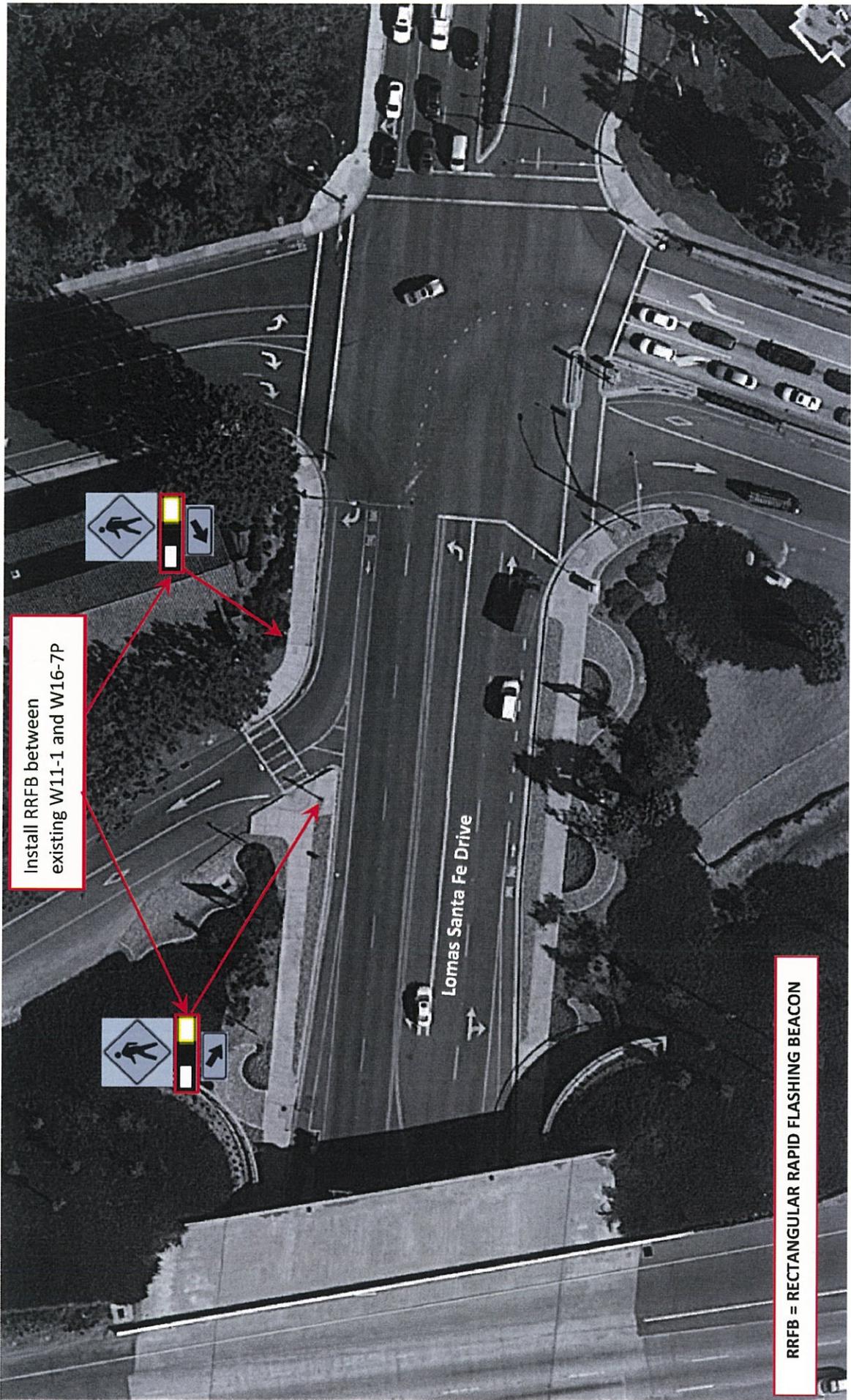
**LEGEND**

-  = "BIKE LANE" PAVEMENT MARKING (2 Total)
-  = BIKE LANE ARROW PAVEMENT MARKING (2 Total)
-  = Solid green bike marking
-  = "Skip" green bike markings (same gap spacing as Detail 39A, refer to Detail F)

TIR #F173-0020T  
 I-5 PM R37.384 – R37.840



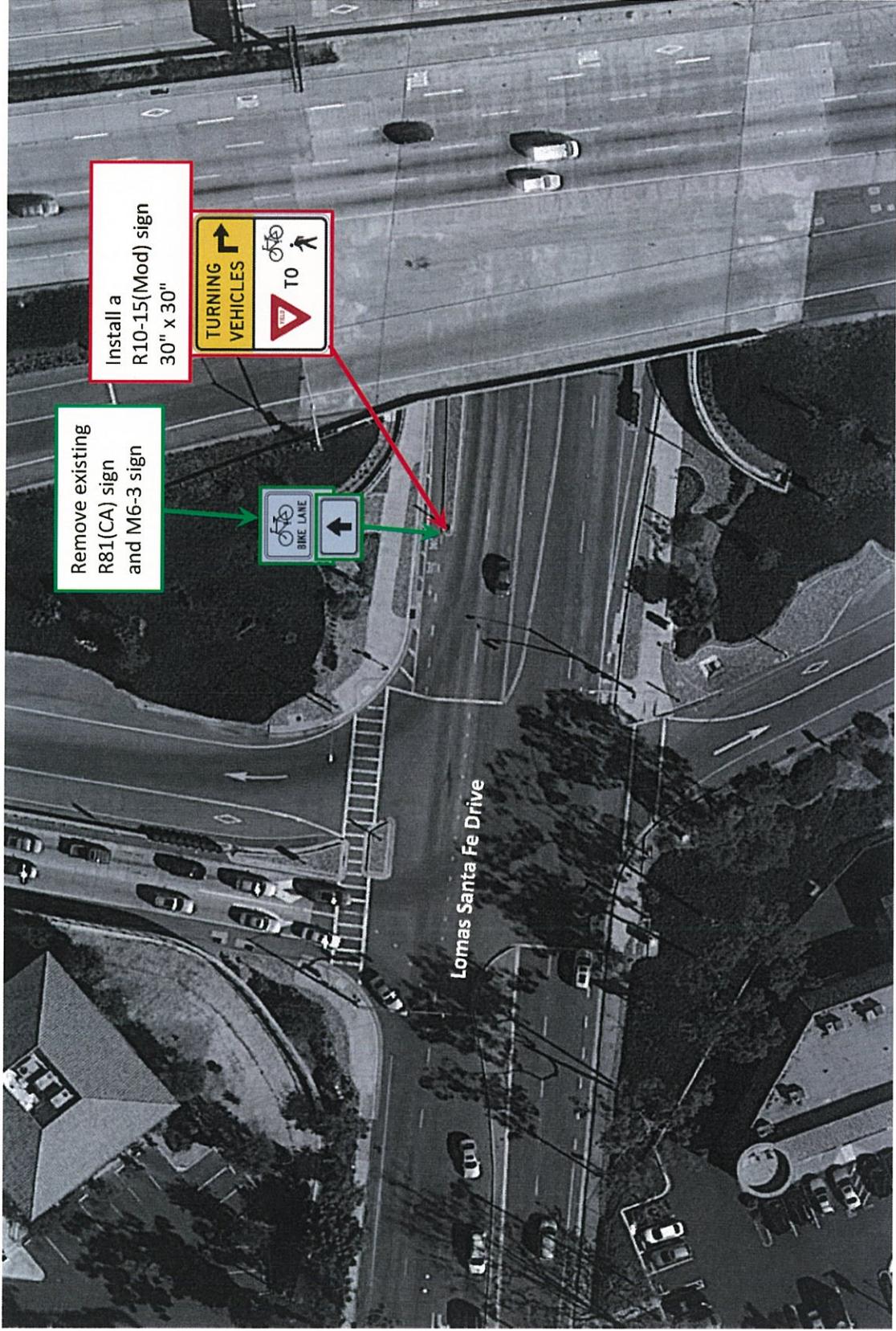
TIR #F173-0020T  
I-5 PM R37.384 – R37.840

