

# CITY OF SOLANA BEACH

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



## AGENDA

### Joint REGULAR Meeting

Wednesday, April 24, 2019 \* 6:00 p.m.

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

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

### PUBLIC MEETING ACCESS

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

### AGENDA MATERIALS

A full City Council agenda packet including relative supporting documentation is available at City Hall, the Solana Beach Branch [Library](#) (157 Stevens Ave.), La Colonia Community Ctr., and online [www.cityofsolanabeach.org](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 of hard copies is the City Clerk's office at City Hall during normal business hours.

### SPEAKERS

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

### SPECIAL ASSISTANCE NEEDED

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

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

### CITY COUNCILMEMBERS

**David A. Zito**, Mayor

**Jewel Edson**, Deputy Mayor

**Judy Hegenauer**, Councilmember

**Kristi Becker**, Councilmember

**Kelly Harless**, Councilmember

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

**SPEAKERS:**

Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.

**READING OF ORDINANCES AND RESOLUTIONS:**

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

**CALL TO ORDER AND ROLL CALL:**

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

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

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

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

1. Encinitas Half Marathon Presentation

**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.7.)

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

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

Recommendation: That the City Council

1. Ratify the list of demands for March 23 – April 05, 2019.

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

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

**A.2. General Fund Adopted Budget for Fiscal Year 2018-2019 Changes.** (File 0330-30)

Recommendation: That the City Council

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

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

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

**A.3. Fire Marshal Services.** (File 0260-10)

Recommendation: That the City Council

1. Adopt **Resolution 2019-049**:
  - a. Approve the Fourth Amendment to the Agreement for Cooperative Management Services reclassifying an Encinitas Deputy Fire Marshal position to a Senior Deputy Fire Marshal (SDFM) position and including this position in the Fire Management Cooperative Agreement (FMA); and
  - b. Authorizing an increase in the contribution to the annual Fire Services Budget in the amount of \$27,225 to support the SDFM position.

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

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

**A.4. Trash Abatement Services.** (File 0700-20)

Recommendation: That the City Council

1. Adopt **Resolution 2019-044**:
  - a. Authorizing the City Manager to execute a Professional Services Agreement with Partnerships With Industry, in an amount not to exceed \$33,600, for trash abatement, minor landscaping and other duties as assigned in public areas.
  - b. Authorizing the City Manager, at his sole discretion, to extend the Professional Service Agreement with Partnerships With Industry, in an amount not to exceed \$33,600, for up to four additional years, at the City's option based on satisfactory past performance.

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

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**A.5. Emergency Storm Drain Repair Report - Update No. 1** (File 0840-50)

Recommendation: That the City Council

1. Receive the updated report and provide further direction, if necessary.

[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.*

**A.6. Ticket Distribution Policy.** (File 0440-60)

Recommendation: That the City Council

1. Adopt **Resolution 2019-042** establishing Administrative Procedures Policy "Ticket Distribution Policy."

[Item A.6. Report \(click here\)](#)

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

**A.7. Minutes of the City Council.**

Recommendation: That the City Council

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

[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.*

**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)**

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

*Submit speaker slips to the City Clerk.*

**C.1. Public Agency Retirement Services (PARS) Presentation.** (File 0350-55)

Recommendation: That the City Council

1. Receive the presentation.

[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.*

## **B. PUBLIC HEARINGS:** (B.1.)

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

### **B.1. Public Hearing: 512, 516, 524, and 538 South Nardo Avenue, Applicant: Ocean Ranch Estates, LLC, Case # 17-15-15.** (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, could be found to be consistent with the General Plan and could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and a SUB. Therefore, 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. Adopt the IS/MND and MMRP in accordance with CEQA.
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2019-046** conditionally approving a DRP, SUB and TPM for the first phase of the project which includes subdividing the existing 4.2 acre lot into eight single-family residential lots, demolition of all existing structures onsite, grubbing and clearing the site, grading to create building pads for eight future single-family homes as well as the installation of driveway approaches, wet and dry utilities and right-of-way improvements on property at 512 through 538 South Nardo 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.*

## **C. STAFF REPORTS:** (C.2. - C.3.)

*Submit speaker slips to the City Clerk.*

### **C.2. Fiber Optic Cables in Public Right of Way.** (File 1000-10-05)

Recommendation: That the City Council

1. Receive the report and provide feedback on the terms of the proposed Template Agreement for Fiber Optic Cables in the Public Right of Way.

#### **[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. Parks and Recreation Citizen Commission Appointment.** (File 0120-06)

Recommendation: That the City Council

1. Appoint one (1) member to the **Parks and Recreation** Commission nominated/appointed by *Council-at-large* for a term ending January 2021.

#### **[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.*

### **WORK PLAN COMMENTS:**

*Adopted June 13, 2018*

### **COMPENSATION & REIMBURSEMENT DISCLOSURE:**

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

### **COUNCIL COMMITTEE REPORTS:** [Council Committees](#)

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

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

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

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

### **ADJOURN:**

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**Next Regularly Scheduled Meeting is May 08, 2019**

Always refer the City's website Event Calendar for updated schedule or contact City Hall.

[www.cityofsolanabeach.org](http://www.cityofsolanabeach.org) 858-720-2400

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**AFFIDAVIT OF POSTING**

STATE OF CALIFORNIA }  
COUNTY OF SAN DIEGO } §  
CITY OF SOLANA BEACH }

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the April 24, 2019 Council Meeting was called by City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and the Housing Authority of the City of Solana Beach, California, was provided and posted on April 17, 2019 at 3:15 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., April 24, 2019, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk  
City of Solana Beach, CA

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**UPCOMING CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:**

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

- **Budget & Finance Commission**  
Thursday, May 16, 2019, 5:30 p.m. (City Hall)
- **Climate Action Commission**  
Wednesday, May 15, 2019, 5:30 p.m. (City Hall)
- **Parks & Recreation Commission**  
Thursday, May 9, 2019, 4:00 p.m. (Fletcher Cove Community Center)
- **Public Arts Commission**  
Tuesday, April 23, 2019, 5:30 p.m. (City Hall)
- **View Assessment Commission**  
Tuesday, May 21, 2019, 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:** April 24, 2019  
**ORIGINATING DEPT:** Finance  
**SUBJECT:** Register of Demands

## BACKGROUND:

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

Register of Demands- 03/23/19 through 04/05/19		
Check Register-Disbursement Fund (Attachment 1)		\$ 586,103.10
Health Insurance for April	April 1, 2019	48,488.47
Retirement Payroll	March 28, 2019	9,732.00
Net Payroll	April 5, 2019	204,149.51
Federal & State Taxes	April 5, 2019	52,569.00
PERS Retirement (EFT)	April 5, 2019	<u>45,212.30</u>
<b>TOTAL</b>		<b>\$ <u>946,254.38</u></b>

## DISCUSSION:

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

## CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

## FISCAL IMPACT:

The register of demands for March 23, 2019 through April 5, 2019 reflects total expenditures of \$946,254.38 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.

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

Attachments:

1. Check Register – Disbursement Fund

PENTAMATION  
 DATE: 04/04/2019  
 TIME: 16:17:23

CITY OF SOLANA BEACH, CA  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 1  
 ACCTPA21

SELECTION CRITERIA: transact.gl\_cash='1011' and transact.ck\_date between '20190323 00:00:00.000' and '20190405 00:00:00.000'  
 ACCOUNTING PERIOD: 10/19

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT	
1011	94576	03/28/19	5572	307 SOUTH CEDROS, LLC	61600007850	RFND 298-074-09	0.00	12.21	
1011	94576	03/28/19	5572	307 SOUTH CEDROS, LLC	616	RFND 298-074-09	0.00	383.76	
TOTAL CHECK								0.00	395.97
1011	94577	03/28/19	5573	320 S CEDROS, LLC	616	RFND 298-076-21	0.00	639.60	
1011	94577	03/28/19	5573	320 S CEDROS, LLC	61600007850	RFND 298-076-21	0.00	20.35	
TOTAL CHECK								0.00	659.95
1011	94578	03/28/19	1135	AFFORDABLE PIPELINE SERV	50900007700	I-SEWER CLEANING	0.00	425.00	
1011	94578	03/28/19	1135	AFFORDABLE PIPELINE SERV	50900007700	O-SEWER CLEANING	0.00	3,420.00	
1011	94578	03/28/19	1135	AFFORDABLE PIPELINE SERV	00165006520	H-STORM DRAIN MAINT	0.00	1,140.00	
1011	94578	03/28/19	1135	AFFORDABLE PIPELINE SERV	45994506510	9450.09 O-STRM DRN	0.00	1,140.00	
TOTAL CHECK								0.00	6,125.00
1011	94579	03/28/19	2137	AFLAC	001	MARCH 19	0.00	895.40	
1011	94580	03/28/19	5574	AGEE VI, LLC	61600007850	RFND 298-073-41	0.00	20.35	
1011	94580	03/28/19	5574	AGEE VI, LLC	616	RFND 298-073-41	0.00	639.60	
TOTAL CHECK								0.00	659.95
1011	94581	03/28/19	4452	ALL THE KING'S FLAGS	00165006570	6-CALIFORNIA FLAGS	0.00	162.66	
1011	94582	03/28/19	5597	ANNIE DUNNE	001	RFND-DRP1718.16/642 M	0.00	1,515.00	
1011	94582	03/28/19	5597	ANNIE DUNNE	001	RFND-DRP1718.16/642 M	0.00	600.00	
TOTAL CHECK								0.00	2,115.00
1011	94583	03/28/19	5598	ANTHONY SCHMID	001	RFND-DRP1718.16/642 M	0.00	600.00	
1011	94584	03/28/19	5284	BRIXTON CEDROS, LLC	616	RFND 298-073-11	0.00	2,046.73	
1011	94584	03/28/19	5284	BRIXTON CEDROS, LLC	61600007850	RFND 298-073-11	0.00	65.11	
TOTAL CHECK								0.00	2,111.84
1011	94588	03/28/19	1914	US BANK	00160006120	2 BAGS WITH HOOK	0.00	38.76	
1011	94588	03/28/19	1914	US BANK	00150005250	CLOSED SESSION-1/23	0.00	10.50	
1011	94588	03/28/19	1914	US BANK	00160006170	COLORED PAPER	0.00	11.95	
1011	94588	03/28/19	1914	US BANK	00160006140	CERTIFIED LETTERS	0.00	7.10	
1011	94588	03/28/19	1914	US BANK	00160006170	HARDWARE-TRAILER RPR	0.00	7.25	
1011	94588	03/28/19	1914	US BANK	00165006530	PWI WATER	0.00	7.38	
1011	94588	03/28/19	1914	US BANK	00165006510	PLAN COPIES	0.00	8.00	
1011	94588	03/28/19	1914	US BANK	00160006170	OIL	0.00	8.17	
1011	94588	03/28/19	1914	US BANK	00150005400	ENG INTVW PANEL FOOD	0.00	8.43	
1011	94588	03/28/19	1914	US BANK	00150005150	PENS	0.00	9.79	
1011	94588	03/28/19	1914	US BANK	00150005450	HOSTING DOMAINS-JAN	0.00	9.95	
1011	94588	03/28/19	1914	US BANK	00150005200	CLOSED SESSION-1/23	0.00	12.00	
1011	94588	03/28/19	1914	US BANK	00160006170	HARDWARE-SINK REPAIR	0.00	12.88	
1011	94588	03/28/19	1914	US BANK	00160006120	PRIME MEMBERSHIP	0.00	14.00	
1011	94588	03/28/19	1914	US BANK	00150005450	BATTERIES	0.00	14.43	
1011	94588	03/28/19	1914	US BANK	00160006170	GRILL COVER	0.00	14.54	
1011	94588	03/28/19	1914	US BANK	00160006120	PARAFFIN WAX	0.00	15.63	
1011	94588	03/28/19	1914	US BANK	00150005200	CLOSED SESSION-2/13	0.00	15.79	
1011	94588	03/28/19	1914	US BANK	001	CM CONF PRK-KING-2/15	0.00	16.00	
1011	94588	03/28/19	1914	US BANK	001	CM CONF PRK-KING-2/14	0.00	16.00	

ATTACHMENT 1

PENTAMATION  
DATE: 04/04/2019  
TIME: 16:17:23

CITY OF SOLANA BEACH, CA  
CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 2  
ACCTPA21

SELECTION CRITERIA: transact.gl\_cash='1011' and transact.ck\_date between '20190323 00:00:00.000' and '20190405 00:00:00.000'  
ACCOUNTING PERIOD: 10/19

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	94588	03/28/19	1914	US BANK	001	CM CONF PRK-WADE-2/15	0.00	16.00
1011	94588	03/28/19	1914	US BANK	001	CM CONF PRK-WADE-2/14	0.00	16.00
1011	94588	03/28/19	1914	US BANK	00160006170	FOOT BOLT	0.00	17.55
1011	94588	03/28/19	1914	US BANK	001	CM CONF-WADE-2/15	0.00	18.05
1011	94588	03/28/19	1914	US BANK	00165006510	APWA LNCH-GLDBRG-2/14	0.00	20.00
1011	94588	03/28/19	1914	US BANK	00150005150	DVD FILING CASES	0.00	20.46
1011	94588	03/28/19	1914	US BANK	00150005250	CLOSED SESSION-2/13	0.00	20.92
1011	94588	03/28/19	1914	US BANK	001	FRAUD CHARGE	0.00	21.37
1011	94588	03/28/19	1914	US BANK	00160006170	CHAIN BOLT	0.00	23.16
1011	94588	03/28/19	1914	US BANK	00160006170	GLUE/SPARK PLUGS	0.00	23.75
1011	94588	03/28/19	1914	US BANK	00150005150	DVD FILING CASES	0.00	24.77
1011	94588	03/28/19	1914	US BANK	00150005450	BATTERIES	0.00	26.23
1011	94588	03/28/19	1914	US BANK	00170007110	WATER-LA COLONIA	0.00	35.32
1011	94588	03/28/19	1914	US BANK	00160006170	BENCH COVER	0.00	36.60
1011	94588	03/28/19	1914	US BANK	00150005450	KEYBOARD	0.00	36.61
1011	94588	03/28/19	1914	US BANK	00160006170	TRAILER HITCH WIRING	0.00	38.78
1011	94588	03/28/19	1914	US BANK	00165006510	GEM CART FRAME	0.00	42.93
1011	94588	03/28/19	1914	US BANK	001	ENGAGD WRKFCE-BERKUTI	0.00	45.00
1011	94588	03/28/19	1914	US BANK	00165006570	TOWELS-FCCC	0.00	48.46
1011	94588	03/28/19	1914	US BANK	00155005550	CEQA DOC FILING FEE	0.00	52.50
1011	94588	03/28/19	1914	US BANK	00150005400	ASST ENG PANEL LUNCH	0.00	53.47
1011	94588	03/28/19	1914	US BANK	25055005570	EGG HNT-COLORNG MURAL	0.00	56.00
1011	94588	03/28/19	1914	US BANK	00150005450	CONSTANT CONTACT-FEB	0.00	65.00
1011	94588	03/28/19	1914	US BANK	00160006170	SNAP SHACKLE-TOW ROPE	0.00	67.86
1011	94588	03/28/19	1914	US BANK	00165006570	LIGHTS	0.00	74.50
1011	94588	03/28/19	1914	US BANK	00150005100	CLOSED SESSION-1/23	0.00	83.17
1011	94588	03/28/19	1914	US BANK	00150005300	ACCNTG LEASES-BERKUTI	0.00	85.00
1011	94588	03/28/19	1914	US BANK	001	DEBT OVERVIEW-BERKUTI	0.00	85.00
1011	94588	03/28/19	1914	US BANK	00150005300	NOTE DISCLRS-BERKUTI	0.00	85.00
1011	94588	03/28/19	1914	US BANK	00150005300	FISCL SUSTAIN-BERKUTI	0.00	85.00
1011	94588	03/28/19	1914	US BANK	00160006120	FUEL-T377	0.00	95.00
1011	94588	03/28/19	1914	US BANK	00160006120	2 RADIO CASES	0.00	96.98
1011	94588	03/28/19	1914	US BANK	00165006560	EXTERIOR LIGHTS-FCP	0.00	97.99
1011	94588	03/28/19	1914	US BANK	00150005150	HAND CART	0.00	98.36
1011	94588	03/28/19	1914	US BANK	00160006170	UNACCP TBL BHVR-SHOOK	0.00	99.00
1011	94588	03/28/19	1914	US BANK	00150005450	ROUTER	0.00	105.60
1011	94588	03/28/19	1914	US BANK	00150005100	CLOSED SESSION-2/13	0.00	114.95
1011	94588	03/28/19	1914	US BANK	00150005150	LABELS/ TISSUES	0.00	120.41
1011	94588	03/28/19	1914	US BANK	00160006170	ROPE BAGS/CRENR/SHCKL	0.00	122.48
1011	94588	03/28/19	1914	US BANK	00150005300	GAAP UPDATE-BERKUTI	0.00	180.00
1011	94588	03/28/19	1914	US BANK	001	WORK COMP-SAMMAK	0.00	199.00
1011	94588	03/28/19	1914	US BANK	001	DISBLTY MNGMT-SAMMAK	0.00	199.00
1011	94588	03/28/19	1914	US BANK	001	NEW CNCL-HOTL-HARLESS	0.00	214.45
1011	94588	03/28/19	1914	US BANK	001	NEW CNCL-HOTL-BECKER	0.00	214.45
1011	94588	03/28/19	1914	US BANK	00155005550	CBO MMBRSH-P-LIM	0.00	215.00
1011	94588	03/28/19	1914	US BANK	00150005450	2 ROUTER	0.00	217.98
1011	94588	03/28/19	1914	US BANK	00150005450	PHOTOSHOP SUB-1 YR	0.00	239.88
1011	94588	03/28/19	1914	US BANK	001	SPRVSRS ACADEMY-BLEA	0.00	250.00
1011	94588	03/28/19	1914	US BANK	00150005150	DVDRS/ORGZR/BNDR/PPR	0.00	255.87
1011	94588	03/28/19	1914	US BANK	00150005450	DELL MAINTENANCE	0.00	278.38
1011	94588	03/28/19	1914	US BANK	00160006120	BAGS/TWLS/CLNR/DTRGNT	0.00	293.44
1011	94588	03/28/19	1914	US BANK	001	SPRVSRS ACADEMY-BLEA	0.00	300.00

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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	94588	03/28/19	1914	US BANK	001	DVE RSCUE-PENNLL-5/13	0.00	375.00
1011	94588	03/28/19	1914	US BANK	001	DVE RSCUE-MASON-5/13	0.00	375.00
1011	94588	03/28/19	1914	US BANK	00165006520	SANDBLAST/POWDER COAT	0.00	400.00
1011	94588	03/28/19	1914	US BANK	00165006540	SOLAR ROAD FLASHERS	0.00	417.53
1011	94588	03/28/19	1914	US BANK	001	CEQA-BENSN/OCHOA-2/15	0.00	500.00
1011	94588	03/28/19	1914	US BANK	001	LCW HOTEL-SAMMAK	0.00	606.20
1011	94588	03/28/19	1914	US BANK	001	CALBO CONF-LIM-3/21	0.00	695.00
1011	94588	03/28/19	1914	US BANK	13560006120	1 MATRESS	0.00	750.00
1011	94588	03/28/19	1914	US BANK	13560006120	1 MATRESS	0.00	750.00
TOTAL CHECK							0.00	10,459.96
1011	94589	03/28/19	688	CALIFORNIA COASTAL COALI	00160006190	MMBRSHJ JAN19-DEC 19	0.00	1,000.00
1011	94590	03/28/19	2476	CCAC	00150005150	2019 RENEWL FEE-BAVIN	0.00	55.00
1011	94591	03/28/19	5595	CEDROS VENTURE FUND LLC	616	RFND 298-076-18	0.00	767.52
1011	94591	03/28/19	5595	CEDROS VENTURE FUND LLC	61600007850	RFND 298-076-18	0.00	24.42
TOTAL CHECK							0.00	791.94
1011	94592	03/28/19	5336	COLANTUONO, HIGHSMITH, &	65278007820	SDCOE CONSORTUIM-FEB	0.00	6.00
1011	94593	03/28/19	218	DATATICKET INC.	00160006140	PRKNG TCKT ADMIN-FEB	0.00	25.00
1011	94593	03/28/19	218	DATATICKET INC.	00160006140	PRKNG TCKT ADMIN-FEB	0.00	1,420.51
TOTAL CHECK							0.00	1,445.51
1011	94594	03/28/19	5575	DAVID AND AMITA BARDWICK	61600007850	RFND 298-074-11	0.00	12.21
1011	94594	03/28/19	5575	DAVID AND AMITA BARDWICK	616	RFND 298-074-11	0.00	383.76
TOTAL CHECK							0.00	395.97
1011	94595	03/28/19	5576	DAVID R. HODGES TRUST	616	RFND 298-074-07,12	0.00	511.68
1011	94595	03/28/19	5576	DAVID R. HODGES TRUST	61600007850	RFND 298-074-04	0.00	48.83
1011	94595	03/28/19	5576	DAVID R. HODGES TRUST	616	RFND 298-074-05,06	0.00	383.76
1011	94595	03/28/19	5576	DAVID R. HODGES TRUST	616	RFND 298-074-04	0.00	1,535.05
1011	94595	03/28/19	5576	DAVID R. HODGES TRUST	61600007850	RFND 298-074-05,06	0.00	12.21
1011	94595	03/28/19	5576	DAVID R. HODGES TRUST	61600007850	RFND 298-074-07,12	0.00	16.28
TOTAL CHECK							0.00	2,507.81
1011	94596	03/28/19	5296	DOG WASTE DEPOT	00165006570	23 MUTT-MITT CARTONS	0.00	1,486.70
1011	94597	03/28/19	1242	DSR - DOOR SERVICE & REP	00165006570	GARAGE DOOR MAINT-FD	0.00	531.00
1011	94598	03/28/19	269	DUDEK & ASSOCIATES INC.	50998336510	9833 PUMP STN-FEB	0.00	9,107.35
1011	94599	03/28/19	5599	ELIZABETH AND DAN BAKER	001	RFND-DRP1718.16/642 M	0.00	600.00
1011	94600	03/28/19	5577	HENSARLANJUD, LLC	61600007850	RFND 298-076-20	0.00	16.28
1011	94600	03/28/19	5577	HENSARLANJUD, LLC	61600007850	RFND 298-076-19	0.00	20.35
1011	94600	03/28/19	5577	HENSARLANJUD, LLC	616	RFND 298-076-20	0.00	511.68
1011	94600	03/28/19	5577	HENSARLANJUD, LLC	616	RFND 298-076-19	0.00	639.60
TOTAL CHECK							0.00	1,187.91
1011	94601	03/28/19	4166	HOGAN LAW APC	21355005550	1715.15 PROF SVC-FEB	0.00	650.00

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CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	94602	03/28/19	5578	JAMES D. & MARJORIE J. K	61600007850	RFND 298-074-03	0.00	4.04
1011	94602	03/28/19	5578	JAMES D. & MARJORIE J. K	616	RFND 298-073-10	0.00	511.68
1011	94602	03/28/19	5578	JAMES D. & MARJORIE J. K	61600007850	RFND 298-073-10	0.00	16.28
1011	94602	03/28/19	5578	JAMES D. & MARJORIE J. K	616	RFND 298-074-03	0.00	127.96
TOTAL CHECK								659.96
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	12050005460	PROF SERV PE 12/31/18	0.00	-9,302.50
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	12050005460	CLM.1904 PROF SVC-FEB	0.00	105.00
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 02/28/19	0.00	192.50
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	55000007750	PROF SERV PE 02/28/19	0.00	262.50
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 02/28/19	0.00	525.00
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 02/28/19	0.00	560.00
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 02/28/19	0.00	1,138.10
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 02/28/19	0.00	1,346.20
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	12050005460	PROF SERV PE 02/28/19	0.00	1,960.00
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 02/28/19	0.00	2,135.00
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 02/28/19	0.00	2,275.00
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 02/28/19	0.00	5,500.00
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 02/28/19	0.00	7,374.53
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	12050005460	PROF SERV PE 12/31/18	0.00	9,302.50
1011	94603	03/28/19	1130	MCDUGAL LOVE ECKIS SMIT	26355005580	500 S SIERRA-FEB	0.00	70.00
TOTAL CHECK								23,443.83
1011	94604	03/28/19	4738	MEDICAL EYE SERVICES	001	EE# -MAR 19	0.00	-22.58
1011	94604	03/28/19	4738	MEDICAL EYE SERVICES	001	EE# -MAR 19	0.00	-9.05
1011	94604	03/28/19	4738	MEDICAL EYE SERVICES	00150005400	ROUNDING-MAR 19	0.00	-0.22
1011	94604	03/28/19	4738	MEDICAL EYE SERVICES	001	EE# -MAR 19	0.00	29.14
1011	94604	03/28/19	4738	MEDICAL EYE SERVICES	001	EE# -MAR 19	0.00	11.28
1011	94604	03/28/19	4738	MEDICAL EYE SERVICES	001	VISION MAR 19	0.00	464.16
TOTAL CHECK								472.73
1011	94605	03/28/19	5579	MIRANDON	616	RFND 298-074-10	0.00	255.84
1011	94605	03/28/19	5579	MIRANDON	61600007850	RFND 298-074-10	0.00	8.14
TOTAL CHECK								263.98
1011	94606	03/28/19	111	MISSION LINEN & UNIFORM	21100007600	LAUNDRY-PUB WORKS	0.00	2.18
1011	94606	03/28/19	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	8.70
1011	94606	03/28/19	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	9.78
1011	94606	03/28/19	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	9.79
1011	94606	03/28/19	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	17.40
TOTAL CHECK								47.85
1011	94607	03/28/19	2396	MIKE NICHOLS	27050005100	NCDJPA BOARD 02/1/11	0.00	50.00
1011	94607	03/28/19	2396	MIKE NICHOLS	27050005100	NCDJPA BOARD 08/23/12	0.00	50.00
TOTAL CHECK								100.00
1011	94608	03/28/19	5600	NIELSON BUILDERS	001	RFND-EP4131/223 OCEAN	0.00	530.00
1011	94609	03/28/19	66	NORTH COUNTY DISPATCH (J	00160006120	WRLD TECH RMS DPLYMNT	0.00	2,356.89
1011	94610	03/28/19	1826	NORTH COUNTY TRANSIT DIS	50998336510	9833 RGHT ENTRY PRMT	0.00	987.05

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1011	94611	03/28/19	5146	REGINA OCHOA	00150005400	CEQA WRITING-OCHOA	0.00	395.00
1011	94612	03/28/19	54	1 STOP TONER & INKJET, L	50900007700	TNR/COLOR/BELT KIT-PL	0.00	220.87
1011	94612	03/28/19	54	1 STOP TONER & INKJET, L	00165006510	TNR/COLOR/BELT KIT-PL	0.00	220.88
1011	94612	03/28/19	54	1 STOP TONER & INKJET, L	00165006520	TNR/COLOR/BELT KIT-PL	0.00	220.88
TOTAL CHECK							0.00	662.63
1011	94613	03/28/19	5580	PACIFICA NEUHAR SOLANA B	61600007850	RFND 298-076-13	0.00	32.56
1011	94613	03/28/19	5580	PACIFICA NEUHAR SOLANA B	616	RFND 298-076-13	0.00	1,023.36
TOTAL CHECK							0.00	1,055.92
1011	94614	03/28/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-FC	0.00	30.00
1011	94614	03/28/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-MS	0.00	30.00
1011	94614	03/28/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-PW	0.00	30.00
1011	94614	03/28/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-LC	0.00	30.00
1011	94614	03/28/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-FS	0.00	35.00
1011	94614	03/28/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-CH	0.00	45.00
1011	94614	03/28/19	5361	HABITAT PROTECTION, INC	00165006570	AS NEEDED PST CNTL-MS	0.00	25.00
1011	94614	03/28/19	5361	HABITAT PROTECTION, INC	00165006570	AS NEEDED PST CNTL-CH	0.00	25.00
1011	94614	03/28/19	5361	HABITAT PROTECTION, INC	00165006570	AS NEEDED PST CNTL-FC	0.00	25.00
TOTAL CHECK							0.00	275.00
1011	94615	03/28/19	113	PITNEY BOWES GLOBAL FINA	00150005150	CITY WIDE POSTAGE	0.00	2,000.00
1011	94616	03/28/19	4658	PLACEWORKS, INC	21355005550	1714.20/959 GENEVIEVE	0.00	8,386.25
1011	94617	03/28/19	1087	PREFERRED BENEFIT INS AD	001	EE TIMING MAR 19	0.00	-34.50
1011	94617	03/28/19	1087	PREFERRED BENEFIT INS AD	001	EE TIMING MAR 19	0.00	-43.50
1011	94617	03/28/19	1087	PREFERRED BENEFIT INS AD	00150005400	ADMIN FEE MARCH 19	0.00	4.50
1011	94617	03/28/19	1087	PREFERRED BENEFIT INS AD	001	EE TIMING MAR 19	0.00	43.50
1011	94617	03/28/19	1087	PREFERRED BENEFIT INS AD	001	DENTAL MARCH 19	0.00	2,661.50
TOTAL CHECK							0.00	2,631.50
1011	94618	03/28/19	5581	RENNER PROPERTIES, LLC	616	RFND 298-073-42	0.00	511.68
1011	94618	03/28/19	5581	RENNER PROPERTIES, LLC	61600007850	RFND 298-073-42	0.00	16.28
TOTAL CHECK							0.00	527.96
1011	94619	03/28/19	141	SANTA FE IRRIGATION DIST	00165006560	005506015 01/16-03/15	0.00	136.32
1011	94619	03/28/19	141	SANTA FE IRRIGATION DIST	00165006560	005506016 01/16-03/15	0.00	136.32
1011	94619	03/28/19	141	SANTA FE IRRIGATION DIST	00165006560	005979003 01/16-03/15	0.00	263.83
1011	94619	03/28/19	141	SANTA FE IRRIGATION DIST	20375007510	005979004 01/16-03/15	0.00	141.58
1011	94619	03/28/19	141	SANTA FE IRRIGATION DIST	20375007510	007732000 01/16-03/15	0.00	136.32
TOTAL CHECK							0.00	814.37
1011	94620	03/28/19	5582	SARA AND KEITH HARRISON	61600007850	RFND 298-091-01	0.00	24.42
1011	94620	03/28/19	5582	SARA AND KEITH HARRISON	616	RFND 298-091-01	0.00	767.52
TOTAL CHECK							0.00	791.94
1011	94621	03/28/19	5596	SDTTC	00150005300	298-131-22-00 LATE FE	0.00	3.55
1011	94621	03/28/19	5596	SDTTC	00150005300	298-131-27-00 LATE FE	0.00	3.55
1011	94621	03/28/19	5596	SDTTC	00150005300	298-131-28-00 LATE FE	0.00	3.55

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1011	94621	03/28/19	5596	SDTTC	00150005300	298-131-22-00 1ST INS	0.00	35.50
1011	94621	03/28/19	5596	SDTTC	00150005300	298-131-28-00 2ND INS	0.00	35.50
1011	94621	03/28/19	5596	SDTTC	00150005300	298-131-27-00 2ND INS	0.00	35.50
1011	94621	03/28/19	5596	SDTTC	00150005300	298-131-28-00 1ST INS	0.00	35.50
1011	94621	03/28/19	5596	SDTTC	00150005300	298-131-22-00 2ND INS	0.00	35.50
1011	94621	03/28/19	5596	SDTTC	00150005300	298-131-27-00 1ST INS	0.00	35.50
TOTAL CHECK							0.00	223.65
1011	94622	03/28/19	1073	SEASIDE HEATING & AIR CO	00165006570	HVAC MAINT-JAN	0.00	120.00
1011	94623	03/28/19	153	SHELL FLEET MANAGEMENT	00160006120	AUTO FUEL-FEB	0.00	709.28
1011	94624	03/28/19	4281	SIEMENS INDUSTRY, INC	20293266510	9326-TRFC SGNL RPR	0.00	30,900.00
1011	94624	03/28/19	4281	SIEMENS INDUSTRY, INC	21100007600	ST LIGHT REPAIR-DEC	0.00	5,419.76
TOTAL CHECK							0.00	36,319.76
1011	94625	03/28/19	280	SPARKLETTTS INC	00150005350	DRINK WATER-MAR CH	0.00	37.00
1011	94626	03/28/19	5583	THREE HILLS CORP	61600007850	RFND 298-073-39	0.00	36.62
1011	94626	03/28/19	5583	THREE HILLS CORP	616	RFND 298-073-39	0.00	1,151.29
TOTAL CHECK							0.00	1,187.91
1011	94627	03/28/19	4534	TRAFFIC SUPPLY, INC	00165006540	STP/SPD/NO PRKG SIGNS	0.00	573.28
1011	94628	03/28/19	2097	UT SAN DIEGO - NRTH COUN	20293626510	9362.20-BID#2019-02	0.00	956.78
1011	94629	03/28/19	5589	VALLEY AVENUE PROPERTIES	001	RFND-SBGR314/636 VALL	0.00	12,969.00
1011	94630	03/28/19	4397	PETER ZAHN	27050005100	NCDJPA BOARD 02/28/14	0.00	50.00
1011	94630	03/28/19	4397	PETER ZAHN	27050005100	NCDJPA BOARD 05/23/14	0.00	50.00
TOTAL CHECK							0.00	100.00
1011	94631	04/04/19	1122	APPLE ONE, INC	00150005150	TEMP HELP PE 01/12	0.00	511.32
1011	94631	04/04/19	1122	APPLE ONE, INC	00150005150	TEMP HELP PE 03/16	0.00	720.11
TOTAL CHECK							0.00	1,231.43
1011	94632	04/04/19	3704	ARCO GASPRO PLUS	00165006560	AUTO FUEL 03/03-04/02	0.00	60.23
1011	94632	04/04/19	3704	ARCO GASPRO PLUS	00165006570	AUTO FUEL 03/03-04/02	0.00	100.38
1011	94632	04/04/19	3704	ARCO GASPRO PLUS	00165006510	AUTO FUEL 03/03-04/02	0.00	110.41
1011	94632	04/04/19	3704	ARCO GASPRO PLUS	50900007700	AUTO FUEL 03/03-04/02	0.00	120.45
1011	94632	04/04/19	3704	ARCO GASPRO PLUS	00160006120	AUTO FUEL 03/03-04/02	0.00	178.80
1011	94632	04/04/19	3704	ARCO GASPRO PLUS	00160006140	AUTO FUEL 03/03-04/02	0.00	254.87
1011	94632	04/04/19	3704	ARCO GASPRO PLUS	00165006530	AUTO FUEL 03/03-04/02	0.00	291.10
1011	94632	04/04/19	3704	ARCO GASPRO PLUS	00165006520	AUTO FUEL 03/03-04/02	0.00	321.20
1011	94632	04/04/19	3704	ARCO GASPRO PLUS	00160006170	AUTO FUEL 03/03-04/02	0.00	552.43
TOTAL CHECK							0.00	1,989.87
1011	94633	04/04/19	1561	CDW GOVERNMENT INC	00150005450	MSFT VISIO LICENSES	0.00	710.20
1011	94633	04/04/19	1561	CDW GOVERNMENT INC	00150005450	DATA SWITCH	0.00	86.19
1011	94633	04/04/19	1561	CDW GOVERNMENT INC	00150005450	NETWORK CABLE	0.00	116.07
TOTAL CHECK							0.00	912.46

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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	94634	04/04/19	5051	CINTAS CORPORATION NO. 2	00165006570	FIRST AID SUPPLIES-PW	0.00	100.44
1011	94634	04/04/19	5051	CINTAS CORPORATION NO. 2	00165006570	FIRST AID SUPPLIES-CH	0.00	103.44
TOTAL CHECK								203.88
1011	94635	04/04/19	127	COX COMMUNICATIONS INC	00150005450	CTYINTRNT 03/19-04/18	0.00	579.69
1011	94635	04/04/19	127	COX COMMUNICATIONS INC	00150005450	TV BRDCST 03/10-04/09	0.00	1,163.89
TOTAL CHECK								1,743.58
1011	94636	04/04/19	5603	DEANNE RUDMAN	00150005400	D. RUDMAN-LIVESCAN	0.00	20.00
1011	94637	04/04/19	2217	DELL MARKETING L.P.	13550005450	REPLACEMENT PCS	0.00	2,301.82
1011	94638	04/04/19	5543	DOMUSSTUDIO ARCHITECTURE	45094496510	9449.01 MS CNTR-FEB	0.00	4,635.00
1011	94639	04/04/19	5604	DOUG GILLINGHAM	001	RFND-FCCC 03/15/19	0.00	500.00
1011	94640	04/04/19	3180	ELECTRICAL SALES INC	00165006570	FC EXTR FIRE MAIN CVR	0.00	413.88
1011	94641	04/04/19	2462	EMBROIDERY IMAGE	00150005400	JCKT-RETRMNT-	0.00	75.75
1011	94642	04/04/19	884	ENTENMANN-ROVIN CO. INC	00150005400	RETIRED BADGE-	0.00	165.39
1011	94643	04/04/19	223	FEDEX	00150005150	SHIPPING-03/15/19	0.00	25.24
1011	94643	04/04/19	223	FEDEX	00150005150	SHIPPING-03/21/19	0.00	30.32
TOTAL CHECK								55.56
1011	94644	04/04/19	2593	GOLDFARB & LIPMAN	00150005250	PROF SVC-DEC 1575-4	0.00	1,090.28
1011	94644	04/04/19	2593	GOLDFARB & LIPMAN	00150005250	PROF SVC-FEB 1575-10	0.00	1,836.50
1011	94644	04/04/19	2593	GOLDFARB & LIPMAN	00150005250	PROF SVC-DEC 1575-4	0.00	11,993.47
1011	94644	04/04/19	2593	GOLDFARB & LIPMAN	26399465580	9946PRF SVC-FEB1575-5	0.00	59.00
TOTAL CHECK								14,979.25
1011	94645	04/04/19	11	ICMA RETIREMENT TRUST-45	001	ICMA PD 04/05/19	0.00	9,413.47
1011	94646	04/04/19	3859	ICMA RETIREMENT TRUST-RH	001	ICMA PD 04/05/19	0.00	2,095.40
1011	94647	04/04/19	2102	LEGAL SHIELD CORP	001	PPD LEGAL-MAR 19	0.00	90.65
1011	94648	04/04/19	5602	LESLIE B PALLY	001	RFND PRKNG-SB-0632882	0.00	322.50
1011	94649	04/04/19	5407	PJ CASTORENA, INC.	55000007750	CCA MAILER-3/04&3/11	0.00	83.90
1011	94650	04/04/19	111	MISSION LINEN & UNIFORM	21100007600	LAUNDRY-PUB WORKS	0.00	2.22
1011	94650	04/04/19	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	8.89
1011	94650	04/04/19	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	10.00
1011	94650	04/04/19	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	10.00
1011	94650	04/04/19	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	17.78
TOTAL CHECK								48.89
1011	94651	04/04/19	191	NAPA AUTO PARTS INC	00160006120	TIRE CARE	0.00	30.67
1011	94651	04/04/19	191	NAPA AUTO PARTS INC	00160006120	ANT' FREEZE/SLCN SPRY	0.00	43.04
1011	94651	04/04/19	191	NAPA AUTO PARTS INC	00160006120	BATTERY	0.00	178.76



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CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	94651	04/04/19	191	NAPA AUTO PARTS INC	00160006120	ANTI FREEZE	0.00	158.33
TOTAL CHECK								410.80
1011	94652	04/04/19	54	1 STOP TONER & INKJET, L	00165006510	SRVC-PRINTER-ENGINRNG	0.00	129.00
1011	94653	04/04/19	1953	PALOMAR COLLEGE	001	SPRING19-C#31018-DM	0.00	837.00
1011	94653	04/04/19	1953	PALOMAR COLLEGE	00160006120	SPRING19-C#31018-SB	0.00	1,302.00
TOTAL CHECK								2,139.00
1011	94654	04/04/19	3529	PARKHOUSE TIRE INC	00160006120	TIRES T#E230-AIR SRVC	0.00	47.25
1011	94654	04/04/19	3529	PARKHOUSE TIRE INC	00160006120	TIRES T#E237-TIRES	0.00	1,609.57
1011	94654	04/04/19	3529	PARKHOUSE TIRE INC	00160006120	TIRES T#T237-TIRES	0.00	2,755.06
TOTAL CHECK								4,411.88
1011	94655	04/04/19	4767	PARTNERSHIPS WITH INDUST	00165006550	TRASH ABTMNT PE 02/28	0.00	514.33
1011	94655	04/04/19	4767	PARTNERSHIPS WITH INDUST	00165006570	TRASH ABTMNT PE 02/28	0.00	514.33
1011	94655	04/04/19	4767	PARTNERSHIPS WITH INDUST	00165006550	TRASH ABTMNT PE 03/15	0.00	647.95
1011	94655	04/04/19	4767	PARTNERSHIPS WITH INDUST	00165006570	TRASH ABTMNT PE 03/15	0.00	647.95
TOTAL CHECK								2,324.56
1011	94656	04/04/19	113	PITNEY BOWES GLOBAL FINA	00150005150	POSTAGE MTR-1/30-4/29	0.00	704.94
1011	94657	04/04/19	5547	PRIMO INVESTIGATIONS	00150005400	BCKGRND CHK-CVL ENGNR	0.00	225.00
1011	94658	04/04/19	2260	REDFLEX TRAFFIC SYSTEMS,	00165006540	RED LIGHT CAMERA-FEB	0.00	7,158.00
1011	94659	04/04/19	5601	SAGARY KRULCE	00150005400	S. KRULCE-LIVESCAN	0.00	20.00
1011	94660	04/04/19	257	SAN DIEGO COUNTY SHERIFF	21960006110	LAW ENFORCEMENT-FEB	0.00	8,537.64
1011	94660	04/04/19	257	SAN DIEGO COUNTY SHERIFF	00160006110	LAW ENFORCEMENT-FEB	0.00	339,705.36
1011	94660	04/04/19	257	SAN DIEGO COUNTY SHERIFF	001	CR TOW FEE-FEB	0.00	-382.97
TOTAL CHECK								347,860.03
1011	94661	04/04/19	169	SDG&E CO INC	20375007510	UTILITIES-02/04-03/08	0.00	2,269.01
1011	94661	04/04/19	169	SDG&E CO INC	00165006570	UTILITIES-02/04-03/08	0.00	5,582.26
1011	94661	04/04/19	169	SDG&E CO INC	21100007600	UTILITIES-01/31-03/08	0.00	7,202.86
1011	94661	04/04/19	169	SDG&E CO INC	00165006570	UTILITIES-01/31-03/08	0.00	1,339.72
1011	94661	04/04/19	169	SDG&E CO INC	00165006530	UTILITIES-01/31-03/08	0.00	393.17
1011	94661	04/04/19	169	SDG&E CO INC	00165006540	UTILITIES-01/31-03/08	0.00	436.86
1011	94661	04/04/19	169	SDG&E CO INC	00165006530	UTILITIES-02/04-03/08	0.00	763.81
1011	94661	04/04/19	169	SDG&E CO INC	00165006540	UTILITIES-02/04-03/08	0.00	821.70
TOTAL CHECK								18,809.39
1011	94662	04/04/19	1073	SEASIDE HEATING & AIR CO	00165006570	HVAC MAINT-MAR-FC	0.00	105.00
1011	94662	04/04/19	1073	SEASIDE HEATING & AIR CO	00165006570	HVAC MAINT-MAR-CH	0.00	834.00
TOTAL CHECK								939.00
1011	94663	04/04/19	4281	SIEMENS INDUSTRY, INC	00165006540	TRAFFIC SCNL MNT-FEB	0.00	993.92
1011	94663	04/04/19	4281	SIEMENS INDUSTRY, INC	00165006540	TRAFFIC CALL OUT-FEB	0.00	1,423.85
1011	94663	04/04/19	4281	SIEMENS INDUSTRY, INC	21100007600	ST LIGHT REPAIR-FEB	0.00	1,031.14
TOTAL CHECK								3,448.91

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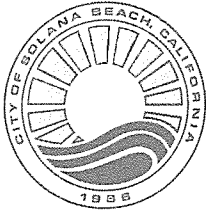
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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	94664	04/04/19	5605	TRICIA BASIL	001	RFND SB-0619756	0.00	32.50
1011	94665	04/04/19	5588	VALERI PAUL	00150005400	V. PAUL-LIVESCAN	0.00	20.00
1011	94666	04/04/19	3242	VAN DYKE LANDSCAPE ARCHI	45994386510	9438.10 SK8PK DSN-FEB	0.00	2,702.49
1011	94667	04/04/19	3723	WAGeworks	00150005400	FSA ADMIN-MAR	0.00	118.25
1011	94668	04/04/19	4705	WEBQA, INC	00150005150	RECRDS RQST SFTWR	0.00	1,500.00
1011	V900023	04/04/19	5504	ALL CITY MANAGEMENT SERV	00165006540	CROSSING GRD2/10-2/23	0.00	863.08
1011	V900023	04/04/19	5504	ALL CITY MANAGEMENT SERV	00165006540	CROSSING GRD2/24-3/9	0.00	1,727.88
1011	V900023	04/04/19	5504	ALL CITY MANAGEMENT SERV	00165006540	CROSSING GRD2/10-2/23	0.00	1,602.85
1011	V900023	04/04/19	5504	ALL CITY MANAGEMENT SERV	00165006540	CROSSING GRD2/24-3/9	0.00	3,208.92
1011	V900023	04/04/19	5504	ALL CITY MANAGEMENT SERV	001	CROSSING GRD2/24-3/9	0.00	-3,208.92
1011	V900023	04/04/19	5504	ALL CITY MANAGEMENT SERV	001	CROSSING GRD2/10-2/23	0.00	-1,602.85
1011	V900023	04/04/19	5504	ALL CITY MANAGEMENT SERV	001	CROSSING GRD2/10-2/23	0.00	1,602.85
1011	V900023	04/04/19	5504	ALL CITY MANAGEMENT SERV	001	CROSSING GRD2/24-3/9	0.00	3,208.92
TOTAL CHECK							0.00	7,402.73
1011	V900024	04/04/19	13	SOLANA BEACH FIREFIGHTER	001	FD DUES PD 04/05/19	0.00	913.50
TOTAL CASH ACCOUNT							0.00	586,103.10
TOTAL FUND							0.00	586,103.10
TOTAL REPORT							0.00	586,103.10



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** April 24, 2019  
**ORIGINATING DEPT:** Finance  
**SUBJECT:** Report on Changes Made to the General Fund Adopted Budget for Fiscal Year 2018-2019

**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 April 10, 2019.

**DISCUSSION:**

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

GENERAL FUND - ADOPTED BUDGET PLUS CHANGES					
As of April 10, 2019					

Action	Description	Revenues	Expenditures	Transfers from GF	Net Surplus
Reso 2017-095	Adopted Budget	17,916,600	(17,098,600)	(401,600) (1)	\$ 416,400
Reso 2018-070	Fiscal Year 2018/19 Appropriation Revisions	76,100	(229,900)	-	262,600
Reso 2018-089	Crossing Guards	38,507	(59,242)	-	241,865
Reso 2018-101	SBFA MOU	-	(185,425)	-	56,440
Reso 2018-093	City-Wide Janitorial Services	-	(8,620)	-	47,820
Reso 2018-117	Crossing Guards	19,253	(29,620)	-	37,453
Reso 2018-128	Pers Side Fund	-	155,700	-	193,153
Reso 2019-019	Mid-Year Budget Adjustments	569,000	(265,100)	(109,336) (2)	387,717
Reso 2019-041	Crossing Guards Amendment	4,707	(7,241)	-	385,183
(1) Transfers to:					
	Debt Service for Public Facilities		151,100		
	City CIP Fund		250,500	401,600	
(2) Transfer to:					
	TEA21/ISTEA			109,336	

**COUNCIL ACTION:**

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**CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA

**FISCAL IMPACT:**

N/A

**WORK PLAN:**

N/A

**OPTIONS:**

- Receive the report.
- Do not accept the report

**DEPARTMENT RECOMMENDATION:**

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

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation

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



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** April 24, 2019  
**ORIGINATING DEPT:** City Manager  
**SUBJECT:** **Council Consideration and Discussion of the Reclassification of an Encinitas Deputy Fire Marshal to a Senior Deputy Fire Marshal and Including the Position in the Agreement for Cooperative Fire Management Service**

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## **BACKGROUND:**

It is the responsibility of the City Manager to consistently engage in organizational analysis of various City operations to improve efficiency and effectiveness and ensure the most economical means of conducting business is achieved. Section 2.08.070, Section D, of the Solana Beach Municipal Code (SBMC), "Powers and Duties (of City Manager)" Administrative Reorganization of Offices, states:

*It shall be the duty and responsibility of the City Manager to conduct studies and effect such administrative reorganization of offices, positions or units under the City Manager's direction as may be indicated in the interest of efficient, effective and economical conduct of the City's business.*

The City currently employs a part-time Fire Marshal as part of the Fire Management Cooperative Agreement (FMA) between the City of Solana Beach (City) and the cities of Encinitas and Del Mar. The Fire Marshal is an employee of the City of Encinitas (Encinitas) and is shared by the City and the City of Del Mar (Del Mar).

The Fire Marshal duties include the supervision of the City's Fire Prevention Specialist and conducting fire plan checks and fire inspections of a more complicated nature. An evaluation of the City's fire prevention workload was conducted and it was determined that the City would greatly benefit from greater onsite Fire Marshal services to better address the City's current fire prevention requirements. The Fire Marshal position is in charge of this Division and is responsible for supervising, planning, and coordinating the functions and activities of the fire prevention division in all three cities.

In the City of Encinitas, the Division is staffed with a Fire Marshal (FMA shared), one (1) Senior Deputy Fire Marshal, two (2) Deputy Fire Marshals, and a Program Assistant. In the City of Solana Beach, the Division is staffed with a Fire Marshal (FMA shared), a Fire Prevention Specialist, and a part-time Administrative Assistant. In the City of Del

CITY COUNCIL ACTION:

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**AGENDA ITEM A.3.**

Mar, the Division is staffed with a Fire Marshal (FMA shared) (See Attachment 1). Additionally, each City contracts with a third party vendor (EsGil Corporation) to provide various building safety plan review services.

The City entered into the FMA in Fiscal Year (FY) 2009/10, and since that time, has paid approximately 15% to 20% of the Encinitas Fire Marshal's salary and benefits for fire marshal services and has employed a temporary Fire Prevention Technician for approximately 20 hours per week.

The cost of FMA services is calculated using the total actual cost of salaries and benefits for the personnel providing the services, as specified in the FMA. The FMA personnel costs and cost allocations for the City, Encinitas and Del Mar for FY 2018/19 is shown in Attachment 1. Each agency's cost is apportioned to reflect the extent to which the parties to the FMA utilize fire management services based on a formula in the FMA.

For FY 2018/19, the City will pay 20.6%, or \$35,264, and the City of Del Mar will pay 13.0%, or \$22,311, of the Encinitas Fire Marshal's total salary and benefit cost of \$171,100.

The City's FY 2018/19 Adopted Budget included \$101,164 for a full-time Temporary Fire Prevention Technician and the position was being filled by a part-time employee. Based on an evaluation of the City's fire prevention needs, it was determined that the City's fire prevention workload has increased. At the November 13, 2018 City Council (Council) meeting, the Council approved Staff's recommendation to reclassify the temporary Fire Prevention Technician to a Fire Prevention Specialist as a regular full-time benefited position to address the increased workload. It is estimated that the annual salary and benefits for a full time Fire Prevention Specialist would be \$103,387. The City filled the Fire Prevention Specialist position last month.

This item is before the City Council for consideration and discussion of the proposal to enhance FMA Fire Marshal services by reclassifying an Encinitas Deputy Fire Marshal position to a Senior Deputy Fire Marshal (SDFM) position and including this position in the FMA and to provide direction to Staff as to the next steps.

### **DISCUSSION:**

Currently, there is no backup for the Fire Marshal position built into the FMA. If the Fire Marshal is sick, on vacation, or on another leave, the Fire Prevention Division in Solana Beach and Del Mar is severely compromised, impacting customer service. Plan checks and other critical functions are delayed. Another challenge is that the shared Fire Marshal is performing many tasks/functional level work instead of supervising this work. Performing this task-level work impacts the shared Fire Marshal's supervisory responsibility.

As part of the evaluation of the City's fire prevention needs and increased workload, it was determined that the City needed more dedicated Fire Marshal services to provide

more direct supervision of the City's full-time Fire Prevention Specialist and to conduct fire plan checks, plan reviews and fire inspections of a more complicated nature. If an in-house part-time contract Fire Marshal was hired at a 0.50 FTE and paid the same hourly rate as the Encinitas Fire Marshal at \$64 per hour with no benefits except Social Security and Medicare, the anticipated annual cost would be \$71,652. This position would be in lieu of using the services of the Encinitas Fire Marshal as part of the FMA.

In order to address this service need, the City Managers of Del Mar, Encinitas and Solana Beach and the FMA Fire Chief held discussions regarding the FMA Fire Marshal services and are recommending to reclassify an Encinitas Deputy Fire Marshal position to a Senior Deputy Fire Marshal (SDFM) position and to include this position in the FMA. While the SDFM will have task level or functional responsibilities in all three cities, the primary function of this position will be to provide services to the cities of Solana Beach and Del Mar. This will provide reinforcement in all three cities while also allowing the Fire Marshal to more effectively supervise the Division across all three cities. The SDFM will also provide immediate supervision of the City's Fire Prevention Specialist.

On Friday, April 12, 2019, the Fire Governance Committee met and voted unanimously, with all members present, to support the recommendation of the FMA Staff.

The City Manager is also in discussions with Del Mar to assess the possibility of using the services of the City's Fire Prevention Specialist to support Del Mar. Del Mar currently uses EsGil for both fire plan checks and fire inspections.

**CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

If Council approves the reclassification of a Deputy Fire Marshal to a Senior Deputy Fire Marshal to provide enhanced services to the FMA, the City of Del Mar would pay an additional \$17,225 and the City of Solana Beach would pay an additional \$27,225 to the City of Encinitas for the reclassification of a SDFM to support the FMA. The City of Encinitas' personnel cost would increase by \$14,094 for the reclassification, but will receive an additional \$44,450 in reimbursement from the other two cities.

This additional cost would be covered by anticipated additional public safety revenue as determined by the fee study or by the participation of Del Mar in using the services of City fire prevention staff.

The proposed changes will be included as part of the FYs 2019/20 and 2020/21 Proposed Budgets that will be presented to Council in May 2019.

**WORK PLAN:**

N/A

**OPTIONS:**

- Provide direction to Staff about the reclassification of a Deputy Fire Marshal to a Senior Deputy Fire Marshall
- Support Staff recommendation.
- Provide alternate direction.

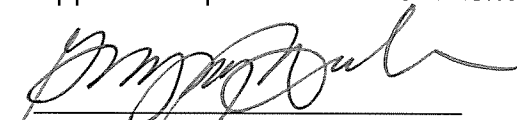
**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council consider adoption of Resolution 2019-049 that would:

1. Approve the Fourth Amendment to the Agreement for Cooperative Management Services reclassifying an Encinitas Deputy Fire Marshal position to a Senior Deputy Fire Marshal (SDFM) position and including this position in the FMA; and
2. Authorizing an increase in the contribution to the annual Fire Services Budget in the amount of \$27,225 to support the SDFM position.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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

Attachments:

1. Resolution 2019-049
2. Proposed Fire Services Organization Chart
3. Fire Management Services Personnel Costs for FY 2018/19 & FY 2019/20
4. Fourth Amendment to the Agreement for Cooperative Management Services



RESOLUTION NO. 2019-049

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE FOURTH AMENDMENT TO THE AGREEMENT FOR COOPERATIVE FIRE MANAGEMENT SERVICES BY AND BETWEEN THE CITIES OF DEL MAR, ENCINITAS, AND THE SOLANA BEACH**

**WHEREAS**, the City of Solana Beach, City of Encinitas, and City of Del Mar, (hereinafter collectively referred to as "PARTIES"), are public agencies organized and existing under and by virtue of the laws of the State of California; and,

**WHEREAS**, each party is charged with providing fire prevention and suppression activities, emergency medical services ("EMS") and emergency/disaster management as provided for in California Health and Safety Code § 13862 and Government Code Chapter 7, within their respective boundaries; and,

**WHEREAS**, on October 15, 2009, the PARTIES entered into a Fire Department Cooperative Management Services Agreement ("Agreement") for the purpose of sharing fire management functions; and,

**WHEREAS**, sharing the functions of organizational direction and control, supervision of operations, training, fire prevention, administrative and fiscal management, and disaster preparedness, under this Agreement, has provided effective leadership to multiple agencies, eliminated redundancy, duplication of effort and provided opportunities for current cost savings and an increased level of service for each party, while avoiding the full cost of providing for complete independent fire administration on their own; and

**WHEREAS**, in light of discussions among the PARTIES to modify the Agreement to reclassify an Encinitas Deputy Fire Marshal position to a Senior Deputy Fire Marshal (SDFM) position to provide enhanced services to the respective PARTIES; and

**WHEREAS**, the PARTIES agreed to the First and Second Amendments to the Agreement allowing the City of Solana Beach to share the services and of its Battalion Fire Chief and receive additional management services from the City of Encinitas and revising the cost allocation to reflect a reduction in personnel costs; and

**WHEREAS**, the PARTIES agreed to the Third Amendment to the Agreement for cooperative management services that will further provide a cost effective option for said functions between the PARTIES; and

**WHEREAS**, the Fourth Amendment to the Agreement will provide enhanced cooperative management services that will further provide a cost effective option for said functions between the PARTIES.

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

1. That the foregoing recitations are true and correct.
2. That the City Council authorizes the City Manager to execute the Fourth Amendment to the Agreement for Cooperative Management Services with the cities of Del Mar and Encinitas in a form approved by the City Attorney.

**PASSED AND ADOPTED** this 24<sup>th</sup> day of April 2019, at a regular meeting of the City Council of the City of Solana Beach, California, by the following vote:

AYES: Councilmembers –

NOES: Councilmembers –

ABSENT: Councilmembers –

ABSTAIN: Councilmembers –

\_\_\_\_\_  
DAVID A. ZITO, Deputy Mayor

APPROVED AS TO FORM:

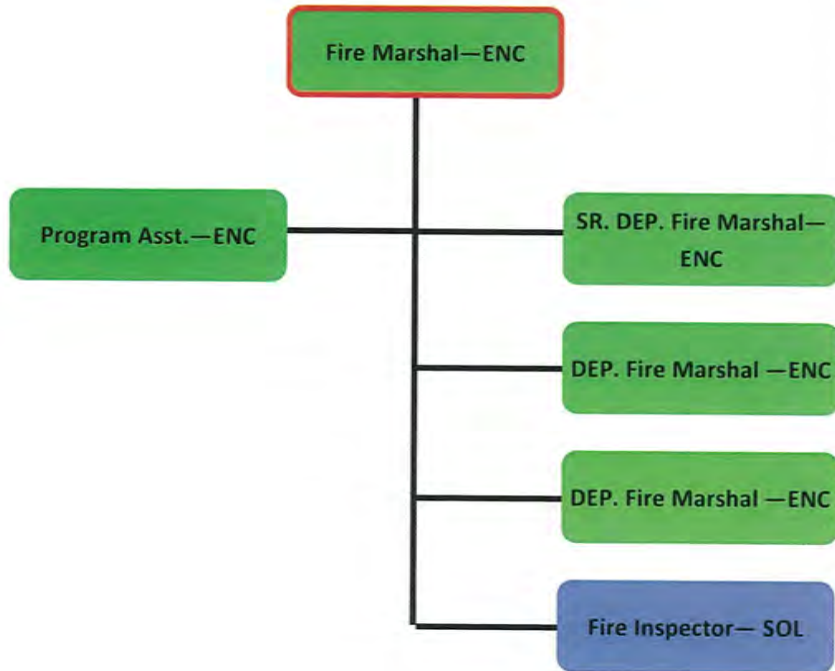
ATTEST:

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

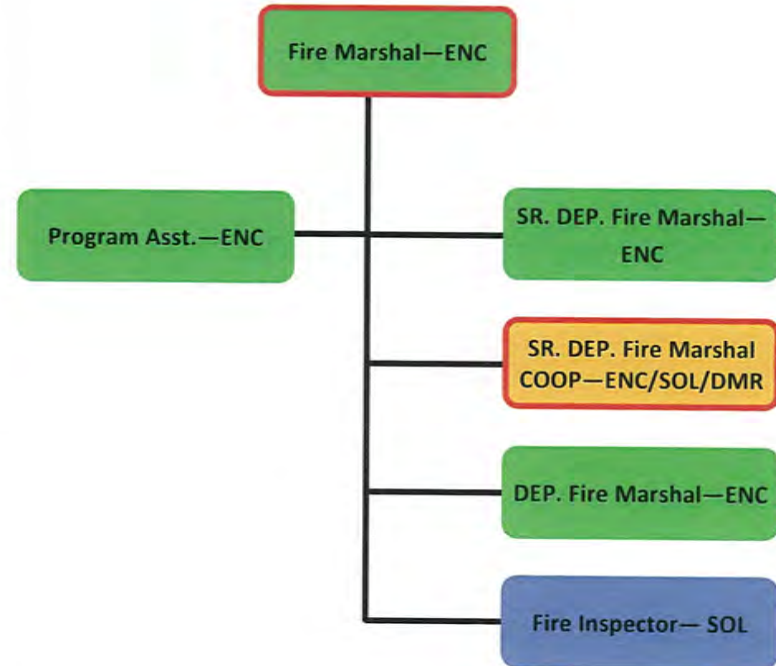
\_\_\_\_\_  
ANGELA IVEY, City Clerk

ATTACHMENT 2

CURRENT



PROPOSED



PROPOSAL

Promote an ENC Deputy Fire Marshal to Senior Deputy Fire Marshal & include this position into the Cooperative Agreement.

- Greater redundancy
- Places Fire Marshal in a supervisory role
- Provides for succession planning

FISCAL IMPACT

Del Mar	\$17,225	
Solana Beach	\$27,225	
Encinitas	(\$30,356)	[\$14,094 additional to re-class position, but will receive \$44,450 in reimbursement]

Current Cost Allocation

DMR = 13.04%	SOL = 20.61%	ENC = 66.35%
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## ATTACHMENT 3

**FY 18-19 Budget with Admin Battalion Chief & New Administrative Fee**

	DMR	SOL	ENC	Total (Salary & Benefits)
ENC DIRECTOR PS/ FIRE CHIEF--STEIN	\$ 35,138	\$ 55,537	\$ 178,789	\$ 269,464
ENC DEPUTY CHIEF (ADMIN)--BLUMEYER	\$ 31,081	\$ 49,124	\$ 158,145	\$ 238,350
ENC BATTALION CHIEF (OPS)--SPAULDING	\$ 26,268	\$ 41,517	\$ 133,656	\$ 201,441
ENC BATTALION CHIEF (TRAINING)--CHIROS	\$ 26,593	\$ 42,031	\$ 135,312	\$ 203,936
ENC FIRE MARSHAL--PUPPING	\$ 22,311	\$ 35,264	\$ 113,525	\$ 171,100
ENC MANAGEMENT ANALYST (DP, GRANTS)--JIMENEZ/STRATAKIS	\$ 14,311	\$ 22,619	\$ 72,818	\$ 109,748
ENC ADMIN BATTALION CHIEF (TRAINING)--MICKELSON	\$ 27,900	\$ 44,096	\$ 141,959	\$ 213,955
SOL BATTALION CHIEF (SUPPORT SERVICES)--FORD	\$ 27,044	\$ 42,743	\$ 137,604	\$ 207,391
<b>TOTAL - Salary &amp; Benefits</b>	<b>\$ 210,646</b>	<b>\$ 332,931</b>	<b>\$ 1,071,808</b>	<b>\$ 1,615,385</b>
ENC BATTALION CHIEF - CHIROS - OVERTIME (20 SHIFTS)	\$ 3,257	\$ 5,148	\$ 16,574	\$ 24,980
ENC BATTALION CHIEF - SPAULDING - OVERTIME (20 SHIFTS)	\$ 3,257	\$ 5,148	\$ 16,574	\$ 24,980
SOL BATTALION CHIEF - FORD - OVERTIME (20 SHIFTS)	\$ 3,199	\$ 5,058	\$ 16,280	\$ 24,536
<b>TOTAL - Salary &amp; Benefits &amp; Overtime</b>	<b>\$ 220,360</b>	<b>\$ 348,285</b>	<b>\$ 1,121,235</b>	<b>\$ 1,689,880</b>

ESTIMATE SALARY & BENEFITS ONLY				Total
ENC COST RECOVERY	\$ 183,602	\$ 290,188	N/A	\$ 473,790
SOL COST RECOVERY	\$ 27,044	N/A	\$ 137,604	\$ 164,648

ESTIMATE OVERTIME				Total
ENC COST RECOVERY	\$ 6,515	\$ 10,297	N/A	\$ 16,811
SOL COST RECOVERY	\$ 3,199	N/A	\$ 16,280	\$ 19,479

TOTAL ESTIMATE				Total
ENC COST RECOVERY	\$ 190,117	\$ 300,484	N/A	\$ 490,601
SOL COST RECOVERY	\$ 30,243	N/A	\$ 153,884	\$ 184,127

Cost Allocation	DMR	SOL	ENC
	13.04%	20.61%	66.35%

Contract costs to be paid to other agencies under cost sharing agreement

Current Cost:

\$ 220,360	Del Mar Cost
\$ 348,285	Solana Cost
\$ 1,121,235	Encinitas Cost
\$ 1,689,880	Total FMS Cost

Proposed Cost with adding reclassified ENC Sr. DFM

\$ 237,585	Del Mar Cost
\$ 375,510	Solana Cost
\$ 1,208,879	Encinitas Cost
\$ 1,821,974	Total FMS Cost

Additional Cost by Agency for reclassified ENC Sr. DFM

\$ 17,225	Del Mar Cost
\$ 27,225	Solana Cost
\$ (30,356)	FY19 Encinitas Cost (\$14,094 additional cost to reclass position, but will receive \$44,450 in reimbursements from DMR & SOL)

**FY 18-19 Budget Estimate adding existing reclassified ENC Sr. DFM to FMS Agreement**

	DMR	SOL	ENC	Total (Salary & Benefits)
ENC DIRECTOR PS/ FIRE CHIEF--STEIN	\$ 35,138	\$ 55,537	\$ 178,789	\$ 269,464
ENC DEPUTY CHIEF (ADMIN)--BLUMEYER	\$ 31,081	\$ 49,124	\$ 158,145	\$ 238,350
ENC BATTALION CHIEF (OPS)--SPAULDING	\$ 26,268	\$ 41,517	\$ 133,656	\$ 201,441
ENC BATTALION CHIEF (TRAINING)--CHIROS	\$ 26,593	\$ 42,031	\$ 135,312	\$ 203,936
ENC FIRE MARSHAL--PUPPING	\$ 22,311	\$ 35,264	\$ 113,525	\$ 171,100
<b>ENC SR. DEPUTY FIRE MARSHAL (PROPOSED)</b>	<b>\$ 17,225</b>	<b>\$ 27,224</b>	<b>\$ 87,644</b>	<b>\$ 132,093</b>
ENC MANAGEMENT ANALYST (DP, GRANTS)--JIMENEZ/STRATAKIS	\$ 14,311	\$ 22,619	\$ 72,818	\$ 109,748
ENC ADMIN BATTALION CHIEF (TRAINING)--MICKELSON	\$ 27,900	\$ 44,096	\$ 141,959	\$ 213,955
SOL BATTALION CHIEF (SUPPORT SERVICES)--FORD	\$ 27,044	\$ 42,743	\$ 137,604	\$ 207,391
<b>TOTAL - Salary &amp; Benefits</b>	<b>\$ 227,871</b>	<b>\$ 360,155</b>	<b>\$ 1,159,452</b>	<b>\$ 1,747,478</b>
ENC BATTALION CHIEF - CHIROS - OVERTIME (20 SHIFTS)	\$ 3,257	\$ 5,148	\$ 16,574	\$ 24,980
ENC BATTALION CHIEF - SPAULDING - OVERTIME (20 SHIFTS)	\$ 3,257	\$ 5,148	\$ 16,574	\$ 24,980
SOL BATTALION CHIEF - FORD - OVERTIME (20 SHIFTS)	\$ 3,199	\$ 5,058	\$ 16,280	\$ 24,536
<b>TOTAL - Salary &amp; Benefits &amp; Overtime</b>	<b>\$ 237,585</b>	<b>\$ 375,510</b>	<b>\$ 1,208,879</b>	<b>\$ 1,821,974</b>

ESTIMATE SALARY & BENEFITS ONLY				Total
ENC COST RECOVERY	\$ 200,827	\$ 317,412	N/A	\$ 518,239
SOL COST RECOVERY	\$ 27,044	N/A	\$ 137,604	\$ 164,648

ESTIMATE OVERTIME				Total
ENC COST RECOVERY	\$ 6,515	\$ 10,297	N/A	\$ 16,811
SOL COST RECOVERY	\$ 3,199	N/A	\$ 16,280	\$ 19,479

TOTAL ESTIMATE				Total
ENC COST RECOVERY	\$ 207,342	\$ 327,709	N/A	\$ 535,051
SOL COST RECOVERY	\$ 30,243	N/A	\$ 153,884	\$ 184,127

Cost Allocation	DMR	SOL	ENC
	13.04%	20.61%	66.35%

ATTACHMENT 4

~~THIRD-FOURTH~~ AMENDMENT TO

AGREEMENT FOR COOPERATIVE MANAGEMENT SERVICES

This Amendment ("**Amendment**") is entered into the 1<sup>st</sup> day of July, ~~2018-2019~~ ("**Effective Date**") regarding that certain AGREEMENT FOR COOPERATIVE MANAGEMENT SERVICES dated October 15, 2009 by and between CITY OF DEL MAR, CITY OF ENCINITAS, RANCHO SANTA FE FIRE PROTECTION DISTRICT and the CITY OF SOLANA BEACH (collectively the "**Parties**") ("**Agreement**").

**Recitals**

**WHEREAS**, Section 14 of the Agreement permits amendment of the Agreement by a writing signed by the Parties;

**WHEREAS**, the Parties agree to amend the Agreement as more fully stated herein.

**NOW, THEREFORE**, the Parties agree as follows:

1. Section 6.0 (Compensation) in the original agreement is hereby deleted and a revised Section 6.0 (Compensation) provided below is substituted in its place.

6. **Compensation**. Those PARTIES receiving fire management services agree to pay for the services herein to be performed, during the term of this Agreement. The fees for fire management services shall be calculated using the total actual cost of salaries and benefits for personnel providing the services identified in Exhibit "A" during the term of this Agreement and apportioned to reflect the extent to which the PARTIES utilize fire management services, based on the following formula:

10% equally shared

20% by population (based on the most recent figures from the State of California Department of Finance)

20% by area served

20% by number of annual calls for service (based on the most recent figures from North County Dispatch Joint Powers Authority)

30% by number of fire suppression personnel

The apportionment will be calculated annually using the most recent statistics required for the above-mentioned formula.

The total payment to Parties to render the services described in Exhibit "A" shall be made in quarterly installments.

The compensation provided to the Parties for services herein shall increase each year by the actual increase in salary and benefits of the positions providing the personnel services to that particular party for that fiscal year.

An administrative fee agreeable to all parties will be assessed annually.

[Section 6.1 is still in effect without modification]

2. Pursuant to Section 7.2 of the Agreement, the Rancho Santa Fe Fire Protection District has terminated this Agreement without cause and is no longer party to this Agreement. Effective July 1, 2013, the Parties to the Agreement shall constitute and be defined as the City of Del Mar, City of Encinitas and City of Solana Beach.

3. Exhibit "A" (Description of Services) is hereby deleted and a new Exhibit "A" (Description of Services) attached hereto as Attachment "1" is substituted in its place.

4. Exhibit "B" (Annual Payments for Services) is hereby deleted. The annual payments for services are determined when the final personnel costs and administrative fees are known for the fiscal year and by the cost apportionment method described in Section 6. The City of Encinitas will distribute a final cost allocation to the Parties reflecting actual costs for providing personnel services for the fiscal year, when final costs are known.

5. This Amendment may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.

6. Except as specifically provided herein, all terms shall have the same meaning as defined in the Agreement.

7. Except as specifically amended herein, the Agreement shall remain in full force and effect.

**[Signatures on Next Page]**

Executed the first day and year appearing above at San Diego, California.

City of Del Mar  
a Municipal Corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

City of Encinitas  
a Municipal Corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

City of Solana Beach  
a Municipal Corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_



## ATTACHMENT 1

### EXHIBIT A

#### Description of Services

The **Encinitas Fire Department** will furnish the management services that include the positions of Fire Chief (1), Fire Marshal (1), Senior Deputy Fire Marhsal (1), and Management Analyst (1), to the Cities of Del Mar and Solana Beach in order to manage all Fire Departments. All other Chief Officers may be furnished by any of the three cities.

If there is a change to the allocation of positions noted above, all three cities agree to re-evaluate the cost allocation structure.

If the Fire Chief determines that an employee of this management services agreement is being utilized excessively by one party of this agreement, then the Parties agree that all three City Managers shall meet to re-balance the workload or discuss other appropriate remedies.

Cooperatively, said management services shall include the following:

#### 1. Management Services

- a. Under the direction and supervision of the City Managers of Del Mar, Encinitas, and Solana Beach, provide broad policy guidance, fire management expertise and leadership to Del Mar, Encinitas, and Solana Beach fire personnel.
- b. Confer with Del Mar, Encinitas, and Solana Beach Fire Department personnel when required to ascertain the needs and evaluate the efficiency of the services provided by all Departments to their respective citizens.
- c. As directed by the City Managers, respond to citizen complaints regarding personnel or services, requests for services, and inquires.
- d. Provide support to major incidents.
- e. Promote a harmonious working relationship between fire prevention and suppression personnel of each respective agency while striving to uphold each Fire Department's Mission Statement.
- f. Coordinate assignment and maintenance programs of fire apparatus and equipment.
- g. Oversee maintenance program for fire stations and serve as point of contact for fire personnel for facility maintenance or procurement requests.

- h. Supervise and provide direction when needed for fire prevention, suppression, and EMS activities for the Cities of Del Mar, Encinitas, and Solana Beach.
- i. Supervise personnel of the Del Mar, Encinitas, and Solana Beach Fire Departments. Supervise adherence to Del Mar, Encinitas, and Solana Beach Department policies and procedures (i.e. personnel rules, administrative policies, purchasing and budget policies, budget administration, department emergency operations policies, memorandum of understanding, vacation, and sick leave policies).
- j. As directed by the City Managers, attend and represent the Del Mar, Encinitas, and Solana Beach Fire Departments and implement each City's policies and directives at various local and regional meetings [i.e. City Council (when required), City Manager staff meetings, County Fire Chiefs, North Zone, CSA-17, UDC].
- k. Supervise the purchasing of materials and equipment within the budgetary constraints of each Department.
- l. Direct the forecast of funds needed for staffing, equipment, materials and supplies.
- m. Monitor and approve expenditures and request budget adjustments.
- n. Provide overhead supervision for safety, command, and control functions on an as needed basis.
- o. Provide support personnel dependent upon nature and location of incident for Emergency Operation Center (EOC) activities, during activation.
- p. Assist in the maintenance of the Cities' emergency plans and coordinate training for each City's staff.
- q. Administer grant programs and submit applications for grants.
- r. Prepare and review budgets and facilitate cost recovery.

## **2. Duty Coverage.**

- a. Provide emergency incident command officer coverage.
- b. Perform a management role and assume command of field operations as well as direct assigned personnel at the scene of emergencies involving fire, all types of accidents, gas leaks, flooded structures, hazardous materials and life saving and rescue work.
- c. Make decisions on the utilization and practical application of agency resources to ensure proper emergency coverage is maintained.
- d. Effectuate policies, orders, rules and regulations. Enforce agency rules and regulations and recommend and takes disciplinary action when necessary.
- e. Assure agency health and safety guidelines are followed, and exercise discretion to ensure a safe working environment is maintained.
- f. Respond to incidents requiring a chief officer, when necessary.

- g. Daily supervision of personnel. Supervise adherence to agency policies and procedures (i.e., personnel rules, administrative policies, purchasing and budget policies, budget administration, department emergency operations policies, memorandum of understanding, vacation, and sick leave policies, etc.).
- h. Conduct morning briefings with all shift personnel at the fire stations.
- i. Communicate daily activities with each Operations Chief and disseminate critical information.
- j. Meet with company officers in each station to explain new orders, answer questions, discuss policies and procedures, and ensure proper awareness of new standards.
- k. Receive and relay any pertinent information; deliver interdepartmental mail.
- l. Perform annual evaluations of company officers assigned to shift and ensure annual evaluations are complete for all members assigned to shift.
- m. Assist Company Officer with counseling and coaching of subordinates when there is a performance or personnel problem, if necessary.
- n. Participate in training activities and observe companies as they participate in training/drills.
- o. Act as initiating official for investigations and citizen's complaints; Analyze information obtained and handle as appropriate, or develop a report for further consideration.
- p. Maintain records and review RMS reports per developed program.
- q. Participate in captains' meetings when on duty.
- r. Participate in agency scheduled operations or staff meetings.
- s. Review FirstWatch response data at the end of every shift.
- t. Review Monthly Activity Reports.

### **3. Training Officer**

- a. Under direction of the Fire Chief, coordinate the training program for the members of the Del Mar, Encinitas, and Solana Beach Fire Departments.
- b. Prepare and oversee said training program.
- c. Monitor required annual training attendance records.
- d. Ensure annual state and federal training mandates are met.
- e. Ensure that all firefighters are instructed in the same firefighter techniques (North Zone Operations and Training Manual).
- f. Provide training guidance and management to Del Mar, Encinitas, and Solana Beach fire personnel.
- g. Establish training standards and develop curriculum and lesson plans.

- h. Develop a master training schedule including multi-company drills on a regular basis.
- i. Training shall include the development of a training academy for new hires.
- j. Evaluate training effectiveness and periodically review training records for completeness.
- k. Represent the Del Mar, Encinitas, and Solana Beach Fire Departments at Zone and County training activities and meetings.
- l. Provide oversight of the Department(s) Community Emergency Response Team (CERT) program(s).
- m. Oversee firefighter recruitment, testing (including promotional) and hiring.



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** April 24, 2019  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** **Consideration of Resolution 2019-044 Approving a Professional Services Agreement with Partnerships With Industry for Trash Abatement Services and Authorizing the City Manager to Execute an Extension of the Agreement up to Four Additional Years**

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## **BACKGROUND**

On August 27, 2014, the City Council approved and authorized the City Manager to enter into a Professional Services Agreement (PSA) for trash abatement, minor landscaping and other duties as assigned in public areas with Partnerships With Industry (PWI). The PSA and all authorized extensions of the agreement with PWI expire on June 30, 2019.

PWI is an organization that creates opportunities for adults with disabilities to enter the workforce by providing no cost vocational assessment, job preparation, job placement and support. PWI is built on the premise that every adult with a disability, willing to work, has the ability to be an active part of the workforce and society. PWI was established in 1985 to provide supported employment opportunities to adults with intellectual and/or developmental disabilities living in San Diego County. Since that time, PWI has opened three additional offices, strategically placed to serve the entire county, and has helped 11,000 individuals find employment and thrive in a work environment.

This item is before the City Council for the consideration of Resolution 2019-044 (Attachment 1) to seek Council's authorization for the City Manager to enter into a PSA (Attachment 2) with PWI, for one year with the option to extend the agreement for up to four additional one-year terms, for trash abatement, minor landscaping and other duties as assigned in public areas.

COUNCIL ACTION:

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**DISCUSSION:**

The current agreement with PWI is in an amount not to exceed \$33,600 per year and expires June 30, 2019. Staff is requesting that Council authorize the City Manager to enter an agreement with PWI with an option for up to four additional years, not to exceed the annual rate of \$33,600. As part of the proposed agreement, PWI workers will be supervised by a PWI staff member, an employment-training specialist, who will monitor daily production and quality.

The work performed by the PWI workers will be trash abatement in public areas; minor landscaping including weed removal and sidewalk cleaning; and other duties as assigned. Three PWI workers, plus the employment-training specialist, will be working in the City Mondays through Thursdays for approximately five hours per day.

**CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

The cost of this agreement is supplemented from the Street Sweeping and Facilities budget unit in the General Fund. A total of \$33,600 is proposed to be the contract amount for Fiscal Year (FY) 2019/20. There is no additional fiscal impact related with this report. All funding for this work will be recommended and appropriated as part of the FY 2019/20 Budget.

**WORK PLAN:**

This project is not mentioned in the 2018/19 Work Plan.

**OPTIONS:**

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

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2019-044:

1. Authorizing the City Manager to execute a Professional Services Agreement with Partnerships With Industry, in an amount not to exceed \$33,600, for trash abatement, minor landscaping and other duties as assigned in public areas.

2. Authorizing the City Manager, at his sole discretion, to extend the Professional Service Agreement with Partnerships With Industry, in an amount not to exceed \$33,600, for up to four additional years, at the City's option based on satisfactory past performance.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



---

Gregory Wade, City Manager

Attachments:

1. Resolution 2019-044
2. Agreement with PWI

**RESOLUTION NO. 2019-044**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH PARTNERSHIPS WITH INDUSTRY FOR ONE YEAR WITH THE OPTION TO EXTEND THE AGREEMENT FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS**

**WHEREAS**, Partnerships with Industry (PWI) is an organization that creates opportunities for adults with disabilities to enter the workforce by providing no cost vocational assessment, job preparation, job placement and support; and

**WHEREAS**, PWI is built on the premise that every adult with a disability, willing to work, has the ability to be an active part of the workforce and society; and

**WHEREAS**, the current Professional Services Agreement (PSA) with PWI expires on June 30, 2019; and

**WHEREAS**, the City is interested in continuing the services provided by PWI.

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

1. That the foregoing recitations are true and correct.
2. That the City Council authorizes the City Manager to execute a Professional Services Agreement with Partnerships With Industry, in an amount not to exceed \$33,600, for trash abatement, minor landscaping and other duties as assigned in public areas.
3. That the City Council authorizes the City Manager, at his sole discretion, to extend the Professional Service Agreement with Partnerships With Industry, in an amount not to exceed \$33,600, for up to four additional years, at the City's option based on satisfactory past performance.



**PASSED AND ADOPTED** this 24th day of April, 2019, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

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

\_\_\_\_\_  
DAVID A. ZITO, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

**City of Solana Beach**  
**PROFESSIONAL SERVICES AGREEMENT**  
**FOR TRASH ABATEMENT, MINOR LANDSCAPING**  
**AND OTHER DUTIES AS ASSIGNED**

THIS Professional Services Agreement (“AGREEMENT”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by and between the CITY OF SOLANA BEACH, a municipal corporation (“CITY”), and, PARTNERSHIPS WITH INDUSTRY a 501(c)(3) non-profit corporation (“CONTRACTOR”) (collectively “PARTIES”).

**WHEREAS**, the CITY desires to employ a CONTRACTOR to furnish TRASH ABATEMENT, MINOR LANDSCAPING AND OTHER DUTIES AS ASSIGNED (“PROFESSIONAL SERVICES”) for PUBLIC AREAS (“PROJECT”); and

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

**WHEREAS**, CONTRACTOR will conduct all the work as described and detailed in this AGREEMENT to be provided to the CITY.

**NOW, THEREFORE**, the PARTIES hereto mutually covenant and agree with each other as follows:

**1. PROFESSIONAL SERVICES.**

- 1.1. **Scope of Services.** The CONTRACTOR shall perform the PROFESSIONAL SERVICES as set forth in the written Scope of Services, attached as Exhibit “A” Scope of Services and Fee, at the direction of the CITY. CITY shall provide CONTRACTOR access to appropriate staff and resources for the coordination and completion of the projects under this AGREEMENT.
- 1.2. **Project Coordinator.** The City Engineer is hereby designated as the Project Coordinator for CITY and will monitor the progress and execution of this AGREEMENT. CONTRACTOR shall assign a single Project Director to provide supervision and have overall responsibility for the progress and execution of this AGREEMENT for CONTRACTOR. is hereby designated as the Project Director for CONTRACTOR.
- 1.3. **City Modification of Scope of Services.** CITY may order changes to the Scope of Services within the general scope of this AGREEMENT consisting of additions, deletions, or other revisions. If such changes cause a change in the CONTRACTOR’s cost of, or time required for, completion of the Scope of Services, an equitable adjustment to CONTRACTOR’s compensation and/or contract time shall be made, subject to the CITY’S approval. All such changes shall be authorized in writing, executed by CONTRACTOR and CITY.

**2. DURATION OF AGREEMENT.**

- 2.1. **Term.** The term of this AGREEMENT shall be for a period of one (1) year beginning from the date of execution of the AGREEMENT. Time is of the essence in the performance of work under this AGREEMENT, unless otherwise specified.
- 2.2. **Extensions.**  If marked, the CITY shall have the option to extend the AGREEMENT four (4) additional one (1) year periods or parts thereof for an amount not to exceed thirty-three thousand six hundred dollars (\$33,600) per AGREEMENT year. Extensions shall be in the sole discretion of the City Manager and shall be based upon CONTRACTOR’s satisfactory past performance,

CITY needs, and appropriation of funds by the City Council. The CITY shall give written notice to CONTRACTOR prior to exercising the option.

- 2.3. **Delay.** Any delay occasioned by causes beyond the control of CONTRACTOR may merit an extension of time for the completion of the Scope of Services. When such delay occurs, CONTRACTOR shall immediately notify the Project Coordinator in writing of the cause and the extent of the delay, whereupon the Project Coordinator shall ascertain the facts and the extent of the delay and grant an extension of time for the completion of the PROFESSIONAL SERVICES when justified by the circumstances.
- 2.4. **City's Right to Terminate for Default.** Should CONTRACTOR be in default of any covenant or condition hereof, CITY may immediately terminate this AGREEMENT for cause if CONTRACTOR fails to cure the default within ten (10) calendar days of receiving written notice of the default.
- 2.5. **City's Right to Terminate without Cause.** Without limiting its rights in the event of CONTRACTOR's default, CITY may terminate this AGREEMENT, without cause, by giving written notice to CONTRACTOR. Such termination shall be effective upon receipt of the written notice. CONTRACTOR shall be compensated for all effort and material expended on behalf of CITY under the terms of this AGREEMENT, up to the effective date of termination. All personal property remaining in CITY facilities or on CITY property thirty (30) days after the expiration or termination of this AGREEMENT shall be, at CITY's election, considered the property of CITY.

### 3. COMPENSATION.

- 3.1. **Total Amount.** The total cost for all work described in the Scope of Services and Fee (Exhibit "A") shall not exceed thirty-three thousand six hundred dollars (\$33,600) without prior written authorization from CITY. CONTRACTOR shall bill the CITY for work provided and shall present a written request for such payment monthly.
- 3.2. **Additional Services.** CITY may, as the need arises or in the event of an emergency, request additional services of CONTRACTOR. Should such additional services be required, CITY and CONTRACTOR shall agree to the cost prior to commencement of these services.
- 3.3. **Costs.** Any costs billed to the CITY shall be in accordance with any terms negotiated and incorporated herein as part of Exhibit "A" Scope of Services and Fee.

### 4. INDEPENDENT CONTRACTOR.

- 4.1. CONTRACTOR is, for all purposes arising out of this AGREEMENT, an independent contractor. The CONTRACTOR has and shall retain the right to exercise full control and supervision of all persons assisting the CONTRACTOR in the performance of said services hereunder, the CITY only being concerned with the finished results of the work being performed. Neither CONTRACTOR nor CONTRACTOR's employees shall in any event be entitled to any benefits to which CITY employees are entitled, including, but not limited to, overtime, retirement benefits, workers' compensation benefits, injury leave or other leave benefits. CONTRACTOR is solely responsible for all such matters, as well as compliance with social security and income tax withholding and all other regulations and laws governing such matters.
- 4.2. **PERS Eligibility Indemnification.** In the event that CONSULTANT's employee providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS of the CITY, Contractor shall indemnify, defend, and hold harmless CITY for the payment of any employer and employee contributions for PERS benefits on behalf of the employee as well as for payment of any penalties and interest on such contributions which would otherwise be the responsibility of the CITY. Notwithstanding any other agency, state or federal policy, rule, regulation, law or

ordinance to the contrary, CONSULTANT's employees providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation and benefit including but not limited to eligibility to enroll in PERS as an employee of CITY and entitlement to any contributions to be paid by CITY for employer contributions and/or employee contributions for PERS benefits.

**4.3 Limitation of CITY Liability.** The payment made to CONSULTANT pursuant to this contract shall be the full and complete compensation to which CONSULTANT and Contractor's officers, employees, agents and subcontractors are entitled for performance of any work under this contract. Neither CONSULTANT nor CONSULTANT's officers or employees are entitled to any salary or wages, or retirement, health, leave or other fringe benefits applicable to employees of the CITY. The CITY will not make any federal or state tax withholdings on behalf of CONSULTANT. The CITY shall not be required to pay any workers' compensation insurance on behalf of CONSULTANT.

**4.4 Indemnification for Employee Payments.** CONSULTANT agrees to defend and indemnify the CITY for any obligation, claim, suit or demand for tax, retirement contribution including any contribution to the Public Employees Retirement System (PERS), social security, salary or wages, overtime payment, or workers' compensation payment which the CITY may be required to make on behalf of CONSULTANT or any employee of the CITY for work done under this contract. This is a continuing obligation that survives the termination of this contract.

## **5. STANDARD OF PERFORMANCE.**

While performing the PROFESSIONAL SERVICES, CONTRACTOR shall exercise the reasonable professional care and skill customarily exercised by reputable members of CONTRACTOR's profession practicing in the metropolitan Southern California Area, and will use reasonable diligence and best judgment while exercising its professional skill and expertise.

## **6. WARRANTY OF CONTRACTOR'S LICENSE.**

CONTRACTOR warrants that CONTRACTOR is properly licensed with the applicable government agency(ies) for any PROFESSIONAL SERVICES that require a license. If the CONTRACTOR lacks such license, this AGREEMENT is void and of no effect.

## **7. AUDIT OF RECORDS.**

**7.1.** At any time during normal business hours and as often as may be deemed necessary the CONTRACTOR shall make available to a representative of CITY for examination all of its records with respect to all matters covered by this AGREEMENT and shall permit CITY to audit, examine and/or reproduce such records. CONTRACTOR shall retain such financial and program service records for at least four (4) years after termination or final payment under this AGREEMENT.

**7.2.** The CONTRACTOR shall include the CITY's right under this section in any and all of their subcontracts, and shall ensure that these sections are binding upon all subcontractors.

## **8. CONFIDENTIALITY.**

All professional services performed by CONTRACTOR, including but not limited to all drafts, data, correspondence, proposals, reports, research and estimates compiled or composed by CONTRACTOR, pursuant to this AGREEMENT, are for the sole use of the CITY, its agents and employees. Neither the documents nor their contents shall be released to any third party without the prior written consent of the CITY. This provision does not apply to information that (a) was publicly known, or otherwise known to CONTRACTOR, at the time that it was disclosed to CONTRACTOR by the CITY, (b) subsequently becomes publicly known through no act or omission of CONTRACTOR or (c) otherwise becomes known to CONTRACTOR other than through disclosure by the CITY. Except for any subcontractors that may be allowed upon prior agreement, neither the documents nor their contents shall be released to any third party

without the prior written consent of the CITY. The sole purpose of this section is to prevent disclosure of CITY's confidential and proprietary information by CONTRACTOR or subcontractors.

## **9. CONFLICTS OF INTEREST.**

- 9.1.** CONTRACTOR shall at all times comply with all federal, state and local conflict of interest laws, regulations, and policies applicable to public contracts and procurement practices, including but not limited to California Government Code Section 81000 *et seq.* (Political Reform Act) and Section 1090 *et seq.* CONTRACTOR shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the CITY in which the CONTRACTOR has a financial interest as defined in Government Code Section 87103. CONTRACTOR represents that it has no knowledge of any financial interests which would require it to disqualify itself from any matter on which it might perform services for the CITY.
- 9.2.** If, in performing the PROFESSIONAL SERVICES set forth in this AGREEMENT, the CONTRACTOR makes, or participates in, a "governmental decision" as described in Title 2, Section 18700.3(a) of the California Code of Regulations, or performs the same or substantially all the same duties for the CITY that would otherwise be performed by a CITY employee holding a position specified in the department's conflict of interest code, the CONTRACTOR shall be subject to a conflict of interest code requiring the completion of one or more statements of economic interests disclosing the CONTRACTOR's relevant financial interests.
- 9.3.**  If checked, the CONTRACTOR shall comply with all of the reporting requirements of the Political Reform Act. Specifically, the CONTRACTOR shall file a Fair Political Practices Commission Form 700 (Assuming Office Statement) within thirty (30) calendar days of the CITY's determination that the CONTRACTOR is subject to a conflict of interest code. The CONTRACTOR shall also file a Form 700 (Annual Statement) on or before April 1 of each year of the AGREEMENT, disclosing any financial interests held during the previous calendar year for which the CONTRACTOR was subject to a conflict of interest code.

CITY represents that pursuant to California Government Code Section 1090 *et seq.*, none of its elected officials, officers, or employees has an interest in this AGREEMENT.

## **10. DISPOSITION AND OWNERSHIP OF DOCUMENTS.**

- 10.1.** All documents, data, studies, drawings, maps, models, photographs and reports prepared by CONTRACTOR under this AGREEMENT, whether paper or electronic, shall become the property of CITY for use with respect to this PROJECT, and shall be turned over to the CITY upon completion of the PROJECT or any phase thereof, as contemplated by this AGREEMENT.
- 10.2.** Contemporaneously with the transfer of documents, the CONTRACTOR hereby assigns to the CITY and CONTRACTOR thereby expressly waives and disclaims, any copyright in, and the right to reproduce, all written material, drawings, plans, specifications or other work prepared under this AGREEMENT, except upon the CITY's prior authorization regarding reproduction, which authorization shall not be unreasonably withheld. The CONTRACTOR shall, upon request of the CITY, execute any further document(s) necessary to further effectuate this waiver and disclaimer.

## **11. INSURANCE**

- 11.1.** CONTRACTOR shall procure and maintain for the duration of the AGREEMENT insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the CONTRACTOR, their agents, representatives, employees or subcontractors. Insurance shall be placed with insurers with a current A.M. Best's rating of no less than "A" and "VII" unless otherwise approved in writing by the CITY's Risk Manager.

- 11.2.** CONTRACTOR's liabilities, including but not limited to CONTRACTOR's indemnity obligations, under this AGREEMENT, shall not be deemed limited in any way to the insurance coverage required herein. All policies of insurance required hereunder must provide that the CITY is entitled to thirty (30) days prior written notice of cancellation or non-renewal of the policy or policies, or ten (10) days prior written notice for cancellation due to non-payment of premium. Maintenance of specified insurance coverage is a material element of this AGREEMENT.
- 11.3. Types and Amounts Required.** CONTRACTOR shall maintain, at minimum, the following insurance coverage for the duration of this AGREEMENT:
- 11.3.1.**  **Commercial General Liability (CGL).** If checked the CONTRACTOR shall maintain CGL Insurance written on an ISO Occurrence form or equivalent providing coverage at least as broad which shall cover liability arising from any and all personal injury or property damage in the amount of \$2,000,000.00 per occurrence and subject to an annual aggregate of \$4,000,000.00. There shall be no endorsement or modification of the CGL limiting the scope of coverage for either insured vs. insured claims or contractual liability. All defense costs shall be outside the limits of the policy.
- 11.3.2.**  **Commercial Automobile Liability.** If checked the CONTRACTOR shall maintain Commercial Automobile Liability Insurance for all of the CONTRACTOR's automobiles including owned, hired and non-owned automobiles, automobile insurance written on an ISO form CA 00 01 12 90 or a later version of this form or an equivalent form providing coverage at least as broad for bodily injury and property damage for a combined single limit of \$1,000,000.00 per occurrence. Insurance certificate shall reflect coverage for any automobile (any auto).
- 11.3.3.**  **Workers' Compensation.** If checked the CONTRACTOR shall maintain Worker's Compensation insurance for all of the CONTRACTOR's employees who are subject to this AGREEMENT and to the extent required by applicable state or federal law, a Workers' Compensation policy providing at minimum \$1,000,000.00 employers' liability coverage. The CONTRACTOR shall provide an endorsement that the insurer waives the right of subrogation against the CITY and its respective elected officials, officers, employees, agents and representatives.
- 11.3.4.**  **Professional Liability.** If checked the CONTRACTOR shall also maintain Professional Liability (errors and omissions) coverage with a limit of \$1,000,000 per claim and \$2,000,000 annual aggregate. The CONTRACTOR shall ensure both that (1) the policy retroactive date is on or before the date of commencement of the Scope of Services; and (2) the policy will be maintained in force for a period of three years after substantial completion of the Scope of Services or termination of this AGREEMENT whichever occurs last. The CONTRACTOR agrees that for the time period defined above, there will be no changes or endorsements to the policy that increase the CITY's exposure to loss. All defense costs shall be outside the limits of the policy.
- 11.4. Deductibles and Self-Insured Retentions.** Any deductibles or self-insured retentions are the responsibility of the CONTRACTOR and must be declared to and approved by the CITY. At the option of the CITY, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the CITY, its officers, officials, employees and volunteers, or (2) the CONTRACTOR shall provide a financial guarantee satisfactory to the CITY guaranteeing payment of losses and related investigations, claim administration, and defense expenses.
- 11.5. Additional Required Provisions.** The commercial general liability and automobile liability policies shall contain, or be endorsed to contain, the following provisions:

- 11.5.1.** The CITY, its officers, officials, employees, and representatives shall be named as additional insureds. The CITY's additional insured status must be reflected on additional insured endorsement form (20 10 1185 or 20 10 1001 and 20 37 1001) which shall be submitted to the CITY.
- 11.5.2.** The policies are primary and non-contributory to any insurance that may be carried by the CITY, as reflected in an endorsement which shall be submitted to the CITY.
- 11.6. Verification of Coverage.** CONTRACTOR shall furnish the CITY with original certificates and amendatory endorsements effecting coverage required by this Section 11. The endorsement should be on forms provided by the CITY or on other than the CITY's forms provided those endorsements conform to CITY requirements. All certificates and endorsements are to be received and approved by the CITY before work commences. The CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

## **12. INDEMNIFICATION.**

CONTRACTOR agrees to indemnify, defend, and hold harmless the CITY, and its officers, officials, agents and employees from any and all claims, demands, costs or liabilities that arise out of, or pertain to, or relate to the negligence, recklessness, or willful misconduct of CONTRACTOR, its employees, agents, and subcontractors in the performance of services under this AGREEMENT. CONTRACTOR's duty to indemnify under this section shall not include liability for damages for death or bodily injury to persons, injury to property, or other loss, damage or expense arising from the sole negligence or willful misconduct by the CITY or its elected officials, officers, agents, and employees. CONTRACTOR's indemnification obligations shall not be limited by the insurance provisions of this AGREEMENT. The PARTIES expressly agree that any payment, attorney's fees, costs or expense CITY incurs or makes to or on behalf of an injured employee under the CITY's self-administered workers' compensation is included as a loss, expense, or cost for the purposes of this section, and that this section will survive the expiration or early termination of this AGREEMENT.

## **13. SUBCONTRACTORS.**

- 13.1.** The CONTRACTOR's hiring or retaining of third parties (i.e. subcontractors) to perform services related to the PROJECT is subject to prior approval by the CITY.
- 13.2.** All contracts entered into between the CONTRACTOR and its subcontractor shall also provide that each subcontractor shall obtain insurance policies which shall be kept in full force and effect during any and all work on this PROJECT and for the duration of this AGREEMENT. The CONTRACTOR shall require the subcontractor to obtain, all policies described in Section 11 in the amounts required by the CITY, which shall not be greater than the amounts required of the CONTRACTOR.
- 13.3.** In any dispute between the CONTRACTOR and its subcontractor, the CITY shall not be made a party to any judicial or administrative proceeding to resolve the dispute. The CONTRACTOR agrees to defend and indemnify the CITY as described in Section 12 of this AGREEMENT should the CITY be made a party to any judicial or administrative proceeding to resolve any such dispute.

**14. NON-DISCRIMINATION.**

CONTRACTOR shall not discriminate against any employee or applicant for employment because of sex, race, color, age, religion, ancestry, national origin, military or veteran status, disability, medical condition, genetic information, gender expression, marital status, or sexual orientation. CONTRACTOR shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their sex, race, color, age, religion, ancestry, national origin, military or veteran status, disability, medical condition, genetic information, gender expression, marital status, or sexual orientation and shall make reasonable accommodation to qualified individuals with disabilities or medical conditions. Such action shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. CONTRACTOR agrees to post in conspicuous places available to employees and applicants for employment any notices provided by CITY setting forth the provisions of this non-discrimination clause.

**15. NOTICES.**

All communications to either party by the other party shall be delivered to the persons listed below. Any such written communications by mail shall be conclusively deemed to have been received by the addressee five (5) calendar days after the deposit thereof in the United States mail, postage prepaid and properly addressed as noted below.

MOHAMMAD SAMMAK, DIRECTOR OF  
ENGINEERING AND PUBLIC WORKS

City of Solana Beach  
635 S. Highway 101  
Solana Beach, CA 92075

BOB BEATTY, CEO –PRESIDENT  
DAVID CUEVAS, VICE PRESIDENT OF  
PROGRAMS AND SERVICES

Partnerships With Industry  
7540 Metropolitan Drive, Suite 105  
San Diego, CA 92108-4416

**16. ASSIGNABILITY.**

This AGREEMENT and any portion thereof shall not be assigned or transferred, nor shall any of the CONTRACTOR's duties be delegated or sub-contracted, without the express written consent of the CITY.

**17. RESPONSIBILITY FOR EQUIPMENT.**

CITY shall not be responsible nor held liable for any damage to persons or property consequent upon the use, misuse, or failure of any equipment used by CONTRACTOR or any of CONTRACTOR's employees or subcontractors, even if such equipment has been furnished, rented, or loaned to CONTRACTOR by CITY.

The acceptance or use of any such equipment by CONTRACTOR, CONTRACTOR's employees, or subcontractors shall be construed to mean that CONTRACTOR accepts full responsibility for and agrees to exonerate, indemnify and hold harmless CITY from and against any and all claims for any damage whatsoever resulting from the use, misuse, or failure of such equipment.

**18. CALIFORNIA LAW; VENUE.**

This AGREEMENT shall be construed and interpreted according to the laws of the State of California. Any action brought to enforce or interpret any portion of this AGREEMENT shall be brought in the county of San Diego, California. CONTRACTOR hereby waives any and all rights it might have pursuant to California Code of Civil Procedure Section 394.

**19. COMPLIANCE WITH LAWS.**

The CONTRACTOR shall comply with all laws, ordinances, regulations, and policies of the federal, state, and local governments applicable to this AGREEMENT whether now in force or subsequently enacted. This includes maintaining a City of Solana Beach Business Certificate.



**20. ENTIRE AGREEMENT.**

This AGREEMENT sets forth the entire understanding of the PARTIES with respect to the subject matters herein. There are no other understandings, terms or other agreements expressed or implied, oral or written, except as set forth herein. No change, alteration, or modification of the terms or conditions of this AGREEMENT, and no verbal understanding of the PARTIES, their officers, agents, or employees shall be valid unless agreed to in writing by both PARTIES.

**21. NO WAIVER.**

No failure of either the City or the CONTRACTOR to insist upon the strict performance by the other of any covenant, term or condition of this AGREEMENT, nor any failure to exercise any right or remedy consequent upon a breach of any covenant, term, or condition of this AGREEMENT shall constitute a waiver of any such breach of such covenant, term or condition.

**22. SEVERABILITY.**

The unenforceability, invalidity, or illegality of any provision of this AGREEMENT shall not render any other provision unenforceable, invalid, or illegal.

**23. DRAFTING AMBIGUITIES.**

The PARTIES agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this AGREEMENT, and the decision of whether or not to seek advice of counsel with respect to this AGREEMENT is a decision which is the sole responsibility of each Party. This AGREEMENT shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of the AGREEMENT.

**24. CONFLICTS BETWEEN TERMS.**

If an apparent conflict or inconsistency exists between the main body of this AGREEMENT and the Exhibits, the main body of this AGREEMENT shall control. If a conflict exists between an applicable federal, state, or local law, rule, regulation, order, or code and this AGREEMENT, the law, rule, regulation, order, or code shall control. Varying degrees of stringency among the main body of this AGREEMENT, the Exhibits, and

laws, rules, regulations, orders, or codes are not deemed conflicts, and the most stringent requirement shall control. Each Party shall notify the other immediately upon the identification of any apparent conflict or inconsistency concerning this AGREEMENT.

**25. EXHIBITS INCORPORATED.**

All Exhibits referenced in this AGREEMENT are incorporated into the AGREEMENT by this reference.

**26. SIGNING AUTHORITY.**

- 26.1. The representative for each Party signing on behalf of a corporation, partnership, joint venture, association, or governmental entity hereby declares that authority has been obtained to sign on behalf of the corporation, partnership, joint venture, association, or entity and agrees to hold the other Party or PARTIES hereto harmless if it is later determined that such authority does not exist.
- 26.2.  If checked, a proper notary acknowledgement of execution by CONTRACTOR must be attached.

**IN WITNESS WHEREOF**, the PARTIES hereto have executed this AGREEMENT the day and year first hereinabove written.

CITY OF SOLANA BEACH, a municipal corporation

PARTNERSHIPS WITH INDUSTRY, a 501(c)(3) non-profit corporation

By:

By:

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

ATTEST:

By:

\_\_\_\_\_  
City Clerk, Angela Ivey

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Mohammad Sammak, Director of Engineering and Public Works

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, Johanna N. Canlas

**EXHIBIT "A"**  
**SCOPE OF SERVICES AND FEE**

**SCOPE OF SERVICES**

- A.** The services will be performed by "PWI workers," also known as PWI clients. The work shall be completed under the supervision of a PWI staff member, referred to as the Employment Training Specialist ("ETS") or Job Coach. The ETS will monitor production and quality. The work performed by the PWI workers will be trash abatement in public areas, minor landscaping; including weed removal, sidewalk cleaning and other duties as assigned. Services shall be performed according the following schedule:

Days of Work: Monday to Thursday

Hours: 9:00am to 2:30pm with 30 minutes for lunch

Number of workers: 3

- B.** The focus of the ETS is to work with each employee to develop work skills, encourage productivity, and ensure quality. The ETS should not be expected to perform work for the CITY. The ETS's ongoing support and expertise is paid for by CONTRACTOR. Due to CONTRACTOR's funding by the State of California's Department of Rehabilitation, CONTRACTOR must recognize certain holidays throughout the year. On these holidays, the group cannot work. A schedule of the holidays will be supplied by CONTRACTOR.

- C.** Partnerships With Industry:

- Will be responsible for the assessment and placement of all PWI workers in the group.
- Will maintain accurate time and attendance records on each PWI worker.
- Carries Workers' Compensation and General Liability insurance on workers and PWI staff.
- PWI workers and staff members will follow rules provided by the CITY.
- Will provide final compensation (i.e., payroll services) for the PWI workers and PWI staff.
- Is an independent contractor and not an employee or agent of CITY.

- D.** City of Solana Beach:

- Will provide CONTRACTOR with the necessary tools and equipment to perform the tasks required.
- Will proactively inform PWI management and ETS of changes which affect the group's employment.
- Will address any performance concerns with the ETS and PWI management.
- Will work proactively with CONTRACTOR to ensure that all safety-related issues are addressed immediately.
- Will hold in confidence information regarding individuals who are PWI workers.

Will offer the same break times and uniforms to the PWI workers as with all other employees.

## SCHEDULE OF FEES

- A. CONTRACTOR prepares invoices for service periods: 1st–15th, and 16th through month's end. Payment must be received within 30 days of receipt of the invoice. If any questions, please contact Eric Simon, PWI group services manager at (760) 941-7534.
  
- B. The invoice will include each worker's pay, which is based upon their individual productivity and actual/direct overhead expenses such as workers compensation as well as reasonable and necessary administrative support. Until time studies are completed the initial cost will be \$1,950 twice per month. During the term of the contract, the amount will vary according to individual worker productivity as determined through ongoing time studies. As pay is directly related to productivity, the contract ensures equitable paperwork completed.
  
- C. Each worker's productivity will be time studied her U.S. Department of Labor (DOL) standards. This rate determines the 'norm' for individual pay. Norms are established by conducting time studies on experienced workers (i.e., received at least one pay increase and has worked at least six months). Individual pay is determined by assessing individual productivity and multiplying that by the prevailing wage (i.e. wage earned by an experienced worker). The following is an example of one workers pay: 75% (productivity) \* \$15 (prevailing wage) equals \$11.25. Time studies are completed at least semiannually. Changes in individual productivity will be reflected in subsequent invoices.
  
- D. Annually and when there is an increasing the minimum wage, the DOL requires that a new survey of prevailing wage be conducted. CONTRACTOR will conduct the prevailing wage survey (i.e., the average pay of experienced workers at similar businesses). CONTRACTOR will notify CITY if the prevailing wage changes or the minimum wage increases. Any changes in minimum and/or prevailing wage will be reflected in subsequent invoices. The prevailing wage for the work as detailed in this contract is \$13.00 for 2019 and \$14.00 for 2020.



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** April 24, 2019  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** **Update on Actions Taken in Response to the Emergency Storm Drainpipe Repairs in the Solana Beach Towne Centre**

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## **BACKGROUND:**

The City of Solana Beach owns an 84-inch Corrugated Metal Pipe (CMP) located just west of Interstate 5 Freeway in the Solana Beach Towne Centre along San Rodolfo Drive. In the fall, the City was notified of a potential sinkhole developing in the Solana Beach Towne Centre parking lot in the vicinity of the storm drainpipe directly under a covered walkway promenade near the Discount Tire store. Immediately after being notified, the City began an investigation including visual inspections, performing Closed Circuit Televising (CCTV), consulting with experts and researching the available record drawings associated with the construction of the subject pipeline.

Soon after the initial investigation, it was apparent that the pipeline needed to be repaired in an emergency manner. Staff retained the professional services of a structural engineer, a geotechnical engineer and a licensed contractor for this work. On April 10, 2019, the City Council ratified the City Manager's approval of an emergency contract with Crest Equipment Inc. and declared an emergency pursuant to Public Contract Code (PCC) section 20168.

This item is before the City Council for information only to provide an update to the construction project pursuant to section 22050(c) of the PCC. No action is required.

COUNCIL ACTION:

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## **DISCUSSION:**

Since the last time the project was presented to the City Council, the contractor performed a few tasks in preparation of the actual pipe repair and replacement work. These tasks include:

- Securing the inside of the damaged pipe by temporary bracing
- Pumping slurry grout into all visible sunken surface areas as well as subsurface cavities
- Building temporary flow storage area and corresponding piping for low-flow by-pass system
- Pumping slurry grout into pipe invert cavities
- Removing segmental pipe lining for permanent repair

Staff is working closely with the property owners to reach an agreement for the required construction staging and equipment storage area.

## **CEQA COMPLIANCE STATEMENT:**

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

## **FISCAL IMPACT:**

The initial construction cost associated with this repair is estimated at \$750,000. Additionally, there are costs associated with structural engineering, geotechnical engineering, field and laboratory testing and field surveying. Staff's estimate for the professional services is \$85,000.

## **WORK PLAN:**

N/A

## **OPTIONS:**


- Receive this report.
- Provide comments or direction.

## **DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council receive the updated report and provide further direction, if necessary.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** April 24, 2019  
**ORIGINATING DEPT:** City Attorney's Office  
**SUBJECT:** **Consider Resolution No. 2019-042 Establishing Administrative Procedures Policy No. \_\_ "Ticket Distribution Policy"**

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## BACKGROUND:

Public officials, employees and consultants designated in the City's Conflict of Interest Code are required to report gifts aggregating Fifty Dollars (\$50.00) or more from a single source during a calendar year on their Form 700 Statement of Economic Interests. (Govt. Code § 87210.) In addition, public officials, designated employees and consultants are prohibited from accepting gifts aggregating Five Hundred Dollars (\$500.00) or more from a single source in any calendar year. (Govt. Code § 89503.)

The Fair Political Practices Commission ("FPPC") recognizes exceptions to these gift regulations in several categories, including: tickets and passes to entertainment events, sporting events, and similar occasions that are distributed by the City, and gifts made to the City. With regard to tickets and passes, in 2009 the FPPC adopted Regulation 18944.1 ("Regulation 18944.1") providing that gift reporting and limits will not apply if certain procedures are followed. In general, the agency must adopt a policy declaring that the distribution of such tickets accomplishes a public purpose, then fill out the appropriate FPPC form (currently Form 802 which is included as an attachment) and post the form on the City's website. If the tickets fit within certain descriptive uses (such as a City business use), the City has a written ticket distribution policy and such policy is followed, then such tickets do not constitute a gift to the public official.

This item is before the City Council to consider approving Resolution 2019-042 establishing Administrative Procedures Policy No. \_\_ "Ticket Distribution Policy".

CITY COUNCIL ACTION:

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## **DISCUSSION:**

The proposed policy establishes procedures for the distribution of tickets pursuant to Regulation 18944.1. Under Regulation 18944.1, tickets to an event for entertainment purposes distributed by an agency to its public officials will not be considered a gift if (i) the public official uses or behests the tickets for a public purpose, or (ii) the public official treats the tickets as income in accordance with applicable state and federal income tax laws. Tickets provided by an agency to its officials for which the agency is reimbursed are not subject to the regulation.

For Regulation 18944.1 to be utilized, an agency must adopt a written ticket policy which contains, at a minimum: (i) provisions setting forth the public purposes of the agency to be accomplished by the distribution of tickets or passes; (ii) a provision requiring that the distribution of any ticket or pass by the agency to, or at the behest of, an official accomplish a public purpose of the agency; and (iii) a provision prohibiting the transfer by any official of any ticket or pass, distributed to such official pursuant to the agency policy, to any other person, except to members of the official's immediate family, solely for their personal use.

Finally, Regulation 18944.1 requires that the agency disclose on its website all tickets distributed to its officials for a public purpose as well as those which the official will treat as income. Such disclosure is to be made within 45 days after the distribution on a form provided by the FPPC, which shall include: (i) the name of the person or organization receiving the tickets; (ii) a description of the event; (iii) the date of the event; (iv) the face value of the ticket; (v) the number of tickets provided to each person/organization; (vi) if the ticket was behested, the name of the official who behested the ticket; and (vii) a description of the public purpose under which the distribution was made or, alternatively, that the ticket will be treated as income by the official.

The attached draft Ticket Distribution Policy conforms to the requirements of Regulation 18944.1 as set forth above. It delineates the public purposes served by the City's distribution of tickets and passes to City officials and designated employees and consultants. The policy also includes the FPPC's disclosure and reporting requirements, grants the City Manager or his designee the authority to administer the policy, and limits the transferability of the tickets.

The Ticket Distribution Policy only applies to tickets and passes. If adopted, the City will be responsible for completing, verifying and posting the forms on the City's webpage. With this policy in place, where applicable, City officials do not report the value of tickets or passes on their own Form 700. Notably, the Ticket Distribution Policy will lead to increased transparency as all tickets and passes distributed by the City will be listed in one place on the City website. It is also important to note the adoption of a ticket distribution policy is not mandatory.

**CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

None.

**WORK PLAN:** N/A

**OPTIONS:**

The City Council could choose not to adopt a ticket distribution policy or provide alternate direction to City Staff.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2019-042 Establishing Administrative Procedures Policy No. (to be assigned after adoption) "Ticket Distribution Policy"

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



Gregory Wade, City Manager

Attachment(s):

1. Resolution 2019-042
2. Draft Administrative Procedures Policy No. \_\_\_
3. California Code of Regulations Section 18944.1
4. FPPC Form 802

## RESOLUTION 2019-042

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ADOPTING ADMINISTRATIVE PROCEDURES POLICY NO. \_\_ "TICKET DISTRIBUTION POLICY"

**WHEREAS**, the California Fair Political Practices Commission ("FPPC") adopted Section 18944.1 of Title 2, California Code of Regulations ("Regulation 18944.1) in order to establish whether a ticket or pass that provides admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose constitutes a gift under Government Code Section 82028 when the ticket or pass is given to a City employee or official; and

**WHEREAS**, Regulation 18944.1 provides that in order for a City employee or official to use a ticket or pass to attend a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose so that the ticket or pass given to a City employee or official does not constitute a gift, a policy in accordance with Regulation 18944.1 is necessary; and

**WHEREAS**, the City may receive complimentary tickets and passes from outside sources as a way of facilitating the participation of City employees and officials at various events of interest to the City and the City, for the same reason, occasionally will acquire tickets or passes to events; and

**WHEREAS**, the FPPC recognizes the discretion of the legislative or governing body of an agency to determine whether the City's distribution of tickets and/or passes to City officials serves a legitimate public purposes of the City, provided that the determination is consistent with state law; and

**WHEREAS**, the distribution and use of such tickets and passes by City employees and officials typically serve a variety of public purposes; and

**WHEREAS**, based on such practices and Regulation 18944.1, the City Council desires to adopt a clear policy regarding the distribution of tickets and passes to facilities, events, shows or performances for an entertainment, amusement, recreational, or similar purpose.

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

**SECTION 1.** That the foregoing recitations are true and correct.

**SECTION 2.** The City Council of the City of Solana Beach, California, hereby approves and adopts Administrative Procedures Policy No. \_\_ "Ticket Distribution Policy" adopted in accordance with Section 18944.1, Title 2, California Code of Regulations, attached hereto as Exhibit "A," and incorporated herein by reference

**SECTION 3.** The City Manager is directed to implement this policy.

**SECTION 4.** The Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED**, this 24<sup>th</sup> day of April, 2019, at a regular meeting of the City Council of the city of Solana Beach, California by the following vote:

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

\_\_\_\_\_  
DAVID A. ZITO, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

<p style="text-align: center;"><b>CITY OF SOLANA BEACH ADMINISTRATIVE POLICY</b></p>	<p><b>Policy No.____</b> <b>Effective Date: April 24, 2019</b></p>
<p><b>Subject:</b>  <b>TICKET DISTRIBUTION POLICY</b></p>	<p><b>Approved By:</b>  <b>CITY COUNCIL</b> <b>_____, 2019</b></p>

**SECTION 1. PURPOSE**

The Policy’s purpose is to ensure that all tickets and/or passes provided to the City are distributed in furtherance of governmental and/or public purposes as required under Section 18944.1 of Title 2, California Code of Regulations (“Regulation 18944.1”).

In addition, the purpose of this Policy is to ensure that tickets distributed by the City under this Policy are disclosed on Form 802 and posted to the City’s website within forty-five (45) days of distribution, as required by Regulation 18944.1.

**SECTION 2. APPLICATION**

This Policy applies to tickets that provide admission to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose, and are either:

- a. gratuitously provided to the City by an outside source;
- b. acquired by the City by purchase;
- c. acquired by the City as consideration pursuant to the terms of a contract for the use of a City venue; or
- d. acquired and distributed by the City in any other manner.

This policy shall supersede any other inconsistent written policy applicable to tickets.

**SECTION 3. SCOPE**

This policy applies to all elected and appointed City Officials, as well as all designated City employees.

**SECTION 4. DEFINITIONS**

Unless otherwise expressly provided herein, words and terms used in this Policy shall have the same meaning as that ascribed to such words and terms in the Political Reform Act of 1974 (Government Code section 81000 *et seq.*, as the same may from time to time be amended) and the Fair Political Practices Commission (“FPPC”) Regulations (Title 2, California Code of Regulations, section 18100 *et seq.*, as the same may from time to time be amended).

“City” means the City of Solana Beach, California, and any other affiliated agency created or activated by the Solana Beach City Council and any departments, boards and commissions thereof.

“City Official” means every member, officer, employee or consultant of the City, as defined by Government Code section 82048 and Regulation 18701. Such term shall include, without limitation, any City board or commission member or other appointed official or employee required to file an annual Statement of Economic Interests (Form 700).

“Immediate family” means the City Official’s spouse or dependent children.

“Policy” means this Policy for the Distribution of Tickets and/or Passes.

“Ticket” shall mean and refer to a “ticket or pass” as those terms are defined in Regulation 18946 and referenced in Regulation 18944.1, both Regulations as being amended from time to time, but which currently define “ticket” or “pass” as anything that provides admission or access to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose.

## **SECTION 5. GENERAL PROVISIONS**

- a. All tickets provided to the City shall be distributed in furtherance of public purposes as provided under Section 7.
- b. The use of complimentary tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.
- c. The provisions of this Policy apply only to benefits the City Official receives that are provided to all members of the public with the same class of ticket.
- d. Tickets distributed to a City Official pursuant to this Policy shall not be transferred to any other person, except to members of such City Official’s immediate family solely for their personal use or to no more than one guest solely for their attendance at the event.
- e. No person who receives a ticket pursuant to this Policy shall sell or receive reimbursement for the value of such ticket.

- f. Any City Official, any member of the City Official's immediate family, or guest of the City Official may return any unused ticket to the City for redistribution pursuant to this Policy.
- g. No ticket gratuitously provided to the City by an outside source and distributed to, or at the behest of, a City Official pursuant to this Policy shall be earmarked by the original source for provision to a particular City Official.
- h. If the distribution is to an organization outside of the City, such distribution must be made pursuant to a public purpose outlined in Section 7c.
- i. Subject to the provisions of this Policy, tickets obtained by the City pursuant to terms of a contract for use of public property because the City controls the event, or, by purchase at fair market value, may be distributed to City Officials. Any distribution must accomplish a governmental and/or public purpose in accordance with Section 7c below.

## **SECTION 6. TICKET ADMINISTRATOR AND TICKETS DISTRIBUTED AT THE BEHEST OF A CITY OFFICIAL**

- a. The City Manager or his/her designee(s) shall be the Ticket Administrator for purposes of implementing the provisions of this Policy.
- b. The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the distribution of tickets in accordance with this Policy. All requests for tickets which fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.
- c. The value of any ticket shall be the face value of the ticket.
- d. The Ticket Administrator, in his or her sole discretion, may revoke or suspend the ticket privileges of any person who violates any provision of this Policy or the procedures established by the Ticket Administrator for the distribution of tickets in accordance with this Policy.
- e. Only the following City Officials shall have authority to behest tickets: City Council Members, the City Manager or his/her designee.

## **SECTION 7. TICKET DISTRIBUTION**

Subject to the provisions of this Policy, the City shall only provide a ticket and/or pass to a City Official, or at the behest of a City Official, under one of the following public and governmental purposes:

- a. If the distribution is to a City Official, the City Official reimburses the City for the face value of the ticket(s). Reimbursement shall be made at the time the ticket(s) is/are distributed to the City Official.

b. If the distribution is to a City Official, the City Official treats the ticket(s) as income consistent with applicable federal and state income tax laws and the City complies with the reporting requirements of Section 8 below.

c. The City distributes such ticket(s) to or at the behest of, an official in order to accomplish a public purpose. The following is a list of governmental and/or public purposes the City may accomplish through the distribution of tickets. The list is illustrative rather than exhaustive:

- 1) Facilitating the performance of a ceremonial role or function by a City Official on behalf of the City at an event, for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
- 2) The job duties of the City Official require his or her attendance at the event, for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
- 3) Promotion of intergovernmental relations and/or cooperation and coordination of resources with other governmental agencies including, but not limited to, attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members and their guests.
- 4) Promotion of local and regional businesses, economic development and tourism activities within the City, including conventions and conferences.
- 5) Promotion of City/Controlled or sponsored events, activities, or programs.
- 6) Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.
- 7) Promotion of public facilities available for City resident use.
- 8) Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- 9) Employment retention programs.
- 10) Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.
- 11) Charitable 501(c)(3) fundraisers for the purpose of networking with other community and civil leaders.



- 12) Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Solana Beach residents.
- 13) Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
- 14) Attracting or rewarding volunteer public service.
- 15) Encouraging or rewarding significant academic, athletic, or public service achievements by Solana Beach students, residents or businesses.
- 16) Attracting and retaining highly qualified employees in the City service.
- 17) Recognizing or rewarding meritorious service by a City employee.
- 18) Promoting enhanced City employee performance or morale.
- 19) For use in connection with a City employee competition or drawing, for which there shall be made no more than six (6) tickets per person per event.
- 20) Any purposes similar to above included in any City contract.
- 21) Any ticket obtained pursuant to Section 5i above, which is distributed to a City Official, other than an elected official or member of the governing body of the City, for the official's personal use, to support general employee morale, retention, or to reward public service is also deemed to serve a public purpose. Such ticket distribution shall be disclosed pursuant to Section 8. For purposes of this subsection, "personal use" is defined as use by the official, his or her family, and no more than one guest.

## **SECTION 8. DISCLOSURE REQUIREMENTS**

a. This Policy shall be posted on the City's website in a prominent manner. The City shall within 30 days of adoption or amendment, send to the FPPC by email a website link that displays the Policy.

b. Tickets distributed by the City to any City Official which the City Official treats as income pursuant to Section 7b above, or, which are distributed for one or more public purposes described in Section 7c above, must be recorded on Form 802 or, on such alternative form(s) as may from time to time be designated by the FPPC. This form shall be posted on the City's website within 45 days of distribution. Such posting shall include the following information:

- 1) The name of the recipient, except as set out in 8d and 8e below;

- 2) A description of the event;
- 3) The date of the event;
- 4) The face value of the ticket;
- 5) The number of tickets provided to each person;
- 6) If the ticket was distributed at the behest of a City Official, the name of the City Official who made the behest; and
- 7) A description of the public purpose(s) under which the distribution was made, or alternatively, that the City Official is treating the ticket as income.

c. Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 7a above shall not be subject to the disclosure provisions of Section 8b.

d. For tickets distributed pursuant to this Policy, the City may post the name of the department or other unit of the City and the number of tickets provided to the department or other unit in lieu of posting the name of the individual employee(s) as otherwise required.

e. Tickets distributed to an organization outside of the City shall be disclosed in accordance with Section 8b above, but, may be done by posting the name, address, description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the names of each individual from the organization as otherwise required.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

**§ 18944.1. Gifts: Agency Provided Tickets or Passes.**

(a) Application. For purposes of this regulation the terms “ticket” and “pass,” as defined in Regulation 18946, apply solely to an admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose provided by an agency to, or at the behest of, an official of that agency, other than an admission provided to a school, college or university district official, coach, athletic director, or employee to attend an amateur event performed by students of that school, college, or university district or an admission identified in Regulation 18942(a)(13). The provisions of this regulation apply only to the benefits the official receives from the ticket or pass that are provided to all members of the public with the same class of ticket or pass.

(b) Ticket or Pass Treated as Income. A ticket or pass is not subject to the provisions of this regulation, if the official treats the ticket or pass as income consistent with applicable state and federal income tax laws and the agency reports the distribution of the ticket or pass as income to the official in compliance with the reporting provisions of subdivision (f) below.

(c) Public Purpose. Any ticket or pass acquired by the agency under subdivision (d)(2) and distributed to an official for his or her personal use, other than an elected official or member of the legislative or governing body of the agency, to support general employee morale, retention, or to reward public service is deemed to serve a public purpose, and any tickets distributed to an official for such purpose must be reported as described under subdivision (f)(3). For purposes of this paragraph, “personal use” means use by the official, his or her family, or no more than one guest. The legislative or governing body of an agency, or, if none, the agency

head determines whether the distribution of tickets or passes serves a legitimate public purpose of the agency, consistent with state law.

(d) Equal or Greater Value. The official will meet the burden under Section 82028 that equal or greater value has been provided in exchange for the ticket or pass if the official reimburses the agency for the ticket or if all of the following requirements are met:

(1) For a ticket or pass the agency receives from an outside source, other than as provided in subdivision (d)(2):

(A) The ticket or pass is not earmarked by the outside source for use by the agency official who uses the ticket or pass;

(B) The agency determines, in its sole discretion, who uses the ticket or pass.

(C) The distribution of the ticket or pass by the agency is made in accordance with a policy adopted by the agency that incorporates all of the provisions of subdivision (e) below.

(2) For a ticket or pass the agency obtains (i) pursuant to the terms of a contract for use of public property, (ii) because the agency controls the event (such as a state or county fair), or (iii) by purchase at fair market value, the distribution of the ticket or pass is made in accordance with a policy adopted by the agency that incorporates all of the provisions of subdivision (e) below.

(e) Agency Ticket/Pass Distribution Policy. Any distribution of a ticket or pass under this regulation to, or at the behest of, an agency official must be made pursuant to a written agency ticket distribution policy, duly adopted by the legislative or governing body of the agency or, if none, the agency head that contains, at a minimum, all of the following:

(1) A provision setting forth the public purposes of the agency for which tickets or passes may be distributed.

(2) A provision requiring that the distribution of any ticket or pass to, or at the behest of, an agency official accomplishes a stated public purpose of the agency.

(3) A provision prohibiting the transfer of any ticket received by an agency official pursuant to the distribution policy except to members of the official's immediate family or no more than one guest solely for their attendance at the event.

(4) The policy must be maintained as a public record and is subject to inspection and copying under Section 81008. The agency must post the policy on its website within 30 days of adoption or amendment and send to the Commission by e-mail the agency's website link that displays the policy so that the Commission may post the link.

(f) Reporting. Within 45 days of distribution of a ticket or pass, the distribution must be reported on a form provided by the Commission.

(1) Except as provided in paragraphs (2) and (3) below, the information must include the following:

(A) The name of the person receiving the ticket or pass;

(B) A description of the event;

(C) The date of the event;

(D) The face value of the ticket or pass;

(E) The number of tickets or passes provided to each person;

(F) If the ticket or pass is behested, the name of the official who behested the ticket; and

(G) A description of the public purpose under which the distribution was made or, alternatively, that the ticket or pass was distributed as income to the official.

(2) If the ticket or pass is distributed to an organization outside the agency, the agency must report the name, address, description of the organization, and the number of tickets or

passes provided to the organization in lieu of reporting the names of each individual from the organization as otherwise required in paragraph (1) above;

(3) If the ticket or pass is distributed pursuant to subdivision (d) the agency may report the name of the department or other unit of the agency and the number of tickets or passes provided to the department or other unit in lieu of reporting the name of the individual employee as otherwise required in paragraph (1) above.

(4) The forms must be maintained as public records and are subject to inspection and copying under Section 81008(a). The agency must post the form, or a summary of the information on the form, on its website and send to the Commission by e-mail the agency's website link that displays the form so that the Commission may post the website link.

Note: Authority cited: Section 83112, Government Code. Reference: Section 82028, Government Code.

### **HISTORY**

1. Renumbering of former section 18726.7 to section 18944.1 with amendment of section heading filed 6-22-94; operative 6-22-94 (Register 94, No. 25).
2. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).
3. Amendment of first paragraph and subsections (a)-(b) and (d)-(e) filed 7-25-95; operative 7-25-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 30).
4. Repealer and new section filed 1-8-2009; operative 2-7-2009. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27,

1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2009, No. 2).

5. Repealer of subsection (a), subsection relettering and amendment of newly designated subsections (a)(1), (a)(2)(A)(iii)-(b), (c) and (e) filed 9-27-2010; operative 10-27-2010.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2010, No. 40).

6. Amendment of section heading and section filed 1-23-2012. Pursuant to California Code of Regulations, title 2, section 18313(e), FPPC has designated an effective date of 1-1-2012.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2012, No. 4).

7. Amendment filed 1-14-2016; operative 2-13-2016, pursuant to title 2, section 18312(e) of the California Code of Regulations. Submitted to OAL for filing and printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 3).

**Agency Report of:  
Ceremonial Role Events and Ticket/Pass Distributions**

**A Public Document**

**1. Agency Name**

_____ Division, Department, or Region <i>(if applicable)</i>		Date Stamp	<b>California Form 802</b>
_____ Designated Agency Contact <i>(Name, Title)</i>			For Official Use Only
_____ Area Code/Phone Number	_____ E-mail	<input type="checkbox"/> Amendment <i>(Must Provide Explanation in Part 3.)</i>	
_____ Date of Original Filing: _____ <span style="font-size: small;">(month, day, year)</span>			

**2. Function or Event Information**

Does the agency have a ticket policy?    Yes     No     Face Value of Each Ticket/Pass \$ \_\_\_\_\_

Event Description: \_\_\_\_\_    Date(s) \_\_\_\_/\_\_\_\_/\_\_\_\_    \_\_\_\_/\_\_\_\_/\_\_\_\_  
Provide Title/ Explanation

Ticket(s)/Pass(es) provided by agency?    Yes     No     If no: \_\_\_\_\_  
Name of Source

Was ticket distribution made at the behest of agency official?    Yes     No     If yes: \_\_\_\_\_  
Official's Name (Last, First)

**3. Recipients**

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

A. Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy
B. Name of Individual <span style="font-size: small;">(Last, First)</span>	Number of Ticket(s)/ Passes	Identify one of the following:
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <span style="font-size: x-small;">If checking "Ceremonial Role" or "Other" describe below:</span>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <span style="font-size: x-small;">If checking "Ceremonial Role" or "Other" describe below:</span>
C. Name of Outside Organization <span style="font-size: small;">(include address and description)</span>	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy

**4. Verification**

*I have read and understand FPPC Regulations 18944.1 and 18942. I have verified that the distribution set forth above, is in accordance with the requirements.*

\_\_\_\_\_  
 Signature of Agency Head or Designee                      Print Name                      Title                      (month, day, year)

Comment: \_\_\_\_\_



# Agency Report of: Ceremonial Role Events and Ticket/Pass Distributions

California **802**  
Form

A Public Document

This form is for use by all state and local government agencies. The form identifies persons that receive admission tickets and passes and describes the public purpose for the distribution. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at [www.fppc.ca.gov](http://www.fppc.ca.gov).

## General Information

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets to entertainment events, sporting events, and like occasions would not result in a gift to individuals that attend the function. In general, the agency must adopt a policy which identifies the public purpose served in distributing the admissions. The Form 802 serves to detail each event and the public purpose of each ticket distribution. FPPC Regulation 18942 lists exceptions to reportable gifts, including ceremonial events, when listed on this form.

When the regulation procedures are followed, persons, organizations, or agencies who receive admissions are listed on a Form 802. Agency officials do not report the admissions on the official's Statement of Economic Interests, Form 700, and the value of the admission is not subject to the gift limit.

The Form 802 also informs the public as to whether the admissions were made at the behest of an agency official and whether the behested tickets were provided to an organization or to specific individuals.

## Exception

FPPC This form is not required for admission provided to a school or university district official, coach, athletic director, or employee to attend an amateur event performed by students of that school or university.

## Reporting and Public Posting

**Ticket Distribution Policies:** An agency must post its ticket policy on its website within 30 days of adoption or amendment and e-mail a link of the website location to FPPC at [form802@fppc.ca.gov](mailto:form802@fppc.ca.gov).

**Form 802:** The use of the ticket or pass under the policy must be reported on Form 802 and posted on the agency's website within 45 days of distribution. A link to the website location of the forms must be e-mailed to FPPC at [form802@fppc.ca.gov](mailto:form802@fppc.ca.gov).

The FPPC will post on its website the link to each agency's policy and completed forms. It is not necessary to send an e-mail each time a new Form 802 is posted. It is only necessary to submit the link if the posting location changes.

This form must be maintained as a public document.

## Privacy Information Notice

Information requested by the FPPC is used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports are public records available for inspection and reproduction. Direct questions to FPPC's General Counsel.

## Instructions

### Part 1. Agency Identification:

List the agency's name. Provide a designated agency contact person, their phone number, and e-mail address. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

### Part 2. Function or Event Information:

Confirm that your agency has a policy for ticket distribution. Unless the ceremonial role or income box in Part 3, Section B, is marked, this form is only applicable if your agency has a policy.

Complete all of the other required fields that identify the ticket value, description of event, date(s) and whether the ticket was provided by the agency or an outside source. If an agency official behests the tickets, the official's name is also required. Use the comment field or an attachment to explain in full.

### Part 3. Ticket Recipients:

This part identifies who uses the tickets. The identification requirements vary depending upon who received the tickets and are categorized into three sections. Each section must list the number of tickets received. Use the comment field or an attachment to explain in full.

**Section A.** Report tickets distributed to agency staff, other than an elected official or governing board member, pursuant to the agency's policy. It is not necessary to list each employee's name, but identify the unit/department for which the employee works. The agency must describe the public purpose associated with the ticket distribution. A reference to the policy is permissible.

**Section B.** Report: 1) any agency official who performs a ceremonial role; 2) any agency official who reports the value as income; or 3) tickets used by elected officials and governing board members (including those distributed pursuant to the agency's policy).

**Section C.** Report tickets provided to an organization. The organization's name, an address (website url is permissible), and a brief description of the public purpose are required.

Agency Report of:  
 Ceremonial Role Events and Ticket/Pass Distributions  
 Continuation Sheet

Agency Name

**3. Recipients**

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

A. Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy
B. Name of Individual (Last, First)	Number of Ticket(s)/ Passes	Identify one of the following:
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
C. Name of Outside Organization (include address and description)	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy

# 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, March 13, 2019 \* 5:00 p.m.

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

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

### CITY COUNCILMEMBERS

David A. Zito, Mayor

Jewel Edson, Deputy Mayor

Judy Hegenauer, Councilmember

Kristi Becker, Councilmember

Kelly Harless, Councilmember

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

### CALL TO ORDER AND ROLL CALL:

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

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

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY): None

### CLOSED SESSION:

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

Pursuant to Government Code Section 54956.9(d)(2)  
Two (2) Potential case(s).

**ACTION: No reportable action.**

### ADJOURN:

Mayor Zito adjourned the meeting at 6:03 p.m.

Angela Ivey, City Clerk

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

**AGENDA ITEM A.7.**

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting

Wednesday, March 13, 2019 \* 6:00 p.m.

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

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

### CITY COUNCILMEMBERS

David A. Zito, Mayor

Jewel Edson, Deputy Mayor

Judy Hegenauer, Councilmember

Kristi Becker, Councilmember

Kelly Harless, Councilmember

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

### CALL TO ORDER AND ROLL CALL:

Mayor Zito called the meeting to order at 6:07 p.m.

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

Absent: None

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

CLOSED SESSION REPORT: None

FLAG SALUTE:

### APPROVAL OF AGENDA:

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker 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.

Dave Rolland said he was representing California State Senator Leader Tony Atkins' who is the local representative in the state senate. He spoke about her invitation to those interested in the state budget to a community forum on Thursday, March 28th to discuss the draft state budget. He said that she was celebrating Women's History month through March and would be posting about individuals or groups of women in her district on social media, and that one of her posts would be honoring a the City of Solana Beach City Council made up of 80% women.

### **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.5.)

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 February 09 – February 22, 2019.

#### **Item A.1. Report (click here)**

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

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

#### **A.2. General Fund Adopted Budget for Fiscal Year 2018-2019 Changes.** (File 0330-30)

Recommendation: That the City Council

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

#### **Item A.2. Report (click here)**

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

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

### **A.3. Special Legal Counsel Services.** (File 0400-05)

Recommendation: That the City Council

1. Adopt **Resolution 2019-029** approving the First Amendment to the agreement with Nossaman LLP for special legal counsel services and to authorize the City Manager to execute the amendment.

#### 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 Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

### **A.4. Award Sewer Pipeline Replacement Contract** (File 1040-26)

Recommendation: That the City Council

1. Adopt **Resolution 2019-028:**
  - a. Awarding the construction contract to DB Pipeline, in the amount of \$409,494, for the 2019 Sewer Pipeline Replacements, Bid 2019-01.
  - b. Approving an amount of \$60,000 for construction contingency.
  - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
  - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.

#### 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 Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

### **A.5. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held December 12, 2018 and January 9, 2019.

#### 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 Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

### **C.3. EDCO Presentation – Solid Waste Legislation and Facility Expansion**

(File 1030-50)

Recommendation: That the City Council

1. Receive a presentation from EDCO on their facility upgrades and to discuss current and upcoming legislation that will have an impact on future rates.

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*

Steve South, EDCO, provided a handout (on file) and presented a PowerPoint (on file) reviewing Comingling Organics Collection.

**B. PUBLIC HEARINGS:** (B.1.)

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

**B.1. Public Hearing: 208 Pacific Avenue, Applicant - Adams, Case 17-18-04, APN: 263-322-01.** (File 0600-40)

The proposed project meets the minimum objective 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 Development Review Permit (DRP), Variance (VAR) and administratively issue a Structure Development Permit (SDP). Therefore, 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. Find the project exempt from California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2019-025** conditionally approving a DRP, SDP and VAR to construct a replacement, two-story, single-family residence with an attached garage and a subterranean basement and perform associated site improvements including a pool within the front yard setback at 208 Pacific 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.*

Councilmember Harless recused herself due to the project proximity of her property.

Mayor Zito opened the public hearing.

Council disclosures.

Greg Wade, City Manager, introduced the item.

Regina Ochoa, Assistant Planner presented a PowerPoint (on file).

Council and Staff discussed prior variance requests, fence heights, setbacks, lot lay out, and topography.

Christian Rice, Applicant's Architect, presented a PowerPoint (on file). He spoke about the triangular shaped property making it difficult to fit a pool in the rear or side yard so they were proposing it in the front yard setback, required pool setbacks, felt they met the variance findings, if variance for the pool was granted all applicable building codes would be followed.

Council, Architect, and Applicant discussed the space of the basement extending beyond the first floor, retention basin locations for storm water, the level of the pool being same/level with the rear yard grade, a planter and retaining wall and lower entry area appearing lower than the rest of the property, the applicant's intent was to have the most amount of outdoor area possible, solar panels were planned, and that electric vehicle wiring was planned since the applicant owned one.

Council discussion ensued regarding variances, that a different design may have allowed the pool within the required buildable setback, the lot was oddly shaped but large, a variance for this purpose could set a precedent, more exploration would provide for alternative options, the house was compatible, the appearance that the design aimed to fill all of the buildable area and then add a pool, considering a smaller pool in another area.

Council discussion continued regarding the scale, bulk, and massing, that 25 ft. height of the house lacked articulation due to the stacked appearance with the volume of the ceiling, it appears higher than it was, the placement of the house on a prominent corner made it appear higher than it actually was, the basement extending 328 ft. beyond the house instead of being under the house, consideration of conditioning solar panels options, and approving the house without the variance of the pool.

Councilmember Edson said that she would be interested in approving the house without the variance for the pool and adding conditions to reduce the height of the structure 2 ft., restrict the vegetation to the maximum height of fences or walls at 3 ½ ft.

Ms. Rice said that the homeowners were fine with proceeding without the pool.

Ms. Adams asked to be clear about the vegetation, that the entire yard was along the street so they wanted to use some vegetation as privacy, they had no backyard, and the entire yard ran along two streets.

Council discussed that in the past vegetation had been restricted to the allowed height of fences or walls, that the bend where the two streets meet should be restricted due to safety for drivers on both streets, that the 5 ft. 6 in. fence was surrounded by vegetation around the bend, without the pool the area could be developed into a larger yard area.



**Motion:** Moved by Councilmember Hegenauer and second by Deputy Mayor Edson to close the public hearing. **Approved 4/0/1** (Recused: Harless). Motion carried.

**Motion:** Moved by Mayor Zito and second by Councilmember Edson to approve, without the variance for the pool in the front yard setback, submitting an updated landscape plan for area that would be replacing the pool area for review by the City's 3rd party landscape architect and Engineering for storm water runoff requirements, that the landscape height on the perimeter of the fence to the midway point of the proposed pool be limited to the fence height restriction for a front yard and restricting vegetation around the project except southwest of the propose pool to the property line fence. **Approved 4/0/1** (Recused: Harless). Motion carried.

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

*Submit speaker slips to the City Clerk.*

**C.1. Adopt (2<sup>nd</sup> Reading) Ordinance 500 – Affordable Housing** (File 0650-20)

Recommendation: That the City Council

1. Adopt **Ordinance 500** amending Chapter 17.70 (Affordable Housing) of the Solana Beach Municipal Code (SBMC).

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.*

Johanna Canlas, City Attorney, introduced the item.

Peggy Walker passed out handout (on file) and said that the San Dieguito Alliance requested that facilities be smoke free to reduce citizens' exposure to second hand smoke and regulate tobacco retailers to reduce sales of tobacco and vaping products to those under 21 years of age.

Council and Staff discussed that adding restrictions for smoke-free area could be added on a project by project basis or add to the agreements with the project, bring it back to address in the future, concern about construction of offsite affordable housing, concerns about conversion of rental units to for-sale and that Staff could return to amend that portion in the future,

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

**C.2. Adopt (2<sup>nd</sup> Reading) Ordinance 501 – Skateboarding in Skate Park at La Colonia Park** (File 0740-20, 0740-80)

Recommendation: That the City Council

1. Adopt **Ordinance 501** amending Solana Beach Municipal Code (SBMC) section 11.12.020(AA) to allow skateboarding with protective gear in the designated area of La Colonia Park where a skate park is being constructed.

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*

Johanna Canlas, City Attorney, introduced the item.

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

**COMPENSATION & REIMBURSEMENT DISCLOSURE:**

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

Mayor Zito and Deputy Mayor Edson reported they attended SANDAG and it was paid for by the City.

**COUNCIL COMMITTEE REPORTS:** Council Committees

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

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

Councilmembers reported Committee activities.

**ADJOURN:**

Mayor Zito adjourned the meeting at 7:57 p.m.



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** April 24, 2019  
**ORIGINATING DEPT:** Finance  
**SUBJECT:** PARS Presentation

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## **BACKGROUND:**

The City Council (Council) adopted the Public Agency Retirement Services (PARS) plan with Resolution 2015-107 on October 14, 2015 to establish a Section 115 irrevocable benefit trust (Trust) for funding the City of Solana Beach's (City) unfunded pension and Other Post Employment Benefit (OPEB) liabilities.

This item is before Council to give a presentation (Attachment 1) that includes a general overview and summary of the City's PARS Trust to date and of PARS investment plans to provide a background to Council for future decisions related to PARS.

## **DISCUSSION:**

The City has funded the Trust by using a portion of the projected General Fund budget surplus available at the end of each fiscal year. To date, the following are the contribution amounts and interest earned on the contributions through February 28, 2019:

PARS Plan from Establishment to February 2019			
Plan Type	Contributions	Interest Earned	Total Investment Balance
OPEB	\$ 404,482	\$ 50,096	\$ 454,578
Pension	1,520,401	157,307	1,677,708
Total	\$ 1,924,883	\$ 207,403	\$ 2,132,286

The PARS investment is reported on the quarterly investment reports provided to Council.

## **CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

CITY COUNCIL ACTION: \_\_\_\_\_  
\_\_\_\_\_

**FISCAL IMPACT:**

N/A

**WORK PLAN:**

Fiscal Sustainability – CalPERS and OPEB Future Liability

**OPTIONS:**

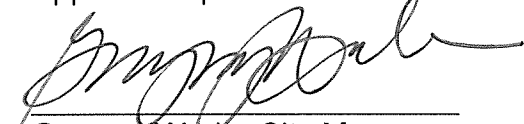
- Receive Presentation
- Provide direction to Staff.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council receive the presentation.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.

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

Attachments:

1. PARS Presentation



# CITY OF SOLANA BEACH

OPEB Pre-Funding Trust Program &  
Pension Rate Stabilization Program (PRSP) Client Review  
April 24, 2019

ATTACHMENT 1

PUBLIC  
AGENCY  
RETIREMENT  
SERVICES

**PARS**

TRUSTED SOLUTIONS. LASTING RESULTS.

# CONTACTS

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Executive Vice President



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## JENNIFER MEZA

Manager, Consulting



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(800) 540-6369 x141

# PARS TRUST TEAM



## Trust Administrator & Consultant

- Recordkeeping/account valuations
- Monitors contributions
- Processes distributions
- Handles all agency/participant inquiries
- Monitor plan compliance

## Trustee

- Safeguards plan assets
- Oversight protection
- Plan fiduciary
- Custodian of assets

## Investment Manager

- An investment sub-advisor to U.S. Bank
- Manages plan investments according to established policy
- Uses open architecture
- Active and passive options

## Corporate Experience

**34 years** (1984 – 2018)

**155 years** (1863 – 2018)

**99 years** (1919 – 2018)

## Plans Under Administration

1,600+ plans, 850+ public agencies, 400,000+ participants

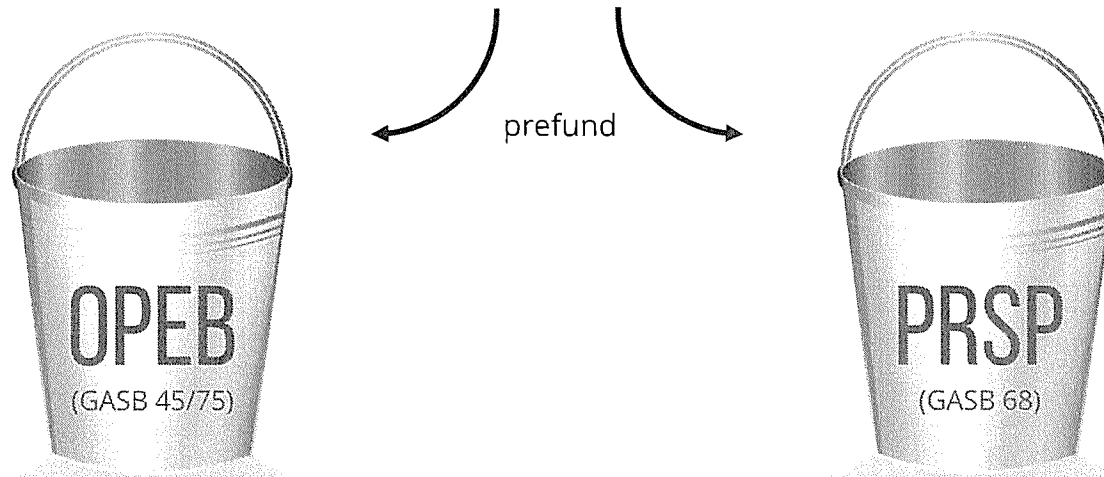
## Dollars under Administration

Over \$3.2 billion

Over \$5.0 trillion

Over \$14.8 billion under management

# THE PARS IRS-APPROVED COMBINATION 115 TRUST



## Retiree Medical Benefits

Reimburse agency

or

Pay provider

## Pension Rate Stabilization Program

Reimburse agency

or

Pay retirement system

- Assets are sub-accounted for separately
- Prefund one now and the other later
- Addresses unfunded liabilities
- Can choose different investment risk tolerance levels for each

- Can access funds at anytime; OPEB for OPEB and pension for pension
- Assets (OPEB and Pension) aggregate and reach lower fees on tiered schedule sooner – saving money!
- No cost to set up; no fees until assets are added



# SECTION 115 TRUST BACKGROUND

---

- Section 115 Trusts are used by local governments to fund essential governmental functions (i.e., pension benefits, OPEB) into an irrevocable trust
- The PARS Trust received the first IRS Private Letter Ruling (PLR) in June 2015 to fund both OPEB and Pension Liabilities for a multiple-employer trust
- Any income derived from a Section 115 Trust is tax exempt
- **Contributions:**
  - City has full flexibility in regard to its contribution amounts and timing
  - Funds can be transferred into the trust at any time
- **Once contributions are placed into The PARS Trust, assets from the Trust can be used for specific benefit plan purposes including:**
  - Reimbursing the City for retirement system contributions
  - Transferring assets directly to the retirement system
  - Paying plan expenses (actuarial valuation or audit)

# WHY PREFUND OPEB?

---

- Greater rate of return which lowers your liabilities
- Contributions into trust are “assets” that offset liabilities on financial statements
- GASB 68 – Pension liabilities went on Balance Sheet in 2015  
GASB 75 – OPEB liabilities went on Balance sheet for fiscal years after 6/30/2017
- GFOA recommends prefunding OPEB and considers it “best practice” (January 2012)
- Credit rating companies look more favorably on agencies who adopt an Irrevocable Trust and prefund
  - At least 4 agencies have improved credit rating
  - Higher credit rating means lower borrowing costs
- Lower liabilities gives an agency a chance to keep some form of retiree health benefit; higher liabilities might cause agency to eliminate post-employment benefits
- OPEB assets are accessible for OPEB expenses at any time
- Prefunding has no downside other than market fluctuation (similar to pension)

# HIGHMARK CAPITAL MANAGEMENT RETURNS

ACTIVE RETURNS AS OF DECEMBER 31, 2018

	Equity (%)	1 Year	3 Years	5 Years	10 Years
Capital Appreciation	65-85%	-5.82%	6.15%	4.81%	9.11%
Balanced	50-70%	-4.88%	5.46%	4.20%	8.38%
Moderate	40-60%	-4.03%	4.96%	3.95%	7.78%
Moderately Conservative	20-40%	-2.60%	3.84%	3.24%	6.41%
Conservative	5-20%	-1.35%	3.13%	2.70%	5.13%

*\* Past performance does not guarantee future results*

# SUMMARY OF AGENCY'S OPEB PLAN

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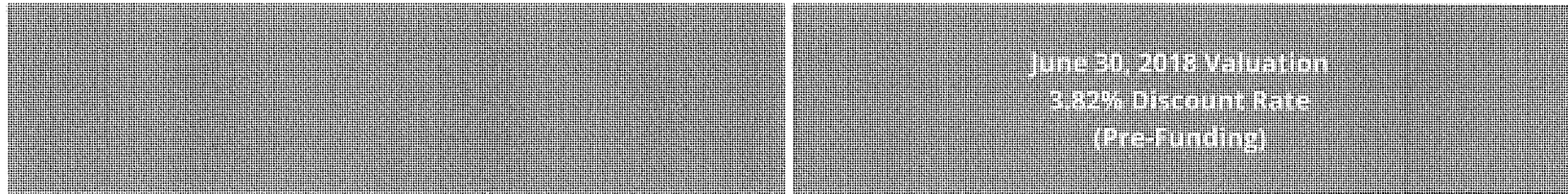
<b>Plan Type:</b>	IRC Section 115 Irrevocable Exclusive Benefit Trust
<b>Trustee Approach:</b>	Discretionary
<b>Plan Effective Date:</b>	October 14, 2015
<b>Plan Administrators:</b>	City Manager
<b>Current Investment Strategy:</b>	Moderate HighMark PLUS (Active) Strategy; Individual Account

## AS OF FEBRUARY 28, 2019:

---

<b>Initial Contribution:</b>	March 2016: \$135,000
<b>Additional Net Contributions:</b>	\$269,482
<b>Total Contributions:</b>	\$404,482
<b>Disbursements:</b>	\$0
<b>Net Investment Earnings:</b>	\$50,096
<b>Account Balance:</b>	\$454,578

# OPEB ACTUARIAL RESULTS



<b>Total OPEB Liability (TOL)</b>	\$4,806,155
<b>Fiduciary Net Position</b>	\$351,281
<b>Net OPEB Liability (NOL)</b>	\$4,454,874
<b>Annual Benefit Payments (Pay-as-you-Go)</b>	\$219,042

**Rule of thumb:** For every one percent increase in the discount rate, the unfunded liability is lowered by 10-12%.

# WHY PREFUND PENSION OBLIGATIONS?

---

- 1 Complete Local Control over Assets**  
Pension Rate Stabilization Program provides an alternative to sending money directly to retirement system to address unfunded pension liabilities
- 2 Pension Rate Stabilization**  
Assets can be transferred to retirement system plan at the City's direction, which can reduce or eliminate large fluctuations in Employer contributions to retirement system
- 3 Rainy Day Fund**  
Emergency source of funds when Employer revenues are impaired based on economic or other conditions
- 4 Diversified Investing**  
Potential for Greater Return than General Fund

# SUMMARY OF AGENCY'S PENSION PLAN

---

<b>Plan Type:</b>	IRC Section 115 Irrevocable Exclusive Benefit Trust
<b>Trustee Approach:</b>	Discretionary
<b>Plan Effective Date:</b>	October 14, 2015
<b>Plan Administrators:</b>	City Manager
<b>Current Investment Strategy:</b>	Moderate HighMark PLUS (Active) Strategy; Individual Account

## AS OF FEBRUARY 28, 2019:

---

<b>Initial Contribution:</b>	March 2016: \$500,000
<b>Additional Contributions:</b>	\$1,020,401
<b>Total Contributions:</b>	\$1,520,401
<b>Disbursements:</b>	\$0
<b>Net Total Investment Earnings:</b>	\$157,307
<b>Account Balance:</b>	\$1,677,708



# PENSION FUNDING STATUS

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As of June 30, 2017, City of Solana Beach’s CalPERS pension plan is funded as follows\*:

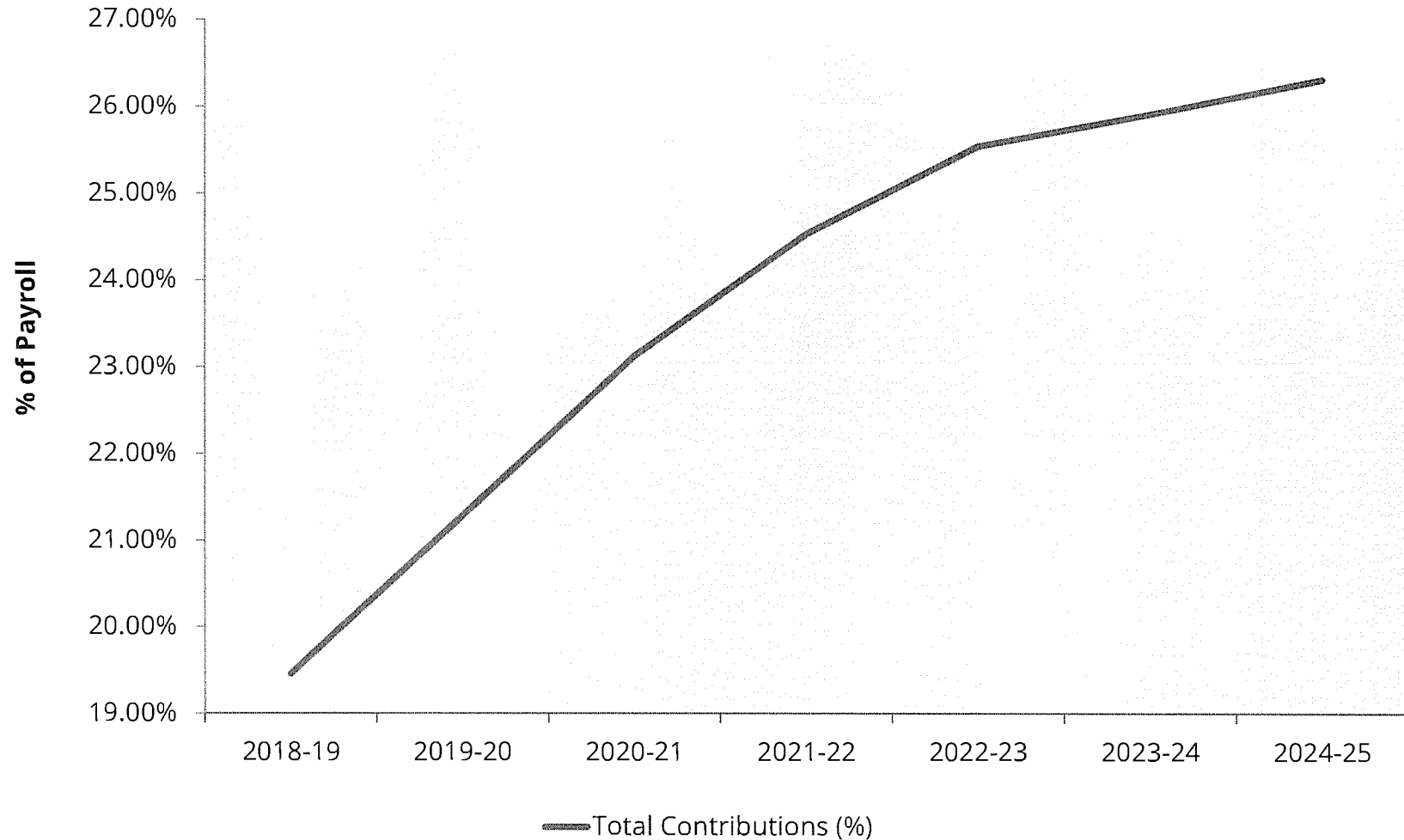
<b>Actuarial Liability</b>	<b>\$50.2 M</b>
Assets	\$36.5 M
Unfunded Liability	\$13.7 M
Funded Ratio	72.8%
Employer Contribution Amount (FY 18-19)	\$1.5 M
Projected Employer Contribution Amount (FY 24-25)	\$2.3 M (58.2% ↑)

*\* Data from Agency's 2017-18 CalPERS actuarial valuation*



# PROJECTED EMPLOYER CONTRIBUTIONS (MISC.)

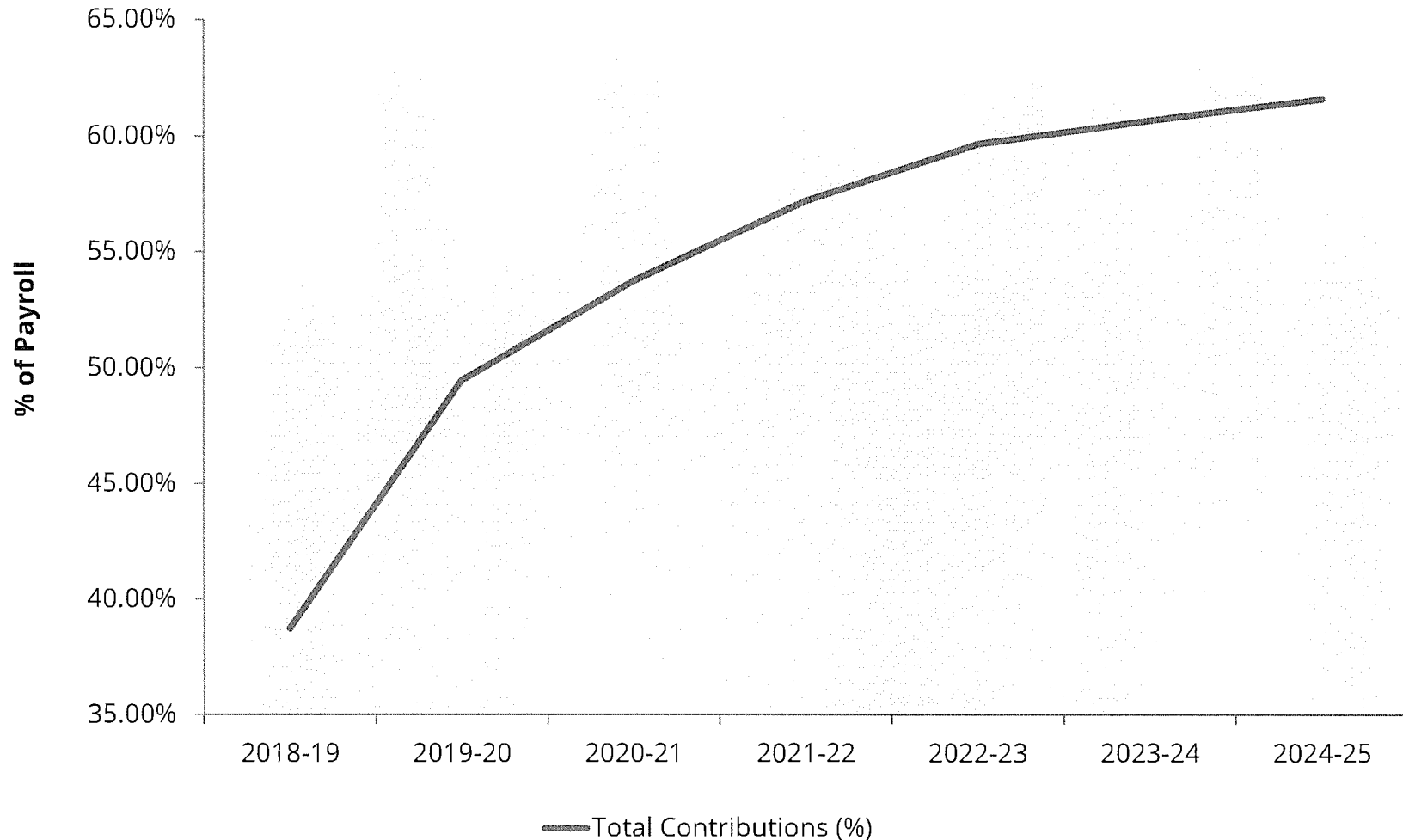
Projected misc. contributions increase from \$0.6M to \$0.9M\* (63.0% ↑)



\* Data from Agency's 2017-18 CalPERS actuarial valuation

# PROJECTED EMPLOYER CONTRIBUTIONS (SAFETY)

Projected safety contributions increase from \$0.9M to \$1.4M\* (55.3% ↑)



\* Data from Agency's 2017-18 CalPERS actuarial valuation

# HIGHMARK CAPITAL MANAGEMENT INVESTMENT REVIEW

**PARS: City of Solana Beach**

**March 2019**

**Presented by:  
Christiane Tsuda - Senior Portfolio Manager**

**Selected Period Performance**  
**PARS City of Solana Beach**  
**Account AGG000400**  
**Period Ending: 3/31/2019**

Sector	1 Month	Year to Date (3 Months)	6 Months	1 Year	3 Years	Inception to Date 03/01/2016
<b>Cash Equivalents</b>	.19	.56	1.12	1.98	1.06	1.04
<i>Lipper Money Market Funds Index</i>	.19	.55	1.06	1.91	.98	.96
<b>Total Fixed Income</b>	1.51	2.88	3.99	3.84	2.52	2.98
<i>BC US Aggregate Bd Index (USD)</i>	1.92	2.94	4.63	4.48	2.03	2.27
<b>Total Equities</b>	.83	13.71	-2.34	4.94	12.20	14.46
<b>Large Cap Funds</b>	1.39	13.36	-2.59	8.09	13.34	15.33
<i>S&amp;P 500 Composite Index</i>	1.94	13.65	-1.72	9.50	13.51	15.56
<b>Mid Cap Funds</b>	.90	16.46	-1.22	6.54	11.39	14.25
<i>Russell Midcap Index</i>	.86	16.54	-1.38	6.47	11.82	14.36
<b>Small Cap Funds</b>	-1.19	17.11	-4.43	8.46	14.62	16.96
<i>Russell 2000 Index (USD)</i>	-2.09	14.58	-8.56	2.05	12.92	15.39
<b>REIT Funds</b>	4.21	17.37	9.84	20.17		
<i>Wilshire REIT Index</i>	3.20	16.02	7.98	19.34		
<b>International Equities</b>	.58	10.66	-1.50	-6.01	8.86	11.37
<i>MSCI EAFE Index (Net)</i>	.63	9.98	-3.81	-3.71	7.27	9.28
<i>MSCI EM Free Index (Net USD)</i>	.84	9.92	1.71	-7.41	10.68	14.92
<b>Total Managed Portfolio</b>	1.13	7.87	-20	3.49	6.94	8.21

Returns are gross of account level investment advisory fees and net of any fees, including fees to manage mutual fund or exchange traded fund holdings. Securities are not FDIC insured, have no bank guarantee, and may lose value. Returns for periods over one year are annualized. The information presented has been obtained from sources believed to be accurate and reliable. Past performance is not indicative of future returns.

# ASSET ALLOCATION - City of Solana Beach

As of March 31, 2019

Current Asset Allocation		Investment Vehicle	
<b>Equity</b>		<b>Range: 40%-60%</b>	<b>50.66%</b>
Large Cap Core	COFYX	Columbia Contrarian Core Cl Y	4.26%
	DODGX	Dodge & Cox Stock Fund	6.66%
	VGIAX	Vanguard Growth & Income Admiral Shares	10.85%
Large Cap Growth	HNACX	Harbor Capital Appreciation Instl	2.58%
	PRUFX	T. Rowe Price Growth Stock Fund	2.55%
Mid Cap Core	IWR	iShares Russell Mid Cap ETF	4.01%
Small Cap Value	UBVFX	Undiscovered Managers Behavioral Value R6	4.66%
Small Cap Growth	RSEJX	Victory RS Small Cap Growth Fund	3.77%
International Core	DODFX	Dodge & Cox International Stock Fund	1.93%
	DFALX	DFA Large Cap International Portfolio	2.68%
International Growth	MGRDX	MFS International Growth Fund	1.99%
Emerging Markets	HHHYX	Schroder Emerging Market Equity	3.27%
REIT	VNQ	Vanguard REIT ETF	1.43%
<b>Fixed Income</b>		<b>Range: 40%-60%</b>	<b>46.26%</b>
Short-Term	VFSUX	Vanguard Short-Term Corp Adm Fund	12.27%
Intermediate-Term	DBLFX	DoubleLine Core Fixed Income Cl I	11.26%
	PTRQX	Prudential Total Return Bd Cl Q	11.40%
	PTRRX	PIMCO Total Return Instl Fund	11.32%
<b>Cash</b>		<b>Range: 0%-20%</b>	<b>3.09%</b>
	FGZXX	First American Prime Obligations Fund	3.09%
<b>TOTAL</b>			<b>100.00%</b>

# City of Solana Beach

## For Period Ending March 31, 2019

LARGE CAP EQUITY FUNDS							
Fund Name	1-Month Return	3-Month Return	Year-to-Date	1-Year Return	3-Year Return	5-Year Return	10-Year Return
Columbia Contrarian Core Inst3	2.21	14.22	14.22	6.76	11.13	9.81	16.03
Vanguard Growth & Income Adm	1.72	13.32	13.32	8.84	13.03	10.88	15.82
Harbor Capital Appreciation Retirement	2.28	17.59	17.59	11.60	18.57	13.99	17.23
T. Rowe Price Growth Stock I	1.99	15.92	15.92	10.62	18.16	13.81	17.85
Dodge & Cox Stock	-0.22	10.29	10.29	4.31	14.10	8.65	16.14
<b>S&amp;P 500 TR USD</b>	<b>1.94</b>	<b>13.65</b>	<b>13.65</b>	<b>9.50</b>	<b>13.51</b>	<b>10.91</b>	<b>15.92</b>
MID CAP EQUITY FUNDS							
iShares Russell Mid-Cap ETF	0.85	16.48	16.48	6.38	11.65	8.65	16.69
<b>Russell Mid Cap TR USD</b>	<b>0.86</b>	<b>16.54</b>	<b>16.54</b>	<b>6.47</b>	<b>11.82</b>	<b>8.81</b>	<b>16.88</b>
SMALL CAP EQUITY FUNDS							
Undiscovered Managers Behavioral Val R6	-3.27	13.99	13.99	-0.18	8.35	7.29	18.32
Victory RS Small Cap Growth R6	1.49	22.84	22.84	6.14	20.54	10.85	18.49
<b>Russell 2000 TR USD</b>	<b>-2.09</b>	<b>14.58</b>	<b>14.58</b>	<b>2.05</b>	<b>12.92</b>	<b>7.05</b>	<b>15.36</b>
INTERNATIONAL EQUITY FUNDS							
Dodge & Cox International Stock	-0.81	9.78	9.78	-8.00	7.87	0.85	10.25
DFA Large Cap International I	0.48	10.49	10.49	-4.19	7.69	2.28	8.86
MFS International Growth R6	2.52	12.61	12.61	3.94	11.28	6.15	11.18
<b>MSCI EAFE NR USD</b>	<b>0.63</b>	<b>9.98</b>	<b>9.98</b>	<b>-3.71</b>	<b>7.27</b>	<b>2.33</b>	<b>8.96</b>
Hartford Schrodgers Emerging Mkts Eq Y	0.66	10.51	10.51	-8.83	12.27	4.51	9.17
<b>Russell 3000 Index</b>	<b>1.46</b>	<b>14.04</b>	<b>14.04</b>	<b>8.77</b>	<b>13.49</b>	<b>10.36</b>	<b>16.00</b>
REAL ESTATE FUNDS							
Fund Name	1-Month Return	3-Month Return	Year-to-Date	1-Year Return	3-Year Return	5-Year Return	10-Year Return
Vanguard Real Estate ETF	4.19	17.29	17.29	20.06	5.74	8.79	18.33
BOND FUNDS							
DoubleLine Core Fixed Income I	1.42	2.96	2.96	3.71	3.00	3.27	-
PIMCO Total Return Instl	1.49	2.78	2.78	3.83	2.80	2.85	4.84
PGIM Total Return Bond R6	2.30	4.02	4.02	4.78	3.85	3.92	6.62
Vanguard Short-Term Investment-Grade Adm	0.92	2.18	2.18	3.70	2.11	2.05	3.56
<b>BBgBarc US Agg Bond TR USD</b>	<b>1.92</b>	<b>2.94</b>	<b>2.94</b>	<b>4.48</b>	<b>2.03</b>	<b>2.74</b>	<b>3.77</b>

Source: SEI Investments, Morningstar Investments

Returns less than one year are not annualized. Past performance is no indication of future results. The information presented has been obtained from sources believed to be accurate and reliable. Securities are not FDIC insured, have no bank guarantee and may lose value.



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Council Members  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** April 24, 2019  
**ORIGINATING DEPT:** Community Development Department  
**SUBJECT:** **Public Hearing: Request for DRP/SUB 512, 516, 524, and 538 S. Nardo Avenue (Case # 17-15-15, Applicant: Ocean Ranch Estates, LLC) Resolution No. 2019-046**

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## **BACKGROUND:**

The Applicant, Ocean Ranch Estates, LLC, is requesting Council approval of a Major Subdivision (SUB)/Tentative Parcel Map (TPM) and a Development Review Permit (DRP), to subdivide the existing 4.2 acre (gross) parcel into eight individual single-family residential lots. The proposed lots will range in size from 14,002-34,999 square feet. The property is zoned Low Residential (LR) and is within the Scaled Residential Overlay Zone (SROZ) and the Hillside Overlay Zone (HOZ). The Applicant is proposing grading in the amount of 4,800 cubic yards of cut and 4,800 cubic yards of fill to flatten out the area of the lot that is not located within the HOZ to construct flat building pads and a new public street called Bell Ranch Road. No import or export of soil is proposed for the project.

The Applicant is requesting a SUB/TPM to subdivide the existing four parcels into eight new single-family residential parcels. A DRP is being requested because the project requires an aggregate grading quantity of more than 100 cubic yards of cut and/or fill. The issue before the Council is whether to approve, approve with conditions, or deny the Applicant's request as contained in Resolution 2019-046 (Attachment 1).

## **DISCUSSION:**

The existing L-shaped 4.2-acre site is comprised of four parcels containing four residences, four sheds, a vacant building, crop fields, and a cold storage trailer. The eastern edge of the project site consists of an easterly-descending approximately 45-foot high natural steep slope with eucalyptus woodland. The hillside has heavy tree and groundcover and support stone stairways, walls, man-made water features and a

CITY COUNCIL ACTION:

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concrete-lined pond. The property is located within the HOZ and therefore, no grading or building is permitted on slopes in excess of 25 percent. In addition, if the City Council is able to make the required findings and approve the project, the Applicant would be required to record an open space easement or deed restriction over the steep slope area to preclude any future development.

The project site is surrounded by existing residential development on all sides consisting of single-family homes located within the Low Density Residential General Plan land use designation and LR zoning designation to the north, south, and west. The residential development to the east is located with the Low/Medium Density Residential General Plan land use designation and Low Medium Residential (LMR) zoning designation.

The proposed project is a request for approval of a DRP and SUB/TPM to subdivide the existing parcels into eight single-family residential lots as shown in Table 1 below. The LR Zone allows 3 dwelling units per acre and specifies a minimum 14,000 square foot (SF) parcel/lot size. This zone is intended for residential development in areas characterized by single-family homes. Project plans are provided in Attachment 2.

Future residential home construction on the eight lots shall be subject to review and approval by the City Council. At this time, construction of the new single-family homes is not proposed by the Applicant.

<b>Table 1 - Proposed Tentative Subdivision Lot Data</b>				
<b>Lot #</b>	<b>Gross Lot Size (SF / Acres)</b>	<b>Net Buildable Area (SF / Acres)</b>	<b>Maximum Allowable Residential Square Footage</b>	<b>Pad Elevation (above mean sea level)</b>
1	14,047 / 0.32	7,471 / 0.17	4,408	197'
2	14,027 / 0.32	7,421 / 0.17	4,405	196'
3	14,027 / 0.32	7,424 / 0.17	4,405	194.5'
4	14,027 / 0.32	7,426 / 0.17	4,405	192'
5	14,002 / 0.32	7,176 / 0.16	4,400	189.5'
6	25,137 / 0.57	7,608 / 0.17	5,332	186.9'
7	25,405 / 0.58	9,571 / 0.22	5,345	184'
8	34,999 / 0.80	12,470 / 0.29	5,824	184.5'

The property is not located within any of the City's Specific Plan areas, however, it is located within the Coastal Zone. In addition, as a condition of project approval, the Applicant will be required to obtain a Coastal Development Permit, Waiver, or

Exemption from the California Coastal Commission prior to the issuance of a building or grading permit from the City.

Table 2, below, provides a synopsis of the Solana Beach Municipal Code (SBMC) specific minimum and maximum requirements of the zoning regulations for the development of the property compared to the Applicant's proposed design. As shown, the project meets the minimum SBMC requirements for residential density, building setbacks, and FAR.

<b>Table 2</b>																																																						
<b>LOT INFORMATION</b>																																																						
<b>Property Address:</b> 512-538 S. Nardo Ave. <b>Zoning Designation:</b> Low Residential (LR) <b>Overlay Zone(s):</b> SROZ and HOZ <b>Density Allowed:</b> 4.19 acres X 3 dwelling units/acre = 12.57 units <b>Density Adjustment for Sensitive Lands:</b> 2.92 acres X 3 dwelling units/acre = 8.76 0.22 acres X 1.5 dwelling unit/acre = 0.33 0.40 acres X 0 dwelling unit/acre = 0 Which results in 9.09 units or 9 units <b>Density Requested:</b> 8 units or 2.26 du/a	<b>Lot Area: Gross:</b> 4.19 Acres <b>Net:</b> 3.54 Acres  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Setbacks:</b></td> <td style="width: 30%;"><b>Required</b></td> <td style="width: 40%;"><b>Proposed</b></td> </tr> <tr> <td>Front</td> <td>25 ft.</td> <td>25 ft.</td> </tr> <tr> <td>Side (E)</td> <td>10 ft.</td> <td>10 ft.</td> </tr> <tr> <td>Side (W)</td> <td>10 ft.</td> <td>10 ft.</td> </tr> <tr> <td>Rear</td> <td>25 ft.</td> <td>25 ft.</td> </tr> </table>				<b>Setbacks:</b>	<b>Required</b>	<b>Proposed</b>	Front	25 ft.	25 ft.	Side (E)	10 ft.	10 ft.	Side (W)	10 ft.	10 ft.	Rear	25 ft.	25 ft.																																			
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<b>Required Minimum Lot Dimensions:</b>																																																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 15%;">Street Frontage</th> <th style="width: 15%;">Width (interior)*</th> <th style="width: 15%;">Width (corner)*</th> <th style="width: 15%;">Depth**</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Required Dimension:</td> <td style="text-align: center;">65'</td> <td style="text-align: center;">65'</td> <td style="text-align: center;">70'</td> <td style="text-align: center;">100'</td> </tr> <tr> <td style="text-align: center;">Lot 1</td> <td style="text-align: center;">73'</td> <td></td> <td style="text-align: center;">91'</td> <td style="text-align: center;">155'</td> </tr> <tr> <td style="text-align: center;">Lot 2</td> <td style="text-align: center;">90.5'</td> <td style="text-align: center;">90.5'</td> <td></td> <td style="text-align: center;">155'</td> </tr> <tr> <td style="text-align: center;">Lot 3</td> <td style="text-align: center;">90.5'</td> <td style="text-align: center;">90.5'</td> <td></td> <td style="text-align: center;">155'</td> </tr> <tr> <td style="text-align: center;">Lot 4</td> <td style="text-align: center;">90.5'</td> <td style="text-align: center;">90.5'</td> <td></td> <td style="text-align: center;">155'</td> </tr> <tr> <td style="text-align: center;">Lot 5</td> <td style="text-align: center;">46.05'***</td> <td style="text-align: center;">54.22'</td> <td></td> <td style="text-align: center;">165'</td> </tr> <tr> <td style="text-align: center;">Lot 6</td> <td style="text-align: center;">45.37'***</td> <td style="text-align: center;">45.37'</td> <td></td> <td style="text-align: center;">224.67'</td> </tr> <tr> <td style="text-align: center;">Lot 7</td> <td style="text-align: center;">59.14'***</td> <td style="text-align: center;">59.14'</td> <td></td> <td style="text-align: center;">193.06'</td> </tr> <tr> <td style="text-align: center;">Lot 8</td> <td style="text-align: center;">40.67'***</td> <td style="text-align: center;">40.67'</td> <td></td> <td style="text-align: center;">295.5'</td> </tr> </tbody> </table>						Street Frontage	Width (interior)*	Width (corner)*	Depth**	Required Dimension:	65'	65'	70'	100'	Lot 1	73'		91'	155'	Lot 2	90.5'	90.5'		155'	Lot 3	90.5'	90.5'		155'	Lot 4	90.5'	90.5'		155'	Lot 5	46.05'***	54.22'		165'	Lot 6	45.37'***	45.37'		224.67'	Lot 7	59.14'***	59.14'		193.06'	Lot 8	40.67'***	40.67'		295.5'
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Lot 8	40.67'***	40.67'		295.5'																																																		

\* Lot width by definition is measured as the distance between side lot lines, measured at the street property line.  
 \*\* Lot Depth by definition is measured as the average distance between the front and rear lot lines or between the front and the intersection of the two side lines, if there is no rear line.  
 \*\*\* SBMC Section 17.20.030 indicates that any lot which fronts on a turnaround or a curving street having a radius of curvature of less than 100 feet, the minimum frontage shall be reduced to 35 feet. The proposed design shows that the radius of the cul-de-sac in front of lots 6-8 is 48 feet, therefore, the street frontage can be reduced to 35'.

<b>PROPOSED PROJECT INFORMATION</b>	
<b>Required Permits:</b>	
<b>SUB/TPM-</b> A Major Subdivision Tentative Parcel Map is being requested to allow for the creation of eight new single family residential parcels.	
<b>DRP-</b> A DRP is being requested for grading in excess of an aggregate of 100 cubic yards of cut and/or fill.	
<b>Proposed Grading: Cut:</b> 4,800 yd <sup>3</sup> <b>Fill:</b> 4,800 yd <sup>3</sup> <b>Import/Export:</b> 0 yd <sup>3</sup>	
<b>Existing Development:</b> Existing four residences, four sheds, a vacant building and a cold storage trailer.	<b>Proposed Development:</b> No new structures are proposed with this Application. Removal of the existing structures would occur as part of the Phase 1 improvements. The SUB would allow for 8 homes to be built in the future under Phase 2.

Staff has prepared draft findings for approval of the project in Resolution 2019-046 (Attachment 1) for Council's consideration based upon the information in this report. The applicable SBMC sections are provided in italicized text in the draft Resolution. Conditions from the Planning, Engineering and Fire Departments are incorporated in the draft Resolution of Approval. The Council may direct Staff to modify the Resolution to reflect the findings and conditions it deems appropriate as a result of the public hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for adoption at a subsequent Council meeting.

The following is a discussion of the findings for a DRP and a SUB as each applies to the proposed project, as well as references to recommended conditions of approval contained in Resolution 2019-046.

Development Review Permit Compliance:

In addition to the zoning requirements noted above, the project must also comply with the development review criteria contained in SBMC Section 17.68.040, Development Review Permits. The project requires approval of a DRP for a new common interest development and because the project involves an aggregate of more than 100 cubic yards of cut and/or fill.

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

1. The proposed development is consistent with the general plan and all applicable requirements of this title, including special regulations, overlay zones, and specific plans.
2. The proposed development complies with the development review criteria set forth in subsection F of section 17.68.040.
3. All required permits and approvals issued by the city, including variances, conditional use permits, comprehensive sign plans, and coastal development permits have been obtained prior to or concurrently with the development review permit.
4. If the development project also requires a permit or approval to be issued by a state or federal agency, the city council may conditionally approve the development review permit upon the applicant obtaining the required permit or approval from the other agency.

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

#### Relationship with Adjacent Land Uses:

The proposed project is consistent with the permitted uses for the LR Zone found in SBMC Sections 17.12.010(D)(1), 17.12.020, and Chapter 17.20. The LR Zone allows for 3 dwelling units (du) per net acre (ac). However, it should be noted that according to SBMC Table 17.20.030-B, 3du per net ac is considered the base density in the LR Zone. In order to determine the number of units allowed on the parcel based on the density, the following calculation is used:

$$\text{net lot size in acres} \times \text{number of dwelling units per acre} = \text{number of units allowed}$$

If the calculation results in a fractional number of 0.7 or greater, the number of units can be rounded up to the nearest whole number. The density for the subject property is as follows:

3.54 ac X 3 du/ac = 10.62 units/lots allowed

In addition, SBMC 17.20.030(B)(4) indicates that subdivisions located in or in proximity to sensitive lands such as steep slopes, coastal bluffs and wetlands shall adjust the allowed density according as follows:

<b>Table 17.20.030-C Density Adjustments for Sensitive Lands</b>	
<b>Area Type</b>	<b>Density Adjustment Multiplier</b>
Wetland Areas	0.00
Slopes less than 25% grade	1.00
Slopes 25% to 40% grade and not also in another sensitive area	0.50
Slopes greater than 40% grade	0.00
Slopes of 25% or greater grade: 1. Along Coastal Bluffs 2. Uplands Adjoining the San Elijo Lagoon	0.00

The Applicant provided a Slope Analysis Exhibit as sheet 5 of the attached project plans (Attachment 2) that shows the density adjustment of the lot area according to Table 17.20.030-C as follows:

<b>Slope Range %</b>	<b>Permitted Density</b>	<b>Density Adjustment Factor</b>	<b>Area (Acre)</b>	<b>Number of Lots Permitted</b>
0-25	3	1.0	2.92	8.76
25-40	3	0.5	0.22	0.33
40-100	3	0	0.40	0
<b>Total Lots Permitted:</b>				<b>9.09 or 9 Lots</b>

The project proposes 8 lots at 2.26 dwelling units per acre, which is within the density allowed by the LR Zone.