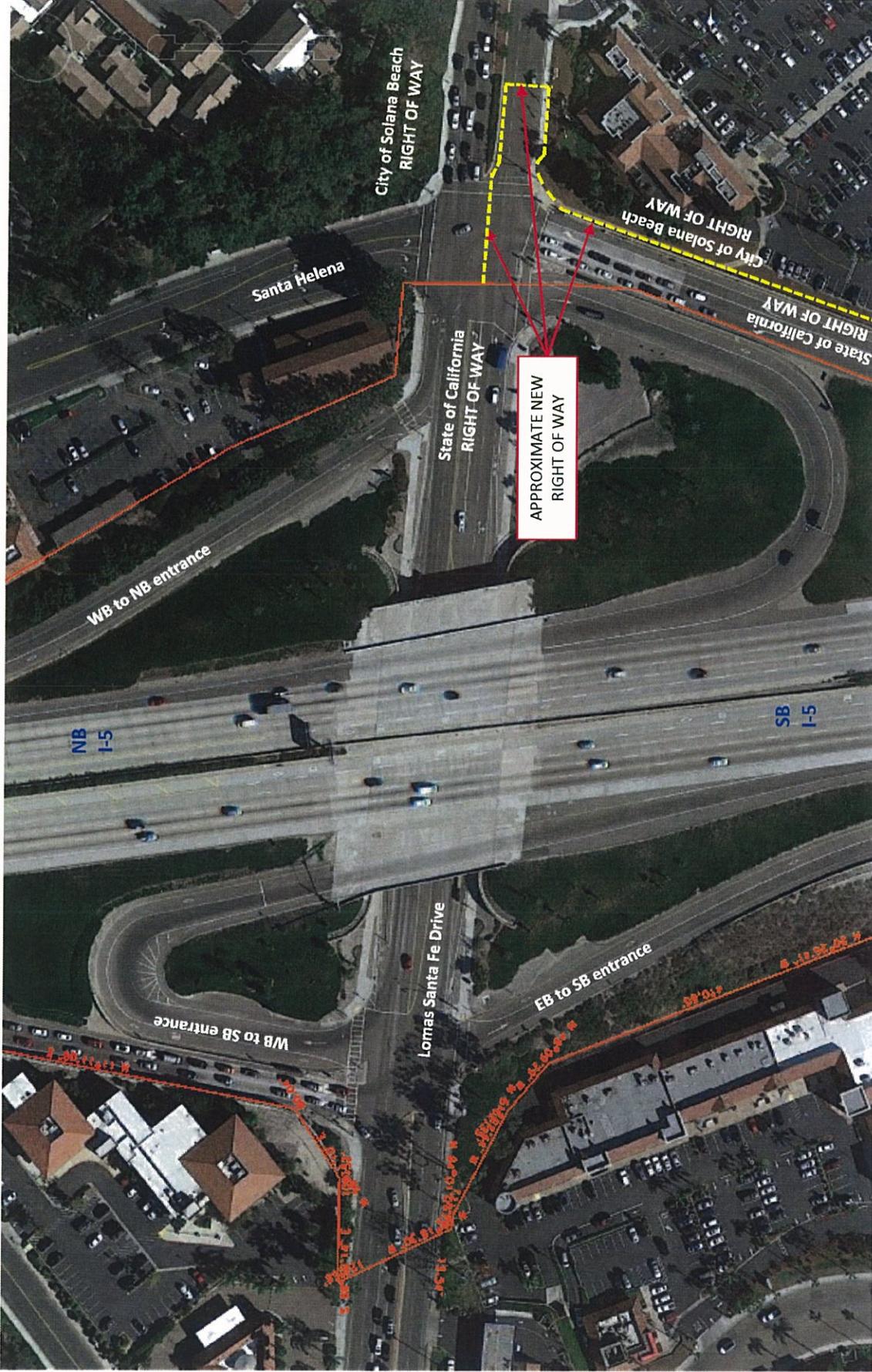


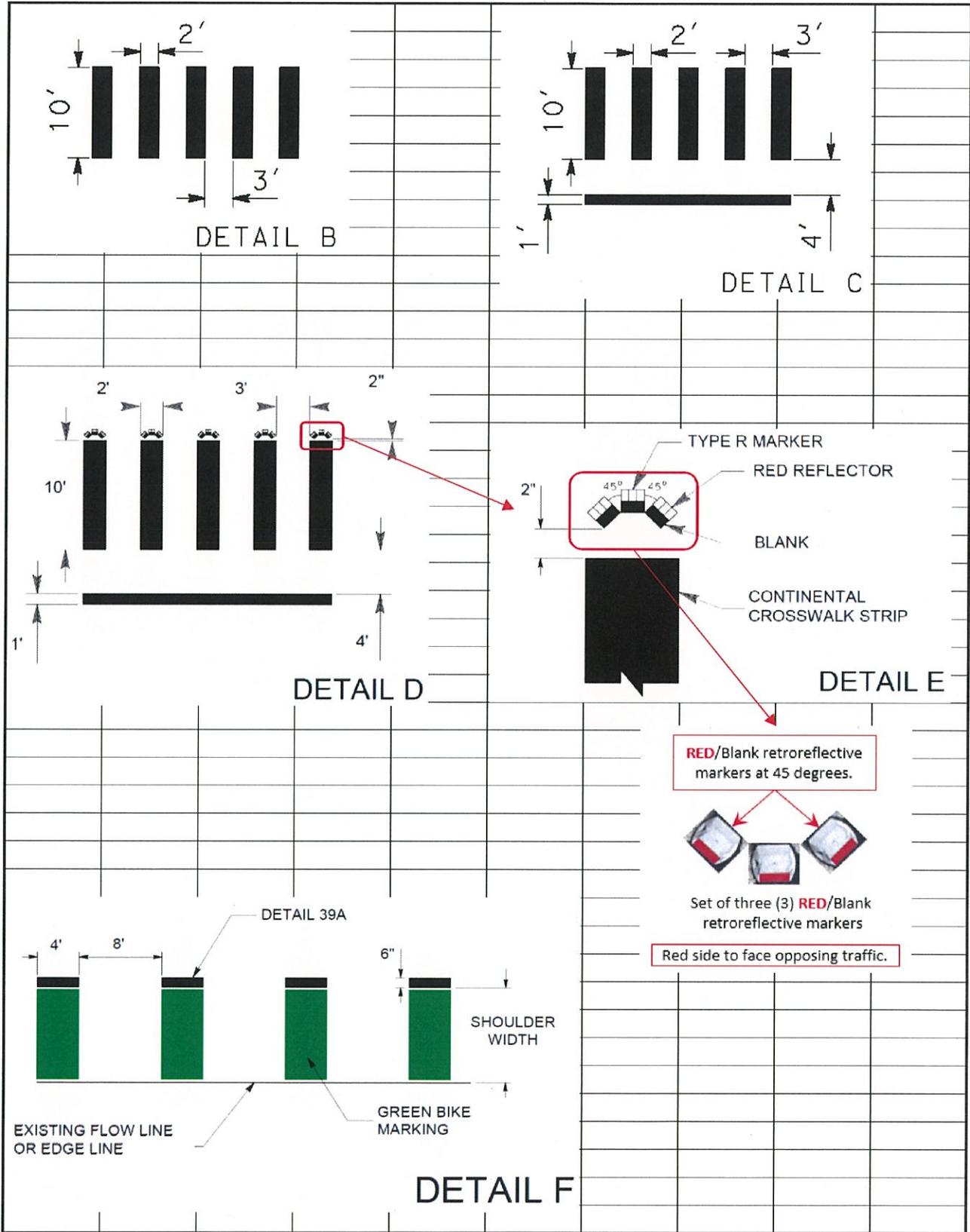
Install RRFB between  
existing W11-1 and W16-7P

RRFB = RECTANGULAR RAPID FLASHING BEACON

TIR #F173-0020T  
I-5 PM R37.384 – R37.840







# PAVEMENT MARKING DETAILS



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** October 11, 2017  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** **Consideration of Resolution No. 2017-146 Authorizing the City Engineer to Issue a Request for Proposals for Preliminary Design of the Marine Safety Center**

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## **BACKGROUND:**

The Marine Safety Center (MSC) at Fletcher Cove was constructed in or around the 1940s and is in need of constant repairs and renovation to meet the needs of the Marine Safety Department. At the May 10, 2017 City Council meeting, a recently completed Needs Assessment and Feasibility Study (Study) was presented to the Council. The Study was prepared to determine the best course of action for the renovation or replacement of the existing facility.

This item is before the City Council for the consideration of Resolution No. 2017-146 (Attachment 1), authorizing the City Engineer to issue a Request for Proposals (RFP) for preparation of preliminary design plans and application package for discretionary permits processing.

## **DISCUSSION:**

At the June 14, 2017 City Council meeting, Staff presented the Study to Council that detailed three distinct options for redevelopment of the existing MSC. These options included a temporary modular facility, renovation/expansion of the existing facility and demolishing the existing facility and constructing a new facility.

The Study also assessed the physical condition, the programmatic needs of the Lifeguards and the development options of the site. The results of the Study indicate that nearly all building components are degraded and are past their useful lifespan. The Study provided an extensive analysis of the existing MSC and determined that it is undersized and poorly laid out to adequately support the operational requirements of