The use is also consistent with the General Plan, which designates the property as Low Residential. Policy LU-2 of the Land Use Element is for the land use plan to include residential land uses comprising a range of housing types, locations, and densities. Per SBMC 17.20.010(B), the LR Zone is intended for residential development in areas characterized by detached single-family homes on older subdivided lots. The surrounding properties to the north, south, and west are also zoned LR and designated Low Density Residential. Properties to the east are located within the LMR Zone.

#### Building Structure and Placement:

As designed, the project does not propose any new development to include buildings or structures at this time. All existing structures are proposed to be demolished. The lots will be graded in order to provide flat building pads that will be oriented towards their individual street frontage on Bell Ranch Road. The finished Mean Sea Level (MSL) pad elevation for each lot will be considered the existing grade to measure building height when development applications are submitted for each individual lot. Each lot has required setbacks of 25 feet for the front yard, 10 feet for each side yard and 25 feet for the required rear yard setback. Each of the lots will be required to receive individual approval from the City according to the Zoning Ordinance requirements that are applicable to the proposed development at the time of project submittal. Any development over 16 feet in height will be required to obtain a Structure Development Permit (SDP) and any project that proposes additional grading in excess of 100 cubic yards aggregate or that proposes a residence that exceeds 60% of the maximum allowable floor area will require a DRP.

#### Landscaping:

As designed, the project requires the approval of a DRP, SUB and TPM. The proposed activity onsite includes grading, grubbing and clearing the site, grading to create building pads for eight future single-family homes as well as the installation of wet and dry utilities, a new public right-of-way and right-of-way improvements. No structures will be built as part of this project application. Therefore, the project is not subject to the City's water efficient landscape regulations at this time. As development applications are submitted for each individual lot, each lot will be subject to applicable requirements of the Zoning Ordinance, including the water efficient landscape regulations, once they come forward with plans to build houses on the lots.

#### Roads, Pedestrian Walkways, Parking, and Storage Areas:

The Applicant is proposing to construct a new public street, Bell Ranch Road, in order to provide access to the new subdivision. Bell Ranch Road will be a two lane road with parallel parking on each side of the road and a sidewalk along the south side. 23 on-street parking spaces will be provided for public use. The eastern end of Bell Ranch Road will end with a cul-de-sac. As designed, each lot of the proposed subdivision would have its own street frontage and driveway apron providing vehicular and pedestrian access to and from Bell Ranch Road. The proposed street layout is provided in the project plans in Attachment 2. When each individual lot is developed, two off-street parking spaces will be required per single-family residence.

#### Grading:

The existing parcels are relatively flat and gradually slope downward approximately 15 feet as you move east. The slopes along the eastern property line exceed 25 percent and are located within the Hillside Overlay Zone. The Applicant will be required to

record a deed restriction or open space easement across the slopes that exceed 25 percent to prohibit any future development.

As designed, the Applicant is proposing to cut and fill 4,800 cubic yards in order to provide flat building pads for each lot and to construct Bell Ranch Road and the associated curb, gutter, and sidewalk. Grading will also include grubbing and clearing the site, the installation of driveway approaches, installation and undergrounding of wet and dry utilities, and storm water treatment improvements.

#### Lighting:

The property is not located within the Dark Sky Area, however, it will be subject SBMC 17.60.060 to control excessive or unnecessary outdoor light emissions which produce unwanted illumination of adjacent premises within the city. A condition of project approval includes that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance. 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.

Two street lights are required as a condition of project approval from the Engineering Department. One will be located at the intersection of Nardo and Bell Ranch Road and a second one will be located in the cul-de-sac at the east end of Bell Ranch Road.

#### Open Space:

The project consists of a DRP, SUB and TPM, to prepare the lots to be sold individually for development. Usable open space and recreational facilities are neither required nor proposed according to SBMC Section 17.20.040.

#### Fences, Walls and Retaining Walls:

No fences, walls, or retaining walls, are proposed with this project. If the Applicant decides to construct any fences and/or walls, they will be required to comply with the fence and wall regulations of SBMC 17.20.040(O) and SBMC 17.60.070. As a condition of project approval, the Applicant will be required to secure the site with construction fencing during grading and construction activities.

#### Major Subdivision Compliance:

The project must comply with the subdivision criteria contained SBMC Section 16.12.090 (Major Subdivisions). This section specifies that the City Council may approve, or conditionally approve, a tentative parcel map only if all of the findings can be made. The nine findings are:

1. That the proposed map is consistent with applicable general and specific plans and with applicable zoning provisions of this code;

2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans and with applicable land use and zoning provisions of this code;
3. That the site is physically suitable for the proposed type of development;
4. That the site is physically suitable for the proposed density of development;
5. Unless an environmental impact report was prepared in respect to the project and a finding was made pursuant to Section 21081(c) of the Public Resources Code, that specific economic, social or other considerations make feasible the mitigation measures or project alternatives identified in the environmental impact report;
6. That the design of the subdivision or the type of improvements are not likely to cause serious public health problems;
7. That the design of the subdivision or the type of improvements will not conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the city council may approve a map if they find that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public;
8. That all requirements of the California Environmental Quality Act (CEQA), as amended, and the environmental protection provision of this code have been met;
9. That the proposed map meets the requirements or conditions of this title or the Subdivision Map Act;
10. In the case of conversions of residential real property to a common interest development, that all required notices and reports to tenants have been or will not be sent as required by law; and
11. Subject to the exceptions contained in Government Code Section 66474.4, the property is not subject to a contract entered into pursuant to the Land Conversion Act of 1965 (Williamson Act) and the parcels resulting from the subdivision would be too small to sustain agricultural use. The determination of ability to sustain agricultural use shall be made according to the provisions to Government Code Section 66474.4.

The proposed project is consistent with the General Plan, which designates the property as Low Density Residential (LR) and allows three (3) dwelling units per acre. The



proposed development is equivalent to 2.26 dwelling units per acre. As proposed, the project is consistent with the objectives of the General Plan that encourage the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods. In addition, one of the policies of the land use plan is to include residential land uses comprising of a range of housing types, locations and densities. The surrounding properties are designated LR and LMR.

The property is consistent with the Zoning Ordinance. The maximum allowable density for the 3.54 net acre parcel is nine (9) dwelling units. The project proposes eight (8) dwelling units (one per lot) at a density of 2.26 dwelling units per acre, which is allowed under the LR Zone. Per SBMC 17.20.010(E), the LR Zone is intended for residential development in areas characterized by single-family homes on older subdivided lots. The proposed project is consistent with all applicable requirements of the Zoning Ordinance (Title 17), including Chapter 17.20, which delineates maximum allowable Density, Permitted Uses and Structures, the minimum lot dimensions and the required setbacks for the LR Zone.

An Initial Study (IS) and Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) (Attachment 3) have been prepared for the proposed project. The IS/MND concluded that all potential impacts would be less than significant with mitigation incorporated. Short-term construction phase mitigation measures related to biological resources, cultural resources, hazards and noise are included in the IS/MND and the MMRP and are required to be implemented prior to and/or during construction. As a result, no potentially significant impacts, substantial environmental damage or public health problems are anticipated to occur with project implementation.

No other tenants live onsite that would require notification required by the Subdivision Map Act. The use of the property will not conflict with any easements of record.

#### Affordable Housing:

Any applicant proposing a for-sale residential project of five or more lots is required to set aside 15 percent of all units/lots to be sold to very low or low income households according to SBMC 17.70 Affordable Housing. The Applicant is proposing eight residential lots, therefore, 1.2 of the proposed lots would be required to be set aside for affordable housing. The Municipal Code indicates that when the calculation of 15 percent of the proposed lots results in a fractional unit of 0.50 or less, an applicant can either provide an additional affordable housing unit, pay the affordable housing impact fee for the remaining fraction or can increase the number of bedrooms in one of the affordable units provided. The units are required to remain affordable for 45 years from the date of final inspection of the affordable unit.

SBMC 17.70.030 provides applicants alternatives to providing an on-site, for-sale affordable lot. The project application was deemed complete on June 29, 2017 prior to

the most recent Affordable Housing Ordinance amendments adopted by Council. Among the options available to the Applicant to meet their affordable housing obligation is to construct a new or buy an existing home off-site but within the City of Solana Beach to be set aside as affordable.

The Applicant has indicated that they would acquire an existing housing unit within the City for occupancy by very low or low income households at prices or rents affordable to such households and will pay the affordable housing impact fee for the remaining 0.2 percent of a unit or lot or 20 percent. This option is subject to the following standards and conditions:

1. *The existing housing units must be located within the city of Solana Beach. If the residential project is located within the redevelopment project area, the purchase of the existing housing units shall provide equivalent redevelopment affordable housing production credit under Health and Safety Code Section 33413 as would be obtained if the affordable units were constructed on-site;*
2. *The unit(s) shall be ready for occupancy by an eligible household prior to final inspection, as shown on the inspection record card, for any unrestricted units in the residential project;*
3. *Any substandard units shall be rehabilitated in conformance with applicable local ordinances and state statutes;*
4. *If the existing units will be for-sale affordable units, the number, affordability, and term of affordability of the affordable units shall conform with the provisions of SBMC 17.70.020(C). If the existing units will be rental affordable units, the term of affordability of the affordable units and the affordable housing agreement and rent regulatory agreement shall conform with the provisions of SBMC 17.70.025(E). The number of off-site rental affordable units shall equal at least 15 percent of the number of units in the residential project and shall be rented to very low or low income households at affordable rents, as specified in SBMC 17.70.025(E);*
5. *If approved by the city council, a nonprofit corporation specializing in housing management or the county of San Diego department of housing and community development may participate in the acquisition and/or operation of the affordable unit(s);*
6. *This section is intended to provide a method for the actual acquisition, rehabilitation and operation of affordable units at diverse locations throughout the city. After approval of the affordable housing plan, the city manager is authorized to approve the acquisition/operation plan and any additional documents*

*necessary to implement this section. Any proposed units to be acquired in the area defined in the Eden Gardens master plan shall require a public hearing and city council approval due to existing high concentration of affordable units in that area.*

As part of a residential project requiring affordable housing, the Applicant is required to provide an Affordable Housing Plan in compliance with the requirements of SBMC 17.70. The Affordable Housing Plan is to be reviewed and approved, conditionally approved or denied concurrently with the other applications required for the residential project. The Applicant has provided their proposed affordable housing plan in Attachment 4 for Council's consideration.

In the attached plan, the Applicant proposes to purchase a dwelling unit within the City of Solana Beach and deed restrict it so that it will be rented to a tenant that qualifies for low or very low housing and pay the affordable housing impact fee for the remaining 0.2 of a unit or lot or 20 percent.

The Applicant will be required to provide verification that the purchased dwelling unit will be rented to a tenant who qualifies for Low or Very Low income housing annually by a third-party. The dwelling unit will be deed restricted to remain affordable for 45 years. As a condition of project approval pursuant to SBMC 17.70.040.B-C, an Affordable Housing Agreement is required prior to final map approval.

As indicated previously, the Applicant will pay the Affordable Housing Impact Fee for the remaining 0.20 units required. The current Affordable Housing Impact Fee is \$25.28 per square foot. In order to calculate the required fee, Staff would find the average square footage for the proposed lots by dividing the sum of the maximum allowable floor area for each lot by eight. Then, Staff would determine what .20 or 20% of the average square footage is and multiply that by the Impact Fee of \$25.28. This results in a fee of \$27,131.13 for the proposed development. The equation are as follows:

Lot #	Maximum Allowable Residential Square Footage
1	4,408
2	4,405
3	4,405
4	4,405
5	4,400
6	5,332
7	5,345
8	5,824
<b>Total: 42,929 square feet</b>	

42,929 square feet / 8 lots = 5,366.13 (average square footage)

$$\begin{array}{r}
 5,366.13 \\
 \times \quad .20 \\
 \hline
 1,073.23
 \end{array}$$

$$\begin{array}{r}
 1,073.23 \\
 \times \$25.28 \\
 \hline
 \$27,131.13
 \end{array}$$

**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 more than 10 days prior to the planned public hearing date of April 24, 2019. As of the date of preparation of this Staff Report, Staff has not received any other letters or emails regarding the project except those received as part of the IS/MND review and comment period.

Conditions from the Planning, Engineering, and Fire Departments have been incorporated into the Resolution (Attachment 1). As conditioned, all required findings could be made for the DRP and SUB.

In conclusion, the proposed project meets the requirements for the zoning regulations, is consistent with the General Plan, and could be found to meet the findings required to approve a Major Subdivision and a Development Review Permit.

**CEQA COMPLIANCE STATEMENT:**

The Proposed Project is subject to the California Environmental Quality Act (CEQA). An Initial Study/Mitigated Negative Declaration (IS/MND) and a Mitigation Monitoring and Reporting Program (MMRP) was prepared for the project (Attachment 3). The IS/MND concluded that all potential impacts would be less than significant with mitigation incorporated. Short-term construction phase mitigation measures related to biological resources, cultural resources, hazards and noise are included in the IS/MND and the MMRP and are required to be implemented prior to and/or during construction.

The Notice of Intent (NOI) to adopt a MND was originally published in the San Diego Union Tribune, posted at the City and mailed to the all property owners within 300 feet of the project site on June 29, 2017. On June 29, 2017, the NOI was sent to the County Clerk. The State Clearing House received the Notice of Completion on June 29, 2017. The City also sent out the NOI to the subscribers of the City's eblast notifications on June 29, 2017. The IS/MND was circulated for a 30-day public review and comment period which ended on July 31, 2017. A copy of the NOI, NOC and comment letters have been provided in Attachment 5.

By the end of the circulation period, the City had received 10 comment letters regarding the proposed project. The comments regarding drainage and stormwater resulted in the amendment and recirculation of the IS/MND. The recirculation comment period was between February 8 and March 11, 2019 and the same distribution notifications were sent. Four additional comments were received by the City by March 11, 2019 and a copy of the NOI, NOC and comment letters have been provided in Attachment 5.

Environmental topics addressed in the comment letters pertain to: short-term construction related air quality and noise effects; traffic; on-street parking; and hydrology/drainage. Pursuant to CEQA Guidelines Section 15074, formal written responses to comments are not required for an IS/MND, however, a response to the original 10 comments that are focused on the contents of the IS/MND and potential environmental effects has been provided in a matrix in Attachment 5. A response to the final four comments has also been provided in Attachment 6.

As previously noted, an MMRP has been prepared and the Applicant will be required to implement mitigation measures related to biological resources, cultural resources, hazards and noise prior to and during construction. The IS/MND concluded that all other impacts including traffic, utilities, hydrology/drainage, public services and public safety impacts would be less than significant and no mitigation is required for these resource topics. The IS/MND and MMRP is before the City Council for consideration of adoption.

**FISCAL IMPACT:** N/A

**WORK PLAN:** N/A

**OPTIONS:**

- Approve Staff recommendation approving the project as designed by adopting the attached Resolution 2019-046.
- Approve Staff recommendation subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a DRP and SUB.
- Deny the project if all required findings for the DRP and SUB cannot be made.

**DEPARTMENT RECOMMENDATION:**

The proposed project meets the minimum objective requirements under the SBMC, could be found to be consistent with the General Plan and could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and a SUB. Therefore, 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. Adopt the IS/MND and MMRP in accordance with CEQA.
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2019-046 conditionally approving a DRP, SUB and TPM for the first phase of the project which includes subdividing the existing 4.2 acre lot into eight single-family residential lots, demolition of all existing structures onsite, grubbing and clearing the site, grading to create building pads for eight future single-family homes as well as the installation of driveway approaches, wet and dry utilities and right-of-way improvements on property at 512 through 538 South Nardo Avenue, Solana Beach.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.

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

Attachments:

1. Resolution 2019-046
2. Project Plans
3. CEQA Initial Study/Mitigated Negative Declaration/MMRP
4. Affordable Housing Plan
5. Original NOI, NOC, comments and response matrix
6. Recirculated NOI, NOC, comments and responses

**RESOLUTION NO. 2019-046**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ADOPTING A FINAL MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT, A MAJOR SUBDIVISION AND TENTATIVE PARCEL MAP TO CREATE EIGHT NEW SINGLE FAMILY PARCELS AT 512-538 NARDO AVENUE.**

**APPLICANT: Ocean Ranch Estates, LLC  
CASE NO.: 17-15-15 DRP/SDP**

**WHEREAS**, Ocean Ranch Estates, LLC (hereinafter referred to as "Applicant"), has submitted an application to the City of Solana Beach ("City") for approval of a Major Subdivision (SUB), Tentative Parcel Map (TPM) and a Development Review Permit (DRP) pursuant to Title 16 (Subdivisions) and Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC) for the subdivision of an existing 4.2-acre site into eight residential lots and the future development of eight single-family homes located at 512, 516, 524, and 538 South Nardo Avenue in the southeast portion of the City ("Proposed Project"); and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000, et seq., and its implementing guidelines, 14 California Code of Regulations Section 15000, et seq. ("CEQA Guidelines"), the City prepared a draft Initial Study/Mitigated Negative Declaration ("IS/MND") for the Proposed Project which was made available for public review and comment as required by law on June 29, 2017; and

**WHEREAS**, upon receipt and consideration of public comments concerning the draft IS/MND, the City prepared a Revised and Recirculated IS/MND for the Proposed Project which was made available for public review and comment as required by law on February 8, 2019; and

**WHEREAS**, the City received additional comments concerning the Revised and Recirculated IS/MND from several individuals and the City has prepared written responses to all comments received during the public comment period which raised environmental issues; and

**WHEREAS**, the City has determined that the comments received on the Revised and Recirculated IS/MND did not contain any significant new information within the meaning of CEQA Guidelines section 15073.5 and therefore recirculation of the Revised and Recirculated IS/MND is not required; and

**WHEREAS**, the City has prepared a final Revised and Recirculated IS/MND which contains the information required by CEQA and the technical appendices, public



comments and the District's responses to public comments, and which has been filed with the City Clerk; and

**WHEREAS**, pursuant to CEQA Guidelines section 15074(d), the City has prepared a Mitigation Monitoring and Reporting Program ("MMRP"), which has been filed with the City Clerk; and

**WHEREAS**, the City caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and affidavit of mailing on file with the City Clerk; and

**WHEREAS**, all materials with regard to the Proposed Project were made available to the City Council for its review and consideration of the Proposed Project including, but not limited to, the following:

1. The Revised and Recirculated IS/MND and appendices;
2. The Mitigation Monitoring and Reporting Program;
3. The staff report and related exhibits; and
4. All documents and records filed in this proceeding by interested parties.

**WHEREAS**, a duly noticed public hearing was held pursuant to the provisions of SBMC Section 17.72.030 on April 24, 2019, at which the City Council received and considered evidence concerning the proposed application as revised; and

**WHEREAS**, the City of Solana Beach as the CEQA Lead Agency, and the City Council as the decision making body of the Lead Agency, has considered the proposed Revised and Recirculated IS/MND, including all technical reports referenced in the IS/MND, together with all comments received during the public review process on the IS/MND and the City's responses to those comments; and

**WHEREAS**, having reviewed and considered all testimony and materials made available to the City Council, including but not limited to the Revised and Recirculated IS/MND, the staff reports and all the testimony and evidence in the record of the proceedings with respect to the Proposed Project, the City Council took the actions hereinafter set forth.

**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 has considered the Revised and Recirculated IS/MND, including all technical reports referenced in the IS/MND, together with all comments received during the public review process on the IS/MND.

3. That the City Council hereby adopts the Revised and Recirculated IS/MND as it finds on the basis of the whole record before it, including all technical reports and all comments received, that there is no substantial evidence that the Proposed Project will have an unmitigated significant effect on the environment and that the Revised and Recirculated IS/MND reflects the City's independent judgment and analysis; and
4. That the City Council also hereby adopts the MMRP prepared for the Proposed Project, which is attached hereto as Attachment "A" and which identifies the design features and mitigation measures that are required to be implemented by the Applicant to avoid or reduce the potential significant environmental effects of the Proposed Project.
5. The location and custodian of the documents and other materials, which constitute the record of proceedings on which the City Council's decision is based, are the City of Solana Beach Community Development Department, 635 Highway 101, Solana Beach, CA 92075.
6. That the request for a Major Subdivision/Tentative Parcel Map and a Development Review Permit to subdivide four existing parcels that total 4.19 acres (gross) into eight individual single-family parcels, is conditionally approved based upon the following Findings and subject to the following Conditions:

## 7. FINDINGS

- A. In accordance with Section 17.68.040 (Development Review Permit) of the City of Solana Beach Municipal Code, the City Council finds the following:
  1. *The proposed project is consistent with the General Plan and all applicable requirements of SBMC Title 17 (Zoning Ordinance), including special regulations, overlay zones and specific plans.*

General Plan Consistency: The General Plan, which designates the property as Low Density Residential. Policy LU-2 of the Land Use Element is for the land use plan to include residential land uses comprising a range of housing types, locations, and densities. Per SBMC 17.20.010(A), the LR Zone is intended for residential development in areas characterized by detached single-family homes on older subdivided lots. The surrounding properties to the north, east and west are also zoned LR and properties to the south are zoned Low Medium Residential (LMR) and designated Low Medium Density Residential.

Zoning Ordinance Consistency: The design of the subdivision, as conditioned, is consistent with all applicable provisions of Title 17 including allowable uses, minimum lot areas, required street frontage, the maximum allowable density, minimum yard dimensions (setbacks), and all other applicable specific 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 proposed project is consistent with the permitted uses for the LR Zone found in SBMC Sections 17.12.010(D)(1), 17.12.020, and Chapter 17.20. The LR Zone allows for 3 dwelling units (du) per net acre (ac). However, it should be noted that according to SBMC Table 17.20.030-B, 3 du per net ac is considered the base density that is permitted in the LR Zone. In order to determine the number of units allowed on the parcel based on the density, the following calculation is used:

net lot size in acres x number of dwelling units per acre =  
number of units allowed

If the calculation results in a fractional number of 0.7 or greater, the number of units can be rounded up to the nearest whole number. The density for the subject property is as follows:

3.54 ac X 3 du/ac = 10.62 units/lots allowed

In addition, SBMC 17.20.030(B)(4) indicates that subdivisions located in or in proximity to sensitive lands such as steep slopes, coastal bluffs and wetlands shall adjust. Slopes that are from 0-25% slope are allowed to use the base density. Slopes greater than 25% but less than 40% shall adjust the base density by 0.5 and slopes that exceed 40% are adjusted by 0.

The Applicant provided a Slope Analysis Exhibit which indicates that 2.92 acres of the lot are less than 25% slopes, 0.22 acres are slopes between 25-40% and 0.40 acres of the lot exceeds 40% slope. By adjusting the density accordingly, the total lots permitted are 9.09 or 9 units/lots.

The project proposes 8 lots at 2.26 dwelling units per acre, which is within the density allowed by the LR Zone.

- 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 proposed project, as designed, does not propose any building or structures as part of the new development. All existing structures are proposed to be demolished.

The lots will be graded in order to provide flat building pads that will be rectangular in shape and oriented towards their individual street frontage on the proposed public street to be called Bell Ranch Road. Each lot has required setbacks of 25 feet for the front yard, 10 feet for each side yard and 25 feet for the required rear yard setback. The development of each lot will require individual approval from the City according to the Zoning Ordinance requirements that are applicable to the proposed development at the time of project submittal. Any development over 16 feet in height will be required to process a Structure Development Permit (SDP) and any project that includes, but is not limited to, additional grading in excess of 100 cubic yards aggregate or that proposes a residence that exceeds 60% of the maximum allowable floor area will require a DRP.

- 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 includes the approval of a DRP, Major SUB, and TPM. Proposed activity onsite includes grading the site in order to prepare the flat building pads, underground utilities, and provide storm water treatment onsite as well as a new public right-of-way and right-of-way improvements, no structures will be built as a result of this project application. Therefore, the project is not subject to the City's water efficient landscape regulations at this time. As the individual lots are developed, each lot will be subject to applicable requirements of the Zoning Ordinance, including the water efficient landscape regulations in effect at the time of project submittal.

- 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.*

The Applicant will construct a new public street, Bell Ranch Road, in order to provide access to the new subdivision. Bell Ranch Road will be a two-lane road with parallel parking on each side of the road and a sidewalk along the south side. 23 on-street parking spaces will be provided for public use. The eastern terminus of Bell Ranch Road will end in a cul-de-sac. As designed, each lot of the proposed subdivision would have its own street frontage and driveway apron providing vehicular and pedestrian access to and from Bell Ranch Road. When each individual lot is developed, two off-street parking spaces will be required per single-family residence.

- 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.*

As designed, the Applicant will cut and fill 4,800 cubic yards in order to provide flat building pads for each lot and to construct Bell Ranch Road and the associated curb, gutter, and sidewalk. Grading will also include grubbing and clearing the site, the installation of driveway approaches, installation and undergrounding of wet and dry utilities, and storm water treatment.

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

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

Two street lights are required as a condition of project approval from the Engineering Department. One will be located at the intersection of Nardo and Bell Ranch Road and a second one will be located in the cul-de-sac at the east end of Bell Ranch Road.

- 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 a DRP, SUB and TPM, to prepare the lots to be sold individually for development. Usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040. The Applicant will be required to pay the required Public Use Facilities Fee and the Park Impact Fee prior to the issuance of a grading permit.

- 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 for Phase 1 of the proposed project, including the SUB/TPM, are being processed concurrently with the DRP.

- 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 applicant obtaining the required permit or approval from the other agency.*

As a condition of project approval, the Applicant is required to obtain approval from the California Coastal Commission prior to issuance of a Building and/or Grading Permit.

- B. In accordance with Section 16.12.090 (Subdivisions) of the City of Solana Beach Municipal Code (SBMC), the City Council finds the following:

- I. *The proposed map is consistent with applicable general and specific plans and with applicable zoning provisions of this code.*

The SUB Tentative Parcel Map is consistent with the General Plan and applicable provisions of SBMC Title 17. The development of a Major Subdivision creating eight individual lots to be developed in the future with single-family residences is consistent with the purpose and intent of the Low Density Residential land use designation set forth in the General Plan. The project is also consistent with the development standards set forth in Title 17 (Zoning) for the LR Zone for building setbacks, density and the minimum lot dimensions. The subject

property is not located within the boundaries of any specific plan however, it is located within the Hillside Overlay Zone and the Scaled Residential Overlay Zone.

- II. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans and with applicable land use and zoning provisions of this code*

The design of the subdivision, as conditioned, is consistent with all applicable provisions of Title 17 including allowable uses, minimum lot areas, required street frontage, the maximum allowable density, minimum yard dimensions (setbacks), and all other applicable specific requirements.

- III. The site is physically suitable for the type of development.*

The site is physically suitable to be subdivided into eight single-family lots. The project site has been conditioned to comply with the required HOZ regulations including maintaining the existing slopes that exceed 25% by recording a deed restriction or an open space easement to prohibit future development and is otherwise located outside the boundaries of the overlay zones and specific plans. Therefore, those specific regulations do not apply to this project.

- IV. That the site is physically suitable for the proposed density of development.*

The site is physically suitable for the proposed density of eight lots each to be developed at a future date. Allowable density for this particular parcel, which is located within the LR Zone, is three dwelling units per net acre based on the total net acreage of the property, or eight dwelling units for the 3.54-acre parcel. No unique characteristics of the site would preclude the property from being developed as proposed.

- V. Unless an environmental impact report was prepared in respect to the project and a finding was made pursuant to Section 21081(c) of the Public Resources Code, that specific economic, social or other considerations make feasible the mitigation measures or project alternatives identified in the environmental impact report.*

Mitigation measures will be implemented for biological resources, cultural resources, hazards and noise per the MMRP. No environmentally sensitive habitat area or other biological resources have been identified on the property.

- VI. That the design of the subdivision or the type of improvements are likely to cause serious public health problems.*

The design of the subdivision and the type of improvements are not likely to cause serious public health problems given that all public utilities and services are available to serve the development, including sewer and water. Approval of this project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The project will not interfere with existing public utilities to adjacent properties.

- VII. *That the design of the subdivision or the type of improvements will not conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the city council may approve a map if they find that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public*

The design of the subdivision and the type of improvements will not conflict with easements of record. In addition, there are no easements established by court judgment, acquired by the public at large, for access or use of the property within the proposed subdivision. All existing easements have been demarcated on the tentative map and will be maintained or vacated with the design of the subdivision and the type of improvements.

- VIII. *That all requirements of the California Environmental Quality Act (CEQA), as amended, and the environmental protection provision of this code have been met.*

As documented in the IS/MND, all potential impacts would be less than significant with mitigation incorporated. Short-term construction phase mitigation measures related to biological resources, cultural resources, hazards and noise are included in the IS/MND and the MMRP and are required to be implemented prior to and/or during construction. The MMRP requires the Applicant to implement mitigation measures related to biological resources, cultural resources, hazards and noise prior to and during construction. The IS/MND concluded that all other impacts including traffic, utilities, hydrology/drainage, public services and public safety impacts would be less significant and no mitigation is required for these resource topics.

- IX. *That the proposed map meets or performs any of the requirements or conditions of this title or the Subdivision Map Act.*

The proposed project has been found to be consistent with Title 16 Subdivision and the Subdivision Map Act.



- X. *In the case of conversions of residential real property to a common interest development, that all required notices and reports to tenants have not been or will not be sent as required by law.*

Public notices for this project are not required to be mailed to tenants onsite pursuant to SBMC Section 17.72.030 (Public Hearing and Notice Requirements) due to its vacant status.

- XI. *Subject to the exceptions contained in Government Code Section 66474.4, the property is subject to a contract entered into pursuant to the Land Conversion Act of 1965 (Williamson Act) and the parcels resulting from the subdivision would be too small to sustain agricultural use. The determination of ability to sustain agricultural use shall be made according to the provisions to Government Code Section 66474.4.*

The property is not subject to a contract pursuant to the Williamson Act. The parcel has a zoning designation within the LR Zone for residential use.

- C. In accordance with chapter 17.70 (affordable housing) of the Solana Beach Municipal Code, the city council finds the following:
- I. The affordable housing plan is consistent with the requirements of chapter 17.70 by providing 15 percent of units affordable to low income households. The Applicant shall purchase an existing dwelling unit within the City and restrict the rental of the unit to low or very low income for 45 years. The Applicant will pay the Affordable Housing Impact fee of \$27,131.13 for remaining 0.20 of a dwelling unit.

## 8. CONDITIONS

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

### A. Community Development Department Conditions:

- I. Grading Permit plans must be in substantial conformance with the plans presented to the City Council on April 24, 2019 and located in the project file dated February 28, 2019.
- II. Any additional onsite fences, walls, retaining walls, hedges, other dense landscaping, and/or any combination thereof proposed at the grading and or building permit stage of the project shall comply with applicable regulations of SBMC Section 17.20.040(O) and 17.60.070 (Fences, Walls, and Retaining Walls).

- III. The Applicant 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.
- IV. Any new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of SBMC Section 17.60.060.
- V. 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.
- VI. The Developer/Contractor shall conduct all grading operations in such a manner as to confine dust generated from the operation to the site of the grading. Per City of Solana Beach Municipal Code 15.40.090(I), special conditions intended to control dust palliative may be imposed as additional requirements on the grading permit. Such conditions may be imposed in the field if necessary.
- VII. The Applicant shall provide an Affordable Housing Agreement pursuant to SBMC 17.70.030D prior to final map recordation to the satisfaction of the City Attorney. The proposed affordable housing unit shall comply with the following conditions:
  - a. The existing housing unit must be located within the City of Solana Beach.
  - b. The unit shall be ready for occupancy by an eligible household prior to final inspection, as shown on the inspection record card, for any unrestricted units in the residential project;
  - c. Any substandard units shall be rehabilitated in conformance with applicable local ordinances and state statutes;
  - d. If the existing unit will be a for-sale affordable unit, the number, affordability, and term of affordability of the affordable unit shall conform with the provisions of SBMC 17.70.020(C). If the existing unit will be a rental affordable unit, the term of affordability of the affordable unit and the affordable housing agreement and rent regulatory agreement shall conform with the provisions of SBMC 17.70.025(E). The number of off-site rental affordable units shall equal at least 15 percent of the number of units in the residential project and shall be rented to very low or low income households at affordable rents, as specified in SBMC 17.70.025(E);
  - e. If approved by the City Council, a nonprofit corporation

specializing in housing management or the County of San Diego department of housing and community development may participate in the acquisition and/or operation of the affordable unit(s);

- f. This section is intended to provide a method for the actual acquisition, rehabilitation and operation of affordable units at diverse locations throughout the City. After approval of the affordable housing plan, the City Manager is authorized to approve the acquisition/operation plan and any additional documents necessary to implement this section. Any proposed units to be acquired in the area defined in the Eden Gardens master plan shall require a public hearing and City Council approval due to existing high concentration of affordable units in that area.
  - g. The Applicant is required to purchase the affordable unit and have it ready for occupancy prior to the issuance of the third building permit for the development of the eight lot subdivision.
- VIII. The Applicant shall pay the affordable housing impact fee of \$27,131.13 for the remaining 0.2 of a unit or lot or 20 percent prior to the issuance of a grading permit.
- IX. Construction shall only occur between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday. Construction activities shall not occur on Sunday or holidays.
- X. The Applicant shall timely complete all mitigation measures set forth in the MMRP.
- B. Fire Department Conditions:
- I. Access Road Minimum Dimensions: Fire apparatus access roads shall have an unobstructed improved width of not less than 20 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Exception: Single-family residential driveways serving no more than two single-family dwellings shall have minimum of 16 feet, curb line to curb line, of unobstructed width. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds and shall be provided with an approved paved surface to provide all-weather driving capabilities.
  - II. Dead Ends: All dead-end fire access roads in excess of 150 feet in length shall be provided with an approved area for turning around

fire apparatus. A cul-de-sac shall be provided in residential areas where the access roadway serves more than four structures. The minimum unobstructed paved radius width for a cul-de-sac shall be 36 feet in residential areas with no parking.

- a. Provide a radius of 28'
- III. Grade: The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be surface of Portland cement concrete, with a deep broom finish perpendicular to the entire direction of travel. Additional mitigation measures may be required where deemed appropriate. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent).
  - IV. Gates: All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. An approved emergency key-operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Solana Beach Fire Department standards.
  - V. Response Maps: Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in one of the following formats (AutoCad, DWG, DXF, ESRI shapefile, ESRI personal geodatabase or XML format) and shall be charged a reasonable fee for updating all response maps.
  - VI. Construction Materials: Prior to delivery of combustible building construction materials to the project site all of the following conditions shall be completed to the satisfaction of the Fire Department:
    - a. All wet and dry utilities shall be installed and approved by the appropriate inspection department or agency;
    - b. As a minimum, the first lift of asphalt paving shall be in place to provide a permanent all weather surface for emergency vehicles; and
    - c. Water supply for fire protection (fire hydrants and standpipes) shall be installed and in service and accepted by the Fire Department and applicable water district.
  - VII. Posting or striping roadways "no parking fire lane": Fire Department

access roadways, when required, shall be properly identified as per Solana Beach Fire Department Standards. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

- Cul-de-sac

VIII. Obstruction of roadways during construction: All roadways shall be a minimum of 20 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Solana Beach Fire Department.

IX. Fire hydrants and fire flows: The Applicant shall provide fire hydrants of a type, number, and location satisfactory to the Solana Beach Fire Department. A letter from the water agency serving the area shall be provided that states the required fire flow is available. Fire hydrants shall be of a bronze type. Multi-family residential or industrial fire hydrants shall have two (2) 4 inch and two (2) 2.5 inch NST outlets. Residential fire hydrants shall have one (1) 4 inch NST outlet and one (1) 2.5 inch NST outlets.

C. Engineering Department Conditions:

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

II. 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. Underground the existing overhead utilities along the westerly subdivision boundary. All new utility services to this subdivision shall be installed underground.

IV. Obtain an Improvement Permit for the required public improvements along South Nardo Avenue and proposed Bell Ranch Road. Submit an Improvement Plan prepared by a registered civil engineer and obtain approval from the City Engineer. The design and construction of all improvements shall be in conformance with standard plans, any specifications of the City of Solana Beach and subject to the approval of the City

Engineer. Conditions for approval of the Improvement Plan shall include, but is not limited to, the following:

- a. Construct Bell Ranch road as a local residential cul de sac with 36 foot wide pavement, modified curbs, D.G sidewalk on south sides and concrete sidewalk along north side within 56 feet wide right of way width. The cul-de-sac radius shall be 38 feet to the curb and 48 feet to the right of way to the satisfaction of the City Engineer.
  - b. On Bell Ranch Road, construct a 9-inch wide concrete rolled curb per City standards along both sides. Provide 5-foot transitions between vertical curb and rolled curb.
  - c. On South Nardo Avenue, adjacent to this project, construct 6-inch vertical curb and gutter and 5-foot wide concrete sidewalk from the curb return at Bell Ranch Road up to the property boundary as shown on the preliminary grading plans.
  - d. Install two LED cobra head street lights, one at the intersection of Nardo and Bell Ranch Road and a second one in the cul-de-sac, 9,500 lumens minimum, in accordance with the City's Street Light Design Manual. Fixtures to be compatible with existing City street lights.
- V. 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 engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.
  - b. A Soils Report shall be prepared by a registered Soils Engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The grading plan shall incorporate all recommendations contained in the soils report.
  - c. The proposed drainage design for this project shall include a detention basin and a discharge system consistent with the recommendations of the Preliminary Drainage Report prepared by Pasco, Laret, Suiter, and Associates. This detention basin and the corresponding outflow system shall be designed and constructed so that the rate of runoff for the proposed development is the same as that of existing condition. Prior to

the recordation of the final map, an easement shall be recorded for maintenance of detention basins by the property owner(s) in perpetuity, All lots within the subdivision shall have an independent drainage design with an independent detention basin and corresponding outflow system prior to issuance of the building permit to the satisfaction of the City Engineer.

- d. 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.
- e. The Applicant is responsible to protect the adjacent properties during construction. If any grading or other types of construction are anticipated beyond the property lines, the Applicant 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.
- f. Pay grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.
- g. Obtain and submit grading security in a form prescribed by the City Engineer.
- h. Obtain haul permit for import / export of soil. The Applicant shall transport all excavated material to a legal disposal site.
- i. 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.
- j. An Erosion Prevention and Sediment Control Plan shall be prepared. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during excavation and

grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities. Sediment controls shall be used as a supplement to erosion prevention for keeping sediment on site.

- k. Show all proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The construction of drainage structures shall comply with the standards set forth by the San Diego Regional Standard Drawings.
  - l. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.
  - m. No increased cross lot drainage shall be allowed.
  - n. The Applicant shall construct all on-site and off-site Drainage Improvements as shown on the approved Tentative Map to the satisfaction of the City Engineer.
  - o. The Applicant shall replace the existing Public drainage system discharging into Fresca street immediately downstream from the project site (existing 18" CMP and the corresponding curb outlet system) with a RCP and City Standard curb outlet to the satisfaction of the City Engineer.
  - p. The Applicant shall pay a fair share contribution towards improvement of the existing drainage system and corresponding curb outlet at Fresca street south of the project site to the satisfaction of the City Engineer.
- VI. Prepare a Final Map in accordance with Chapter 16.20 of SBMC.
  - VII. Pay Final Map plan check fee in accordance with the current Engineering Fee Schedule.
  - VIII. Prior to obtaining a building permit or grading permit, a Final Map shall be prepared and recorded in accordance with Chapter 16.20 of SBMC.
  - IX. Provide a Subdivision Map Guarantee within ten days before recording the Final Map.



- X. On the Final Map, dedicate Bell Ranch Road street right-of-way, the open space easements and a drainage detention and storm water management easement.
- XI. Prior to approval of the Final Map, the Applicant shall obtain an off-site private drainage easement between the easterly subdivision boundary and the existing 10-foot drainage easement to Fresca Street. The existing 18" CMP storm drain shall be removed and replaced with an 18" RCP to the satisfaction of the City Engineer. The applicant shall enter into an Encroachment Maintenance Removal Agreement (EMRA) with the City for connection of the private storm drain system into the public storm drain system to the satisfaction of the City Engineer.
- XII. Prior to the recordation of the Final Map, the Applicant shall enter into an agreement with the City to hold the City harmless for construction of the proposed storm drain system. This agreement shall be recorded against the property to the satisfaction of the City Manager.
- XIII. Prior to approval of the Final Map, the Applicant shall dedicate public right-of-way for the portion of the Bell Ranch Road cul-de-sac over APN: 298-121-26.
- XIV. The Applicant shall quitclaim all private utility easements within the proposed Bell Ranch Road Right-Of-Way dedication.
- XV. The Applicant shall obtain signatures on the Final Map from all Utility Companies for easement subordination purposes.
- XVI. Prior to the recordation of the Final Map, the Applicant shall commit to removal of all existing structures within the boundary of this T.M. by permit and bonds to the satisfaction of the City Engineer.
- XVII. Prior to the recordation of the Final Map, the Applicant shall underground the existing overhead facilities to the satisfaction of the City Engineer.
- XVIII. The Applicant shall construct a water line and all corresponding appurtenances including, but not limited to, the required hydrants, valves, thrust blocks, etc. to the satisfaction of Santa Fe Irrigation District.
- XIX. Prior to the recordation of the final map the Applicant shall pay the required Traffic Impact Fees (TIF) for all additional units. As an alternative, the Applicant may enter into an agreement with the City for payment of the prorated TIF for each of the newly created

parcels at the issuance of the building permit to the satisfaction of the City Manager. If this alternative is selected, the proposed agreement shall be recorded against all parcels prior to or concurrent with recordation of the final map.

- XX. Prior to recordation of the final map the applicant shall remove and reconstruct the Sanitary Sewer on South Nardo as shown on the Preliminary Grading and Utility Plan. South Nardo shall be resurfaced to the satisfaction of the City Engineer where the sewer line will be removed and reconstructed.
- XXI. Prior to issuance of building permits, sewer capacity/connection fees and prorated annual sewer charges shall be paid.
- XXII. Hold Harmless Agreements shall be recorded for Storm and Sewer purposes, for each lot in the subdivision, holding the City of Solana Beach harmless in case of a sanitary sewer or storm drain backup due to a blockage in the public sewer main or storm drain. If the building pad elevation is below the upstream sewer manhole, a backflow prevention device shall be installed on private property.
- XXIII. The Applicant shall construct a 5-foot wide standard contiguous sidewalk behind the existing curb along the east side of South Nardo from the southerly boundary of the subdivision to Nardito Lane to the satisfaction of the City Engineer and adjacent property owners.
- XXIV. The Applicant shall install fog lines along both sides of Nardo Avenue from the project site to Lomas Santa Fe Drive to the satisfaction of the City Engineer.
- XXV. The Applicant shall install a permanent electronic speed limit sign on Nardo between project site and Lomas Santa Fe to the satisfaction of the City Engineer.
- XXVI. The Applicant shall perform stop sign warrant analysis for installation of new stop signs at the intersection of Nardo Avenue and Solana Circle Drive.
- XXVII. On east side of Nardo Avenue construct 6-inch vertical curb and gutter and 5-foot wide walkway from the property boundary southerly to the existing improvements. This improvement shall be closely coordinated by the adjacent property owners to the satisfaction of the City Engineer.

6. ENFORCEMENT: Pursuant to SBMC 17.72.120(B) the Applicant's 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 1.16 and 1.18 in addition to any applicable revocation proceedings.

7. EXPIRATION: The Development Review Permit and Major Subdivision Tentative Parcel Map for the project will expire on 24 months from the date of approval unless the Applicant has recorded a final map, obtained a grading permit and has commenced grading prior to that date, and diligently pursued grading to completion. An extension of the application may be granted by the City Council.
8. INDEMNIFICATION AGREEMENT: The Applicant 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 Applicant 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, Applicant 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 the Applicant 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 Applicant shall not be required to pay or perform any settlement unless such settlement is approved by Applicant.
9. NOTICE TO APPLICANT: Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other exactions described in this resolution commences on the effective date of this resolution. To protest the imposition of any fee, dedications, reservations or other exactions described in this resolution you must comply with the provisions of Government Code Section 66020. Generally the resolution is effective upon expiration of the tenth day following the date of adoption of this resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Zoning Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 24<sup>th</sup> day of April, 2019, by the following vote:

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

\_\_\_\_\_  
DAVID A. ZITO, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

# TENTATIVE MAP 17-15-15

## OCEAN RANCH ESTATES

### SOUTH NARDO AVENUE

### SOLANA BEACH, CA

**SITE ADDRESS**

512 S. NARDO AVE. & 516 S. NARDO AVE.  
 SOLANA BEACH, CA 92688  
 APN 298-121-04-01, 298-121-05-01, 298-121-05-02, 298-121-05-03

**ACCESS**

WINDY AVENUE, A PUBLIC ROAD

**LEGEND**

- SUBDIVISION BOUNDARY
- LOT LINE
- EXISTING EASEMENT
- EXISTING EASEMENTS & DEDICATIONS
- EXISTING CONTIGUOUS
- EXISTING BUILDING

**EXISTING EASEMENTS**

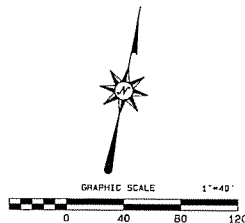
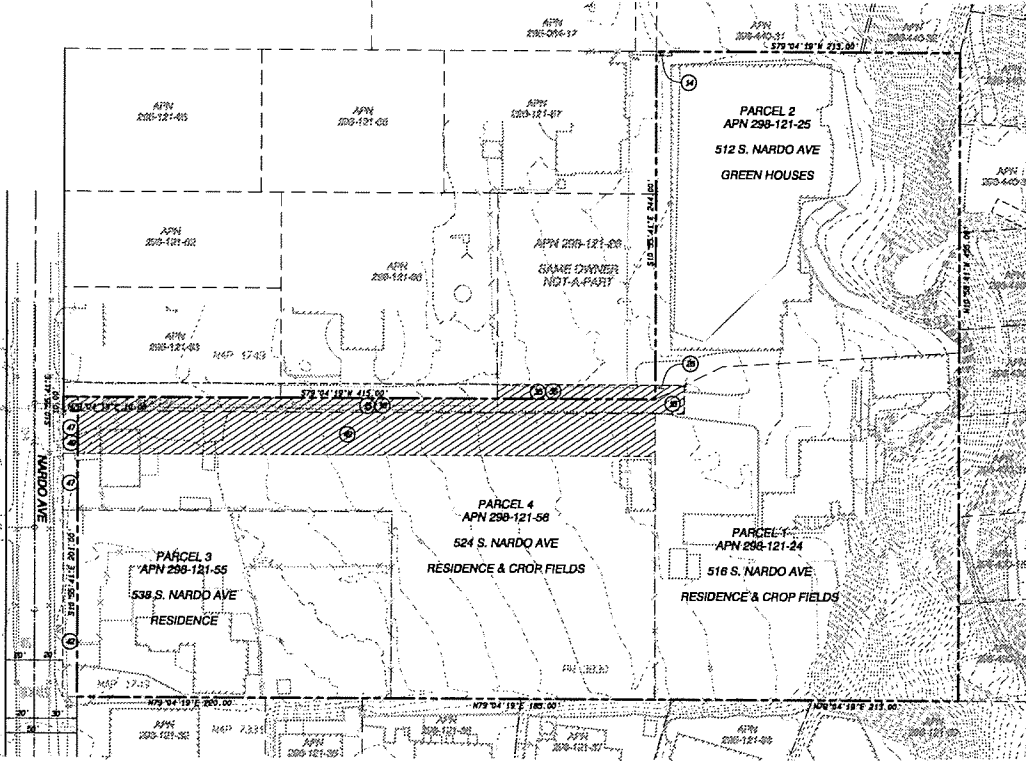
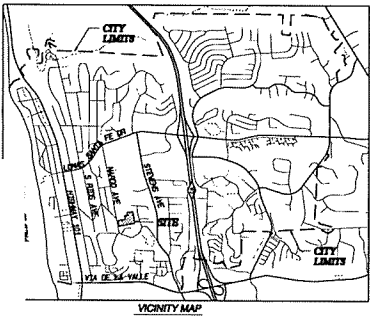
- (14) AN EASEMENT FOR POLLS, WIRES AND INCIDENTAL PURPOSES, RECORDED INSTRUMENT NO. 18280 OF OFFICIAL RECORDS.
- (15) AN EASEMENT FOR ROAD, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES AND INCIDENTAL PURPOSES, RECORDED JUNE 01, 1982 AS INSTRUMENT NO. 115577 AND RECORDED JUNE 01, 1982 AS INSTRUMENT NO. 115578 BOTH OF OFFICIAL RECORDS.
- (16) AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED JANUARY 26, 1974 AS INSTRUMENT NO. 71-1854 OF OFFICIAL RECORDS.
- THE FOLLOWING EASEMENTS AFFECT PARCEL 2:
- (20) AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED JUNE 1, 1982 AS INSTRUMENT NO. 115577 OF OFFICIAL RECORDS.
- THE FOLLOWING EASEMENTS AFFECT PARCEL 298-121-05:
- (15) AN EASEMENT FOR ROAD, WATER, GAS, POWER AND TELEPHONE LINES AND INCIDENTAL PURPOSES, RECORDED JUNE 1, 1982 AS INSTRUMENT NO. 115577 OF OFFICIAL RECORDS.
- (16) AN EASEMENT FOR POLLS, WIRES AND INCIDENTAL PURPOSES, RECORDED JANUARY 26, 1974 AS INSTRUMENT NO. 71-1854 OF OFFICIAL RECORDS.
- THE FOLLOWING EASEMENTS AFFECT PARCEL 3:
- (15) AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED MAY 23, 1975 AS INSTRUMENT NO. 121650 OF OFFICIAL RECORDS.
- THE FOLLOWING EASEMENTS AFFECT PARCEL 4:
- (17) AN EASEMENT FOR COUNTY HIGHWAY AND INCIDENTAL PURPOSES, RECORDED MAY 23, 1975 AS INSTRUMENT NO. 75-121650 OF OFFICIAL RECORDS.
- (18) AN EASEMENT FOR STREETS AND UTILITIES AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 24, 1982 AS INSTRUMENT NO. 31-10003 OF OFFICIAL RECORDS. A PORTION OF SAID EASEMENT RIGHTS HAVE BEEN RELINQUISHED PURSUANT TO THAT CERTAIN SPLITPLUM DEED RECORDED ALBERT S. SOLA AS INSTRUMENT NO. 312-10006 OF OFFICIAL RECORDS.

**REFERENCE MAPS**

MAP 7331 - GRANDVIEW TERRACE  
 MAP 1105 - OCEAN BEACH  
 REG 3077  
 REG 3040  
 PARCELS MAP 3033

**SHEET INDEX**

- PRELIMINARY COVER SHEET
- PRELIMINARY LOT LAYOUT
- PRELIMINARY ZONING & UTILITY PLAN
- PRELIMINARY SECTIONS
- SLOPE ANALYSIS
- PRELIMINARY GREEN CONTROL PLAN



**DENSITY CALCULATIONS**

NET ACRES	= 4.888 ACRES
LESS PROP. 50% PRIVATE ROAD	= 0.200 ACRES
LESS PROP. DEDICATION ON WINDY ST.	= 0.100 ACRES
NET ACRES	= 4.588 ACRES

USE	AREA (AC)	DENSITY PER AC	DWELLING UNITS
RES	2.30	5.0	11.5
OFF	0.20	0	0
TOTAL	2.50		11.5

PER SDC 17.30.010 (b) (1) (2) FRACTIONAL UNITS LESS THAN 0.70 SHALL BE ROUNDED DOWN TO 0.50 (1) ALLOWED & (2) UNPROPOSED

PER SDC 17.30.010 (b) (1) (2) UNLIMITEED HOLDING 0.25 UNITS

ACQUISITION OF 1 EXISTING OFF-SITE UNIT PER 17.30.010 (f) AND AFFORDABLE HOUSING IMPACT FEE PER 0.2 FRACTIONAL UNIT

**OWNER'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM THE RECORD OWNER OF THE PROPERTY SHOWN ON THE ATTACHED TENTATIVE MAP AND THAT SAID MAP SHOWS THE ENTIRE CONTIGUOUS OWNERSHIP, I HERETOFORE AND HERETOFORE IS CONSIDERED CONTIGUOUS EVEN IF IT IS DOMINATED BY RAILROAD RIGHTS, UTILITY EASEMENTS OR RAILROAD RIGHTS OF WAY.

OWNER: [Signature]  
 OCEAN RANCH ESTATES, L.L.C.  
 PARCEL 1

[Signature]  
 OCEAN RANCH ESTATES, L.L.C.  
 PARCEL 2

[Signature]  
 OCEAN RANCH ESTATES, L.L.C.  
 PARCEL 3

[Signature]  
 WILLY SANCHEZ  
 PARCEL 4

**SUBDIVIDER'S CERTIFICATE**

THE SUBDIVIDER AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY OF SOLANA BEACH AND ITS AGENTS, OFFICERS AND EMPLOYEES FROM ANY CLAIM, ACTION OR PROCEEDING AGAINST THE CITY OF SOLANA BEACH OR ITS AGENTS, OFFICERS OR EMPLOYEES TO ATTACK, SET ASIDE, REPEAL OR ANNULL AN APPROVAL FROM THE CITY OF SOLANA BEACH CONCERNING THE SUBDIVISION WITH SAID ACTION OR PROCEEDING WITHIN THE TIME PERIOD SPECIFIED IN CIVIL CODE SECTION 64640.37. THIS DEFENSE SHALL BE CONDITIONED UPON THE CITY OF SOLANA BEACH PROVIDING PROMPT NOTICE TO THE SUBDIVIDER AS PROVIDED FOR BY THE ACT, CODE SECTION 64640.37.

SUBDIVIDER: [Signature]  
 OCEAN RANCH ESTATES, L.L.C.

**TOPOGRAPHY AND MAP**

PREPARED BY:  
 PASCO LAREY SUTTER & ASSOCIATES, INC.  
 200 N. VERNON AVE. SUITE 2  
 SOLANA BEACH, CA 92688  
 PHONE 949-432-6122

**UTILITIES**

- WATER: SANTA FE IRROGATION DISTRICT
- FIRE: SOLANA BEACH FIRE PROTECTION DISTRICT
- SEWER: CITY OF SOLANA BEACH
- GAS & ELECTRIC: SAN DIEGO GAS & ELECTRIC
- TELEPHONE: COX COMMUNICATIONS AND/OR AT&T
- CABLE TV: COX COMMUNICATIONS AND/OR AT&T
- ELEMENTARY SCHOOL: SOLANA BEACH ELEMENTARY SCHOOL DISTRICT
- HIGH SCHOOL: SAN DIEGO COUNTY HIGH SCHOOL DISTRICT

**LEGAL DESCRIPTION**

PARCEL 1 & 2: APN 298-121-04 & 05  
 THAT PORTION OF LOT 2 IN BLOCK 1 OF OCEAN RANCH, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NUMBER NO. 1748, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WHICH SAID BLOCK 1 BEING WITHIN A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 32 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED JANUARY 26, 1876.

PARCEL 3: APN 298-121-05  
 LOT 1 OF PARCEL MAP NO. 3033, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 23, 1975 AS INSTRUMENT NO. 313889 OF OFFICIAL RECORDS.

PARCEL 4: APN 298-121-05  
 PARCEL 2 OF PARCEL MAP NO. 3033, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 23, 1975 AS INSTRUMENT NO. 75-121650 OF OFFICIAL RECORDS.

ENGINEER OF WORK: \_\_\_\_\_ PREPARED DATE: 4/10/2019

[Signature] 4/10/2019  
 BROWN WHEELER PCE 7851 DATE

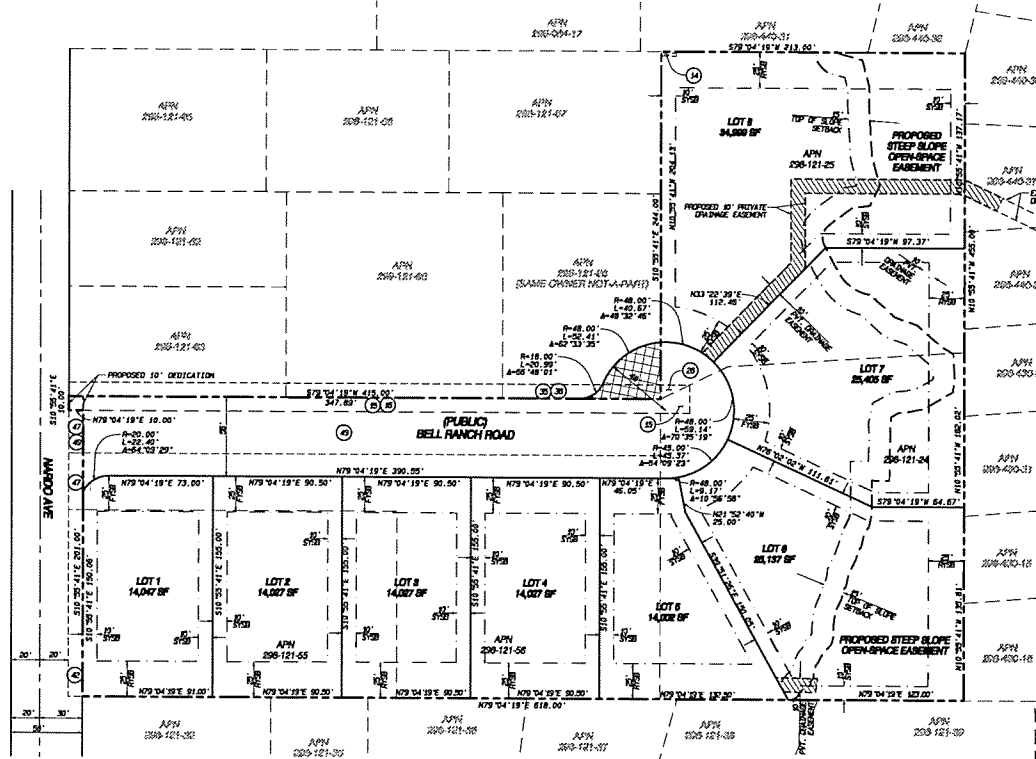


**PASCO LAREY SUTTER & ASSOCIATES**  
 CIVIL ENGINEERS & LAND PLANNERS • LAND DEVELOPERS  
 200 N. VERNON AVE., SUITE 2, SOLANA BEACH, CA 92688  
 PH 949.432.6122 | FX 949.432.6113 | pl@pascolareysutter.com

# SITE LAYOUT

### EXISTING EASEMENTS

- (14) AN EASEMENT FOR POLES, WIRES AND ACCESSORY PURPOSES, RECEIVED NOVEMBER 24, 2003 BY BOOK 3028 OF OFFICIAL RECORDS, PAGE 304.
- (15) AN EASEMENT FOR ROAD, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES AND INCIDENTAL PURPOSES, RECEIVED JUNE 01, 2003 AS INSTRUMENT NO. 125277 AND RECEIVED JUNE 01, 2003 AS INSTRUMENT NO. 125278 BOTH OF OFFICIAL RECORDS.
- (16) AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECEIVED JANUARY 22, 1971 AS INSTRUMENT NO. 71-2834 OF OFFICIAL RECORDS.
- (17) THE FOLLOWING EASEMENTS AFFECT PARCEL 2:
- (18) AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECEIVED JUNE 1, 2003 AS INSTRUMENT NO. 125277 OF OFFICIAL RECORDS.
- (19) THE FOLLOWING EASEMENTS AFFECT PARCEL 2:
- (20) AN EASEMENT FOR ROAD, WATER, GAS, POWER AND TELEPHONE LINES AND INCIDENTAL PURPOSES, RECEIVED JUNE 1, 2003 AS INSTRUMENT NO. 125277 OF OFFICIAL RECORDS.
- (21) AN EASEMENT FOR POLES, WIRES AND INCIDENTAL PURPOSES, RECEIVED JANUARY 26, 1971 AS INSTRUMENT NO. 71-2834 OF OFFICIAL RECORDS.
- (22) THE FOLLOWING EASEMENTS AFFECT PARCEL 2:
- (23) AN EASEMENT FOR COUNTY HIGHWAY AND INCIDENTAL PURPOSES, RECEIVED MAY 24, 1975 AS INSTRUMENT NO. 125277 OF OFFICIAL RECORDS.
- (24) THE FOLLOWING EASEMENTS AFFECT PARCEL 4:
- (25) AN EASEMENT FOR COUNTY HIGHWAY AND INCIDENTAL PURPOSES, RECEIVED MAY 24, 1975 AS INSTRUMENT NO. 75-112600 OF OFFICIAL RECORDS.
- (26) AN EASEMENT FOR STREETS AND UTILITIES AND INCIDENTAL PURPOSES, RECEIVED NOVEMBER 21, 1991 AS INSTRUMENT NO. 91-0002 OF OFFICIAL RECORDS. A PORTION OF SAID EASEMENT RIGHTS HAVE BEEN RELINQUISHED PURSUANT TO THAT CERTAIN OUTFEELM DEED RECEIVED MARCH 2, 2014 AS INSTRUMENT NO. 2014-0006 OF OFFICIAL RECORDS.



### LEGEND

PROPERTY LINE	---
SUBDIVISION BOUNDARY	---
LOT NUMBER	LOT X
LOT AREA	XX,XXX SF
PROPOSED SETBACKS	---
CENTLINE OF ROAD	---
EXISTING EASEMENT	---
PROPOSED PRIVATE DRAINAGE EASEMENT	---
PROPOSED STEEP SLOPE OPEN-SPACE EASEMENT	---
PROPOSED PUBLIC ROAD DEDICATION PER SEPARATE DOCUMENT	---
PROPOSED TOP OF SLOPE SETBACK	---

### FIRE NOTES:

1. FIRE APPLICABLE ACCESS ROADS SHALL HAVE AN UNRESTRICTED IMPROVED WIDTH OF NOT LESS THAN 20 FEET, 30 FEET CLEAR LINE TO CURB LINE, AND AN UNRESTRICTED VERTICAL CLEARANCE OF NOT LESS THAN 10 FEET. ACCESS RINGS SHALL BE COORDINATED AND MAINTAINED TO SUPPORT THE IMPROVED LOADS OF NOT LESS THAN FLOOD PRONE AND SHALL BE PROVIDED WITH AN APPROVED PAVED SURFACE TO PROVIDE ALL-WEATHER DRIVING CAPABILITIES.
2. ALL DEAD-END FIRE ACCESS ROADS IN EXCESS OF 150 FEET IN LENGTH SHALL BE PROVIDED WITH AN APPROVED AREA FOR PARKING INCLUSIVE FOR APPROPRIATE. A CURB-LESS SHALL BE PROVIDED IN RESIDENTIAL AREAS WHERE THE ACCESS ROADWAY SPACES MORE THAN FOUR (4) STRUCTURES. THE AREAS UNRESTRICTED PAVED INCLUSIVE WITH FOUR (4) CURB-LESS SHALL BE 30 FEET IN RESIDENTIAL AREAS WITH NEW PARKING.
3. THE GRADIENT FOR A FIRE APPLICABLE ACCESS ROADWAY SHALL NOT EXCEED 5% GRADES EXCEEDING 5% (INCLUDING DRILLING) SHALL NOT BE PERMITTED WITHOUT MITIGATION. MITIGATION SHALL BE A SURFACE OF PORTLAND CEMENT CONCRETE WITH A DEEP FURROW FINISH PERPENDICULAR TO THE DIRECTION OF TRAFFIC. ADDITIONAL MITIGATION MEASURES MAY BE REQUIRED WHERE EXCEED APPROPRIATE. THE ANGLE OF DEPARTURE AND ANGLE OF APPROACH OF A FIRE ACCESS ROADWAY SHALL NOT EXCEED 90 DEGREES (90 DEGREES).
4. PRIOR TO DELIVERY OF CONSTRUCTION MATERIALS TO THE PROJECT SITE ALL OF THE FOLLOWING CONDITIONS SHALL BE COMPLETED TO THE SATISFACTION OF THE FIRE DEPARTMENT:
  - A. ALL MET AND DRY UTILITIES SHALL BE INSTALLED AND APPROVED BY THE APPROPRIATE JURISDICTIONAL AGENCIES.
  - B. AS A MINIMUM THE FIRST LIFT OF ASPHALT PAVING SHALL BE IN PLACE TO PROVIDE A FIRMWORK ALL WEATHER SURFACE FOR EMERGENCY VEHICLES AND
  - C. WATER SUPPLY FOR FIRE PROTECTION (FIRE HYDRANTS AND STAMPEDES) SHALL BE INSTALLED, IN SERVICE AND ACCEPTED BY THE FIRE DEPARTMENT AND APPLICABLE WATER DISTRICT.
5. FIRE DEPARTMENT ACCESS ROADWAYS WHEN REQUIRED SHALL BE PROPERLY IDENTIFIED AS PER SOLAR BEAM FIRE DEPARTMENT STANDARDS.
6. ALL ROADWAYS SHALL BE A MINIMUM OF 30 FEET IN WIDTH DURING CONSTRUCTION AND MAINTAINED FREE AND CLEAR INCLUDING THE PARKING OF VEHICLES IN ACCORDANCE WITH THE CALIFORNIA FIRE CODE AND THE SOLAR BEAM FIRE DEPARTMENT.
7. FIRE HYDRANTS SHALL BE OF A BRONZE TYPE AND SHALL HAVE ONE (1) 4 INCH NET OUTLET, AND ONE (1) 2 1/2 INCH NET OUTLET.

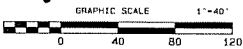
### ZONING INFORMATION

ORIGINAL PLAN DESIGNATION	URS
HEIGHT	NET OVER 17.00 TO 20.0
MINIMUM PARCEL SIZE	14,000 SF
FRONT YARD SETBACK	5'00
REAR YARD SETBACK	5'00
STREET SIDE YARD SETBACK	5'00
INTERIOR SIDE YARD SETBACK	5'00
APN 208-121-24-01, 208-121-25-01, 208-121-26-01, 208-121-27-01	

### SITE INFORMATION

GRAND AREA	80,070 SF (1.83 ACRES)
NET AREA	28,000 SF (0.64 ACRES)
TOTAL LOTS	9
MINIMUM LOT SIZE	14,000 SF
MAXIMUM LOT SIZE	34,000 SF
AVERAGE LOT SIZE	24,000 SF

PREPARED DATE: 4/10/2019

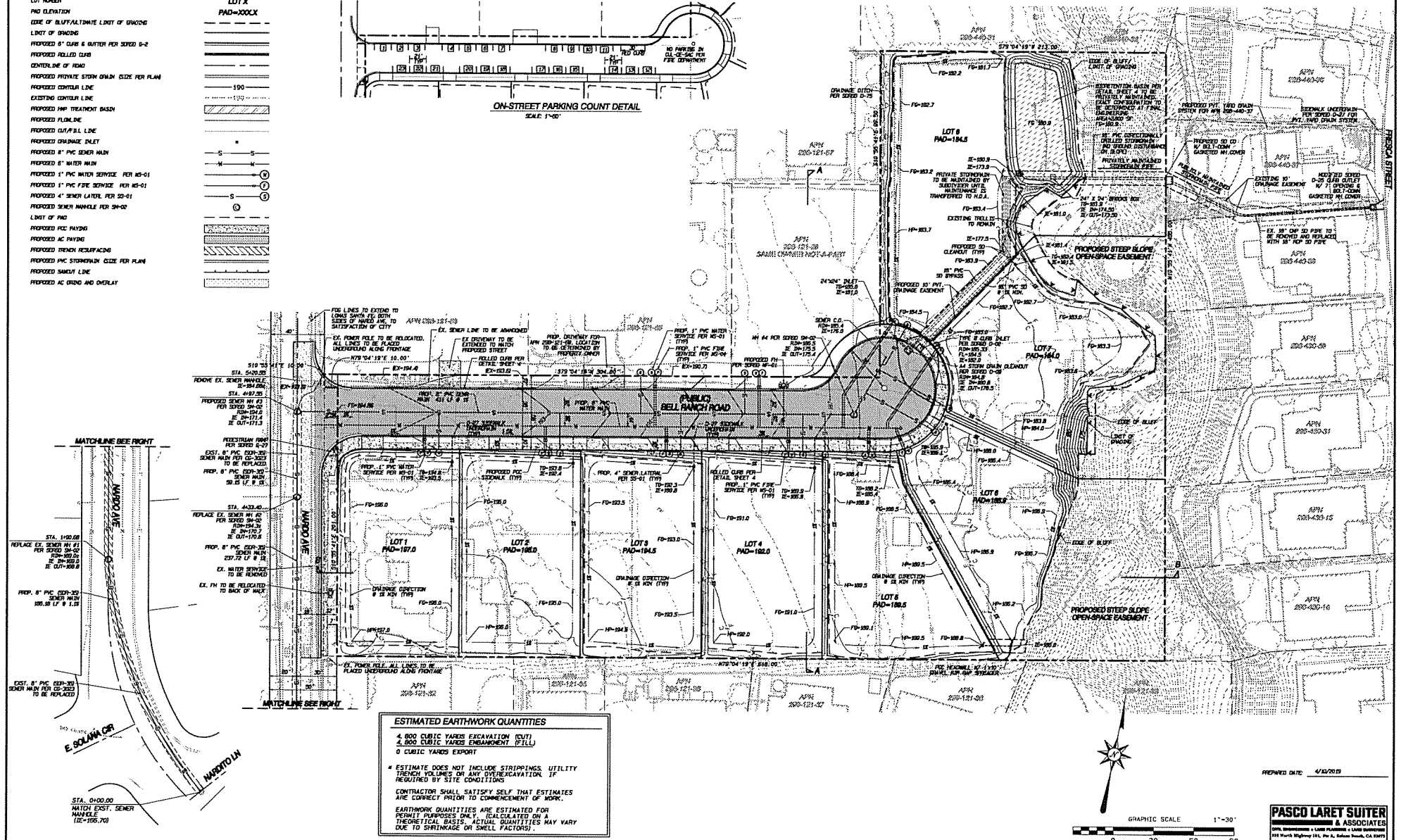
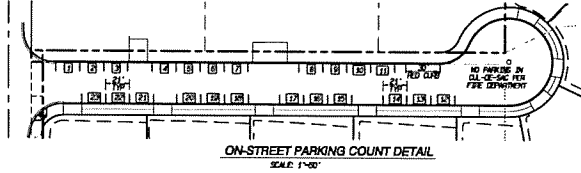


**PASCO LARET SUITER & ASSOCIATES**  
 CIVIL ENGINEERS • LAND PLANNERS • LAND SURVEYORS  
 1101 North Highway 101, Ste. A, Redwood Beach, CA 94061  
 Tel: 415.239.8211 | Fax: 415.239.8111 | plaret@pascolaret.com

# PRELIMINARY GRADING & UTILITY PLAN

**LEGEND**

PROPERTY LINE	---
SUBDIVISION BOUNDARY	---
LOT NUMBER	LOT X
PAD ELEVATION	PAD=XXXX
EDGE OF BLUFF/ALTITUDE LIMIT OF GRADING	---
LIMIT OF GRADING	---
PROPOSED 6" CURB & GUTTER PER SECT 5-2	---
PROPOSED FOLDED CURB	---
CENTERLINE OF ROAD	---
PROPOSED PRIVATE STORM DRAIN (SIDE PER PLAN)	---
PROPOSED CENTERLINE	---
EXISTING CENTERLINE	---
PROPOSED PMP TREATMENT BASIN	---
PROPOSED FLOWLINE	---
PROPOSED OUTFALL LINE	---
PROPOSED DRAINAGE INLET	---
PROPOSED 8" PVC SEWER MAIN	---
PROPOSED 8" WATER MAIN	---
PROPOSED 1" PVC WATER SERVICE PER NS-01	---
PROPOSED 1" PVC FIRE SERVICE PER NS-01	---
PROPOSED 4" SEWER LATERE PER SS-01	---
PROPOSED SEWER MANHOLE PER SS-02	---
LIMIT OF P&E	---
PROPOSED P&E PAYING	---
PROPOSED AC PAYING	---
PROPOSED TRUCK RESURFACING	---
PROPOSED PVC STORMDRAIN (SIDE PER PLAN)	---
PROPOSED SHADY LINE	---
PROPOSED AC GRIND AND OVERLAY	---



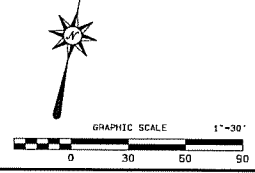
**ESTIMATED EARTHWORK QUANTITIES**

4,800 CUBIC YARDS EXCAVATION (CUT)
2,800 CUBIC YARDS EMBANKMENT (FILL)
0 CUBIC YARDS EXPORT

\* ESTIMATE DOES NOT INCLUDE STRIPPINGS, UTILITY TRENCH VOLUMES OR ANY OVEREXCAVATION IF REQUIRED BY SITE CONDITIONS.

CONTRACTOR SHALL SATISFY SELF THAT ESTIMATES ARE CORRECT PRIOR TO COMMENCEMENT OF WORK.

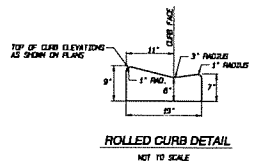
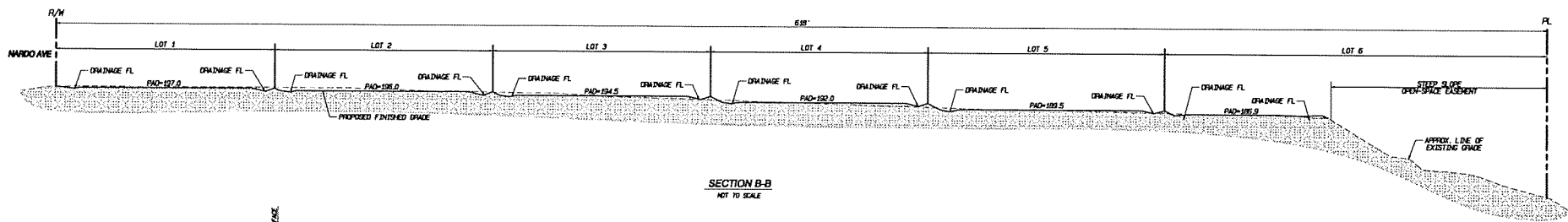
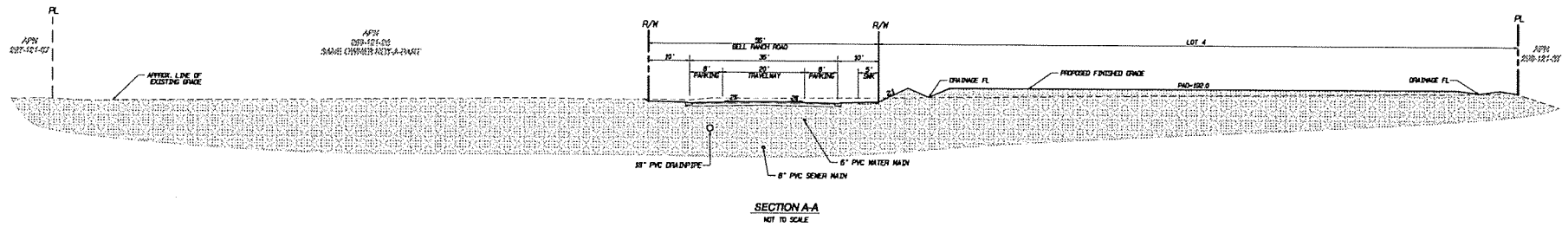
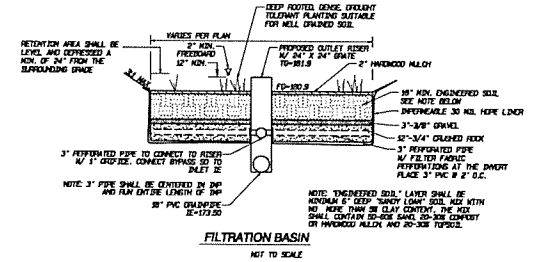
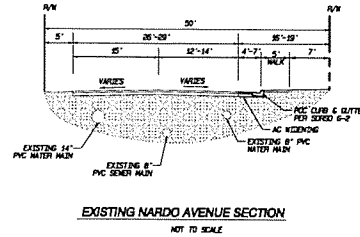
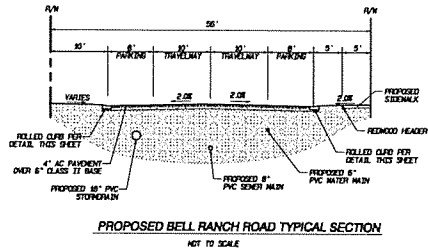
EARTHWORK QUANTITIES ARE ESTIMATED FOR PERMIT PURPOSES ONLY. (CALCULATED ON A THEORETICAL BASIS. ACTUAL QUANTITIES MAY VARY DUE TO SHRINKAGE OR SWELL FACTORS).



REVISED DATE: 4/12/2019

**PASCO LARET SUITER & ASSOCIATES**  
 1000 S. UNIVERSITY AVENUE, SUITE 100  
 PASADENA, CALIFORNIA 91106  
 TEL: 626-799-8111 | FAX: 626-799-8112 | PLANNING@PASCO.COM

# SECTIONS AND DETAILS



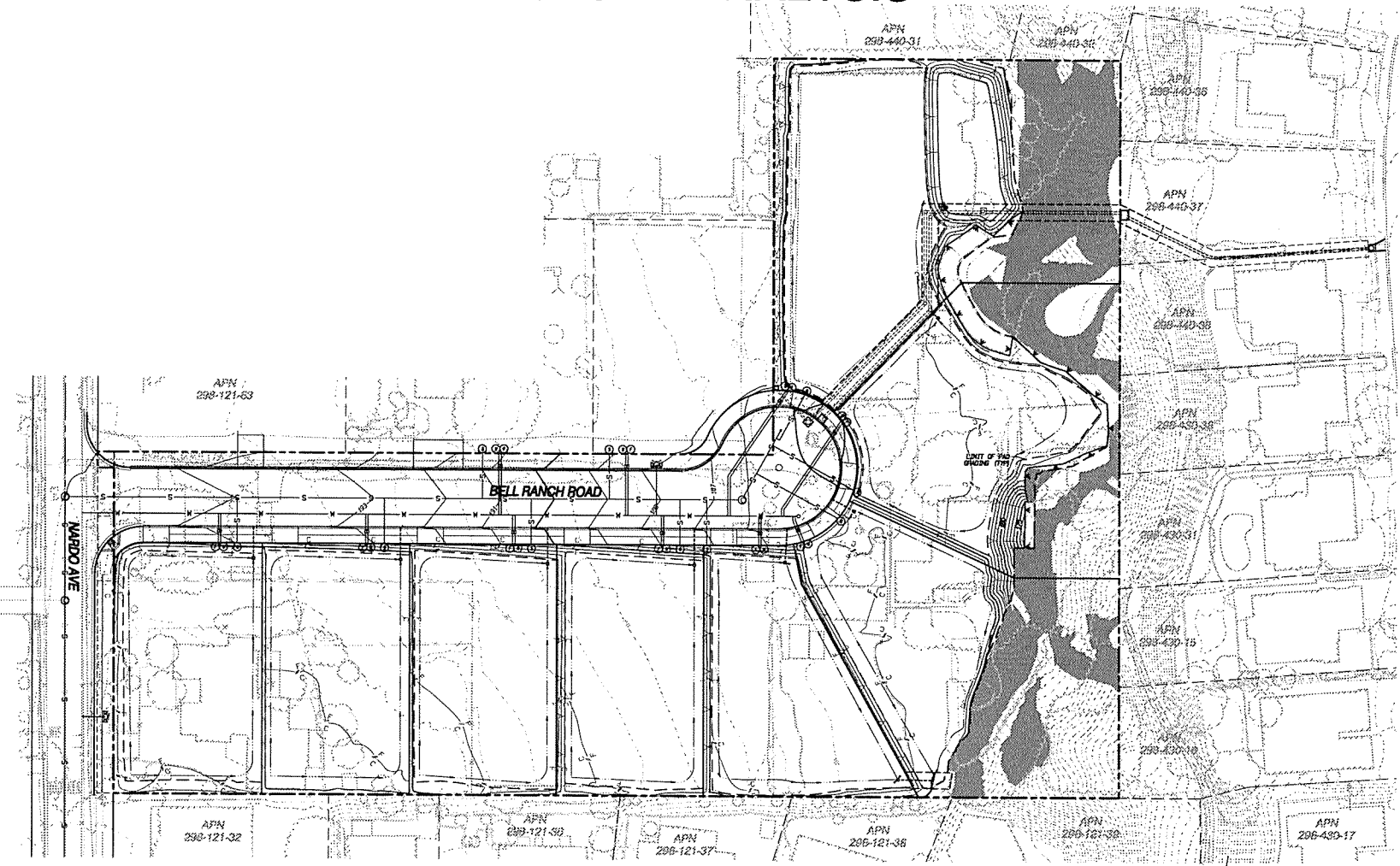
PREPARED DATE: 4/23/2019

**PASCO LARET SUITER & ASSOCIATES**  
CIVIL ENGINEERING & LAND PLANNING - LAND DEVELOPMENT  
100 North Highway 101, P.O. Box 10000, San Jose, CA 95193  
Tel: 408.255.8111 | Fax: 408.255.4111 | pl@pascolaret.com






# SLOPE ANALYSIS



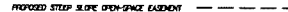
SHEET 6 OF 8

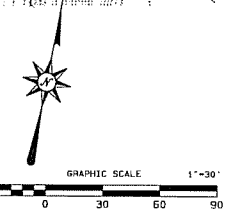


**TOTAL GROSS LOT AREA = 4.19 ACRES**

-  SLOPES LESS THAN 25%  
AREA = 3.57 AC  
85.2% OF THE TOTAL AREA
-  SLOPES BETWEEN 25% TO 40%  
AREA = 0.29 AC  
5.2% OF THE TOTAL AREA
-  SLOPES GREATER THAN 40%  
AREA = 0.40 AC  
9.6% OF THE TOTAL AREA

**LEGEND**

-  PROPERTY LINE
-  SUBDIVISION BOUNDARY
-  PROPOSED STEP SLOPE OPEN-SPACE EXHIBIT
-  LIMIT OF STUDY



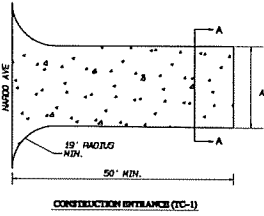
PREPARED DATE: 4/10/2012

**PASCO LARET SUITER & ASSOCIATES**  
 CIVIL, ENVIRONMENTAL & LAND PLANNING • LAND DEVELOPMENT  
 310 North Highway 101, Ste. A, Palmdale, CA 93551  
 PH: 805.259.6113 | FX: 805.259.6113 | pasco@pasco.com

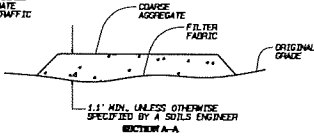
FLSA 2017

# PRELIMINARY EROSION CONTROL PLAN

SHEET 8 OF 8



WIDTH AS REQUIRED TO ACCOMMODATE ANTICIPATED TRAFFIC



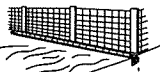
### LEGEND

PROPERTY LINE	---
SUBDIVISION BOUNDARY	- - - - -
SILT FENCE	X X X X X
CONSTRUCTION ENTRANCE	▭ (with aggregate pattern)
GRAVEL BAG	▭ (with bag pattern)

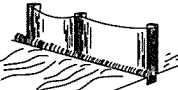
1. SET POSTS AND EXCAVATE A 4 BY 4 IN (10 BY 10 CM) TRENCH UP-SLOPE FROM AND ALONG THE LINE OF POSTS.



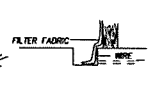
2. STAPLE WIRE FENCING TO THE POSTS.



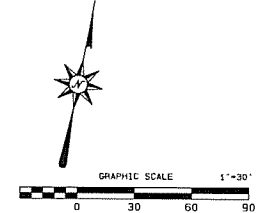
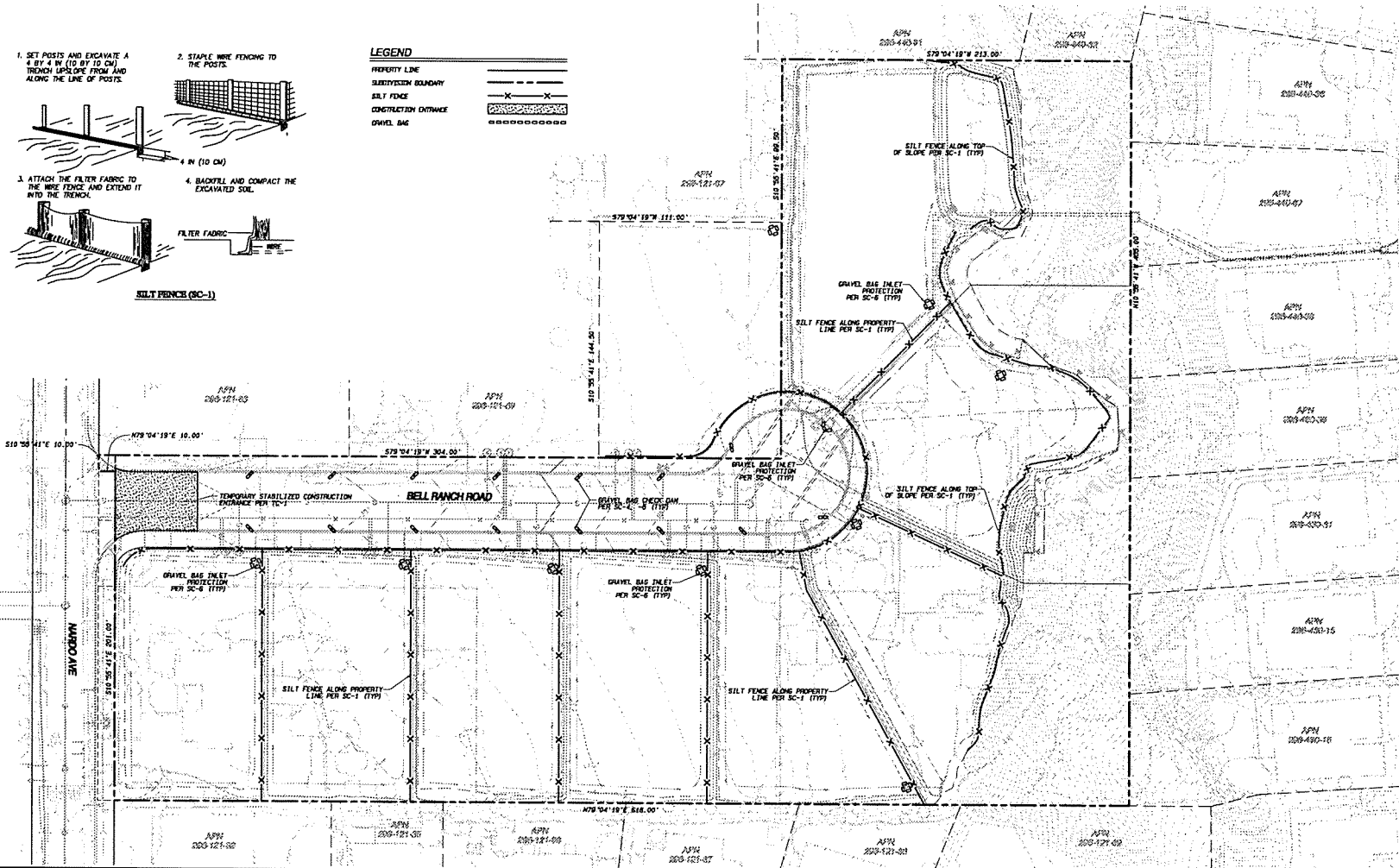
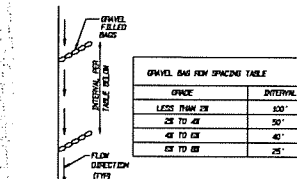
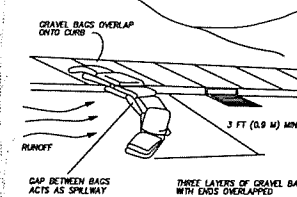
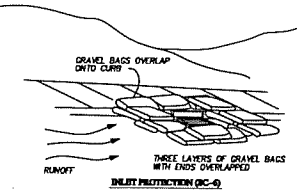
3. ATTACH THE FILTER FABRIC TO THE WIRE FENCE AND EXTEND IT INTO THE TRENCH.



4. BACKFILL AND COMPACT THE EXCAVATED SOIL.



SILT FENCE (SC-1)



PREPARED DATE: 4/23/09

**PASCO LARET SUITER**  
 ENGINEERS & ARCHITECTS  
 110 North Highway 101, P.O. Box 1000, Redwood, CA 94061  
 (707) 238-0211 | (707) 238-0212 | pascolaret@earthlink.net



**Final Revised and Recirculated  
Initial Study / Mitigated Negative Declaration**

**Proposed Ocean Ranch Estates  
Tentative Subdivision Map Project**

**April 2019**



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Draft Revised and Recirculated Initial Study/Mitigated Negative Declaration .....	Draft IS/MND-1
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**CITY OF SOLANA BEACH**

**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
OCEAN RANCH ESTATES REVISED AND RECIRCULATED MITIGATED NEGATIVE DECLARATION**

**April 2019**

---

- PROJECT NAME:** Ocean Ranch Estates Tentative Subdivision Map Project
- DESCRIPTION:** The applicant seeks approval of a Development Review Permit (DRP) and a Major Subdivision (Tentative Subdivision Map) to subdivide an existing L-shaped 4.2 gross acre parcel into eight single-family residential lots.
- LOCATION:** The subject property is comprised four parcels (298-121-24, 298-121-25, 298-121-55), and is located at 512-538 S. Nardo Avenue, Solana Beach, CA 92075
- 

The following Mitigation Measures have been incorporated into the project design, or are to be implemented before or during construction, in accordance with the Conditions of Project Approval, thereby reducing all identified potentially significant impacts to a less than significant level.

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<p><b>BR-1</b> If site preparation or construction activity occurs during the avian breeding season (typically February 1 through September 15), the applicant shall retain a qualified biologist to conduct a biological survey for nesting bird species within the proposed impact area and a 300-foot buffer within 72 hours prior to commencement of any such activity. This survey is intended to determine whether any active nests are located on the project site and is necessary to assure avoidance of impacts to nesting raptors (e.g., Cooper’s hawk and red-tailed hawk) and/or birds protected by the federal Migratory Bird Treaty Act. If any active nests are detected, the area would be flagged and mapped on the construction plans along with a minimum of a 25-foot buffer and up to a maximum of 300 feet for raptors, as determined by the project biologist, and avoided until the nesting cycle is complete. The results of the survey shall be provided in a summary report to the Community Development Director.</p>	<p>Community Development Director</p>	<p>Prior to the issuance of a Demolition and/or Grading Permit</p>	
<p><b>CR-1</b> Monitor Ground Disturbance. Prior to issuance of a grading permit and commencement of any ground disturbing activities for the project, the applicant shall provide written evidence to the City Engineer that the applicant has retained a City-approved archaeologist with experience with historical archaeological sites and who meets the Secretary of the Interior’s Professional Qualifications Standards, as promulgated in 36 CFR 61, and a Native American monitor, who shall perform the following activities:</p> <ul style="list-style-type: none"> <li>• The archaeologist and the Native American monitor shall attend a pre-construction meeting with the grading contractor and construction workers to explain the requirements of the monitoring program.</li> <li>• The archaeologist and the Native American monitor shall be present to monitor ground-disturbing activities, including brushing/grubbing, grading, and trenching. If cultural material is encountered, the archaeologist and the Native American monitor shall have the authority to temporarily halt or redirect grading and other ground-disturbing activity while the cultural material is documented and assessed.</li> <li>• If cultural material is encountered, the archaeologist shall treat recovered items in accordance with current professional standards by properly provenancing, cleaning, analyzing, researching, reporting, and curating them in a collection facility meeting the Secretary of the Interior’s Standards, as promulgated in 36 CFR 79, such as the San Diego Archaeological Center.</li> </ul>	<p>Community Development Director</p>	<p>Prior to the issuance of a Demolition and/or Grading Permit and during all phases of construction</p>	



MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<ul style="list-style-type: none"> <li>Within sixty days after completion of the ground-disturbing activity, the archaeologist shall prepare and submit a final report to the City for review and approval, which shall discuss the monitoring program and its results, and provide interpretations about the recovered materials, noting to the extent feasible each item's class, material, function, and origin.</li> </ul>			
<p><b>CR-2</b> Prior to the issuance of a grading permit and commencement of any ground disturbing activities for the project, the project applicant shall provide written evidence to the City Engineer that the applicant has retained a City-approved paleontologist to perform the requirements set forth in Mitigation Measure CR-1 above, including to conduct a pre-construction meeting to explain monitoring requirements to construction personnel, to observe project site grading and excavation activities, to salvage and catalog fossils as necessary, and to prepare and submit a post-construction monitoring report for the City Engineer/Public Works Director.</p>	Community Development Director	Prior to the issuance of a Grading Permit	
<p><b>HAZ-1</b> If it is determined that the potential well observed on the project site is an historic well that is in contact with groundwater, the applicant shall ensure, prior to the issuance of a grading permit, that the well is properly destroyed in accordance with DEH guidelines, Chapter 4, Wells, in the San Diego County Code of Regulatory Ordinance. The applicant shall obtain a written permit from the Director of Environmental Health who has deemed the well a nuisance by polluting or contaminating ground water or serves as a safety hazard. A licensed contractor shall perform the destruction of the well and the Director shall oversee that it is completed.</p>	City Engineer	Prior to the issuance of a Grading Permit	
<p><b>HAZ-2</b> Prior to the issuance of a grading permit, the applicant shall conduct a comprehensive, pre-demolition survey in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act and Lead Based Paint (LBP) survey prior to any activities with the potential to disturb building materials to determine whether ACM or LBP are present. In the event ACM or LBP are detected, proper removal and disposal of the materials identified shall occur prior to any activities with the potential to disturb the ACM or LBP. To ensure that proper procedures are followed to control the emissions of asbestos into the atmosphere, the SDAPCD must be notified in writing at least 10 days in advance of any demolition by completing a Notice of Intention form. Any demolition plan shall ensure that any/all ACM</p>	City Engineer	Prior to the issuance of a Grading Permit	

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<p>and/or LBP encountered on-site during construction activities are removed and properly disposed of in accordance with regulations and procedures established by the San Diego County Department of Environmental Health and must be transported by a licensed hazardous waste hauler and disposed of in an appropriate landfill. The San Diego Department of Environmental Health, Occupational Health Program, or designee shall monitor the applicant's implementation of the demolition plans.</p>			
<p><b>N-1</b> Prior to issuance of any construction permits, the applicant shall ensure the following, to the satisfaction of the City of Solana Beach City Engineer:</p> <ul style="list-style-type: none"> <li>• Construction noise reduction methods, such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools rather than diesel equipment, shall be used.</li> <li>• During construction, stationary construction equipment shall be placed such that emitted noise is directed away from or shielded from sensitive noise receivers.</li> <li>• During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive receptors.</li> </ul>	<p>City Engineer</p>	<p>Prior to the issuance of any construction permits</p>	

**INTRODUCTION TO COMMENTS RECEIVED ON THE DRAFT REVISED AND RECIRCULATED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND RESPONSES**

During the public review period (February 8, 2019, to March 11, 2019) for the Draft Revised and Recirculated Initial Study/Mitigated Negative Declaration for the Ocean Ranch Estates Tentative Subdivision Map Project (proposed project), the City of Solana Beach (City) received four comment letters. A copy of each comment letter along with corresponding staff responses is attached. The responses to comments are based on the California Environmental Quality Act (CEQA) Guidelines, Section 15088, Evaluation of and Response to Comments, subsection (c), which states the following:

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

The comment letters have been assigned a letter designation (A–D). The comment letters have been divided into individual comments with each comment containing a single theme, issue, or concern. Each comment is bracketed in red and assigned a number. Comment letters have been reduced to fit on the left side of a single page. The corresponding response and letter-number combination are provided on the right side of the page.

**Table RTC-1  
Summary of Public Comments on the Draft Revised and Recirculated IS/MND**

Letter	Commenter	Date
A	Steve Scott	February 13, 2019
B	Larry McDonald and Clare White McDonald	February 27, 2019
C	David Checkley and Lisa Levin	March 6, 2019
D	Stuart and Donna Greenbaum	March 7, 2019

Notes: IS/MND = Initial Study/Mitigated Negative Declaration

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# Responses to Comments

## Letter A: Steve Scott, February 13, 2019

Letter A

**From:** Steve Scott <rsrscott54@gmail.com>  
**Sent:** Wednesday, February 13, 2019 7:41 PM  
**To:** Corey Andrews  
**Subject:** Ocean Ranch Estates Tentative Subdivision Map Project

Dear Corey,

A-1 In reviewing the Project Phase 1 description there is no mention of landscape and the ongoing maintenance thereof, fencing (for neighboring property owners), irrigation, security (how are the vacant lots and the new street going to be secure from trespassing, illegal dumping etc.) It would appear reasonable that these items (possibly more) should be included as development conditions for Phase 1 and be described/defined as part of this Notice of Intent or revised Notice of Intent. An exhibit showing the landscape and fencing plans along with the overall site plan should accompany the notice or provide a project website.

A-2 Also are there permitted interim uses during the time between the completion of Phase 1 and the commencement of Phase 2 (all or part)? If so, that should be noted/disclosed in the Notice of Intent too.

Thank you for your assistance.

Steve Scott  
 524 South Granados Ave  
 Solana Beach, Ca. 92075  
 858 204 5214

A-1 The commenter states that there is no mention of landscaping (and maintenance thereof), fencing, irrigation, or security and that these items should be included as development conditions for Phase 1 and as part of the Notice of Intent. The commenter states that an exhibit showing the landscaping and fencing plans, along with the overall site plan, should accompany the notice or be provided on a project website. Temporary construction fencing will be required as a condition of project approval to secure the site during grading and construction activities. Permanent fencing and landscaping would be evaluated and included at the time an application is submitted for the development of each individual lot. After Phase 1 of the Ocean Ranch Estates Tentative Subdivision Map Project (proposed project), in accordance with Solana Beach Municipal Code (SBMC), Section 15.40.160, the applicant shall provide landscaping and irrigation for manufactured cut slopes in excess of 5 feet in height and fill slopes in excess of 3 feet in height, as well as for the entire perimeter of the project site, for erosion control immediately after the grading has been completed on site. The applicant must obtain approval of a landscaping documentation package for this landscaping in compliance with SBMC Chapter 17.52 prior to the issuance of a grading permit. Beyond the slopes, no other interim landscaping would be planted because such landscaping would have to be removed once a residence has been approved. It should be noted that no grading is permitted on slopes that exceed 25 percent. These areas would remain as currently landscaped.

A-2 The commenter inquires if there are any permitted interim uses of the property between the completion of Phase 1 and the commencement of Phase 2 and states that, if so, the uses should be disclosed. There are no permitted interim uses on the project site between the completion of Phase 1 and the commencement of Phase 2.

### Letter B: Larry McDonald and Clare White McDonald, February 27, 2019

Letter B

Larry McDonald/Clare White McDonald  
630 Nardito Lane, Solana Beach, CA 92075  
858-792-6036

February 27, 2019

Coray Andrews, Principal Planner  
City of Solana Beach  
635 South Highway 101  
Solana Beach, CA 92075

Subject: Ocean Ranch Estates Tentative Subdivision Map Project

Dear Mr. Andrews:

As Solana Beach residents living directly to the south of the proposed Ocean Ranch Estates project, we have the following concerns about this development:

- B-1 1) Phase 1 of the project will include site preparation and grading for construction of Bell Ranch Road. Before we can support this project, we need a better understanding of how a fence or substantial barrier will be constructed to prevent the dust and particulates from passing down into our backyard. Additionally, we need a better understanding of how a permanent fence will be constructed between the new lots and our backyard. We suggest a buffer between the parcels that would include a 15 foot strip of landscaping that would be maintained by the Ocean Ranch Estates HOA and a berm to lift the permanent fence.
- B-2 2) The proposed map indicates that two of the eight lots will be contiguous to our parcel at 630 Nardito Lane. Because our lot is below the grade of the two proposed lots, we are concerned that buyers of those lots will build two-story homes that will intrude on our privacy. As a mitigation to this issue, we suggest that the developer include deed restrictions on these two lots limiting the building heights to one story. Also, perhaps the backyard set back could be expanded from 25 feet to 30 feet.
- B-3 3) The proposed project will impact the traffic on South Nardito. As it is today, crossing Nardito from our cul-de-sac is extremely dangerous due both the speeding cars traveling the street and to the vegetation that has been allowed on the easement at the Headyly residence at the corner of Nardito and Nardito. The vegetation blocks the view of cars entering Nardito from the south and also partially blocks the Nardito street sign. Before we can support this project, we recommend a flashing pedestrian crossing signal similar to the one that was recently installed on Stevens Ave, adjacent to La Colonia Park. We also would like the City to require the owners of the Headyly residence to clear the vegetation on the corner of Nardito and Nardito for the safety of all the neighbors in the vicinity. We also recommend a sign in the cross walk indicating that according to state law cars should stop for pedestrians in the cross walk. Elderly people cross in that sidewalk daily at their peril. St. James students and parishioners also frequently use that cross walk. These signs seem effective on Sierra near Fletcher Cove.
- B-4 4) Thank you for the opportunity to submit these concerns and comments regarding the Ocean Ranch Estates. We look forward to your response.

Sincerely,

Larry McDonald

Clare White McDonald

B-1

The commenter requests a better understanding of how a fence or substantial barrier will be constructed to prevent dust and particulates from coming into their backyard during site preparation and grading during construction. As a condition of project approval to secure the site, construction fencing shall be required for all construction activities. Construction fencing shall be located on the subject property unless the applicant has obtained an Encroachment Permit in accordance with Solana Beach Municipal Code (SBMC), Chapter 11.20, which allows otherwise. Graded areas, including the finished pads, as well as the entire perimeter of the site, shall be protected with appropriate erosion prevention and dust and sediment control measures. As stated in Section III, Air Quality, of the Initial Study/Mitigated Negative Declaration (IS/MND), the Ocean Ranch Estates Tentative Subdivision Map Project (proposed project) would be required to comply with San Diego Air Pollution Control District Rule 55, which requires that standard fugitive dust control measures be implemented as project design features. These measures would include water trucks or sprinkler systems to control dust, covering of stockpiled soil, and the reduction of construction vehicle speed to prevent the dust or particulates from escaping the project site.

B-2

The commenter requests a better understanding of how a permanent fence will be constructed between the new lots and their backyard. They suggest a buffer between parcels that would include a 15-foot strip of landscaping that would be maintained by the Ocean Ranch Estates homeowners association. The applicant is not proposing permanent fencing at this time. If permanent fencing is proposed during Phase 2 of the development, the location and height of the fence and on-site landscaping shall be included in a landscaping plan that shall be evaluated as each individual lot submits an application for development. The applicant shall enter into a secured maintenance agreement with the City of Solana Beach (City) to ensure that proper maintenance takes place until all lots are developed and the landscaping required for erosion control is established to the satisfaction of the City Engineer.

B-3

The commenter expresses concern that, because their lot is below the grade of two proposed lots contiguous with their parcel, the buyers of these lots will build two-story homes that will intrude on their privacy. The commenter suggests that the developer include deed restrictions on these two lots limiting building heights to one story and expanding the building setback to 30 feet. As stated in Section I, Aesthetics, of the IS/MND, the SBMC currently allows new homes to be built to a maximum of 25 feet in height. If the proposed future homes were to exceed 16 feet in height, residences would be subject to the City's Structure Development Permit, which requires the applicant to complete a 30-

day public review period of the proposed three-dimensional envelope of the structure and the view assessment process outlined in SBMC Section 17.63 if a neighbor submits an application for view assessment. Future development of the individual lots would be required to comply with the requirements of SBMC Section 17.20.030, which currently require a rear yard setback of 25 feet. The City would consider any request for an increased rear yard setback at the time it considers an application for development of each individual lot.

- B-4** The commenter states that the proposed project will impact traffic on South Nardo Avenue and recommends that a flashing pedestrian crossing signal and sign in the crosswalk be installed at the intersection of South Nardo Avenue and Nardito Lane. As stated in Section XVI, Transportation/Traffic, of the IS/MND, as a condition of project approval, a 5-foot-wide contiguous sidewalk would be constructed along the eastern side of South Nardo Avenue from the southern border of the proposed project to Nardito Lane connecting with other sidewalks within the community. A standard concrete sidewalk, including a pedestrian ramp, along the eastbound side and through the cul-de-sac of the newly formed Bell Ranch Road would also be installed to enhance pedestrian safety. The Traffic Study (Appendix G of the IS/MND) notes that any obstructions within the driveway's line of sight that are higher than 3 feet would need to be removed, which includes the utility pole currently stationed at the southern corner of the proposed Bell Ranch Road and South Nardo Avenue. As analyzed in the Traffic Study, implementation of the proposed project would not exceed the established level of service significance thresholds and would not result in any adverse effects on the circulation goals of the City. Additional pedestrian improvements including installing medians, curb extensions, a speed table or traffic-calming measure between East Solana Circle and Nardito Lane, and a ladder-striped crosswalk and restriping a yellow school crosswalk near St. James Catholic School at the South Nardo Avenue/Nardito Lane intersection as part of another nearby project are already scheduled to be performed along this stretch of South Nardo Avenue to further decrease traffic risk and to enhance pedestrian safety.
- B-5** The commenter requests that the City require the residence at the corner of South Nardo Avenue and Nardito Lane to clear their vegetation that blocks views of cars entering Nardito Lane from the south and that partially blocks the Nardito Lane street sign. The vegetation referred to in the comment is part of the existing conditions in the project area and is not a result of the proposed project. In addition, the vegetation is not located on the project site and, therefore, is beyond the control of the applicant. However, the comment will be referred to the City's Code Compliance Department to determine if there is any action the City can take to address the commenter's concern.

### Letter C: David Checkley and Lisa Levin, March 6, 2019

Letter C

**From:** David Checkley <dcheckley@ucsf.edu>  
**Sent:** Wednesday, March 6, 2019 5:36 AM  
**To:** Corey Andrews  
**Cc:** David Checkley; Lisa Levin  
**Subject:** Ocean Ranch Estates IS/MND

Corey,

My family owns 510 S Nardo Ave. We have been residents of Solana Beach and lived on this property since 1992. My wife, Lisa Levin, and I are both professors at Scripps Oceanography, she active and I retired (but active). We have two grown children.

I am currently working in India without a computer and with poor internet connectivity. Lisa is in a similar situation but in Russia. Hence, I will be brief.

We have been aware of the proposed development since its inception. We have met with Nicholas Nicholas and his engineer, Justin Sutter. You and I met briefly early last month. We have briefly reviewed the IS-MND.

Comments:

- C-1 [ 1. We are concerned by the large number of street parking places proposed, ~ 32 as I recall. My understanding is that each new home will be required to have two covered and two driveway parking places. My further understanding is that the number of street parking places is discretionary. Thirty-two seems excessive. This will significantly increase the ingress and egress to the proposed street, enhancing traffic risk. It will also enhance unnecessary activity on this street, with attendant risks (e.g., there have been an increasing number of car break-ins on Solana Circle in recent months, I believe). During periods with events at the Del Mar Fairgrounds, e.g., the county fair and sometimes racing, there is extensive parking by non-residents in our area, including by our house on Nardo already, with noise and increased risk of vandalism.
- C-2

C-1 The commenter is concerned with the number of parking spaces (32) proposed and states that the additional parking spaces will significantly increase the ingress and egress to the proposed street, enhancing traffic risk. Please refer to response to comment B-4 for an explanation of proposed traffic-calming measures and pedestrian safety methods to decrease traffic risk. There are 23 on-street parking spaces proposed as part of the Ocean Ranch Estates Tentative Subdivision Map Project (proposed project) instead of the commenter's stated 32 spaces. These 23 parking spaces would be street-side parking parallel to the curb that would run along each side of Bell Ranch Road. These spaces would provide additional parking opportunities for residents, residential guests, and service personnel. The proposed development would be required to comply with the City of Solana Beach's (City's) off-street parking regulations and provide on-street parking constructed to City standards. Additionally, Bell Ranch Road would meet the "local street" typology from the City's Circulation Element, which states that "local streets are two-lane undivided roadways that provide access to adjacent residential land uses. These roadways should include traffic calming techniques to control vehicular speed and discourage cut-through traffic. The quality of life in residential areas takes the highest priority on local streets as the livability of these streets is paramount to the success of the neighborhoods."

C-2 The commenter states that the large number of proposed parking spaces will increase unnecessary activity on the proposed street by enhancing the possibility of non-residents parking on the street during such events as the Del Mar Fair and horse races. Any vehicles allowed by law to operate on City streets may park in on-street parking spaces, and Bell Ranch Road would be considered a public street. Solana Beach Municipal Code, Section 10.28.130, states that a car may not be left parked on a street in excess of a consecutive 72 hours. However, as part of the City's Land Use Element, future development, including the proposed project, strives to minimize parking spillover from public events into residential areas. Additionally, the proposed on-street parking would assist the City in achieving its Circulation Element goals and policies, which include providing an adequate supply of public parking to meet the needs of residents and visitors.



C-3 The commenter is concerned with the traffic risk and pedestrian safety associated with increased ingress and egress to the proposed street, including speeding vehicles and vehicles running the stop sign at the South Nardo Avenue-Lirio Street intersection. Please see response to comment B-4 regarding pedestrian safety and improvements scheduled for installation on South Nardo Avenue as part of other nearby projects. The Traffic Study prepared for the proposed project (Appendix G of the Initial Study/Mitigated Negative Declaration) was performed at various segments and intersections along South Nardo Avenue to determine if there were any potential access, frontage, or circulation issues with the onset of the proposed project. The Traffic Study found that the intersection operating conditions along this segment of South Nardo Avenue and measured traffic speeds indicate no operational issues exist or are forecast to exist with the proposed project. Therefore, the additional traffic is not anticipated to significantly impact these segments of South Nardo Avenue and nearby intersections.

C-3 2. I remain concerned about the traffic risk, associated with increased ingress and egress to the proposed street. I have been unable to read the updated traffic study, unfortunately. Regardless, in my view, increased risk, in an unavoidable consequence of increased traffic. What makes this situation particularly troubling are: (a) The speeding vehicles rounding the curve to the south and moving northbound. Not only do many vehicles speed but they also cut the corner, endangering pedestrians. I know this firsthand as I and my family walk our dog there. I fear for students, in particular, in this area. Cars entering and leaving the proposed street will be at risk from such reckless drivers. (b) Significant numbers of vehicles run the stop signs at the Nardo-Lirio intersection and continue at a high rate of speed. This intersection is near to that of the proposed street with Nardo.

We have other concerns but the two above are amongst our greatest.

Thank you.

Best,

Dave Checkley and Lisa Levin

510 N Nardo Ave

### Letter D: Stuart and Donna Greenbaum, March 7, 2019

Letter D

Stuart and Donna Greenbaum  
643 Fresca St.  
Solana Beach, CA 92075  
856-829-8487

March 7, 2019

Corey Andrews, Principal Planner  
635 South Highway 101  
Solana Beach, CA 92075

Re: Ocean Ranch Project Public Review Comments

Dear Corey,

We are concerned about this project and the drainage from the site that will impact our property.

D-1  We spoke to the architect and he stated that there would be no drainage issues. He also told us that there is a greenbelt separating our property from Ocean Ranch. There is a shed currently at the edge of the Ocean Ranch property adjacent to 643 Fresca St. Upon review of the site map, there is no greenbelt at that location on the Ocean Ranch property. We want to insure that there will be a defined greenbelt on Ocean Ranch property adjacent to 643 Fresca Street that can never be developed. What will stop future "owners" from putting buildings or a pool or something else close to their property line and destabilizing the hill and causing catastrophic damage to our house/property?

D-2  Are there retention basins being built on the property? Will there be permanent BMP's installed and monitored in the future? What else is being done to insure proper drainage and diverting the stormwater away from our property? To date, there are no plans in place to protect our property. The only property being protected is 627 Fresca Street. Why are we not getting the same consideration from the developer? We require the developer to provide a Hydrology Survey of our property similar to the one conducted for 627 Fresca St. and all mitigation to be done by the developer prior to approval of this project.

Please do not approve this project until both Solana Beach and ALL property owners adjacent to this project are positive that there will be no drainage problems now and in the future.

D-3  What mitigation will be in place during the grading and construction for dust/dirt and noise? Wetting down of areas should be done more than 2x per day to protect our property.

Thank you.

Stuart and Donna Greenbaum

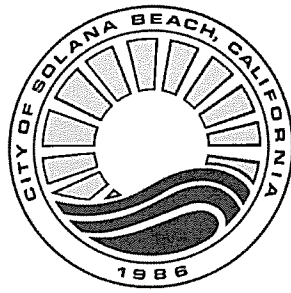
Stuart and Donna Greenbaum

D-1 The commenter requests assurance that there will be a defined greenbelt that will never be developed between the Ocean Ranch Estates Tentative Subdivision Map Project (proposed project) development and their property at 643 Fresca Street. This steep slope on the eastern side of the project site would be outside the proposed project's proposed area of disturbance and would be preserved in its existing condition. The proposed project would dedicate this area as a steep-slope open space easement and would comply with the City of Solana Beach's (City's) Hillside Overlay Zone regulations as stated in the Solana Beach Municipal Code, Section 17.48.020. Future development of homes and other structures on the lots will be subject to review and approval of the City, including conditions affecting site drainage and slope stability.

D-2 The commenter expresses concern with the proposed project's drainage onto their property at 643 Fresca Street and inquires about what is being done by the developer (e.g., best management practices, basins) to ensure there are no drainage impacts on their property. The commenter asks for the same considerations given for the 627 Fresca Street property. The potential impacts of the proposed project on drainage in the project area, as well as drainage basins and permanent best management practices, are discussed in Section IX, Hydrology and Water Quality, of the Initial Study/Mitigated Negative Declaration (IS/MND). There would be no drainage from the proposed project onto their property at 643 Fresca Street. The 627 Fresca Street property was assessed and given authorization by the property owners to obtain a drainage easement to direct the drainage from the proposed project property to Fresca Street. The applicant would directionally drill to install a private storm drain pipe within the easement area so there would be no disturbance to the existing slope that would be protected by the steep slope open space easement required by the Hillside Overlay Zone. The remaining drainage would flow to a proposed storm drain that would discharge to the existing ditch at the bottom of the slope near the southeastern corner of the site and would continue as it does in the existing condition. In fact, the proposed project would improve the existing drainage condition of the commenter's property by eliminating sheet flow over the slope and concentrating the flows into the abovementioned steep-slope easement. Therefore, the hydrology engineers found that no additional drainage considerations or best management practices would be needed for the protection of other properties.

- D-3 The commenter inquires about what mitigation will be in place for dust/dirt and noise during grading and construction. The commenter states that the wetting down of areas should be done more than twice per day. Please see response to comment B-1 regarding the proposed project's compliance with San Diego Air Pollution Control District Rule 55 and the fugitive dust/dirt control measures that would be implemented as project design features for the proposed project. If the dirt on site is found to be excessively dry, the contractor would call for additional ground wetting as needed. Regarding construction noise, potential short-term construction-related noise effects of both Phase 1 and Phase 2 were evaluated in the IS/MND beginning on page 3-41. Noise levels would not exceed 75 A-weighted decibels during the averaged 8-hour period as mandated by the City. Short-term noise levels could exceed the City's thresholds; therefore, to reduce potential short-term construction-related noise levels to less than significant, Mitigation Measure N-1 shall be implemented. It states that the applicant shall ensure that certain construction noise reduction methods are in place, construction equipment is shielded from sensitive noise receivers, and stockpiling and vehicle staging are located as far as practical from noise-sensitive receptors.

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**Revised and Recirculated  
Initial Study / Mitigated Negative Declaration**

**Proposed Ocean Ranch Estates  
Tentative Subdivision Map Project**

**February 2019**

**PROJECT NAME:** Ocean Ranch Estates Tentative Subdivision Map Project

**PROJECT LOCATION:** 512 - 538 S. Nardo Avenue, Solana Beach, CA 92075

**APN:** 298-121-24, 298-121-25, 298-121-55, 298-121-56

**PROJECT APPLICANT:** Nicholas P. Nicholas  
Ocean Ranch Estates, LLC  
9345 Mira Mesa Boulevard  
San Diego, California 92126

**LEAD AGENCY:** City of Solana Beach  
Community Development Department  
635 South Highway 101  
Solana Beach, California 92075  
Contact: Corey Andrews, Principal Planner  
(858) 720-2400  
candrews@cosb.org

**PUBLIC REVIEW PERIOD:** February 8, 2019, to March 11, 2019

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This Revised and Recirculated Mitigated Negative Declaration and Initial Study Checklist has been prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.). It is available for a 30-day public review period as shown above.

Comments regarding this Mitigated Negative Declaration and Initial Study Checklist must be made **in writing** to Ms. Corey Andrews, Principal Planner, 635 South Highway 101, Solana Beach, California 92075. All comments must be received in the Community Development Department office no later than 5:00 p.m. on the last day of the public review period.

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# Chapter 1

## INTRODUCTION

### Overview

The City of Solana Beach (City) Community Development Department has prepared this Revised and Recirculated Initial Study/Mitigated Negative Declaration (IS/MND) to evaluate the potential environmental consequences associated with the Ocean Ranch Estates Tentative Subdivision Map Project. As part of the discretionary approval process by the Community Development Department, the proposed project is required to undergo an environmental review pursuant to the California Environmental Quality Act (CEQA). One of the main objectives of CEQA is to disclose to the public and the decision makers the potential environmental effects of the proposed activities. CEQA requires that the lead agency prepare an Initial Study to determine whether an Environmental Impact Report (EIR), Negative Declaration (ND), or a Mitigated Negative Declaration (MND) is needed. The City is the Lead Agency for the proposed project under CEQA. A description of the proposed project is found in Chapter 2 of this document.

The new and/or revised information contained in this document includes an analysis of both the Phase 1 (subdivision and improvements) and Phase 2 (potential construction on each lot). Additional detail has been added that more completely describes the stormwater improvements, roadway improvements as well sidewalk improvements on Bell Ranch Road and Nardo Avenue.

### Authority

The preparation of this IS/MND is governed by CEQA (Public Resources Code Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.). Specifically, the preparation of an IS/MND is guided by the State CEQA Guidelines Section 15063, which describes the requirements for an Initial Study, and Sections 15070-15075, which describe the process for the preparation of an MND. Where appropriate and supportive to an understanding of the issues, reference will be made to either the CEQA statute or State CEQA Guidelines. This IS/MND contains all of the contents required by CEQA, which includes a project description, a description of the environmental setting, an analysis of potential environmental impacts, identification of mitigation measures for any significant effects, and a determination of the project's consistency with applicable plans and policies.

### Scope

This IS/MND evaluates the proposed project's potential effects on the following resource topics:

- aesthetics
- agriculture and forestry resources
- air quality
- biological resources
- cultural resources
- geology and soils
- greenhouse gas emissions
- hazards and hazardous materials
- hydrology and water quality
- land use and planning
- mineral resources
- noise
- population and housing
- public services
- recreation
- transportation/traffic
- tribal cultural resources
- utilities and service systems
- mandatory findings of significance

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**Chapter 2****ENVIRONMENTAL SETTING  
AND PROJECT DESCRIPTION****City of Solana Beach  
Initial Study & Mitigated Negative Declaration**

<b>PROJECT TITLE:</b>	Ocean Ranch Estates Tentative Subdivision Map Project
<b>LEAD AGENCY NAME AND ADDRESS:</b>	City of Solana Beach 635 South Highway 101 Solana Beach, California, 92075
<b>CONTACT PERSON AND PHONE NUMBER:</b>	Corey Andrews, Principal Planner Community Development Department City of Solana Beach (858) 720-2447 or CAndrews@cosb.org
<b>PROJECT LOCATION:</b>	512 - 538 S. Nardo Avenue, Solana Beach, California
<b>PROJECT APPLICANT NAME AND ADDRESS:</b>	Nicholas P. Nicholas Ocean Ranch Estates, LLC 9345 Mira Mesa Boulevard San Diego, California 92126
<b>GENERAL PLAN DESIGNATION:</b>	Low Density Residential (3 DU/Acre)
<b>ZONING DESIGNATION:</b>	Low Residential (LRc)

**OVERVIEW AND DESCRIPTION OF PROPOSED PROJECT:**

The proposed project consists of the subdivision and redevelopment of an existing L-shaped 4.2-acre site located at 512, 516, 524, and 538 South Nardo Avenue in the southeast portion of the City (Figures 1 and 2). The Assessor's Parcel Numbers (APNs) of the site are 298-121-24, 298-121-25, 298-121-55, and 298-121-56.

The proposed project consists of two phases. Phase 1 is a request for approval of a Development Review Permit (DRP) and a Major Subdivision (Tentative Subdivision Map) to subdivide an existing 4.2 gross acre parcel into eight single-family residential lots as shown in Table 1 (see Figure 3). Phase 2 consists of the future development of eight additional single-family homes as well as purchasing one offsite townhome or apartment that would be rented at the low-income affordability level as required by the Solana Beach Municipal Code (SBMC) Section 17.70.020.D.<sup>1</sup> The affordable housing unit will be purchased offsite within City boundaries before the fourth building permit is granted. At this time, construction of the eight new single-family homes is not proposed by the applicant. Phase 2 (future residential home construction) will be subject to subsequent review and approval by the City of Solana Beach. However, potential impacts from Phase 1 and future Phase 2 have been analyzed on a worst-case basis as a part of this IS/MND.

The existing General Plan land use designation for the project site is low density residential. The existing zoning designation for the project site is Low Residential (LRc) which allows up to 3 dwelling units per acre and specifies a minimum 14,000 square foot (sf) parcel/lot size. This zone is intended for residential development in areas characterized by detached single-family homes on older subdivided lots.

The proposed gross lot sizes are shown in Table 1. The net buildable area of each lot would be reduced to reflect required setbacks of 25 feet for the front yard, 25 feet for the rear yard setback and 10 feet for street side and interior side yard setbacks. The maximum allowable height of the residences stated in the SBMC is 25 feet as would be measured from the proposed pad elevations established in the grading plan.

**Table 1**  
**Proposed Tentative Subdivision Lot Data**

Lot #	Lot Size (SF / Acres)	Maximum Allowable Residential Square Footage	Pad Elevation (above mea sea level)
1	14,047/0.32	4,408	197.0
2	14,027/0.32	4,405	196.0
3	14,027/0.32	4,405	194.5
4	14,027/0.32	4,405	192.0
5	14,002/0.32	4,400	189.5
6	25,137/0.57	5,332	185.0
7	25,405/0.58	5,345	183.5
8	34,999/0.80	5,825	184.0

<sup>1</sup> The project applicant would also be required to pay an affordable housing impact fee for a fractional unit per Section 17.70.030A.

Phase 1 of the proposed project involves subdividing the existing parcel into eight lots and demolition of all existing structures on site. Phase 1 of the proposed project includes grubbing and clearing the site, site preparation, and grading to create building pads for eight future single-family homes. Phase 1 of the proposed project also includes construction of Bell Ranch Road, curbs and gutters, sidewalks, and wet and dry utilities. The project would include a Hydromodification Management Plan (HMP) Biofiltration basin located on Lot 8 and a 10-foot drainage easement bisecting Lots 7 and 8 containing an 18-inch storm drain. To adequately convey runoff from the HMP Biofiltration basin eastward down the steep slope, there would be two drainage basins to mimic the existing condition. Basin 1 would consist of the southwestern and northwestern portions of the site and would include offsite runoff from the adjacent areas to the north and west. AAn 18-inch storm drain pipe would be installed to convey runoff from the HMP Biofiltration basin to the existing drainage easement on parcels 298-440-37 and -38 that discharges onto Fresca Street via a modified curb outlet. In addition, a secondary 8-inch polyvinyl chloride (PVC) pipe would be installed to collect and convey runoff from the downstream properties to Fresca Street. This secondary pipe system would allow the two systems to function independently to provide optimum conveyance. An easement from one of the downstream properties has been obtained from the downslope property owner Laurel Graziano, as of January 7, 2019, in order to connect the proposed storm drain system to the existing storm drain system (See Figure 4, Drainage to Fresca Street) (SD County Recorder 2019).

Basin 2 would consist of portions of Lot 5 and Lot 6 and the small area of undeveloped steep slope in the southeastern portion of the site. Runoff from these areas would flow to the back of each lot to a proposed storm drain that would discharge to the existing ditch at the bottom of the slope near the southeastern corner of the site and continue as it does in the existing condition. The existing stone features located within the steep slope would be outside the project's area of disturbance and would be preserved.

In Phase 2, individual HMP Biofiltration basins would be developed to provide stormwater pollutant control and detention for the 50- and 100- year storm events for each lot. Each future home proposed on the finished lots that exceed 16 feet would be required by the City of Solana Beach to be entitled via a structure development permit (SDP). Additionally, a development review permit may be required for each home if the proposed grading were to exceed 50 cubic yards. Each home would also require a grading permit. As a part of the SDP process, each home would be deemed a Priority Development Project (PDP) and subject to stormwater pollutant control and hydromodification management design requirements as set forth by the MS4 Permit and the City of Solana Beach Best Management Practices (BMPs) Design Manual.

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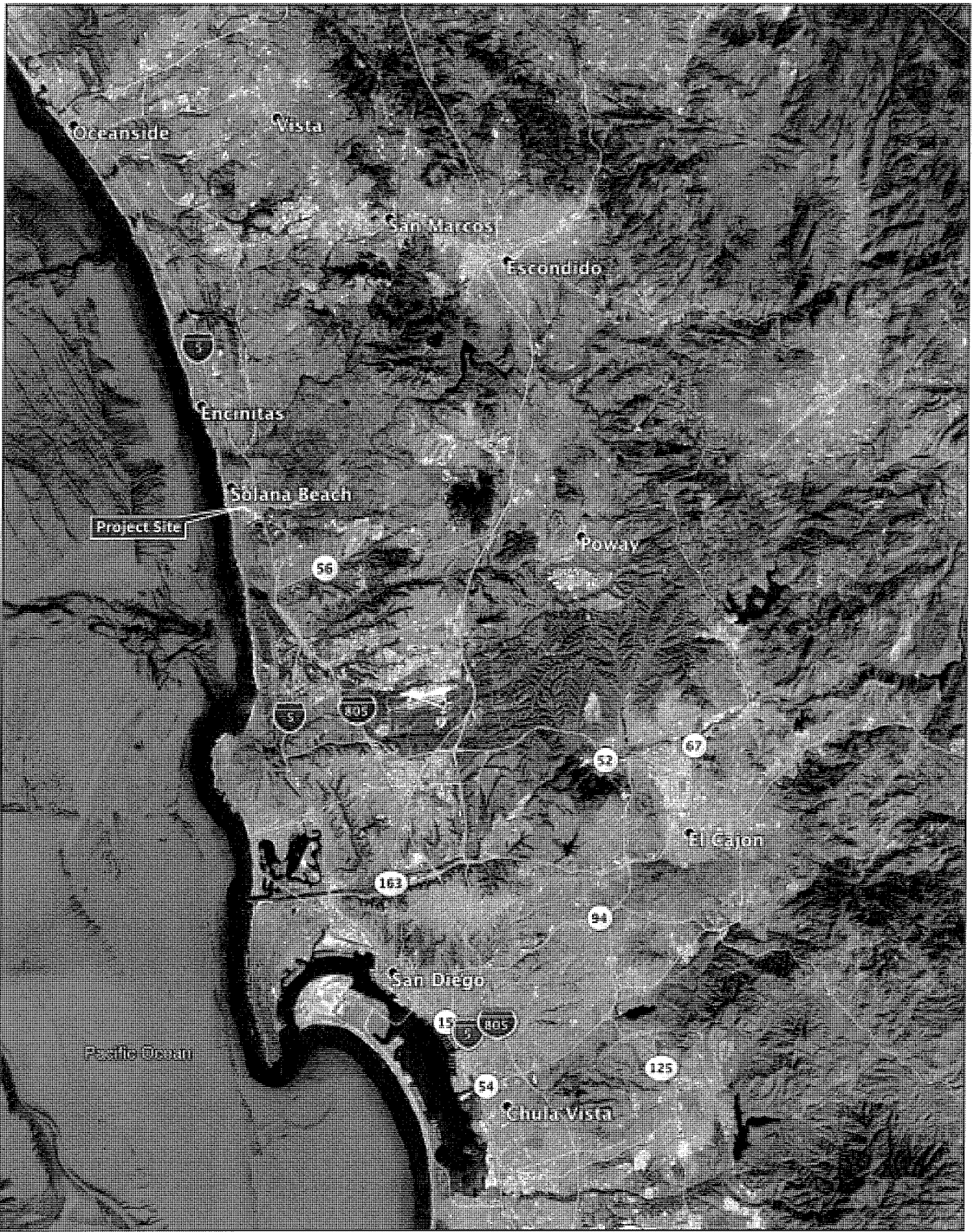
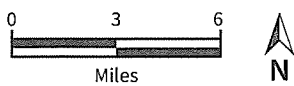


Photo: © Escondido City of San Juan Alameda, Inc. All rights reserved. Photo: Escondido City of San Juan Alameda, Inc.

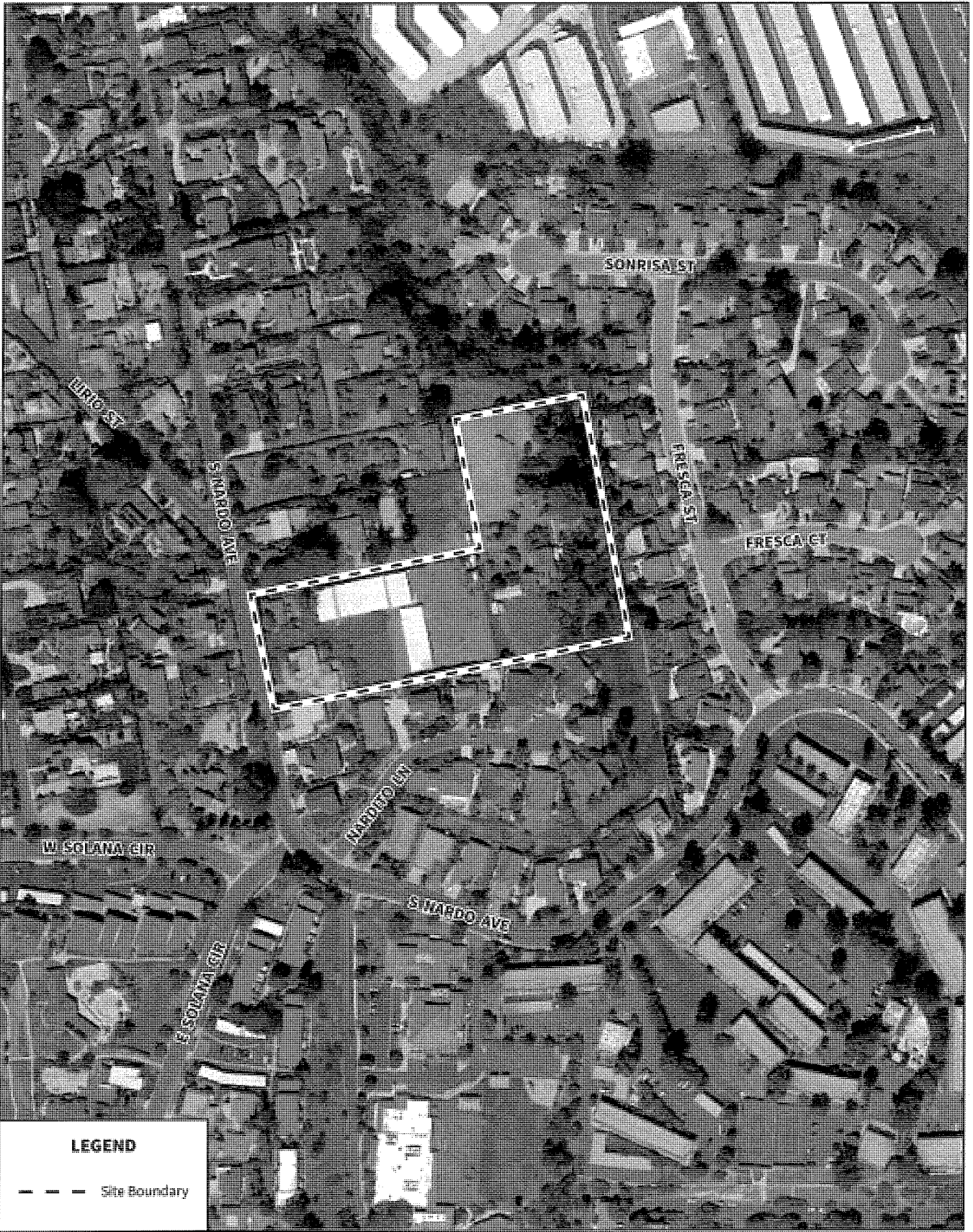
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**Figure 1**  
Regional Location

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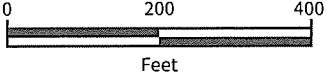




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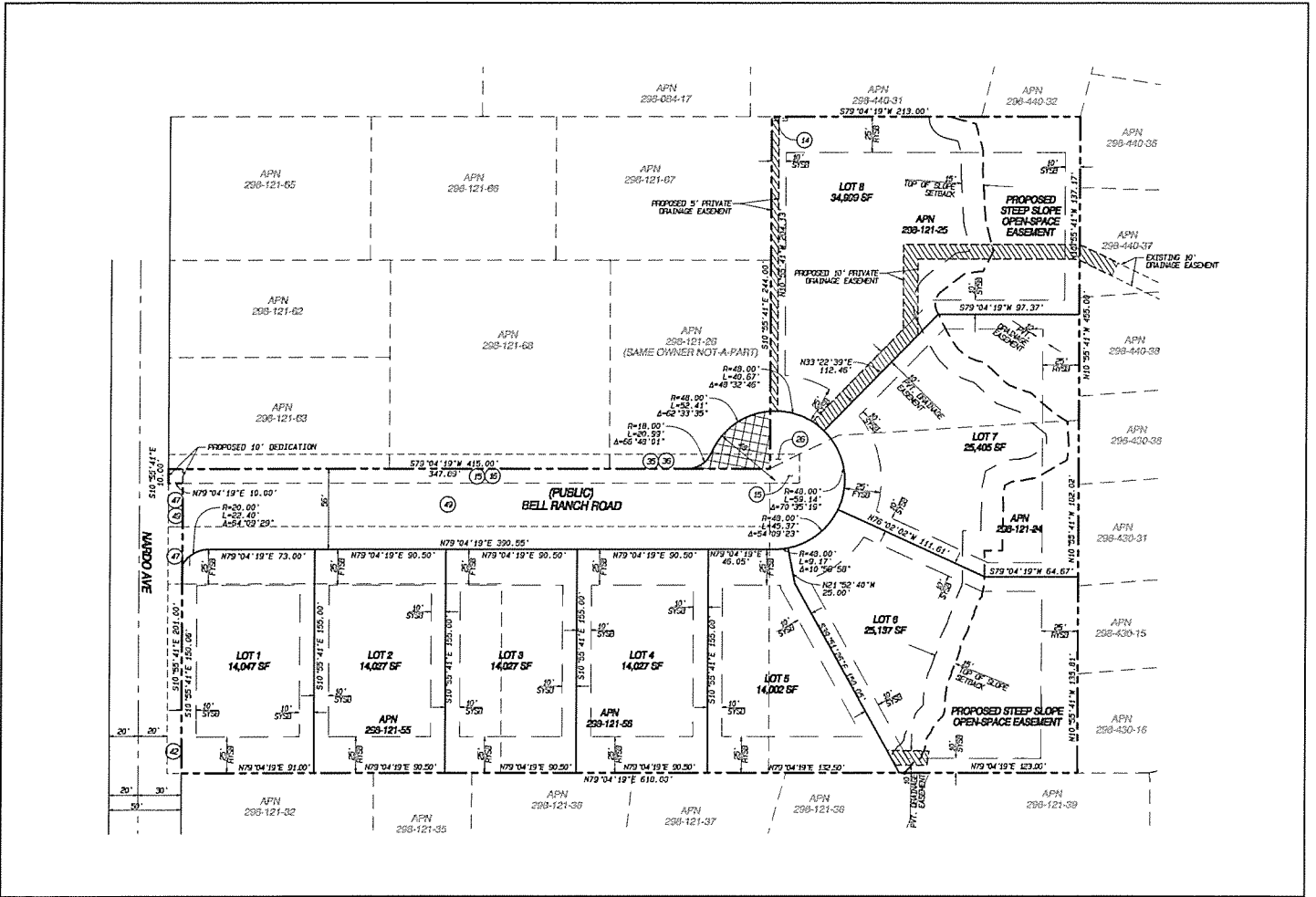
Harris & Associates



**Figure 2**  
Project Site

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APN: Double-Track Client Projects Environmental Services/Scotty Ocean Road/ER/100856042



Source: Pasco Laret Suiter & Associates 2017c

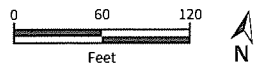
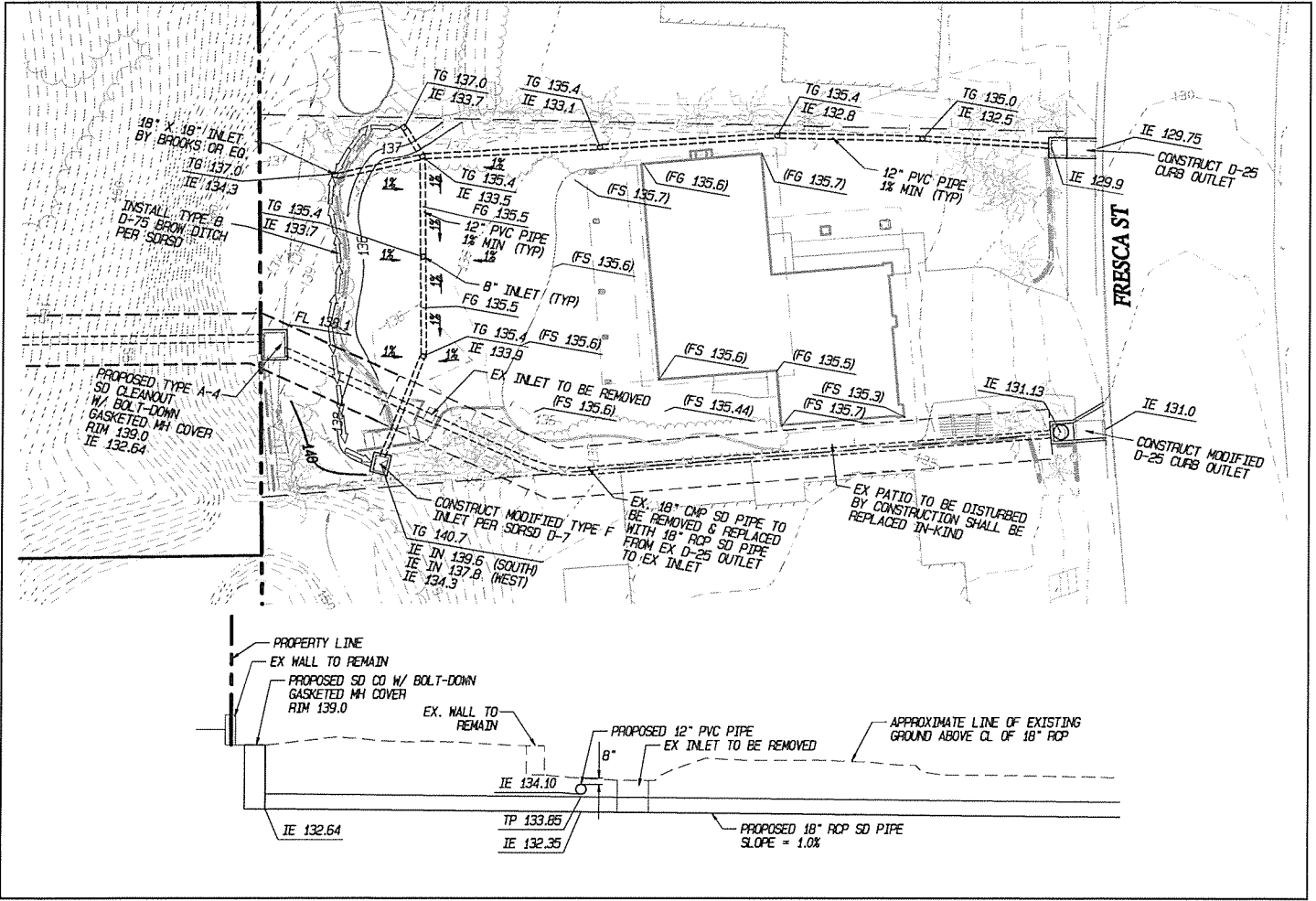


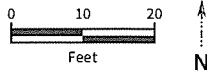
Figure 3 Site Layout

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Source: Pasco Loreit Sulter & Associates 2018



**Figure 4**  
Drainage to Fresca Street

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The project site has been previously disturbed and graded. Approximately 2.93 acres of the site contain slopes that are less than 25% grade. There is 0.12 acre of the site that contains slopes that are between 25% and 40% and 0.40 acre that contains slopes greater than 40%, for a total of 0.61 acre with slopes greater than 25%. This steep area is located on the eastern side of the project site and would be outside the project's proposed area of disturbance. The project would dedicate this area as a steep slope open space easement and would comply fully with the City's Hillside Overlay Zone (HOZ). All proposed stormwater improvements would be performed by underground drilling and would not modify the existing slopes in the HOZ.

The proposed project would convert the existing unnamed access road off South Nardo Avenue into a 56-foot wide public road with cul-de-sac, called Bell Ranch Road, to access the proposed residences. Bell Ranch Road would be 0.65 acre and would have up to 23 on-street parking spaces. These parking spaces would be street-side parking parallel to the curb that would run along the proposed Bell Ranch Road. These spaces would provide additional parking opportunities for residents and guests and comply with the City's off-street and on-street parking regulations. Two off-street parking spaces for each house would be required at the time of development in accordance with SBMC 17.52. There would be no parking in the cul-de-sac, per fire department regulations. No car would be parked on Bell Ranch Road in excess of 72 hours, no boat trailer would be parked more than 2 hours, and no recreational vehicle would be parked more than 8 hours in a 24-hour period without a recreational vehicle permit, as stated in the SBMC 10.28. Phase 1 of the proposed project would also include a street dedication along South Nardo Avenue, totaling 0.002 acres. The purpose of this dedication is to bring the right-of-way to its ultimate width and allow for the construction of a curb, a gutter, and 5 feet of separated sidewalk. Bell Ranch Road and the street dedication on South Nardo Avenue reduce the net total project site acreage from 4.2 acres to 3.5 acres.

South Nardo Avenue runs north-south and connects to Lomas Santa Fe Drive. There is minimal sidewalk access on South Nardo Avenue and surrounding streets due to the existing rural nature of the neighborhood. As a condition of project approval, a 5-foot-wide contiguous sidewalk would be constructed along the eastern side of South Nardo Avenue from the southern border of the proposed project to Nardito Lane, connecting with the other sidewalks within the community. A standard concrete sidewalk along the eastbound side and through the cul-de-sac of the newly formed Bell Ranch Road, including a pedestrian ramp, would be installed to enhance pedestrian safety and community connectivity.

Project construction of both Phase 1 and Phase 2 is anticipated to commence in June 2019 and would take up to approximately 16 months. Construction would occur between the hours of 7 a.m. and 4 p.m. Monday through Friday and there would be up to 20 construction workers on site each day. Construction would include demolition, grading, and paving. Approximately 15,210 sf of asphalt, 500 sf of concrete, and 10,290 sf of buildings would be demolished. Paving Bell Ranch Road would consist of approximately 18,025 sf of new pavement and re-paving Nardo Avenue would consist of approximately 890 sf of new pavement and 14,000 sf of asphalt concrete grind and overlay. The project would require closing one lane on Nardo Avenue with a 10-foot dedication. Phase 1 of the project would involve one grading phase of 4,800 cubic yards (cy) of cut and 4,800 cy of fill, which would be balanced on site. Phase 2 of the project would also involve one grading phase with total cut and fill of 19,000 cy, including all remedial grading, which would be balanced on site. Additionally under Phase 2, construction of eight single-family residential homes would be built. Construction would be shielded by a green-screen. Construction of Phases 1 and 2 would not divide or conflict with the surrounding established low-density residential community. Any road improvements made would not encroach onto existing properties but merely assume the full width of the existing right-of-way.

## Existing Setting

The project site is located in the southwestern portion of the City of Solana Beach at 512 - 538 S. Nardo Avenue. With the exception of the eastern portion of the site, the project area is relatively level, ranging in elevation from about 136 to 196 feet above mean sea level, gradually descending from the western property boundary to the southeastern corner. The eastern portion of the project site is located within the City's Hillside Overlay Zone Area.

The City is bounded on the west by the Pacific Ocean, on the north by San Elijo Lagoon and the City of Encinitas, and on the south by the Cities of Del Mar and San Diego. To the east are unincorporated areas of San Diego County, which include the communities of Rancho Santa Fe and Fairbanks Ranch.

Solana Beach has a population of approximately 13,865 people, with existing land uses consisting predominantly of residential uses. Solana Beach is nearly built-out, and has limited vacant, developable land remaining. A substantial amount of the construction occurring within the City is the remodeling and/or recycling/repurposing of existing buildings. Commercial and retail uses make up approximately five percent of the City's land uses, and are concentrated primarily along the two main north-south roadway corridors (Highway 101 and Interstate 5 [I-5]) and two main east-west corridors (Lomas Santa Fe Drive through the central portion of the City and Via de la Valle at its southern boundary). A rail line traverses the western portion of the city, paralleling Highway 101, and stretching between San Diego and Los Angeles. The main business district is located near Highway 101, with newer commercial developments occurring closer to I-5. Lomas Santa Fe Executive Golf Course and surrounding residential development occupy much of the City east of I-5.

There are pockets of native and/or naturalized vegetation remaining in canyons along the San Elijo Lagoon according to a Citywide Biological Resources Report the City prepared in 2009. The largest areas of native vegetation communities occur in the northern portion of the City in and adjacent to the San Elijo Lagoon Ecological Reserve, as well as canyon slopes within the golf course and adjacent to San Andres Drive. Field surveys were conducted in 2008 to map vegetation and conduct general botanical and zoological surveys, including documenting sensitive plant and animal species observed or detected. Additional field work was conducted in 2009 to further refine mapping of chaparral communities, largely in and adjacent to the San Elijo Lagoon Ecological Reserve. Mapping was conducted primarily on foot, although a combination of aerial interpretation and Multiple Habitat Conservation Program (MHCP) mapping were relied upon in areas where access was not possible. These areas consisted mostly of scattered slopes surrounded on all sides by private residences or businesses. The City supports several small, isolated pockets of undeveloped land, typically along canyon slopes that are surrounded by single-family residences. The main public beach access is at Fletcher Cove, located approximately mid-way along the City's coastline. The entire coastline is developed, with single and multi-family residences occurring along a nearly continuous seaside bluff, which is interspersed by four public beach access points provided at Tide Park Beach, Fletcher Cove, Seascape Sur and Del Mar Shores.

### **Existing Use of the Site and Surrounding Land Uses**

The existing site is comprised of four parcels containing five residences including one unoccupied residence, four sheds, two small flower fields totaling approximately two acres, and a cold storage trailer. The single-family residence at 538 South Nardo Avenue is currently vacant. The single-family residence at 524 South Nardo Avenue is occupied and the multi-family residence at 516 South Nardo Avenue has three occupied units. The eastern edge of the project site consists of an easterly-descending approximately 45-foot high natural steep slope with eucalyptus woodland. The hillside has heavy tree and groundcover and supports stone stairways, walls, man-made water features, and a concrete-lined pond.

The project site is surrounded by existing residential development on all sides consisting of single-family homes located within the Low Density Residential General Plan land use designation and LRc zoning designation to the north, south, and west. The residential development to the east is located within the Low/Medium Density Residential General Plan land use designation and Low-Medium Residential (LMRd) zoning designation. The minimum lot size for the Low Residential zone is 14,000 square feet, and the proposed subdivisions range from 14,002 to 34,999 square feet. The proposed project site is in character with the surrounding residential uses to the north, east, south and west but is currently less developed than surrounding parcels.



## Required Discretionary Approvals

The required City of Solana Beach discretionary approvals for the proposed project are described below:

- **Engineering Permit:** Per Chapter 11.20 of the SBMC, the applicant will obtain an Engineering Permit prior to the construction of any improvements within the public right-of-way, including demolition and construction of surface improvements.
- **Improvement Permit.** The applicant will obtain an Improvement Permit for the public improvements along South Nardo Avenue and proposed Bell Ranch Road.
- **Grading Permit.** A grading permit will be obtained in accordance with Chapter 15.40 of the SBMC.
- **Tentative Major Subdivision Map:** Per Chapter 16.04. of the SBMC, a Tentative Subdivision Map (TSM) is required for the subdivision and preparation of the eight proposed lots.
- **Development Review Permit:** Per Chapter 17.68.040 of the SBMC, a Development Review Permit (DRP) is required because Phase 1 of the proposed project includes an aggregate grading quantity of more than 100 cubic yards.

Although not proposed at this time, the future construction of eight homes in Phase 2 of the proposed project may require the following additional discretionary approvals by the City of Solana Beach:

- **Development Review Permit:** If the proposed Phase 2 development of eight new residences meets the criteria in Chapter 17.68.040 of the SBMC, a Development Review Permit (DRP) would be required.
- **Structure Development Permit:** Per Chapter 17.63 of the SBMC, an SDP would be required if Phase 2 of the proposed project includes construction of residences that exceed 16 feet in height.

The proposed project also would be required to obtain a Coastal Development Permit from the California Coastal Commission and a Stormwater Pollution Prevention Plan (SWPPP) from the Regional Water Quality Control Board.


### Environmental Factors Potentially Affected

Based upon the evaluation presented in the following IS, it is concluded that, with implementation of the recommended mitigation measures, the proposed project would not result in significant adverse environmental impacts.

### Environmental Determination

On the basis of the initial evaluation of the attached Initial Study:

- I find the Proposed Project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the Project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the Project have been made or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the Proposed Project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the Proposed Project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

  
 \_\_\_\_\_  
 Corey Andrews, Principal Planner

2.6.2019  
 \_\_\_\_\_  
 Date

The signature below signifies that the applicant has read and accepts the mitigation measures detailed in this final IS/MND.

  
 \_\_\_\_\_  
 Nicholas P. Nicholas, Applicant

2/6/19  
 \_\_\_\_\_  
 Date

## Evaluation of Environmental Impacts

The following IS checklist provides analysis of the proposed project's potential to result in significant adverse environmental impacts. Section 15063(c) of the Guidelines indicates that the purpose of an IS is to:

1. Provide the Lead Agency (“City of Solana Beach”) with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration;
2. Enable an applicant or Lead Agency to modify a Project, mitigating adverse impacts before an EIR is prepared, thereby enabling the Project to qualify for a Negative Declaration;
3. Assist the preparation of an EIR, if one is required, by:
  - a. Focusing the EIR on the effects determined to be significant;
  - b. Identifying the effects determined not to be significant;
  - c. Explaining the reasons why potentially significant effects would not be significant; and,
  - d. Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the Project’s environmental effects.
4. Facilitate environmental assessment early in the design of a Project.
5. Provide documentation of the factual basis for the finding in a Negative Declaration that a Project will not have a significant effect on the environment.
6. Eliminate unnecessary EIRs.
7. Determine whether a previously prepared EIR could be used with the Project.

## Impact Terminology

The following terminology is used to describe the level of significance of impacts:

- A finding of *no impact* is appropriate if the analysis concludes that the Project would not affect the particular topic area in any way.
- An impact is considered *less than significant* if the analysis concludes that it would not cause substantial adverse change to the environment and requires no mitigation.
- An impact is considered *less than significant with mitigation incorporated* if the analysis concludes that it would not cause substantial adverse change to the environment with the inclusion of environmental commitments that have been agreed to by the applicant.
- An impact is considered *potentially significant* if the analysis concludes that it could have a substantial adverse effect on the environment.

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**Chapter 3**

**INITIAL STUDY  
ENVIRONMENTAL CHECKLIST**

<b>I. Aesthetics</b> <i>Would the Project:</i>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**a–b. No Impact.** Visual resources can be valued both objectively and subjectively based on their uniqueness, prominence, quality, relationship to community identity, and economic contributions, such as to land values and tourism. Visual resources are important from an aesthetic perspective when, based on the characteristics listed above, they are identified as containing significant scenic value. Within this understanding, a scenic vista can be defined as the view of an area that is visually or aesthetically unique, such as a view towards the ocean or valley or a mountain range. The City regulates development in areas of high scenic value to preserve and enhance the scenic resources present within, and adjacent to, such areas and to assure the exclusion of incompatible uses and structures. It promotes the preservation and enhancement of scenic resources within the City that provide important social, recreation, and economic benefits for both residents and visitors alike.

The 4.2-acre site contains an existing, occupied two-story residence containing three units, an occupied one-story residence, and one unoccupied one-story residence. The site perimeter is surrounded by mature vegetation (including trees and shrubs) which effectively preclude views through or across the site from the adjacent public roadways, South Nardo Avenue, Nardito Lane, and Fresca Street. The project proposes to retain the mature vegetation on the eastern edge of the site with a steep slope easement. The steep slope easement would also serve to protect the portion of the project site that is located within the City’s Hillside Overlay Zone (Municipal Code 17.48.020). The proposed project site is not located within a Scenic Area Overlay Zone, nor is it in or adjacent to a Citywide View Corridor (Solana Beach 2014a) (LCP/LUP Exhibits 6-1 and 6-2). The project site is not located within or adjacent to a view corridor or scenic roadway (Solana Beach 2010). For these reasons, implementation of the project would not impact a valuable scenic vista.

Furthermore, the development of the future Phase 2 residences are anticipated to be subject to the City's SDP view assessment process if they are proposed to be taller than 16 feet in height. It is anticipated that the homes could be up to 25 feet in height as would be measured from the proposed pad elevations. The purpose and intent of the view assessment process is to provide a public notification process to encourage the resolution of view impairment issues by those property owners directly affected.

The proposed project would not substantially damage scenic resources or historic buildings within a state scenic highway. The existing 4.2-acre project site is located in the center of the city, in an area that is not located within or along a designated state scenic highway nor within or along an identified scenic vista. Consequently, project implementation would not substantially damage scenic resources, and significant impacts would not occur.

**c. Less than Significant Impact.** The proposed project would not substantially degrade the existing visual character or quality of the proposed project site or surroundings. The project site has been used historically for residential and agricultural (flower fields and nursery) uses. The visual character of the site and surrounding area is urbanized on all sides, consisting of existing residential land uses. As described in Chapter 2, the proposed project involves grading the site and subdividing the property into eight lots planned for future construction of eight new single-family residences. The applicant is not seeking approval for the construction of the eight new residences at this time. The new homes would be constructed by the applicant as part of a future Phase 2 which would be subject to subsequent review and approval by the City. However, Phase 1 and the future Phase 2 have been fully evaluated for potential impacts associated with aesthetics. Although the proposed project would modify the existing visual character of the site through the creation of the residential lots and eight future homes, the visual and aesthetic changes are anticipated to be in keeping with the rural residential character of the neighborhood, which consists of custom single-family residential developments surrounding the project site.

The City Council adopted a View Assessment Ordinance (SBMC Chapter 17.63) that provides a process for view assessment to achieve the best balance between the owner's desire to develop his/her property and the neighbor's desire to protect his/her view. When the eight future homes are proposed to be developed onsite, the applications would be subject to this City review process if they exceed 16 feet from the proposed pad elevations. Accordingly, because the proposed project would be in keeping with the residential character of the neighborhood, project implementation would result in less than significant impacts.

**d. Less than Significant Impact.** As a condition of project approval, the proposed project would provide two new LED street lights onsite, which would create an additional source of nighttime light. However, there are existing street lights to the west of the site on South Nardo Avenue, to the south of the site on Nardito Lane, and to the east of the site on Sonrisa Street and Fresca Street. Therefore, the new lights would not significantly adversely affect nighttime views in the area. Future architectural plans would be reviewed by the Community Development Department prior to each lot owner obtaining building permits, including whether the exterior building materials or exterior lights would produce substantial glare. Conformance with the SBMC, permit plan checks, and approvals by City staff would ensure that substantial lighting and glare impacts from site development and future construction would not be created under Phase 2. Therefore, impacts would be less than significant with implementation of the proposed project.

## Aesthetics Mitigation Measures

None required.

<b>II. Agriculture and Forestry Resources</b>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<i>Would the Project:</i>					
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**a–d. No Impact.** The site is currently developed with five residences including one unoccupied residence, two active small-scale flower agricultural fields, and three former agricultural fields totaling approximately two acres. The site is surrounded by single-family homes on all sides. The site is zoned Low Residential (LRc), which is intended for residential development in areas characterized by detached single-family homes on older subdivided lots. Limited small-scale agriculture is permitted in this zoning designation with a conditional use permit. Project implementation, therefore, would not convert any Prime, Unique, or Important Farmland to nonagricultural use, and it would not conflict with existing agricultural zoning or Williamson Act contracts. Therefore, significant impacts to agricultural resources would not occur.

**e. Less than Significant Impact.** An approximately two-acre portion of the project site is presently used, and has been used, for growing different varieties of flowers. However, the project site is not identified as Prime Farmland, Unique Farmland or Farmland of Statewide Importance on the most recent maps of the California Department of Conservation’s Farmland Mapping and Monitoring Program (2012). The proposed project site is not under a Williamson Act contract (California Department of Conservation 2016a). The site is not located in an area designated or zoned as forest land or timberland. The existing land uses are not forested lands. Although there is a heavily-vegetated area on the eastern portion of the project site, it is outside of the proposed area of disturbance. Therefore, no impact to forested lands or timber resources is expected with implementation of the proposed project and the project would not conflict with timberland zoning. Impacts would be less than significant

## **Agriculture and Forest Resources Mitigation Measures**

None required.



III. Air Quality <i>Would the Project:</i>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Violate any air quality standard or contribute substantially to an existing or Projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The discussion below is summarized and based on the project specific modeling using the California Emissions Estimator Model (CalEEMod) (Version 2016.3.2). Model input and output are included in this IS/MND as Appendix A.

**Discussion**

**a. No Impact.** Projects that are consistent with existing General Plan documents, which are used to develop air emissions budgets for the purpose of air quality planning and attainment demonstrations, would be consistent with the San Diego Air Basin’s (SDAB) air quality plans, including the San Diego Regional Air Quality Strategy (RAQS) and the State Implementation Plan (SIP). Both of these air quality plans contain strategies for the region to attain and maintain the ambient air quality standards. Provided a project proposes the same or less development as accounted for in a General Plan document, and provided the project is in compliance with applicable Rules and Regulations adopted by the San Diego Air Pollution Control District (SDAPCD) through their air quality planning process, the project would not conflict with or obstruct implementation of the RAQS or SIP.

The applicant seeks approval of a Development Review Permit and a Major Subdivision (Tentative Subdivision Map) to subdivide a 4.2-acre parcel to allow for the construction of eight single-family residences. The Solana Beach General Plan land use designation is low density residential and the zoning designation is LRc. The proposed development density is consistent with the allowable 3 DU/AC density and 14,000 sf minimum parcel size. The proposed future Phase 2 residential development of eight homes would be consistent with both the underlying land use and zoning designations. Therefore, the proposed project would be required to comply with applicable Rules and Regulations adopted by the SDAPCD, would not conflict with or obstruct implementation of the RAQS or SIP, and would not result in a significant impact.

**b. Less than Significant Impact.** Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards, or criteria, for outdoor concentrations to protect public health. The federal and state standards have been set, with an adequate margin of safety, at levels above which concentrations could be harmful to human health and welfare. These standards are designed to protect the most sensitive persons from illness or discomfort.

*Ozone.* O<sub>3</sub> is a colorless gas that is formed in the atmosphere when volatile organic compounds (VOCs), sometimes referred to as reactive organic gases (ROGs), and NO<sub>x</sub> react in the presence of ultraviolet sunlight. O<sub>3</sub> is not a primary pollutant; it is a secondary pollutant formed by complex interactions of two pollutants directly emitted into the atmosphere. The primary sources of VOCs and NO<sub>x</sub>, the precursors of O<sub>3</sub>, are automobile exhaust and industrial sources. Meteorology and terrain play major roles in O<sub>3</sub> formation and ideal conditions occur during summer and early autumn, on days with low wind speeds or stagnant air, warm temperatures, and cloudless skies. Short-term exposures (lasting for a few hours) to O<sub>3</sub> at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes.

*Nitrogen Dioxide.* Most NO<sub>2</sub>, like O<sub>3</sub>, is not directly emitted into the atmosphere but is formed by an atmospheric chemical reaction between nitric oxide (NO) and atmospheric oxygen. NO and NO<sub>2</sub> are collectively referred to as NO<sub>x</sub> and are major contributors to O<sub>3</sub> formation. High concentrations of NO<sub>2</sub> can cause breathing difficulties and result in a brownish-red cast to the atmosphere with reduced visibility. There is some indication of a relationship between NO<sub>2</sub> and chronic pulmonary fibrosis and some increase in bronchitis in children (2 and 3 years old) has also been observed at concentrations below 0.3 parts per million by volume (ppm).

*Carbon Monoxide.* CO is a colorless and odorless gas formed by the incomplete combustion of fossil fuels. CO is emitted almost exclusively from motor vehicles, power plants, refineries, industrial boilers, ships, aircraft, and trains. In urban areas, such as the project location, automobile exhaust accounts for the majority of CO emissions. CO is a non-reactive air pollutant that dissipates relatively quickly; therefore, ambient CO concentrations generally follow the spatial and temporal distributions of vehicular traffic. CO concentrations are influenced by local meteorological conditions; primarily wind speed, topography, and atmospheric stability. CO from motor vehicle exhaust can become locally concentrated when surface-based temperature inversions are combined with calm atmospheric conditions, a typical situation at dusk in urban areas between November and February. The highest levels of CO typically occur during the colder months of the year when inversion conditions are more frequent. In terms of health, CO competes with oxygen, often replacing it in the blood, thus reducing the blood's ability to transport oxygen to vital organs. The results of excess CO exposure can be dizziness, fatigue, and impairment of central nervous system functions.

*Sulfur Dioxide.* SO<sub>2</sub> is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Main sources of SO<sub>2</sub> are coal and oil used in power plants and industries; as such, the highest levels of SO<sub>2</sub> are generally found near large industrial complexes. In recent years, SO<sub>2</sub> concentrations have been reduced by the increasingly stringent controls placed on stationary source emissions of SO<sub>2</sub> and limits on the sulfur content of fuels. SO<sub>2</sub> is an irritant gas that attacks the throat and lungs and can cause acute respiratory symptoms and diminished ventilator function in children. SO<sub>2</sub> can also yellow plant leaves and erode iron and steel.

*Particulate Matter.* Particulate matter pollution consists of very small liquid and solid particles floating in the air, which can include smoke, soot, dust, salts, acids, and metals. Particulate matter can form when gases emitted from industries and motor vehicles undergo chemical reactions in the atmosphere. PM<sub>2.5</sub> and PM<sub>10</sub> represent fractions of particulate matter. Fine particulate matter, or PM<sub>2.5</sub>, is roughly 1/28 the diameter of a human hair. PM<sub>2.5</sub> results from fuel combustion (e.g., motor vehicles, power generation, and industrial facilities), residential fireplaces, and wood stoves. In addition, PM<sub>2.5</sub> can be formed in the atmosphere from gases such as sulfur oxides (SO<sub>x</sub>), NO<sub>x</sub>, and VOC. Inhalable or coarse particulate matter, or PM<sub>10</sub>, is about 1/7 the thickness of a human hair. Major sources of PM<sub>10</sub> include crushing or grinding operations; dust stirred up by vehicles traveling on roads; wood burning stoves and fireplaces; dust from construction,

landfills, and agriculture; wildfires and brush/waste burning; industrial sources; windblown dust from open lands; and atmospheric chemical and photochemical reactions.

PM<sub>2.5</sub> and PM<sub>10</sub> pose a greater health risk than larger-size particles. When inhaled, these tiny particles can penetrate the human respiratory system's natural defenses and damage the respiratory tract. PM<sub>2.5</sub> and PM<sub>10</sub> can increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. Very small particles of substances, such as Pb (lead), sulfates, and nitrates, can cause lung damage directly or be absorbed into the blood stream, causing damage elsewhere in the body. Additionally, these substances can transport absorbed gases, such as chlorides or ammonium, into the lungs, also causing injury. Whereas PM<sub>10</sub> tends to collect in the upper portion of the respiratory system, PM<sub>2.5</sub> is so tiny that it can penetrate deeper into the lungs and damage lung tissues. Suspended particulates also damage and discolor surfaces on which they settle, as well as produce haze and reduce regional visibility.

The project site is located within the San Diego Air Basin (basin or SDAB) and is subject to the SDAPCD guidelines and regulations. The basin is one of 15 air basins that geographically divide the State of California. The SDAB is currently designated nonattainment for O<sub>3</sub> and particulate matter, PM<sub>10</sub> and PM<sub>2.5</sub>, under the California Ambient Air Quality Standards (CAAQS). It is designated attainment for the CAAQS for CO, NO<sub>2</sub>, SO<sub>2</sub>, lead, and sulfates. These standards are set by the Environmental Protection Agency (EPA) or California Air Resources Board (CARB) for the maximum level of a given air pollutant that can exist in the outdoor air without unacceptable effects on human health or the public welfare.

The criteria pollutants of primary concern that are considered in this analysis are O<sub>3</sub>, NO<sub>2</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Although there are no ambient standards for VOCs or NO<sub>x</sub>, they are important as precursors to O<sub>3</sub>. The portion of the SDAB where the project site is located is designated by the EPA as an attainment area for the 1-hour National Ambient Air Quality Standards (NAAQS) for O<sub>3</sub> and as a marginal nonattainment area for the 8-hour NAAQS for O<sub>3</sub>. The basin is designated in attainment for all other criteria pollutants under the NAAQS with the exception of PM<sub>10</sub>, which was determined to be unclassifiable.

### CONSTRUCTION IMPACTS

Phase 1 of the proposed project includes grubbing and clearing the site, site preparation, and grading to create building pads for eight future single-family homes. Phase 1 of the proposed project also includes construction of Bell Ranch Road, curbs and gutters, sidewalks, and wet and dry utilities. To address reasonably foreseeable impacts to air quality relating to the Phase 2 future construction of eight homes on the new lots, emissions associated with building construction and architectural coatings application were included in this analysis. Although the applicant is currently only seeking approval of a proposed land subdivision and preparation of eight new building pads (Phase 1), the air quality analysis prepared for the proposed project includes the future construction, occupancy, and operation of eight new homes onsite (Phase 2). Therefore, the following air quality analysis accounts for the potential air quality effects of both Phase 1 and Phase 2 site development activities. The analysis contained herein is based on the following assumptions (duration of phases is approximate):

- Demolition - 5 days
- Site Preparation - 5 days
- Grading - 1 month
- Trenching (utility installation) - 1 month
- Building Construction - 12 months

- Application of Architectural Coatings - 1 month
- Paving - 2 weeks

The maximum number of site preparation and construction machines on site on any one day would be 9 pieces of equipment. The equipment would be continually moving over the site during site preparation and construction activities, and would not be located in any single location for an extended period of time.

Emissions from site preparation and construction of the proposed project were estimated through the use of the CalEEMod (ENVIRON et al. 2016). SDAPCD Rule 55 requires standard fugitive dust control measures to be implemented as project design features. Typical measures are listed below:

- a. During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
- b. During construction, water truck or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas later in the morning and after work is completed for the day and whenever winds exceed 15 miles per hour.
- c. Soil stockpiled for more than 2 days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- d. Reduce speeds on unpaved roads to less than 15 miles per hour.
- e. Halt all grading and excavation operations when wind speeds exceed 25 miles per hour.
- f. Dirt and debris spilled onto paved surfaces at the project site and on the adjacent roadways shall be swept, vacuumed, and/or washed at the end of each workday.
- g. Should minor import/export of soil materials be required, all trucks hauling dirt, sand, soil, or other loose material to and from the construction site shall be tarped and maintain a minimum 2 feet of freeboard.
- h. At a minimum, at each vehicle egress from the project site to a paved public road, install a pad consisting of washed gravel (minimum-size: 1 inch) maintained in a clean condition.

Emission levels associated with site preparation and construction of the proposed project are presented in Table AQ-1.

**Table AQ-1  
Estimated Construction Emissions by Construction Phase (pounds/day)**

Construction Phase	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Demolition	4	43	25	<1	5	3
Site Preparation	4	46	24	<1	12	7
Grading	3	28	18	<1	5	3
Trenching	3	25	22	<1	2	1
Building Construction	2	22	21	<1	2	1
Architectural Coating	113	2	4	<1	1	<1
Paving	1	12	14	<1	2	1
<b>Maximum Daily Emissions</b>	<b>113</b>	<b>46</b>	<b>25</b>	<b>&lt;1</b>	<b>12</b>	<b>7</b>
Significance Criteria	137	250	550	250	100	55
Significant?	No	No	No	No	No	No

Source: CalEEMod Version 2016.3.2. See Appendix A for model output.

As shown in Table AQ-1, emissions associated with both Phase 1 and Phase 2 of the proposed project are below the maximum daily emissions thresholds established by the SDAPCD for all criteria pollutants. Thus, the project would result in a less than significant impact on the ambient air quality.

## Operational Impacts

Phase 2 of the proposed project includes the construction of the eight homes that are anticipated to be developed onsite in the future. Following the completion of construction activities, the new homes would generate VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from mobile and stationary sources, including vehicular traffic and area sources (water heating and landscaping). With the exception of vehicular operations, emissions associated with the existing operational structures were not subtracted from those resulting from the proposed future residential uses, but rather operational energy and area emissions estimates for Phase 2 of the proposed project were calculated as though the project site was vacant.

### VEHICULAR TRAFFIC

The future residential uses would impact air quality through the vehicular traffic generated by the new homes. According to the Traffic Impact Analysis prepared by Fehr & Peers (2019), which is included as Appendix G, the future residential uses would result in a net increase of 60 trips per day over the traffic trips generated by existing uses on the project site once all eight of the future homes are constructed. Project-related traffic was assumed to include a mixture of vehicles in accordance with the default model outputs for traffic. Emission factors representing the vehicle mix and emissions for 2020, the first full year of project operation, were used to estimate emissions associated with full buildout of the proposed project.

### ENERGY

In addition to estimating mobile source emissions, CalEEMod was also used to estimate emissions from the future homes' energy use, which includes natural gas combustion. Each residence is estimated to use 180 therms of natural gas per year.

**AREA SOURCES**

CalEEMod was also used to estimate emissions from the future residential uses' area sources, which include landscaping, consumer products, hearths, and architectural coatings for building maintenance (Table AQ-2).

**Table AQ-2  
Estimated Daily Maximum Operational Emissions**

Emission Source	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Sources	13	<1	16	<1	2	2
Energy Use	<1	<1	<1	<1	<1	<1
Vehicular Emissions	<1	1	1	<1	<1	<1
<b>Total Max Daily Emissions</b>	<b>13</b>	<b>1</b>	<b>17</b>	<b>&lt;1</b>	<b>2</b>	<b>2</b>
Significance Criteria	137	250	550	250	100	55
<b>Significant?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod Version 2016.3.2. See Appendix A for model output.

As shown in Table AQ-2, the maximum daily operational emissions from the proposed project, including future residential uses, would not exceed any of the SDAPCD significance thresholds for VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>. Therefore, operational emissions would be less than significant.

**c. Less than Significant Impact.** In analyzing potential cumulative impacts from the proposed project, the analysis must specifically evaluate a project's contribution to the cumulative increase in pollutants for which the basin is designated as nonattainment for the CAAQS and NAAQS. If the proposed project does not exceed thresholds and is determined to have less than significant project-specific impacts, it may still contribute to a significant cumulative impact on air quality if the emissions from the project, in combination with the emissions from other proposed or reasonably foreseeable future projects, are in excess of established thresholds. However, the project would only be considered to have a significant cumulative impact if the project's contribution accounts for a significant proportion of the cumulative total emissions (i.e., it represents a "cumulatively considerable contribution" to the cumulative air quality impact). The SDAB has been designated as a federal nonattainment area for O<sub>3</sub> and a state nonattainment area for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. PM<sub>10</sub> and PM<sub>2.5</sub> emissions associated with construction generally result in near-field impacts. The nonattainment status is the result of cumulative emissions from all sources of these air pollutants and their precursors within the basin. As discussed above in Table AQ-1 and Table AQ-2, the project's emissions of all criteria pollutants would be below the significance levels.

Construction would be short-term and temporary in nature. Once construction is completed, construction-related emissions would cease. A cumulative impact related to construction impacts would only occur if the project's construction emissions would occur simultaneously with a nearby construction project with the potential for emissions to combine and exceed thresholds. The proposed project is located in a primarily developed residential neighborhood. As shown in Table AQ-1, project emissions would be well below significance levels. Similar single-family residential development, if it were to occur in the surrounding neighborhood during project construction, would be expected to result in similar levels of emissions. Solana Highlands, an approved project identified by the *Traffic Study* (Fehr & Peers 2019) immediately south of the proposed project, is the largest near-term project within the immediate vicinity with construction slated to begin in mid-2020 at the earliest. Therefore, this project's construction would not overlap with the proposed project. Even combined emissions would be unlikely to exceed thresholds. Therefore, a cumulative impact would not occur during construction.

According to the County of San Diego significance threshold, a project's operation would result in a significant cumulatively considerable contribution to an air quality impact if the project does not conform to the RAQS, if the project has a significant direct impact to air quality, or would create a CO hotspot. Operational emissions generated by the proposed project would not exceed the significance thresholds for VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>, and would not cause a significant impact, as the proposed project's operational emissions would not come close to the allowed thresholds. These thresholds also account for a specific project's contribution to cumulative impacts to air quality, and the proposed project would fall below the level allowed by those SDAPCD significance thresholds. Therefore, the proposed project would result in less than significant impacts to air quality relative to operational emissions.

The SIP and RAQS serve as the primary air quality planning documents for the state and SDAB, respectively relative to potential long-term cumulative operational emissions and consistency with local air quality plans. The SIP and RAQS rely on SANDAG growth projections based on population, vehicle trends, and land use plans developed by the cities and the County as part of the development of their general plans. Therefore, projects that propose development that is consistent with the growth anticipated by local plans would be consistent with the SIP and RAQS and would not be considered to result in cumulatively considerable impacts from operational emissions. As noted above under topic a. the proposed project would be consistent with the existing underlying zoning and general plan land use designation for the site, and would not result in significant regional growth that is not accounted for within the RAQS. Additionally, the proposed project is consistent with the existing use for the site; thus, at a regional level, it would be consistent with the underlying growth forecasts in the SIP and RAQS.

Lastly, as discussed under topic d. no CO hot spots would result from project-related traffic. As a result, the proposed project would not result in a cumulatively considerable contribution to any criteria pollutant emissions and cumulative impacts would be less than significant.

**d. Less than Significant Impact.** Air quality varies as a direct function of the amount of pollutants emitted into the atmosphere, the size and topography of the air basin, and the prevailing meteorological conditions. Air quality problems arise when the rate of pollutant emissions exceeds the rate of dispersion. Reduced visibility, eye irritation, and adverse health impacts upon those persons termed sensitive receptors are the most serious hazards of existing air quality conditions in the area. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely to be affected by air pollution include children, the elderly, athletes, and people with cardiovascular and chronic respiratory diseases. Sensitive receptors include residences, schools, playgrounds, child care centers, athletic facilities, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

Projects involving traffic impacts may result in the formation of locally high concentrations of CO, known as CO "hot spots." According to Caltrans guidance (Caltrans 2010), CO "hot spots" have the possibility of forming at intersections with a level of service (LOS) of E or F. According to the traffic analysis prepared for the project, the proposed project would not generate substantial traffic that would result in degradation in LOS at nearby intersections (Fehr & Peers 2019). It is therefore anticipated that no CO "hot spots" would result from project-related traffic.

Minor emissions of toxic air contaminants (TACs) would result from construction equipment during construction and motor vehicles during both construction and operations. The project is a residential development and is not a major source of TACs. The amounts of TACs that would be generated from construction equipment and motor vehicles is negligible and would not result in a significant impact to sensitive receptors.

**e. Less than Significant Impact.** Land uses associated with odor complaints generally include agricultural and industrial uses such as wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills and dairies. Residential uses typically do not generate offensive odors, other than odors from vehicles and/or equipment exhaust emissions during construction of the proposed project. Odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment and architectural coatings. Such odors are temporary and generally occur at magnitudes that would not affect substantial numbers of people. Therefore, impacts associated with odors during site preparation activities and the future construction of eight new homes would be considered less than significant.

### **Air Quality Mitigation Measures**

None required.



<b>IV. Biological Resources</b> <i>Would the Project:</i>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The discussion below is based on the results of the *Biological Assessment Letter Report for the Proposed Residential Subdivision Located on 512-538 S. Nardo Ave.* (Biological Report) prepared by Blue Consulting Group, March 31, 2015. This report is included in the IS/MND as Appendix B.

## **Discussion**

**a & b. No Impact.** No native habitat or vegetation communities are located on the project site. The site consists of developed land, active agricultural land, and disturbed habitat. The developed land is comprised of existing structures, paved driveways and parking areas, abandoned previously graded areas and planters dominated by non-native/exotic vegetation and ornamental landscaping. The active, irrigated agricultural fields do not contain native vegetation or provide essential habitat connectivity and, therefore, have reduced biological value. The disturbed habitat on the project site does not contain native vegetation. No sensitive plants or wildlife were observed during a site investigation. Although several sensitive species are known to occur in the City and vicinity of the project, due to the active use and the developed and ruderal nature of the project site, these species are not considered as potentially occurring on site because of the lack of supportive native vegetation communities. The project site does not support Environmentally Sensitive Habitat Areas (ESHA) as defined by the City or naturally occurring native vegetation.

The City is located within the boundaries of the North County Multiple Habitat Conservation Program (MHCP) area, adopted March 28, 2003. While a participant in the MHCP, the City of Solana Beach is not required to prepare a subarea plan, which is required of the Cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos and Vista. The City is designated almost entirely as Developed/Disturbed Land under the MHCP. The proposed project site is located in a developed area with a designated Low Residential land use and LRC zoning designation. The proposed project would have no impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Implementation of the proposed project would not involve any direct or indirect impacts to riparian habitat or sensitive communities.

**c & d. No Impact.** Based on the Biological Report prepared by Blue Consulting Group, the project site consists entirely of developed land, active agricultural land, and disturbed urban lands. The project site contains no riparian habitat or other natural habitat. The eastern portion of the project site is identified as Eucalyptus Woodland, which is not considered a sensitive habitat (Solana Beach 2014b). Further, this vegetation community would be outside the project's footprint and would be within the project's proposed steep slope open space easement. The site does not support ESHA or naturally occurring rare, threatened, and / or endangered plants, animals, or sensitive habitats and no potential wetlands and/or other Waters of the United States or state were observed.

The proposed project site has been fully disturbed and currently supports residences, sheds, greenhouses, and agricultural uses. According to the Biological Report, there are no known wetlands on-site. Therefore, the proposed project is not expected to have an adverse effect on any federally protected wetlands as defined by Section 404 of the Clean Water Act.

According to the Biological Report (Blue Consulting 2015), the project site does not contain any wildlife corridors or provide any habitat linkages. Implementation of the proposed project would not result in direct or indirect significant impacts to any riparian habitat or federally protected wetlands. Native resident or migratory wildlife corridors do not exist on or adjacent to the project site, and the property does not contain any biological resources that are protected by local policies.

**e. Less than Significant with Mitigation Incorporated.** Compliance with the California Fish and Wildlife Code (§3503), under which it is unlawful to "take, possess, or needlessly destroy" avian nests or eggs, would be required. Due to the presence of mature trees on-site, implementation of the proposed project could result in temporary impacts to active bird nests if site development activities occur during the bird breeding season (February 1 through September 15). Any activities that occur during the nesting/breeding season of birds such as raptors (e.g., Cooper's hawk and red-tailed hawk), and/or birds protected by the federal Migratory Bird Treaty Act could result in a potentially significant impact. However, with the implementation of Mitigation Measure BR-1, these potentially significant impacts would be reduced to less than significant.

**MITIGATION MEASURES**

**BR-1** If site preparation or construction activity occurs during the avian breeding season (typically February 1 through September 15), the applicant shall retain a qualified biologist to conduct a biological survey for nesting bird species within the proposed impact area and a 300-foot buffer within 72 hours prior to commencement of any such activity. This survey is intended to determine whether any active nests are located on the project site and is necessary to assure avoidance of impacts to nesting raptors (e.g., Cooper’s hawk and red-tailed hawk) and/or birds protected by the federal Migratory Bird Treaty Act. If any active nests are detected, the area would be flagged and mapped on the construction plans along with a minimum of a 25-foot buffer and up to a maximum of 300 feet for raptors, as determined by the project biologist, and avoided until the nesting cycle is complete. The results of the survey shall be provided in a summary report to the Community Development Director.

**f. No Impact.** The City of Solana Beach is located within the boundaries of the North County MHCP. The MHCP, adopted on March 28, 2003, is the subregional plan for the northwest portion of San Diego County; it encompasses 111,908 acres and provides conservation for 77 species in a 20,593-acre reserve. The City is designated almost entirely as Developed/Disturbed Land and as such is exempt from the requirements to prepare a MHCP sub-area plan. The proposed project site is located in a developed area on land with an LRc zoning designation which supports low density residential development. Adjacent land use designations include residential to the north, south, east and west.

Implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources, nor would it conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no environmental impacts would occur.

**Biological Resources Mitigation Measures**

Mitigation Measure BR-1 is required. With implementation of this measure, potential impacts to biological resources would be less than significant.

V. Cultural Resources <i>Would the Project:</i>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The discussion below is summarized and based on the findings contained within the *Cultural Resources Study for the Ocean Ranch Estates Project (Cultural Report)* (Brian F. Smith and Associates [BFS] 2015), an additional memo titled *Comments for the Initial Study Document for the Ocean Ranch Estates Project (Cultural Resources Memo)* (BFS 2017), and the *Response to Comments for the Mitigated Negative Declaration, Ocean Ranch Estates Project, City of Solana Beach (BFS Response Letter)* (Brian F. Smith and Associates [BFS] 2018) prepared for the proposed project. These reports are included in this IS/MND as Appendices C1, C2, and C3.

**Discussion**

**a. Less than Significant Impact.** According to the Cultural Report, there are four older residences and four historic stone features (recorded as P-37-034886) located on the project site. The residences were constructed between 1934 and 1964 and the stone features were likely constructed during the early 1930s. Because the City does not have its own specific significance criteria for historic resource, CEQA eligibility criteria were used to evaluate each of the residences and stone features. Criteria for listing on the California Register of Historic Resources (CRHR) were used to measure the potential significance of the resources.

According to the Cultural Report, the original architectural characteristics of the existing residences are not exemplary. While the structure at 516 South Nardo Avenue has characteristics of Pueblo Revival, Spanish Eclectic, and Modern Contemporary architecture, none of these characteristics are original to the structure, and these various additions have adversely impacted the integrity of the residence. The other three buildings at 512, 524, and 538 South Nardo Avenue could not be associated with any specific architectural style and have been added onto or modified so significantly that the original structures have been masked and all original architectural integrity has been diminished. No significant persons or events could be associated with the structures and the removal of the buildings will not pose a negative impact on the history or the overall character of the surrounding neighborhood. The residences located within the project site are not historically or architecturally significant, as defined by CEQA significance criteria.

The stone features located near 512 South Nardo Avenue (P-37-034886), may be considered significant under CRHR Criteria 3 and 4.<sup>2</sup> The stone features are a distinctive example of artistic stonework, the quality of which is rare in San Diego County. Most of the stonework improvements to the property were likely constructed in the early 1930s. The arbor and stairways were constructed from local stones and were placed on the landscape using the natural contours of the canyon. These features, along with the stone barbeque and patio, were likely intended for gathering together groups of people. The retaining walls and the barbeque have been adversely impacted by the construction of the enclosure around the patio area, and these features do not exhibit the same quality stone workmanship as the arbor and terraces. Because all of the stone features possess high artistic value, a high quality of workmanship, share a similar method of construction, and possess an individuality not regularly seen in the Solana Beach or San Diego County area (see Plates 4.2-8 and 4.2-9 in Appendix C1), the stone features are considered potentially significant under Criterion 3, which is concerned with artistic value and distinctive characteristics of a region or time period.

The stone features are not important as historical monuments, and any research potential is not linked to the preservation of the features, as further study would not reveal additional information about the history of the La Colonia community. Preservation of the barbecue feature is not recommended, and its removal would not constitute an impact (BFSA 2018). Therefore, the stone features are not considered potentially significant under Criterion 4, which is concerned with whether a resource has the potential to yield historical information.

The stone features, primarily the arbor and terrace, which retain the highest levels of integrity, are located within the Hillside Overlay Zone and would be outside the project's footprint and within the steep slope open space easement. These features would be outside the project's area of disturbance and the proposed project would not alter them in any way. Therefore, potential impacts to historic resources would be less than significant.

**b. Less than Significant with Mitigation Incorporated.** According to the *Cultural Report* (BFSA 2015) prepared for the project, no archaeological resources have been identified within the project site. A records search was conducted at the SCIC for the project site and a 1-mile radius. Thirteen archaeological resources have been recorded within the search radius, none of them in the immediate vicinity of the project. Most notable of these sites are SFI-7979 and SDI-10,940/W-34, both of which are characterized as prehistoric habitation sites. Site SDI-7979 is recorded as a moderately dense habitation site that includes a wide range of artifacts such as ground stone tools, hammerstones, choppers, and vertebrate and invertebrate faunal remains and a moderately developed midden. Site SDI-10,940/W-34 includes a wide range of cultural materials such as ground stone equipment, projectile points, knives, debitage, vertebrate and invertebrate faunal remains, hearths, a deep and extensive midden deposit, and human burials. The site is known for the recovery of the famous "Del Mar Man," an approximately 5,500-year-old human specimen discovered in 1929.