CITY COUNCIL ACTION:

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the Marine Safety Department. Some of the major deficiencies of the existing building include inadequate restroom facilities; substandard, shared breakroom/first aid station; access to the second floor "Captain's Office" only by climbing a ladder; lack of enclosure for the main observation area between the back of the building and the top of the bluff where lifeguards are exposed to the elements; and cracked and crumbling foundation in several locations around the perimeter of the building. Additionally, the interior walls, doors and fixtures are at or past their serviceable life span which make maintenance extremely difficult and since the existing facility was constructed prior to the enactment of modern accessibility laws, the list of items that do not meet current accessibility standards is extensive.

Through consultations with the Lifeguard Staff and after evaluating other Lifeguard Stations throughout the County, the needs assessment report concluded that a MSC of approximately 3,700 square feet (sf) to 4,800 sf would be required to meet the operational needs of the Marine Safety Department. For comparison purposes, the existing MSC is approximately 1,480 sf. After a presentation at the City Council meeting on June 14, 2017, Council directed Staff to pursue Option 3 which would demolish the existing facility and construct a new facility. Although detailed design work was not performed during the Needs Assessment phase, the Study estimated that Option 3 would encompass approximately 4,770 sf. Council also directed Staff to reduce the footprint of the new building as much as possible without negatively impacting the operational needs of the Marine Safety Department.