No archaeological resources have been identified at the project site. Based on this, the project is expected to have no impacts to archaeological resources. However, there is always potential to encounter previously unknown and unrecorded archaeological resources during grading. Given this, the following mitigation measure is recommended to ensure that potential impacts to previously unknown archaeological resources are reduced to a less than significant level.

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<sup>2</sup> Criteria for listing on the California Register of Historic Resources include: CRHR Criterion 3: The resource embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values. CRHR Criterion 4: The resource has yielded, or may be likely to yield, information important in prehistory or history.

**MITIGATION MEASURE**

**CR-1** Monitor Ground Disturbance. Prior to issuance of a grading permit and commencement of any ground disturbing activities for the project, the applicant shall provide written evidence to the City Engineer that the applicant has retained a City-approved archaeologist with experience with historical archaeological sites and who meets the Secretary of the Interior’s Professional Qualifications Standards, as promulgated in 36 CFR 61, and a Native American monitor, who shall perform the following activities:

- The archaeologist and the Native American monitor shall attend a pre-construction meeting with the grading contractor and construction workers to explain the requirements of the monitoring program.
- The archaeologist and the Native American monitor shall be present to monitor ground-disturbing activities, including brushing/grubbing, grading, and trenching. If cultural material is encountered, the archaeologist and the Native American monitor shall have the authority to temporarily halt or redirect grading and other ground-disturbing activity while the cultural material is documented and assessed.
- If cultural material is encountered, the archaeologist shall treat recovered items in accordance with current professional standards by properly provenancing, cleaning, analyzing, researching, reporting, and curating them in a collection facility meeting the Secretary of the Interior’s Standards, as promulgated in 36 CFR 79, such as the San Diego Archaeological Center.
- Within sixty days after completion of the ground-disturbing activity, the archaeologist shall prepare and submit a final report to the City for review and approval, which shall discuss the monitoring program and its results, and provide interpretations about the recovered materials, noting to the extent feasible each item’s class, material, function, and origin.

**c. Less than Significant with Mitigation Incorporated.** The probability of discovering paleontological resources depends on the geologic formation being excavated and the depth and volume of the excavation. Sedimentary rocks, such as those found in coastal areas, usually contain fossils. Granite rocks, such as those found in inland areas, usually would not contain fossils. According to the Geotechnical Report prepared for the proposed project (Geotechnical Exploration 2012), the site is underlain by natural and cultivated topsoils and slopewash, Quaternary age old paralic deposits (marine, estuarine) and Tertiary-age Torrey Sandstone. According to the City’s General Plan Program EIR (2014), sandstones such as those beneath the site have a moderate sensitivity for paleontological resources. General Plan Policy OS-1.7 requires monitoring for paleontological resources for development projects during grading in native soils if grading quantities exceed 1,000 cubic yards and 10 feet in depth in geologic formations with a known “high” sensitivity for paleontological resources, or grading quantities exceed 2,000 cubic yards and 10 feet in depth in geologic formations with a known “moderate” sensitivity for paleontological resources. Therefore, site disturbing activities have the potential to affect paleontological resources. This would be a potentially significant impact and mitigation is required.

**MITIGATION MEASURE**

**CR-2** Prior to the issuance of a grading permit and commencement of any ground disturbing activities for the project, the project applicant shall provide written evidence to the City Engineer that the applicant has retained a City-approved paleontologist to perform the requirements set forth in Mitigation Measure CR-1 above, including to conduct a pre-construction meeting to explain monitoring requirements to construction personnel, to observe project site grading and excavation activities, to salvage and catalog fossils as necessary, and to prepare and submit a post-construction monitoring report the City Engineer/Public Works Director.

**d. No Impact.** According to the Cultural Report and records search conducted for the project (BFS 2015), the project site does not lie near any cemeteries. However, with the implementation of the archaeological monitoring requirements in Mitigation Measure CR-1, actions related to the inadvertent discovery of human remains would be undertaken pursuant to California Health and Safety Code Section 7050.5 and Public Resources Code 5097.98. As a result, no impacts are anticipated with project implementation.

### **Cultural Resources Mitigation Measures**

Mitigation Measures CR-1 and CR-2 are required. With implementation of these measures, potential impacts to cultural resources would be less than significant.

<b>VI. Geology and Soils</b>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<i>Would the Project:</i>					
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	2. Strong seismic groundshaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the Project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The discussion below is summarized and based on the findings contained within the *Report of Preliminary Geotechnical Investigation (Geotechnical Report)* (Geotechnical Exploration, Inc. 2012) prepared for the proposed project.<sup>3</sup> This report is included in the IS/MND as Appendix D.

<sup>3</sup> At the time the *Geotechnical Report* was prepared, the project involved subdividing the site into 14 lots rather than eight. Therefore, the *Geotechnical Report* over-estimates the potential impacts generated by the project. Thus, the analysis herein is conservative, and the actual potential impacts would be less.



## **Discussion**

**a1. No Impact.** The purpose of the Alquist-Priolo Earthquake Fault Zoning Act is to mitigate the hazard of surface faulting by preventing the construction of buildings used for human occupancy over an area with known faults. Unlike damage from ground shaking, which can occur at great distances from the fault, impacts from fault rupture are limited to the immediate area of the fault zone where the fault breaks along the ground surface. As discussed in the *Geotechnical Report* (Geotechnical Exploration, Inc. 2012), no faults are mapped on the project site. The closest active fault is the Rose Canyon Fault, located approximately 3.4 miles southwest and west of the project site. Therefore, impacts from fault rupture would not be expected to occur within the project area, and no impacts would arise from implementing the project.

**a2–a4. Less than Significant Impact.** The project site, like most of southern California, is subject to strong ground shaking from seismic events. Consequently, when the project site is occupied it could expose people and/or structures to potential impacts associated with seismic ground shaking. The ground motion characteristics of any future earthquakes in the region would depend on the characteristics of the generating fault, the distance to the epicenter, the magnitude of the earthquake, and the site-specific geologic conditions. Major faults in the region could be a source of a strong seismic-related movement at the project site. According to the *Geotechnical Report* (Geotechnical Exploration, Inc. 2012), the Rose Canyon Fault is the closest fault zone to the project site and is located approximately 3.4 miles to the southwest and west. The future Phase 2 residences buildings would be constructed in compliance with the seismic safety standards set forth in the California Building Code (CBC), as amended. Compliance with the CBC would include the incorporation of: 1) seismic safety features to minimize the potential for significant effects as a result of earthquakes; 2) proper building footings and foundations; and 3) construction of the building structure so that it would withstand the effects of strong ground shaking. In addition, the City's Building Division would review any future building plans through building plan checks, issuance of a building permit, and inspection of the residences during construction, which would ensure that all required CBC seismic safety measures are incorporated into all of the homes. Compliance with the CBC and the Building Division's review process, permit application, and inspection would result in less than significant impacts, and no mitigation measures are required.

The proposed project would not expose people and structures to potential seismic-related ground failure, including liquefaction. Liquefaction is a phenomenon in which a saturated cohesionless soil causes a temporary transformation of the soil to a fluid mass, resulting in a loss of support. According to the *Geotechnical Report* (Geotechnical Exploration, Inc. 2012), the risk of liquefaction on the project site is very low because of the dense nature of the natural ground material and the lack of a shallow, static groundwater surface under the project site. The project site does not have a potential for soil strength loss to occur due to a seismic event. Furthermore, compliance with the CBC would include the incorporation of seismic safety features to minimize any potential for significant effects as a result of seismic-related ground failure, resulting in less than significant impacts.

The proposed project would not expose people or structures to landslide hazards. According to the *Geotechnical Report* (Geotechnical Exploration, Inc. 2012), there are no known or suspected ancient landslides located on the project site. Therefore, landslides or other forms of adverse geologic conditions are not present on the site and impacts related to landslides would be less than significant.

**b–d. Less than Significant Impact.** According to the *Geotechnical Report* (Geotechnical Exploration, Inc. 2012), the site is characterized as covered by natural and cultivated topsoils and slopewash. These earth materials are in turn underlain by Old Paralic Deposits and Torrey Sandstone. The Old Paralic Deposits and Torrey Sandstone have low and very low expansion potential and very good strength bearing characteristics. In their current condition, the upper 1 to 2 feet of the formational terrace materials would not provide a stable soil base for potential residential structures and improvements. The *Geotechnical Report* recommends that those materials be removed and recompacted as part of site preparation prior to the addition of any new fill or structural improvements. The recompaction requirements and other recommendations that are required to be followed in the *Geotechnical Report* (Geotechnical Exploration, Inc. 2012) and the required implementation of standard erosion-control measures, including preventing saturation of slopes and preventing runoff waters from entering footing excavations, and stormwater construction BMPs, are considered conditions of approval for the project in order for the applicant to construct. Therefore, less than significant impacts are anticipated regarding soil erosion or loss of topsoil during project construction.

Slope stability analyses were performed on the easterly descending slope as a part of the *Geotechnical Report* (Geotechnical Exploration, Inc. 2012). The computer program used calculated the factors of safety against deep failure of the hillside. Through rigorous testing and analyses, the *Geotechnical Report* confirmed that the site could be developed with no significant impact to the eastern slope. The project proposes to retain the mature vegetation on the eastern edge of the site with a steep slope easement. This steep slope easement would also serve to protect the portion of the project site that is located within the City's Hillside Overlay Zone (Municipal Code 17.48.020). Since the slope is set to remain intact throughout development and it consists of extensive groundcover to further protect from erosion, the eastern slope is expected to remain stable; therefore, impacts regarding soil erosion would be less than significant.

Construction of the project would not increase the potential for on-site or offsite landslides, lateral spreading, expansion, subsidence, liquefaction, or collapse to occur. The underlying geology of the project site consists of Old Paralic Deposits which were encountered at a depth between one and 20 feet below existing ground surface (Geotechnical Exploration, Inc. 2012). Given this condition and the fact that groundwater was not found onsite and is expected to be at least 45 feet below the ground surface, earthquake-induced liquefaction, lateral spreading, subsidence, and dynamic settlement are not anticipated to be a factor in site development.

According to the *Geotechnical Report* (Geotechnical Exploration, Inc. 2012), laboratory tests performed on the disturbed and relatively undisturbed soil samples indicated that the onsite silty sand topsoil and formational terrace materials have a low expansion potential (expansion index less than 50). Accordingly, project implementation would result in no significant impacts in regards to expansive soils. Given the compaction requirements and other recommendations in the *Geotechnical Report* (Geotechnical Exploration, Inc. 2012) that the City requires in submittals for the grading permit, less than significant impacts would occur due to expansive soils.

**e. No Impact.** Although no residences are proposed at this time, the eight additional future homes that could be developed onsite would tie into existing sewers, avoiding the need to use septic tanks (and would include abandoning any existing/inactive septic system) or alternative wastewater disposal systems. Therefore, no impacts would occur.

## Geology and Soils Mitigation Measures

None required.

<b>VII. Greenhouse Gas Emissions</b>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<i>Would the Project:</i>					
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The discussion below is summarized and based on project-specific modeling using the CalEEMod (Version 2016.3.2). Model input and output are included in the IS/MND as Appendix A.

**Discussion**

**a–b. Less than Significant Impact.**

**BACKGROUND**

In response to Executive Order (EO) S-3-05 (June 2005), which acknowledged California’s vulnerability to climate change, the California Global Warming Solutions Act of 2006, Assembly Bill 32 (AB 32) was signed into effect on September 27, 2006. In passing the bill, the California Legislature found that “*Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California...*” (California Health and Safety Code, Division 25.5, Part 1).

Global warming is the observed increase in the average temperature of the Earth’s surface and atmosphere caused by increased greenhouse gas (GHG) emissions, which can contribute to changes in global climate patterns resulting in global climate change. GHG emissions are the result of both natural and anthropogenic activities, and the primary sources of these emissions is caused by the consumption of fossil fuels for power generation and transportation, forest fires, decomposition of organic waste, and industrial processes. Principal GHG’s that enter the atmosphere as a result of human activities are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated gases (i.e., hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride). Fluorinated gases generally occur in lesser quantities for shorter periods of time.

The three primary GHGs discussed are described below (Solana Beach 2014b):

1. CO<sub>2</sub> is released into the atmosphere through the burning of fossil fuels (oil, natural gas, and coal), solid waste, trees and wood products, and also as a result of other chemical reactions (e.g., cement production) and deforestation. Carbon dioxide is also removed from the atmosphere (or “sequestered”) when it is absorbed by plants as part of the biological carbon cycle.
2. CH<sub>4</sub> is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from agricultural practices, such as the raising of livestock, and by the decomposition of organic waste in landfills.
3. N<sub>2</sub>O is emitted during agricultural and industrial activities, as well as during the burning of fossil fuels and solid waste.

Each GHG has a different potential for trapping heat in the atmosphere, called global warming potential (GWP). GWP for a gas is a measure of the total energy that a gas absorbs over a particular period of time (usually 100 years), compared to CO<sub>2</sub>. CO<sub>2</sub> is the primary GHG emitted through human activities and is typically used as a baseline in the analysis and reporting of GHGs. GHG emissions are typically reported in metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) units, or in millions of metric tons (MMT). When dealing with an array of emissions, the gases are converted to their carbon dioxide equivalents for comparison purposes. The global warming potential for CH<sub>4</sub> and N<sub>2</sub>O is 21 and 310, respectively.

#### REGULATORY FRAMEWORK

AB 32 – Among a number of bills supporting EO S-3-05, AB 32 required that, by January 1, 2008, the California Air Resources Board (CARB) determine what the statewide GHG emissions level was in 1990, and approve a statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020. The CARB adopted its *AB 32 Scoping Plan* in December 2008, which provided estimates of the 1990 GHG emissions level and identified sectors for the reduction of GHG emissions. The CARB estimated that the 1990 GHG emissions level was 427 MMT net CO<sub>2</sub>e. The CARB estimates that a reduction of 173 MMT net CO<sub>2</sub>e emissions below business-as-usual (BAU) would be required by 2020 to meet the 1990 levels. This amounts to roughly a 28.35 percent reduction from projected business-as-usual levels in 2020. In 2011, the CARB developed a *Supplement to the AB 32 Scoping Plan (Scoping Plan Supplement)*. The *Supplement* updated the emissions inventory based on current projections for BAU emissions to 506.8 MT of CO<sub>2</sub>e. The updated projection included adopted measures (Pavley 1 Fuel Efficiency Standards, 20 percent Renewable Portfolio Standard (RPS) requirement, etc.), and estimated that an additional 16 percent reduction below the estimated BAU levels would be necessary to return to 1990 levels by 2020. In 2014, the CARB published its *First Update to the Climate Change Scoping Plan*. This update indicates that the State is on target to meet the goal of reducing GHG emissions to 1990 level by 2020. The *First Update* tracks progress in achieving the goals of AB 32, and lays out a new set of actions that would move the State further along the path to achieving the 2050 goal of reducing emissions to 80 percent below 1990 levels (CARB 2016). In 2017, CARB posted a second update. The 2017 Climate Change Scoping Plan Update was finalized in November 2017 and adopted in December 2017. This most recent scoping plan lays out the framework for achieving the 2030 reductions as established in Executive Order B-30-15 and SB 32. It identifies GHG reductions by emissions sector to achieve a statewide emissions level that is 40 percent below 1990 levels by 2030.

SB 32 – On September 8, 2016, SB 32 was signed into law, which extended statewide GHG emission reduction measures beyond 2020. SB 32 mandated a 40 percent reduction in GHG levels below 1990 levels by 2030. GHG emissions from the proposed project are expected to continually decrease over time to comply with measures in the CAP, once adopted, and future statewide initiatives. For example, a large share of the future emissions reduction goals in SB 32 are expected to be accomplished by statewide initiatives such as the renewables portfolio standard for utilities; the Pavley vehicle emissions standards; energy efficiency standards for buildings, appliances, and industrial equipment; incentives for electric vehicles; and the low-carbon fuel standard for imported fuel. For this reason, as well as the fact that the estimated project emissions are well below the current local CEQA screening threshold levels, the proposed project is expected to comply with the new statewide targets beyond 2020.

#### THRESHOLD OF SIGNIFICANCE AND METHODOLOGY

The City's first Climate Action Plan (CAP) was adopted in 2017 in conjunction with the City's General Plan Update to meet the goals of AB 32 and Senate Bill (SB) 32 (Solana Beach 2018). The CAP includes emission reduction targets of 15% below baseline conditions (2010) by 2020 and 50% below baseline conditions by 2035. The CAP also includes an aggressive goal of achieving 100% renewable energy by 2035 (Solana Beach 2017). To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time, the expected climate change effects on the City, GHG emissions reduction targets and goals to reduce the community's contribution to global warming, and identification and evaluation of strategies and specific measures to comply with statewide GHG reduction targets and goals, along with measures to help the community adapt to climate change impacts. The General Plan Update was completed in 2014, and the CAP was formally adopted on July 12, 2017. In April 2016, the

City prepared an updated draft GHG emissions inventory. The development of eight single-family units as part of Phase 2 of the proposed project would generate minimal GHG emissions, would be consistent with the adopted General Plan, and would not conflict with the goals, policies, and emission reduction targets set forth in the City's CAP.

Several lead agencies in California have adopted a screening threshold as recommended by the CAPCOA (California Air Pollution Control Officers Association) Report, *CEQA and Climate Change - Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act* (January 2008), which proposes a screening level threshold of 900 metric tons of CO<sub>2</sub>e per year to evaluate whether a project must conduct further analysis. Recently, the County of San Diego has recommended applying the CAPCOA screening-level significance threshold of 900 metric tons/year of CO<sub>2</sub>e emissions for construction and operation of development projects (County of San Diego 2016).

Although the applicant is currently only seeking approval of a land subdivision and approval of proposed grading plan to create eight new building pads (Phase 1), the Greenhouse Gas analysis prepared for the proposed project anticipates both the Phase 1 and the future Phase 2 which would include construction, occupancy, and operation of the new homes onsite. Therefore, the following analysis accounts for the potential GHG effects of both Phase 1 and Phase 2 site development activities.

GHG emissions associated with the proposed project were estimated for six categories of emissions: (1) construction; (2) energy use, including electricity and natural gas usage; (3) water consumption; (4) solid waste management; (5) area sources; and (6) transportation.

#### CONSTRUCTION GHG EMISSION IMPACTS

Construction of the proposed project would result in GHG emissions, which are primarily associated with use of off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles. GHG emissions associated with temporary construction activity were quantified using the CalEEMod. CalEEMod contains emission factors from the OFFROAD2007 model for heavy construction equipment and from the EMFAC2011 model for on-road vehicles. A detailed depiction of the construction schedule—including information regarding phasing, equipment utilized during each phase, haul trucks, vendor trucks, and worker vehicles is included in Appendix A. Table GHG-1 shows the estimated GHG construction emissions associated with the proposed project.

**Table GHG-1**  
**Estimated Construction Phase GHG Emissions**

Construction Phase	Annual Emissions (MT CO <sub>2</sub> e /year)
Demolition	15
Site Preparation	10
Grading	32
Trenching	38
Building Construction	354
Paving	10
Architectural Coating	8
<b>Total</b>	<b>467</b>

Source: CalEEMod Version 2016.3.2. See Appendix A for model output.

As shown in Table GHG-1, total construction emissions from the proposed project would not exceed the 900 MT CO<sub>2</sub>e per year screening level. Impacts would be less than significant during construction.

**OPERATIONAL GHG EMISSION IMPACTS**

Although the applicant is currently only seeking approval of a land subdivision and approval of proposed grading to create eight new building pads (Phase 1), the GHG analysis prepared for the proposed project anticipates both the Phase 1 and the future Phase 2 which would include construction, occupancy and operation of the new homes onsite. Therefore, the following GHG analysis accounts for the potential GHG emissions associated with both Phase 1 and Phase 2 site development activities.

The proposed project includes an anticipated future Phase 2 development of eight single-family residences on an approximately 4.2-acre site. Operational emissions would include direct emissions from mobile source emissions and indirect emissions from electricity use and other sources. Vehicular emissions are calculated using the estimated net ADT of 60 trips for the project provided in the traffic analysis (Fehr & Peers 2019). Although the specific design of the future homes is unknown, the applicant estimates that future homes will result in a demand of 360 kWh of electricity, 180 therms of natural gas, and 146,000 gallons of water per year per home. Solid waste generation is estimated to be 2.05 tons per home per year. According to the applicant, the project would be planned and designed for sustainable site development, energy efficiency, and water and material conservation including the installation of energy and water efficient indoor and outdoor infrastructure to reduce GHG emissions. A sidewalk is proposed to be added within the site and along South Nardo to encourage walking over vehicle travel. To be conservative, this analysis assumes default CalEEMod energy and natural gas demand for single-family residences. The project-specific estimated water use and solid waste generation are conservative compared to CalEEMod default assumptions. The predicted operational emissions are presented in Table GHG-2.

**Table GHG-2  
Estimated Annual Operational GHG Emissions**

Emission Source	Annual Emissions (MT CO <sub>2</sub> e/year)
Area Sources	12
Energy	35
Mobile Sources	114
Solid Waste	9
Water Supply and Wastewater	7
<b>Total</b>	<b>177</b>

Source: CalEEMod Version 2016.3.2. See Appendix A for model output.

As shown in Table GHG-2, estimated annual project-generated GHG emissions would be approximately 177 MT CO<sub>2</sub>e per year as a result of project operations. Emissions are below the CAPCOA screening threshold of 900 metric tons annually; therefore, impacts would be less than significant. The proposed project would not result in a cumulatively considerable contribution to a global climate change impact.

**Greenhouse Gas Emissions Mitigation Measures**

None required.

<b>VIII. Hazards and Hazardous Materials</b>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<i>Would the Project:</i>					
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	For a Project located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	For a Project within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildlands fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The discussion below is summarized and based on the findings contained within the *Phase I and Phase II Environmental Site Assessment for 512, 516, 524, and 538 South Nardo Avenue (Phase I ESA and Phase II ESA)* (SCS Engineers 2012) prepared for the proposed project, as well as the *Comment Response Letter (SCS Comment Response Letter)* written by SCS Engineers in May 2018 (SCS Engineers 2018). These reports are included in the IS/MND as Appendices E1 and E2.

### **Discussion**

**a. Less than Significant with Mitigation Incorporated.** The project proposes to subdivide a 4.2-acre site into an eight-lot residential subdivision. Although the applicant is not seeking approval to construct the eight additional homes at this time, it is anticipated that the new homes would be built as part of a future Phase 2 site development effort that would be subject to review and approval by the City. However, potential impacts associated with hazards and hazardous materials have been analyzed for both Phase 1 and the future Phase 2 of the proposed project.

To understand potential construction-related health hazards, a Phase I and Phase II Environmental Site Assessment (ESA) for the project site was conducted in 2012 (SCS Engineers 2012). Details of the Phase I and Phase II ESA objectives and scope are provided in Appendix E1. SCS Engineers also performed additional soil sampling at the project site from 2016 to 2017, results of which are discussed below

According to the *Phase 1 ESA*, there are no obvious indications of hazardous waste at the project site. Likewise, there are no obvious indications that a release of hazardous materials/wastes or petroleum products has occurred at the site. A former pesticide storage cabinet was observed on the site located on a stone platform within a stone building with a concrete slab. Based on the location of the former pesticide storage area, the storage area has a low likelihood of resulting in a recognized environmental condition (REC) given the lack of observed staining or indication of spills in the soil (SCS Engineers 2018). A review of a County of San Diego Department of Environmental Health (DEH) database of facilities storing hazardous materials, generating hazardous wastes, and discharging unauthorized releases provided no information in connection with the site; the DEH, when contacted, indicated that there were no files associated with the site. Solana Beach Fire Department (SBFD) records contained no information regarding hazardous materials or underground storage tank records for the site.

According to the *Phase 1 ESA*, there is a low likelihood that a REC exists at the project site, with two exceptions: a possible water well in the southeast area of Lot 8 and historic and current agricultural uses on the project site. According to an interview with a trustee for the property, the well may have been installed as an “imitation well” and has never been used for production purposes. However, during an interview, a site tenant recalls seeing water obtained from the well in the past. The possible environmental concerns associated with water wells include well seal failures and the related introduction of chemicals in the groundwater from surface sources and/or runoff. If the possible well is an historic well that is in contact with groundwater, Mitigation Measure HAZ-1 requires that it be properly destroyed in accordance with DEH guidelines.



Agricultural uses on the project site and in the project vicinity date back to before 1928. Because of the historic and current agricultural uses on the project site and project vicinity, there is a moderate likelihood that residual concentrations of organochloride pesticides are present in the shallow surface soil. As such, a *Phase II ESA* including soil sampling was conducted to measure concentrations of pesticides in the shallow soils onsite. According to the *Phase II ESA*, with the exception of arsenic, all metal and pesticide concentrations detected at the site were significantly below California Human Health Screening Levels (CHHSLs). Although the arsenic levels exceeded the CHHSL thresholds, they were within naturally-occurring background concentrations. Because arsenic is commonly present in California in concentrations that exceed risk criteria under naturally occurring conditions and the arsenic concentrations in the shallow soil at the project site were within naturally occurring background concentrations, the soil sample results did not appear to be indicative of a release of arsenic. SCS Engineers (2018) performed additional soil samplings in 2016 and 2017 for organochlorine pesticides, and the data were generally consistent with previous findings, since no organochlorine pesticides have been applied to the site since 2012. Due to the consistency of these samplings, SCS Engineers' professional opinion is that data collected from the project site are representative of current conditions.

Given the presence of residual concentrations of organochlorine pesticides and metals, the soil is likely to be a regulated waste. Because residual concentrations of organochlorine pesticides and metals were detected in the soils on the site, precautions would be taken during grading to control dust and minimize the likelihood of soil leaving the site. Specifically, water would be used for dust suppression and a Stormwater Pollution Prevention Plan (SWPPP) (required by the City for any grading project over one acre in size) would be prepared and implemented. However, because the proposed project would not export soil from the site, no mitigation measures are required to ensure the soil is properly characterized for offsite disposal.

Given the age of some of the structures onsite, demolition operations onsite have the potential to contain Asbestos Containing Materials (ACM) and Lead Based Paint (LBP). Asbestos can cause a variety of health issues; therefore, it is strictly regulated by both USEPA, CalEPA and CalOSHA. Although asbestos is usually safe when it is undisturbed and the ACMs are in good condition, once disturbed (such as during remodeling or demolition) the fibers can become airborne. According to the County of San Diego, any activities that involve asbestos-containing materials must conform to San Diego Air Pollution Control District (SDAPCD) Rules 361.140 - 361.156. To ensure that proper procedures are followed to control the emissions of asbestos into the atmosphere, the SDAPCD must be notified in writing at least 10 days in advance of any demolition. The Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as specified under Rule 40, CFR 61, Subpart M; (enforced locally by the San Diego Air Pollution Control District, under authority, per Regulation XI, Subpart M - Rule 361.145) requires the owner of an establishment, set for demolition or renovation, or the owner or operator of any equipment used to demolish or renovate any structure, to submit an Asbestos Demolition or Renovation Operational Plan (Notice of Intention) at least 10 working days before any asbestos stripping or removal work begins (such as, site preparation that would break up, dislodge or similarly disturb asbestos containing material.) A Notice of Intention is required for all demolitions, regardless of whether there is the presence of asbestos containing material, or not. Friable asbestos wastes are regulated as hazardous waste (CCR, Title 22, Division 4.5, Chapter 11, Article 3, Section 66261.24) and must be transported by a licensed hazardous waste hauler and disposed of in an appropriate landfill. If ACM's or LBP's are encountered during demolition of any structures onsite, this would be a potentially significant impact and mitigation is required as described below in Mitigation Measure HAZ-2.

Typically, residential uses do not generate, store, dispose of, or transport quantities of hazardous substances. Operation of the project, which includes the Phase 2 construction of eight new residences, would not expose on-site users or the surrounding community to any health hazards from hazardous materials, and no impacts would occur from project operation.

**MITIGATION MEASURES**

**HAZ-1** If it is determined that the potential well observed on the project site is an historic well that is in contact with groundwater, the applicant shall ensure, prior to the issuance of a grading permit, that the well is properly destroyed in accordance with DEH guidelines Chapter 4, Wells, in the San Diego County Code of Regulatory Ordinance. The applicant shall obtain a written permit from the Director of Environmental Health who has deemed the well a nuisance by polluting or contaminating ground water or serves as a safety hazard. A licensed contractor shall perform the destruction of the well and the Director shall oversee that it is completed.

**HAZ-2** Prior to the issuance of a grading permit, the applicant shall conduct a comprehensive, pre-demolition survey in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act and Lead Based Paint (LBP) survey prior to any activities with the potential to disturb building materials to determine whether ACM or LBP are present. In the event ACM or LBP are detected, proper removal and disposal of the materials identified shall occur prior to any activities with the potential to disturb the ACM or LBP. To ensure that proper procedures are followed to control the emissions of asbestos into the atmosphere, the SDAPCD must be notified in writing at least 10 days in advance of any demolition by completing a Notice of Intention form. Any demolition plan shall ensure that any/all ACM and/or LBP encountered on-site during construction activities are removed and properly disposed of in accordance with regulations and procedures established by the San Diego County Department of Environmental Health and must be transported by a licensed hazardous waste hauler and disposed of in an appropriate landfill. The SD DEH, Occupational Health Program, or designee shall monitor the applicant's implementation of the demolition plans.

**b. Less than Significant Impact.** Construction equipment that would be used to build the proposed project has the potential to release relatively small amounts of oils, greases, solvents, and other finishing materials through accidental spills. Spill or upset of these materials could have the potential to significantly impact surrounding land uses; however, federal, state, and local controls have been enacted to reduce the effects of such potential hazardous materials spills. The Solana Beach Fire Department (SBFD) enforces City, state, and federal hazardous materials regulations for the City which include the Uniform Fire Code (UFC), the Resource Conservation and Recovery Act (RCRA), Chemical Accident Prevention Provisions listed under Part 68 of the Code of Federal Regulations, the State accidental release prevention programs approved under Section 112(r), the California Accidental Release Prevention (CalARP) and the Emergency Planning Community Right-to-Know Act (EPCRA).

City regulations include spill mitigation and containment and securing of hazardous materials containers to prevent spills. In addition, the State Fire Marshal enforces oil and gas pipeline safety regulations, and the federal government enforces hazardous materials transport pursuant to its interstate commerce regulation authority. Two programs contained in California Health and Safety Code Chapter 6.95 are directly applicable to the CEQA issue of risk due to hazardous substance release. In San Diego County, these two programs are referred to as the Hazardous Materials Business Plan program and the CalARP program. The County of San Diego DEH Hazardous Materials Division (HMD) is responsible for the implementation of the HMBP program and the CalARP program in San Diego County. The HMBP and CalARP Program provide threshold quantities for regulated hazardous substances. When the indicated quantities are exceeded, an HMBP or RMP is required pursuant to the regulation. Congress requires the USEPA Region 9 to make RMP information available to the public through USEPA's Envirofacts Warehouse at <http://www.epa.gov/enviro>.

Compliance with all of these requirements is mandatory as standard permitting conditions, and would minimize the potential for the accidental release or upset of hazardous materials, thus ensuring public safety. Therefore, compliance with the above referenced requirements would result in less than significant impacts with respect to the creation of significant hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

**c. Less than Significant Impact.** The closest existing public school is Earl Warren Middle School (a public school with students in grades 7-8), which is located less than one mile northeast of the project site at 155 Stevens Avenue in Solana Beach. St. James Academy, a private, Catholic, K-8 elementary school, is located 0.2 mile south of the project site at 623 South Nardo Avenue. As stated under VIII, b., neither construction nor operation of the proposed project would result in a release of any significant amounts of hazardous substances that could cause a public health hazard offsite at these local schools.

**d. No Impact.** The Cortese List database identifies facilities designated by State Water Resources Control Board (SWRCB), the Integrated Waste Board, and the Department of Toxic Substances Control. The project site was not listed on a search of the Cortese List database ([www.envirostor.dtsc.ca.gov](http://www.envirostor.dtsc.ca.gov)), and there were no active or open cases found in the database search of properties within a one-half mile range of the project site. Other databases were searched through SWRCB's GeoTracker web site, such as LUST (Leaking Underground Storage Tanks) and no active or open cases were found on the GeoTracker site. There would be no impact related to a hazardous materials site that would create a significant hazard to the public or the environment.

**e-f. No Impact.** The nearest operational public airport or private airstrip, McClellan-Palomar Airport, is located more than 12 miles to the northeast of the project site. This facility is far enough away from the subject site such that implementation of the proposed project would not result in a safety risk for people working in the project area, or to air traffic from these airports. Therefore, no impacts related to airports or airstrips are anticipated to occur.

**g. No Impact.** The proposed project would not impair or physically impact any adopted emergency response plan or evacuation plan. The proposed project would require the temporary closure of one lane of South Nardo Avenue, but would not require the full closure of any public or private streets or roadways, and would not impede access of emergency vehicles to the project site or any surrounding areas. Further, the project would provide all required emergency access in accordance with the requirements of the Solana Beach Fire Department (SBFD). Therefore, no impacts to emergency response are anticipated to occur.

**h. No Impact.** The project site is not located within a Fire Hazard Severity Zone as designated on the City's Fire Hazard Severity Zones Map. Therefore, implementation of the proposed project and the future potential construction of eight homes onsite as part of a future Phase 2 would not result in a significant risk of loss, injury or death to people or structures from wildland fires where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

## **Hazards and Hazardous Materials Mitigation Measures**

Mitigation Measures HAZ-1 and HAZ-2 are required. With implementation of these measures, potential impacts related to hazards and hazardous materials would be less than significant.

<b>IX. Hydrology and Water Quality</b>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<i>Would the Project:</i>					
a.	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i.	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j.	Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The discussion below is summarized and based on the findings contained in the following reports: (1) the *Preliminary Hydrology Study for Ocean Ranch Estates – 512, 516, 524 & 538 South Nardo Avenue (Hydrology Report)* (Pasco Laret Suiter & Associates, Inc. (PLSA) 2017a); (2) the *Priority Development Project Water Quality Technical Report for Ocean Ranch Estates (PDP WQTR)* (Pasco Laret Suiter & Associates, Inc. (PLSA) 2017b); (3) a report prepared by a third-party engineering firm, Coffey Engineering, Inc., hired by surrounding neighbors, titled *Hydrology Study & Prelim GP for The Graziano Residence – Findings* (Coffey Engineering 2018); and (4) a response letter by Pasco Laret Suiter & Associates titled *Responses to Ocean Ranch Estates Subdivision – Findings (TM 17-17-15 & Initial Study/Mitigated Negative Declaration)* (PLSA 2018) prepared for the proposed project. These reports are included in the IS/MND as Appendices F1, F2, F3, and F4.

## Discussion

**a, c–f. Less than Significant Impact.** The applicant seeks approval of a Development Review Permit (DRP) and a Major Subdivision (Tentative Subdivision Map) to subdivide an existing 4.2-acre site into eight lots to support the future development of eight homes onsite. Although no homes or associated hardscape are proposed as part of Phase 1, storm drain infrastructure necessary to collect and convey future runoff to appropriate points of discharge has been designed as part of Phase 1. Potential impacts associated with hydrology and water quality have been analyzed for both Phase 1 and a future Phase 2.

The primary pollutants of concern that could be generated by the development of the proposed project include sediments, nutrients, trash and debris, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides. Potential hydrologic conditions of concerns are impacts to the hydrologic regime resulting from development. This typically includes increased runoff volume and velocity; reduced infiltration; increased flow frequency, duration, and peaks; faster time to reach peak flow; and water quality degradation. The following discussion addresses these concerns.

### DRAINAGE PATTERN

In the existing condition, onsite stormwater drainage is defined by two basins. Basin 1 consists of the majority of the project site, the southwestern and northeastern portion, and includes offsite runoff from the adjacent area to the north and west. Offsite runoff flows easterly overland onto the project site. Onsite runoff from Basin 1 flows overland northeasterly across the site, conflues with offsite flow, and drains to an existing concrete drainage channel located near the top of the steep eastern slope. From there, flow discharges from the drainage channel to the steep slope and continues to an existing brow ditch,<sup>4</sup> which conveys the flows to an 18-inch corrugated metal pipe storm drain pipe that discharges at 627 Fresca Street via a modified curb outlet. Runoff continues north along Fresca Street and is ultimately discharged into the existing storm drain system located at the end of the cul-de-sac at 776 Sonrisa Street. Basin 2 consists of the remaining southeastern portion of the site from which runoff flows overland easterly and down the steep slope to an existing ditch at the bottom of the slope near the southeastern corner of the site, which discharges via a concrete spillway onto S. Nardo Avenue. Runoff ultimately discharges to the existing storm drain system located north of the intersection of S. Nardo Avenue and Stevens Street. Stormwater runoff from the subject property ultimately enters Stevens Creek where it is conveyed to the Pacific Ocean via the San Dieguito River Lagoon.

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<sup>4</sup> A brow-ditch is a type of drainage interceptor ditch that is typically placed above cut slopes.

The proposed project would not substantially alter the existing drainage pattern and would use the same discharge points as in the existing condition: a curb outlet onto Fresca Street and a concrete spillway onto South Nardo Avenue. With the proposed project, there would be two drainage basins to mimic the existing condition. Basin 1 would consist of the majority of the project site and the southwestern and northeastern portion and would include offsite runoff from the adjacent area to the north and west. Onsite runoff from the graded pads, except small portions of Lot 5 and Lot 6, would surface flow to the street. Runoff from the pads and the street would flow easterly to a new curb inlet at the end of the cul-de-sac. All onsite flows would continue northeast in the proposed storm drain to the proposed HMP Biofiltration basin located in Lot 8. The HMP Biofiltration facility would consist of a basin with an approximately 2,800-square-foot basin bottom, 18 inches of engineered soil, and 15 inches of gravel. Runoff would be biofiltered through the engineered soil and gravel layers and then collected in a series of small PVC drainpipes and directed to a catch basin where runoff would be mitigated via a 1-inch HMP orifice to comply with HMP requirements. In larger storm events, runoff not filtered through the engineered soil and gravel layers would be conveyed via an overflow outlet structure consisting of a grate located on top of the catch basin. Runoff conveyed via the outlet structure would bypass the small HMP orifice and be conveyed directly to a proposed outlet pipe. The HMP biofiltration basin would provide hydromodification management flow control, stormwater pollutant control, and mitigation for the 50-year and 100-year 6-hour storm events. This proposed bioretention treatment area would treat potential pollutants from the proposed project and would be privately maintained by future property owners within the subdivision.

After treatment and detention, flow from the HMP Biofiltration basin would discharge to a proposed 18-inch reinforced concrete pipe storm drain, which would replace the existing 18-inch corrugated metal pipe and flow to Fresca Street via a modified curb outlet with an 8-foot opening, which would replace the existing curb outlet as it does in the existing condition. In addition, a secondary 8-inch PVC pipe would be installed to collect and convey runoff from the downstream properties to Fresca Street. This secondary pipe system would allow the two systems to function independently to provide optimum conveyance. Offsite runoff from the adjacent area to the north and west of the project site would be collected in a proposed drainage ditch and conveyed to a separate proposed storm drain, which would bypass the HMP biofiltration basin and continue as described above. A 10-foot-wide easement approximately 300 sf from one of the downstream properties (APN 298-440-37) has been granted by the downslope property owner, Laurel Graziano, as of January 7, 2019 to connect the proposed storm drain system to the existing storm drain system (SD County Recorder 2019).

Basin 2 would consist of portions of Lot 5 and Lot 6 and the small area of undeveloped steep slope in the southeastern portion of the site. Runoff from Lot 5 and Lot 6 would flow toward the back of each lot to a proposed storm drain, which would discharge to the existing ditch at the bottom of the slope near the southeastern corner of the site and would continue as it does in the existing condition (see Figure 4, Drainage to Fresca Street).

Phase 2 of the proposed project is a future phase that would consist of the development of a future home on each of the eight lots. Each future home proposed on the finished lots that exceeds 16 feet would be required by the City of Solana Beach to be entitled via an SDP. Each home would also require a grading permit. As a part of the SDP process, each home would be deemed a PDP and subject to stormwater pollutant control and hydromodification management design requirements as set forth by the MS4 Permit and the City of Solana Beach BMP Design Manual. Additionally, the Engineering Department would require hydrologic calculations to determine the detention required for each individual lot to mitigate the runoff from the proposed future home back to the pre-project condition so there would be no negative downstream impacts. An example of a Phase 2 future home project and calculations for individually managing the future home, including the driveway, patio, and stormwater basin, is included as an exhibit in the *Hydrology Report* (PLSA 2017a).

According to the *Hydrology Report*, as a result of the Phase 1 redevelopment of the proposed project and the detention provided by the proposed HMP Biofiltration basin, the 50-year and 100-year 6-hour storm event peak discharge rates to Fresca Street would be decreased to below existing condition levels. In addition to mitigating the 50-year and 100-year storm events, the HMP Biofiltration basin would also treat onsite runoff for pollutant control and would provide hydromodification management flow control to satisfy the requirements of the MS4 Permit. Based on extensive hydrograph analysis performed, the HMP Biofiltration basin has been designed to adequately treat onsite stormwater pollutants contained in the volume of runoff from a 24-hour, 85th percentile storm event without flooding (PLSA 2017a, 2018). The future Phase 2 of the project, the development of each lot, would require each lot to individually manage lot stormwater runoff for pollutant control, hydromodification management, and the 50-year and 100-year 6-hour storm event peak discharge. The stormwater discharge from the project would be adequately conveyed through the proposed 18-inch PVC/reinforced concrete pipe storm drainpipe and the existing brow ditch.

Coffey Engineering, Inc., a third-party engineering firm hired by the residences surrounding the project site, analyzed the proposed drainage plan and found that the plans correctly model and convey the expected stormflow safely and adequately (Coffey Engineering 2018). Their findings letter can be found in Appendix F3. Through the use of a biofiltration basin and associated conveyance network, the system would adequately detain, attenuate, and convey stormwater through the neighboring property to Fresca Street. This system would provide additional protection from the residences by bypassing stormflows that used to flow into their backyards. This drainage system and all related BMPs would be implemented as conditions of approval for the proposed project prior to issuance of a grading permit. Therefore, the proposed project would not substantially alter the existing drainage and runoff of the site in a manner that would result in substantial erosion or siltation or substantial flooding onsite or offsite. It would also have a less than significant impact on the amount of runoff that would enter the existing and planned stormwater drainage system.

## **WATER QUALITY**

To address potential water quality impacts due to project development, BMPs would be implemented during construction and post-construction.

### Types of Post-Construction BMPs

LID site design BMPs are intended to minimize impervious surfaces and promote infiltration and evaporation of runoff before it can leave the location of origination by mimicking the natural hydrologic function of the site. Integrated management practices (IMPs) facilities are used in conjunction with LID BMPs as they provide small-scale treatment, retention, and/or detention that are integrated into site layout, landscaping and drainage design. Source control BMPs are intended to minimize, to the maximum extent practicable, the introduction of pollutants and conditions of concern that may result in significant impacts generated from site runoff to offsite drain systems. Treatment control BMPs are intended to treat stormwater runoff before it discharges offsite. According to the City's Storm Water regulations, specific localized treatment control BMPs are more effective at reducing or minimizing pollutants of concern than other types of BMPs. The implementation of all City recommended construction and post-construction BMPs would reduce, to the maximum extent feasible, all expected pollutants of concern and other anticipated pollutants.

### Construction Activities

Short-term erosion impacts during the construction phase of the project would be prevented through implementation of an erosion control plan. A grading and erosion control plan is required in accordance with the City's Excavation and Grading Ordinance (SBMC 15.40) and the State General Permit to Discharge Storm Water Associated with Construction Activities and must be submitted for plan check and approval by the City Engineer prior to final approval of the project. The project would also be required to comply with the City's Construction and Demolition Debris Recycling Ordinance (SBMC 6.36).

The preliminary erosion control plan (PLSA 2017c) includes the following construction BMPs:

- silt fence along property lines and along top slope
- gravel bag storm drain inlet protection
- gravel bag check dams
- temporary stabilized construction entrance/exit

In addition, a Notice of Intent filed with the RWQCB (Region 9) and preparation of a Stormwater Pollution Prevention Plan (SWPPP) would be required before project construction commences. A SWPPP is required for all construction projects that are larger than one acre in size. A SWPPP contains a site map, which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project site. The SWPPP must list BMPs that will be used to protect stormwater runoff and the placement of the BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

#### Post-Construction Activities

The City's Storm Water Management and Discharge Control Ordinance (*SBMC Chapter 13.10*) requires that all new development and redevelopment activities comply with the stormwater pollution prevention requirements. Prior to permit submittal, the project applicant must complete the "Standard Urban Storm Water Mitigation Plan Checklist." The checklist will determine if the project requires Standard BMPs or Priority BMPs. Projects requiring Priority BMPs fall into one of six categories as of the 2013 National Pollutant Discharge Elimination System permit update by the City of Solana Beach. The proposed project falls into one of these categories and is classified as a PDP as confirmed by Pasco Laret Suiter & Associates (PLSA 2018). Therefore, the proposed project would implement Priority BMPs, including minimizing impervious areas and employing runoff collection, for both phases to satisfy this requirement.

Furthermore, the project proposes a LID, a stormwater HMP Biofiltration basin, which would provide on-site treatment of potentially polluted runoff from the majority of the proposed project. Therefore, development of the proposed project would have a less than significant impact on water quality standards or waste discharge requirements, and would not provide a substantial additional source of polluted runoff.

**b. Less than Significant Impact.** According to the *Geotechnical Report*, groundwater at the site is expected to be at least 45 feet or more below the existing and planned building pads (Geotechnical Exploration, Inc. 2012). This change would not substantially interfere with groundwater recharge such that the level of the local groundwater table would be impacted, and could, in fact, improve groundwater recharge. Furthermore, as described in Section XVIII, Utilities and Service Systems, the project would rely on surface water supplies from Santa Fe Irrigation District, not on local groundwater resources. As described in Section VIII, Hazards and Hazardous Materials, the possible abandoned well on the site would be destroyed as a condition of project approval. Consequently, no significant impacts to groundwater resources are anticipated with development of the project.

**g-i. No Impact.** The project site is not identified as an area within a 500- or 100-year flood plain (Solana Beach 2015). Development of the project site would not affect any area mapped as a flood hazard zone by the Federal Emergency Management Agency, or within a flood control basin or a potential inundation area. Therefore, it would not place houses or structures within a floodplain. In addition, the site is not downstream from a levee or dam. Consequently, significant impacts would not occur.



**j. Less than Significant Impact.** The site is not close enough to the ocean or other water bodies to be affected by a tsunami or seiche. The risk of tsunami affecting the site is considered to be very low as the site is situated at an elevation of more than 180 feet above mean sea level and not near an exposed beach (Geotechnical Exploration, Inc. 2012). Additionally, with the grading and foundation preparation recommendations from the *Geotechnical Report*, the site would not have the potential to produce mudflows. Consequently, impacts would be less than significant.

### **Hydrology and Water Quality Mitigation Measures**

None required.

X. Land Use and Planning <i>Would the Project:</i>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**a. No Impact.** The proposed project site is surrounded on all sides by existing single-family houses. The proposed lots would range in size from a minimum of 14,002 square feet to a maximum of 34,999 square feet. Each lot would have a front yard setback of 25 feet, rear yard setback of 25 feet, and side yard setbacks of 10 feet. Maximum allowable building heights would be 25 feet. The subdivision of the site into a total of eight lots and the future development of up to eight homes under a future Phase 2 would not divide or conflict with the surrounding, established low density residential community. Therefore, the project would have no impact.

**b. Less than Significant Impact.** The project site has an existing General Plan land use and zoning designation of Low Density Residential and Low Residential (LRC), respectively (Solana Beach 2015). No General Plan amendment or zoning code changes are required to support either Phase 1 or Phase 2 of the proposed project. All lands within the City are located within the Coastal Zone and therefore any proposed development projects are required to meet the regulations of the Coastal Act. The City’s Local Coastal Program Land Use Plan (LCP/LUP) sets policies and regulations that provide for protection, provision, and enhancement of public access and recreation opportunities in the City consistent with goals, objectives, and policies of the California Coastal Act. The City’s LCP/LUP incorporates the City’s Zoning Ordinance and maps as well as the Coastal Act requirements (Solana Beach 2014a). The project, as proposed, is consistent with the requirements of the City’s General Plan and LCP/LUP; therefore, it would have a less than significant impact.

**c. Less than Significant Impact.** The proposed project would comply with the City’s applicable land use plan, policies, and regulations. The City is located within the boundaries of the North County MHCP. The MHCP, adopted on March 28, 2003, is the subregional plan for the northwest portion of San Diego County; it encompasses 111,908 acres and provides conservation for 77 species in a 20,593-acre reserve. The City is designated as almost completely Developed/Disturbed Land and does not need to prepare a subarea plan (SANDAG 2003). Adjacent land use designations to the proposed project site include residential lands. Therefore, the proposed project would have a less than significant impact with respect to the applicable habitat conservation plan or natural community conservation plan.

**Land Use and Planning Mitigation Measures**

None required.

<b>XI. Mineral Resources</b> <i>Would the Project:</i>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Based on California Department of Conservation maps there are no oil, gas, or geothermal resources in the City or the surrounding area; and, there are no exploratory core holes or complete/abandoned oil wells on or near the site (California Department of Conservation 2016b). According to the California Mineral Land Classification Maps, lands in the City are unsuitable as a source for construction materials (California Department of Conservation 1996).

**Discussion**

**a. No Impact.** The proposed project site is located within the developed area of the City and is not located in an area known to have significant mineral resources, and the proposed project would not significantly affect the availability of mineral resources in the region. No mineral resource extraction is being conducted in the vicinity of the proposed project, nor is the project site proposed, designated, or zoned for mineral resource mining activities. Therefore, no impact would occur.

**b. No Impact.** The proposed project site and surrounding areas are not subject to mineral resource recovery operations. The proposed project would not affect locally important mining operations. The proposed project site is not located within or adjacent to an area identified as having significant aggregate or mineral resources, as defined by the California Department of Conservation under the Surface Mining and Reclamation Act. Oil and gas fields or coal mines are not found in the area, and there are no oil wells on the site. Also, there are no mining activities on or near the site. Therefore, no impact to regionally valuable mineral resources would occur.

**Mineral Resources Mitigation Measures**

None required.

<b>XII.Noise</b> <i>Would the Project:</i>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Be located in the vicinity of a private airstrip and expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

**a & d. Less than Significant with Mitigation.** Potential noise impacts associated with the project are primarily related to proposed construction activities. The project site is located in the central portion of the City of Solana Beach. The proposed project is located in a residential setting and is surrounded by single-family houses to the north, south, east and west. Major circulation corridors surrounding the project within a one-mile radius include Stevens Avenue (0.2 mile east of the site), Via De La Valle (0.4 mile south), Lomas Santa Fe (0.5 mile north), and Highway 101 (0.3 mile west). Interstate 5 (I-5) is 0.5 mile to the east.

**NOISE THRESHOLDS AND STANDARDS**

Noise sensitive receptors (land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise) typically include residential dwellings, hotels, motels, hospitals, nursing homes, educational facilities and libraries.

A decibel (dB) is a unit used to express the intensity of a sound wave. The human ear is not equally sensitive to all sound frequencies within the entire auditory spectrum; the dBA descriptor (or A-weighted sound level) is used because it factors sounds more heavily within the range of maximum human sensitivity

to sound frequencies. Although the A-weighted sound level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of sounds from distant sources that create a relatively steady background noise in which no particular source is identifiable. For this type of noise, a single descriptor called the  $L_{eq}$  (or equivalent sound level) is used. For most acoustical studies, the monitoring interval is generally taken as one-hour, and is abbreviated  $L_{eq-h}$ . The CNEL, or Community Noise Equivalent Level, is another common descriptor of ambient community noise. CNEL is a 24-hour  $L_{eq}$ , except this measurement applies weights to noise levels during evening and nighttime hours to compensate for the increased disturbance response of people at those times (relaxation and sleep). A +5 dBA weighting is applied to all sound occurring between 7:00 p.m. and 10:00 p.m. and a +10 dBA weighting is applied to all sound occurring between 10:00 p.m. and 7:00 a.m. The minimum change in sound level that the human ear can detect is approximately 3 dBA. This increment is commonly accepted under CEQA as representing an impact threshold. This limit is also accepted by the City as the significance threshold to determine a proposed project's impact on the affected (existing) environment.

The Solana Beach General Plan Noise Element establishes noise criteria for various land uses (Solana Beach 2010). The maximum allowable exterior noise level at outdoor usable areas for new residential development is a CNEL of 65 dBA. For residential development, the City typically applies the noise criteria at the backyards of single-family homes and at private patios, exterior balconies, and exterior common use areas of multi-family developments.

The City's Municipal Code Noise Ordinance (Chapter 7.34, Noise Abatement and Control) is a quantitative noise ordinance to control excessive noise generated in the City from stationary (i.e., non-transportation) sources. The noise ordinance limits are in terms of a 1-hour average sound level. The allowable noise limits depend upon the land use zone, time of day, and duration of the noise. The applicable noise limits for residential development are shown in Table N-1.

**Table N-1  
Applicable City of Solana Beach Noise Ordinance Limits**

Land Use	Time	Limit; 1-Hour Average
ER1, ER2, LR, LMR, MR (Residential)	7:00am to 10:00pm	50
	10:00pm to 7:00am	45

Source: Solana Beach 2016.

The City also regulates noise associated with construction activities (Section 7.34.100, Construction Hours and Noise Levels Limited). Construction is permitted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, with the exception of legal holidays. Construction noise levels are not permitted to exceed 75 decibels for more than eight hours [ $L_{eq}$  (8)] during any 24-hour period at or within residential land uses.

**CONSTRUCTION NOISE**

Construction noise would primarily result from the use of motorized construction equipment. Other short-term impacts from construction noise could result from construction traffic, including materials delivery anticipated during the future Phase 2 (development of the eight homes). Noise impacts would be most noticeable in the residential neighborhood surrounding the project site. Noise levels would vary depending on the type of equipment used, how it is operated, and how well it is maintained. Standard construction equipment such as backhoes, dozers, cranes, and graders would be used (refer to Table N-2 for more information).

The range of maximum noise levels for various types of construction equipment at a distance of 50 feet is listed in Table N-2. The noise values represent maximum noise generation, or full-power operation of the equipment. As one increases the distance between equipment or separation of areas with simultaneous construction activity, dispersion and distance attenuation reduce the effects of separate noise sources added together. Also, typical operating cycles may involve 2 minutes of full power operation, followed by 3 or 4 minutes at lower levels. The average noise level during construction activities is generally lower because maximum noise generation may only occur up to 50 percent of the time.

**Table N-2  
Construction Equipment Noise Emission Levels**

Equipment	Typical Sound Level (dBA) 50 Feet from Source
Air Compressor	81
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete vibrator	76
Crane, mobile	83
Dozer	85
Generator	81
Grader	85
Impact wrench	85
Jackhammer	88
Loader	85
Paver	89
Pneumatic tool	85
Pump	76
Roller	74
Saw	76
Truck	88

Source: FTA 2006.

Although the applicant is currently only seeking approval of a land subdivision and approval of proposed grading to create eight new building pads (Phase 1), this noise analysis anticipates the future Phase 2 which would include construction, occupancy, and operation of the new homes onsite. Therefore, the following noise analysis accounts for the potential effects of both Phase 1 and Phase 2 site development activities.

According to information provided by the applicant, project construction would take approximately 16 months (including both Phase 1 and Phase 2). The analysis contained herein is based on the following assumptions (duration of phases is approximate):

- Demolition – 5 days
- Site Preparation – 5 days
- Grading – 1 month
- Trenching (utility installation) – 1 month
- Building Construction – 12 months
- Application of Architectural Coatings – 1 month
- Paving – 2 weeks

Noise levels from conventional construction activities for housing, roadway, and pipeline projects range from 79 to 88 dBA  $L_{eq}$  at a distance of 50 feet (EPA 1971). The typically quieter phases of construction for similar projects are associated with constructing foundations and erecting buildings (81 dBA  $L_{eq}$  at a distance of 50 feet), and the typically louder phases, producing 88 dBA  $L_{eq}$  at 50 feet, are those associated with excavation and finishing activities. Noise levels from construction activities generally decrease at a rate of 6 dB per doubling of distance away from the activity (or conversely increase at the same rate as distance is diminished). The closest offsite sensitive receptors to the project are residential land immediately adjacent to the southern boundary of the project site, and within approximately 25 to 50 feet of the project's north, west, and east boundaries.

Construction noise represents a short-term impact on ambient noise levels. Actual noise level exposure generated by project construction equipment would vary greatly depending upon factors such as the type and specific model of the equipment, location of operation on the project site, the types of equipment operating simultaneously, total operating hours for each piece of equipment, the condition of the equipment, and the prevailing wind direction. The highest noise levels associated with construction typically occur with earth moving equipment, which includes excavating machinery (e.g., backhoes, compactors, scrapers, graders, etc.). The maximum noise levels for various types of construction equipment that would be required for the project are provided in Table N-2. Based on Table N-2, the maximum noise levels from most of the project construction equipment at 50 feet would be in the mid to high 80 dBA range. However, the average sound level of the construction activity would depend upon the amount of time that the equipment would operate and the intensity of the construction activity.

The most effective method of limiting disturbances from construction noise is through local control of construction hours and by limiting the hours of construction to normal weekday working hours when residences are likely to be least sensitive to construction noise. As described above, noise levels from project construction would be expected to range from 79 to 88 dBA  $L_{eq}$  at 50 feet from the construction area. However, these noise levels diminish rapidly with distance from the construction site at a rate of approximately 6 dBA per doubling of distance. For example, a noise level of 75 dBA measured at 50 feet from the noise source to the receptor would be reduced to 69 dBA at 100 feet from the source to the receptor, and reduced to 63 dBA at 200 feet from the source.

Noise levels of 79 to 88 dBA  $L_{eq}$  are substantially higher than the typical ambient daytime noise levels in the residential project area. Although the existing adjacent residences would be exposed to construction noise levels that would be heard above ambient conditions, the exposure would be short-term. Grading activities are proposed to be limited to between 7:00 AM and 4:00 PM Monday through Friday, and 8:00 AM to 4:00 PM on Saturday, which is more restrictive than City requirements. Due to breaks in the construction day and variation in the type and number of construction equipment operating at once, average construction noise levels would not be expected to regularly exceed 75 dB over an 8-hour period. However, periodic noise levels could exceed the City's noise threshold during any of the project's short-term on-site or offsite construction operations, and would result in a potentially significant impact. However, with implementation of noise mitigation measure N-1, noise levels would be reduced to less than significant levels.

#### MITIGATION MEASURE

**N-1** Prior to issuance of any construction permits, the applicant shall ensure the following, to the satisfaction of the City of Solana Beach City Engineer:

- Construction noise reduction methods, such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools rather than diesel equipment, shall be used.
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from or shielded from sensitive noise receivers.
- During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive receptors.

With the implementation of Mitigation Measure N-1, construction related noise impacts would be reduced to less than significant levels.

#### c. Less than Significant Impact.

#### OPERATIONAL NOISE

As explained above, the maximum allowable exterior noise level at outdoor usable areas for new residential development is a CNEL of 65 dBA (Solana Beach 2010). For residential development, the City typically applies the noise criteria at the backyards of single-family homes and at private patios, exterior balconies, and exterior common use areas of multi-family developments. While other kinds of noise associated with future occupancy cannot be quantified at this time, such occupancy would be subject to the City of Solana Beach noise ordinance (SBMC Chapter 7.34), and violations would be subject to appropriate enforcement action.

#### Traffic

Development of the proposed project would result in the removal of three occupied residential units. The net Phase 2 residential traffic is anticipated to be 60 average daily trips (ADT) (Fehr & Peers 2019). Operation of the proposed project would increase the ADT on South Nardo Avenue from 2,360 trips to 2,396 trips (Fehr & Peers 2019). Based on standard noise modeling equations adapted from the FHWA noise prediction model, noise levels on South Nardo Avenue would not exceed 65 dBA CNEL with or without project traffic. The proposed project would result in a less than 1 dBA increase in traffic noise levels. Beyond South Nardo Avenue, project traffic would disperse and the project's incremental increase in traffic would be further reduced. Therefore, project implementation would not result in a significant impact due to traffic-related noise.



### Mechanical Equipment

Noise from future Phase 2 could include operation of stationary mechanical equipment typical of single-family residential units, such as heating, ventilation, and air conditioning (HVAC) equipment, pool pumps, or exhaust fans, would have to comply with the City's Municipal Code noise limits at residential land uses. HVAC equipment noise would vary depending on the locations, brands, and models of equipment selected. Typical large HVAC equipment can result in noise levels of approximately 60 dBA  $L_{eq}$  at 100 feet (PDH Center 2012). Noise from pool pumps, fans, or other stationary noise sources would vary depending upon the noise emission level, proximity to boundary lines, and enclosures.

While the present application includes a request only for Phase 1 (subdivision, site clearing and grading to create eight new building pads), no homes are currently proposed to be constructed by the applicant. When plans for the individual homes are submitted to the City for building plan approval, mechanical equipment associated with the project will be required to comply with the property line noise level limits contained within the City's Municipal Code, including at adjoining single-family property boundaries within the proposed project site. Noise from mechanical equipment associated with the project would be evaluated as part of the building plan submittal to ensure compliance with the City's noise limits as set forth in the City's Municipal Code Chapter 17.20.040 and 7.34.040. The applicant must comply with these local provisions as well as state and federal regulations regarding operational noise in order to be issued a building permit. Therefore, operational noise impacts would be considered less than significant.

**b. Less than Significant Impact.** The heavier pieces of construction equipment used at the site could include loaders, backhoes, dozers, cranes, and forklifts. Pile drivers, blasting equipment, vibrating compactors, or the like are not anticipated to be needed or used for this project. Based on published vibration data, the anticipated construction equipment would generate a peak particle velocity of approximately 0.09 inch/second or less at a distance of 25 feet (FTA 2006). Information from the California Department of Transportation (Caltrans) indicates that continuous vibrations with a peak particle velocity of approximately 0.7 inch/second begin to disturb people (Caltrans 2013). The criteria for potential damage to structures of non-engineered timber or masonry structures is 0.2 inch/second (FTA 2006). Therefore, construction activities are not anticipated to result in vibration levels that typically disturb people or have the potential for structural damage, and the vibration impact would be less than significant.

Vehicle traffic over a maintained road and operation of residences are not generally considered a significant source of groundborne vibration. Therefore, operational sources of groundborne vibration are considered a less than significant impact for this project and no mitigation is required.

**e. No Impact.** The project site would not be located within an area covered by an airport land use plan or within two miles of a public or public use airport. Development on the site would not expose people working or visiting in the project area to excessive airport noise levels and no impact would occur.

**f. No Impact.** There are no private airstrips located near the project site and therefore future residents of the project site would not be exposed to excessive aircraft noise levels. The project would not increase onsite exposure to aircraft noise. Thus, no impact would occur.

### **Noise Mitigation Measures**

Construction-related noise impacts have the potential to be significant. With implementation of Mitigation Measure N-1 all potential noise impacts would be less than significant.

<b>XIII. Population and Housing</b>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<i>Would the Project:</i>					
a.	Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**a–c. Less than Significant Impact.** The applicant seeks approval of a DRP and TSM to subdivide a 4.2-acre site into an eight lot residential development. The existing City of Solana Beach General Plan land use and zoning designations are Low Density Residential and Low Residential (LRc), respectively. Low Residential, LRc, zoning allows for three dwelling units per acre; the project would fall within that constraint. The parcels currently contain five residences (three structures), one of which is vacant, but no new homes are proposed to be built by the applicant at this time. It is anticipated that eight new homes would be built in the future under Phase 2 of site development activities subject to the review and approval by the City. However, potential impacts associated with population and housing have been evaluated for both Phase 1 and future Phase 2. Therefore, implementation of the proposed project could add up to nine new residents to the City under Phase 2 of the project.<sup>5</sup>

The site is surrounded by existing single-family development on all sides. The project would create a new, public road and extend utilities to each of the eight lots; however, the site is currently serviced by a driveway and all utilities. The proposed project is consistent with the underlying General Plan land use and zoning classifications upon which regional population growth estimates developed by SANDAG are based. Therefore, the project would not lead to substantial, direct population growth beyond what is already anticipated in the area, nor would it indirectly induce substantial population growth by extending roads or infrastructure into an undeveloped area.

<sup>5</sup> The net number of new residents was estimated by multiplying the net number of residences (8 new residences – 4 existing occupied residences = 4 net occupied residences) by the household size described in the General Plan (2.28 people per residence). Therefore, 4 x 2.28 = 9.12, which was rounded to 9.

Implementation of the proposed project would demolish five existing residences, one of which is currently vacant. However, a future Phase 2 of the project would construct eight new residences and purchase one offsite townhome or apartment that would be rented at the low-income affordability level. The project would not displace a substantial number of existing housing units or people. In 2010, Solana Beach had a housing stock of 6,540 units and was projected to gain approximately 137 housing units between 2008 and 2020. Between 2020 and 2050, Solana Beach is anticipated to gain approximately 419 housing units, an increase of 6.3 percent (Solana Beach 2015). Persons displaced by the proposed project would likely find alternative housing elsewhere in the City or surrounding area. Consequently, project implementation would have a less than significant direct or indirect effect on population growth or the need for replacement housing.

### **Population and Housing Mitigation Measures**

None required.

<b>XIV. Public Services</b>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the Project:					
a.	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
	1. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	3. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	5. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

Upon buildout, the proposed project would result in the construction of eight new homes in the City of Solana Beach. Five existing residences (four occupied, one unoccupied residence) would be demolished under Phase 1 of the proposed project, resulting in a net of four occupied residences being added to the City. According to population information provided by the SANDAG 2050 *Regional Growth Forecast*, the four net new occupied homes are estimated to increase the population of the City by approximately nine persons (2.28 persons per household) if each of the homes is occupied by people not currently living in the City of Solana Beach. This slight potential increase in population would not necessitate the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services described below.

**a1-a3. Less than Significant Impact.** Fire protection services in the City are provided by the Solana Beach Fire Department. The Solana Beach Fire Department is staffed with a Chief, Deputy Chief, an Administrative Assistant, Fire Captains, Engineers, Firefighter Paramedics, Firefighters, and Paramedics. The Solana Beach Fire Department is located at 500 Lomas Santa Fe Drive, approximately 0.5-mile north of the proposed project site. The applicant seeks approval of an application for a DRP and a TSM to subdivide a 4.2-acre site into an eight lot residential development. The existing parcel currently contains four occupied and one vacant residences, which would all be demolished as part of the proposed project. The eventual construction of eight new homes on the proposed lots anticipated to occur as part of a future Phase 2 would be subject to review and approval by the City and would be done in accordance with all applicable fire codes set forth by the State Fire Marshal, the Solana Beach Fire Department, and the City’s building code. However, potential impacts associated with public services have been analyzed for both Phase 1 and future Phase 2. Implementation of the proposed project could result in a slight incremental increase in the demand for emergency services; however, the size (eight homes) and location of the project (developed area of the city) would not place an undue hardship on the Fire Department because it is presently servicing the area including the site and the existing developments that surround the site. Furthermore, new projects are required to pay associated development fees, as required by Municipal

Code Sections 3.20 and 17.72. Fees under Section 3.20 are specifically required in order to provide adequate fire protection services within the city.

The project site is not located within a Fire Hazard Severity Zone. In addition, the Fire Department would review the building and precise grading plans associated with Phase 2 when they are submitted to the City, and the applicant must comply with these Fire Codes in order for a building permit to be issued. These recommendations would be included in the Conditions of Approval for the future homes in order to reduce any impacts at that time. Prior to final project approval, the City Fire Marshall would verify that the eight future new homes (Phase 2) have been designed to conform to code. Implementation of the proposed project would not exceed the capacity of the Solana Beach Fire Department to serve the site with existing fire protection services and resources, resulting in the need for the construction of new or altered government facilities. Therefore, the proposed project would result in less than significant impacts.

The City contracts with the San Diego County Sheriff Department for law enforcement and other related services. The nearest patrol station is the North Coastal Sheriff Station, located at 175 North El Camino Real approximately five miles north of the project site in Encinitas. Increased demand for police protection is not expected because the Sheriff Department is presently servicing the area including the project site. Implementation of the proposed project is consistent with the underlying General Plan land use and zoning designations. New projects implemented in accordance and consistent with the General Plan are required to pay associated development fees, as required by Municipal Code Section 17.72, According to the General Plan EIR (Solana Beach 2014b), projects that are consistent with the General Plan would not result in a significant impact on the Sherriff's Department services or facilities. Therefore, the proposed project is not anticipated to exceed the capacity of the Sheriff's Department to provide police protective services to the project site, resulting in the need for the construction of new or altered facilities, and impacts would be less than significant.

The Solana Beach School District and the San Dieguito Union High School District provide educational services to the area and have a combined total of 18 schools, including six elementary schools, four middle schools, four high schools, one school of choice, one alternative education school, one independent study school, and one adult education program school.

Eight future homes that would be built as a result of a future Phase 2 would not result in a substantial increase in the population, as described above. However, it is anticipated that there would be a nominal incremental population increase if the homes are ultimately occupied by people from outside the City or county. Therefore, the proposed project could place an incremental demand on schools or school operations that would require additional school facilities. However, with payment of the Residential Development School Fee as a condition of building permit approval, which is authorized by Section 17620 of the Education Code, impacts to school facilities would be less than significant.

**a4–a5. Less than Significant Impact.** Implementation of the proposed project is not anticipated to result in a significant increase in the demand for parks as the eight new homes to be constructed in Phase 2 of the proposed project would result in an increase in the City's population of only nine residents. The City of Solana Beach assesses a Park Development Fee of \$600 per vacant lot being developed (Solana Beach 2011). Therefore, the proposed project would be assessed a total of \$4,800 in park fees to offset the potential increase in demands associated with additional park use resulting from the future construction of the eight new homes under a future Phase 2.

Due to the relatively small size of the proposed project, impacts on parks or other recreational facilities such as libraries, senior centers, or other public facilities are anticipated to be less than significant. The San Diego County Library System provides library services to the City through the Solana Beach Branch, located at 157 Stevens Avenue at Earl Warren Middle School.

Public services are institutionalized responses to basic human needs. These needs include health, safety, welfare, and education. Public service needs are based on an area's population. Because the proposed project is consistent with the underlying General Plan land use and zoning designations, which are the basis of local and regional future population growth estimates, impacts to other public services are anticipated to be less than significant with project implementation.

### **Public Services Mitigation Measures**

None required.

<b>XV. Recreation</b> <i>Would the Project:</i>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**a–b. Less than Significant Impact.** The proposed project would not significantly affect any property currently zoned for recreational or open space use. The project consists of approval of an application for a DRP and TSM to subdivide a 4.2-acre site into an eight lot residential development (Phase 1) and the construction of eight new homes in the future (Phase 2). Both Phase 1 and future Phase 2 have been fully evaluated for potential impacts associated with recreational resources. A small demand on existing recreational resources including parks may be anticipated with any residential development within the city. However, this impact is anticipated to be minimal because the eight additional homes would only increase the City’s population by approximately nine people. This would not be expected to lead to a substantial physical deterioration of existing parks or other recreational facilities. As explained in Section XIV, park fees would offset the potential increase in demands associated with additional park use resulting from the future construction of the eight new homes under Phase 2. As a result, impacts to parks and other recreational resources would be less than significant.

The project does not propose the development of any parks or recreational facilities. As stated above, a small demand on existing recreational resources would be anticipated with any residential development within the city. This impact is anticipated to be minimal because the proposed project is consistent with the underlying General Plan land use and zoning designations, which are the basis of local and regional future population growth estimates, and the project would pay the required Park Development Fees. Therefore, implementation of the proposed project is not anticipated to require the expansion of existing recreational facilities or the construction of new recreational facilities that might adversely affect the environment. As a result, less than significant impacts would occur with project implementation.

**Recreation Mitigation Measures**

None required.

<b>XVI. Transportation/Traffic</b> <i>Would the Project:</i>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Conflict with an applicable congestion management program including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for the designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The discussion below is summarized and based on the findings contained within the *Ocean Ranch Estates Focused Traffic Study (Traffic Study)* (Fehr & Peers 2019) prepared for the proposed project. This report is included in the IS/MND as Appendix G.

**Discussion**

**a & b. Less than Significant Impact.** The proposed project would subdivide 4.2 acres into eight lots. Although the applicant is currently seeking approval of a land subdivision and approval of proposed grading to create eight new building pads, associated access road, and underground utilities (Phase 1), this analysis anticipates that a future Phase 2 would include construction, occupancy and operation of the eight new homes onsite. Therefore, the following analysis accounts for the potential effects of both Phase 1 and Phase 2 site development activities.



There are currently four occupied residences onsite (one single-family house and one multifamily house with three units) (there is also one vacant residence), and two active agricultural fields. The project study area includes four intersections and one roadway segment. The traffic analyses for the project were conducted in accordance with regional guidelines used by the City of Solana Beach. The following scenarios are evaluated:

- Existing
- Existing + Project
- Near Term Cumulative
- Near Term Cumulative + Project

As described in the *Traffic Study* the study area includes the following intersections and roadway segments adjacent to the project site that could be impacted by the proposed project:

#### Intersections

1. South Nardo Avenue / Lirio Street
2. South Nardo Avenue / East Solana Circle
3. South Nardo Avenue / Nardito Lane
4. South Nardo Avenue / project driveway (proposed Bell Ranch Road)

#### Segments

1. South Nardo Avenue, north of East Solana Circle

Traffic counts were conducted during a field visit on an average weekday in March 2015 while local schools were in session at study intersections during the AM and PM peak hours and for a 24-hour period along the roadway segment. The existing traffic volumes and lane configurations observed during the field visit were used to calculate the existing conditions level of service (LOS)<sup>6</sup> for all of the study area locations. Field observations were also conducted on an average weekday in March 2015 to verify existing lane configurations, traffic controls, and operating conditions. The field visit revealed generally minimal delays during the AM and PM peak periods at the study intersections, which is consistent with the analysis results that all intersections operate acceptably.

Near-term cumulative conditions were forecast using a total ambient growth rate of 1% per year for a period of five years (total growth of 5% applied to the existing conditions traffic volumes). The growth rate accounts for general changes to traffic patterns that occur over time between the time the existing conditions volumes were collected (2015) and the anticipated project opening year (2020). The ambient growth rate also accounts for traffic associated with other planned regional projects outside the study area that could have some impact on the local neighborhood trips through and around the city. Trips associated with the Solana Highlands residential project<sup>7</sup> were included in the near-term analysis in addition to the ambient growth rate. No other cumulative projects were identified in the *Traffic Study*.

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<sup>6</sup> LOS is a qualitative description of traffic flow based on such factors as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS A (the least congested operating condition) to LOS F (when traffic volumes exceed capacity resulting in stop-and-go conditions). LOS at intersections is analyzed in terms of delay time while LOS on roadways is analyzed in terms of the ratio of the traffic volume to the roadway capacity.

<sup>7</sup> The environmental review for the Solana Highlands Revitalization Project began in November 2014. The project was approved in December 2018.

According to the SANTEC/ITE Traffic Impact Study Guidelines, a project is considered to have a significant impact on the operation of an intersection or roadway segment when one of the following occurs:

- The addition of project traffic results in an LOS dropping from LOS D or better to LOS E or F.
- If an intersection is operating at LOS E or F under base conditions and the project adds more than an additional two seconds of average vehicle delay, the project is determined to have a significant impact.
- If a roadway segment is operating at LOS E or F under base conditions and the project results in a change in volume-to-capacity (V/C) ratio of 0.020 or more, the project is determined to have a significant impact.

Further details on the methodology and thresholds used in the *Traffic Study* can be found in Appendix G.

Once the homes are built under a future Phase 2, the site is conservatively estimated to generate 60 net new vehicle trips to the surrounding roadways with 4 trips (2 inbound/2 outbound) during AM peak hour and 6 trips (4 inbound/2 outbound) during PM peak hour based on SANDAG regional trip generation rates. The distribution of project-generated trips was based upon existing travel patterns and the location of complementary land uses within and outside of the Solana Beach area, as well as access points to the adjacent roadway network. These proposed project trips were added to the existing and near term cumulative conditions to arrive at the existing plus project and the near term cumulative plus project conditions, respectively.

Table TR-1 summarizes the peak hour intersection operations under each scenario with the addition of future Phase 2 traffic associated with the new homes. All study area intersections would operate at LOS A or B during the AM and PM peak hours. Table TR-2 reveals a 0.016 change in V/C ratio, which is less than the impact threshold of 0.02; therefore, there is no significant project impact on this roadway segment.

**Table TR-1  
Intersection Operations**

Intersection	Existing		Existing + Project		Near-Term Cumulative (w/o Project)		Near-Term Cumulative + Project		SI?
	Avg. Delay <sup>1</sup> (AM/PM)	LOS (AM/PM)	Avg. Delay <sup>1</sup> (AM/PM)	LOS (AM/PM)	Avg. Delay <sup>1</sup> (AM/PM)	LOS (AM/PM)	Avg. Delay <sup>1</sup> (AM/PM)	LOS(AM/PM)	
S. Nardo Ave. / Lirio St. <sup>2</sup>	7.8/7.5	A/A	7.8/7.5	A/A	7.9/7.6	A/A	8.0/7.6	A/A	No
S. Nardo Ave. / E. Solana Circle	10.2/9.5	B/A	10.2/9.6	B/A	10.4/9.6	B/A	10.4/9.7	B/A	No
S. Nardo Ave. / Nardito Ln.	10.0/0.0	B/A	10.1/0.0	B/A	10.0/0.0	B/A	10.1/0.0	B/A	No
S. Nardo Ave. / Project Driveway <sup>3</sup>	n/a		9.1/8.9	A/A	n/a		9.2/8.9	A/A	n/a

Source: Fehr & Peers 2015; Existing Plus Project and Near-Term Cumulative Plus Project revised 2019.

Notes:

1. Whole intersection weighted average stopped delay expressed in seconds per vehicle for all-way stop controlled intersections
  2. All-way stop controlled intersection
  3. Driveway intersections were only analyzed under "Plus Project" scenarios
- LOS=Level of Service  
n/a= Not Applicable  
SI? = Significant Impact?

**Table TR-2  
Roadway Segment Operations**

Roadway Segment	Class & Capacity <sup>1</sup>	Existing			Existing + Project				Near-Term Cumulative			Near-Term Cumulative + Project				SI?
		ADT	V/C	LOS	ADT	V/C	LOS	$\frac{\Delta^2}{V/C}$	ADT	V/C	LOS	ADT	V/C	LOS	$\frac{\Delta^2}{V/C}$	
S. Nardo Ave. north of E. Solana Circle	Sub-Collector 2,200	2,262	1.03	>C <sup>3</sup>	2,298	1.04	>C <sup>3</sup>	0.016	2,430	1.10	>C <sup>3</sup>	2,464	1.12	>C <sup>3</sup>	0.016	No

Source: Fehr & Peers 2015. Revised 2019.

Notes:

- 1. Capacity based on SANTEC/ITE Traffic Impact Study Guidelines
  - 2.  $\Delta$  denotes a project-induced increase in the volume to capacity ratio.
  - 3. > indicates worse than LOS C (e.g., LOS D, E or F).
- ADT=Average Daily Traffic Volume  
V/C=Volume to Capacity ratio  
SI? – Significant Impact?  
Numbers may appear inaccurate due to rounding.

The traffic impacts of the proposed project do not exceed the established LOS significance thresholds. The proposed project also does not conflict with any of the goals or policies of the City’s recently updated Circulation Element of the General Plan Update, as the project does not result in any adverse effects on the circulation goals of the City. It would not obstruct the City’s efforts to enhance and promote multi-modal transportation or complete streets programs within the city. The project would comply with the various goals and policies of the Circulation Element related to alternative modes of transportation through the construction of sidewalks throughout the proposed project and on adjacent roads. The City is currently developing a Transportation Impact Fee (TIF) program to fund the construction of various multi-modal transportation facilities identified in the City’s Comprehensive Active Transportation Strategy (Solana Beach 2015) and in conformance with the Circulation Element of the General Plan Update. The project would be conditioned to pay all TIF fees, as adopted by the City Council associated with the proposed development, to fund Citywide circulation enhancements once established. Therefore, impacts would be less than significant and no traffic related mitigation measures are required.

**c. No Impact.** As described in Section VIII, Hazards and Hazardous Materials, and Section XII, Noise, the nearest airport or airstrip, McClellan-Palomar, is located 12 miles to the northeast. The proposed project would not affect nearby air traffic patterns or create substantial safety risks. Therefore, impacts related to this issue would not occur.

**d. Less than Significant Impact.** As described in the *Traffic Study*, the proposed project’s access point, Bell Ranch Road, would be located at an existing project driveway. The driveway would be converted to a standard intersection and T into South Nardo Avenue with stop control on the side street approach. There are three existing curb cuts along South Nardo Avenue that currently provide access to the existing residential units on the property. The project proposes to consolidate these three driveways into the Bell Ranch Road driveway which would terminate in a cul-de-sac. With the proposed project, all eight residences would be accessed from Bell Ranch Road. The Lirio Street / South Nardo Avenue intersection is 120 feet to the north and is currently all-way stop controlled. The East Solana Circle / South Nardo Avenue intersection is 470 feet to the south and is stop controlled on the side street (East Solana Circle). The East Solana Circle / South Nardo Avenue intersection is located on a curve while South Nardo Avenue slopes down on the southbound approach.

Several local residents have expressed concern regarding excessive speed and sharp curves on roads within the project vicinity. To the extent these conditions exist, they reflect the existing conditions in the project area and are not considered impacts associated with this proposed project. The *Traffic Study* also confirmed that the proposed project will not exacerbate the existing conditions. As part of the *Traffic Study*, a speed survey was conducted just north of East Solana Circle. Results showed the 85th percentile speed to be approximately 30 miles per hour, which means the sight distance at the proposed driveway location is adequate for the conditions of the roadway. The line of sight assessment conducted in the *Traffic Study* found that the existing, 245-foot line of sight at the proposed Bell Ranch Road driveway is adequate for the speed conditions of the roadway. However, the study noted that obstructions within the driveway's line of sight that are higher than three feet would need to be removed, which includes the utility pole currently stationed at the southern corner of the proposed Bell Ranch Road and South Nardo Avenue. The *Traffic Study* concluded that measured traffic speeds and intersection operating conditions indicate that no operational hazards currently exist or are forecast to exist with the proposed project. Nonetheless, as a condition of project approval, a sidewalk would be constructed from the southerly terminus of the future Bell Ranch Road to connect with the existing sidewalk on Nardito Lane to strengthen public safety and lessen neighborhood concerns. Therefore, impacts of the proposed project related to design feature hazards would be less than significant.

**e. No Impact.** As discussed in Section VIII, Hazards and Hazardous Materials, the proposed project would not affect emergency access to the site or adjacent areas. Therefore, significant impacts related to emergency access would not occur.

**f. Less than Significant Impact.** The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. As explained in Section XVI.a above, the project would be required to pay all TIF fees to fund Citywide circulation enhancements as a condition of project approval. The proposed project would not otherwise decrease the performance or safety of alternative transportation facilities. The nearest marked bicycle facilities are the Class II bike lanes located along Lomas Santa Fe Drive and Via De La Valle, which connect the coast to inland communities. The Solana Beach train station is approximately 0.5 mile northwest of the project site and there are bus lines to the west, north and east of the project (BREEZE bus routes 101 and 308 and FLEX shuttle route 374). South Nardo Avenue provides sidewalks on the west side of the street, south of East Solana Circle and there is a school crossing across the south leg of the Nardito Lane / South Nardo Avenue intersection. However, there are no sidewalks on either side of South Nardo Avenue north of East Solana Circle, adjacent to the project site. Instead, a narrow shoulder is available for pedestrians and on-street parking. The *Traffic Study* recommended that a sidewalk or pedestrian walkway be constructed on the east side of South Nardo Avenue between the future Bell Ranch Road and East Solana Circle. As a condition of project approval, a 5-foot wide standard contiguous sidewalk would be constructed behind the existing curb along the east side of South Nardo Avenue from the southerly boundary of the proposed project site to Nardito Lane. The new sidewalk would connect the existing marked school crosswalk, as well as the project site, with other sidewalks within the community. As further conditions of project approval, the project would construct a 5-foot wide standard concrete sidewalk along the eastbound side and through the cul-de-sac of Bell Ranch Road, including a pedestrian ramp at the southeast corner. These features have been added to overall enhance pedestrian safety along this stretch of road and lessen observational concerns associated with speeding vehicles in the existing condition. Therefore, overall impacts of the project on alternative transportation and facility safety would be less than significant.

## Traffic Mitigation Measures

None required.

<b>XVII. Tribal Cultural Resources</b>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<i>Would the Project:</i>					
a.	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The discussion below is summarized and based on the findings contained within the *Cultural Resources Study for the Ocean Ranch Estates Project (Cultural Report)* (Brian F. Smith and Associates [BFS] 2015) prepared for the proposed project. The report is included in this IS/MND as Appendix C.

**Discussion**

**a1–a2. Less than Significant with Mitigation.** According to the *Cultural Report* (BFS 2015) prepared for the project, no archaeological resources, including those with cultural value to a California Native American tribe, have been identified within the project site. A record search was conducted at the SCIC for the project site and a 1-mile radius. Thirteen archaeological resources have been recorded within the search radius, none of them in the immediate vicinity of the project. Most notable of these sites are SFI-7979 and SDI-10,940/W-34, both of which are characterized as prehistoric habitation sites. Site SDI-7979 is recorded as a moderately dense habitation site that includes a wide range of artifacts such as ground stone tools, hammerstones, choppers, and vertebrate and invertebrate faunal remains and a moderately developed midden. Site SDI-10,940/W-34 includes a wide range of cultural materials such as ground stone equipment, projectile points, knives, debitage, vertebrate and invertebrate faunal remains, hearths, a deep and extensive midden deposit, and human burials. The site is known for the recovery of the famous “Del Mar Man,” an approximately 5,500-year-old human specimen discovered in 1929.

Further, a Sacred Lands File search was requested from the NAHC, which failed to indicate the presence of Native American cultural resources in the immediate project area. In accordance with the recommendation of the NAHC, all twenty of the Native American consultants listed in the NAHC response letter were contacted to solicit their input on the project. Two of the twenty Native American consultants responded to request that a Native American monitor be present during ground disturbing activities. The project is expected to have no impacts to tribal cultural resources. However, there is always potential to encounter previously unknown and unrecorded tribal cultural resources during grading. Given this, and given the request for Native American monitors to be present, mitigation measure CR-1, as described in Section V, Cultural Resources, will ensure that a Native American monitor is present during ground disturbing activities and that potential impacts to previously unknown tribal cultural resources are reduced to a less than significant level.

### **Tribal Cultural Resources Mitigation Measures**

Mitigation Measure CR-1 is required. With implementation of this measure, potential impacts to tribal cultural resources would be less than significant.

<b>XVIII. Utilities and Service Systems</b>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<i>Would the Project:</i>					
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Have sufficient water supplies available to serve the Project from existing entitlements and resources, or would new or expanded entitlements be needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**a. Less than Significant Impact.** The proposed project site is within the jurisdiction of the San Diego Regional Water Quality Control Board (SDRWQCB Region 9). Drainage from the central and south portions of Solana Beach generally flows in a southern direction to the San Dieguito River. The north and northwest portions of the City drain into the San Elijo Lagoon. Stormwater is regulated by the RWQCB through the municipal stormwater permit. The City of Solana Beach Jurisdictional Urban Runoff Management Plan (JURMP) sets out minimum BMPs and other objective specifications for specific types and categories of project and facilities. Where minimum BMPs and objective specifications are specified, they are mandatory. Where no minimum BMPs have been specified in the City of Solana Beach JURMP for a type and category of facility or activity, only the requirements set out in Chapter 13.10 of the Municipal Code are applicable.

All dischargers who are required to install, implement, and maintain BMPs shall ensure that their selection of BMPs is consistent with the applicable specifications, if any, contained in the City of Solana Beach JURMP and City of Solana Beach Standard Urban Storm Water Mitigation Plan (SUSMP), which is an attachment to the adopted and approved JURMP required by the San Diego RWQCB, for the category and priority of activity or facility owned or operated by that discharger. All BMPs installed, implemented, or maintained to meet the requirements of Chapter 13.10 of the Municipal Code must conform to the applicable specifications, if any, set out in the City of Solana Beach JURMP. Implementation of the proposed project would include pre-construction BMP's, site design BMP's and post-construction BMP's. According to the *Hydrology Report* prepared for the project, project implementation would not have an adverse effect on stormwater flows.

In compliance with the Federal Clean Water Act requirements, the City maintains the sanitary sewer system. The City of Encinitas, under contract with the City of Solana Beach, provides routine cleaning of the public sewer mains. Sewage from the City of Solana Beach, including the proposed project site, is treated at the San Elijo Water Reclamation Facility in Cardiff for treatment and disposal. The Water Reclamation Facility is operated by the San Elijo Joint Powers Association (JPA), which consists of the City of Solana Beach and the City of Encinitas. The treatment facility supplies reclaimed water for landscape irrigation and industrial applications. The JPA maintains sewer lines within both jurisdictions to collect wastewater and delivers it for treatment to the San Elijo Water Reclamation Facility.

The City of Solana Beach owns and is responsible for approximately 283,000 linear feet of wastewater conveyance pipeline and four active pump stations. The City's sewer system is composed of three major individual drainage basins containing gravity pipelines ranging in size from 4 to 24 inches in diameter. The City's four permanent wastewater pump stations are maintained by the JPA. The City's sewage is pumped to the San Elijo Water Reclamation Facility in Cardiff for treatment and disposal. The treatment facility supplies reclaimed water for landscape irrigation and industrial applications.

Average wastewater flow for the City is approximately 1.22 million gallons per day (mgd) resulting in a computed wastewater generation rate of approximately 175 gallons per equivalent dwelling unit (EDU) per day. For planning and facility sizing purposes, the City uses a conservative estimate of 200 gallons per day (gpd) per EDU to account for increased summertime flows due to activities at the Del Mar fairgrounds/racetrack (Solana Beach 2014b). The City's Sanitary Sewer Master Plan, published in 2000, developed future flow projections to determine the upgrades necessary to adequately serve the City's wastewater collection and conveyance needs under complete build-out conditions. These flows were based on redevelopment of all residential and commercial properties of more than one acre. It was projected that wastewater production within the City's service area would ultimately increase by approximately 10 percent to 1.61 mgd. As of 2014, the City had not reached the wastewater production analyzed in the Sewer Master Plan (Solana Beach 2014b). The proposed project is consistent with the underlying General Plan land use and zoning designations, which are the basis for wastewater treatment planning efforts. Given the relatively small size of the proposed project and its consistency with the General Plan, project implementation would likely not cause the City's wastewater production to exceed the level analyzed in the Sewer Master Plan. Therefore, implementation of the project would have a less than significant effect on the RWQCB wastewater treatment requirements.

**b. Less than Significant Impact.** The five existing residences, including one unoccupied residence, at the proposed project site are currently serviced with all utilities including water and sewer. The proposed project does not include any extraordinary uses or operations that would create substantial additional demand on the ability of the City of Solana Beach or the San Elijo Water Reclamation Facility to provide service.



The Santa Fe Irrigation District (SFID) provides water to Solana Beach and maintains the existing infrastructure. Although some population and demand increases are anticipated by the SFID between 2015 and 2040, it expects the increases to be relatively minor and consistent with the growth anticipated under the General Plan (SFID 2016). According to the SFID 2015 Urban Water Management Plan, actual water demand in the SFID's service area has decreased due to a comprehensive water conservation program. Potable water use in 2015 was approximately 1,000 acre-feet per year lower than 2010. The proposed project is consistent with the underlying General Plan land use and zoning designations, which are the basis of water supply planning locally and regionally.

The 2000 Sanitary Sewer Master Plan delineates the major components of long-term capital improvement projects (CIP) for improvement of existing wastewater collection and pumping facilities to meet growth within the city. The Sewer Master Plan estimated that wastewater production within the City's service area would ultimately increase by 10 percent. Future flow projections were developed to determine the recommended upgrades to the existing collection system to adequately serve the City's system under completely built-out conditions under the General Plan (Solana Beach 2014b).

The plan uses EDUs to calculate expected future flow rates. For planning and facility sizing purposes, the City uses a conservative estimate of 200 gallons of wastewater per day (gpd) per EDU. The plan estimated that the City's EDUs would grow 9 percent from 2000 to 2009. It should be noted that the population actually decreased by 1 percent over this same period (Solana Beach 2014b). The proposed project is consistent with the underlying General Plan land use and zoning designations, which are the basis for wastewater treatment planning efforts. The City's existing sewer main has adequate capacity to serve the addition of eight new (four net new) residences in Phase 2 of the proposed project; the City's available capacity in the regional water treatment plant is approximately 0.39 mgd and the proposed project at full buildout of Phase 2 would generate an estimated 0.001 mgd.<sup>10</sup> Therefore, the City's facilities and the San Elijo Water Reclamation Facility would be expected to have adequate capacity to serve the proposed project. The proposed project's eight new homes (Phase 2) would not require or result in the construction of new water or wastewater facilities, nor would the proposed project result in the expansion of existing water or wastewater treatment facilities. Therefore, impacts would be considered less than significant.

**c. Less than Significant Impact.** The proposed project includes the development of stormwater drainage facilities and a stormwater bioretention/detention facility onsite. Potential impacts associated with construction of the onsite stormwater drainage system are included within the discussions of the proposed project's site preparation and construction activities throughout this IS/MND. As described in Section IX, Hydrology and Water Quality, the proposed project would not require the expansion of existing, offsite stormwater drainage facilities; therefore, impacts would be considered less than significant.

**d. Less than Significant Impact.** Solana Beach is part of SFID, which also includes the communities of Rancho Santa Fe and Fairbanks Ranch. The district service area contains approximately 10,200 acres, of which 2,850 acres are in Solana Beach, 6,490 acres are in Rancho Santa Fe, and 920 acres are in Fairbanks Ranch. As of 2014, the population of the district was approximately 19,603, of which two-thirds is in Solana Beach. The district provides potable water service for domestic, commercial, outdoor irrigation, and agricultural demands (Solana Beach 2014b).

Demographic and land use projections based on SANDAG's 2050 *Regional Growth Forecast*, Series 13 model were used by SFID to develop future water usage estimates. SFID provides water to Solana Beach and maintains the existing infrastructure. Although population and demand increases are anticipated by the district by 2040, it expects the increases to be relatively minor and consistent with the growth anticipated under the General Plan. The proposed project is consistent with the underlying General Plan land use and zoning designations which are the basis of water supply planning locally and regionally. Therefore, because the additional eight residences that are proposed as part of Phase 2 have been accounted for in SFID's and the San Diego County Water Authority 2015 Urban Water Management Plans, the proposed project would

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<sup>10</sup> 200 gallons per day per EDU x 5 net new EDUs = 1,000 gallons per day.

have sufficient water supplies available from existing entitlements and resources and no new or expanded entitlements would be needed. Therefore, the proposed project would not have a significant net increase in water use or need for new facilities that would cause significant environmental effects. Therefore, less than significant impacts would occur.

**e. Less than Significant Impact.** The proposed project would not generate significantly greater amounts of wastewater than the current site generates as five existing residences, including one unoccupied residence would be demolished during Phase 1 and only eight new residences would be constructed in Phase 2. The proposed project's wastewater treatment would continue to be provided by the City of Solana Beach and San Elijo Water Reclamation Facility. The proposed project would not be expected to adversely affect the capacity of the wastewater treatment provider. Therefore, impacts would be less than significant.

**f. Less than Significant Impact.** Solid waste disposal in the city, including the proposed project site, is managed by EDCO Waste and Recycling Services. The proposed project would generate demolition debris during Phase 1 associated with demolition of the existing structures onsite and construction debris during Phase 2 associated with the future construction of eight new residences. In addition, future occupants of the new homes would generate municipal solid waste. The project applicant would be required to comply with the City's Construction and Demolition Debris Recycling Ordinance.

To meet state diversion requirements, Chapter 6.36 of the Municipal Code outlines construction and demolition debris diversion requirements for development projects. The regulations are intended to address all construction, renovation, and remodel projects within the City with a total project value equal to or greater than \$100,000, as calculated for purposes of receiving a City building permit. All demolition projects shall be considered "covered projects" and shall comply with Chapter 6.36 of the Municipal Code.

Project applicants are required to submit a Waste Management Plan (WMP) on a City-approved form and pay a WMP review fee, if any, before a building or demolition permit may be issued (Municipal Code Chapter 6.36). The WMP shall be submitted for review with the first plan check of an individual project. The completed WMP shall indicate all of the following:

- Estimated weight of construction and demolition debris, by materials type, to be generated;
- Maximum weight of such materials that can feasibly be diverted via reuse or recycling;
- Vendor or facility that the applicant proposes to use to collect or receive that material;
- Estimated weight of construction and demolition materials that will be landfilled; and
- Total square footage of the project.

Solid waste collected in Solana Beach is transported to either the Otay Landfill or the Sycamore Landfill. The Otay Landfill is permitted to receive 5,830 tons per day. The Sycamore Landfill expansion was recently approved to meet the region's long-term (year 2050) solid waste needs. With the expansion, the landfill will be operational until approximately 2050 with a capacity of 11,450 tons per day. According to CalRecycle (2015), residences generate from 7 to 12 pounds of municipal solid waste per day. Therefore, the incremental increase in solid waste disposal needs associated with the four net new homes under a future Phase 2 of the proposed project would be up to 48 pounds per day. This would not represent a considerable contribution to existing landfill capacity, as the additional solid waste generation would be negligible compared to the overall regional solid waste disposal capacity. Therefore, the demolition and construction debris and municipal solid waste generated by future occupants of the proposed project would not adversely affect the capacity of solid waste processing facilities and landfills serving the project site which include the recently expanded Palomar Waste Transfer Station in Carlsbad, and Sycamore Canyon and Miramar Landfills in San Diego. Therefore, less than significant impacts would occur.

**g. Less than Significant Impact.** The proposed project would comply with federal, state, and local statutes and regulations related to solid waste by adhering to Section 6.20.135 of the City's Municipal Code, which requires all industrial recyclables to be segregated from construction waste and recycled appropriately. Standard solid waste practices would be expected to continue to be implemented at the site. These include measures such as Assembly Bill (AB) 939, the California Integrated Solid Waste Management Act, and AB 2020, the California Beverage Container Recycling and Litter Reduction Act. Therefore, less than significant impacts would occur.

### **Utilities and Service Systems Mitigation Measures**

None required.

XIX. Mandatory Findings of Significance		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Does the Project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**a. Less than Significant with Mitigation.** With the incorporation of mitigation measures, the proposed Phase 1 and future Phase 2 of the project would not have the potential to degrade the quality of the environment, reduce the habitat of any sensitive plant or animal species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of California history or prehistory. It was determined that implementation of the proposed project would result in potentially significant impacts to migratory birds if trees on-site are removed or disturbed during the nesting season. However, with implementation of Mitigation Measure BR-1 described in Section IV of this IS/MND, development of the proposed project would result in less than significant impacts to Biological Resources.

As described in Section V of this IS/MND, no significant cultural resources are anticipated to occur on-site and no artifacts were observed. However, there is always a possibility that archaeological resources are present that could not be seen, which could result in significant impacts during ground-disturbing activities. Based on this condition, the implementation of mitigation measures CR-1 and CR-2 would reduce potentially significant impacts to unknown archaeological and paleontological resources to less than significant levels.

**b. Less than Significant Impact.** Implementation of the proposed Phase 1 and future Phase 2 of the project would not result in individually limited, but cumulatively considerable significant impacts. All resource topics associated with the project have been analyzed in accordance with State CEQA Guidelines and found to pose no impact, less than significant impact, or less than significant with mitigation. In addition, taken in sum with other projects in the area the scale of the proposed project is small and impacts to any environmental resource or issue areas would not be cumulatively considerable. Therefore, impacts would be less than significant.

**c. Less than Significant Impact.** The proposed Phase 1 and future Phase 2 of the project would not consist of any uses or activities that would negatively affect any persons in the vicinity. In addition, all resource topics associated with the project have been analyzed in accordance with CEQA and the State CEQA Guidelines and found to pose no impact, less than significant impact, or less than significant with mitigation. Consequently, the project would not result in any environmental effects that would cause substantial adverse effects on human beings directly or indirectly.

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**Chapter 4****REFERENCES  
AND LIST OF PREPARERS****References**

Section 15150 of the CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data. The documents listed below are hereby incorporated by reference. The pertinent material is summarized throughout this Initial Study where that information is relevant to the analysis of potential impacts of the proposed project. The following references were used in the preparation of this Initial Study and are available for review during normal business hours at the City of Solana Beach Community Development Department located at 635 South Highway 101, Solana Beach, California 92075.

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### **Individuals and Organizations Consulted**

Joseph Lim, MPA, AICP, Community Development Director, City of Solana Beach  
Corey Andrews, Principal Planner, City of Solana Beach  
Greg Wade, City Manager, City of Solana Beach

### **Preparers**

Diane Sandman, Project Director, Harris & Associates  
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Sharon Toland, Air Quality Specialist, Harris & Associates  
Gerrie Filipowicz, Document Production Specialist, Harris & Associates  
Lindsey Messner, Technical Editor, Harris & Associates

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**Chapter 5****LIST OF MITIGATION MEASURES**

**BR-1** If site preparation or construction activity occurs during the avian breeding season (typically February 1 through September 15), the applicant shall retain a qualified biologist to conduct a biological survey for nesting bird species within the proposed impact area and a 300-foot buffer within 72 hours prior to commencement of any such activity. This survey is intended to determine whether any active nests are located on the project site and is necessary to assure avoidance of impacts to nesting raptors (e.g., Cooper's hawk and red-tailed hawk) and/or birds protected by the federal Migratory Bird Treaty Act. If any active nests are detected, the area would be flagged and mapped on the construction plans along with a minimum of a 25-foot buffer and up to a maximum of 300 feet for raptors, as determined by the project biologist, and avoided until the nesting cycle is complete. The results of the survey shall be provided in a summary report to the Community Development Director.

**CR-1** Monitor Ground Disturbance. Prior to issuance of a grading permit and commencement of any ground disturbing activities for the project, the applicant shall provide written evidence to the City Engineer that the applicant has retained a City-approved archaeologist with experience with historical archaeological sites and who meets the Secretary of the Interior's Professional Qualifications Standards, as promulgated in 36 CFR 61, and a Native American monitor, who shall perform the following activities:

- The archaeologist and the Native American monitor shall attend a pre-construction meeting with the grading contractor to explain the requirements of the monitoring program.
- The archaeologist and the Native American monitor shall be present to monitor ground-disturbing activities, including brushing/grubbing, grading, and trenching. If cultural material is encountered, the archaeologist and the Native American monitor shall have the authority to temporarily halt or redirect grading and other ground-disturbing activity while the cultural material is documented and assessed.
- If cultural material is encountered, the archaeologist shall treat recovered items in accordance with current professional standards by properly provenancing, cleaning, analyzing, researching, reporting, and curating them in a collection facility meeting the Secretary of the Interior's Standards, as promulgated in 36 CFR 79, such as the San Diego Archaeological Center.

Within sixty days after completion of the ground-disturbing activity, the archaeologist shall prepare and submit a final report to the City for review and approval, which shall discuss the monitoring program and its results, and provide interpretations about the recovered materials, noting to the extent feasible each item's class, material, function, and origin.

**CR-2** Prior to the issuance of a grading permit and commencement of any ground disturbing activities for the project, the project applicant shall provide written evidence to the City Engineer that the applicant has retained a City-approved paleontologist to perform the requirements set forth in Mitigation Measure CR-1 above, including to conduct a pre-construction meeting to explain monitoring requirements to construction personnel, to observe project site grading and excavation activities, to salvage and catalog fossils as necessary, and to prepare and submit a post-construction monitoring report the City Engineer/Public Works Director.

- HAZ-1** If it is determined that the potential well observed on the project site is an historic well that is in contact with groundwater, the applicant shall ensure, prior to the issuance of a grading permit, that the well is properly destroyed in accordance with DEH guidelines Chapter 4, Wells, in the San Diego County Code of Regulatory Ordinance. The applicant shall obtain a written permit from the Director of Environmental Health who has deemed the well a nuisance by polluting or contaminating ground water or serves as a safety hazard. A licensed contractor shall perform the destruction of the well and the Director shall oversee that it is completed.
- HAZ-2** Prior to the issuance of a grading permit, the applicant shall conduct a comprehensive, pre-demolition survey in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act and Lead Based Paint (LBP) survey prior to any activities with the potential to disturb building materials to determine whether ACM or LBP are present. In the event ACM or LBP are detected, proper removal and disposal of the materials identified shall occur prior to any activities with the potential to disturb the ACM or LBP. To ensure that proper procedures are followed to control the emissions of asbestos into the atmosphere, the SDAPCD must be notified in writing at least 10 days in advance of any demolition by completing a Notice of Intention form. Any demolition plan shall ensure that any/all ACM and/or LBP encountered on-site during construction activities are removed and properly disposed of in accordance with regulations and procedures established by the San Diego County Department of Environmental Health and must be transported by a licensed hazardous waste hauler and disposed of in an appropriate landfill. The SD DEH, Occupational Health Program, or designee shall monitor the applicant's implementation of the demolition plans.
- N-1** Prior to issuance of any construction permits, the applicant shall ensure the following, to the satisfaction of the City of Solana Beach City Engineer:
- Construction noise reduction methods, such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools rather than diesel equipment, shall be used.
  - During construction, stationary construction equipment shall be placed such that emitted noise is directed away from or shielded from sensitive noise receivers.
  - During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive receptors.

## Appendix A

### Air Quality and Greenhouse Gas Emissions Modeling



**Appendix B**  
**Biological Assessment Letter Report**





**Appendix C1**

**Cultural Resources Study**

**C2 Cultural Resources Memo**

**C3 BFSA Response Letter**



**Appendix D**  
**Preliminary Geotechnical Investigation**



**Appendix E1**

**Phase I and Phase II Environmental Site Assessment**

**E2 SCS Comment Response Letter**



**Appendix F1**  
**Preliminary Hydrology Study**

**F2 PDP WQTR**

**F3 Pasco Laret Suiter & Associates Response to Findings Letter**

**F4 Coffey Engineering Findings Letter for Drainage**





**Appendix G**  
**Updated Focused Traffic Study**

**AFFIDAVIT FOR COMPLIANCE WITH SOLANA BEACH MUNICIPAL CODE  
CHAPTER 17.70, AFFORDABLE HOUSING, THROUGH THE PROVISION OF  
RENTAL HOUSING**

2/1/17  
Date

I, NICHOLAS P. NICHOLAS, do hereby certify and declare as follows:

(a) I have proposed a project for 8 residential units located at (address and assessor's parcel number):

512-524 S. NARDO AVE. SOLANA BEACH, CA 92075      298-121-24, 25, 55, 56  
Address      Assessor's Parcel Number

(b) The proposed project at the above address is subject to Solana Beach Municipal Code ("SBMC") Chapter 17.70, Affordable Housing.

(c) To comply with Chapter 17.70, the project proposes to provide 1 units of rental housing affordable to      very low  low income households by providing:

     Affordable rental units in a rental residential project in conformance with Section 17.70.025(B).

     Affordable Accessory Living Units in conformance with Section 17.70.030(A).

     Affordable rental units in a for-sale residential project in conformance with Section 17.70.030(B).

     Affordable rental units in off-site affordable housing in conformance with Section 17.70.030(C).

Affordable rental units in existing housing in conformance with Section 17.70.030(D).

(d) To comply with SBMC Section 17.70.025(C), the project proposes that each rental affordable unit will be subject to a rent regulatory agreement with a term of 55 years and will be rented to very low or low income households, as proposed in item (c) above, at affordable rents consistent with Health and Safety Code Section 50053 and regulations adopted by the California Department of Housing and Community Development (California Code of Regulations Title 25, Sections 6910 through 6924) or successor provisions.

(e) All proposed rental affordable units will not be subject to Civil Code Section 1954.52(a) nor any other provision of the Costa Hawkins Rental Housing Act (Civil Code Sections

1954.51 et seq.) inconsistent with controls on rents, because, pursuant to Civil Code Sections 1954.52(b) and 1954.53(a)(2), I hereby agree to the limitations on rents contained in subsection (d) above of this affidavit in consideration for the following direct financial contribution or any form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code):

\_\_\_ Waiver of Solana Beach affordable housing impact fee in the amount of \$ \_\_\_\_\_;

\_\_\_ Other direct financial contribution (please specify amount and source of funds: \_\_\_\_\_);

\_\_\_ Density bonus, incentive, waiver, or other regulatory incentive of a form specified in Chapter 4.3 (please specify: \_\_\_\_\_);

\_\_\_ Development agreement with City.

(f) I will enter into an agreement with the City to be recorded against the affordable rental property providing for the limitations on rents contained in subsection (d) above of this affidavit.

(g) I am a duly authorized officer, agent, or owner of the subject property.

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

Executed on this day in:

San Diego, CA  
Location

2/1/17  
Date

[Signature]  
Signature

NICHOLAS P. NICHOCAS, MANAGER  
Name (Print), Title

CONTACT INFORMATION AND DECLARATION OF PROJECT APPLICANT

OCEAN RANCH ESTATES, LLC  
Company Name

9345 MIRA MESA BLVD.  
Address

SAN DIEGO, CA 92126  
City, State, ZIP

(858) 653-5852  
Phone

Nicholasnicholas@gmail.com  
E-mail

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of SBMC Chapter 17.70 as indicated above.

  
Signature

NICHOLAS P. NICHOLAS, MANAGER  
Name (Print), Title

2/1/17  
Date

**AFFORDABLE HOUSING PLAN**  
**RENTAL HOUSING ALTERNATIVE**

1. Complete and sign the attached affidavit indicating the rental housing alternative proposed.

2. For the proposed affordable rental units, indicate:

a.   1   Number of affordable rental units proposed.

b. Number of units at each affordability level:

  1   Low income (rents set at 60% of area median income).

       Very low income (rents set at 50% of area median income).

c. Select affordable rental unit type: single-family home, townhome, apartment, accessory dwelling unit.

d. Number of bedrooms and square footage of each affordable rental unit:  
*At least one bedroom of at least 650 SF.* (Attach supplemental sheet showing this information for each unit if more than one affordable rental unit is proposed).

e. Location and design of each affordable rental unit. (Show on plans).

3. Construction phasing and schedule. Affordable units must be constructed and occupied in proportion to the number of market-rate units in each phase of the residential project. The City will require that the first affordable unit be completed and approved for occupancy prior to issuance of the building permit for the fourth market-rate unit in the project.

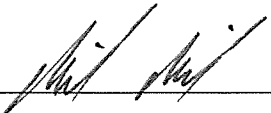
4. Statement regarding the management firm or entity that will certify the eligibility of prospective renters, complete annual monitoring, and otherwise ensure that the affordable rental housing complies with the conditions of approval; and the firm's or entity's experience with affordable housing.

The community development director may request additional information as required to ensure compliance of the project with Chapter 17.70.

Affordable Housing Statement for Case No. 17-15-15 SUB,

Eight-lot subdivision in the City of Solana Beach

This document shall constitute a legal statement regarding the Affordable Housing Plan for the above-referenced subdivision application. City regulations require that the applicant, Nicholas P. Nicholas, provide a statement regarding the management firm that will verify the eligibility of prospective renters, complete annual monitoring and otherwise ensure that the affordable rental housing complies with the conditions of approval, as well as to state the firm's experience with affordable housing. The applicant will ensure that the affordable unit described in the attached affidavit is managed by a professional firm with **no less than five years experience** in the management of affordable housing properties in Southern California. Per the guidelines prescribed in the city's Affordable Housing Plan Rental Housing Alternative, this affordable unit will be purchased within the boundaries of the City of Solana Beach prior to the issuance of the fourth building permit for the above-referenced subdivision. Prior to its issuance, the unit will be purchased, deed restricted as required in the conditions of approval and the attached affidavit, and all pertinent information will be submitted to the City of Solana Beach for public reference.

 2/1/17

Nicholas P. Nicholas, Applicant



**NOTICE OF INTENT  
TO ADOPT A MITIGATED NEGATIVE DECLARATION  
FOR THE PROPOSED OCEAN RANCH ESTATES  
IN THE CITY OF SOLANA BEACH**

Pursuant to the requirements the California Environmental Quality Act (CEQA) Guidelines § 15072, Notice Is Hereby Given that the City of Solana Beach (City) has prepared an Initial Study / Mitigated Negative Declaration (IS/MND), for the *Ocean Ranch Estates Tentative Subdivision Map Project* (“Proposed Project”).

Proposed Project Location and Summary

The City is processing an application for a Development Review Permit (DRP) and a Major Subdivision (Tentative Subdivision Map) to subdivide an existing 4.2 gross acre site into eight single-family residential lots ranging in size from 14,002 to 34,999 square feet. The existing site is comprised of four parcels containing four residences, four sheds, a vacant building, crop fields, and a cold storage trailer. The single-family residence at 538 South Nardo Avenue is currently vacant. The single-family residence at 524 South Nardo Avenue is occupied and the multi-family residence at 516 South Nardo Avenue has three occupied units. The project site is located at 512, 516, 524, and 538 South Nardo Avenue in the southeast portion of the city. The Assessor’s Parcel Numbers (APNs) of the site are 298-121-24, 298-121-25, 295-121-55, and 298-121-56.

The existing General Plan land use designation for the project site is Low Density Residential. The existing zoning designation for the project site is Low Residential (LR) which allows up to 3 dwelling units per acre and specifies a minimum 14,000 square foot (sf) parcel/lot size. This zone is intended for residential development in areas characterized by detached single-family homes on older subdivided lots.

The Proposed Project consists of two phases. Phase 1 of the proposed project involves subdividing the existing parcel into eight lots and demolition of all existing structures on site. Phase 1 of the proposed project includes grubbing and clearing the site, site preparation, and grading to create building pads for eight future single-family homes. Phase 1 of the proposed project also includes construction of Bell Ranch Road, curbs and gutters, sidewalks, and wet and dry utilities. Phase 2 consists of the future development of eight single-family homes as well as purchasing one off-site townhome or apartment that would be rented at the low-income affordability level as required by the Solana Beach Municipal Code (SBMC) Section 17.70.030.D. The affordable housing unit will be purchased off-site within city boundaries before the fourth building permit is granted. At this time, construction of the eight new single-family homes is not proposed by the applicant. Phase 2 (future residential home construction) will be subject to subsequent review and approval by the City of Solana Beach.

The project site has been previously disturbed and graded and is located within an urbanized area surrounded by existing residential development on all sides. The site is not listed on any lists enumerated under Section 65962.5 of the California Government Code.

Review Period and Access to Project Materials

The 30-day public review period is from June 29, 2017 through July 31, 2017. Comments regarding the proposed IS/MND must be made in writing and received by the City by 5:00 p.m. on July 31, 2017. Comments should be addressed to Corey Andrews, Principal Planner, 635 South Highway 101, Solana Beach, CA 92075 or via e-mail [candrews@cosb.org](mailto:candrews@cosb.org). The City will hold a future public meeting to consider adoption of the IS/MND and project approval at a later date.

A copy of the IS/MND may be reviewed on the City’s website. A hard copy and supporting documents are on-file and may be reviewed at the City of Solana Beach Community Development Department, 635 South Highway 101, Solana Beach, CA. 92075 from 7:30am - 5:00pm Monday through Friday.(Closed every other Friday)

**Release Date: June 29, 2017**

**ATTACHMENT 5**

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Proposed Ocean Ranch Estates Tentative Subdivision Map

Lead Agency: City of Solana Beach Contact Person: Corey Andrews
Mailing Address: 635 South Highway 101 Phone: (858) 720-2400
City: Solana Beach Zip: 92075 County: San Diego

Project Location: County: San Diego City/Nearest Community: Solana Beach
Cross Streets: 512, 516, 524, and 538 South Nardo Avenue. Cross streets: Lirio St. and S. Nardo Ave. Zip Code: 92075
Longitude/Latitude (degrees, minutes and seconds): 32 ° 59 ' 13.1 " N / 117 ° 15 ' 48.3 " W Total Acres: 4.19
Assessor's Parcel No.: 298-121-24, -25, -55, and -56 Section: Twp.: Range: Base:
Within 2 Miles: State Hwy #: 101 and 5 Waterways: Stevens Creek, San Dieguito Lagoon, Pacific Ocean
Airports: none Railways: NCTD Schools: St. James Academy

Document Type:

CEQA: [ ] NOP [ ] Draft EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons [ ] Supplement/Subsequent EIR [ ] EA [ ] Final Document
[ ] Neg Dec (Prior SCH No.) [ ] Draft EIS [ ] Other:
[ X ] Mit Neg Dec Other:

Local Action Type:

[ ] General Plan Update [ ] Specific Plan [ ] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ X ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ X ] Site Plan [ X ] Land Division (Subdivision, etc.) [ ] Other:

Development Type:

[ X ] Residential: Units 8 Acres 4.19
[ ] Office: Sq.ft. Acres Employees [ ] Transportation: Type
[ ] Commercial: Sq.ft. Acres Employees [ ] Mining: Mineral
[ ] Industrial: Sq.ft. Acres Employees [ ] Power: Type MW
[ ] Educational: [ ] Waste Treatment: Type MGD
[ ] Recreational: [ ] Hazardous Waste: Type
[ ] Water Facilities: Type MGD [ ] Other:

Project Issues Discussed in Document:

[ X ] Aesthetic/Visual [ ] Fiscal [ X ] Recreation/Parks [ X ] Vegetation
[ X ] Agricultural Land [ X ] Flood Plain/Flooding [ X ] Schools/Universities [ X ] Water Quality
[ X ] Air Quality [ X ] Forest Land/Fire Hazard [ X ] Septic Systems [ X ] Water Supply/Groundwater
[ X ] Archeological/Historical [ X ] Geologic/Seismic [ X ] Sewer Capacity [ X ] Wetland/Riparian
[ X ] Biological Resources [ X ] Minerals [ X ] Soil Erosion/Compaction/Grading [ X ] Growth Inducement
[ ] Coastal Zone [ X ] Noise [ X ] Solid Waste [ X ] Land Use
[ X ] Drainage/Absorption [ X ] Population/Housing Balance [ X ] Toxic/Hazardous [ X ] Cumulative Effects
[ ] Economic/Jobs [ X ] Public Services/Facilities [ X ] Traffic/Circulation [ ] Other:

Present Land Use/Zoning/General Plan Designation:

Present Use: Residential and crop fields / Zoning: Low Residential (LRC) / General Plan: Low Density Residential (3 DU/Acre)

Project Description: (please use a separate page if necessary)

The project consists of two phases. Phase 1 is a request for approval of a Development Review Permit and Major Subdivision (Tentative Subdivision Map) to subdivide the existing 4.19 acres into 8 single-family residential lots. Phase 2 consists of the future development of 8 single-family homes, as well as purchasing 1 off-site affordable rental unit. At this time, construction of the 8 single-family homes (Phase 2) is not proposed by the applicant and will be subject to subsequent review and approval by the City of Solana Beach. Phase 1 of the project involves subdividing the existing parcels into 8 lots; demolition of all existing on-site structures; site preparation; grading; construction of Bell Ranch Road, curbs and gutters, sidewalks, and wet and dry utilities; construction of two HMP Biofiltration basins; and a 10-ft drainage easement containing an 18-in stormdrain.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.



**Reviewing Agencies Checklist**

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".  
If you have already sent your document to the agency please denote that with an "S".

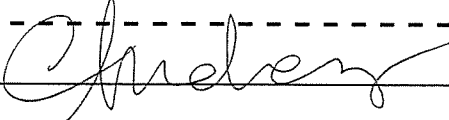
- |  |  |
|--|--|
| <input type="checkbox"/> Air Resources Board                         | <input type="checkbox"/> Office of Historic Preservation                     |
| <input type="checkbox"/> Boating & Waterways, Department of          | <input type="checkbox"/> Office of Public School Construction                |
| <input type="checkbox"/> California Emergency Management Agency      | <input type="checkbox"/> Parks & Recreation, Department of                   |
| <input type="checkbox"/> California Highway Patrol                   | <input type="checkbox"/> Pesticide Regulation, Department of                 |
| <input type="checkbox"/> Caltrans District # _____                   | <input type="checkbox"/> Public Utilities Commission                         |
| <input type="checkbox"/> Caltrans Division of Aeronautics            | <input type="checkbox"/> Regional WQCB # _____                               |
| <input type="checkbox"/> Caltrans Planning                           | <input type="checkbox"/> Resources Agency                                    |
| <input type="checkbox"/> Central Valley Flood Protection Board       | <input type="checkbox"/> Resources Recycling and Recovery, Department of     |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy          | <input type="checkbox"/> S.F. Bay Conservation & Development Comm.           |
| <input type="checkbox"/> Coastal Commission                          | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board                        | <input type="checkbox"/> San Joaquin River Conservancy                       |
| <input type="checkbox"/> Conservation, Department of                 | <input type="checkbox"/> Santa Monica Mtns. Conservancy                      |
| <input type="checkbox"/> Corrections, Department of                  | <input type="checkbox"/> State Lands Commission                              |
| <input type="checkbox"/> Delta Protection Commission                 | <input type="checkbox"/> SWRCB: Clean Water Grants                           |
| <input type="checkbox"/> Education, Department of                    | <input type="checkbox"/> SWRCB: Water Quality                                |
| <input type="checkbox"/> Energy Commission                           | <input type="checkbox"/> SWRCB: Water Rights                                 |
| <input type="checkbox"/> Fish & Game Region # _____                  | <input type="checkbox"/> Tahoe Regional Planning Agency                      |
| <input type="checkbox"/> Food & Agriculture, Department of           | <input type="checkbox"/> Toxic Substances Control, Department of             |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of                      |
| <input type="checkbox"/> General Services, Department of             |  |
| <input type="checkbox"/> Health Services, Department of              | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Housing & Community Development             | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Native American Heritage Commission         |  |

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**Local Public Review Period (to be filled in by lead agency)**

Starting Date February 8, 2019 Ending Date March 11, 2019

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**Lead Agency (Complete if applicable):**

Consulting Firm: <u>Harris &amp; Associates</u>	Applicant: <u>Nicholas P. Nicholas</u>
Address: <u>600 B Street Suite 2000</u>	Address: <u>9345 Mira Mesa Boulevard</u>
City/State/Zip: <u>San Diego, CA 92101</u>	City/State/Zip: <u>San Diego, CA 92126</u>
Contact: <u>Ryan Binns</u>	Phone: <u>(858) 653-5852</u>
Phone: <u>(619)481-5015</u>	

-----  
**Signature of Lead Agency Representative:**  **Date:** 2.6.2019

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.


### Environmental Factors Potentially Affected

Based upon the evaluation presented in the following IS, it is concluded that, with implementation of the recommended mitigation measures, the proposed project would not result in significant adverse environmental impacts.

### Environmental Determination

On the basis of the initial evaluation of the attached Initial Study:

- I find the Proposed Project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the Project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the Project have been made or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the Proposed Project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the Proposed Project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

  
 \_\_\_\_\_  
 Corey Andrews, Principal Planner

2.6.2019  
 \_\_\_\_\_  
 Date

The signature below signifies that the applicant has read and accepts the mitigation measures detailed in this final IS/MND.

  
 \_\_\_\_\_  
 Nicholas P. Nicholas, Applicant

2/6/19  
 \_\_\_\_\_  
 Date



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

July 31, 2017

Corey Andrews  
City of Solana Beach  
635 South Highway 101  
Solano Beach, CA 92075

Subject: Proposed Ocean Ranch Estates Tentative Subdivision Map  
SCH#: 2017061082

Dear Corey Andrews:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 28, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2017061082  
**Project Title** Proposed Ocean Ranch Estates Tentative Subdivision Map  
**Lead Agency** Solana Beach, City of

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**Type** MND Mitigated Negative Declaration

**Description** The project consists of two phases. Phase 1 is a request for approval of a development review permit and major subdivision to subdivide the existing 4.19 acres into 8-single family residential lots. Phase 2 consists of the future development of 8 single family homes, as well as purchasing 1 off site affordable rental unit. At this time, construction of the 8 single family homes is not proposed by the applicant and will be subject to subsequent review and approval by the city of Solana Beach. Phase 1 of the project involves subdividing the existing parcels into 8 lots; demolition of all existing on-site structures; site preparation; grading; construction of Bell Ranch Road, curbs and gutters, sidewalks, and wet and dry utilities and the construction of drainage improvements.

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**Lead Agency Contact**

**Name** Corey Andrews  
**Agency** City of Solana Beach  
**Phone** (858) 720-2447 **Fax**  
**email**  
**Address** 635 South Highway 101  
**City** Solano Beach **State** CA **Zip** 92075

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**Project Location**

**County** San Diego  
**City** Solana Beach  
**Region**  
**Lat / Long** 32° 59' 13.1" N / 117° 15' 48.3" W  
**Cross Streets** 512, 516, 524, 538 South Nardo Ave; Lirio St and S. Nardo Ave  
**Parcel No.** 298-121-24, 25, 55, 56  
**Township** **Range** **Section** **Base**

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**Proximity to:**

**Highways** 101, 5  
**Airports**  
**Railways** NCTD  
**Waterways** Stevens Creek, San Dieguito Lagoon, Pacific Ocean  
**Schools** St. James Academy  
**Land Use** PLU: Residential and crop fields/Z: Low residential/GP: Low density residential

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

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**Reviewing Agencies** Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Native American Heritage Commission; Public Utilities Commission; Regional Water Quality Control Board, Region 9; State Water Resources Control Board, Division of Drinking Water, District 14

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**Date Received** 06/29/2017 **Start of Review** 06/29/2017 **End of Review** 07/28/2017

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

(CLEAR

## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
 1550 Harbor Blvd., Suite 100  
 West Sacramento, CA 95691  
 Phone (916) 373-3710  
 Fax (916) 373-5471

7-28-17  
E

July 12, 2017

Governor's Office of Planning &amp; Research

JUL 17 2017

STATE CLEARINGHOUSE

Corey Andrews  
 City of Solano Beach  
 635 South Highway 101  
 Solano Beach, CA 92075

Sent via e-mail: candrews@cosb.org

Re: SCH# 2017061082, Proposed Ocean Ranch Estates Tentative Subdivision Map Project, City of Solano Beach; San Diego County, California

Dear M. Andrews:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration prepared for the project referenced above. The review included the Project Description, Initial Study Environmental Checklist, section V Cultural Resources, and section XVII Tribal Cultural Resources, the List of Mitigation Measures, and Appendix C, Cultural Resources Study, prepared by Brian F. Smith & Associates, Inc. for the City of Solano Beach. We have the following concerns:

1. There is no documentation of **government-to-government consultation by the lead agency** under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes. Discussions under AB-52 may include the type of document prepared; avoidance, minimization of damage to resources; and proposed mitigation. Contact by consultants during the Cultural Resources Assessments is not formal consultation.
2. There are no mitigation measures specifically addressing Tribal Cultural Resources separately. Mitigation measures must take Tribal Cultural Resources into consideration as required under AB-52, **with or without consultation** occurring. *Mitigation language for archaeological resources is not always appropriate for or similar to measures specifically for handling Tribal Cultural Resources.* Please refer to California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>

The California Environmental Quality Act (CEQA)<sup>1</sup>, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>2</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>3</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).<sup>4</sup> **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"<sup>5</sup>, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."<sup>6</sup> Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>7</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>8</sup> may also apply.

<sup>1</sup> Pub. Resources Code § 21000 et seq.

<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

<sup>4</sup> Government Code 65352.3

<sup>5</sup> Pub. Resources Code § 21074

<sup>6</sup> Pub. Resources Code § 21084.2

<sup>7</sup> Pub. Resources Code § 21084.3 (a)

<sup>8</sup> 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

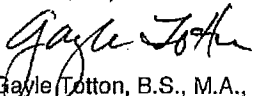
Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov) or call (916) 373-3710 if you have any questions.

Sincerely,



Gayle Totton, B.S., M.A., Ph.D  
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

**Pertinent Statutory Information:**

**Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project,<sup>9</sup> and prior to the **release of a negative declaration, mitigated negative declaration or environmental impact report**. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)."<sup>10</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.<sup>11</sup>

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>12</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10**. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>13</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss both of the following:**

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.<sup>14</sup>

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>15</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>16</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).<sup>17</sup>

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

<sup>9</sup> Pub. Resources Code § 21080.3.1, subds. (d) and (e)

<sup>10</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>11</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>12</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>13</sup> Pub. Resources Code § 21082.3 (c)(1)

<sup>14</sup> Pub. Resources Code § 21082.3 (b)

<sup>15</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>16</sup> Pub. Resources Code § 21082.3 (a)

<sup>17</sup> Pub. Resources Code § 21082.3 (e)

- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>18</sup>  
*This process should be documented in the Tribal Cultural Resources section of your environmental document.*

**Under SB 18:**

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>19</sup>
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>20</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.<sup>21</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>22</sup>

**NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

<sup>18</sup> Pub. Resources Code § 21082.3 (d)

<sup>19</sup> (Gov. Code § 65352.3 (a)(2)).

<sup>20</sup> pursuant to Gov. Code section 65040.2,

<sup>21</sup> (Gov. Code § 65352.3 (b)).

<sup>22</sup> (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).



**Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.<sup>23</sup>
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.<sup>24</sup>

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.<sup>25</sup> In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

<sup>23</sup> (Civ. Code § 815.3 (c)).

<sup>24</sup> (Pub. Resources Code § 5097.991).

<sup>25</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

To: COREY ANDREWS;

7/2/17

Mr. Andrews;

I have been a resident of Solana Beach for 40 + years. I love this place and thank heaven for my good luck to land here. I own my house and plan to stay here til I die. This is a very quiet and dignified neighborhood. Almost all of my best friends live within walking distance.

From:  
Jeannie Magee  
So. Narcho Ave  
Solana Beach, Ca  
92075 (1945 → ?)

Forty + years ago I worked for Sanford Goodkin Research Corporation in Carmel Valley. We were always looking for the highest and best use for developments. (parcels) I don't want this property to be developed into 8 parcels. It's too dense. The best use of this land would be to build a couple of beautiful big homes and leave a lot of open space. over

So, NARdo has Terrible Traffic and  
No sidewalks. We are all complaining  
about it. I would like to speak for  
my neighbor, Norma Hasselman - she is  
traveling and out of reach. Please

don't let  
our area  
be  
over-  
developed.

If you  
were here  
you would  
feel the  
same,

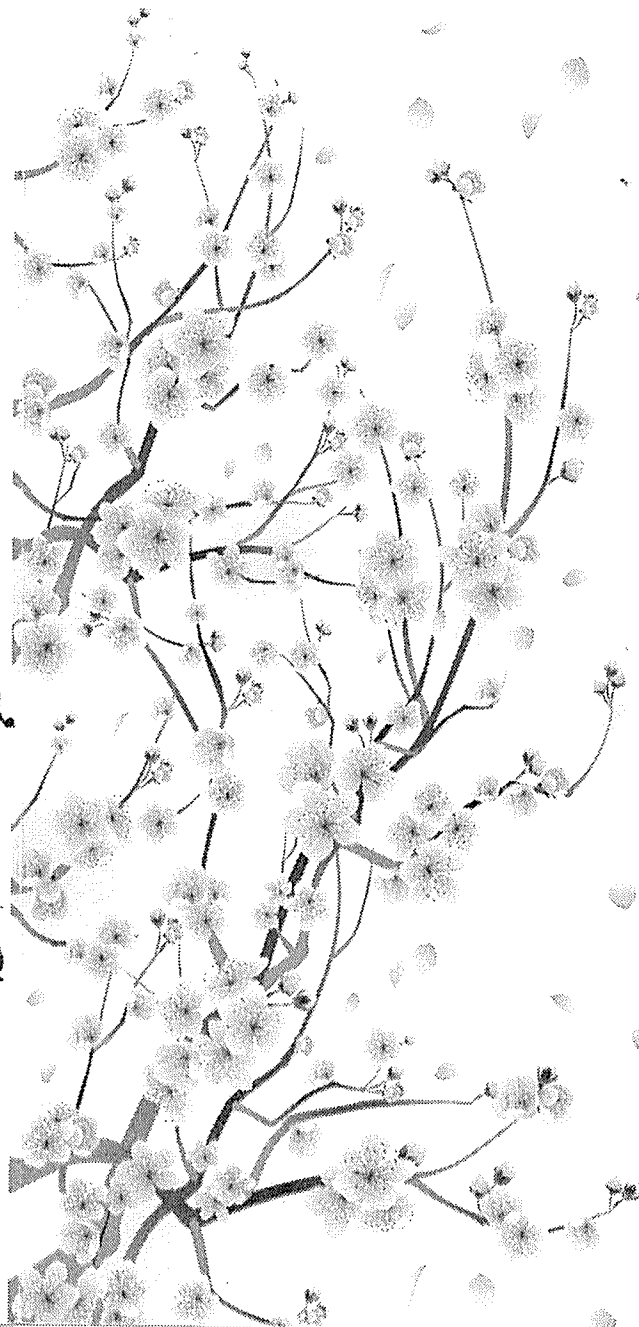
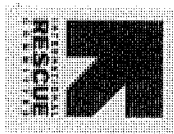
Thank you,

Jeanne Mage

The International Rescue Committee (IRC) responds to the world's  
worst humanitarian crises and helps people to survive and rebuild  
their lives. For over 80 years, we have offered lifesaving care  
and life-changing assistance to refugees forced to flee from war,  
persecution, or natural disaster.

At work today in over 40 countries and in 22 U.S. cities, to restore  
safety, dignity, and hope, the IRC leads the way from harm to home.

International Rescue Committee  
122 East 42nd Street  
New York, NY 10168-1289  
1-855-9-RESCUE  
From Harm to Home | [Rescue.org](http://Rescue.org)



Mr. Chopyk and Mrs. Andrews;

I am writing to ask you to please reject the planned Ocean ranch estates and Belle Ranch Road across the street from me. Our neighborhood exemplifies the uniquely beautiful character of Solana Beach.

At our end of So. Nardo we have a lot of seniors; retired intellectuals, writers and scholars — and also across the street from me — a house ~~that~~ full of 3 generations of Mexicans who grow dahlias commercially to sell to grocery stores. We all help each other and socialize together. I don't want to see this change. Thank you,  
Jeannie M. Mose

## Haley Johnson

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**From:** Steve Scott [REDACTED]  
**Sent:** Monday, July 3, 2017 9:32 AM  
**To:** Corey Andrews  
**Subject:** IS/MND for the Ocean Ranch Estates Tentative Subdivision Map Project

Dear Mr. Andrews,

In regards, to the Notice of zIntent for the above referenced proposed project, I have the following questions, recommendations and comments:

- 1) The maximum allowable height of the proposed residences is 25' as measured from the proposed pad elevations. It was my understanding that the height was measured from the existing grade elevation, not the new manufactured grade elevation.
- 2) "up to 23 on-street parking spaces" located on the new Bell Ranch Road. Given the proposed lot sizes coupled with the proposed square footage per residence, each proposed residence should have above average garage capacity and thus eliminate the need for 23 on street parking places. In addition, will these on street parking spaces permit motor home/RV/Boat Trailers etc. to be parked on the street? What about Fair, race and other Fairground events that generate on street parking on Solana Circle, Nardo etc? Not sure our neighborhood really needs to support the Fairground events.
- 3) On Figure 3 the proposed 10' dedication is that for a de-accel/dedicated right turn lane to Bell Ranch Road? On Figure 3, where are the proposed 23 on-street parking spaces located? For those exiting Bell Ranch Road making a left to head south on Nardo is the visibility sufficient given the existing conditions located on apn 298-121-63?

Regards,

Steve Scott  
[REDACTED] South Granados Ave  
SB, Ca. 92075

## Haley Johnson

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**From:** Corey Andrews <candrews@cosb.org>  
**Sent:** Monday, July 31, 2017 1:16 PM  
**To:** Ryan Binns  
**Cc:** Haley Johnson  
**Subject:** FW: S Nardo

Comment letter

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**From:** Corey Andrews  
**Sent:** Monday, July 31, 2017 1:15 PM  
**To:** Corey Andrews  
**Subject:** FW: S Nardo

**From:** Larna Hartnack <[REDACTED]>  
**Date:** July 27, 2017 at 12:51:56 PM PDT  
**To:** Jewel Edson <jedson@cosb.org>  
**Subject:** S Nardo

Hi Jewel,

Thanks again for your support with my Parks and Rec appointment. I am excited to get started and help get the skatepark built!

I am writing to you on behalf of a group of neighbors who are very concerned by the speed of traffic on S Nardo, and specifically the intersection of S Nardo and Solana Circle, where S Nardo curves and heads down the hill past the Highlands development. It is a very dangerous part of the road and the increasingly high speeds of cars on S Nardo is of concern to all the neighbors on Nardo, but particular along this stretch where cars can't see what's coming around the corner. I personally know a handful of moms that won't let their kids walk to school, either St James or Earl Warren, or ride their bikes, because of the fear of cars speeding blindly around that corner and not seeing a kid on the street.

This issue was actually raised with a large group of neighbors at the "meet and greet" last night regarding the Ocean Ranch Estates project, Bell Ranch Rd project, the project that is being proposed nearby on Nardo. The project received overwhelming support from Neighbors, but almost unrelated to the project neighbors started talking about their concern about this dangerous stretch of S Nardo. People agreed "it is an accident waiting to happen", and they asked the developer if he could do something about it as a part of his project. They noted that his project was adding a sidewalk to the Nardo portion of his property, but that sidewalk would not connect to any sidewalk to the North or South of his property and said it would really be a useless stretch of "sidewalk to nowhere". The group of roughly 30-40 neighbors in the immediate vicinity unanimously agreed they would much prefer to see stop signs added to S Nardo at the curve in the road than to see the sidewalk added along his property. The developer said he would be happy to do whatever the community agreed to, but it was really up to the city. I offered to spearhead this for the neighbors since it really is a separate issue from the Ocean Ranch Estates development, but it does seem like there is an opportunity to solve a problem in conjunction with the project.

I apologize for the long winded email. I would be happy to discuss this with you further and outline the proposed solution to the problem for you. One of the neighbors said there has already been a study done on the stretch of road being discussed which concluded that while stop signs aren't required there, they certainly could be justified. I think we have a chance to do something here that could solve a potential problem before it becomes a real one and possibly even save lives.

Please let me know your thoughts. Thank you.

Larna Hartnack



Sent from my iPhone

## Haley Johnson

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**From:** Corey Andrews <candrews@cosb.org>  
**Sent:** Monday, July 31, 2017 8:12 AM  
**To:** Ryan Binns; Haley Johnson  
**Subject:** FW: Ocean Ranch Estates

Here is another comment that I received for Ocean Ranch. -Corey

-----Original Message-----

**From:** David Checkley [REDACTED]  
**Sent:** Monday, July 31, 2017 3:01 AM  
**To:** Corey Andrews  
**Cc:** Levin, Lisa  
**Subject:** Ocean Ranch Estates

Ms. Andrews,

We have been out of the country during much of the review period and return home on August 1, after the review period. We have been unable to examine in detail the relevant documents. However, we briefly examined some of these before our departure and are, in general, aware of the proposed project.

Issues which we feel merit attention:

- 1 - traffic at the proposed egress to S Nardo will increase and be relocated south significantly; the probability of an accident (vehicle with pedestrian, bicycle and/or vehicle) will increase; we are concerned that such increase may be underestimated; accidents are rare events not modeled on mean (average) values but, rather, variability, including extreme events; we know from personal experience that cars speed uphill and around the curve near the church entrance and Solana Circle; we know also that cars 'cut' this corner; we are not convinced that the proposed plan, even with the proposed sidewalk, will ensure the necessary level of safety for all users, including pedestrians, cyclists and vehicles;
- 2 - it is unclear to us why such a large road with so many roadside parking places is necessary; cannot the parking for the new homes be accommodated on their respective properties?
- 3 - we understand that each proposed lot is as large or larger than required by zoning; however, we question whether the smallest lots are consistent with recent home developments in our community;
- 4 - it is unclear to us why the entire first stage would be allowed when the affordable housing 'offset' (i.e., offsite purchase) would occur only after half the first-stage sites were sold, if we understand correctly;
- 5 - we are uncertain from the available plan drawing of the impact of the proposed road on our property;
- 6 - finally, and we appreciate this is a subjective statement, we simply encourage community views be at least heard and, as appropriate, respected in decisions made regarding the proposed development.

Sincerely,

David Checkley and Lisa Levin  
[REDACTED] S. Nardo Avenue



Solana Beach



## Haley Johnson

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**From:** Corey Andrews <candrews@cosb.org>  
**Sent:** Monday, July 31, 2017 8:56 AM  
**To:** Ryan Binns; Haley Johnson  
**Subject:** FW: Ocean Ranch Estates

Comment Letter

-----Original Message-----

From: Jon Velken [mailto:████████████████████]  
Sent: Monday, July 31, 2017 8:51 AM  
To: Corey Andrews  
Subject: Ocean Ranch Estates

As a Solana Beach native and a 60 year resident of South Nardo I was saddened to read about Ocean Ranch Estates. Obviously I am opposed to it.

I once loved Solana Beach and South Nardo but I no longer do. The noise, traffic, population growth, housing density, and pollution have rendered Solana Beach into something I barely recognize. The agricultural aspect and rural side of South Nardo and Solana Beach is now gone. A shame. To be born here and see it change so much for the worse I now consider to be a curse. The Solana Beach I knew is now extinct, like dinosaurs or the woolly mammoth.

I read the Mitigated Negative Declaration and to no surprise found it to be subjective and biased in favor of the developer.

In specific I found the Aesthetics and Noise aspect of the report to be very subjective and written with a very pro developer mindset.

The project to me looking at the drawings and concept picture from the Solana Beach Sun looks like Fairbanks Ranch and does not fit into the aesthetics of South Nardo from years past or into South Nardo of present. It will look quite different from its surroundings. To me it will look aesthetically displeasing simply because it will look and be so different from anything next to it or anything on South Nardo. A Fairbanks Ranch West.

The developer in the Solana Beach Sun claimed, "The vision is to have this be like the streets of old Solana Beach." In no way shape or form will this be anything like the streets of old Solana Beach.

As to the noise it will be substantial and the methods listed in the report to mitigate it will not reduce it as much as the report would like you to believe. I feel sorry for the ones that live very close to the project. They are in for a very rude three, or four years of construction not to mention all the forever noise of eight homes with all the cars, kids, dogs, gardeners, and deliveries that go with it. This I know from first hand experience of 60 years of living on South Nardo and suffering the noise of years of construction and loss of privacy and quality of life that goes with it.

Jon Velken

Sent from my iPhone

## Haley Johnson

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**From:** Corey Andrews <candrews@cosb.org>  
**Sent:** Monday, July 31, 2017 1:17 PM  
**To:** Ryan Binns  
**Cc:** Haley Johnson  
**Subject:** FW: Comment on IS/MND for Ocean Ranch Estates

Comment letter

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**From:** ramoore [REDACTED]  
**Sent:** Monday, July 31, 2017 1:15 PM  
**To:** Corey Andrews  
**Cc:** Greg Wade; Mo Sammak; Bill Chopyk; [REDACTED]; Jewel Edson; Mike Nichols;  
[REDACTED]  
**Subject:** Comment on IS/MND for Ocean Ranch Estates

*(Note to Ms. Andrews: this was also submitted to your office as hardcopy)*

Monday, July 31, 2017

Ms. Corey Andrews, Principal Planner  
City of Solana Beach  
635 South Highway 101  
Solana Beach, CA 92075

Dear Ms. Andrews,

**Summary: This message identifies a traffic safety problem relating to development along South Nardo Avenue and asks for two additional stop signs on South Nardo Avenue at its north/west bound intersection with Nardito and at its south/east bound intersection with Solana Circle.**

The proposed development of Ocean Ranch Estates appears to me to be well-designed and aesthetically pleasing. My concerns about it address the additional traffic it will add to an already overburdened intersection on South Nardo Avenue (which has been characterized by neighbors as "an accident waiting to happen").

I originally discussed this with the City in March 2014 when the redevelopment of Solana Highlands apartments was announced. Since that time there has been increased traffic on Nardo. The additional traffic which will be generated by the Ocean Ranch Estates development adds to those current safety problems at the intersection of South Nardo with Solana Circle and at Nardito. The traffic calming measures proposed back then (street risers to curb level for pedestrian crossing and traffic slowing) have not been pursued.

At present the length of Nardo between Lirio and the subject intersection is the "funnel" for all - repeat, all - traffic going down to Stevens from South Nardo, South Granados, Rios, Lirio and Palmitas (and much of South Cedros). Here are some of the problems I see from my residence near that intersection:

- Due to a drop in road elevation, the intersection is below the line of vision of southbound vehicles on Nardo Avenue. Pedestrians and vehicles cannot be seen until about 120' away. Speeding vehicles have little time to avoid collision.
- Traffic from Solana Circle entering Nardo rarely stops at the stop sign there. This is an enforcement problem as well as a design issue.

-Traffic coming up Nardo from Stevens cannot see around the curve beginning from Nardito to the northwest, and is frequently speeding.

- There is a stop sign at the exit of Nardito onto Nardo, but given the visibility problems, there have been some near disasters there with cars from Nardito pulling out onto Nardo from that stop sign.

- We personally have nearly been rear-ended when attempting to turn left into our driveway while headed north on Nardo and having had to slow or stop for oncoming southbound traffic on Nardo.

- There is a yellow-striped school walkway for children to cross from Nardito to St. James Catholic Church to the south. So far, no children have become casualties. There are also a vehicle entrance and exit for the Church parking lot on the south side of Nardo; the entrance is across from Nardito. That ingress is often backed up with entering vehicles slowed or stopped on Nardo due to the sharp turn needed to enter that narrow lane. The exit lane onto Nardo, about 200' east, has an exit stop sign, and egress visibility is relatively good.

Some time ago, I asked City staff for installation of all-way stop signs on Nardo, to reduce these dangers. At that early time, pre-2014, the City made a traffic count and declined signage due to then-insufficient traffic volume (although there were, and are, existing stop signs at Corto and Lirio, where the volume has to be less). With the proposed additional units in Solana Highlands, and now with the Ocean Ranch development, this needs to be revisited with 2017 traffic data.

One proposal of using speed risers, where a pedestrian crossing at curb level is installed at Nardito, sounded like a good compromise to me. Back in 2014 I tried out the temporary risers on North Acacia Avenue and they seem to work well. But all-in-all, I believe all-way stop signs are a better solution there, and one which won't rattle Fire Department engines on their frequent calls.

At a recent informational meeting on July 26, 2017 showing the developer's plans for Ocean Ranch Estates, the majority of the residential attendees endorsed the two stop sign approach to traffic calming.

I propose that you condition approval of the IS/MND on the installation of two stop signs, to be installed either by the developer of Ocean Ranch Estates or by the City of Solana Beach.

Thank you for the opportunity to comment on this traffic situation.

Dr. Richard A. Moore, P.E.

██████████ South Nardo Avenue

Cc:

Greg Wade, City Manager

Mo Sammak, Director of Public Works

Bill Chopyk, Director of Community Development

Nick Nicholas, Ocean Ranch Estates

Jewel Edson, Councilmember

Mike Nichols, Mayor

Augie Daddi, SB Resident

July 31, 2017

Hon. Mayor of Solana Beach and  
Members of the City Council  
Corey Andrews, Principal Planner  
City of Solana Beach  
635 S. Highway 101  
Solana Beach, Ca. 92075

RE: Public Comment on Mitigated Negative Declaration for the Ocean Ranch Estates Tentative  
Subdivision Map Project 538 S. Nardo Avenue, Solana Beach, CA 92075

Dear Sirs/Madams:

### **INTRODUCTION**

We are writing this letter to express our concerns regarding the Mitigated Negative Declaration for the Ocean Ranch Estates Tentative Subdivision Map Project 538 S. Nardo Avenue, Solana Beach, CA 92075 of which comment was solicited on June 30, 2017. We are three long term residents and property owners whose properties border its eastern boundary. Our properties are single family homes and include the properties of Thomas and Rena Kaiser, who reside at [REDACTED] Fresca St., Laurel and James Graziano who reside at [REDACTED] Fresca St. and Jesse and Merle Quinsaats who reside at [REDACTED] Fresca St. The Kaisers and Quinsaats have each lived at their respective homes for more for more than 30 years while the Grazianos have lived at theirs more than 17 years.

### **PRIOR HISTORY LEADING TO THE MND**

We have some familiarity with the proposed development. We believe that a look back at the history of our interaction with the main players involved will help explain why we approach this MND with some degree of caution and concern.

In late 2015, we became aware of an application for Development Review Permit submitted on behalf of the developer by Pasco Laret Suiter and Associate (PLSA). The site of the proposed development project is located to the west of us along Nardo Street. This property, which is composed of a few residential properties surrounding flower farms has remained in substantially the same state since our families have lived on Fresca St. When we heard of the breadth and the scope of the project community, which originally would be composed of up to 14 dwellings, we had our concerns.

These concerns stemmed mainly from the geographical consequences of the juxtaposition of our properties relative to the elevation of the proposed development. The subject property is

approximately 60-80 feet above us. A steep slope leads to the east border of the project. The rise of this slope is so steep that it is nearly impossible to walk up it without the assistance of artificial stairways. Steep sloping hillsides are an element in erosion and flooding under natural conditions and the possibility and the potential for severe or even catastrophic occurrences are heightened when alterations to the existing conditions are made.

It was due to these possible consequences to our properties from additional development on the subject property that we sent a letter to your City Planner, Ms. Corey Andrews and Chief Engineer, Mr. Mo Sammak in January 2016. This letter was sent by email and is attached as **Exhibit 1**. As can be seen, we expressed our desire that the City be guided in its review by the Hillside Overlay Ordinance adopted by the City. These regulations discuss limitations for development and building with the Overlay Zone. We believed that parts of the development lie within the zone and we requested Mr. Sammak and Ms. Andrews to be particularly mindful of the potential for erosion and flooding.

In early 2017, we requested and were given the actual drainage plan submitted by PLSA for the property. We conducted our own personal review of this latest plan, a copy of which is attached as **Exhibit 2**. Although we are not land development experts nor hydrology engineers, we spotted what we believed to be errors in some of the calculations made in the discussions regarding water permeability on the property and incorrect assumptions regarding slope directions. With respect to the figures which we doubted, these involved the numerical coefficients chosen by the drafters of the plan. The numbers chosen correlated to an assertion that the property had a relatively high impermeability factor e.g., that it was mainly composed of hard surface material. Such material results in greater above ground water flow. Based on our familiarity with the actual property we felt that the opposite was more true, that the ground consisted mostly of soil which is farmed and is highly absorbent of water. In addition, the plan stated that most of the drainage on the property was in a west-east direction. We doubted this assumption based on our personal observations of the property, we had seen multi-directional slopes which will cause the water to run in other directions.

These incorrect applications of the proper numerical co-efficients for permeability and wrong assertions of overall slope direction have great bearing on the duties of property owners who develop land which is above their neighbors. The law in California regarding the flow of water from properties higher in elevation to properties lower down is relatively simple. The “upstream” owners owe a duty to “downstream” owners not to increase the flow of water downhill beyond that which is normal and pre-existing. Thus, upstream owners are not allowed to increase the normal flow of water to its downstream neighbors including increase caused by development.

If the “normal” (pre-development “) amount of water flowing downhill from the upstream owner is overstated as a present feature, i.e., the volume of water currently flowing downhill is made to appear higher than it actually is, the upstream owner developing the property can have a drainage plan (or none at all) which is far less restrictive in its water retention capabilities than would otherwise be required if the true amount is stated. This is a type of mitigation dynamic based on incorrect calculation or unverified assumptions which

purport the conclusion that there is no or little change from the norm.

In our situation, it appeared that the developer's drainage plan incorrectly concluded that the water flowing from the subject property surface was not only greater than it actually was but that most of it was already flowing in our direction. This appeared to create a situation where the developer could assert that additional hard surfaces created by its development, e.g., streets, roofs and driveways did not create substantially more water flow and that historically, this water was flowing in our direction already. In essence, the developer was stating in his plan that the consequences of the development regarding increased water flow was not as large as might be assumed or did not require a water retention design which could mitigate the increased water collected from the addition of "improvements" to stop it from flowing at us.

As long-term residents of our properties, we are acutely aware of how the slopes along our hillsides can affect the potential for flooding. Over the years, the flow of water from above us has not been a factor which we have worried about a great deal. Historically we have avoided serious flooding episodes. We attribute this in part to diligence in adequately defending our property from increase in flows from rainy periods but mostly because the ground characteristics of absorption and directional flows above us help to naturally mitigate the danger of flooding even during extreme rainy weather.

Alarmed that this drainage plan was based on faulty premises, we requested the City Engineer to conduct a physical examination of the subject property with us. We were grateful that City Engineer Mo Sammak accepted our invitation to tour our properties and the subject proposed development project. Mr. Sammak agreed that the co-efficients utilized in the plan did not appear to be proper and he observed first hand our doubts about conclusions reached regarding slope direction. Furthermore, he suggested that we hire our own hydrology expert to review any plan submitted by the developer with respect to drainage and he assured us that the City would have its own third party drainage expert review any such new plan. Mr. Quinsaas sent an email to thank Mr. Sammak for inspecting the site. A copy of that email is attached as **Exhibit 3**.

### **STATE OF NEGOTIATIONS WITH DEVELOPER**

Since the "walk through" of the properties by us and the City Engineer, we have been engaged with the actual developer of the project Mr. Nick Nicholas in negotiations geared towards our eventual cooperation in agreeing to a drainage plan that will suit our respective needs. We have had several personal meetings with him and numerous contacts by telephone. We have retained our own hydrology expert, the Engineering firm of Mr. John Coffey to review a revised drainage plan submitted by Mr. Suiter after it was clear that the prior one he submitted and we reviewed would fail. As part of our good faith cooperation, Mr. Nicolas was informed of the selection of Mr. Coffey to be our expert and he raised no objection.

We are compelled to recount this history of prior contact and dealings with the developer because it sheds more light on the stance we now have regarding the MND. Up until the notification that the City had moved to an MND, we believed our negotiations with Mr. Nicholas

were continuing and the issuance on an MND has caught us somewhat by surprise. Prior to this MND, we had yet to give Mr. Nicholas our experts' findings regarding his newly revised drainage plan as this was still under review by Coffey Engineering.

Under the details provided by the developer in the MND our cooperation is expressly required by Mr. Nicholas because in order to make his drainage plan work (the plan characterized in the MND as "Plan A") an easement must be granted so that a pipe can run from the development property through the Graziano property where it will flow into storm drain pipe which runs along the boundary between the Quinsaats/Graziano properties underneath before it exits to Fresca Street. It was formerly believed that this storm drain pipe feature was part of an easement which ran with the property and was owned by the Grazianos and Quinsaats. It has since come our attention that this easement is actually owned by the City of Solana Beach. Whoever is the owner of the easement, it clearly exists for the benefit of the property owners on Fresca St. This storm drain accepts water from our hillsides which currently flows into a "brow" ditch running north-south on our property through our back yards and directs this water to the storm drain running between our property towards Fresca St.

There were other details pending concerning the drainage plan under discussion prior to the issuance of the MND. Notwithstanding the granting of an easement, we remain concerned with the technical aspects of the current drainage plan to function properly with the specifications required by California law. As stated above this aspect of the developer's plan was still being studied by our expert when the MND was announced. We are further concerned with what the apparent effects will be to our properties by a grant of an easement in terms of potentially diminished value or even potential disruptions to our peace and enjoyment in the future. As an example, it is not yet clear who will be charged with the responsibility to maintain and repair the City easement if and when a new pipe is constructed. We are aware that Mr. Nicholas will sell his property to future owners and we are concerned how those new owners will honor obligations made by him on water flow or the maintenance and care of existing drainage systems which may affect us in the future. All of this was part and parcel of our negotiations and Mr. Nicholas was aware of them.

Although these points were under discussion at the time of the MND being filed, none were close to completion. Our strong concerns were heightened greatly when this step was taken before satisfying even a single aspect of the open issues.

### **OUR COMMENTS ON THE MND**

We were of the belief that these and other issues were under discussion between us and Mr. Nicholas until we learned that the MND requires our comment. We were not given prior notification by the developer that this would occur. Given the present circumstances we must review the development and drainage plan as it is currently presented to the City and to the general public. We have asked our retained engineer, Mr. Michael Kinnear of Coffey



engineering to review and comment on the submitted MND, several points of which differ from the drainage plan/documents provided to us previously for the independent review. He has expressed his opinions in a memorandum which we have attached here as **Exhibit 4**.

We invite you to read his letter for his thorough critique. We have summarized his main points as follows:

**1. The drainage plans as submitted by Ocean Ranch Estates does not adhere to guidelines and requirements set forth under the National Pollutant Discharge Elimination System (NPDES) which must be abided by for a project of this size and scale.**

As Mr. Kinnear's letter points out, because the project does not fall under exemptions which allow it to escape from the purview of the NPDES it must be subject to the guidelines of the City of Solana Beach Best Management Practices Design Manual. This requires a complete discussion of Hydrology and Water Quality as opposed to the MND's incorrect assertion of "none required". Other requirements which the MND does not meet under the Design Manual are also discussed.

**2. The Bio Retention Design states no information which discusses the requirements of the NPDES.**

Mr. Kinnear notes that important information is left out of the MND which is required and would have allowed for review of the proposed Bio Retention design's actual capabilities. This includes such items as filtration rates, use of proper impermeable materials and other characteristics which are subject to review under the NPDES. As Mr. Kinnear points out, the size of the 3800- square foot retention basin proposed by the developer cannot even begin to be evaluated unless these items have been fully enumerated and discussed in the MND.

**3. The Storm Water Conveyance to Fresca St is Inadequate.**

Mr. Kinnear's document points out that even assuming an easement is granted to Mr. Nicolas to convey the runoff from the ORE to the storm drain pipe running between the Quinsaas and Graziano property, the current configuration is inadequate and must be redesigned.

**4. The Hydrologic Modeling is flawed**

This section of Mr. Kinnear's report appears to substantiate that this revised drainage plan did not correct some of the inaccuracies we noted from the earlier plan. These include the following:

- a) "Normal" water flow from West-East is overstated;
- b) Incorrect values were utilized for impermeable areas.

In addition, there were additional flaws:

- c) The orifice on the bio-retention facility at entry is too small;
- d) The calculations themselves appear to be incorrect;
- e) The bio-retention facility does not appear to be sized in consideration of future home sites;
- f) The hydrologic modeling for phase 2 is not discussed and the addition of new lots may have significant consequences of flooding;
- h) The study fails to address the flows beyond Fresca Street and impacts on the sewer inlet on Sonrisa;

Mr. Kinnear's above comments relate to both the developer's Plan "A", which assumes that there will be an easement through the Graziano property and Plan "B" which does not have an easement but merely dumps all the water onto the back of the Graziano property through a single point source i.e, one pipe. As Mr. Kinnear points out, this plan does not mimic the natural or present flow of water which flows along a multitude and myriad number of points along our property borders. Even more questionable is that it appears that the designers are maintaining that the speed that this water will flow through the single point will not be increased such that the volume of water flowing down onto us has not increased significantly enough to cause us flooding.

If the Plan "B" in the MND would indeed have a smaller orifice, it would seem to require that the Plan "B" detention ditches should be a much larger size or volume than the Plan "A" design detention ditches in order to retain more water from a slower flowing pipe. Yet there is little or no discussion about this issue. Mr. Kinnear ends his report by recommending an SWQMP (Storm Water Quality Management Plan) with supporting investigation. In his opinion, the MND fails to properly describe the hydrology in a manner that allows the public to understand the scope of the project.

We have retained legal counsel through Mr. Felix Tinkov, of the law firm of Lounsberry, Altona and Peak to discuss the legal ramifications of the findings of our drainage expert. He has written a legal memorandum to us which we have provided below as **Exhibit 5**. After discussing carefully the existing laws regarding obligations of "upstream" landowners and the legal obligations of governmental entities in reviewing drainage plans and the MND in general, he makes the following conclusions:

**1. The Mitigated Negative Declaration of Ocean Ranch Estates Is Procedurally Deficient.**

**2. The Initial Study and Mitigated Negative Declaration Are Grossly Inaccurate and Rely Upon Stale Information.**

**3. The Mitigated Negative Declaration is Substantively Deficient.**

**5. The Mitigated Negative Declaration Proposes Two Alternatives to Runoff but Fails to Analyze Them Both.**

**6. The Mitigated Negative Declaration is Fatally Flawed Because It Fails to Analyze Obvious Potential Impacts Arising From the Project.**

All of these points are analyzed in Mr. Tinkov's memorandum which includes citations to legal authorities. Mr. Tinkov's conclusion is that the MND has both so many substantive and legal shortcomings issues that it invites potential litigation.

**CONCLUSION**

As can be seen from our expert's testimony and our legal counsel's opinion this MND has significant flaws. Furthermore our concerns about the true efficacy of the MND to deal with the existing issues of drainage are colored by the history and inconsistency of prior plans as submitted to us by the developer. We were of the belief that negotiations with the developer might result in the development of real plan which would benefits us all.

The developer has submitted a drainage plan that in one alternative (Plan A) is wholly based on our cooperation and appears to convey an impression that we have already reached some accord regarding this plan which only requires a grant of an easement. If that is the belief, it is entirely mistaken. The drainage plan was still under negotiation and a final agreed- to plan may have many more details both technical and legal still to be worked out before the terms of an easement could be discussed and agreed to. The City should not even decide upon a plan alternative which is based on a future condition of cooperation regarding a critical component of that plan. What is left then is a plan ( Plan B) which is so lacking and so limited in its detail that we would be compelled to seek further review if it is actually approved as anything resembling its current form.

The clear and present dangers to us by an approval of an inadequate system dealing with water run-off cannot be minimized. Unlike issues such as noise, traffic abatement, and view obstruction, flooding is a very serious threat to our person, personal property and safety. We request that the City take the necessary steps to help us avoid this kind of calamity. Please take this as our statement that we strongly oppose this project moving forward as detailed in the MND; further review and consideration is required before any further progress can be considered on this change to our neighborhood.

Sincerely,



Thomas and Rena Kaiser



Laurel and James Graziano



Jesse and Merle Quinsaatt

Thomas and Rena Kaiser

Laurel and James Graziano

Jesse and Merle Quinsaat

**Exhibit 1**

**Exhibit 2**  
**(Truncated Copy Full Copy Available at the Planning Dept)**

**Exhibit 3**

**Exhibit 4**

**Exhibit 5**



## JESSE G. QUINSAAT

ATTORNEY AT LAW

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January 10, 2016

Mo Sammak  
Public Works Director  
City of Solana Beach  
635 S. Highway 101  
Solana Beach, Ca. 92075

Corey Andrews  
Principle Planner  
City of Solana Beach  
635 S. Highway 101  
Solana Beach, Ca. 92075

Subject: Ocean Ranch Estates – Planning Department Project Numbers 171439 and 171515

Dear: Mr. Sammak and Ms. Andrews:

We are writing this letter to express our concerns regarding the application for a permit to develop the property located along Nardo Ave. which has been submitted by Pasco Laret Suiter and Associates. We are three residents and property owners whose property adjoins the Nardo property along its eastern boundary. Our properties are along Fresca St. and include the properties of Thomas and Rena Kaiser, who reside at [REDACTED] Fresca St., Jim and Laura Graziano who reside at [REDACTED] Fresca St. and Jesse and Merle Quinsaats at [REDACTED] Fresca St.

The property at Nardo Ave. has remained in substantially the same state since all of us have lived on Fresca St. The Kaisers and the Quinsaats has lived there since the early and mid 80's respectively while the Grazianos have lived there since 1994. By the "same state," we mean that to our knowledge, no permit has ever been applied for to develop the property while we have lived here. It has remained for many years a unique piece of land in Solana Beach, used for agricultural purposes with few residences on it. Recently, an application for a Development Review Permit was by submitted by Pasco Laret Suiter and Associates. The application proposes a subdivision which will contain 10 to 14 individual lots. It contains plans for grading and utility infrastructure.

It is assumed that the parties who purchase these properties will independently apply for building permits for the structures which they intend to build on the purchased lots. The current

application for permits by Pasco Laret Suiter and Associates to grade the existing lot and to build infrastructure such as roadways and gutters has the potential to have a substantial impact on us as adjoining owners. This is so notwithstanding the eventual size and scales of structures yet to be built.

Our properties are located below the Nardo property in elevation and along the bottom of hillsides which can be fairly described in every day terminology as being steep. Due to this steepness, erosion and flooding are natural concerns. With respect to the potential for flooding, County developers who approved plans for this area years ago apparently shared this concern as they called for various measures to control water flow. In our situation, this involved the construction of so called concrete "brow" ditches which traverse parallel to the hillside and which divert water flow from above and redirects it to a drain pipe which flows into a storm drain exiting Fresca St. The pipe is located along the south/north boundary of the Quinsaas/ Graziano properties.

Based on our own combined experience over the course of several decades, the water generated from rain flow and coming down from the hillside on both Nardo and the Fresca properties have been adequately controlled by this configuration during periods of "normal" rainfall. However, during episodes of larger than average rainfall, the flow along the "pathways" and the drain pipe have threatened to inundate the properties along Fresca. All of us owners can testify that the water from heavy rains swamped our respective properties, nearly causing flood waters to actually enter our homes. The prospect that the Nardo property above us will eventually be developed with houses, roads and other structures cause us a great deal of concern insofar as this creates the potential for flooding. The existence of these items of development will surely magnify the amount of water flowing in our direction.

The Homeowners can also testify that the existing 18 inch drain between the Quinsaas and Graziano properties has, at times, proved incapable of handling the water flow. Therefore, it will not be realistic or feasible to rely on this existing drain pipe alone to handle the increased water runoff of the proposed development. At a minimum, an additional separate drain pipe(s) will be need to be added for the increased runoff water.

Although past heavy rainfalls caused flood waters to nearly enter the homes along Fresca Street, on a positive note, soil runoff, erosion, siltation, and landslides have not been a problem. In fact the runoff water, during these events has been rather clear and free of soil and dirt. Much of this can be attributed to the dense root systems of the vegetation which grows along the steep natural slope keeping the hillside stable during these heavy rain events. The hillside faces North East, keeping the soil moist and favorable for the mature plant growth year round without irrigation. It is important to the homeowners along Fresca Street that the past soil stability of these slopes not be altered or disturbed by grading, both cut and fill, along the top of the slopes and that the vegetation growing on the hillside not be removed.

It is clear that the actual construction and buildings which will have roofs, gutters, and roadways which will be concrete or asphalt are all additions to natural scape which will catch and redirect water and will have a dramatic impact on both the volume and the direction of water flow. It is

our understanding that under California law, the flow of water from land owned by “upstream” landowners may not be altered so as to create undesired effects on the property owners downstream. With these laws in mind, local agencies have traditionally scrutinized development plans which have the potential to create these effects. Engineers will review such plans and charge upstream landowners with the responsibility for attenuating the greatly magnified amount of water which will no longer be absorbed onto a flat parcel of land but will seek to flow somewhere downhill.

To its credit, a representative of Pasco Laret Suiter and Associates has reached out to us and has engaged us in early discussions on how it intends to deal with the increase in water flow to us as downstream owners. Recently, we met with the chief engineer of the proposed development, Mr. Justin Suitor. We asked Mr. Mo Sammak of the City to accompany us on a walking tour of our respective properties to assess this situation and obtain an “on the ground perspective.” We were encouraged by some of the solutions proposed by Mr. Suiter. These include the enlargement of the drain pipe between our properties and construction of additional pipes to channel water flow downhill. Whether this is an adequate solution we will defer, at least for now, to the City Planners to determine whether these solutions will be able to cope with the increase in volume of flow which the City can calculate on its review of the Nardo owner’s plans. However, the latest plans submitted by Pasco Laret Suiter and Associates do not include the additional drain pipe proposed by Mr. Suiter at our onsite meeting. This causes us great concern as we believed this present configuration is wholly inadequate to cope with the increase in water volume. We voiced this concern to Mr. Sammak at the meeting and he seemed to agree with us.

However, in spite of these early attempts of amelioration, our review of the current grading plan submitted by Pasco Laret Suiter and Associates does not allay all of our fears and concerns. It is because of concerns similar to ours that the City of Solana Beach is now governed by an ordinance contained within section 17.48.020 otherwise known as the “Hillside overlay zone.” Recognizing that there are many areas within Solana Beach which are steep or undulating, they acted to restrict grading and control development within those areas located in the zone. Our properties and the Nardo property lie within the zone.

The stated purpose of the regulation is:

“A. Purpose. The purpose of these regulations is to restrict the grading of natural slopes with an inclination of 25 percent or greater, in order to:

1. Preserve the natural topography and scenic qualities of the city;
2. Protect native coastal sage/chaparral and grassland habitat;
3. Preserve existing watersheds; and
4. Reduce the potential for environmental hazards including soil erosion, siltation of coastal wetlands, land slides, adverse impacts due to runoff, and other impacts which could affect the public health, safety and general welfare.”

Thus, the ordinance intent is not only to preserve the natural beauty contained within land in Solana Beach but also to protect parties from general hazards, including "adverse impacts due to runoff." The current plan submitted by Pasco Laret Suiter and Associates includes proposals to both cut and build up fill dirt along the top of the edge of the slopes defining the hillside overlay zone. The preliminary grading plan only provides one section cut through the hillside overlay zone and this section cut (Section B-B) is intentionally placed in an area where there is no proposed fill. Other regions of the grading plan show what could be as much as 3 to 4 feet of proposed fill dirt along the top edge of the hillside overlay zone. It is requested that additional section cuts, running East to West, be shown in the proposed fill regions so the amount, steepness, and height of fill are more clearly defined and the impact on sloped areas within the zone can be more clearly seen. Furthermore, building up fill dirt along the top edge of the Hillside overlay zone is not consistent with the intent of governing ordinance and only serves to increase the risk of environmental hazards such as soil erosion and land slides. Given the dramatic increase in water flow which will most certainly result from the future intended building improvement and infrastructure development on the property this is a highly sensitive matter which demands closer scrutiny. The plans also indicate a man made cut / fill line at the very top most visible edge of the hillside overlay zone detracting from its current natural scenic qualities. Adding fill at the top of the hillside overlay zone creates a new additional slope which will in effect, be subject to the various controls within the ordinance.

Also, in addition to the requirements and intent of the hillside overlay zone, Section 15.40.130.F regarding the regulations of fills states that:

"Slopes to Receive Fill. Where fill is to be placed above the top of an existing or proposed cut or natural slope steeper than three horizontal to one vertical, the toe of the fill shall be set back from the top edge of the slope a minimum distance as may be specifically recommended by a soils engineer or engineering geologist and approved by the city engineer. Fills shall not toe out on slopes steeper than two horizontal to one vertical."

The submitted plans do not demonstrate compliance with this regulation. There are fills in the plans which are not set back as required in areas of three to one steepness and fills which toe out in areas which should not be allowed at all.

We request that the City Planners and Engineers insist that the Pasco Laret Suiter and Associates plans comply with both the letter and intent of the regulations governing the Hillside Overlay Zone and Grading Codes and that the grading line be moved back so that it does not encroach, cut, or add fill dirt to the Hillside Overlay Zone. We further request that we be informed when and if plans are submitted and whether it is the opinion of the City Planner that the property owner is in compliance with both State and local law with respect to its responsibility regarding water flow and the Hillside Overlay zone in general.

Finally we have entered into discussions with Mr. Suiter about the very large Torrey Pine Tree that sits on the eastern property boundary and overlooks our properties. In the years we have all lived here this tree has become massive and towers over us. It effectively blocks most of our afternoon light and is a nuisance in terms of the debris it deposits in needles and other foliage.

Mr. Quinsaast has also apprised Mr. Suiter that the tree presents a clear danger to his property and even to persons if it were ever to topple on his side, so large has it become. We wish for any discussion of plans to include removal of this tree.

Thank you for your attention and cooperation. We welcome any opportunity to further elaborate or to discuss the concerns expressed in the letter.

Sincerely,

Thomas Kaiser for Thomas and Rena Kaiser



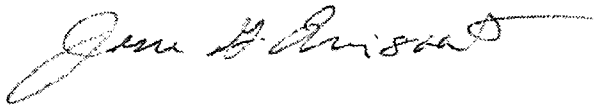
1/10/2016

Rena Kaiser 1-10-16

Laurel Graziano for Laurel and Jim Graziano



Jesse Quinsaast for Jesse and Merle Quinsaast



CC:  
Justin Suiter  
Pasco Laret Suiter and Associates  
535 N. Highway 101, Suite A  
Solana Beach, Ca. 92075



# PRELIMINARY HYDROLOGY STUDY

FOR

Ocean Ranch Estates  
512, 516, 524 & 538 South Nardo Avenue  
Solana Beach, CA 92075

CITY OF SOLANA BEACH, CA

PREPARED FOR:

Nicholas P. Nicholas

PREPARED BY:

**PASCO LARET SUITER**

**& ASSOCIATES**  
CIVIL ENGINEERING + LAND PLANNING + LAND SURVEYING

DATE:

January 20, 2017

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Brian M. Ardolino, RCE 71651

DATE

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## 1.0 EXECUTIVE SUMMARY

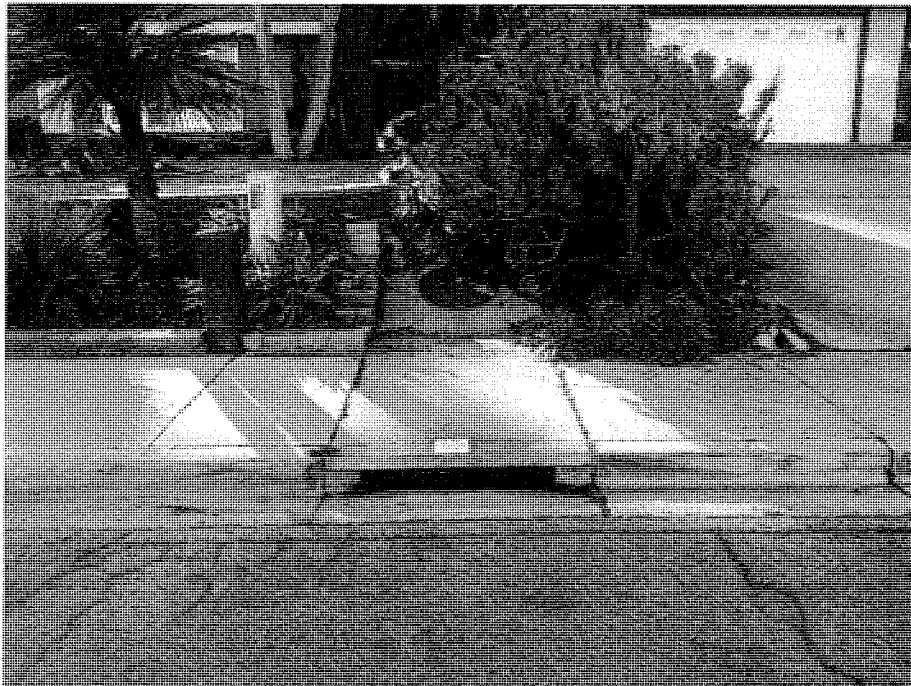
### 1.1 Introduction

This Hydrology Study for Ocean Ranch Estates, located at 512, 216, 524 & 528 South Nardo Avenue has been prepared to analyze the hydrologic and hydraulic characteristics of the project site in both the existing and the re-developed site. This report intends to present both the methodology and the calculations used for determining the runoff from the project site in both the pre-developed (existing) conditions and the post-developed (proposed) conditions produced by the 50 year 6 hour storm.

### 1.2 Existing Conditions

The property is geographically located at N32° 59' 12.2" W117° 15' 50.8". The site is bordered by residential lots to the north, south, east, and west. South Nardo Avenue is located west of the site. The site is located in the Solana Beach Hydrologic Area and more specifically, the Rancho Santa Fe Hydrologic Sub-Area (905.11).

The existing project site consists of existing residences, green houses and crop fields, private asphalt access drive, asphalt driveways and vacant land. Onsite storm water currently flows generally from west to east. Runoff flows overland from the western portion of the site along South Nardo Avenue, east. The northern and western portion of the site drains toward an existing concrete brow-ditch at the bottom of the steep slope that discharges through an 18" CMP stormdrain pipe onto Fresca Street.



Outlet Structure at Fresca Street



This runoff travels north along Fresca Street and is ultimately discharged into the existing storm drain system located at the end of the cul-de-sac at 776 Sonrisa St.



View Looking North Along Fresca Street



Curb Inlet on Sonrisa Street

The remaining southeast portion of the site flows overland from the west toward an existing ditch at the bottom of the slope that discharges via a concrete spillway onto S. Nardo Avenue.



Concrete Spillway on S. Nardo Avenue



View Looking East along S. Nardo Avenue

This runoff is ultimately discharged into the existing storm drain system located just north of the intersection of S. Nardo Avenue and Stevens Street. All stormwater originating on the subject property eventually enters Stevens Creek where it is conveyed to the Pacific Ocean via the San Dieguito River Lagoon.

### **1.3 Proposed Project**

The intent of the proposed project is to demolish the existing structures, asphalt access driveway and parking, greenhouses, and associated hardscape improvements and construct a new public roadway, curb and gutter, sidewalk and graded pads.

This design does not propose to alter the existing drainage condition, with the developed portion of the site draining to the north-east toward the existing concrete brow-ditch at the bottom of the steep slope, and a small portion of the southeast portion of the site as well as the of undeveloped steep slope draining to the south-east toward the existing concrete brow-ditch.

Runoff from the proposed public street, driveways and pathways will surface flow from west to east and be collected in a curb inlet and stormdrain system that will pass through a proposed low impact development bioretention and detention basin. Runoff generated from the pervious graded pads will be conveyed in a storm drain system that will bypass the proposed low impact development bioretention and detention basin, and will ultimately merge with the treated/detained storm runoff to be conveyed through a storm drain down the steep slope to the north-east, as it does in the existing condition (Node 1.3). The existing 18" CMP stormdrain pipe will be removed and replaced with 18" PVC stormdrain pipe to adequately convey the proposed runoff. The pipe will discharge onto Fresca Street through a sidewalk underdrain as it does in the existing condition, and will ultimately discharge into the existing storm drain system located at the end of the cul-de-sac at 776 Sonrisa Street. Please see section 4.0 for proposed pipe calculation, and Appendix for Hydrologic Maps.

The proposed bioretention treatment areas will treat potential pollutants from the proposed design. From here, the pipe outlets onto Fresca Street. See section 4.0 for calculations. This runoff is ultimately discharged into the existing storm drain system located at the end of the cul-de-sac at 776 Sonrisa St.

Once the proposed storm drain system and detention basin are implemented, only the southeastern portion of the site as well as a small area of un-developed steep slope will still discharge to the south-easterly ditch located at the bottom of the steep slope that drains south to S. Nardo Ave. (Node 2.1). Please see Appendix for Hydrologic Maps.

### **1.4 Summary of Results**

Upon performing hydrologic analysis of the project site in both the proposed developed and existing condition the following results were produced. Two discharge points were analyzed.

In the existing condition, the 50-year peak flow at Node 1.3 is 10.69 cfs with a time of concentration of 11.30 min based on an area of 6.0 AC. The 50-year peak flow at Node 2.1 is 1.99 cfs with a time of concentration of 5.77 min based on an area of 0.9 AC.

In the proposed condition, the 50-year peak flow at Node 1.15 is 15.17 cfs with a time of concentration of 6.24 min based on an area of 6.1 AC. The 50-year peak flow at Node 2.2 is 2.13 cfs with a time of concentration of 7.58 min based on an area of 0.9 AC.

See section 3.0 for calculations.

## **1.5 Conclusion**

As a result of the redevelopment of the Ocean Ranch Estates project, the stormwater discharge to Fresca Street will be increased by 4.48 cfs. The stormwater discharge to S. Nardo Ave will be increased by 0.14 cfs. To mitigate for the increase in runoff, the project proposes a 2,739 cf stormwater detention system. In addition to the stormwater detention basin, a restrictor plate shall be installed in the Type F Inlet Structure to restrict the flow from Basin A to mimic the existing flow from the 50 year storm event. The restrictor plate will have a 8.2” by 8.2” opening (maximum). The stormwater will be adequately conveyed through the proposed 18” PVC stormdrain pipe and the existing brow ditch. Based on the discussion in this report, it is the professional opinion of Pasco Laret Suiter & Associates, Inc. that the proposed drainage system on the corresponding Grading Plan will function to adequately intercept, contain and convey flow to the appropriate points of discharge.

## 1.6 References

*“San Diego County Hydrology Manual”*, revised June 2003, County of San Diego, Department of Public Works, Flood Control Section.

*“Drainage Design Manual”*, City of San Diego, April 1984, addendum March 1989.

*“California Regional Water Quality Control Board Order No. 2001-01,”* California Regional Water Quality Control Board, San Diego Region (SDRWQCB).

*“Excavation and Grading,”* Solana Beach Municipal Code Chapter 15.40, City of Solana Beach.

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**Subject:** Summary of our meeting on Feb. 21-Fresca St/Ocean Ranch Estates

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**From:** Jesse Quinsaas (jgqlaw@yahoo.com)

---

**To:** msammak@cosb.org;

---

**Cc:** candrews@cosb.org; tkstress@dslextreme.com; [REDACTED]

---

**Date:** Thursday, February 23, 2017 11:44 AM

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Hi Mo, I had drafted this email after our meeting and prior to the phone call I received from Nic Nicolas late yesterday. I was pleased to learn that you had already responded to our concerns by notifying Mr. Nicolas. In turn, he has reached out to us to see how we can address these items together. We are planning to meet with him next week.

I am still sending you this email as a summary of our meeting. I am also forwarding this message to Cory Andrews because she was the person who directed me to you when I initially raised the question about drainage calculations. I wanted her to know that you had quickly accommodated us.

Dear Mo:

Thank you again for agreeing to meet with us yesterday, Feb. 21 to discuss issues raised by the drainage report issued by the developers of Ocean Ranch Estates. As you are aware, their intention is to direct water flow from their proposed development through underground pipes through the properties which are owned by me and my spouse at [REDACTED] Fresca St. and the adjoining property of my neighbor, Laurel and Jim Graziano at [REDACTED] Fresca. Such a construction would require a grant of an easement by us to the development project. At the meeting with you, the Grazianos were not present due to prior commitments, but we were joined by Mr. Tomas Kaiser whose property on Fresca may also be affected by drainage from the project and your assistant, Mr. Robert Martinez.

As a preliminary statement, we are appreciative that you have taken the time to meet with us in person to discuss our concerns. I note that you met with us onsite several months ago to discuss our initial views about the project. We have found these personal onsite meetings to be invaluable because they give insight to actual issues and concerns which may not be readily observable from merely looking at sketch maps and drawings or even photographs. We hope that you and members of the City can continue this type of involvement in the future as it may become necessary for other analysts, engineers or decision-makers in their review of the project.

I wish also to initially state that through the initiative of the developers and us and with your encouragement, we have continued to engage in discussion and the free flow of information about the project. We the property owners will endeavor to keep moving these discussions forward with that kind of exchange at its core.

We were provided a copy of a document entitled "Preliminary Hydrology Study" by the developers several days before the meeting. The following are our own initial concerns and observations

about the report. At this point in time, we have not engaged or retained our own hydrology engineer or expert to review the report. Thus, the items noted below are our own as non experts. After our meeting, you agreed that the points we raised might require further review or discussion. For purposes of reference, I will refer to the Preliminary Hydrology Study as "PHS."

1. At section 1.3 of the PHS in the third paragraph it is noted that the existing 18" stormdrain pipe will be replaced with an 18" PVC pipe.

Several months ago, we had onsite discussions with Mr. Justin Suiter, the chief engineer of the project and he proposed to us not only that the material composition of the pipe would be replaced but that there would be two actual pipes running from the development through our properties. The two pipes were thought to be helpful as an added safety feature in the event that water flow might dramatically increase to the point where a single pipe was not capable of handling such flow and it would "blow back" through a head opening located on the Graziano property.

Your opinion was that the two pipe solution is not unfeasible but it would increase the rate of flow of water through our properties as the current plans are drawn, which may not be in compliance with state or local regulations.

Our response was this was an apparent safety and redundancy feature agreed to by the developer's engineer which we found appealing and has now been withdrawn. In addition, we expressed our opinion that the rate of flow characteristics could be modified at the point of origin by changes in design, e.g., the detention basin and other piping to still achieve compliance with downward flow regulations while retaining the advantages of the two pipe features.

2. We are in disagreement with the analysis of the PHS which states at Section 1.4 that the existing 50 year peak flow at Node 1.3 is 10.69 based on an area of 6.0 acres and that the 50 year peak flow at Node 2.1 is 1.99 based on an area of 0.9. We believe these are inaccurate peak flow conclusions based on incorrect assumptions. One assumption was based on direct observations at the property which was pointed out to you on your visit. This included large portions of the land on the south side which have traditionally been agricultural. These have very low flow characteristics because rainwater obviously is absorbed by porous soil intended for organic production. We seriously doubt that water from this area could flow onto any existing hard surfaces and move eastward as it almost all goes into the ground. In fact, one of the flower farmers happened to be present at the site and when asked if he ever saw water flowing from the growing area onto the hard water surfaces and flowing eastward, he declared that in 15 years he had worked there he never seen such an occurrence.

This issue is of critical importance because the calculation of the increase in water flow after development is directly compared to the base line level of existing flow prior to the development. The report assumes that the greatest percentage of water almost entirely goes from west- east in the existing property state. We are not necessarily in agreement with this conclusion based on direct observation such as above, nor are we convinced that the elevation slope analysis necessarily supports this finding. We are not willing to concede that existing drainage flows completely west- east as the report seems to assume. The report indicates there is some present southerly flow but at a rate and volume which appears to be unsubstantiated. Thus, if there is water presently flowing in another direction (west, north or south) this should be subtracted from the base line calculation as the amounts referenced in the report are likely overstated.