### Scope of Work for Phase 2

Attachment 2 is the draft Scope of Work for the preliminary design of the proposed MSC which would form the basis of the RFP. As indicated in the Scope of Work, Phase 2 of the project would perform preliminary design (sometimes referred to as schematic design) and would prepare plans and a construction cost estimate up to approximately 30% design completion. Work that would be performed as part of the Preliminary Design Scope of Work includes:

- Preliminary design drawings and other documents that illustrate the scale, relationship, form, size and appearance of the facility components;
- Preliminary landscaping, grading, drainage and stormwater plans;
- Preliminary construction cost estimate;
- Attend and participate in required meetings including View Assessment, Council meetings and a community workshop; and
- Permit application forms and other required elements to obtain a Structure Development Permit/Development Review Permit (SDP/DRP) from the City and a Coastal Development Permit from the California Coastal Commission.

As part of the Phase 2 design work on the MSC, Staff will need to provide direction to the selected architectural firm as to the intended size of the new facility. As mentioned

above, when this project was presented to the City Council on June 14, 2017, Council directed Staff to move forward with Option 3 which would demolish the existing MSC and construct a new MSC. Council also directed Staff to reduce the size and footprint of the proposed new MSC. Since detailed design studies were not performed in conjunction with the Needs Assessment Study that was completed earlier this year, it is difficult to place an exact number on the size of the proposed facility. As indicated on Attachment 2, Staff is recommending limiting the size of the proposed facility to not exceed 4,000 square feet. A facility of this size would be approximately 6% larger than Option 2 of the Study which called for rehabilitating the existing facility but 16% smaller than Option 3 that would demolish the existing facility and construct a new MSC. This proposed size limit would allow for further reduction depending on the result of more detailed engineering studies. At a future date, Staff will bring this project back to the City Council for consideration to determine the ultimate size of the facility.

#### **CEQA COMPLIANCE STATEMENT:**

Consideration of the release of a RFP is not a project as defined by CEQA. If and when a preferred alternative is selected and pursued, environmental analysis will be performed.

#### **FISCAL IMPACT:**

The Fiscal Year (FY) 2017/18 Adopted Budget included, but did not fund, \$125,000 for the next phase of the project which would include preliminary/schematic design in order to develop the preferred alternative to the 30% design phase. During this phase, sufficient details would be developed that would allow for submittals for discretionary permits including a Structure Development Permit/Development Review Permit through the City and a Coastal Development Permit through the California Coastal Commission. The cost to prepare the preliminary design and submittal of discretionary permits is estimated to be \$125,000. After the RFP is issued and proposals are received, Staff will bring an item for Council's consideration to approve a Professional Services Agreement with the selected architectural/design firm. Funding for the next phase of the project would be identified at the time that consideration of the Professional Services Agreement is brought before the City Council.

As previously reported, once the preliminary design is completed and the discretionary permits are obtained, Staff is estimating that it would cost an additional \$450,000 to complete environmental studies, final plans and specifications. All of these items are required before the project could be advertised for construction bids. The final design cost is a very rough estimate calculated by Staff in order to give an idea of the funding needed to complete the design for the renovation and/or reconstruction of the MSC. Those costs would be subject to negotiations with the selected consultant once the project reaches that phase.

**WORK PLAN:**

The Marine Safety Center is consistent with Item B.1 of the Community Character Priorities section of the FY 2017/18 Work Plan.

**OPTIONS:**

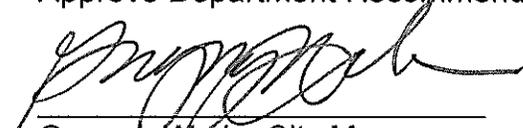
- Approve Staff recommendation.
- Approve Staff recommendation with modifications.
- Do not approve Staff recommendation and provide direction.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2017-146 authorizing the City Engineer to issue a Request for Proposals for preliminary engineering and discretionary permit processing for the Marine Safety Center at Fletcher Cove Park.

**CITY MANAGER RECOMMENDATION:**

Approve Department Recommendation.

  
\_\_\_\_\_  
Gregory Wade, City Manager

Attachments:

1. Resolution No. 2017-146
2. Preliminary Design – Scope of Work

**RESOLUTION NO. 2017-146**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE CITY ENGINEER TO ISSUE A REQUEST FOR PROPOSALS FOR PRELIMINARY ENGINEERING AND DISCRETIONARY PERMIT PROCESSING FOR THE MARINE SAFETY CENTER AT FLETCHER COVE PARK**

**WHEREAS**, the Marine Safety Center (MSC) at Fletcher Cove was constructed in or around the 1940s and is in need of constant repairs and renovation to meet the needs of the Marine Safety Department; and

**WHEREAS**, at the June 14, 2017 City Council meeting, the completed Needs Assessment and Feasibility Study (Study) was presented to the Council; and

**WHEREAS**, The Study was prepared to determine the best course of action for the renovation or replacement of the existing facility; and

**WHEREAS**, during the same meeting, Staff presented to Council the identified three distinct options for redevelopment of the existing MSC; and

**WHEREAS**, these options included a temporary modular facility, renovation/expansion of the existing facility and demolishing the existing facility and constructing a new facility; and

**WHEREAS**, after having received the report and considered the options, Council directed Staff to pursue Option 3 which would demolish the existing facility and construct a new facility.

**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 authorizing the City Engineer to issue a Request for Proposals for preliminary engineering and discretionary permit processing for the Marine Safety Center at Fletcher Cove Park.

## **Marine Safety Center at Fletcher Cove Park Preliminary Design – Scope of Work**

### **I. PROJECT SCOPE:**

This proposal is for the Fletcher Cove Marine Safety Center, in the City of Solana Beach. The project site is within Fletcher Cove Park and is generally in the same location as the existing lifeguard building. Elements of the Scope of Work include:

- A. Demolish existing lifeguard building and associated hardscape.
- B. Construct new lifeguard facility consistent with the Needs Assessment Report;
- C. New landscape (including hardscape and plantings) throughout the project, as well as restoring native landscaping on adjacent slopes effected by construction;
- D. The size of the new Marine Safety Center shall not exceed 4,000 square feet.

### **II. BASIC SERVICES:**

#### **A. General**

1. Provide project administration and coordination, such as schedule monitoring, contract administration, meeting notes, correspondence, coordination with Sub-Consultants, document checking, and review of applicable codes and regulations, to ensure the orderly progression of the Work.

#### **B. Preliminary Design Phase**

1. Based on the mutually agreed upon Project Requirements set forth in the Needs Assessment Report. Prepare conceptual drawings and other documents illustrating the scale, relationships, forms, sizes, and appearance of the Project components.
2. Landscape Architect (Sub-Consultant) shall:
  - a. Analyze site and review of City requirements;
  - b. Attend up to (4) four Client meetings to review progress and receive input;
  - c. Coordinate with Architect and Civil Engineer on preliminary grading;
  - d. Prepare color rendered Schematic Landscape Plan;
  - e. Prepare 1-2 sketch elevations or sections to illustrate design intent;

- f. Attend (1) one community workshop
  - g. Review Client budget for landscape scope
3. Civil Engineer shall:
- a. Prepare schematic grading and drainage plans, and Storm Water Management Plan.
  - b. Attend up to (2) two Client meetings to review progress and receive input;
  - c. Attend (1) one community workshop;
  - d. Coordinate with Architect and other project consultants.
4. Geotechnical investigations required for design of the project.
5. Attend four (4) meetings with CLIENT to review progress and receive input.
6. Prepare for and attend one (1) Community Workshop to present concepts and receive input.
7. Update the Opinion of Probable Construction Cost.
8. Work product shall include:
- a. Site plan;
  - b. Floor plan;
  - c. Exterior elevations;
  - d. One (1) perspective rendering.
- C. Discretionary Approval Process (Structure Development Permit (SDP) / **Development Review Permit (DRP) / Coastal Development Permit (CDP)**)
- 1. Based on the CLIENT approved Schematic Design documents, prepare drawings and other documents for submittal to the City.
  - 2. Attend one (1) Pre-submittal Conference with City staff, receive input and make adjustments as appropriate.
  - 3. Civil Engineer (Sub-Consultant) shall:
    - a. Prepare Preliminary Grading Plan, Preliminary Drainage Study, and Storm-water Mitigation Plan for discretionary submittal;
    - b. Provide Coastal Commission coordination and support.
  - 4. Landscape Architect (Sub-Consultant) shall:
    - a. Attend up to (2) two Client meetings to review progress and receive input;
    - b. Attend (1) one Pre-submittal Conference with City staff and

- revise drawings based on comments received;
  - c. Prepare Landscape Plan for DRP/CDP;
  - d. Prepare irrigation notes and water use calculations;
  - e. Prepare material board for landscape elements.
5. Prepare for and attend one (1) View Assessment Hearing.
  6. Prepare for and attend one (1) DRP hearing with the City Council.
  7. Provide documents to the CLIENT for submittal to the Coastal Commission for a Coastal Development Permit. The CDP application and processing will be responsibility of the CLIENT. ARCHITECT can aid in this process as an Additional Service.
  8. Work product for this phase shall be based on the City's Discretionary Permit Application Checklist. In addition to the Schematic Phase documents, this phase includes:
    - a. Two site Sections;
    - b. Story-pole plan;
    - c. Color & Material Board;
    - d. Site photographs.



# STAFF REPORT

## CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** October 11, 2017  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** **Consideration of Resolutions No. 2017-144 and 2017-150  
Glencrest Drive Emergency Storm Drain Relocation and  
Drainage Easement Vacation**

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### **BACKGROUND:**

During the storm events of November 2016 through February 2017, a sinkhole developed along an old and deteriorated corrugated metal storm drain pipe (CMP) located at 521 Glencrest Drive between the main house and the detached garage/accessory structure. After the initial investigation, it was determined that the sinkhole was located within a drainage easement granted to the County of San Diego in 1956. Due to the potential public safety hazard, Staff immediately engaged the professional services of the City's on-call Geotechnical Engineer and developed a plan to repair the sinkhole.

Consistent with Solana Beach Municipal Code Section 3.08.060 for Emergency Purchases and the California Public Contract Code, repair of the storm drain system was initiated. It was determined that an emergency existed due to the public safety hazard posed by the sink hole and potential roadway impacts from diverting the storm runoff onto the roadway. The emergency would have continued to exist until the storm drain system in this area could be completely repaired. Any delay caused by complying with the bidding requirements by the Public Contract Code would have exacerbated this emergency.

The corrective measures taken involved removing the debris from the storm drain system and downstream areas, filling the sinkhole with concrete slurry, and relocating the storm drain into the public street right-of-way. City Staff worked with several property owners to obtain construction access and acquired one storm drain easement for the realigned storm drain. Staff retained a licensed contractor to perform the required

COUNCIL ACTION:

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work on an emergency basis. The successful relocation of the storm drain system has eliminated the need for the 1956 drainage easements crossing through two properties. Staff recommends vacating the unneeded drainage easements.

This Staff Report is to inform the City Council of the actions taken to perform the emergency repairs of the storm drain system, to request City Council's consideration of Resolution 2017-144 (Attachment 1) which would ratify the City Manager's decision to move forward with the emergency repairs; to accept the project as complete and direct the City Clerk to file a Notice of Completion; and to consider adopting Resolution 2017-150 (Attachment 2) to vacate the drainage easement rendered unnecessary by the storm drain relocation.

### **DISCUSSION:**

Immediately after Staff was notified of the sinkhole by the affected property owners, the damaged area was secured and a comprehensive site investigation was initiated. Due to the depth of the sinkhole, its proximity to an existing structure and other safety reasons, the storm drain could not be repaired in the same alignment, therefore, the storm drain was relocated to a new alignment within the adjacent public right-of-way. Additionally, because of the confined space, the best method of repair for the sinkhole was to fill the cavity with slurry concrete (a mixture of sand, cement, and water) as opposed to the typical compacted dirt/fill material. Staff prepared the storm drain relocation plan and, after securing all authorizations from the affected property owners, the sinkhole was repaired and the storm drain system was relocated. The new storm drain design is by far a superior drainage system because it is constructed with Reinforced Concrete Pipe (RCP), a product that is expected to last over 100 years, and also because the system is almost entirely in the public right-of-way of Glencrest Drive where it is much more accessible for maintenance purposes.

After relocation of the storm drain, there is a drainage easement over two properties that is no longer needed for conveyance of the public drainage system. Staff is recommending that the drainage easement be vacated to eliminate any future maintenance obligations within the corresponding private properties.