In addition, we also believe that the drainage analysis may be flawed because it is our opinion that not only is the slope direction not adequately demonstrated to justify a complete existing west-east flow, but the report also incorrectly accounts for the amount of absorption of rainfall. We believe that the analysis has applied the wrong "run-off" co-efficient values which are used in the traditional calculation of rain water drainage. We note that these incorrect assumptions are contained in Table 3.1 of the PHS (Pre Developed Hydrologic Model Output) where the pre-development run-off has been assigned a co-efficient value of .51. In cross-referencing this value with the index provided in the report, we note that the .51 figure correlates to a co-efficient which is appropriate for surface areas found in "Medium Residential" areas. We objected to this application. We thought that a more appropriate co-efficient value would be to use the surface area for "undisturbed natural terrain" which has a much lesser co-efficient value and which is a more accurate reflection of the surface conditions. As you know, this property's previous use was as a flower farm and not primarily residential.

The application of the true lower value co-efficient value would decrease the predevelopment run values therefore resulting in a much greater difference in the post development run off scenario which in turn has a direct effect on the appropriateness of the drainage tools which are presently proposed in the report.

As I previously stated, we are not hydrology experts but these incorrect assumptions are apparent to us. We believe the conclusions reached by the reliance on these assumptions as they relate to the relative increase in water volume and flow require further scrutiny and may necessitate a reworking of the existing design to deal with this increase. You appeared to be in agreement with our assessment and told us that you would take up this issue with Mr. Suiter. When I asked you if the City would be checking the assumptions and the figures contained in this report you said that it would do its own separate assessments and calculations. In fact, you stated that it is the City practice to hire its own third party hydrology expert to perform this analysis, which pleased us. We hope your expert will also do an in-person observation of the site, as you have. However, you encouraged us to hire our own expert to satisfy ourselves about the conclusions contained in this or any other report performed by a developer affecting our property.

I wish to reiterate again that we will continue to work with the developers and the City of Solana Beach in seeking solutions which are for the benefit of all parties.

Thanks again, we appreciate your time and courtesy.

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## COFFEY ENGINEERING, INC.

July 28, 2017

Thomas Kaiser  
Fresca Street  
Solana Beach, CA 92075

RE: **Ocean Ranch Estates Subdivision – Findings**  
TM 17-17-15 & Initial Study / Mitigated Negative Declaration

Dear Mr. Kaiser:

This letter summarizes the findings of Coffey Engineering in its review of the Ocean Ranch Estates Project (512,516,524 & 538 South Nardo Avenue, Solana Beach, CA) Initial Study/Mitigated Negative Declaration (IS/MND). Our main concern relates to the storm flows that will be released to the western boundary of the project, more specifically toward the homes of Thomas Kaiser, Laurel Graziano, and Jesse Quinsaat (619, 627, and 635 Fresca St.) and the Project's expected impacts on these lots and the surrounding area. Coffey Engineering analyzed the Preliminary Hydrology Study provided as Appendix F in the IS/MND and the Preliminary Grading Plan (PGP) dated 3/28/2017 focusing on the hydrology of the proposed project.

### PROJECT CONCERNS

#### **National Pollutant Discharge Elimination System Permit Compliance**

As part of the 2013 National Pollutant Discharge Elimination System (NPDES) permit (Permit) update, the City of Solana Beach has amended their checklist for determination of project category(s). The amended checklist has revised the eleven categories from the old permit into six new categories. This amendment is not addressed in the current version of the IS/MND, as it is stated that the project is likely to be a standard development project due to it proposing fewer than 10 units. The new standard for a redevelopment project being classified as a priority development project (PDP) is if the project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the entire project site on an existing site of 10,000 square feet or more of impervious surfaces). In addition, the project also classifies as one that will result in the disturbance of one or more acres of land and expected to generate pollutants post-construction. Therefore, the project must be classified as a PDP and held to the applicable requirements of the NPDES permit. Since the project should be categorized as a PDP, the IS/MND must address hydromodification requirements per the NPDES permit. Therefore, the project does not qualify for an exemption and, the facilities must be implemented to address the increase in runoff consistent with the standards of the City of Solana Beach Best Management Practices (BMP) Design Manual. This discussion must be addressed in the final section of the Hydrology and Water Quality portion of the IS/MND rather than the current statement of "None required". As part of the discussion of Hydromodification and Water Quality Mitigation, the project must address the infiltration capabilities of the proposed project, including a completed Form 6 and a

supporting infiltration test completed by the geotechnical engineer of record. This will aid in determining if the proposed storm water facilities are adequate or if they should be redesigned. Lastly, since the project is phased, per section 3.6 of the City of Solana Beach BMP Design Manual, the second phase of the project must be fully designed, or conditioned to be designed, as part of the project. As it stands, if phase 2 is not designed fully, or conditioned to be done so at a later date, this project's individual lot owners may propose significant increases in imperviousness and avoid environmental analysis by piecemeal processing, resulting in serious impacts to downstream property owners and facilities.

### **Bioretention Design**

The current design of the 3,880 square foot bioretention facility is missing information to determine if it is properly sized to accommodate the hydromodification requirements of the NPDES permit. In the Tentative Map, the current cross section of the bioretention facility does not adhere to typical design parameters as laid out in the City of Solana Beach BMP Design Manual. The bioretention cross section has items that are not addressed (side slopes, freeboard, and filtration rate of engineered soils) or are incorrect (the inclusion of an underdrain, and facility impermeable lining). With regard to the last two items, it is not typical to include an underdrain or a liner in a bioretention facility, as it defeats the purpose of that facility by prohibiting the re-infiltration of storm water into the surrounding native soils.

The facility is sized to an arbitrary 3,880 square feet, which does not adhere to the sizing criteria set forth by the NPDES permit. The facility in question should be sized to adequately address the site imperviousness and soil to determine both area and volume (volume is not addressed at all in the current design). The completion of Form 6 with supporting infiltration tests would verify if a bioretention facility is truly the appropriate treatment for the project. If the infiltration feasibility form supports either partial infiltration or no infiltration, the sizing parameters for the project as well as the typical design parameters would drastically change.

### **Storm Water Conveyance to Fresca Street**

The ultimate outfall for the preferred alternative of the proposed project is the existing D-25 curb outlet along Fresca Street. Members of the community have noted that in its current state the existing D-25 is overtaxed, which is supported by our calculations. A typical D-25 curb outlet (such as the one along Fresca St.) can carry a maximum flow rate of 4.3 cfs. The existing condition specified in section 1.5 of the Preliminary Hydrology Study for a 100-year peak flow is 7.7 cfs, which is nearly twice the maximum flow rate that a single D-25 can handle. If the proposed project was allowed to connect to the existing D-25 with no modifications, the existing D-25 would be severely undersized, resulting in a maximum flow rate greater than three times its capacity and, likely, significant flooding events due to backwater effects in the storm drain system. We suggest either a modified curb outlet be designed or a new connection be made to the nearest municipal storm sewer system.

### **Hydrologic Modeling**

The following other issues were observed in the preliminary hydrology study.

- From our field observations, there are additional areas of the existing home (APN 298-121-24) at the south east corner of the project that appear to drain into basin 2 in the existing condition. This means that there is likely less water in the existing condition draining to Fresca St. and therefore the difference in flows between existing and proposed to Fresca St. are greater than presented in the preliminary hydrology study.
- The c-values used in the rational method analysis were determined using two methods (either land use factor or based on impervious and pervious areas). The method for determining the land use category was not described, and when the c-value was calculated, an incorrect value of 0.87 was used for impermeable areas.
- The bioretention facility orifice was sized using a flow rate of 7.7 cfs. However, this flow rate is for the entire basin that drains to Fresca Street, and the area draining to the bioretention facility is a fraction of that, which means that the orifice is too large for the drainage area leading to the facility and will result in flows exiting the bioretention facility at a higher rate than the existing condition.
- The rational method hydrograph calculations presented in the hydrology study do not calculate out correctly and the Proposed Condition 100yr, 6hr Storm Event for Basin 1 is missing.
- The bioretention facility does not appear to be sized to include the adjoining future home site (its impervious areas).
- Without proper hydrologic modeling for the developed condition of Phase 2, future impacts from individual lots cannot be ascertained. Future development may provide even more significant downstream impacts to the outlet at Fresca St. due to increased imperviousness. Mitigation for these lots will only address the 85<sup>th</sup> percentile storm. In events larger than the design storm, water will outlet to Fresca St. without mitigation or attenuation which may result in significant flooding.
- The Preliminary Hydrology study fails to address the impacts once flows outlet to Fresca St. and the significant impacts it may impose upon the storm sewer inlet on Sonrisa St.
- Alternative B relies upon the existing catch basin in the Graziano back yard (627 Fresca St.) and proposes a single point source for the outlet of the entire development. If Alternative B is selected, and the drainage system that receives water from the hillside and conveys it to Fresca St. is not upgraded, it is reasonable to expect the homes immediately surrounding Alternative B's outlet point to experience flooding. Additionally, when releasing storm flows off site, it is standard practice to mimic existing outlet conditions. It is unreasonable to assume a single point source could and will approximate the myriad of small catchments and rivulets that currently release along the entirety of the hillside.

### **In Closing**

The Ocean Ranch Residential Subdivision at South Nardo Avenue presents a significant development in an area with existing storm water problems. While the proposed project attempts to mitigate impacts of the development via industry standard methods, there are a number of technical analyses which must be performed before an accurate evaluation of the development's impacts can be made. We recommend a SWQMP with supporting Geotechnical and Groundwater Investigation be prepared and

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July 28, 2017

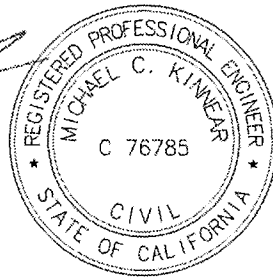
that the technical inaccuracies described be corrected so that mitigation measures may be adjusted accordingly. As the project is offered today, it fails to properly describe the development's hydrology in a manner sufficient to allow the public an opportunity to understand the scope of the work proposed. Additionally, the project is likely to generate both individual and cumulatively considerable significant impacts on the quality of environment, degrading hydrologic conditions in the community and may pose conditions which endanger property in the vicinity of the project. In short, the existing Preliminary Hydrology Report is substantively deficient for its purpose and must be revised for an accurate determination of the project's expected impacts and the appropriate measures required to mitigate those impacts.

We appreciate the opportunity to be of service. Please feel free to contact me if you have any questions or comments.

Sincerely,



Michael C. Kinnear, PE



07/28/2017

# LOUNSBERY FERGUSON ALTONA & PEAK LLP

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*VIA EMAIL*

July 31, 2017

**Subject:** Analysis of Mitigated Negative Declaration for the Ocean Ranch Estates Tentative Subdivision Map Project (512-538 S. Nardo Avenue, Solana Beach, CA 92075)

Dear Mr. Kaiser, Ms. Graziano and Mr. Quinsaas:

You have requested that this firm review the draft Mitigated Negative Declaration (“MND”) for the Ocean Ranch Estates project, located at 512-538 S. Nardo Avenue in Solana Beach (the “Project”), to ensure the development meets the requirements of the California Environmental Quality Act (“CEQA”).<sup>1</sup> Our analysis concludes that the MND is not compliant with the law. Below, we define the deficiencies in the environmental review process and offer suggestions to resolve these issues. In short, we believe that the City is legally mandated to prepare an Environmental Impact Report (“EIR”) in place of the MND given the expert and lay testimony countervailing the positions taken in the CEQA documents.

## I. INTRODUCTION

The Project proposes a two-phased development, starting with the subdivision of the Project site into 9 lots ranging from approximately 14,000 square feet to nearly 35,000 square feet, followed by the build out of 9 single family homes on these lots.<sup>2</sup> The property sits atop a steep slope, rising over each of your individual homes. The development of the full extent of the Project appears to orient a substantively increased amount of stormwater towards Fresca Street using either of the two alternative hydrological models presented, destroys potentially significant historical and/or cultural assets, removes protected flora without mitigation, and relies on stale and/or inaccurate technical studies. The Project also seeks to improperly diminish the appearance of its effect on the environment by piecemealing its analysis to avoid a complete review of the development’s foreseeable impacts. For these reasons, the MND is substantively and procedurally

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<sup>1</sup> CEQA is found at Public Resources Code sections 21000 et. seq.; and the CEQA Guidelines are found at California Code of Regulations, Title 14, Division 6, Chapter 3, sections 15000-15387.

<sup>2</sup> Though the project description found in the MND solely refers to an eight unit development, the tentative map provides for 8 subdivided lots plus a “remainder” lot which will permit a 9<sup>th</sup> home to be developed.

deficient for the purpose of informing City decisionmakers, as well as the public, in direct conflict with the very foundation of CEQA. (CA Public Resources Code §21005.)

## II. LEGAL STANDARDS FOR THE PREPARATION OF NEGATIVE DECLARATIONS

CEQA Guidelines section 15070 requires a lead reviewing agency to prepare a mitigated negative declaration only when:

The initial study identifies potentially significant effects, but:

- (1) Revisions in the project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
- (2) There is *no substantial evidence*, in light of the whole record before the agency, that the project as revised *may* have a significant effect on the environment.

[*Emphasis added.*]

Thus, CEQA requires the lead agency (in this case, the City of Solana Beach) to ensure that the administrative record, taken in its entirety, does not contain “substantial evidence” that a project *may* have a significant impact on the environment. Court decisions interpreting CEQA have further refined these basic rules, and have developed what is known as the fair argument standard, which requires that an EIR be prepared where substantial evidence in the record supports a fair argument that the project may cause a significant impact.<sup>3</sup> (*Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4<sup>th</sup> 144, 150-151.) In other words, the record need not establish conclusively that a significant impact *will* occur; it need only provide support for arguments that such an impact *might* occur.

The fair argument standard creates a low threshold for requiring a lead agency to prepare an EIR. (*Citizens Action to Serve All Students v. Thronley* (1990) 222 Cal.App.3d 748, 754; see also *Sundstrom, supra*, 202 Cal.App.3d at 310.) This low threshold is necessary because a negative declaration represents the termination of the environmental review process, and an EIR is necessary to resolve any uncertainty created by conflicting facts and assertions. The EIR operates to replace tentative opinion and speculation with factual evidence derived through technical study. (*Citizens of Lake Murray Area Assn. v. City Council* (1982) 129 Cal.App.3d 436, 400. See also *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68, 75.)

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<sup>3</sup> Parties are not required to supply “overwhelming or overpowering evidence,” or to submit “quantitative environmental studies definitely establishing the existence of the claimed environmental impacts.” See also *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 304-310.

When determining whether a fair argument has been made by the petitioning parties, courts treat the issue as one of law, not fact. The courts have determined that “[u]nder this standard, deference to the agency’s determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary. (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4<sup>th</sup> 1307, 1317-1318.)

In fact, it does not matter whether the agency can point to contrary evidence in the record that might support a “no significant impact” finding. This interpretative rule was stated in *San Bernardino Valley Audubon Society, Inc. v. Metropolitan Water Dist.* (1999) 71 Cal.App.4<sup>th</sup> 382, 389:

Under this fair argument test, the agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a proposed project may have a significant effect on the environment. If such evidence is found, it cannot be overcome by substantial evidence to the contrary.<sup>4</sup>

The lead agency cannot avoid the effect of the fair argument standard by failing to investigate or develop evidence of potential project impacts. As was explained by *Sundstrom, supra*, at 202 Cal.App.3d at 311, “CEQA places the burden of environmental investigation on government rather than the public.” Moreover, the *Sundstrom* court said an agency “should not be allowed to hide behind its own failure to gather relevant data.” (*Id.*) The court then added:

If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of the fair argument by lending a logical plausibility to a wider range of inferences.

Even in marginal cases, CEQA Guidelines Section 15064(g) requires that “[i]f there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.”

With these basic legal parameters in mind, we now turn to the various procedural and substantive deficiencies of the instant MND.

### **III. THE MITIGATED NEGATIVE DECLARATION IS PROCEDURALLY DEFICIENT**

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<sup>4</sup> Quoting *Gentry v. City of Murrieta* (1995) 36 Cal.App.4<sup>th</sup> 1359, 1399-1400.

#### **A. The Mitigated Negative Declaration Improperly Piecemeals The Project To Avoid Analysis And Defer Mitigation**

CEQA demands an accurate review of planned development to afford affected stakeholders, the public at large and decision-makers the opportunity to balance a proposal's benefit against its environmental cost, consider mitigation measures, and assess the advantage of terminating the proposal. (*County of Inyo v. City of Los Angeles* (1977) 71 CA3d 185, 192.) The MND fails in this regard.

For CEQA purposes, a "project" is defined as comprising "the whole of an action" that has the potential to result in a direct, or reasonably foreseeable indirect, physical change to the environment. (CEQA Guidelines §15378(a).) Although a project may go through several approval stages, the environmental review accompanying the first discretionary approval must evaluate the impacts of the ultimate development authorized by that approval. It is irrelevant that the development may not receive all necessary entitlements or may not be built. Piecemeal environmental review that ignores the environmental impacts of the end result is not permitted. (*Citizens Association for Sensible Development v County of Inyo* (1985) 172 Cal.App.3d 151, 167 (county was found to have unlawfully bifurcated two phases of a development, by requiring a negative declaration for each, because it failed to analyze the entire project's holistic impacts).)

The MND defines the Project to consist of "...two phases. Phase 1 is a request for approval of a Development Review Permit (DRP) and a Major Subdivision (Tentative Subdivision Map) to subdivide an existing 4.2 gross acre parcel into eight single-family residential lots as shown in Table 1 (see Figure 3). Phase 2 consists of the future development of eight additional single-family homes as well as purchasing one off-site townhome or apartment that would be rented at the low-income affordability level...."<sup>5</sup> When a project is to be implemented in phases, CEQA demands an analysis of the significant environmental effects of the entirety of the project. (CEQA Guidelines §§15126, 15165.) The courts have recognized that such review is necessary when there is "a reasonably foreseeable consequence of the initial project" and the "action will significantly change the scope or nature of the project or its environmental effects. (*Laurel Heights Improvement Association v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 396.) Under this test, future activities must be treated as part of the project, and included in an impact analysis if those activities are likely to result from an approval of the project. In the present instance, the Project is acknowledged to consist of two (foreseeable) components; namely, the subdivision of the property and the development of single eight family homes on the property. Yet, the MND only offers analysis of the first phase of the Project (i.e. Phase 1) and unlawfully puts off review of the impacts of, and mitigation measures for, Phase 2 until some unknown time in the future. The MND sets forth not only the lot sizes for the proposed subdivision, but also describes the maximum allowable square footage of each residence such that an analysis could be made of the Project's expected impacts now, rather than taking each individual home under review as to its own, limited impacts.<sup>6</sup>

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<sup>5</sup> See page 2-2 of the MND.

<sup>6</sup> See Table 1 on page 2-2 of the MND.



A public agency may not divide a single project into smaller individual subprojects to avoid responsibility for considering the environmental impact of the project as a whole. (*Orinda Association v Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.) CEQA “cannot be avoided by chopping up proposed projects into bite-sized pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.” (*Tuolumne County Citizens for Responsible Growth, Inc. v City of Sonoma* (2007) 155 Cal.App.4th 1214; *Plan for Arcadia, Inc. v City Council* (1974) 42 CA3d 712, 726.) This ensures that all potential impacts of the proposed project will be examined before it is approved. (CEQA Guidelines §15378(a), (d).) The MND should, therefore, provide analysis of the impacts of the houses that are expected to be constructed during Phase 2. To do otherwise would result in the unlawful deferral, or altogether neglect, of the impacts which can be determined from the whole of the development. (*City of Long Beach v Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 915.)

The MND fails to adequately analyze the full extent of the foreseeable effects of the Project and thus is not in compliance with the requirements of CEQA. On this basis alone, the MND is fatally flawed and requires that the City prepare a more thoughtful and accurate analysis of the Project’s impacts. Alternatively, the City may prepare an EIR that encompasses both phases of the development to ensure that all potential impacts have been analyzed.

**B. The Initial Study And Mitigated Negative Declaration Are Grossly Inaccurate And Rely Upon Stale Information**

An initial study that is materially deficient may not be sufficient to support a negative declaration. (*Christward Ministry v Superior Court* (1986) 184 Cal.App.3d 180, 197.) The MND presents a series of discrepancies, ranging from the minor (e.g. anticipating that construction on the development will begin in the past – see page 2-11 of the MND – claiming a June 2017 start date) to the major (e.g. a traffic analysis which studies a 14-lot, rather than an 8-lot development, and fails to consider recent and near-term developments’ traffic impacts because the study has not been updated in over 2 years – see Appendix G to the MND), which ultimately degrade its reliability as a document intended to inform the Council and the public about the Project and its impacts.

An accurate, stable, and finite project description is an indispensable prerequisite to an informative and legally sufficient CEQA review document. (CEQA Guidelines §15124; see also *County of Inyo v City of Los Angeles* (1977) 71 Cal.App.3d 185, 192). Without an accurate description on which to base the analysis, CEQA’s objective of furthering public disclosure and informed environmental decision making would be stymied. A project description that omits or misinforms the reader regarding integral components of a project may result in a failure to disclose all of the impacts of a project. (*Santiago County Water Dist. v County of Orange* (1981) 118 Cal.App.3d 818, 829). Yet, the MND fails to meet this requirement in numerous ways – first, several of the Project’s technical analyses are extraordinarily stale and analyze a development which is completely different from the one presented in the MND. For instance, the Project’s

nearly 5-year old geotechnical report (see Appendix D) purports to analyze a 14-unit development on a 3.5 to 4.5 acre site, whereas the Project is supposed to be an eight unit development on 4.2 acres. The Project's over 5 year old environmental site assessment (see Appendix E) fails to account for the extensive nursery operations which have been ongoing in the interim and leave one to question the accuracy of such an ancient analysis, especially in light of the potentially hazardous commercial nursery chemicals may have been employed. The cultural resources study (see Appendix C) fails to offer any reason why the stone structures found in the so-called "barbeque" are any less worthy of protection than the contemporaneous stonework found throughout the balance of the sloped area of the Project.<sup>7</sup>

The Project's description is further muddled by inaccurate statements which appear intended to mislead the Council and the public about the actual expected impacts of the development. For instance, the description provides that the Project will actually result in "a net reduction in impervious area by approximately 25%."<sup>8</sup> This is blatantly inaccurate as the Project site has large vacant areas which will be developed with hard surfaces including roofs, driveways, roads and hardscapes.<sup>9</sup> Such misleading statements are evidence of either an incomplete MND, or worse, an effort to withhold information regarding the Project's expected impacts and the mitigation measures necessary to counteract those impacts. Courts frown upon such efforts. (See *San Joaquin Raptor Rescue Ctr. v County of Merced* (2007) 149 Cal.App.4th 645, 655.)

The MND also mentions that the development will include a 3,880 square foot bioretention basin, but then fails to show this detention basin's location, or provide other salient data regarding its efficacy, in either the body of the MND or the technical hydrology analysis.<sup>10</sup> This is altogether shocking because the City had previously released a site map of the Project reflecting the location of the basin, but appears to have purposefully removed it so as to minimize discussion of the utility of this design feature to limit significant stormwater flows onto the neighboring properties below the Project site.

The MND's failure to provide a stable and accurate description, or to set an appropriate baseline for analysis, is not in compliance with the requirements of CEQA and results in a fatally flawed document.

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<sup>7</sup> We note here that the Project purports to set aside the balance of the stonework along the slope in apparent deference to its cultural importance in the community. In reality, the City's Hillside Overlay Zone protects the portion of the stonework along the slope, so that this area is not developable. The barbeque area is of the same age and quality as the balance of the stonework, and is likely to have served the same cultural community but it lies in the path of the Project's building pads and thus appears to have been removed from consideration for protection based on the applicant's desire to maximize profit. In fact, we note that the MND includes a stand-alone letter from Brian F. Smith, a cultural resources expert, which attempts to backtrack on the importance of all of the stonework features described in the cultural resources study.

<sup>8</sup> See page 2-11 of the MND.

<sup>9</sup> See Figure 3 of the MND. We further note that the bioretention basin described in the MND does not match the 2,750 sq.ft. design described in a site map made publicly available earlier this year through the Solana Beach Engineering Department, leaving open a question as to the accuracy and stability of the project description found in the MND.

<sup>10</sup> See page 3-37 and Appendix F of the MND.

#### **IV. THE MITIGATED NEGATIVE DECLARATION IS SUBSTANTIVELY DEFICIENT**

##### **A. The Mitigated Negative Declaration And Its Underlying Hydrology Study Fail to Meet Mandatory Legal Requirements**

The MND provides that the development is not a priority development project (“PDP”) pursuant to the City’s Storm Water Management and Discharge Control Ordinance (SBMC Chapter 13.10) because it includes less than 10 units.<sup>11</sup> Yet, the City is bound by the 2013 National Pollutant Discharge Elimination System (“NPDES”) permit update which provides a development which creates or replace 5,000 square feet or more of impervious surfaces must be considered a PDP.<sup>12</sup> The Project’s description provides that 31,000 square feet of impervious surfaces will be removed and replaced with 23,000 square feet of impervious surfaces, well above the threshold required to be classified as a PDP.

The import of this cannot be overstated. A PDP must meet certain requirements for stormwater treatment and retention under the NPDES as well as the City’s own Best Management Practices (“BMP”). Yet, the MND appears to indicate that the Project will be considered exempt from such requirements due to a faulty misinterpretation of the NPDES. Approval of this exemption would, in turn, result in the Project avoiding the need to generate mitigation measures which would reduce the expected stormwater flows onto neighboring properties. This is a substantive failure to address the Project’s expected impacts under the guise of following a now-defunct regulation – and will result in potentially significant impacts on downstream properties which will suffer the consequences of increased amounts and flow rates of stormwater in an area with significant slopes. Such a result would be an abdication of the City’s authority to ensure the health and safety of its residents and a critical deficiency in the City’s requirement to follow the constraints in place under CEQA.

In addition, the hydrology analysis is misleading in that it fails to call out that the deficiencies in the existing stormwater infrastructure and then suggests that no mitigation measures be required when the Project dumps more runoff into the over-stressed system. Under existing conditions, the stormwater outlet found along Fresca Street is approximately one-half of the size necessary for a 100-year peak event.<sup>13</sup> If the Project is developed as planned, this same stormwater outlet would be undersized by over three-fold unless appropriate mitigation measures are developed.<sup>14</sup> This failure to analyze the actual expected impacts of the Project’s hydrology and the mitigation measures necessary to counteract the increased imperviousness of the development is fatal to the MND’s utility as a disclosure to the Council and the public and requires that further

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<sup>11</sup> See page 3-36 of the MND.

<sup>12</sup> See page 1 of Coffey Engineering, Inc.’s expert opinion and analysis of the MND’s hydrology report, attached as Exhibit “A”.

<sup>13</sup> See page 2 of Coffey Engineering, Inc.’s expert opinion and analysis of the MND’s hydrology report

<sup>14</sup> Id.

analysis be performed. Moreover, Coffey Engineering has offered both quantitative and qualitative expert opinion countervailing the analysis set forth in the preliminary hydrology study and MND, and that the Project's development is likely to generate significant, unmitigated stormwater impacts. Under the fair argument standard described above, this opposing expert opinion requires the City produce an EIR. (CEQA Guidelines §15064(g); *Citizens Action to Serve All Students v. Thronley* (1990) 222 Cal.App.3d 748, 754.)

According to Coffey Engineering's analysis, the Project's Preliminary Hydrology Report also appears to erroneously claim higher stormwater runoff rates and volumes onto Fresca Street than currently exist.<sup>15</sup> This effort to increasing the actual existing stormwater conditions is nothing more than a transparent attempt to minimize the need for additional mitigation measures. The City's failure to investigate this inaccuracy is not a basis on which the MND can be approved since the courts have opined that a public agency cannot "hide behind its own failure to gather relevant data." (*Sundstrom, supra*, 202 Cal.App.3d at 310.)

As mentioned previously, the Project fails to take into account Phase 2 of the development, along with its concomitant impacts arising from substantively greater amounts of impervious surfaces at the development's conclusion. Such blatant efforts to ignore or misdirect analysis are grounds for overturning an approval of the MND as well. (*Id.*)

#### **B. The Mitigated Negative Declaration Proposes Two Alternatives For Stormwater Runoff But Fails To Analyze Them Both**

The MND offers two alternative stormwater runoff "solutions" – Alternative A requires the Project applicant to acquire easement rights from Ms. Graziano to install an 18-inch stormdrain on her property, and Alternative B, proposes the construction of a large energy dissipater to be installed within the protected hillside below the development site.<sup>16</sup> Given that the Project applicant cannot force Ms. Graziano to grant an easement (that is, unless the City Council wishes to pursue condemnation of a resident's private property for the benefit of this Project), Alternative B would appear to be the likeliest path for this development. Yet, neither the MND nor the hydrology analysis provide any analysis of the environmental impacts arising from the construction and use of this large energy dissipater, including damage to the hillside, dust, noise, and geologic instability. Nor does the analysis reflect the true expected increase in stormwater runoff from the Project site onto Ms. Graziano's property and the effect this will have on her backyard or home, or on neighboring properties. Such large amounts of water sheetflowing over her property are likely to result in significant damage to Ms. Graziano's property.

Alarming, the MND provides that "Both Alternatives A and B would be reviewed during a City Council Public Hearing," yet how can such a review be had if no technical analysis has been

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<sup>15</sup> *Id.* Moreover, this faulty assessment runs afoul of CEQA's requirement to provide an accurate description of existing conditions to determine a proper baseline for mitigation measures. (CEQA Guidelines §15125(e); *Neighbors for Smart Rail v Exposition Metro Line Constr. Auth.* (2013) 57 Cal.4th 439, 447.)

<sup>16</sup> See page 2-3 of the MND.

performed before the hearing?<sup>17</sup> This puts CEQA on its head, requiring the Council to make a determination without the benefit of expert analysis or the substantive evidence necessary to come to a conclusion. Again, this is a significant deficiency in the CEQA analysis.

The MND's failure to analyze Phase 2 of the development is further complicated by the fact that increased amounts and rates of stormwater flow are potentially going to be directed to a private brow ditch without first seeking the legal right to do so.<sup>18</sup> The referenced brow ditch is a feature of the 66-unit Solana Del Mar (aka Fresca Sonrisa) subdivision, which restricts any augmentation of stormwater flows thereon unless approval is first acquired from those property owners. The MND does not acknowledge this, nor does it offer any means to avoid the use of the brow ditch as it has in Alternatives A and B described above. Again, the Council could authorize condemnation proceedings for the benefit of the Project applicant, but barring this, the applicant must acquire easement rights or find another alternative for its stormwater runoff.

### **C. The Mitigated Negative Declaration Is Fatally Flawed Because It Fails To Analyze Obvious Potential Impacts Arising From The Project**

Besides the panoply potential stormwater impacts engendered by this Project, as detailed above, the MND also fails to analyze a number of other likely significant impacts to the environment.

The development's geological analysis makes little effort to determine the impacts to the stability of the steep hillside which are likely to arise from the extensive demolition and grading operations proposed in the Project. At page 3-46 of the MND, brief mention is made of the use of "Pile drivers, blasting equipment, vibrating compactors, or the like" but after providing that such equipment is "not anticipated to be needed or used" the MND offers no review if this should not be the case. In short, if it is determined that, for instance, blasting is to be required, no effort has been made to determine appropriate mitigation measures.

The environmental site assessment, found at Appendix E, acknowledges that the property contains a pesticide storage area.<sup>19</sup> Yet, for some unexplained reason, this pesticide storage area was not tested to determine the existence or extent of any soil contamination – instead, a visual observation was made that there was no observed stains or spills on the ground. Such failure to analyze is nothing more than a sham since the use of these pesticides may have been decades old leaving little visible evidence *on* the ground today. CEQA does not permit a public agency to avoid analysis so as to circumvent a determination of potentially significant impacts and the appropriate mitigation measures required to ameliorate the situation. (See *Sundstrom, supra*, at 202 Cal.App.3d at 311.)

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<sup>17</sup> Id.

<sup>18</sup> The brow ditch is briefly described at page 3-34 of the MND.

<sup>19</sup> See page 5 pf Appendix E.

Taken together, it is quite apparent the Project applicant intended to obscure the full scope of the development's expected impacts on the environment so as to minimize the extent of the mitigation measures required. This cannot be permitted to stand, as any approval of such a faulty MND is likely to be easily overturned by a court.

## V. CONCLUSION

The MND for the Ocean Ranch Estates development falls well short of the requirements of CEQA. A lackluster environmental analysis, internally conflicted, failing to forecast readily obvious Project impacts is no substitute for the informative review required by CEQA. Moreover, the analysis itself seems confused on the subject of what the Project is, so that there is little chance the public or the Council can discern the true nature of the impacts and the potential avenues for mitigation.

The low threshold CEQA sets forth for overturning an MND, namely a showing that substantial evidence exists that a project *may* have one or more significant impacts on the environment has been easily met. Expert opinion countermanding the MND reflects the nature of the Project's flaws and shows that potentially significant impacts are expected, but not mitigated. For CEQA purposes, this expert testimony is deemed to be substantial evidence sufficient to meet the fair argument standard. And it is all that is necessary for a court to overturn the Project's approval and require the City to return with an EIR for the development.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Tinkov", with a checkmark at the end.

Felix M. Tinkov, Esq., Partner  
Lounsbery Ferguson Altona & Peak LLP

## **EXHIBIT A**

(Coffey Engineering Expert Opinion And Review of Preliminary Hydrology  
Analysis of Ocean Ranch Estates Project)



## COFFEY ENGINEERING, INC.

July 28, 2017

Thomas Kaiser  
Fresca Street  
Solana Beach, CA 92075

RE: **Ocean Ranch Estates Subdivision – Findings**  
TM 17-17-15 & Initial Study / Mitigated Negative Declaration

Dear Mr. Kaiser:

This letter summarizes the findings of Coffey Engineering in its review of the Ocean Ranch Estates Project (512,516,524 & 538 South Nardo Avenue, Solana Beach, CA) Initial Study/Mitigated Negative Declaration (IS/MND). Our main concern relates to the storm flows that will be released to the western boundary of the project, more specifically toward the homes of Thomas Kaiser, Laurel Graziano, and Jesse Quinsaat (619, 627, and 635 Fresca St.) and the Project's expected impacts on these lots and the surrounding area. Coffey Engineering analyzed the Preliminary Hydrology Study provided as Appendix F in the IS/MND and the Preliminary Grading Plan (PGP) dated 3/28/2017 focusing on the hydrology of the proposed project.

### PROJECT CONCERNS

#### **National Pollutant Discharge Elimination System Permit Compliance**

As part of the 2013 National Pollutant Discharge Elimination System (NPDES) permit (Permit) update, the City of Solana Beach has amended their checklist for determination of project category(s). The amended checklist has revised the eleven categories from the old permit into six new categories. This amendment is not addressed in the current version of the IS/MND, as it is stated that the project is likely to be a standard development project due to it proposing fewer than 10 units. The new standard for a redevelopment project being classified as a priority development project (PDP) is if the project creates and/or replaces 5,000 square feet or more of impervious surface (collectively over the entire project site on an existing site of 10,000 square feet or more of impervious surfaces). In addition, the project also classifies as one that will result in the disturbance of one or more acres of land and expected to generate pollutants post-construction. Therefore, the project must be classified as a PDP and held to the applicable requirements of the NPDES permit. Since the project should be categorized as a PDP, the IS/MND must address hydromodification requirements per the NPDES permit. Therefore, the project does not qualify for an exemption and, the facilities must be implemented to address the increase in runoff consistent with the standards of the City of Solana Beach Best Management Practices (BMP) Design Manual. This discussion must be addressed in the final section of the Hydrology and Water Quality portion of the IS/MND rather than the current statement of "None required". As part of the discussion of Hydromodification and Water Quality Mitigation, the project must address the infiltration capabilities of the proposed project, including a completed Form 6 and a



supporting infiltration test completed by the geotechnical engineer of record. This will aid in determining if the proposed storm water facilities are adequate or if they should be redesigned. Lastly, since the project is phased, per section 3.6 of the City of Solana Beach BMP Design Manual, the second phase of the project must be fully designed, or conditioned to be designed, as part of the project. As it stands, if phase 2 is not designed fully, or conditioned to be done so at a later date, this project's individual lot owners may propose significant increases in imperviousness and avoid environmental analysis by piecemeal processing, resulting in serious impacts to downstream property owners and facilities.

### **Bioretention Design**

The current design of the 3,880 square foot bioretention facility is missing information to determine if it is properly sized to accommodate the hydromodification requirements of the NPDES permit. In the Tentative Map, the current cross section of the bioretention facility does not adhere to typical design parameters as laid out in the City of Solana Beach BMP Design Manual. The bioretention cross section has items that are not addressed (side slopes, freeboard, and filtration rate of engineered soils) or are incorrect (the inclusion of an underdrain, and facility impermeable lining). With regard to the last two items, it is not typical to include an underdrain or a liner in a bioretention facility, as it defeats the purpose of that facility by prohibiting the re-infiltration of storm water into the surrounding native soils.

The facility is sized to an arbitrary 3,880 square feet, which does not adhere to the sizing criteria set forth by the NPDES permit. The facility in question should be sized to adequately address the site imperviousness and soil to determine both area and volume (volume is not addressed at all in the current design). The completion of Form 6 with supporting infiltration tests would verify if a bioretention facility is truly the appropriate treatment for the project. If the infiltration feasibility form supports either partial infiltration or no infiltration, the sizing parameters for the project as well as the typical design parameters would drastically change.

### **Storm Water Conveyance to Fresca Street**

The ultimate outfall for the preferred alternative of the proposed project is the existing D-25 curb outlet along Fresca Street. Members of the community have noted that in its current state the existing D-25 is overtaxed, which is supported by our calculations. A typical D-25 curb outlet (such as the one along Fresca St.) can carry a maximum flow rate of 4.3 cfs. The existing condition specified in section 1.5 of the Preliminary Hydrology Study for a 100-year peak flow is 7.7 cfs, which is nearly twice the maximum flow rate that a single D-25 can handle. If the proposed project was allowed to connect to the existing D-25 with no modifications, the existing D-25 would be severely undersized, resulting in a maximum flow rate greater than three times its capacity and, likely, significant flooding events due to backwater effects in the storm drain system. We suggest either a modified curb outlet be designed or a new connection be made to the nearest municipal storm sewer system.

### **Hydrologic Modeling**

The following other issues were observed in the preliminary hydrology study.

- From our field observations, there are additional areas of the existing home (APN 298-121-24) at the south east corner of the project that appear to drain into basin 2 in the existing condition. This means that there is likely less water in the existing condition draining to Fresca St. and therefore the difference in flows between existing and proposed to Fresca St. are greater than presented in the preliminary hydrology study.
- The c-values used in the rational method analysis were determined using two methods (either land use factor or based on impervious and pervious areas). The method for determining the land use category was not described, and when the c-value was calculated, an incorrect value of 0.87 was used for impermeable areas.
- The bioretention facility orifice was sized using a flow rate of 7.7 cfs. However, this flow rate is for the entire basin that drains to Fresca Street, and the area draining to the bioretention facility is a fraction of that, which means that the orifice is too large for the drainage area leading to the facility and will result in flows exiting the bioretention facility at a higher rate than the existing condition.
- The rational method hydrograph calculations presented in the hydrology study do not calculate out correctly and the Proposed Condition 100yr, 6hr Storm Event for Basin 1 is missing.
- The bioretention facility does not appear to be sized to include the adjoining future home site (its impervious areas).
- Without proper hydrologic modeling for the developed condition of Phase 2, future impacts from individual lots cannot be ascertained. Future development may provide even more significant downstream impacts to the outlet at Fresca St. due to increased imperviousness. Mitigation for these lots will only address the 85<sup>th</sup> percentile storm. In events larger than the design storm, water will outlet to Fresca St. without mitigation or attenuation which may result in significant flooding.
- The Preliminary Hydrology study fails to address neither the impacts once flows outlet to Fresca St. nor the significant impacts it may impose upon the storm sewer inlet on Sonrisa St.
- Alternative B relies upon the existing catch basin in the Graziano back yard (627 Fresca St.) and proposes a single point source for the outlet of the entire development. If Alternative B is selected, and the drainage system that receives water from the hillside and conveys it to Fresca St. is not upgraded, it is reasonable to expect the homes immediately surrounding Alternative B's outlet point to experience flooding. Additionally, when releasing storm flows off site, it is standard practice to mimic existing outlet conditions. It is unreasonable to assume a single point source could and will approximate the myriad of small catchments and rivulets that currently release along the entirety of the hillside.

### **In Closing**

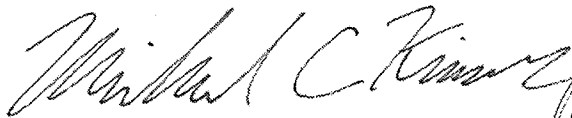
The Ocean Ranch Residential Subdivision at South Nardo Avenue presents a significant development in an area with existing storm water problems. While the proposed project attempts to mitigate impacts of the development via industry standard methods, there are a number of technical analyses which must be performed before an accurate evaluation of the development's impacts can be made. We recommend a SWQMP with supporting Geotechnical and Groundwater Investigation be prepared and

Ocean Ranch Estates Subdivision - Findings  
July 28, 2017

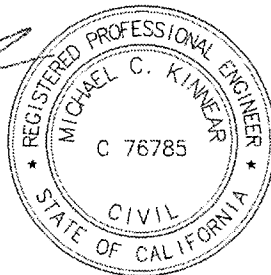
that the technical inaccuracies described be corrected so that mitigation measures may be adjusted accordingly. As the project is offered today, it fails to properly describe the development's hydrology in a manner sufficient to allow the public an opportunity to understand the scope of the work proposed. Additionally, the project is likely to generate both individual and cumulatively considerable significant impacts on the quality of environment, degrading hydrologic conditions in the community and may pose conditions which endanger property in the vicinity of the project. In short, the existing Preliminary Hydrology Report is substantively deficient for its purpose and must be revised for an accurate determination of the project's expected impacts and the appropriate measures required to mitigate those impacts.

We appreciate the opportunity to be of service. Please feel free to contact me if you have any questions or comments.

Sincerely,



Michael C. Kinnear, PE



07/28/2017

July 29, 2017

Mr. Andrews,

My name is Elizabeth Cramer, and I spent <sup>half</sup> ~~as portion~~ of my childhood growing up here in Solana Beach. You may have met either my father or myself at some time or another as we tried to do something with our property - 438 Rosa St. He wanted to build a home there circa 2007 & I tried & failed to turn it into a community garden. My family first moved to Solana Beach in the early 50s, because of how affordable it was. Can you imagine? Many of the people who have lived in Solana Beach a long time originally came here because it was so affordable. Times have changed. Mansions have been built up

"How wonderful it is that nobody need wait a single moment before starting to improve the world."

- Anne Frank

around us, and now those who grew up here - second & third generation Solana Beach residents can no longer afford to live here. We can always wait to inherit... but first of all that is a grim prospect & not everyone has that luck.

As I've gone from Sky-line student walking down Lomas Santa Fe on my home to Adult I've seen this city go from a somewhat middle class city to an almost out of reach wealthy suburb. But what is worse - I have watched those whose wallets were not fat enough pushed out. I understand the economics of it all of course. But the economics of it has no conscience & cannot see that it is marching towards economic segregation.

The 8 luxury homes that are

"Never tell me the sky's the limit when there are footprints on the moon."

- Unknown

being constructed on South Ward Ave. are another example of this steady march towards segregation. The 'affordable' housing unit that Mr. Nicholas is purchasing will be out of sight of these fancy new homes due to 'conversations & feedback from the neighbors'.

This city has a responsibility to it's current inhabitants as well as the state that it is in. This city must make affordable housing a higher priority - the wealthy who can afford to move here should not be able to push out so many families, or children of current residents, or be able to keep the obligatory 'affordable housing' from marring their property values. 'Affordable Housing' should not be kept out of sight & out of mind.

"Everything has beauty, but not everyone can see."

- Confucius

There is a gulf growing in between the economic classes in this country - and nothing will be done about it if we walk outside and only see people as well off as ourselves.

As for my fellow Skyliners / Earl Warreners / Torrey Piners ... most of us went off to college, but hardly any of us were able to come back. Look at the cost of a home <sup>or rent!</sup>. That is why.

- Elizabeth

"When one door of happiness closes, another opens, but often we look so long at the closed door that we do not see the one that has been opened for us."

- Helen Keller

**PROPOSED OCEAN RANCH ESTATES TENTATIVE SUBDIVISION MAP PROJECT  
COMMENTS AND RESPONSES MATRIX<sup>1</sup>  
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (IS/MND)  
JUNE 2018**

<b>Commenter</b>	<b>Summary of Comments</b>	<b>Response to the Comment</b>
Letter 1: State Clearinghouse	Confirmation that the project has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA	Comment noted.
Letter 2: Native American Heritage Commission	<p>No documentation of government-to-government consultation by the lead agency under AB-52</p> <p>No mitigation measures specifically addressing Tribal Cultural Resources separately</p>	<p>The City of Solana Beach, in accordance with AB 52, sent a notification letter (see attached) to the Mesa Grande Band of Mission Indians on July 12, 2017, informing them of the proposed project, of the research and field tasks performed, and requesting their response if any known cultural resources potentially existed on this site. The Mesa Grande Band of Mission Indians did not respond to our letter.</p> <p>The Mesa Grande Band of Mission Indians did not respond to the AB 52 notification letter requesting response if any known cultural resources potentially exist on this site. Therefore, as discussed in Section 3.17 of the IS/MND,</p>

<sup>1</sup> Note: Although responses to comments are not required by the California Environmental Quality Act (CEQA) for an IS/MND unless they are from a public agency, responses to comments that are focused on the contents of the IS/MND and potential environmental effects are included in this matrix as a courtesy. As many of the comments in the following letters do not pertain to potential environmental effects, formal responses are not provided in this matrix and will be addressed elsewhere including in the Staff Report and presentation to City Council.

**PROPOSED OCEAN RANCH ESTATES TENTATIVE SUBDIVISION MAP PROJECT  
 COMMENTS AND RESPONSES MATRIX<sup>1</sup>  
 INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (IS/MND)  
 JUNE 2018**

<b>Commenter</b>	<b>Summary of Comments</b>	<b>Response to the Comment</b>
		Tribal Cultural Resources, implementation of mitigation measure CR-1, which includes Native American monitoring during ground disturbing activities is sufficient to address potential impacts to Tribal Cultural Resources.
Letter 3: Jeannie Magee	<p>Development into 8 parcels is too dense – need more open space</p> <p>S. Nardo has terrible traffic and no sidewalks</p>	<p>The 8 new parcels are consistent with the underlying General Plan and zoning density for the site and is designated as Low Density Residential and Low Residential, respectively, keeping with the residential character of the neighborhood.</p> <p>As stated in Section 3.16 of the IS/MND, as a condition of project approval, a 5-foot wide contiguous sidewalk would be constructed along the east side of South Nardo Avenue from the southern border of the proposed project to Nardito Lane connecting with other sidewalks within the community. A standard concrete sidewalk along both sides of the newly formed Bell Ranch Road including a pedestrian ramp will also be installed to enhance pedestrian safety.</p>
Letter 4: Jeannie Magee	Reject the planned development as it changes the 'uniquely beautiful character of Solana Beach'	As stated in Section 3.1 of the IS/MND, although the proposed project would modify the existing visual character of the site through the creation of the residential lots and eight future homes, the visual and aesthetic changes are anticipated to be in keeping with the rural residential character of the neighborhood which consists of custom

**PROPOSED OCEAN RANCH ESTATES TENTATIVE SUBDIVISION MAP PROJECT  
 COMMENTS AND RESPONSES MATRIX<sup>1</sup>  
 INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (IS/MND)  
 JUNE 2018**

<b>Commenter</b>	<b>Summary of Comments</b>	<b>Response to the Comment</b>
		single-family residential developments surrounding the project site.
Letter 5: Steve Scott	<p>Thought the height of the proposed residences was measured from the existing grade elevation not the new manufactured grade elevation</p> <p>Believes each proposed residence should have above average garage capacity eliminating the need for 23 on street parking spaces</p> <p>Will the on-street parking spaces permit motor home/RV/boat trailers etc. to be parked on the street</p>	<p>The pad heights for each lot that is established in the grading plan will become the “existing” grade when considering development of the lots during phase two.</p> <p>The 23 parking spaces are simply street-side parking parallel to the curb that will run along each side of Bell Ranch Road. These spaces would provide additional parking opportunities for residents, residential guests, and service personnel.</p> <p>According to the City of Solana Beach Municipal Code 10.28.210, no person shall park any recreational vehicle on any public street for more than eight hours in a 24-hour period without first obtaining a recreational vehicle permit from the city. No person shall park any boat or recreational trailer on any public street for a period of more than two hours. Bell Ranch Road will follow these guidelines.</p>



**PROPOSED OCEAN RANCH ESTATES TENTATIVE SUBDIVISION MAP PROJECT  
 COMMENTS AND RESPONSES MATRIX<sup>1</sup>  
 INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (IS/MND)  
 JUNE 2018**

<b>Commenter</b>	<b>Summary of Comments</b>	<b>Response to the Comment</b>
	<p>Will the on-street parking spaces allow parking for fair, race, and other fairground events? Does not think the neighborhood needs to support these events.</p> <p>Looking at Figure 3 in the MND, is the proposed 10' dedication for a de-accel/dedicated right turn lane to Bell Ranch Road</p> <p>Looking at Figure 3 in the MND, where are the proposed 23 on-street parking spaces located</p> <p>For those exiting Bell Ranch Road making a left to head south on Nardo, is the visibility sufficient given the existing conditions located on aprn 298-121-63 [on Figure 3]</p>	<p>Bell Ranch Road will be considered a public street in which the City Municipal Code 10.28.130 states a car may not be left parked upon a street in excess of a consecutive 72 hours. However, as part of Solana Beach's Land Use Element, future development including this project strives to minimize parking spillover from public events into residential areas.</p> <p>The 10 foot dedication is simply to bring the right of way to its ultimate width. It will allow for construction of the curb, gutter, and five feet of separated sidewalk. The dedication will not be used for road widening.</p> <p>These 23 parking spaces are located along the left and right-hand side of Bell Ranch Road, parallel to the curb. Street-side parking would not be permitted in the cul-de-sac itself, per fire department regulations.</p> <p>A line of sight assessment was conducted in the <i>Traffic Study</i> (see Appendix G) for the proposed project to determine if adequate stopping sight can be provided when exiting Bell Ranch Road. Based on the evaluation, it was found that the existing 245-foot line of sight at this</p>

**PROPOSED OCEAN RANCH ESTATES TENTATIVE SUBDIVISION MAP PROJECT  
 COMMENTS AND RESPONSES MATRIX<sup>1</sup>  
 INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (IS/MND)  
 JUNE 2018**

<b>Commenter</b>	<b>Summary of Comments</b>	<b>Response to the Comment</b>
		intersection is adequate for the speed conditions of the roadway.
Letter 6: Larna Hartnack [on behalf of a group of neighbors]	<p>Concerned with the speed of traffic on S. Nardo, specifically the intersection of S Nardo and Solana Circle as cars cannot see what is coming around the corner.</p> <p>Concerned with public (children) safety along S Nardo.</p>	<p>A traffic study (see Appendix G of the IS/MND) was done at various segments and intersections along South Nardo to determine if there were any potential access, frontage, or circulation issues with the onset of the proposed project. The study found that the intersection operating conditions along this segment of South Nardo and measured traffic speeds indicate no operational issues exist or are forecast to exist with the proposed project. Therefore, the additional traffic is not anticipated to significantly impact segments of South Nardo Avenue.</p> <p>As a condition for project approval, the applicant has added to the project plans a sidewalk to be constructed along the eastern side of South Nardo Avenue down to Nardito Lane that will connect with other sidewalks within the community.</p>
Letter 7: David Checkley & Lisa Levin	Concerned that traffic on S Nardo will increase and be significantly relocated south as cars often speed uphill and around the curve near the	Please see response to Letter 6. A speed study was conducted as part of the <i>Traffic Study</i> and it showed the 85 <sup>th</sup> percentile speed to be approximately 30 miles per hour. With these speed conditions, no operational hazards exist or are forecast to exist with the implementation of this project.

**PROPOSED OCEAN RANCH ESTATES TENTATIVE SUBDIVISION MAP PROJECT  
 COMMENTS AND RESPONSES MATRIX<sup>1</sup>  
 INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (IS/MND)  
 JUNE 2018**

<b>Commenter</b>	<b>Summary of Comments</b>	<b>Response to the Comment</b>
	<p>church entrance and Solana Circle</p> <p>Needs clarification as to why such a large road with so many roadside parking spaces is necessary – cannot the parking for the new homes be accommodated on their respective properties</p> <p>Are the smallest proposed lots consistent with recent home developments in their community</p> <p>Needs clarification as to why the first stage would be allowed when the affordable housing 'offset' would occur only after half the first-stage sites were sold</p>	<p>Please see response to Letter 5.</p> <p>Yes, the project remains consistent with the existing General Plan land use designation and zoning designation of Low Density Residential and Low Residential, respectively. No General Plan amendment or zoning code changes are required to support either Phase 1 or Phase 2 of the proposed project.</p> <p>According to the City of Solana Beach Municipal Code 17.70, Affordable Units are required when an applicant proposes the development of five or more lots. The City is allowing the Applicant to receive building permit approval for up to three lots before they must satisfy the affordable housing requirement. Before building permit four is issued,</p>

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	<p>Uncertain from the available plan drawing of the impact of the proposed road on their property</p> <p>They ask community views be at least heard and respected in decisions made regarding the proposed development</p>	<p>the City is requiring the applicant to purchase an affordable housing unit.</p> <p>As discussed in Section 3.10 of the IS/MND, Phase 1 and 2 of the project would not divide or conflict with the surrounding, established low density residential community. Any road improvements made will not encroach onto existing properties but merely assume the full width of the existing right of way.</p> <p>Comment noted and community views will be taken into full consideration.</p>
<p>Letter 8: Jon Velken</p>	<p>Opposed the development and found the MND subjective and biased in favor of the developer</p> <p>The drawings and concept picture does not fit into the aesthetics of South Nardo from</p>	<p>The preparation of this IS/MND is guided by the State CEQA Guidelines and contains all of the contents required by CEQA. The Site has gone through rigorous objective environmental review in order to adequately disclose to both the public and decision makers the potential environmental effects of the proposed activities.</p> <p>The proposed project is consistent with the City's General Plan Land Use Element in that the applicant has made it a high priority "to maintain the small town coastal community</p>

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<b>Commenter</b>	<b>Summary of Comments</b>	<b>Response to the Comment</b>
	<p>years past or into the present – aesthetically unpleasing and will look very different from anything on South Nardo.</p> <p>Believes the noise will be substantial and the methods in the MND to mitigate it will not reduce it enough – three to four years of construction and the forever noise of eight homes</p>	<p>charm by respecting the beachside setting, considering scenic views, minimizing conflicts among adjacent land uses, and ensuring that new development is compatible with existing community character.”</p> <p>As stated by the applicant, project construction is anticipated to take 18 months (Phase 1 and Phase 2). Potential short-term construction-related noise effects of both Phase 1 and Phase 2 were evaluated in the IS/MND beginning on page 3-41. Noise levels would not exceed 75 dBA during the 8-hour averaged period as mandated by the City of Solana Beach. Short-term noise levels could exceed the City’s thresholds and mitigation (N-1) has been provided which would reduce potential short-term construction related noise levels to less than significant. Long-term noise impacts associated with residential traffic post-construction would result in a less than one dBA increase as projected by the Traffic Study (see Appendix G)</p>
<p>Letter 9: Richard A. Moore</p>	<p>Believes the proposed development appears to be well-designed and aesthetically pleasing</p>	<p>Comment noted.</p>

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	Concerned with an increase in traffic due to the development and proposes two additional stop signs on South Nardo Avenue at its north/west bound intersection with Nardito and its south/east bound intersection with Solana Circle	Please see response to Letter 6 and 7. Implementation of the proposed project, as noted by the <i>Traffic Study</i> in Appendix G, will not significantly impact traffic along South Nardo. The study found that all intersections monitored along South Nardo near the site will continue to operate acceptably with and without the project.
Letter 10: Thomas & Rena Kaiser, Laurel & James Graziano, Jesse & Merle Quinsaas	<p>Very concerned with the drainage plan – believe, as is submitted by Ocean Ranch Estates, it does not adhere to guidelines and requirements set forth under the National Pollutant Discharge Elimination System (NPDES) and claim the project is indeed a priority development project (PDP)</p> <p>A complete discussion of hydromodification requirements and water quality mitigation including infiltration capabilities of the proposed project should</p>	<p>Pasco Laret Suiter &amp; Associates performed a thorough hydrology study and supplemental technical reports in 2017 in order to provide additional documentation in support of the drainage and water quality calculations for the proposed project. The report is summarized in response to the comments as follows and can be referenced at the end of this document (see attached).</p> <p>Pasco Laret Suiter &amp; Associates states that the proposed project is indeed classified as a Priority Development Project (PDP) and is designed to meet the stormwater pollutant control and hydromodification management requirements as set forth by the California Regional Water Quality Control Board San Diego Region municipal storm water permit (MS4 Permit) and the City of Solana Beach BMP Design manual. The entire project is a PDP; therefore,</p>

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<b>Commenter</b>	<b>Summary of Comments</b>	<b>Response to the Comment</b>
	<p>be addressed including Form 6 as opposed to “none required”</p> <p>Hydrology and stormwater management for Phase 2 should be fully designed as part of the project</p> <p>The Bioretention design does not provide adequate information to determine its capability to accommodate the hydromodification requirements of the NPDES permit. Its size, 3,800 square feet, does not adhere to the size criteria set forth by the NPDES permit.</p> <p>The current configuration of the proposed stormwater easement is inadequate and will not be</p>	<p>both Phase 1 and Phase 2 are subject to PDP requirements.</p> <p>A report done by Pasco Laret Suiter &amp; Associates titled “Priority Development Project Water Quality Technical Report for Ocean Ranch Estates” (WQTR) dated September 2017 presents detailed stormwater pollutant control and hydromodification management flow control calculations to satisfy the requirements of the MS4 Permit for both Phase 1 and Phase 2.</p> <p>The Phase 1 HMP Biofiltration basin is sized to provide stormwater pollutant control, hydromodification flow control and detention for the 50- and 100- year storm events as confirmed by Coffey Engineering as well (see attached). The cross-section detail has been updated on the plans to adhere to the design parameters pursuant to the City of Solana Beach BMP Design Manual. To properly address hydromodification flow control requirements a continuous simulation model, the Environmental Protection Agency (EPA) Storm Water Management Model (SWMM), was selected to size mitigation measures. It is incorporated in the results of the infiltration testing performed by the geotechnical engineer and is included in the WQTR. To</p>

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	<p>able to support the 100-year peak flow resulting in significant flooding – suggest a modified curb outlet or new connection be made to the nearest municipal storm sewer system</p> <p>Claim the ‘normal’ water flow from West-East is overstated</p> <p>Claim incorrect values were utilized for impermeable areas</p> <p>Claim the orifice on the bio-retention facility at entry is too small</p>	<p>properly address detention requirements for the 50- and 100- year storm events, Autodesk’s Civil3D Hydraflow Hydrographs Extension software was utilized to route the storm event inflow hydrograph through the HMP Biofiltration facility and calculate the detained peak flow rate and detained time to peak.</p> <p>The existing condition drainage basins have been revised based on additional topographic survey information and site observation.</p> <p>The C-values used in the Rational Method analysis for the onsite project areas were calculated based on the percentage of impervious area and percentage of porous or landscape area using a formula from the San Diego County Hydrology Manual. The C-values and calculations for both the existing and developed conditions are presented on the Hydrologic Node Maps included in the Hydrology Study.</p> <p>The HMP Biofiltration basin outlet structure is designed with a 1.0 inch orifice which has been sized to meet hydromodification flow control requirements.</p>



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	<p>Claim the rational method hydrograph calculations presented in the hydrology study do not calculate out correctly</p> <p>The bio-retention facility does not appear to be sized in consideration of future home sites</p> <p>The hydrologic modeling for Phase 2 is not discussed and claim the addition of new lots may have significant consequences of flooding</p> <p>Claim the study fails to address the flows beyond Fresca Street and impacts on the sewer inlet on Sonrisa</p>	<p>The Rational Method hydrograph calculations in the Hydrology Study have been updated. Coffey Engineering, the resident's hired firm, confirms these calculations are accurate.</p> <p>The HMP Biofiltration basin is sized for Phase 1. Phase 2 of the project will also include individual HMP Biofiltration basins designed on each lot to provide stormwater pollutant control, hydromodification flow control and detention for the 50- and 100-year storm events for each lot.</p> <p>Detailed hydrologic and detention calculations for an example Phase 2 Future Home project are included in the Hydrology Study and detailed pollutant control and hydromodification management flow control calculations are included in the "Water Quality Technical Report for Ocean Ranch Estates." A detailed analysis will be required at the design phase for the individual basins on each separate lot.</p> <p>This impact would only have taken effect if Alternative B was implemented and it is no longer under current consideration.</p>

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	<p>Believe Plan B detention ditches should be a much larger size or volume than Plan A detention ditches in order to retain more water from a slower flowing pipe</p> <p>Claim that the MND fails to disclose that the project has no legal right to direct stormwater flow to a private brow ditch without the approval of the property owners.</p> <p>Important that the past soil stability of these slopes not be altered or disturbed by grading along the top of the slopes and that the vegetation growing on the hillside not be removed as this project lies within the Hillside Overlay Zone.</p>	<p>Alternative B is no longer under current consideration.</p> <p>With expressed permission by the property owners, the majority of the site would continue to drain to the northeast toward the existing brow-ditch at the bottom of the steep slope.</p> <p>The project proposes to retain the mature vegetation on the eastern edge of the site with a steep slope easement. The steep slope easement would also serve to protect the portion of the project site that is located within the City's Hillside Overlay Zone (Municipal Code 17.48.020).</p>

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	<p>Request the removal of a very large Torrey Pine Tree that is situated on the eastern property boundary as it blocks afternoon light and serves as a nuisance for debris</p> <p>Claim the project seeks to improperly diminish the appearance of its effect on the environment by piecemealing its analysis to avoid a complete review of the development's foreseeable impacts.</p> <ul style="list-style-type: none"> <li>- The MND should provide analysis of the impacts of houses that are expected to be constructed during Phase 2</li> </ul> <p>Claim the project description omits or misinforms the reader</p>	<p>At this time, the Torrey Pine is not being removed.</p> <p>The proposed project is the approval of a Tentative Subdivision Map, which requires discretionary approval from the City of Solana Beach; thereby requiring compliance with CEQA. Once the Tentative Map is approved and Final Map is recorded, any future home construction on the site will require an additional Development Review Permit and discretionary approval from the City. The IS/MND was prepared pursuant to the California Environmental Quality Act and performs a thorough analysis of potential environmental impacts and identifies mitigation measures for any significant effects. Technical reports performed for this current IS/MND cover both Phase I and Phase II of the project and satisfy all areas of potential environmental impact.</p> <p>The preparation of this MND/IS is guided by the State CEQA Guidelines Section 15063, which describes the</p>

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	<p>regarding integral components of the project thereby failing to disclose all of the impacts of the project.</p> <p>The project's technical analyses are stale and analyzes a development that is completely different from the one presented in the MND (i.e. The 5 year old geotechnical report; the over 5 year old environmental site assessment; the cultural resources study – barbecue feature importance)</p> <p>Refute the statement that the project will result in a net</p>	<p>requirements for an Initial Study, and Sections 15070-15075, which describe the process for the preparation of an MND. This IS/MND contains all of the contents required by CEQA, which includes a full project description, a description of the environmental setting, an analysis of potential environmental impacts, identification of mitigation measures for any significant effects, and a determination of the project's consistency with applicable plans and policies.</p> <p>Geology and Soils and Cultural Resources of a site do not change substantially over time making it unnecessary to perform subsequent technical studies. The Phase I and Phase II Environmental Site Assessment (see Appendix E) was originally performed in 2012 and found that there is a very low likelihood of recognized environmental conditions present at the Site. Low levels of metals and pesticides were detected in the soils and were not considered significant. Additional extensive soil sampling was conducted in 2016 and 2017 and the data was generally consistent with the 2012 soil data meaning very little or no change has occurred in that time frame.</p> <p>As stated in Section IX of the IS/MND, the 25% net decrease in impervious area comes as a result of Phase 1</p>

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	<p>reduction in impervious area by approximately 25%</p> <p>Claim the development's geological analysis makes little effort to determine the impacts to the stability of the steep hillside which are likely to arise from extensive demolition and grading operations proposed in the Project</p> <p>Concern regarding the pesticide storage area acknowledged in the environmental site assessment as to why it was not tested to determine the existence or extent of any soil</p>	<p>which includes grubbing and clearing the site of current impervious structures.</p> <p>Geotechnical Exploration, Inc. performed a thorough geotechnical investigation of the site as cited in Appendix D of the IS/MND. They referenced various geologic maps, reports, documents, and executed comprehensive field and laboratory testing of soils samples to analyze the geologic conditions. They discuss in multiple sections of the geotechnical report the easterly descending slope along the east side of the property which will remain intact. It consists of extensive groundcover which has served to prevent erosion of surface soils. Through thorough investigation of the site including a slope stability analysis, they found that the property is very well suited for the proposed residential development and will have no significant impacts on this descending slope.</p> <p>SCS Engineers performed various Phase I and Phase II Environmental Site Assessment activities at the Project Site from 2012 to 2017. They performed extensive subsurface investigation activities at the Site to assess for pesticides, which have followed and exceeded standard regulatory guidance on pesticide assessment. Based on the location</p>

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	<p>contamination (as a visual observation is not sufficient)</p> <p>Claim the Project's development is likely to generate significant, unmitigated impacts therefore an EIR should be prepared.</p>	<p>of the former pesticide storage area inside a cabinet within a building, it is highly unlikely that the pesticides would have resulted in a release to soil at the site; therefore, the soil beneath the building site was not sampled. Rigorous sampling, however, was performed throughout the agricultural areas and found that concentrations of pesticides were well below residential screening levels.</p> <p>The preparation of this IS/MND is guided by the State CEQA Guidelines and contains all of the contents required by CEQA. The Site has gone through rigorous objective environmental review in order to adequately disclose to both the public and decision makers the potential environmental effects of the proposed activities. No significant unmitigated impacts have been found as a result of this arduous review. Thus, preparation of an EIR is not required.</p>

## SCS ENGINEERS

May 3, 2018  
Project Number: 01212173.05

Mr. Nicholas P. Nicholas  
9345 Mira Mesa Boulevard  
San Diego, California 92126

**RE: Response to Comment Letter from Lounsbery Ferguson Altona & Peak, LLP  
(Comment Response Letter)**

**Site: Assessor's Parcel Numbers (APNs) 298-121-24, -25, -26, -55, and -56  
512, 516, 524, and 538 South Nardo Avenue  
Solana Beach, California (Site)**

To Whom It May Concern,

This Comment Response Letter is in response to the letter from Mr. Felix M. Tinkov, Esq., partner at Lounsbery Ferguson Altona & Peak, LLP, regarding the *Analysis of Mitigated Negative Declaration for the Ocean Ranch Estates Tentative Subdivision Map Project*, dated July 31, 2017 for the above referenced Site (MND Letter). Mr. Nicholas P. Nicholas is facilitating the development of the property at 512, 516, 524, and 538 South Nardo Avenue, Solana Beach California (Site) into single-family residences. In order to assess historical agricultural activities that have taken place at the Site in connection with the proposed development, SCS Engineers (SCS) has performed various Phase I and II Environmental Site Assessment activities at the Site from 2012 to 2017. The MND Letter makes claims that assessment work performed by SCS at the Site was a "sham" and compares SCS's work to an "ancient analysis."

This Comment Response Letter was prepared by SCS to demonstrate that SCS has performed extensive subsurface investigation activities at the Site to assess for pesticides, which have followed and exceeded standard regulatory guidance on pesticide assessment. In addition, SCS has been an environmental consultant in San Diego since 1986, and has completed over 4,000 environmental projects in San Diego. SCS has completed hundreds of assessments and many remediation projects under regulatory oversight involving sites with pesticide-bearing soil, including the development of Encinitas Community Park. Encinitas Community Park comprised approximately 43 acres of former nursery land that was redeveloped into a community park. For this project, SCS oversaw the mitigation of approximately 45,000 cubic yards of pesticide-bearing soil, and oversaw the mitigation activities to obtain a closure letter from the County of San Diego Department of Environmental Health.

Assessment activities at the Site have included preparation of a Phase I and Phase II Environmental Site Assessment, with additional supplemental soil sampling activities, which have overall included the advancement of 32 soil borings and the analysis of 77 soil samples for pesticides. Soil sampling for pesticides followed current regulatory guidance applicable to assessing agricultural properties, consisting of the Department of Toxic Substances Control (DTSC) guidance document titled "Interim Guidance for Sampling Agricultural Properties

(Third Revision),” dated August 7, 2008 (DTSC Guidance). Per the DTSC Guidance, based on the size of the Site (4.24 acres), samples should be collected from eight different locations and analyzed for organochlorine pesticides and arsenic. SCS collected samples from 32 locations, and in addition, additional samples were collected at multiple depths (various depths from just below the surface to 3 feet below grade).

SCS’s original report is titled *Phase I and Phase II Environmental Site Assessment; Assessor’s Parcel Numbers (APNs) 298-121-24, -25, -26, -55, and -56; 512, 516, 524, and 538 South Nardo Avenue, Solana Beach, California*, dated July 6, 2012 (Phase I/Phase II Report). The Phase II portion of the Phase I/Phase II Report includes results of 14 soil samples collected from eight borings from depths ranging from 0.5 to 3 feet. Eight samples collected from 0.5 feet were analyzed for arsenic, copper, zinc, and organochlorine pesticides. Reported concentrations of arsenic, copper, and zinc were within typical background concentrations. Detectable concentrations<sup>1</sup> of organochlorine pesticides were reported in three of the eight 0.5-foot samples, so the 1.5 and 3-foot samples from those locations were analyzed for organochlorine pesticides, and the 0.5-foot samples from these locations were additionally analyzed for chlorinated herbicides, triazine pesticides, organophosphorus pesticides, urea pesticides, carbamates, and glyphosphates (collectively, additional analytes). No detectable concentrations of organochlorine pesticides were reported in the 1.5 and 3 foot samples, and no detectable concentrations of the additional analytes were reported in the 0.5 foot samples.

SCS performed additional soil sampling at the Site on March 1, 2016 and October 11, 2017, which consisted of the collection of an additional 63 soil samples from depths ranging from 0.5 to 2.5 feet. Results of this sampling indicated pesticides are not likely to extend to depths greater than 2.5 feet, as all 2.5 foot samples collected did not concentrations of organochlorine pesticides above the laboratory reporting limits. Organochlorine analytical laboratory results from the additional sampling are included in the attached table. Four 0.5-foot samples were also analyzed for organophosphorous pesticides, and six 0.5-foot samples were analyzed for total lead. No detectable concentrations of organophosphorus pesticides were reported, and reported total lead concentrations were within typical background levels. In total, SCS has collected and analyzed 77 soil samples at the Site for organochlorine pesticides. Organochlorine pesticides from the 77 soil samples are presented in the enclosed table and summarized in the table below:

Organochlorine Pesticide	Maximum Concentration (µg/kg)	Residential Regional Screening Level (µg/kg)
Aldrin	4.51	39
Gamma- Chlordane	45.4	--
Alpha-Chlordane	77.4	--
Total Chlordane	420	1,700
4,4-DDD	24.6	1,900
4,4-DDE	30.1	2,000
4,4-DDT	42.1	1,900
Dieldrin	19.3	34
Endrin	4	19,000

<sup>1</sup> For the purposes of this Comment Response Letter, “detectable concentrations” refers to concentrations above the laboratory reporting limit for the analyte or group of analytes.



Organochlorine Pesticide	Maximum Concentration (µg/kg)	Residential Regional Screening Level (µg/kg)
Heptachlor	27.9	130
Beta BHC	110	300
Delta BHC	203	300
EndosulfanSulfate	65.8	470,000
Other Organochlorine Pesticides	ND	--

**Notes:**

µg/kg: Micrograms per kilogram

4,4-DDD: 4,4-dichlorodiphenyldichloroethane

4,4-DDE: 4,4-dichlorodiphenyldichloroethylene

4,4-DDT: 4,4-dichlorodiphenyltrichloroethane

--: No screening level for constituent or not applicable

ND: Not detected above the respective laboratory reporting limit

As indicated in the table above, all reported concentrations of organochlorine pesticides from soil samples collected at the Site are below the Regional Screening Levels (RSLs) for residential users provided by the United States Environmental Protection Agency, dated November 2017.

On Page 5 of the MND Letter, Mr. Felix states that: *“The Project’s over 5 year old environmental site assessment (see Appendix E) fails to account for the extensive nursery operations which have been ongoing in the interim and leave one to question the accuracy of such an ancient analysis, especially in light of the potentially hazardous commercial nursery chemicals may have been employed.”*

Organochlorine pesticide manufacturing and application was banned in 1987. Based on SCS’s knowledge of the Site and interviews with the Site occupants/farmers, no evidence of illegal application of pesticides (i.e., organochlorine pesticide application after 1987) has been conducted at the Site. As indicted above and in the attached table, extensive soil sampling has been conducted at the Site in 2016 and 2017, and the data was generally consistent with the 2012 data (i.e., low concentrations of organochlorine pesticides below RSLs). Although some of the soil data for the site was collected in 2012, the majority of the data was collected in the past two years. In addition, since no organochlorine pesticides have been applied at the Site since the original 2012 sampling since organochlorine pesticides are no longer commercially available, it is SCS’s professional opinion that all data SCS has collected from the Site is representative of current conditions.

On page 9 of the MND Letter, Mr. Felix states that:

*“The environmental site assessment acknowledges that the property contains a pesticide storage area. Yet, for some unexplained reason, this pesticide storage area was not tested to determine the existence or extent of any soil contamination – instead, a visual observation was made that there was no observed stains or spills on the ground. Such failure to analyze is nothing more than a sham since the use of these pesticides may have been decades’ old leaving little visible evidence on the ground today.”*

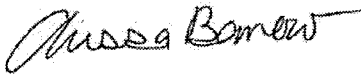
The pesticide storage area referenced in the MND Letter was located on a stone platform within a stone building with a concrete slab, and the pesticides were reportedly stored inside a cabinet.

Based on the location of the former pesticide storage area (i.e., inside a cabinet within a building), it is highly unlikely that the pesticides would have resulted in a release to soil at the Site; therefore, soil beneath the building slab was not sampled. SCS notes that this observation was anecdotal and did not apply to or affect the rigorous sampling that was performed in agricultural areas of the Site.

Although concentrations of pesticides reported at the Site are below residential screening levels and mitigation for pesticides in connection with the proposed residential land use is not required, SCS understands that Mr. Nicholas intends to enter into the Voluntary Assistance Program (VAP) under the oversight of the San Diego County Department of Environmental Health (DEH) to conservatively address soil with concentrations of pesticides that are below residential screening levels. As such, the management of pesticide-bearing soil at the Site for the purposes of redevelopment will be bound by the conditions of DEH approval to ensure that any pesticide-bearing soil is either removed from the Site or will be safe for human exposure/occupancy of the Site.

This Comment Response Letter is intended to provide clarification on the work SCS Engineers has conducted at the Site. If we may provide any additional information, please do not hesitate to call our office at (858) 571-5500.

Sincerely,



Alissa Barrow, PE  
Senior Project Professional  
**SCS ENGINEERS**



Luke Montague, MESM, PG 8071  
Project Manager  
**SCS ENGINEERS**

**Organochloride Pesticide Analytical Results**  
**Ocean Ranch Estates**  
512, 516, 524, and 538 South Nardo Avenue  
Solana Beach, California

Sample ID	Date	Depth (feet)	Organochlorine Pesticides (EPA Method 8081A) (µg/kg)													
			Aldrin	Gamma-Chlordane	Alpha-Chlordane	Total Chlordane	4,4-DDD	4,4-DDE	4,4-DDT	Dieldrin	Endrin	Heptachlor	Beta BHC	Delta BHC	Endosulfan Sulfate	Other Pesticides
			µg/kg													
B1-0.5	6/7/2012	0.5	<2	<2	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B2-0.5	6/7/2012	0.5	<2	2.26	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B2-1.5	6/7/2012	1.5	<2	<2	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B2-3	6/7/2012	3	<2	<2	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B3-0.5	6/7/2012	0.5	<2	<2	4.04	NA	<4	11.7	28.9	19.3	<4	<2	<2	<2	<4	ND
B3-1.5	6/7/2012	1.5	<2	<2	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B3-3	6/7/2012	3	<2	<2	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B4-0.5	6/7/2012	0.5	<2	<2	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B5-0.5	6/7/2012	0.5	<2	<2	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B6-0.5	6/7/2012	0.5	<2	<2	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B7-0.5	6/7/2012	0.5	<2	<2	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B8-0.5	6/7/2012	0.5	4.51	5.04	13.6	NA	<4	9.18	34.5	<4	4.00	27.9	<2	<2	<4	ND
B8-1.5	6/7/2012	1.5	<2	<2	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B8-3	6/7/2012	3	<2	<2	<2	NA	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B9-0.5	3/1/2016	0.5	<2	11.1	43.7	<170	11.3	25.1	8.97	<4	<4	<2	<2	<2	<4	ND
B9-1	3/1/2016	1	<2	2.59	10.6	<170	<4	7.44	<4	<4	<4	<2	<2	<2	<4	ND
B9-2	3/1/2016	2	<2	<2	<2	<170	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B10-0.5	3/1/2016	0.5	<2	18.4	39.6	170	7.14	7.51	4.53	<4	<4	<2	<2	<2	<4	ND
B10-1	3/1/2016	1	<2	17.6	24.3	<170	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B10-2	3/1/2016	2	<2	3.85	3.1	<170	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B11-0.5	3/1/2016	0.5	<2	45.4	77.4	347	24.6	8.56	<4	<4	<4	<2	<2	<2	<4	ND
B11-1	3/1/2016	1	<2	12.9	16.7	<170	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B11-2	3/1/2016	2	<2	<2	<2	<170	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B12-0.5	3/1/2016	0.5	<2	17.2	33.1	196	4.43	5.78	8.40	<4	<4	<2	<2	<2	<4	ND
B12-1	3/1/2016	1	<2	4.93	5.37	<170	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B12-2	3/1/2016	2	<2	<2	<2	<170	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B13-0.5	3/1/2016	0.5	<2	22.6	47.7	243	23.8	10.8	<4	<4	<4	<2	<2	<2	<4	ND
B13-1	3/1/2016	1	<2	25.5	56.9	200	9.30	<4	<4	4.0	<4	<2	<2	<2	<4	ND
B13-2	3/1/2016	2	<2	<2	<2	<170	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B14-0.5	3/1/2016	0.5	<2	13.7	17.9	170	8.18	4.51	<4	<4	<4	<2	<2	<2	<4	ND
B14-1	3/1/2016	1	<2	4.48	8.90	<170	<4	8.64	<4	<4	<4	<2	<2	12.2	<4	ND
B14-2	3/1/2016	2	<2	2.25	5.09	<170	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B15-0.5	3/1/2016	0.5	<2	14.0	41.6	<170	14.4	9.77	<4	<4	<4	<2	<2	<2	<4	ND
B15-1	3/1/2016	1	<2	5.01	24.7	<170	<4	4.10	<4	<4	<4	<2	<2	<2	<4	ND
B15-2	3/1/2016	2	<2	2.89	3.20	<170	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND
B16-0.5	3/1/2016	0.5	<2	<2	6.07	<170	<4	6.77	<4	<4	<4	<2	<2	<2	<4	ND
B16-1	3/1/2016	1	<2	<2	3.51	<170	<4	5.11	<4	<4	<4	<2	<2	<2	<4	ND
B16-2	3/1/2016	2	<2	<2	<2	<170	<4	<4	<4	<4	<4	<2	<2	<2	<4	ND

## Organochloride Pesticide Analytical Results

### Ocean Ranch Estates

512, 516, 524, and 538 South Nardo Avenue

Solana Beach, California

Sample ID	Date	Depth (feet)	Organochlorine Pesticides (EPA Method 8081A) (µg/kg)													
			Aldrin	Gamma-Chlordane	Alpha-Chlordane	Total Chlordane	4,4-DDD	4,4-DDE	4,4-DDT	Dieldrin	Endrin	Heptachlor	Beta BHC	Delta BHC	Endosulfan Sulfate	Other Pesticides
			µg/kg													
B17-0.5	3/1/2016	0.5	< 2	< 2	< 2	< 170	< 4	6.81	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B17-1	3/1/2016	1	< 2	< 2	< 2	< 170	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B18-0.5	3/1/2016	0.5	< 2	< 2	< 2	< 170	4.62	23.8	7.22	15.3	< 4	< 2	< 2	7.83	< 4	ND
B18-1	3/1/2016	1	< 2	< 2	< 2	< 170	4.55	9.02	4.00	11.6	< 4	< 2	< 2	5.94	< 4	ND
B18-2	3/1/2016	2	< 2	< 2	< 2	< 170	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B19-0.5	3/1/2016	0.5	< 2	< 2	< 2	< 170	4.00	19.5	9.95	15.3	< 4	< 2	< 2	7.54	< 4	ND
B19-1	3/1/2016	1	< 2	< 2	2.01	< 170	5.27	5.06	< 4	5.81	< 4	< 2	< 2	< 2	< 4	ND
B19-2	3/1/2016	2	< 2	< 2	< 2	< 170	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B20-0.5	3/1/2016	0.5	< 2	15.7	35.7	< 170	4.92	11.5	7.45	13.8	< 4	< 2	< 2	< 2	< 4	ND
B20-1	3/1/2016	1	< 2	2.04	3.61	< 170	< 4	< 4	< 4	4.30	< 4	< 2	< 2	< 2	< 4	ND
B20-2	3/1/2016	2	< 2	2.23	4.26	< 170	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B21-0.5	3/1/2016	0.5	< 2	5.75	18.0	< 170	< 4	17.2	15.2	6.55	< 4	< 2	< 2	19.8	< 4	ND
B21-1	3/1/2016	1	< 2	< 2	5.00	< 170	< 4	4.15	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B21-2	3/1/2016	2	< 2	< 2	< 2	< 170	< 4	< 4	< 4	< 4	< 4	< 2	< 2	3.45	< 4	ND
B22-0.5	3/1/2016	0.5	< 2	9.49	14.4	< 170	5.31	17.8	17.5	5.89	< 4	< 2	< 2	15.0	65.8	ND
B22-1	3/1/2016	1	< 2	< 2	4.09	< 170	< 4	6.03	< 4	< 4	< 4	< 2	< 2	5.47	< 4	ND
B22-2	3/1/2016	2	< 2	< 2	< 2	< 170	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B23-0.5	3/1/2016	0.5	< 2	42.1	72.1	346	17.5	13.9	42.1	4.79	< 4	< 2	< 2	203	< 4	ND
B23-1	3/1/2016	1	< 2	12.0	21.6	< 170	6.51	7.43	12.0	< 4	< 4	< 2	< 2	47.8	< 4	ND
B23-2	3/1/2016	2	< 2	< 2	< 2	< 170	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B24-0.5	3/1/2016	0.5	< 2	6.05	47.5	317	7.35	30.1	20.4	< 4	< 4	< 2	< 2	39.2	< 4	ND
B24-1	3/1/2016	1	< 2	5.22	10.3	< 170	5.28	6.97	< 4	< 4	< 4	< 2	< 2	14.7	< 4	ND
B24-2	3/1/2016	2	< 2	< 2	< 2	< 170	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B25-0.5	3/1/2016	0.5	< 2	10.5	29.3	< 170	10.4	23.9	13.4	< 4	< 4	< 2	17.3	116	< 4	ND
B25-1	3/1/2016	1	< 2	< 2	5.67	< 170	4.57	8.82	< 4	< 4	< 4	< 2	55.6	< 2	< 4	ND
B25-2	3/1/2016	2	< 2	< 2	< 2	< 170	< 4	< 4	< 4	< 4	< 4	< 2	16.8	< 2	< 4	ND
B26-0.5	3/1/2016	0.5	< 2	5.28	17.2	< 170	11.3	23.4	12.8	< 4	< 4	< 2	110	< 2	< 4	ND
B26-1	3/1/2016	1	< 2	< 2	7.11	< 170	8.51	10.8	5.03	< 4	< 4	< 2	39.4	< 2	< 4	ND
B26-2	3/1/2016	2	< 2	< 2	< 2	< 170	< 4	6.52	6.53	< 4	< 4	< 2	17.8	< 2	< 4	ND
B27-0.5	3/1/2016	0.5	< 2	14.3	53.9	< 170	20.6	16.2	4.32	< 4	< 4	< 2	9.93	< 2	< 4	ND
B27-1	3/1/2016	1	< 2	5.24	25.0	< 170	< 4	5.04	< 4	< 4	< 4	< 2	3.51	< 2	< 4	ND
B27-2	3/1/2016	2	< 2	< 2	< 2	< 170	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B28-0.5	3/1/2016	0.5	< 2	11.5	73.5	420	< 4	< 4	< 4	< 4	< 4	< 2	7.98	< 2	< 4	ND
B28-1	3/1/2016	1	< 2	23.8	15.1	< 170	< 4	< 4	< 4	< 4	< 4	< 2	2.00	< 2	< 4	ND
B28-2	3/1/2016	2	< 2	< 2	< 2	< 170	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B29-2.5	10/11/2017	2.5	< 2	< 2	< 2	< 100	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B20-2.5	10/11/2017	2.5	< 2	< 2	< 2	< 100	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B31-2.5	10/11/2017	2.5	< 2	< 2	< 2	< 100	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND
B32-2.5	10/11/2017	2.5	< 2	< 2	< 2	< 100	< 4	< 4	< 4	< 4	< 4	< 2	< 2	< 2	< 4	ND

## Organochloride Pesticide Analytical Results

### Ocean Ranch Estates

512, 516, 524, and 538 South Nardo Avenue

Solana Beach, California

Sample ID	Date	Depth (feet)	Organochlorine Pesticides (EPA Method 8081A) (µg/kg)													
			Aldrin	Gamma-Chlordane	Alpha-Chlordane	Total Chlordane	4,4-DDD	4,4-DDE	4,4-DDT	Dieldrin	Endrin	Heptachlor	Beta BHC	Delta BHC	Endosulfan Sulfate	Other Pesticides
			µg/kg													
<b>Results from Previous Sampling Activities</b>																
S1	12/9/2004	0.167	< 1	< 1	< 1	< 8.5	< 2	< 2	< 2	< 2	< 2	< 1	< 1	< 1	< 2	ND
S2	12/9/2004	0.167	< 1	< 1	< 1	< 8.5	< 2	< 2	< 2	< 2	< 2	< 1	< 1	< 1	< 2	ND
S3	12/9/2004	0.167	< 1	< 1	< 1	< 8.5	< 2	< 2	< 2	< 2	< 2	< 1	< 1	< 1	< 2	ND
S4	12/9/2004	1	< 1	< 1	< 1	< 8.5	< 2	< 2	< 2	< 2	< 2	< 1	< 1	< 1	< 2	ND
X-1	11/9/2005	NR	< 1	< 1	< 1	< 8.5	< 2	< 2	< 2	< 2	< 2	< 1	< 1	< 1	< 2	ND
X-2	11/9/2005	NR	< 1	< 1	< 1	< 8.5	< 2	< 2	< 2	< 2	< 2	< 1	< 1	< 1	< 2	ND
X-3	11/9/2005	NR	< 1	< 1	< 1	< 8.5	< 2	< 2	< 2	< 2	< 2	< 1	< 1	< 1	< 2	ND
X-4	11/9/2005	NR	< 1	< 1	< 1	< 8.5	< 2	< 2	< 2	< 2	< 2	< 1	< 1	< 1	< 2	ND
RSLs			39	--	--	1,700	1,900	2,000	1,900	34	19,000	130	300	300	470,000	--

**Notes:**

µg/kg: Micrograms per kilogram

4,4-DDD: 4,4-dichlorodiphenyldichloroethane; 4,4-DDE: 4,4-dichlorodiphenyldichloroethylene; 4,4-DDT: 4,4-dichlorodiphenyltrichloroethane

Delta BHC: delta-hexachlorocyclohexane; Alpha BHC: alpha-hexachlorocyclohexane

**Bold** text indicates reported concentrations above the laboratory reporting limits

NR: Not reported, NA: Not analyzed for particular constituent

ND: Not detected above the respective laboratory reporting limit

Only analytes with concentrations above the laboratory reporting limits are listed.

RSLs = Regional Screening Levels for residential users provided by the United States Environmental Protection Agency, dated November 2017.

**PASCO LARET SUITER**  
& ASSOCIATES  
CIVIL ENGINEERING – LAND PLANNING + LAND SURVEYING

April 19, 2018

Mo Sammak  
City of Solana Beach  
Public Works Department  
635 S. Highway 101  
Solana Beach, CA 92075

Corey Andrews  
City of Solana Beach  
Community Development Department  
635 S. Highway 101  
Solana Beach, CA 92075

**Re: Responses to Ocean Ranch Estates Subdivision – Findings (TM 17-17-15 & Initial Study / Mitigated Negative Declaration)**

Dear Mo and Corey:

Pasco Laret Suiter & Associates, Inc has reviewed the comments regarding the Mitigated Negative Declaration (MND) for the Ocean Ranch Estates Project on South Nardo and has prepared the following letter in response. Additionally, supplemental technical reports entitled *Preliminary Hydrology Study for Ocean Ranch Estates* dated November 2017 and *Priority Development Project Water Quality Technical Report for Ocean Ranch Estates* dated September 2017, were prepared in order to provide additional documentation in support of the drainage and water quality calculations as well as the MND responses provided herein.

1. National Pollutant Discharge Elimination System Permit Compliance – The proposed project is classified as a Priority Development Project (PDP) and is designed to meet the storm water pollutant control and hydromodification management requirements as set forth by the California Regional Water Quality Control Board San Diego Region municipal storm water permit (Order No. R9-2013-0001, referred to as MS4 Permit) and the City of Solana Beach BMP Design Manual. The proposed project is divided into two phases, Phase 1 and 2. The entire project is a PDP therefore both Phase 1 and 2 are subject to PDP requirements.

Phase 1, consists of the demolition of the existing structures, asphalt access driveway and parking, greenhouses, and associated hardscape improvements and construction of a new public roadway, curb and gutter, sidewalk, graded pads and a storm water Hydromodification (HMP) Biofiltration basin to provide storm water pollutant control, hydromodification flow control and detention for the 50- and 100-year storm events. Phase 2 of the project is a future phase that consists of the development of each lot which will also include individual HMP Biofiltration basins to provide storm water

pollutant control, hydromodification flow control and detention for the 50- and 100-year storm events for each lot.

The report titled "Priority Development Project Water Quality Technical Report for Ocean Ranch Estates" (WQTR) dated September 2017 prepared by Pasco Laret Suiter & Associates presents detailed storm water pollutant control and hydromodification management flow control calculations to satisfy the requirements of the MS4 Permit for both Phase 1 and 2. The report addresses infiltration capabilities and includes Form 6 completed by a geotechnical engineer for both Phase 1 and 2.

2. Bioretention Design – The Phase 1 HMP Biofiltration basin is sized to provide storm water pollutant control, hydromodification flow control and detention for the 50- and 100-year storm events. The cross-section detail has been updated on the plans to adhere to the design parameters pursuant to the City of Solana Beach BMP Design Manual.

To properly address hydromodification flow control requirements, a continuous simulation model, the Environmental Protection Agency (EPA) Storm Water Management Model (SWMM) version 5.1, was selected to size mitigation measures. The SWMM model is capable of modeling hydromodification management facilities to mitigate the effects of increased runoff from the post-development conditions and use changes that may cause negative impacts (i.e. erosion) to downstream channels. The SWMM model incorporates the results of the infiltration testing performed by the geotechnical engineer. The SWMM model is included in the WQTR.

To properly address detention requirements for the 50- and 100-year storm events, Autodesk's Civil3D Hydraflow Hydrographs Extension software was utilized. The Hydraflow Hydrographs Extension software has the ability to route the storm event inflow hydrograph through the HMP Biofiltration facility and based on the facility cross sectional geometry and stage storage and outlet structure data, calculate the detained peak flow rate and detained time to peak. The inflow runoff hydrograph to the HMP Biofiltration basin was modeled using RatHydro which is a Rational Method Design Storm Hydrograph software that creates a hydrograph using the results of the Rational Method calculations. The detention analysis is included in the report titled "Preliminary Hydrology Study for Ocean Ranch Estates" (Hydrology Study) dated November 2017 prepared by Pasco Laret Suiter & Associates.

3. Storm Water Conveyance to Fresca Street – Although storm water basins are proposed for both Phase 1 and each of the lots in Phase 2 to provide detention for the 100-year storm event, the proposed offsite downstream storm drain and modified curb outlet have been sized to convey the 100-year flow rate assuming the detention basins do not exist. Therefore, a modified curb outlet with an 8-foot opening is proposed along Fresca Street.
4. Hydrologic Modeling –
  - a. The existing condition drainage basins have been revised based on additional topographic survey information and site observation.