During the investigation phase of this project, Staff identified significant soil deposits in the drainage channels downstream of two 24-inch storm drain pipes crossing under Glencrest Drive, adjacent to Glencrest Place. Under the emergency contract, Staff retained the professional services of a contractor to remove all material limiting storm flows in the drainage channels, restoring unimpeded flows. That operation enabled Staff to assess the conditions of the two 24-inch CMP storm drain culverts crossing under Glencrest Drive. That investigation revealed that the two CMP culverts had reached the end of their service lives and were in need of repair or replacement. These culverts were deep, and pipe removal and replacement would have been very costly and would have required Glencrest Drive to be closed for an extended period of time. Staff determined that the best method of repair for those culverts was to line the pipes with the same technology used for sewer pipe repairs. During this investigation, SANCON

Technologies was under contract with the City to perform sewer pipeline repairs for the City's annual sewer repair project. Staff worked closely with the general contractor and SANCON to organize a coordinated effort for the lining operation so that minimal time was lost, and construction of the storm drain system continued as planned. Because SANCON was already working in the City, Staff was able to secure a discounted cost for the lining operation. As part of the renovation of the two 24-inch culverts, Staff identified additional urgently needed repairs/renovations, which include upgrading the existing curb inlets, constructing a new shallow culvert, and constructing one additional clean-out on the east side of Glencrest Drive which eliminates the need for replacement of two additional CMPs. As mentioned, when this system is completed, the new drainage system will be more efficient, require less maintenance, and will be a superior overall drainage design as compared to the pre-existing drainage system.

**CEQA COMPLIANCE STATEMENT:**

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

**FISCAL IMPACT:**

The total cost for the Glencrest Drive Emergency Storm Drain Relocation project is expected to be \$240,994. Sink-hole related expenditures of \$80,174 are being charged to the City's Self-Insurance fund and storm drain emergency repair expenditures of \$160,820 are being charged to the Storm Drain Improvements CIP (CIP-11) for the total of \$240,994. There are sufficient funds in the Self-Insurance fund and the CIP-11 project to pay the expected expenditures.

The cost of the Glencrest Drive storm drain relocation and repair work is listed in Table 1 below:

**Table 1: Emergency Storm Drain Repair & Relocation Costs**

<b>Contractor</b>	<b>Work Performed</b>	<b>CIP-11</b>	<b>Self Insurance</b>
LCI General Contractor	Debris removal and downstream flow line establishment	--	\$5,537
PAL General Engineering	521 Glencrest Drive Sinkhole repair	--	17,640
PAL General Engineering	Relocate storm drain system into street right-of-way	--	53,997
SANCON	Storm drain pipe lining	\$ 59,850	--
PAL General Engineering	Replace street curb inlets and deteriorated pipes adjacent to 473 Glencrest Drive into a new alignment into street right-of-way, and street restoration	76,470	--
PAL General Engineering	Slope restoration and Landscaping	9,500	--
San Dieguito Engineering	Land surveying and civil engineering services (estimated pending final invoice)	15,000	--
Geopacifica, Inc.	Geotechnical analysis and reports	--	\$3,000
<b>Total</b>		<b>\$160,820</b>	<b>\$ 80,174</b>

**WORK PLAN:** N/A

**OPTIONS:**

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.

**DEPARTMENT RECOMMENDATION:**

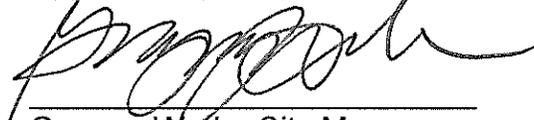
Staff recommends that the City Council:

1. Adopt Resolution 2017-144:
  - a. Receiving this report detailing the specifics of the emergency nature of this project;
  - b. Making a finding, based on substantial evidence set forth in the Staff Report, that an emergency existed in the City due to the public safety hazard posed by the sink hole and potential roadway impacts from diverting the storm runoff onto the roadway, that the emergency did not permit a delay resulting from a competitive solicitation for bids, and that the action was necessary to respond to the emergency;
  - c. Ratifying the City Manager's decision for the emergency storm drain repairs located at 473 and 521 Glencrest Drive and relocating the storm drain system into the street right-of-way under the authority of Section 3.08.060 of the Solana Beach Municipal Code (SBMC) which states that the City Manager may make emergency purchases that exceed \$25,000 in response to conditions that endanger life, health or safety and that those emergency purchases are free from the provisions of Chapter 3.08 of the SBMC;
  - d. Authorizing the City Manager to pay all invoices associated with the emergency storm drain repairs located at 473 and 521 Glencrest Drive and relocating the storm drain system into the street right-of-way;
  - e. Authorizing the City Council to accept as complete the Glencrest Drive emergency storm drain repairs performed by PAL General Engineering and authorizing the City Clerk to file a Notice of Completion.
2. Adopt Resolution 2017-150:
  - a. With respect to the drainage easement vacation described in the legal description marked as Exhibit "A," and shown on Exhibit "B," finding:
    - i) The easement has been superseded by relocation and there are no other public facilities located within the easement.
    - ii) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

- b. Approving the Drainage Easement Vacation, more particularly described in the legal description marked as Exhibit "A," and shown on Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.
- c. Authorizing the City Clerk to record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.

  
\_\_\_\_\_  
Gregory Wade, City Manager

Attachments:

1. Resolution 2017-144
2. Resolution 2017-150

## RESOLUTION NO. 2017-144

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, RATIFYING AN EMERGENCY CONTRACT TO RELOCATE A STORM DRAIN SYSTEM AT 473-521 GLENCREST DRIVE, ACCEPTING THE WORK AS COMPLETE, AND APPROPRIATING FUNDING

**WHEREAS**, in response to a sinkhole found at 521 Glencrest Drive due to a partially deteriorated underground corrugated metal pipe (CMP) storm drain in a public storm drain easement, emergency corrective measures were implemented; and

**WHEREAS**, it was further determined that the storm drain system should be realigned and reconstructed in the street right-of-way, eliminating the need for drainage facilities and easements crossing private properties; and

**WHEREAS**, pursuant to Solana Beach Municipal Code Section 3.08.060, the City Manager authorized the emergency work to protect the public's safety, prevent further damage to the public infrastructure, and avoid harm to private properties; and

**WHEREAS**, City Staff worked with several property owners to obtain construction access and acquire one storm drain easement for the realigned storm drain; and

**WHEREAS**, the public safety hazard posed by the sink hole and potential roadway impacts from diverting the storm runoff onto the roadway on Glencrest Drive constitutes an emergency within the terms of Public Contract Code Sections 1102, 20168, and 22050 which requires that the City Manager be able to act quickly and without complying with the notice and bidding procedures of the Public Contract Code to repair and protect such public facilities.

**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 receives this report detailing the specifics of the emergency nature of this project.
3. That the City Council makes a finding, based on substantial evidence set forth in the Staff Report, that an emergency existed within the City due to the public safety hazard posed by the sink hole and potential roadway impacts from diverting the storm runoff onto the roadway, that the emergency did not permit a delay resulting from a competitive solicitation for bids, and that the action is

necessary to respond to the emergency.

4. That the City Council ratifies the City Manager's decision for the emergency storm drain repairs located at 473 and 521 Glencrest Drive and relocating the storm drain system into the street right-of-way under the authority of Section 3.08.060 of the Solana Beach Municipal Code (SBMC) which states that the City Manager may make emergency purchases that exceed \$25,000 in response to conditions that endanger life, health or safety and that those emergency purchases are free from the provisions of Chapter 3.08 of the SBMC.
5. That the City Council authorizes the City Manager to pay all invoices associated with the emergency storm drain repairs located at 473 and 521 Glencrest Drive and relocating the storm drain system into the street right-of-way.
6. This authorization for emergency repair work and all subsequent resolutions in connection herewith shall require a four-fifths (4/5) vote of the City Council.
7. That the City Council accepts as complete the Glencrest Drive emergency storm drain repairs performed by PAL General Engineering, and authorizes the City Clerk to file a Notice of Completion

**PASSED AND ADOPTED** this 11th day of October, 2017, 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 –

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MIKE NICHOLS, Mayor

APPROVED AS TO FORM:

ATTEST:

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JOHANNA N. CANLAS, City Attorney

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ANGELA IVEY, City Clerk

## RESOLUTION 2017-150

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, SUMMARILY VACATING A DRAINAGE EASEMENT LOCATED AT 473 AND 521 GLENCREST DRIVE

**WHEREAS**, the California Streets and Highways Code Section 8333 et seq. provides procedures for the summarily vacation of public service easements that have been superseded by relocation and there are no other public facilities located within the easement; and

**WHEREAS**, the storm drain previously located at 521 Glencrest Drive, which had outlet the drainage flows into the rear yard and through 473 Glencrest Drive, was relocated into the Glencrest Drive right-of-way; and

**WHEREAS**, the drainage easement dedicated in 1956 on Subdivision Map 3562 has been superseded by the storm drain relocation and will no longer be used.

**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. The City Council with respect to the drainage easement vacation described in the legal description marked as Exhibit "A," and shown on Exhibit "B," finds:
  - (a) The easement has been superseded by relocation and there are no other public facilities located within the easement.
  - (d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.
3. The City Council approves the Drainage Easement Vacation, more particularly described in the legal description marked as Exhibit "A," and shown on Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.
4. The City Council authorizes the City Clerk to record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

**PASSED AND ADOPTED** this 11th day of October, 2017, 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 –

\_\_\_\_\_  
MIKE NICHOLS, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
JOHANNA N. CANLAS, City Attorney

\_\_\_\_\_  
ANGELA IVEY, City Clerk



## CERTIFICATION

STATE OF CALIFORNIA)  
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 2017-150** summarily vacating a drainage easement at 473 and 521 Glencrest Drive as duly passed and adopted at a Regular Solana Beach City Council meeting held on the 11<sup>th</sup> day of October 2017 and the original is on file in the City Clerk's Office.

\_\_\_\_\_  
ANGELA IVEY, CITY CLERK

Date of this Certification: \_\_\_\_\_

EXHIBIT A  
LEGAL DESCRIPTION  
DRAINAGE EASEMENT VACATION

THOSE PORTIONS OF LOTS 86 AND 87 OF GLENCREST NO. 2, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 3562, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 13, 1956, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND 8.00 FEET IN WIDTH, LYING 4.00 FEET MEASURED AT RIGHT ANGES ON BOTH SIDES OF THE CENTERLINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF SAID LOT 86 AS DESCRIBED IN THAT CERTAIN GRANT DEED AS DOCUMENT NO. 2015-0588997, RECORDED NOVEMBER 12, 2015, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SAID POINT ALSO BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF GLENCREST DRIVE;

THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 86 AND SAID SOUTHWESTERLY RIGHT OF WAY OF GLENCREST DRIVE, SOUTH 30°02'10" EAST, A DISTANCE OF 48.22 FEET TO THE BEGINNING OF A TANGENT 170.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 52.05 FEET THROUGH A CENTRAL ANGLE OF 17°32'36" TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID CURVE, SOUTH 77°30'26" WEST, A DISTANCE 20.00 FEET TO AN ANGLE POINT;

THENCE SOUTH 63°31'50" WEST, A DISTANCE OF 64.27 FEET TO AN ANGLE POINT;

THENCE SOUTH 05°08'10" EAST, A DISTANCE OF 140.72 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 87 AS DESCRIBED IN THAT CERTAIN GRANT DEED AS DOCUMENT NO. 2015-0460856, RECORDED AUGUST 31, 2015, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF SAID GLENCREST DRIVE RIGHT OF WAY AND THE **POINT OF TERMINUS**.

THE SIDELINES OF SAID STRIP OF LAND TO BE PROLONGATED OR SHORTENED SO AS TO TERMINATE AT THE SAID NORTHEASTERLY LINE OF LOT 86 AND AT THE SAID SOUTHEASTERLY LINE OF LOT 87.

CONTAINS 1,802 SQUARE FEET MORE OR LESS

ATTACHED HERETO IS A DRAWING LABELED EXHIBIT "B" FOR ILLUSTRATION PURPOSES AND BY THIS REFERENCE MADE A PART HEREOF.

  
\_\_\_\_\_  
ANDREW G. KARYDES, P.L.S.                      9/27/2017                      DATE  
LICENSE NO. L7442



# EXHIBIT "B"

## DRAINAGE EASEMENT VACATION

INDICATES AREA OF EASEMENT

P.O.C. POINT OF COMMENCEMENT  
 T.P.O.B. TRUE POINT OF BEGINNING  
 P.O.T. POINT OF TERMINUS

PROPERTY LINE SHOWN  
 PER GRANT DEED  
 RECORDED AUGUST 31,  
 2015 AS DOC. NO.  
 2015-0460856 OF O.R.

PROPERTY LINE SHOWN  
 PER GRANT DEED  
 RECORDED NOVEMBER 12,  
 2015 AS DOC. NO.  
 2015-0588997 OF O.R.

POR. PCL 1  
 ROS 4894

LOT 85

LOT 86

LOT 87

MAP

3562

EXISTING DRAINAGE  
 EASEMENT PER MAP  
 NO. 3562

P.O.C.

T.P.O.B.

P.O.T.

GLENCREST &

DR

LINE TABLE

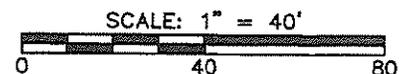
LINE	BEARING	LENGTH
L1	S77°30'26"W	20.00'
L2	S63°31'50"W	64.27'
L3	S05°08'10"E	140.72'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	17°32'36"	170.00'	52.05'



SAN DIEGUITO ENGINEERING, INC.  
 462 STEVENS AVENUE, SUITE 305  
 SOLANA BEACH, CA. 92075  
 PHONE: (858) 345-1149  
 CIVIL ENGINEERING • PLANNING  
 LAND SURVEYING





# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** City Attorney's Office  
**MEETING DATE:** October 11, 2017  
**ORIGINATING DEPT:** City Attorney's Office  
**SUBJECT:** **Consideration of the Second Amendment to City Manager's Employment Agreement**

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## **BACKGROUND:**

On May 22, 2015, the City of Solana Beach ("City") entered into an employment agreement with Gregory Wade for City Manager services ("Agreement"). On September 14, 2016, the City entered into the First Amendment to Employment Agreement with City Manager Wade.

Councilmembers David Zito and Jewel Edson were appointed to facilitate the performance review of the City Manager. The Council sub-committee recommends for the City Council to consider approval of the Second Amendment to the City Manager's Agreement.

## **DISCUSSION:**

Upon review and consideration of a merit increase, the Council sub-committee recommends for the City Manager's annual base salary be increased to \$207,000.00 effective July 1, 2017. This salary amount reflects a three percent (3%) increase. The increase would be reflected in an amendment to Section 5(A)(1)(a) of the Agreement. It is also recommended that the annual deferred compensation be increased to \$12,000.00 from \$10,000.00, effective July 1, 2017. The increase would be reflected in an amendment to Section 5(B)(6) of the Agreement. All other terms would remain in full force and effect.

## **CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

COUNCIL ACTION:

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**FISCAL IMPACT:**

The total fiscal impact of the amendment would be an additional \$8,030.00 per year. There are sufficient funds allocated in the FY 2017/18 budget.

**WORKPLAN:**

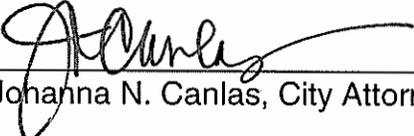
N/A

**OPTIONS:**

- Approve staff recommendation.
- Approve staff recommendation with alternative amendments / modifications.
- Provide direction.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2017-152 authorizing the Mayor to execute the Second Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade to Reflect the Three Percent Increase in Base Salary and the Additional Two Thousand Dollars towards Deferred Compensation.

  
\_\_\_\_\_  
Johanna N. Canlas, City Attorney

Attachments:

1. Resolution 2017-152
2. Second Amendment to City Manager Employment Agreement

**RESOLUTION 2017-152**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SOLANA BEACH AND GREGORY WADE REFLECTING A THREE PERCENT INCREASE IN BASE SALARY AND AN ADDITIONAL TWO THOUSAND DOLLARS TOWARDS DEFERRED COMPENSATION**

**WHEREAS**, on May 22, 2015, the City of Solana Beach ("City") entered into a three-year employment agreement with Gregory Wade for City Manager services ("Agreement"); and

**WHEREAS**, on September 14, 2016, the City and Gregory Wade entered into the First Amendment to Employment Agreement ("First Amendment"); and

**WHEREAS**, the Agreement provides for annual performance and compensation review; and

**WHEREAS**, Mr. Wade's performance evaluation was conducted this summer; and

**WHEREAS**, the City Council has determined that increases to the City Manager's annual base salary and deferred compensation are merited; and

**WHEREAS**, the Second Amendment to the Agreement ("Second Amendment") is necessary to increase the City Manager's current compensation and deferred compensation;

**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 Mayor to execute the Second Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade Reflecting the Three Percent Increase in Base Salary and an Additional Two Thousand Dollars towards Deferred Compensation.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of October, 2017, 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 –

\_\_\_\_\_  
MIKE NICHOLS, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
JOHANNA N. CANLAS, City Attorney

\_\_\_\_\_  
ANGELA IVEY, City Clerk

**SECOND AMENDMENT TO THE CITY MANAGER  
EMPLOYMENT AGREEMENT  
between the City of Solana Beach, a municipal  
corporation, and Gregory Wade**

This Second Amendment to Employment Agreement is entered into this \_\_\_\_ day of October 2017 and is effective as of July 1, 2017, by and between the City of Solana Beach, California, a municipal corporation (hereinafter "City") and Gregory Wade, an individual (hereinafter "Officer") (City and Officer referred to collectively as "Parties") with respect to the employment of Officer as the City Manager of the City.

**RECITALS**

WHEREAS, on May 22, 2015, the City and Officer entered into the Employment Agreement; and

WHEREAS, on September 14, 2016, the City and Officer entered into the First Amendment to Employment Agreement; and

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

**Section 1.** Section 5(A)(1)(a) of the Employment Agreement is hereby amended to read as follows:

**5. COMPENSATION**

A. Compensation and Required Employer Costs

(1) Base Salary

- (a) The annual base salary for the position of City Manager shall be \$207,000.00.

**Section 2.** Section 5(B)(6) of the Employment Agreement is hereby amended to read as follows:

The City will make, in equal proportionate amounts each pay period, an annual contribution of Twelve thousand dollars (\$12,000.00) into a qualified Section 457 Plan that will be from one of the City approved plans as selected by Officer. Amounts contributed under this Section shall be to the benefit of Officer in accordance with the Deferred Compensation Plan participation agreement. All aspects of this contribution are subject to the provisions and limitations of the Internal Revenue Code and its related regulations as amended from time to time. No requirement of this Section shall be effective if it would violate any provisions of the Internal Revenue Code or its related regulations.

**ATTACHMENT 2**

**Section 3.** Except as modified herein, all other terms and conditions of the Employment Agreement and First Amendment to Employment Agreement shall remain the same.

IN WITNESS WHEREOF the Parties have executed this First Amendment to Employment Agreement as of the day and year first above written.

CITY OF SOLANA BEACH

OFFICER

By: \_\_\_\_\_  
Mike Nichols, Mayor

By: \_\_\_\_\_  
Gregory Wade

APPROVED AS TO FORM

By: \_\_\_\_\_  
Johanna Canlas, City Attorney