- b. The C-values used in the Rational Method analysis for the onsite project areas were calculated based on the percentage of impervious area and the percentage of porous or landscape area using the following formula from Section 3.1.2 of the San Diego County Hydrology Manual:

$$C = 0.90 \times (\% \text{ Impervious}) + C_p \times (1 - \% \text{ Impervious})$$

Where:  $C_p$  = Pervious Coefficient Runoff Value for the soil type (shown in Table 3-1 as Undisturbed Natural Terrain/Permanent Open Space, 0% Impervious).

The C-values and calculations for both the existing and developed conditions are presented on the Hydrologic Node Maps included in the Hydrology Study.

- c. The HMP Biofiltration basin outlet structure is designed with a 1.0-inch orifice which has been sized to meet hydromodification flow control requirements.
- d. The Rational Method hydrograph calculations in the Hydrology Study have been updated.
- e. The HMP Biofiltration basin is sized for Phase 1. Phase 2 of the project will also include individual HMP Biofiltration basins designed on each lot to provide storm water pollutant control, hydromodification flow control and detention for the 50- and 100-year storm events for each lot.
- f. Detailed hydrologic and detention calculations for an example Phase 2 Future Home project are included in the Hydrology Study and detailed pollutant control and hydromodification management flow control calculations are included in the WQTR. A detailed analysis will be required at the design phase for the individual basins on each separate lot.
- g. The Hydrology Study has been updated to show that as a result of the Phase 1 redevelopment of the Ocean Ranch Estates project and the detention provided by the proposed HMP Biofiltration basin, the 50-year and 100-year 6-hour storm event peak discharge rates to Fresca Street would be decreased to below existing condition levels. Therefore, there will be no negative downstream impacts in Fresca Street or to the inlet on Sonrisa Street.
- h. Alternative B is not under current consideration.



If you have any questions regarding these responses or require additional clarification on any of these items, please feel free to contact me at (858) 259-8212.

Sincerely,

PASCO LARET SUITER & ASSOCIATES, INC.

A handwritten signature in black ink that reads "W. Justin Suiter". The signature is written in a cursive, flowing style.

W. Justin Suiter, P.E.  
President

CC: Mr. Michael Kinnear  
Mr. Felix Tinkov  
Mr. Jesse Quinsaat  
Mr. Timothy Dillon



## COFFEY ENGINEERING, INC.

April 24, 2018

Laurel Graziano  
■ Fresca Street  
Solana Beach, CA 92075

**RE: Hydrology Study & Prelim GP for The Graziano Residence – Findings**

Dear Ms. Graziano:

This letter summarizes the findings of Coffey Engineering in its review of the Hydrology Study (dated December 2017), Preliminary Drainage Plan (dated 2/14/2018) for the Graziano residence at 627 Fresca Street and the Preliminary Hydrology Study for Ocean Ranch Estates (dated November 2017) as prepared by Pasco Laret Suiter & Associates (PLSA). The limits of our review of the reports and plans are related to the drainage conveyance from the bioretention basin above to the (south) curb outlet at Fresca Street and from the hillsides contributing to your backyard to the (north) curb outlet at Fresca Street.

### **Hydrology Study**

The Hydrology Study for both the Graziano Residence and Ocean Ranch Estates utilized hydrologic modeling based on the Rational Method. Specifically a node-based analysis was run through computing software to determine contributions based on flow convergence points or flow conveyance changes. We have analyzed both the node analysis for the hillside contributing to your back yard as well as the node analysis for the development above to ensure proper drainage conveyance was selected. It is our finding that PLSA has performed their hydrologic modeling and calculations to the standard of care of the Civil Engineering profession and have no objection to their assessment and recommendation for the proposed drainage facilities.

### **Preliminary Drainage Plan**

We have reviewed the preliminary drainage plan for design and materials of the proposed private storm drain system on and passing through your property. The design proposed isolates the drainage from the Ocean Ranch Estates project from the natural hillside drainage that flows into your back yard. The Development above will, through the use of a biofiltration basin and associated conveyance network, sufficiently detain, attenuate, and convey storm water through your property to Fresca Street along the southern boundary of your property. This system will provide additional protection for your home by bypassing storm flows that used to flow into you backyard. The new system will directly convey water from the development above to Fresca Street. The proposed private drainage for your home will collect storm water runoff from the natural hillside above your home and convey it along the northern boundary of your property. Currently there are two major point sources for storm runoff coming into your property, one drainage ditch that outlets to your southern boundary and another

Graziano Residence - Findings  
April 24, 2018

drainage ditch that outlets to your northern boundary. Both point sources will be collected via new catch basins at the drainage ditch outlet location; any remaining natural drainage will be conveyed to these catch basins via a private brow ditch located along your western boundary. All natural drainage from the hillside will be collected and conveyed to Fresca St. along your northern boundary. It is our finding that PLSA has created their Preliminary Drainage Plan to the standard of care of the Civil Engineering profession and we have no objection to their design and recommendation for the proposed drainage facilities.

**In Closing**

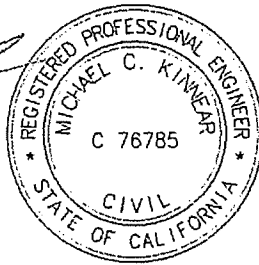
It is our assessment that the PLSA reports and plans correctly and adequately model and convey the expected storm flow safely through and across your property. In addition we have reviewed the MND response letter from PLSA (dated April 19, 2018) and have no objection to their current assertions and claims.

We appreciate the opportunity to be of service. Please feel free to contact me if you have any questions or comments.

Sincerely,



Michael C. Kinneer, PE





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## CITY OF SOLANA BEACH

[www.cityofsolanabeach.org](http://www.cityofsolanabeach.org)

635 SOUTH HIGHWAY 101 • SOLANA BEACH, CA 92075 • (858) 720-2400 • Fax (858) 720-2455

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July 12, 2017

Mario Morales  
Mesa Grande Band of Mission Indians  
PMB 366  
35008 Pala Temecula Rd.  
Pala, CA 92059

**Subject: Proposed 8- lot subdivision located at 512, 516, 524, and 538 South Nardo Avenue, City of Solana Beach (west of Interstate 5, south of Lomas Santa Fe Drive), San Diego County, California (USGS Del Mar, CA. 7.5-minute topo quadrangle)**

Dear Mr. Morales

The City of Solana Beach is preparing a cultural resources assessment for a proposed Ocean Ranch Estates subdivision in the City of Solana Beach (Proposed Project). The Proposed Project consists of a request for a Development Review Permit (DRP) and Major Subdivision (SUB) for an eight lot subdivision that will consist of two phases. Phase 1 of the Proposed Project includes grubbing and clearing the site, site preparation, and grading to create building pads for eight future single-family homes. Phase 1 also includes construction of Bell Ranch Road, curbs and gutters, sidewalks, and wet and dry utilities. Phase 2 consists of the future development of eight single-family homes as well as purchasing one off-site townhome or apartment that would be rented at the low-income affordability level. At this time, construction of the eight new single-family homes is not proposed by the Applicant. Phase 2 (future residential home construction) will be subject to subsequent review and approval by the City of Solana Beach.

The 4.2 acre lot is located within Low Residential (LR) which allows up to 3 dwelling units per acre and specifies a minimum 14,000 square foot (sf) parcel/lot size.

The existing site is comprised of four parcels containing four residences, four sheds, a vacant building, crop fields, and a cold storage trailer. The single-family residence at 538 South Nardo Avenue is currently vacant. The single-family residence at 524 South Nardo Avenue is occupied and the multi-family residence at 516 South Nardo Avenue has three occupied units. All existing structures would be demolished during Phase 1 of the project.

In 2015, Eric A. Rodriguez of Brian F. Smith and Associates, Inc. completed a record search of the Sacred Lands File with the Native American Heritage Commission

(NAHC). Brian F. Smith and Associates, Inc. completed the standard research and field tasks required to complete an archaeological evaluation in accordance with California Environmental Quality Act (CEQA), Sections 21083.2 of the Statutes and 15064.5 of the Guidelines. The results of these research and field tasks generated the following conclusion: A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

In accordance with AB 52, the City is contacting you as part of the government-to-government consultation process, in order to find out if you, or your tribal community, have any knowledge of cultural resources or places that may be impacted by the Proposed Project.

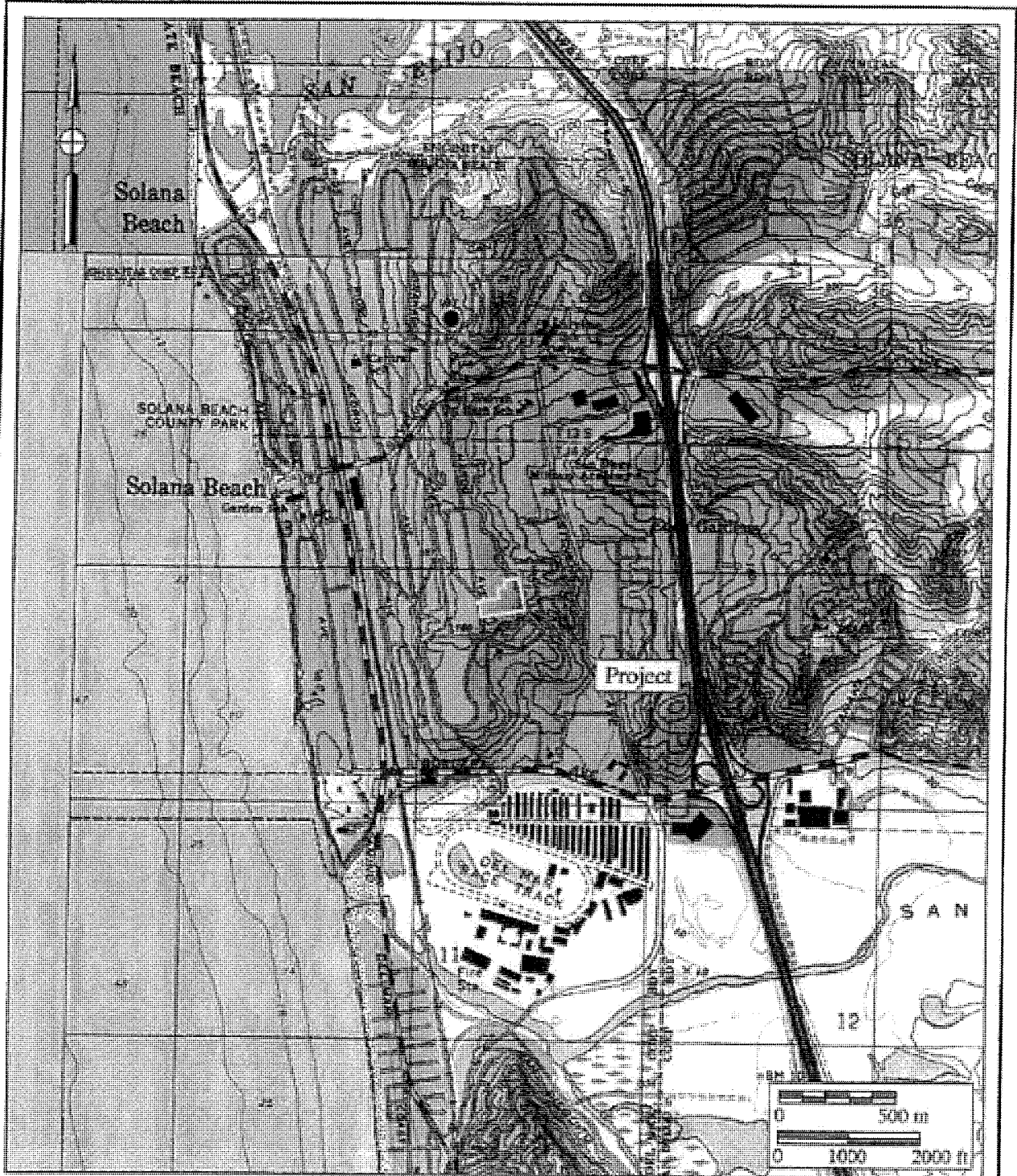
If you have any information or concerns pertaining to such information, please contact me by phone at 858-720-2447 or by email at [candrews@cosb.org](mailto:candrews@cosb.org) you have 30 days from the date of this letter to request AB 52 consultation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corey Andrews', with a long, sweeping horizontal line extending to the right.

Corey Andrews  
Principal Planner

Enclosures: Project Location Map on USGS Quadrangle



**Figure 1.1-2**

**Project Location Map**

The Ocean Ranch Estates Project

USGS *Del Mar* Quadrangle (7.5-minute series)



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Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Proposed Ocean Ranch Estates Tentative Subdivision Map

Lead Agency: City of Solana Beach Contact Person: Corey Andrews
Mailing Address: 635 South Highway 101 Phone: (858) 720-2400
City: Solana Beach Zip: 92075 County: San Diego

Project Location: County: San Diego City/Nearest Community: Solana Beach
Cross Streets: 512, 516, 524, and 538 South Nardo Avenue. Cross streets: Lirio St. and S. Nardo Ave. Zip Code: 92075
Longitude/Latitude (degrees, minutes and seconds): 32 ° 59 ' 13.1 " N / 117 ° 15 ' 48.3 " W Total Acres: 4.19
Assessor's Parcel No.: 298-121-24, -25, -55, and -56 Section: Twp.: Range: Base:
Within 2 Miles: State Hwy #: 101 and 5 Waterways: Stevens Creek, San Dieguito Lagoon, Pacific Ocean
Airports: none Railways: NCTD Schools: St. James Academy

Document Type:

- CEQA: [ ] NOP [ ] Draft EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons [ ] Supplement/Subsequent EIR [ ] EA [ ] Final Document
[ ] Neg Dec (Prior SCH No.) [ ] Draft EIS [ ] Other:
[ X ] Mit Neg Dec Other: [ ] FONSI

Local Action Type:

- [ ] General Plan Update [ ] Specific Plan [ ] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ X ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ X ] Site Plan [ X ] Land Division (Subdivision, etc.) [ ] Other:

Development Type:

- [ X ] Residential: Units 8 Acres 4.19
[ ] Office: Sq.ft. Acres Employees [ ] Transportation: Type
[ ] Commercial: Sq.ft. Acres Employees [ ] Mining: Mineral
[ ] Industrial: Sq.ft. Acres Employees [ ] Power: Type MW
[ ] Educational: [ ] Waste Treatment: Type MGD
[ ] Recreational: [ ] Hazardous Waste: Type
[ ] Water Facilities: Type MGD [ ] Other:

Project Issues Discussed in Document:

- [ X ] Aesthetic/Visual [ ] Fiscal [ X ] Recreation/Parks [ X ] Vegetation
[ X ] Agricultural Land [ X ] Flood Plain/Flooding [ X ] Schools/Universities [ X ] Water Quality
[ X ] Air Quality [ X ] Forest Land/Fire Hazard [ X ] Septic Systems [ X ] Water Supply/Groundwater
[ X ] Archeological/Historical [ X ] Geologic/Seismic [ X ] Sewer Capacity [ X ] Wetland/Riparian
[ X ] Biological Resources [ X ] Minerals [ X ] Soil Erosion/Compaction/Grading [ X ] Growth Inducement
[ ] Coastal Zone [ X ] Noise [ X ] Solid Waste [ X ] Land Use
[ X ] Drainage/Absorption [ X ] Population/Housing Balance [ X ] Toxic/Hazardous [ X ] Cumulative Effects
[ ] Economic/Jobs [ X ] Public Services/Facilities [ X ] Traffic/Circulation [ ] Other:

Present Land Use/Zoning/General Plan Designation:

Present Use: Residential and crop fields / Zoning: Low Residential (LRc) / General Plan: Low Density Residential (3 DU/Acre)

Project Description: (please use a separate page if necessary)

The project consists of two phases. Phase 1 is a request for approval of a Development Review Permit and Major Subdivision (Tentative Subdivision Map) to subdivide the existing 4.19 acres into 8 single-family residential lots. Phase 2 consists of the future development of 8 single-family homes, as well as purchasing 1 off-site affordable rental unit. At this time, construction of the 8 single-family homes (Phase 2) is not proposed by the applicant and will be subject to subsequent review and approval by the City of Solana Beach. Phase 1 of the project involves subdividing the existing parcels into 8 lots; demolition of all existing on-site structures; site preparation; grading; construction of Bell Ranch Road, curbs and gutters, sidewalks, and wet and dry utilities; construction of two HMP Biofiltration basins; and a 10-ft drainage easement containing an 18-in stormdrain.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.



**Reviewing Agencies Checklist**

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

- |  |  |
|--|--|
| <input type="checkbox"/> Air Resources Board                         | <input type="checkbox"/> Office of Historic Preservation                     |
| <input type="checkbox"/> Boating & Waterways, Department of          | <input type="checkbox"/> Office of Public School Construction                |
| <input type="checkbox"/> California Emergency Management Agency      | <input type="checkbox"/> Parks & Recreation, Department of                   |
| <input type="checkbox"/> California Highway Patrol                   | <input type="checkbox"/> Pesticide Regulation, Department of                 |
| <input type="checkbox"/> Caltrans District # _____                   | <input type="checkbox"/> Public Utilities Commission                         |
| <input type="checkbox"/> Caltrans Division of Aeronautics            | <input type="checkbox"/> Regional WQCB # _____                               |
| <input type="checkbox"/> Caltrans Planning                           | <input type="checkbox"/> Resources Agency                                    |
| <input type="checkbox"/> Central Valley Flood Protection Board       | <input type="checkbox"/> Resources Recycling and Recovery, Department of     |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy          | <input type="checkbox"/> S.F. Bay Conservation & Development Comm.           |
| <input type="checkbox"/> Coastal Commission                          | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board                        | <input type="checkbox"/> San Joaquin River Conservancy                       |
| <input type="checkbox"/> Conservation, Department of                 | <input type="checkbox"/> Santa Monica Mtns. Conservancy                      |
| <input type="checkbox"/> Corrections, Department of                  | <input type="checkbox"/> State Lands Commission                              |
| <input type="checkbox"/> Delta Protection Commission                 | <input type="checkbox"/> SWRCB: Clean Water Grants                           |
| <input type="checkbox"/> Education, Department of                    | <input type="checkbox"/> SWRCB: Water Quality                                |
| <input type="checkbox"/> Energy Commission                           | <input type="checkbox"/> SWRCB: Water Rights                                 |
| <input type="checkbox"/> Fish & Game Region # _____                  | <input type="checkbox"/> Tahoe Regional Planning Agency                      |
| <input type="checkbox"/> Food & Agriculture, Department of           | <input type="checkbox"/> Toxic Substances Control, Department of             |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of                      |
| <input type="checkbox"/> General Services, Department of             | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Health Services, Department of              | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Housing & Community Development             |  |
| <input type="checkbox"/> Native American Heritage Commission         |  |

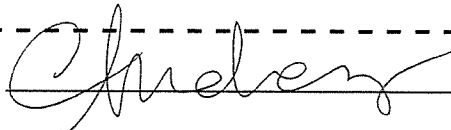
**Local Public Review Period (to be filled in by lead agency)**

Starting Date February 8, 2019 Ending Date March 11, 2019

**Lead Agency (Complete if applicable):**

Consulting Firm: <u>Harris &amp; Associates</u>	Applicant: <u>Nicholas P. Nicholas</u>
Address: <u>600 B Street Suite 2000</u>	Address: <u>9345 Mira Mesa Boulevard</u>
City/State/Zip: <u>San Diego, CA 92101</u>	City/State/Zip: <u>San Diego, CA 92126</u>
Contact: <u>Ryan Binns</u>	Phone: <u>(858) 653-5852</u>
Phone: <u>(619)481-5015</u>	

Signature of Lead Agency Representative: \_\_\_\_\_



Date: 2.6.2019

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

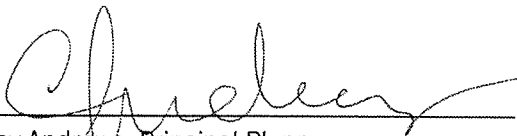
### Environmental Factors Potentially Affected

Based upon the evaluation presented in the following IS, it is concluded that, with implementation of the recommended mitigation measures, the proposed project would not result in significant adverse environmental impacts.

### Environmental Determination

On the basis of the initial evaluation of the attached Initial Study:

- I find the Proposed Project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the Project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the Project have been made or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the Proposed Project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the Proposed Project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

  
 \_\_\_\_\_  
 Corey Andrews, Principal Planner

2.6.2019  
 \_\_\_\_\_  
 Date

The signature below signifies that the applicant has read and accepts the mitigation measures detailed in this final IS/MND.

  
 \_\_\_\_\_  
 Nicholas P. Nicholas, Applicant

2/6/19  
 \_\_\_\_\_  
 Date



**NOTICE OF INTENT  
TO ADOPT A MITIGATED NEGATIVE DECLARATION  
FOR THE PROPOSED OCEAN RANCH ESTATES  
IN THE CITY OF SOLANA BEACH**

Pursuant to the requirements the California Environmental Quality Act (CEQA) Guidelines § 15072, Notice Is Hereby Given that the City of Solana Beach (City) has prepared a revised Initial Study / Mitigated Negative Declaration (IS/MND), for the *Ocean Ranch Estates Tentative Subdivision Map Project* (“Proposed Project”).

Proposed Project Location and Summary

The City is processing an application for a Development Review Permit (DRP) and a Major Subdivision (Tentative Subdivision Map) to subdivide an existing 4.2 gross acre site into eight single-family residential lots ranging in size from 14,002 to 34,999 square feet. The existing site is comprised of four parcels containing four residences, four sheds, a vacant building, crop fields, and a cold storage trailer. The single-family residence at 538 South Nardo Avenue is currently vacant. The single-family residence at 524 South Nardo Avenue is occupied and the multi-family residence at 516 South Nardo Avenue has three occupied units. The project site is located at 512, 516, 524, and 538 South Nardo Avenue in the southeast portion of the city. The Assessor’s Parcel Numbers (APNs) of the site are 298-121-24, 298-121-25, 295-121-55, and 298-121-56.

The existing General Plan land use designation for the project site is Low Density Residential. The existing zoning designation for the project site is Low Residential (LR) which allows up to 3 dwelling units per acre and specifies a minimum 14,000 square foot (sf) parcel/lot size. This zone is intended for residential development in areas characterized by detached single-family homes on older subdivided lots.

The Proposed Project consists of two phases. Phase 1 of the proposed project involves subdividing the existing parcels into eight lots and demolition of all existing structures on site. Phase 1 of the proposed project includes grubbing and clearing the site, site preparation, and grading to create building pads for eight future single-family homes. Phase 1 of the proposed project also includes construction of Bell Ranch Road, curbs and gutters, sidewalks, and wet and dry utilities. Phase 2 consists of the future development of eight single-family homes as well as purchasing one off-site townhome or apartment that would be rented at the low-income affordability level as required by the Solana Beach Municipal Code (SBMC) Section 17.70.030.D. The affordable housing unit will be purchased off-site within city boundaries before the fourth building permit is granted. At this time, construction of the eight new single-family homes is not proposed by the applicant. Phase 2 (future residential home construction) will be subject to subsequent review and approval by the City of Solana Beach.

The project site has been previously disturbed and graded and is located within an urbanized area surrounded by existing residential development on all sides. The site is not listed on any lists enumerated under Section 65962.5 of the California Government Code.

Review Period and Access to Project Materials

The 30-day public review period is from February 8, 2019 through March 11, 2019. Comments regarding the proposed IS/MND must be made in writing and received by the City by 5:00 p.m. on March 11, 2019. Comments should be addressed to Corey Andrews, Principal Planner, 635 South Highway 101, Solana Beach, CA 92075 or via e-mail [candrews@cosb.org](mailto:candrews@cosb.org). The City will hold a future public meeting to consider adoption of the IS/MND and project approval at a later date.

A copy of the IS/MND may be reviewed on the City’s website. A hard copy and supporting documents are on-file and may be reviewed at the City of Solana Beach Community Development Department, 635 South Highway 101, Solana Beach, CA. 92075 from 7:30am - 5:00pm Monday through Friday.(Closed every other Friday)

**Release Date: February 8, 2019**

# INTRODUCTION TO COMMENTS RECEIVED ON THE DRAFT REVISED AND RECIRCULATED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND RESPONSES

During the public review period (February 8, 2019, to March 11, 2019) for the Draft Revised and Recirculated Initial Study/Mitigated Negative Declaration for the Ocean Ranch Estates Tentative Subdivision Map Project (proposed project), the City of Solana Beach (City) received four comment letters. A copy of each comment letter along with corresponding staff responses is attached. The responses to comments are based on the California Environmental Quality Act (CEQA) Guidelines, Section 15088, Evaluation of and Response to Comments, subsection (c), which states the following:

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

The comment letters have been assigned a letter designation (A–D). The comment letters have been divided into individual comments with each comment containing a single theme, issue, or concern. Each comment is bracketed in red and assigned a number. Comment letters have been reduced to fit on the left side of a single page. The corresponding response and letter-number combination are provided on the right side of the page.

**Table RTC-1  
Summary of Public Comments on the Draft Revised and Recirculated IS/MND**

Letter	Commenter	Date
A	Steve Scott	February 13, 2019
B	Larry McDonald and Clare White McDonald	February 27, 2019
C	David Checkley and Lisa Levin	March 6, 2019
D	Stuart and Donna Greenbaum	March 7, 2019

Notes: IS/MND = Initial Study/Mitigated Negative Declaration

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# Responses to Comments

## Letter A: Steve Scott, February 13, 2019

Letter A

**From:** Steve Scott <srscott54@gmail.com>  
**Sent:** Wednesday, February 13, 2019 7:41 PM  
**To:** Corey Andrews  
**Subject:** Ocean Ranch Estates Tentative Subdivision Map Project

Dear Corey,

A-1 [ In reviewing the Project Phase 1 description there is no mention of landscape and the ongoing maintenance thereof, fencing (for neighboring property owners), irrigation, security (how are the vacant lots and the new street going to be secure from trespassing, illegal dumping etc.) It would appear reasonable that these items (possibly more) should be included as development conditions for Phase 1 and be described/defined as part of this Notice of Intent or revised Notice of Intent. An exhibit showing the landscape and fencing plans along with the overall site plan should accompany the notice or provide a project website.

A-2 [ Also are there permitted interim uses during the time between the completion of Phase 1 and the commencement of Phase 2 (all or part)? If so, that should be noted/disclosed in the Notice of Intent too.

Thank you for your assistance.

Steve Scott  
 524 South Granados Ave  
 Solana Beach, ca. 92075  
 858 204 5214

- A-1 The commenter states that there is no mention of landscaping (and maintenance thereof), fencing, irrigation, or security and that these items should be included as development conditions for Phase 1 and as part of the Notice of Intent. The commenter states that an exhibit showing the landscaping and fencing plans, along with the overall site plan, should accompany the notice or be provided on a project website. Temporary construction fencing will be required as a condition of project approval to secure the site during grading and construction activities. Permanent fencing and landscaping would be evaluated and included at the time an application is submitted for the development of each individual lot. After Phase 1 of the Ocean Ranch Estates Tentative Subdivision Map Project (proposed project), in accordance with Solana Beach Municipal Code (SBMC), Section 15.40.160, the applicant shall provide landscaping and irrigation for manufactured cut slopes in excess of 5 feet in height and fill slopes in excess of 3 feet in height, as well as for the entire perimeter of the project site, for erosion control immediately after the grading has been completed on site. The applicant must obtain approval of a landscaping documentation package for this landscaping in compliance with SBMC Chapter 17.52 prior to the issuance of a grading permit. Beyond the slopes, no other interim landscaping would be planted because such landscaping would have to be removed once a residence has been approved. It should be noted that no grading is permitted on slopes that exceed 25 percent. These areas would remain as currently landscaped.
  
- A-2 The commenter inquires if there are any permitted interim uses of the property between the completion of Phase 1 and the commencement of Phase 2 and states that, if so, the uses should be disclosed. There are no permitted interim uses on the project site between the completion of Phase 1 and the commencement of Phase 2.

# Letter B: Larry McDonald and Clare White McDonald, February 27, 2019

Letter B

Larry McDonald/Clare White McDonald  
Nardito Lane, Solana Beach, CA 92075  
858-792-6036

February 27, 2019

Corey Andrews, Principal Planner  
City of Solana Beach  
635 South Highway 101  
Solana Beach, CA 92075

Subject: Ocean Ranch Estates Tentative Subdivision Map Project

Dear Mr. Andrews:

As Solana Beach residents living directly to the south of the proposed Ocean Ranch Estates project, we have the following concerns about this development:

- B-1 1) Phase 1 of the project will include site preparation and grading for construction of Bell Ranch Road. Before we can support this project, we need a better understanding of how a fence or substantial barrier will be constructed to prevent the dust and particulates from passing down into our backyard.
- B-2 2) Additionally, we need a better understanding of how a permanent fence will be constructed between the new lots and our backyard. We suggest a buffer between the parcels that would include a 15 foot strip of landscaping that would be maintained by the Ocean Ranch Estates HOA and a berm to lift the permanent fence.
- B-3 3) The proposed map indicates that two of the eight lots will be contiguous to our parcel at 630 Nardito Lane. Because our lot is below the grade of the two proposed lots, we are concerned that buyers of those lots will build two-story homes that will intrude on our privacy. As a mitigant to this issue, we suggest that the developer include deed restrictions on these two lots limiting the building heights to one story. Also, perhaps the backyard set back could be expanded from 25 feet to 30 feet.
- B-4 4) The proposed project will impact the traffic on South Nardo. As it is today, crossing Nardo from our cul-de-sac is extremely dangerous due both the speeding cars traveling the street and to the vegetation that has been allowed on the easement at the Heady residence at the corner of Nardo and Nardito. The vegetation blocks the view of cars entering Nardito from the south and also partially blocks the Nardito street sign. Before we can support this project, we recommend a flashing pedestrian crossing signal similar to the one that was recently installed on Stevens Ave. adjacent to La Colonia Park. We also would like the City to require the owners of the Heady residence to clear the vegetation on the corner of Nardo and Nardito for the safety of all the neighbors in the vicinity. We also recommend a sign in the cross walk indicating that according to state law cars should stop for pedestrians in the cross walk. Elderly people cross in that sidewalk daily at their peril. St. James students and parishioners also frequently use that cross walk. These signs seem effective on Sierra near Fletcher Cove.
- B-5 5) Thank you for the opportunity to submit these concerns and comments regarding the Ocean Ranch Estates. We look forward to your response.

Sincerely,

Larry McDonald

Clare White McDonald

B-1

The commenter requests a better understanding of how a fence or substantial barrier will be constructed to prevent dust and particulates from coming into their backyard during site preparation and grading during construction. As a condition of project approval to secure the site, construction fencing shall be required for all construction activities. Construction fencing shall be located on the subject property unless the applicant has obtained an Encroachment Permit in accordance with Solana Beach Municipal Code (SBMC), Chapter 11.20, which allows otherwise. Graded areas, including the finished pads, as well as the entire perimeter of the site, shall be protected with appropriate erosion prevention and dust and sediment control measures. As stated in Section III, Air Quality, of the Initial Study/Mitigated Negative Declaration (IS/MND), the Ocean Ranch Estates Tentative Subdivision Map Project (proposed project) would be required to comply with San Diego Air Pollution Control District Rule 55, which requires that standard fugitive dust control measures be implemented as project design features. These measures would include water trucks or sprinkler systems to control dust, covering of stockpiled soil, and the reduction of construction vehicle speed to prevent the dust or particulates from escaping the project site.

B-2

The commenter requests a better understanding of how a permanent fence will be constructed between the new lots and their backyard. They suggest a buffer between parcels that would include a 15-foot strip of landscaping that would be maintained by the Ocean Ranch Estates homeowners association. The applicant is not proposing permanent fencing at this time. If permanent fencing is proposed during Phase 2 of the development, the location and height of the fence and on-site landscaping shall be included in a landscaping plan that shall be evaluated as each individual lot submits an application for development. The applicant shall enter into a secured maintenance agreement with the City of Solana Beach (City) to ensure that proper maintenance takes place until all lots are developed and the landscaping required for erosion control is established to the satisfaction of the City Engineer.

B-3

The commenter expresses concern that, because their lot is below the grade of two proposed lots contiguous with their parcel, the buyers of these lots will build two-story homes that will intrude on their privacy. The commenter suggests that the developer include deed restrictions on these two lots limiting building heights to one story and expanding the building setback to 30 feet. As stated in Section I, Aesthetics, of the IS/MND, the SBMC currently allows new homes to be built to a maximum of 25 feet in height. If the proposed future homes were to exceed 16 feet in height, residences would be subject to the City's Structure Development Permit, which requires the applicant to complete a 30-

day public review period of the proposed three-dimensional envelope of the structure and the view assessment process outlined in SBMC Section 17.63 if a neighbor submits an application for view assessment. Future development of the individual lots would be required to comply with the requirements of SBMC Section 17.20.030, which currently require a rear yard setback of 25 feet. The City would consider any request for an increased rear yard setback at the time it considers an application for development of each individual lot.

- B-4** The commenter states that the proposed project will impact traffic on South Nardo Avenue and recommends that a flashing pedestrian crossing signal and sign in the crosswalk be installed at the intersection of South Nardo Avenue and Nardito Lane. As stated in Section XVI, Transportation/Traffic, of the IS/MND, as a condition of project approval, a 5-foot-wide contiguous sidewalk would be constructed along the eastern side of South Nardo Avenue from the southern border of the proposed project to Nardito Lane connecting with other sidewalks within the community. A standard concrete sidewalk, including a pedestrian ramp, along the eastbound side and through the cul-de-sac of the newly formed Bell Ranch Road would also be installed to enhance pedestrian safety. The Traffic Study (Appendix G of the IS/MND) notes that any obstructions within the driveway's line of sight that are higher than 3 feet would need to be removed, which includes the utility pole currently stationed at the southern corner of the proposed Bell Ranch Road and South Nardo Avenue. As analyzed in the Traffic Study, implementation of the proposed project would not exceed the established level of service significance thresholds and would not result in any adverse effects on the circulation goals of the City. Additional pedestrian improvements including installing medians, curb extensions, a speed table or traffic-calming measure between East Solana Circle and Nardito Lane, and a ladder-striped crosswalk and restriping a yellow school crosswalk near St. James Catholic School at the South Nardo Avenue/Nardito Lane intersection as part of another nearby project are already scheduled to be performed along this stretch of South Nardo Avenue to further decrease traffic risk and to enhance pedestrian safety.
- B-5** The commenter requests that the City require the residence at the corner of South Nardo Avenue and Nardito Lane to clear their vegetation that blocks views of cars entering Nardito Lane from the south and that partially blocks the Nardito Lane street sign. The vegetation referred to in the comment is part of the existing conditions in the project area and is not a result of the proposed project. In addition, the vegetation is not located on the project site and, therefore, is beyond the control of the applicant. However, the comment will be referred to the City's Code Compliance Department to determine if there is any action the City can take to address the commenter's concern.



# Letter C: David Checkley and Lisa Levin, March 6, 2019

Letter C

**From:** David Checkley [REDACTED] <>  
**Sent:** Wednesday, March 6, 2019 5:36 AM  
**To:** Corey Andrews  
**Cc:** David Checkley; Lisa Levin  
**Subject:** Ocean Ranch Estates IS/MND

Corey,

My family owns [REDACTED] S Nardo Ave. We have been residents of Solana Beach and lived on this property since 1992. My wife, Lisa Levin, and I are both professors at Scripps Oceanography, she active and I retired (but active). We have two grown children.

I am currently working in India without a computer and with poor internet connectivity. Lisa is in a similar situation but in Russia. Hence, I will be brief.

We have been aware of the proposed development since its inception. We have met with Nicholas Nicholas and his engineer, Justin Suiter. You and I met briefly early last month. We have briefly reviewed the IS/MND.

Comments:

- C-1 I. We are concerned by the large number of street parking places proposed, ~ 32 as I recall. My understanding is that each new home will be required to have two covered and two driveway parking places. My further understanding is that the number of street parking places is discretionary. Thirty-two seems excessive. This will significantly increase the ingress and egress to the proposed street, enhancing traffic risk. It will also enhance unnecessary activity on this street, with attendant risks (e.g., there have been an increasing number of car break-ins on Solana Circle in recent months, I believe). During periods with events at the Del Mar Fairgrounds, e.g., the county fair and sometimes racing, there is extensive parking by non-residents in our area, including by our house on Nardo already, with noise and increased risk of vandalism.
- C-2

C-1 The commenter is concerned with the number of parking spaces (32) proposed and states that the additional parking spaces will significantly increase the ingress and egress to the proposed street, enhancing traffic risk. Please refer to response to comment B-4 for an explanation of proposed traffic-calming measures and pedestrian safety methods to decrease traffic risk. There are 23 on-street parking spaces proposed as part of the Ocean Ranch Estates Tentative Subdivision Map Project (proposed project) instead of the commenter’s stated 32 spaces. These 23 parking spaces would be street-side parking parallel to the curb that would run along each side of Bell Ranch Road. These spaces would provide additional parking opportunities for residents, residential guests, and service personnel. The proposed development would be required to comply with the City of Solana Beach’s (City’s) off-street parking regulations and provide on-street parking constructed to City standards. Additionally, Bell Ranch Road would meet the “local street” typology from the City’s Circulation Element, which states that “local streets are two-lane undivided roadways that provide access to adjacent residential land uses. These roadways should include traffic calming techniques to control vehicular speed and discourage cut-through traffic. The quality of life in residential areas takes the highest priority on local streets as the livability of these streets is paramount to the success of the neighborhoods.”

C-2 The commenter states that the large number of proposed parking spaces will increase unnecessary activity on the proposed street by enhancing the possibility of non-residents parking on the street during such events as the Del Mar Fair and horse races. Any vehicles allowed by law to operate on City streets may park in on-street parking spaces, and Bell Ranch Road would be considered a public street. Solana Beach Municipal Code, Section 10.28.130, states that a car may not be left parked on a street in excess of a consecutive 72 hours. However, as part of the City’s Land Use Element, future development, including the proposed project, strives to minimize parking spillover from public events into residential areas. Additionally, the proposed on-street parking would assist the City in achieving its Circulation Element goals and policies, which include providing an adequate supply of public parking to meet the needs of residents and visitors.

C-3

2. I remain concerned about the traffic risk associated with increased ingress and egress to the proposed street. I have been unable to read the updated traffic study, unfortunately. Regardless, in my view, increased risk is an unavoidable consequence of increased traffic. What makes this situation particularly troubling are: (a) The speeding vehicles rounding the curve to the south and moving northbound. Not only do many vehicles speed but they also cut the corner, endangering pedestrians. I know this firsthand as I and my family walk our dog there. I fear for students, in particular, in this area. Cars entering and leaving the proposed street will be at risk from such reckless drivers. (b) Significant numbers of vehicles run the stop signs at the Nardo-Lirio intersection and continue at a high rate of speed. This intersection is near to that of the proposed street with Nardo.

We have other concerns but the two above are amongst our greatest.

Thank you.

Best,

Dave Checkley and Lisa Levin

■ S Nardo Ave

C-3

The commenter is concerned with the traffic risk and pedestrian safety associated with increased ingress and egress to the proposed street, including speeding vehicles and vehicles running the stop sign at the South Nardo Avenue-Lirio Street intersection. Please see response to comment B-4 regarding pedestrian safety and improvements scheduled for installation on South Nardo Avenue as part of other nearby projects. The Traffic Study prepared for the proposed project (Appendix G of the Initial Study/Mitigated Negative Declaration) was performed at various segments and intersections along South Nardo Avenue to determine if there were any potential access, frontage, or circulation issues with the onset of the proposed project. The Traffic Study found that the intersection operating conditions along this segment of South Nardo Avenue and measured traffic speeds indicate no operational issues exist or are forecast to exist with the proposed project. Therefore, the additional traffic is not anticipated to significantly impact these segments of South Nardo Avenue and nearby intersections.

# Letter D: Stuart and Donna Greenbaum, March 7, 2019

Letter D

Stuart and Donna Greenbaum  
Fresca St.  
Solana Beach, CA 92075

March 7, 2019

Corey Andrews, Principal Planner  
635 South Highway 101  
Solana Beach, CA 92075

Re: Ocean Ranch Project Public Review Comments

Dear Corey,

We are concerned about this project and the drainage from the site that will impact our property.

D-1 We spoke to the architect and he stated that there would be no drainage issues. He also told us that there is a greenbelt separating our property from Ocean Ranch. There is a shed currently at the edge of the Ocean Ranch property adjacent to 643 Fresca St. Upon review of the site map, there is no greenbelt at that location on the Ocean Ranch property. We want to insure that there will be a defined greenbelt on Ocean Ranch property adjacent to 643 Fresca Street that can never be developed. What will stop future "owners" from putting buildings or a pool or something else close to their property line and destabilizing the hill and causing catastrophic damage to our house/property?

D-2 Are there retention basins being built on the property? Will there be permanent BMPs installed and monitored in the future? What else is being done to insure proper drainage and diverting the stormwater away from our property? To date, there are no plans in place to protect our property. The only property being protected is 627 Fresca Street. Why are we not getting the same consideration from the developer? We require the developer to provide a Hydrology Survey of our property similar to the one conducted for 627 Fresca St. and all mitigation to be done by the developer prior to approval of this project.

Please do not approve this project until both Solana Beach and ALL property owners adjacent to this project are positive that there will be no drainage problems now and in the future.

D-3 What mitigation will be in place during the grading and construction for dust/dirt and noise? Wetting down of areas should be done more than 2x per day to protect our property.

Thank you,

*Stuart and Donna Greenbaum*

Stuart and Donna Greenbaum

D-1 The commenter requests assurance that there will be a defined greenbelt that will never be developed between the Ocean Ranch Estates Tentative Subdivision Map Project (proposed project) development and their property at 643 Fresca Street. This steep slope on the eastern side of the project site would be outside the proposed project's proposed area of disturbance and would be preserved in its existing condition. The proposed project would dedicate this area as a steep-slope open space easement and would comply with the City of Solana Beach's (City's) Hillside Overlay Zone regulations as stated in the Solana Beach Municipal Code, Section 17.48.020. Future development of homes and other structures on the lots will be subject to review and approval of the City, including conditions affecting site drainage and slope stability.

D-2 The commenter expresses concern with the proposed project's drainage onto their property at 643 Fresca Street and inquires about what is being done by the developer (e.g., best management practices, basins) to ensure there are no drainage impacts on their property. The commenter asks for the same considerations given for the 627 Fresca Street property. The potential impacts of the proposed project on drainage in the project area, as well as drainage basins and permanent best management practices, are discussed in Section IX, Hydrology and Water Quality, of the Initial Study/Mitigated Negative Declaration (IS/MND). There would be no drainage from the proposed project onto their property at 643 Fresca Street. The 627 Fresca Street property was assessed and given authorization by the property owners to obtain a drainage easement to direct the drainage from the proposed project property to Fresca Street. The applicant would directionally drill to install a private storm drain pipe within the easement area so there would be no disturbance to the existing slope that would be protected by the steep slope open space easement required by the Hillside Overlay Zone. The remaining drainage would flow to a proposed storm drain that would discharge to the existing ditch at the bottom of the slope near the southeastern corner of the site and would continue as it does in the existing condition. In fact, the proposed project would improve the existing drainage condition of the commenter's property by eliminating sheet flow over the slope and concentrating the flows into the abovementioned steep-slope easement. Therefore, the hydrology engineers found that no additional drainage considerations or best management practices would be needed for the protection of other properties.

- D-3** The commenter inquires about what mitigation will be in place for dust/dirt and noise during grading and construction. The commenter states that the wetting down of areas should be done more than twice per day. Please see response to comment B-1 regarding the proposed project's compliance with San Diego Air Pollution Control District Rule 55 and the fugitive dust/dirt control measures that would be implemented as project design features for the proposed project. If the dirt on site is found to be excessively dry, the contractor would call for additional ground wetting as needed. Regarding construction noise, potential short-term construction-related noise effects of both Phase 1 and Phase 2 were evaluated in the IS/MND beginning on page 3-41. Noise levels would not exceed 75 A-weighted decibels during the averaged 8-hour period as mandated by the City. Short-term noise levels could exceed the City's thresholds; therefore, to reduce potential short-term construction-related noise levels to less than significant, Mitigation Measure N-1 shall be implemented. It states that the applicant shall ensure that certain construction noise reduction methods are in place, construction equipment is shielded from sensitive noise receivers, and stockpiling and vehicle staging are located as far as practical from noise-sensitive receptors.



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** April 24, 2019  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** **Informational Item – Template Agreement for Construction of Fiber Optic Facilities in Public Right of Way**

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## **BACKGROUND:**

Pursuant to Solana Beach Municipal Code (SBMC) Chapter 11.2, an Encroachment Permit is required for any private improvements including constructing, installing, and maintaining fiber optic cable and related facilities in, on, under, across and through the City's Public Right-of-Way (ROW). Entities authorized by the Public Utilities Commission of the State of California or the Federal Communication Commission, or both, under Certificate(s) of Public Convenience and Necessity (CPCN) are allowed to use the Public ROW and the City has the authority to regulate the time, location, and manner of placement of fiber optic network facilities in the Public ROW.

This item is before the City Council to present an agreement template (Attachment 1) that would be used as a guideline for regulating the terms and conditions for use of the Public ROW for constructing, installing, and maintaining fiber optic network facilities.

## **DISCUSSION:**

City Staff performs careful evaluation of all encroachment permit applications proposing improvements in the public ROW. This evaluation generally focuses on issues related, but not limited to, public health and safety, community character, current and future use of the ROW, or potential negative impacts to private or City properties. If the proposed improvements are acceptable, Staff requires the applicant to enter into a standard form Encroachment, Maintenance and Removal Agreement (EMRA).

The Telecommunications Act of 1996 and Public Utilities Code Section 7901 regulate municipal authority as it relates to the placement of communication infrastructure in the

COUNCIL ACTION:

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Public ROW. Entities designated as telephone utilities can access the public right-of-way with few restrictions. Existing law also prohibits municipalities from denying telecommunication companies access to a Public ROW. See Public Utilities Code Section 7901. However, municipalities have the right to exercise reasonable control as to the time, place, and manner in which its Public ROW is accessed by telecommunications companies and others. Public Utilities Code Section 7901.1(b) requires municipal control to be reasonable and applied to all entities in an equivalent manner. In some instances, the California Public Utilities Commission has issued general orders that further restrict municipal authority for carriers with state-wide permits.

With respect to fiber optic installations, Staff's review, per state and federal regulations, is limited to issues related to time, location and manner. Regulations in the area of telecommunications are currently in flux and change rapidly. The general EMRA is not suitable for these types of installations and a more comprehensive agreement specific to such installations is recommended. Staff worked closely with the City Attorney's office and drafted an agreement template (Attachment 1) to meet applicable standards and address issues specific to these types of installations for Council's review and feedback. Once this agreement is finalized, Staff will use the agreement as a template to initiate processing installation of fiber optic facilities in the Public ROW. The master EMRA will be modified in consultation with the City Attorney where specific additional regulations or restrictions exist as to a particular carrier with a state-wide permit or where there may be a change in the applicable law.

The purpose of adopting a master EMRA for fiber optic installations is to establish a consistent, fair process for telecommunication providers to deploy fiber optic equipment in the Public ROW while also protecting public property. It allows the City to manage the aspects of fiber optic installation as given to localities under state and federal law. The agreement is similar to those instituted by other municipalities such as the cities of Coronado, Milpitas and Menlo Park. Other local municipalities are considering entering into EMRAs as approached by telecommunication carriers and implementing these agreements is increasingly becoming a best practice when regulating Public ROW.

**CEQA COMPLIANCE STATEMENT:**

Presenting the agreement template to the City Council is not a project as defined by CEQA.

**FISCAL IMPACT:**

There are no fiscal impacts in reviewing and commenting on the agreement template. There may be some positive fiscal impacts in the future if fiber optic facilities are located in the City.

**WORK PLAN:**

This item is not mentioned in the Fiscal Year 2018/19 Work Plan.

**OPTIONS:**

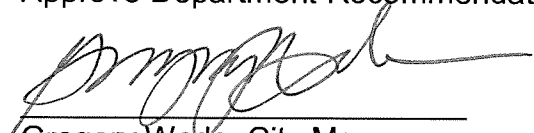
- Receive report.
- Provide direction.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council receives this report and provides feedback on the terms of the proposed Template Agreement for Fiber Optic Cables in the Public Right of Way.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.

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

Attachments:

1. Template Agreement for Fiber Optic Cables in Public Right of Way

**ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT  
BETWEEN THE CITY OF SOLANA BEACH AND CARRIER, LLC  
FOR THE INSTALLATION OF FIBER OPTIC NETWORK FACILITIES  
WITHIN THE PUBLIC RIGHT-OF-WAY**

This Encroachment Maintenance and Removal Agreement (“Agreement”) is dated effective \_\_\_\_\_, 2019 (“Effective Date”), by and between the City of Solana Beach (“City”) and Carrier, LLC (“Carrier”) a [Delaware] limited liability company. The City and Carrier are at times collectively referred to hereinafter as the “Parties,” or individually as the “Party.”

**RECITALS**

WHEREAS, Carrier represents and warrants that it is a Delaware limited liability company authorized by the Public Utilities Commission of the State of California or the Federal Communications Commission, or both, under Certificate(s) of Public Convenience and Necessity (“CPCN”) to provide full facilities-based and resold non-dominant interexchange services on a statewide basis; and

WHEREAS, Carrier represents and warrants that on [September 19, 2018], Carrier received a CPCN to provide full facilities-based and resold competitive local exchange service throughout the service territories of AT&T California, Frontier California Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California from the Public Utilities Commission of the State of California (“PUC”), Decision \_\_\_\_\_, granting Application \_\_\_\_\_; and

WHEREAS, City owns, operates and maintains the Public Right-of-Way (as defined herein) within the City; and

WHEREAS, pursuant to Solana Beach Municipal Code (“SBMC”) Chapter 11.20, Carrier will apply to the City for a permit to encroach (“Encroachment Permit”) into the Public Right-of-



Way, as such term is defined in SBMC section 11.20.010(J), by constructing, installing and maintaining fiber optic cable and related facilities in, on, under, across and through the Public Right-of-Way (the “Encroachment”); and

WHEREAS, City has the authority to regulate the time, location and manner of placement of fiber optic network facilities in the Public Right-of-Way and the terms and conditions for the use of Public Right-of-Way for the construction, installation and maintenance of fiber optic network facilities by Carrier; and

WHEREAS, Solana Beach Municipal Code sections 11.20.060 and 11.20.220 require certain terms be included in permits and an encroachment maintenance and removal agreement for permit applicants desiring to encroach into the Public Right-of-Way.

NOW, THEREFORE, in consideration of the recitals and the mutual covenants contained herein, the Parties mutually agree as follows:

## **1. DEFINITIONS**

1.1 “Fiber Optic Network Facilities” or “Facilities” mean fiber optic cables, conduits, converters, splice boxes, cabinets, pedestals, handholes, manholes, vaults, equipment, drains, surface location markers, appurtenances, and related facilities located by Carrier or to be located by Carrier in the Public Right-of-Way of City and used or useful for the transmission of Telecommunications Services. The term does not include antennas, cell towers, radios, other wireless facilities or new utility poles.

1.2 “Laws” means any order, certificate, judicial decision, statute, constitution, ordinance, resolution, rule, tariff, administrative order, or other requirement of any municipality, county, state, federal, or other agency having joint or several jurisdiction over the Parties in effect either at the time of execution of this Agreement or in effect at any time during the location of the Facilities in the Public Right-of-Way including, without limitation, any regulation or order of an official entity

or body, and as subsequently amended. A reference to “Laws” shall include, without limitation, any lawful provision of the SBMC or any other City ordinance or regulation.

1.3 “Public Right-of-Way” means any right-of-way granted to City or to City on behalf of the public, for the construction, installation or maintenance of any highway, way, utility, or other appurtenant facility or improvement as defined in SBMC section 11.20.010(J) or as such section may be amended from time to time.

1.4 “Director” means the individual designated as the Director of Engineering/Public Works Department of the City, including any individual expressly designated to exercise functions with respect to the rights and obligations of the Director under this Agreement and any other individual, person, division, department, bureau, or agency of the City as may, from time to time, exercise functions equivalent or similar to those now exercised by the Director.

1.5 “Telecommunications Services” means services that Carrier is authorized to offer or provide pursuant to any applicable Law or CPCN, including its existing CPCN which authorizes to provide facilities-based competitive local exchange service, including dark fiber, and interexchange services. Telecommunications Services also includes offering internet access, data transport, private line and facilities leasing to affiliates and third parties, which may also be offered through an infeasible right of use to the extent permitted by applicable Law and does not include Video Services.

1.6 “Video Services” means services provided pursuant to any applicable California Video Franchise Certificate issued by the California Public Utilities Commission pursuant to the Digital Infrastructure and Video Competition Act (Public Utilities Code, Section 5800 and following), and California Public Utilities Commission decisions pertaining to video services.

## **2. TERM**

2.1 This Agreement shall remain in full force and effect for an initial term of five (5) years (“Initial Term”) commencing from the Effective Date unless terminated sooner under the

circumstances described in either Sections 15 and 17 and consistent with applicable Law (“Termination”).

2.2 If no grounds for termination listed in Sections 4 or 17, nor any grounds for renegotiating the Agreement pursuant to Section 4.2 exist at the end of the Initial Term or any extended term, and Carrier is in full compliance with all the terms of this Agreement, this Agreement shall automatically be extended for additional consecutive one year periods following the expiration of the Initial Term (each an “Extension Term” and together with the Initial Term, the “Term”). If any ground for termination or renegotiation exists at the end of the then current term, extension of this Agreement requires mutual written agreement of the parties. In addition, either party may terminate this Agreement following the expiration of the Initial Term on at least thirty (30) days’ written notice prior to the commencement of any Extension Term.

### **3. LIMITATIONS AND RESTRICTIONS**

3.1 Nothing in this Agreement shall be construed as granting or creating any franchise rights.

3.2 Subject to the provisions of this Agreement and all applicable Laws, the City hereby licenses and permits Carrier to encroach into the Public Right-of-Way and construct, install, maintain, locate, move, operate, place, protect, reconstruct, reinstall, relocate, remove, and replace the Fiber Optic Network Facilities limited to in, on, over, under, across and along the Public Right-of-Way for the purposes of providing Telecommunications Services. All Facilities to be constructed, installed, maintained, located, moved, operated, placed, protected, reconstructed, reinstalled, relocated, removed, and replaced shall, unless otherwise explicitly approved in the City’s sole discretion in an encroachment permit, be underground in areas where existing utilities are already underground or new utilities are being installed underground; provided, however, that in those areas where poles exist and electric and telephone lines are overhead and no other viable alternative exists, Carrier may install fiber optic cables overhead if using the same poles (subject to the prior written approval of the pole owner and City, such approval not to be unreasonably withheld or delayed by City); and further provided that whenever and wherever the owner of the poles moves its overhead equipment, lines, wires and facilities to underground placement in any

area within City, Carrier's existing overhead equipment, lines, wires and facilities must also be relocated and moved underground at the same time as directed by the Director, at Carrier's sole expense, and in accordance with then-existing City practices, policies and regulations. Any work performed pursuant to the rights granted to Carrier under this Agreement shall be subject to the prior review and reasonable approval of the Director, which review and approval shall not be unreasonably withheld or delayed. Further, Carrier will be subject to any applicable City fees in force at the time of any such work to reasonably compensate the City for such review, permit issuance or other City action.

3.3 Except as permitted by applicable Laws or this Agreement, in the performance and exercise of its rights and obligations under this Agreement, Carrier shall not interfere in any manner with the existence and operation of any and all public and private rights-of-way, sanitary sewers, water mains, storm drains, gas mains, poles, overhead and underground electric and telephone wires, electroliers, cable television, and other telecommunications, utility, and municipal property without the prior written approval of the owner(s) of the affected property or properties.

3.4 This Agreement is not a grant by the City of any property interest but is made subject and subordinate to the prior and continuing right of the City to use all the Public Right-of-Way in the performance of its duties, including, but not limited to, public use as a street and for the purpose of laying, installing, maintaining, repairing, protecting, replacing, and removing sanitary sewers, water mains, storm drains, gas mains, poles, overhead and underground electric and telephone wires, electroliers, cable television, and other utility and municipal uses together with appurtenances thereof and with right of ingress and egress, along, over, across, and in said Public Right-of-Way. The preceding sentence shall not be construed to give City the right to materially alter, damage or destroy Carrier's Fiber Optic Network Facilities.

3.5 This Agreement is made subject to all easements, restrictions, conditions, covenants, encumbrances, and claims of title that may affect the Public Right-of-Way and which are recorded in the public record. Carrier shall, at its own cost and expense, obtain such permission as may be necessary and consistent with any other existing rights.

3.6 This Agreement only authorizes Carrier to use the portions of the Public Rights-of-Way specifically described in one or more encroachment permits issued in accordance with Section 9 herein if, and when, issued by the City. It does not require that the City approve any particular encroachment permit application, nor does it provide Carrier with any interest in any particular location within the Public Rights-of-Way. This Agreement shall not be deemed to approve any particular design or installation technique. Certain specific physical design aspects of the Facilities and detailed approvals of the installation of the Facilities will occur through the issuance of specific permits and approvals by the City.

3.7 This Agreement shall be for the non-exclusive use of the Public Rights-of-Way. By executing this Agreement, City does not agree to restrict the use of the Public Rights-of-Way in all or any part of the City by any person in the same business, a related business, or a competing business as Carrier.

3.8 Carrier is not authorized to use any City property located outside of the Public Rights-of-Way nor any City-owned infrastructure located within the Public Rights-of-Way without the prior express written agreement of the City.

3.9 Space in the City's Public Rights-of-Way is limited. Nothing in this Agreement shall be interpreted to imply any rights with respect to priority related to encroachment into or remaining availability of space in the Public Rights-of-Way. Encroachment permits are granted on a first come, first served basis. When space usable for non-municipal purposes in any Public Rights-of-Way is exhausted, an encroachment permit will not be granted.

#### **4. COMPLIANCE WITH LAWS AND REGULATIONS**

4.1 Carrier shall, at all times during the duration of this Agreement, comply with all applicable Laws, including, without limitation, compliance with Carrier's Certificates of Public Convenience and Necessity, the California Environmental Quality Act, zoning laws, and construction codes. Carrier shall in no way incommode any Public Right-of-Way. Carrier shall at all times employ reasonable care so as not to endanger personnel or property or unreasonably obstruct travel on any

Public Rights-of-Way and shall install, maintain and use commonly accepted industry methods and devices for preventing failures and accidents that are likely to cause damage, injury or nuisance to the public or other users of the Public Rights-of-Way, public property or private property.

4.2 The Parties shall comply with all Laws currently in effect. The Parties agree to renegotiate this Agreement in good faith if required for either Party to comply with any provision in the Law, including, without limitation, 47 U.S.C. section 253. In addition, if there is a change in any Law or the interpretation of any Law after the execution of this Agreement that substantively conflicts with any term in this Agreement, provides either Party with additional rights or precludes Carrier from lawfully providing Telecommunications Services, the Parties shall negotiate in good faith for a written modification of this Agreement to bring it into compliance with the current state of the Law if possible. For purposes of this Agreement, a change in Carrier's status as certificated utility under the PUC by or through any ruling or decision that Carrier is no longer required to maintain its status as a utility, as ruled by the PUC, shall not be deemed a default or breach of this Agreement as long as Carrier is still authorized by the PUC and applicable Law to provide (a) full facilities-based and resold competitive local exchange service throughout the service territories of AT&T California, Frontier California Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California, and (b) full facilities-based and resold non-dominant interexchange services on a statewide basis.

## **5. SERVICES**

5.1 Carrier provides Telecommunications Services in California. If the nature and character of Carrier's service changes to include Video Services or changes to include services other than Telecommunications Services, Carrier shall give City as much advance written notice as practicable, up to and including six (6) months' prior notice, of its intent to change the service provided by way of the Fiber Optic Network Facilities installed under this Agreement, comply with the City's lawful requirements and negotiate in good faith a modification of this Agreement. Carrier acknowledges that any contraction, expansion or changes in the regulatory authority over its services may, if mandated by law, require Carrier to enter into a new Agreement consistent with the requirements of a City ordinance regulating such services.

## **6. CONTRACTORS**

Any contractor or subcontractor used for the construction, installation, operation, maintenance, repair, replacement or removal of the Facilities must be properly licensed under the laws of the state and all applicable local ordinances, and each contractor and subcontractor shall have the same obligations with respect to its work as Carrier would have under this Agreement and applicable Law as if the work were performed by Carrier. Carrier shall be responsible for: a) requiring that the work of contractors and subcontractors is performed consistent with this Agreement and applicable Laws; b) all acts or omissions of contractors and subcontractors; c) promptly correcting acts or omissions by any contractor or subcontractor; and d) implementing a quality control program to determine whether the work is properly performed. This section is not meant to alter tort liability of Carrier to third parties.

## **7. RESERVATION OF RIGHTS**

7.1 The City reserves any and all rights it may have now or in the future to legally regulate or otherwise condition the use of Telecommunications Services or Fiber Optic Network Facilities by Carrier or to impose taxes, charges and fees on the provision or use of fiber optics infrastructure and technology and related activities and services subject to this Agreement.

7.2 This Agreement is not a waiver of and is without prejudice to any right City may have under law to regulate, tax or impose fees or charges on Carrier or any right Carrier may have under the law to provide services through the fiber optic infrastructure pursuant to state or federal laws, rules or regulations. Carrier shall be subject to any future taxes, fees or charges that the City lawfully imposes on Fiber Optic Network Facilities or Telecommunications Services in the future. Nothing herein shall affect in any way City's lawful power or right to impose or collect any tax or fee on users or providers of the services to be provided by Carrier.

7.3 Nothing herein is intended to impose regulations or conditions on Carrier that City is preempted from imposing by applicable Laws. For example, to the extent that the Carrier is or has been granted a permit by the California Public Utilities Commission or been the subject of an

administrative order that applies to the services being located under this Agreement and which preempts any provision of this Agreement, the provisions of applicable Law shall control and be in effect. State-wide permits, administrative orders and other applicable Law specific to Carrier, if any, are set forth in the recitals.

**8. REMOVAL AND RELOCATION**

8.1 Subject to the provisions of this Section, Carrier shall remove, without cost or expense to City, any Facilities installed, used, and maintained under this Agreement if and when made necessary by any City governmental purpose, including (a) City lawful change of grade, alignment, or width of any street, (b) the construction, maintenance, repair, relocation or operation of any City underground or aboveground facilities or Public Right-of-Way, (c) the undergrounding of any aboveground facilities, (d) future improvement of the Public Right-of-Way that necessitates the relocation of Carrier's Facilities, or (e) a conflict with a City capital improvement project. In the event that all or any portion of said Public Right-of-Way occupied by said Facilities shall be needed by City or in the event that the existence of said Facilities shall be considered by City to be detrimental to City governmental activities, including, but not limited to, interference with City construction projects, or it conflicts vertically and/or horizontally with any proposed City installation, Carrier shall remove said Facilities. Said removal shall be completed within sixty (60) days of notification by City. Any removal of Facilities shall be without regard to whether the Facilities can be relocated. Carrier may apply for a new encroachment permit to relocate said Facilities to such other location or locations on said Public Right-of-Way as may be then available.

8.2 In the event that said Facilities are not relocated and/or removed within the period of time specified in Section 8.1 above or 8.4 below, or City elects to remove them under Section 8.1 above, City may cause the same to be done at the sole expense of Carrier and Carrier shall restore the Public Right-of-Way to its pre-permit condition, which includes the relocation, removal and destruction of any part or all of the Encroachment, and Carrier agrees to reimburse the City for the



costs incurred, which includes, but is not limited to, costs related to construction, inspection, design, labor, materials, attorney's fees, and other fees.

8.3 In the event of an emergency creating, or where the Facilities create or are materially contributing to, an imminent danger to health, safety or property, City may remove, relay or relocate any or all parts of those Facilities without prior notice and at the sole expense of Carrier; however, City shall make reasonable efforts to provide prior notice. In the event that any removal of Facilities is necessary due to a conflict with a City capital improvement project, the City shall have the right, but not the obligation, to remove Carrier's conflicting Facilities, at Carrier's sole expense, upon seventy-two (72) hours' notice to Carrier by the City.

8.4 If any portions of the Facilities covered under this Agreement are no longer used by Carrier, or are abandoned for a period in excess of three (3) months, Carrier shall notify City and shall within thirty (30) days vacate and remove the Facilities and restore the Public Right-of-Way to its pre-permit condition at its own expense or, at City's discretion and with City's prior written approval, may abandon some or all the Facilities in place. After such removal or approved abandonment, Carrier shall have no further obligations to the City except for the obligations that survive the termination of this Agreement.

8.5 When removal or relocation are required under this Agreement, Carrier shall, after the removal or relocation of the Facilities, at its own cost, repair and return the Public Right-of-Way to a safe and satisfactory condition in accordance with the construction-related conditions and specifications as established by City according to its standard practice. Should Carrier remove the Facilities from the Public Right-of-Way, Carrier shall, within ten (10) days after such removal, give notice thereof to City specifying the Public Right-of-Way affected and the location thereof as well as the date of removal. Before proceeding with removal or relocation work, Carrier shall obtain all applicable permits from the City.

8.6 Should Carrier be requested to relocate its Facilities for any non-governmental third party, and for reasons other than the above Sections 8.1 or 8.3, the reasonable cost of the relocation shall be borne by the third party making such request except where (i) the Facilities were not properly

installed by Carrier, were installed without obtaining necessary authorizations or agreements, or were installed in a manner or location inconsistent with the encroachment or other permit(s) obtained by Carrier; or (ii) applicable Law requires otherwise. Carrier may condition rearrangement of its Facilities on an agreement by the requesting third party to prepay the reasonable estimated cost of relocation, which agreement shall be subject to the exceptions listed in this Section 8.6(i) and 8.6(ii) and except where removal or relocation is necessary pursuant to Sections 8.1 or 8.3 above.

## **9. PLANS, CONSTRUCTION, PERMITS AND FEES**

9.1 Carrier shall apply for an encroachment permit and all other applicable permits for all work and each job within the Public Right-of-Way. Carrier shall prepare detailed plans of the work and other such information as required by the Director, including stamped engineering plans and profiles, and shall furnish the same to City for review. Carrier shall pay all processing, field marking, engineering, inspection and other legally allowable fees prior to issuance of a permit in accordance with the rates in effect at the time of submission of the permit application. All construction, installation and proposed construction in the Public Right-of-Way shall comply with all applicable Law, including, but not limited to with the Solana Beach Municipal Code, the requirements of the Director, current construction standards regarding separation from existing and planned Facilities, existing easements and right-of-way grants benefiting other utility companies, and shall further comply with all the provisions of this Agreement. Upon approval of the plans and encroachment permit for each job within the Public Right-of-Way, Carrier shall post a Performance Bond (pursuant to Section 10) and obtain a construction permit.

9.2 Before Carrier applies for any encroachment permits after the Effective Date of this Agreement, Carrier must submit a comprehensive master plan (“Master Plan”) showing, at a minimum: (i) the location and specific details (i.e., underground depth, above-ground height, etc.) of all Facilities presently installed within the City’s limits; (ii) a high-level design of all Facilities presently intended to be installed over the next five years; (iii) the known locations where Carrier plans to co-locate their Facilities with the Facilities of other utilities; and (iv) Carrier’s work plan for coordinating with other utilities to co-locate their other planned Facilities with the Facilities of

other utilities. In addition, Carrier shall provide an updated Master Plan annually, showing, to the extent applicable, any change to the Master Plan submitted in the prior year and covering Carrier's intended installations for at least the next five years. Carrier shall not apply for any encroachment permit in a location that is not identified on Carrier's then current Master Plan, except in the case of relocation or removal pursuant to Section 8 above.

9.3 Wherever feasible Carrier shall co-locate their Facilities with the Facilities of other utilities to minimize the inconvenience to the community and the damage to the pavement, and preserve space in the Public Rights-of Way.

9.4 Carrier's Master Plan is for City planning purposes with respect to the timing and planned locations of construction in the Public Rights-of-Way. Neither Carrier's Master Plan, nor anything in this Agreement, shall be interpreted to entitle Carrier to locate in a particular location or at a particular time. Common conditions of encroachments will include cooperation of utilities to locate Facilities in the same locations at the same time whenever feasible. In addition, City reserves all rights now and in the future to set aside segments of the Public Rights-of-Way for future City-planned capital improvement projects.

9.5 Carrier hereby designates its Operations Manager, [SPECIFY NAME AND CONTACT INFORMATION] as the City's contact for issues related to its Facilities or this Agreement. For as long as Carrier maintains Facilities in the Public Rights- of-Way, Carrier shall have and maintain a designated person or department as contact for the City and notify the City in writing when such contact requires updating. The City hereby designates the Director as the Carrier's contact for issues related to the Facilities or this Agreement.

## **10. PERFORMANCE BOND**

10.1 Prior to the issuance of any construction permit or other required permits, Carrier shall provide City with a performance bond naming City as obligee in the amount equal to one hundred percent (100%) of the value of the work to be performed by or on behalf of Carrier for all work within and affecting the Public Right-of-Way to guarantee and assure the faithful performance of

Carrier's obligations under this Agreement. The performance bond shall be executed by a corporate surety or financial institution authorized to do business in the State of California. City shall have the right to draw against the surety bond in the event of a default of a material provision of this Agreement by Carrier and failure to cure or in the event that Carrier fails to meet and fully perform any of its obligations under this Agreement or any permit issued pursuant to this Agreement and fails to timely cure. In the event of a breach, the City shall provide Carrier a 30-day written notice of such breach along with any intent to draw against the bond and provide Carrier with an opportunity to cure within the 30-day period, or if cure cannot be reasonably accomplished within 30 days, to commence curing such breach within the 30-day period and continue to diligently pursue the curing of such breach until cured. Following completion of the work by Carrier and its inspection and acceptance by the Director, the performance bond shall remain in effect to the extent of ten percent (10%) of the value of the work to guarantee and assure that faithful performance of Carrier's obligations under this Agreement and permits issued pursuant to this Agreement for a period of one (1) year from the City's acceptance of the work. City shall have the right to draw against the bond in the event of an uncured breach by Carrier or in the event that Carrier fails to meet and fully perform any of its obligations under this Agreement or permits issued pursuant to this Agreement that remain uncured as set forth in this Section 10.1. The form of the performance bond shall be reasonably approved by the City and may include a cash or cash equivalent performance bond and subject to a rolling basis given the Carrier's City-wide deployment of the Facilities.

10.2 In the event Carrier is in default of a material provision of this Agreement, and if Carrier fails, within 30 days of mailing of the City's default notice, to perform or commence performance of a cure where cure is not reasonably possible within 30 days, or fails to diligently pursue a commenced cure to completion within a reasonable time, the City may thereafter obtain from the bond, after proper claim is made to the surety, an amount sufficient to compensate the City for its damages. Upon such withdrawal from the bond, the City shall notify Carrier in writing, of the amount withdrawn and the date thereof. Thirty (30) days after the City's mailing of notice of the cash deposit or bond forfeiture or withdrawal authorized herein, Carrier shall deposit such further cash or bond, or other security, as the City may require, which is sufficient to meet the requirements of this Agreement.

10.3 A bond issued pursuant to this section 10 shall only be canceled by the surety after proper notice to City and pursuant to the terms of said bond, and Carrier shall, prior to the expiration of said bond, procure a replacement bond which complies with the terms of this section 10.

10.4 The rights reserved to the City with respect to any bond are in addition to all other rights of the City whether reserved by this Agreement or authorized by law or in equity, and no action, proceeding, or exercise of any right with respect to any cash deposit or bond shall constitute an election or waiver of any rights or other remedies that the City may have. All rights and remedies in this Agreement are cumulative.

10.5 Where a bond is prohibited or limited under the terms of Public Utilities Code section 1468 or other applicable Law, this section 10 shall not apply or shall only apply within the limitations set forth in applicable Law.

## **11. DAMAGE TO FACILITIES IN PUBLIC RIGHT-OF-WAY**

11.1 Carrier shall keep the sidewalks around the Facilities safe, clear and unobstructed for pedestrian traffic during the performance of the work except to the extent otherwise expressly allowed in any building permit.

11.2 If any portion of the Facilities is determined to be a pedestrian hazard, public nuisance or a public safety hazard in any way, under applicable Law as determined by the Director, then, following such written notice as is feasible and appropriate under the circumstances as determined by the Director and given the pedestrian hazard, public nuisance or public safety hazard, that portion of the Encroachment shall be removed or relocated by Carrier at Carrier's sole expense or the City, at its option, shall remove all or any part of it at Carrier's sole expense.

11.3 Any subsequent design changes to an approved encroachment permit area require the prior written approval of the Director.

11.4 Should any part of the Facilities be placed within close enough proximity to an existing street tree such that said street tree's root system may be impacted as a result of the installation, or a new or replacement tree is proposed, approval by the City's Arborist is required.

11.5 Carrier shall assume any and all responsibility for restoration, repair and/or replacement of the Facilities, should any part of the Facilities be damaged by root intrusion by a City street tree or for any other cause. Carrier shall not agree or knowingly allow any third party to connect to or in any way utilize the Facilities, without such third party obtaining the proper permit, approvals and agreements from the City and paying to City the permit, connection, capacity and any other lawfully applicable fees for any such connection or use, if any.

11.6 Carrier shall be responsible for any damage to City street pavements, utilities, curbs, gutters, sidewalks, trees or to any public or private property or improvements directly caused by Carrier's installation, maintenance, repair or removal of its Facilities in the Public Right-of-Way and Carrier shall repair, replace and restore in kind any such damaged facilities at its sole expense and to the approval of City.

Any premature deterioration of surface and subsurface improvements, such as pavement or concrete over the Facilities or any part thereof or trench or adjacent area, or reduction in the life of the Public Right-of-Ways determined by Director, normal wear and tear excepted, which results from Carrier's acts or omissions shall be the responsibility of Carrier. Carrier shall complete all necessary repairs within thirty (30) days of written notification by Director, or such additional reasonable period as Carrier and the Director agree in writing. If Carrier fails to make the repairs within 30 days of notice, City may have repairs made with the reasonable cost being billed to Carrier. If the repair cannot fully reverse the deterioration or loss of life, the City may require Carrier to pay for the damage suffered as a result.

11.7 If Public Right-of-Way to be used by Carrier has preexisting installation(s) placed in said Right-of-Way, Carrier shall assume the responsibility to verify the location of the preexisting installation and notify City and any third party of Carrier's proposed installation.

11.8 The cost of any work required of such third party or City to provide adequate space or required clearance to accommodate Carrier's installation shall be borne solely by Carrier. Prior to applying for an encroachment permit in any given location, Carrier shall contact all utility owners with existing Facilities in the planned area of the Right-of-Way and shall exercise reasonable efforts to minimize the impact to such existing Facilities as may result from Carrier's proposed Facilities.

11.9 Carrier shall commence all necessary repairs as set forth in Section 11.6 within thirty (30) days of written notification by Director, which includes obtaining of all required permits for the repairs. If Carrier fails to complete repairs within 30 days, City may have repairs made with the reasonable cost being billed to Carrier.

## **12. DIG ONCE POLICY, RECORDS AND FIELD LOCATIONS**

12.1 Carrier shall maintain accurate maps and improvement plans of its Fiber Optic Network Facilities located within the City. The maps and plans are to accurately show in detail the location, size, depth and description of all Facilities as constructed. Prior to City acceptance of the work, Carrier shall deliver to the Director free of charge such maps and plans of all Fiber Optic Network Facilities installed within the Public Right-of-Way. When required for the purpose of confirming the location of Facilities to accomplish the design or construction of public facilities by City, Carrier shall, at its sole cost and expense, expose by potholing to a depth of one (1) foot below the bottom of its subsurface Fiber Optic Network Facilities, within thirty (30) days of receipt of a written request from City to do so.

12.2 Carrier shall be a member of the regional notification center for subsurface installations (Underground Services Alert) and shall field mark, at its sole expense, the locations of its underground Fiber Optic Network Facilities in accordance with the requirements of California Government Code Sections 4216 through 4216.24, as they now read or may hereinafter be amended ("DigAlert Program"). Carrier shall have and maintain a designated person or department whose responsibility shall be to mark and report underground facilities as required under the DigAlert Program at the time of construction. Carrier shall mark its Facilities within the

time frames and in the manner proscribed by the DigAlert Program, or similar program, as it may be amended from time to time.

12.3 Carrier shall keep a record of all City-owned conduits, in a format agreed to by the City, and transfer such records and updates to the City for geographic information system (GIS) entry whenever feasible.

12.4 Carrier shall make a documented effort to work with other utility agencies and the City to co-locate infrastructure in same trench whenever feasible to minimize construction costs, minimize future public disruptions and encourage efficient use of the Public Right-of-Way. Carrier and each utility shall participate in periodic coordination meetings as requested by the City with other utilities and affected public agencies. The purpose of these meetings shall be to coordinate activity between public works projects and utility projects in the Public Right-of-Way, minimize impacts of construction on the community or any other lawful purpose related to this Agreement or the Facilities.

12.5 If Carrier proposes to be the first to install Facilities at a given location within the Public Right-of-Way or if Carrier does not have an agreement with another utility to co-locate its Facilities at that particular proposed location, Carrier's plans shall include calculations and detail regarding the space available to install additional conduit. If the City so requests, Carrier agrees to negotiate in good faith a separate agreement to provide conduit or fiber to be owned by and for the exclusive use of the City as designated by the City Engineer based on Carrier's incremental costs of installing the same.

12.6 Unless the City Engineer determines otherwise, all works shall be installed to industry and Solana Beach standard specifications.

### **13. TAXES**

13.1 Carrier agrees that it will be solely responsible for the payment of any and all lawful taxes, fees and assessments relating to its use and maintenance of the Fiber Optic Network Facilities



including but not limited to all taxes, fees and assessments listed in Carrier's Certificates of Public Convenience and Necessity issued by the California Public Utilities Commission.

Pursuant to Section 107.6 of the California Revenue and Taxation Code, the City hereby advises, and Carrier recognizes and understands, that should Carrier's use of Public Rights-of-Way create a possessory interest subject to property taxation, Carrier may be subject to the payment of property taxes levied on such interest.

#### **14. HOLD HARMLESS AND INDEMNIFICATION**

14.1 Except only for those Claims arising from the sole willful misconduct or negligence of a City Indemnitee, Carrier shall indemnify, defend (with counsel reasonably acceptable to City), and save harmless the City and its officers, officials, agents, consultants, employees, and volunteers, and each of them, (collectively "City Indemnitees") from and against any and all third party liability, claims, judgments, demands, causes of action, damages, costs, expenses, property damage, penalties, remedial actions of any kind, all costs and cleanup actions of any kind, losses or liability, in law or in equity, of every kind and nature whatsoever, including, but not limited to, injuries or damages to persons or property (collectively "Claims") arising directly or indirectly out of or related to: (1) this Agreement; (2) Carrier's Facilities or Telecommunications Services or installation, construction, operation, maintenance, removal or repair of any encroachment by Carrier in the Public Right-of-Way; or (3) any act or omission of Carrier or its officers, directors, representatives, consultants, employees, agents or subcontractors acting on behalf of Carrier at the time of such Claim. Carrier's indemnification shall include any and all costs, expenses, and attorneys' fees incurred by any City Indemnitee in enforcing the provisions of this section. The City shall provide Carrier with prompt, written notice of any alleged Claim covered by the indemnification set forth in this Section 14.1; provided that any failure of the City to provide any such notice, or to provide it promptly, shall not relieve Carrier from its indemnification obligations in respect of such Claim, except to the extent Carrier can establish actual prejudice as a result thereof. Upon receipt of such notice, Carrier, at its own expense shall defend, with counsel reasonably acceptable to City, any such alleged Claim brought against any City Indemnitee. The City Indemnitee shall cooperate with Carrier in connection with the Carrier's defense of such

claim. Carrier shall not settle or compromise any such claim or consent to the entry of any judgment without an unconditional release of all Claims.

14.2 Under no circumstances shall either Party be liable to the other Party or otherwise be responsible for any loss of service downtime, lost revenue or profits, or punitive, incidental, consequential or special damages under any theory of liability.

14.3 This Section 14 shall not be limited by any provision of insurance coverage either Party may have in effect during the Term of this Agreement. This Section 14 shall survive the expiration or termination of this Agreement.

## **15. INSURANCE**

15.1 Carrier shall obtain and, during the Term of the Agreement, shall maintain a commercial general liability (CGL) insurance policy for bodily injury, personal injury and property damage in an amount of not less than two million dollars (\$2,000,000) per occurrence and four million dollars (\$4,000,000) aggregate which shall contain the following coverage:

1. Manufacturers' and Carrier's liability.
2. Broad form property damage.
3. Owner's and Carrier's protective liability.
4. Broad form contractual liability.
5. Products and completed operations coverage.
6. Coverage for explosion, collapse or underground property damage (X, C, U Hazards).

The CGL insurance policy shall be written on an ISO Occurrence Form CG 00 01 12 07, or a substitute form providing equivalent coverage.

15.2 Carrier shall obtain, and during the Term of this Agreement shall maintain, policies of general liability, automobile liability, contractual liability and property damage insurance from an

insurance company or companies authorized to be in business in the State of California, in an insurable amount of not less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate. The insurance policies shall provide that the policies shall remain in full force during the full Term of this Agreement and shall not be canceled, terminated, or allowed to expire or not be renewed without thirty (30) days prior written notice to City from the insurance company or Carrier, and shall contain a blanket waiver of subrogation.

15.3 The City of Solana Beach shall be listed as additionally insured on the required CGL and automobile general liability policies. The Additional Insured Endorsement shall be an ISO Form 20 10 11 85 or an ISO Form 20 10 10 01 and 20 37 10 01, or their equivalent, including coverage for the City with respect to liability arising out of the completed operations of Carrier. Completed operations coverage shall be maintained in effect for the benefit of the City for a period of two (2) years following the completion of the work specified in the Agreement. The City of Solana Beach shall accept no endorsement or modification to the CGL limiting the scope of coverage required in this Section. The policy shall contain a provision stating that Carrier's policy is primary insurance and that insurance (including self-retention) of the City or any named insured will not be called upon to contribute to any loss. The insurance policies must provide that they remain in force for not less than 10 days after notice is given to the City regarding a non-payment of premiums and otherwise 30 days after a notice is given to the City of the policy's expiration or cancellation. Carrier's insurance will not be accepted if these requirements are not met and evidenced in the submitted documents.

15.4 Carrier shall furnish certificates of said insurance and policy endorsements to the Contract Officer prior to commencement of work under the Agreement. Failure on the part of Carrier to procure or maintain in full force the required insurance shall constitute a material breach of contract under which the City may terminate the Agreement with Carrier.

15.5 Carrier shall cause each subcontractor employed by Carrier to purchase and maintain insurance of the type specified above. When requested by City, Carrier shall furnish copies of certificates of insurance and policy endorsements evidencing coverage for each subcontractor.

15.6 Carrier shall maintain Workers Compensation insurance and employer's liability insurance to protect City against all claims under applicable state and federal workers compensation laws. Insurance coverage shall not be less than the statutory minimum for workers compensation, and \$1,000,000.00 for employer's liability. Carrier shall provide an endorsement that the insurer waives the right of subrogation against the City and its elected officials, officers, employees, agents, representatives and volunteers.

## **16. ASSIGNMENT**

16.1 This Agreement shall not be assigned by Carrier without the prior written approval of City, which approval shall not be unreasonably withheld. Carrier shall provide City with at least thirty (30) days written notice of a proposed assignment of any of its Facilities or rights under this Agreement together with the proposed assignee's contact information and such other information as may reasonably be requested by the Director. Attempted assignments without the City's written consent, except as provided in Sections 16.2 and 16.3 below, shall be void and a material breach of this Agreement entitling City to terminate this Agreement. For the purposes of this Section 16, the leasing, subleasing, licensing, sublicensing or otherwise granting in the ordinary course of business rights of use, including indefeasible rights of use (as such term is used in the industry) or similar rights in dark fiber, fiber optic capacity, conduit and other network elements associated with Carrier's business shall not require consent of the City, so long as Carrier or its approved successors-in-interest or assigns remain solely responsible for locating, placing, installing, maintaining, relocating and removing the Facilities and Carrier or its approved successors-in-interest or assigns remain solely responsible for all its obligations under this Agreement and there has been no intervening change in the Law.

16.2 For the purposes of this Section 16, the sale, transfer or change of less than ten percent (10%) of the ownership interest in Carrier shall not require the express consent of the City so long as Carrier is not in breach of any provision of this Agreement and there has been no intervening change in the Law.

## 17. TERMINATION

17.1 The City may terminate this Agreement by giving thirty (30) days written notice of termination upon the occurrence of any of the following and subject to Carrier's cure rights:

a) City's determination, in its sole discretion, that the provisions herein interfere with the use or disposal of the Public Rights-of-Way or any part thereof by City. Where only a portion of Carrier's Facilities interfere with the use or disposal of the Public Rights-of-Way, the City, in its sole discretion, may elect to terminate this Agreement or require Carrier to remove said portion in accordance with Section 8 of this Agreement.

b) For failure, neglect or refusal by Carrier to fully and promptly comply with any term or condition of this Agreement unless Carrier cures such breach within thirty (30) days written notice by City.

c) An order entered by a court of competent jurisdiction approving a petition in bankruptcy or ordering the dissolution, winding up or liquidation of Carrier or appointing a custodian, receiver, trustee, or other officer to administer a substantial part of Carrier's property.

d) The revocation, expiration, abandonment or other loss of applicable permits or authorizations required by City or Law for the use, maintenance or operation of the Facilities.

e) A material change in the Law related to the subject matter of this Agreement, unless the Parties are able to reach a mutually agreeable modification of the Agreement pursuant to Section 4.2 within thirty (30) days written notice by City.

f) A material change in the nature or character of Carrier's services being provided through the Facilities.

17.2 Carrier may terminate this Agreement at any time upon prior written notice to City. Such termination by Carrier shall not relieve it of any obligation to the City regarding any existing breach of this Agreement, any obligations under Section 14, or any terms of this Agreement that survive termination. Within ninety (90) days after termination, Carrier shall, at its election, unless directed to do so by the City, remove its fiber from the Public Right-of-Way and repair and restore such Right-of-Way to ameliorate all effects caused by such removal, normal wear and tear excepted. Notwithstanding such termination, Carrier's obligations under Section 8 regarding

third-party claims arising out of the work or improvements owned or installed by Carrier shall survive the termination of this Agreement.

**18. NOTICE**

18.1 Carrier’s Network Operations Control Center shall be available to City staff twenty-four (24) hours a day, seven (7) days a week, regarding problems or complaints resulting from the Facilities installed pursuant to this Agreement and may be contacted by email at: noc@Carrierfiber.com regarding such problems or complaints.

18.2 Notices. Any notices to be given under this Agreement, or otherwise, shall be served by certified mail.

a. The address of the City, and the proper person to receive any notice on the City’s behalf, is:

City of Solana Beach  
Attn: Engineering Dept.  
635 South Highway 101  
Solana Beach, CA 92075

b. The address of Carrier, and the proper person to receive any notice on Carrier’s behalf, is:

Carrier, LLC  
[ADDRESS]  
Attn: CEO

With copies to (except for invoices):

Carrier, LLC  
[ADDRESS]  
Attn: Legal Department

Each Party shall notify the other Party of any change in address for notices pursuant to this Section.

## 19. MISCELLANEOUS

19.1 **Representations and Warranties.** Carrier represents and warrants that it has any and all authorizations and approvals from state and federal regulatory agencies including the California Public Utilities Commission and the Federal Communications Commission as are necessary for the Telecommunications Services and Facilities contemplated by this Agreement and that Carrier is in compliance in all material respects with its obligations under such authorizations.

19.2 **Severability.** If any one or more of the covenants or agreements or portions thereof provided in this Agreement shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, such covenant or covenants, such agreement or agreements, or such portions thereof shall be null and void and shall be deemed separable from the remaining covenants or agreements or portions thereof and shall in no way affect the validity or enforceability of the remaining portions of this Agreement.

19.3 **Third-Party Agency Modifications.** This Agreement shall be subject to such changes or modifications as may be required or authorized by any regulatory commission in the exercise of its lawful jurisdiction.

19.4 **Entire Agreement.** This Agreement and permits issued pursuant to this Agreement contain the entire understanding between the Parties with respect to the subject matter herein. There are no representations, agreements or understanding (whether oral or written) between or among the Parties relating to the subject matter of this Agreement that are not fully expressed herein or in the permits issued pursuant to this Agreement. This Agreement may not be amended except pursuant to a written instrument signed by all Parties.

19.5 **Waiver.** No waiver by either Party of a breach by the other Party of any of the terms, covenants, or conditions of this Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant or condition herein contained. No waiver of any default of either Party hereunder shall be implied from any omission

by the other Party to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect default other than as specified in said waiver.

19.6 **Survival.** The provisions of the Agreement that by their nature survive termination or final completion of the Agreement, including all warranties, indemnities and payment obligations, shall remain in full force and effect after expiration or any termination of the Agreement.

19.7 **Governing Law and Venue.** This Agreement and all matters relating to it shall be governed by the laws of the State of California and the United States Government, and is intended to be consistent with applicable Law. Any action brought relating to this Agreement shall be held exclusively in a state or federal court in the County of San Diego or a state or federal court in the State of California that is closest to Solana Beach.

19.8 **No Beneficiaries.** No provision contained in the Agreement shall create or give to third parties any claim or right of action against the City or Carrier or their respective elected or appointed officers, directors, officials, employees, representatives, contractors, subcontractors or agents.

19.9 **Drafting Ambiguities.** The Parties agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this Agreement, and the decision of whether or not to seek advice of counsel with respect to this Agreement is a decision which that is the sole responsibility of each Party. This Agreement shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of the Agreement.

19.10 **Counterparts.** This Agreement may be executed in one or more counterparts, all of which taken together shall constitute one and the same instrument.

19.11 **Business License.** Carrier and its subcontractors, if any, are required to obtain and maintain a City Business License during the duration of this Agreement.



19.12 **Signatories.** Each signatory and Party hereto hereby warrants and represents to the other Party that it has legal authority and capacity and direction from its principal to enter into this Agreement, and that all resolutions or other actions have been taken so as to enable it to enter into this Agreement.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be effective as of the Effective Date listed above, regardless of date of execution.

CITY:  
**CITY OF SOLANA BEACH,**  
a municipal corporation

CARRIER:  
**CARRIER, LLC,**  
a [Delaware] limited liability company

By: \_\_\_\_\_  
Gregory Wade, City Manager

By: \_\_\_\_\_  
Name and Title

APPROVED AS TO FORM:

\_\_\_\_\_  
Johanna N. Canlas, City Attorney

ATTEST:

\_\_\_\_\_  
Angela Ivey, City Clerk



# STAFF REPORT

## CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** April 24, 2019  
**ORIGINATING DEPT:** City Clerk's Office  
**SUBJECT:** Parks and Recreation Citizen Commission Appointment

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### BACKGROUND:

This item is before the City Council to discuss and appoint a community member to serve out the remainder of an existing term on the Parks and Recreation Commission. Commission member Shannon Kearns officially resigned from the Public Arts Commission shortly after her appointment on February 27, 2019 due to unforeseen commitments. Her position's term expires January 2021.

All appointments to Citizen Commissions are conducted in accordance with Council Policy No. 5 - *Appointment of Citizens to Boards, Commissions, Committees, and Task Forces* (Attachment 1) - and all persons interested in serving on the City's Citizen Commissions are required to "complete and file ... a *Citizen Interest Form (application)*," with the required references, and submit it to the City Clerk for formal application processing. The Application/Citizen Interest Form is available year-round at the City Clerk's Office and on the City's website. The Parks and Recreation Commission's appointments are made by Council-at-large. A majority vote of the City Council is required for appointment.

### DISCUSSION:

#### *Application Process*

On April 1, 2019, the City Clerk's department posted a Notice of Vacancy (Attachment 2) for the Parks and Recreation Commission, per California Government Code Section 54974(a), with a deadline of April 15, 2019, in an effort to refill the position and bring the Commission to full membership as quickly as possible. By the April 15<sup>th</sup> deadline, one application was received from Steven Felger.

#### *Member Requirements*

SBMC Section 2.72 outlines some of the duties of the Commission; however, there are other duties and assignments provided in relation to various opportunities and issues that occur throughout the year. To carry out the Commission's work, SBMC Section 2.60.010 outlines the requirements of meeting attendance. As a legislative body, like the City Council, Citizen Commissions are required to fulfill a responsibility of participating in each meeting for all matters brought before the Commission. In addition, the Commission Handbook, provided to

CITY COUNCIL ACTION: \_\_\_\_\_

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each appointed/re-appointed member, and posted online, provides various other requirements, regulations, guidelines, and procedures for Commission members.

*Member Appointment*

The appointed date of the Commission member(s) is the meeting date that the City Council makes the appointment and the official start date of the appointee(s) takes effect once the official oath is administered by the City Clerk. The official oath is required in order to begin participating in Commission business. The swear-in may take place before or at the first meeting of the Commission.

Additional requirements, as stated on the Application, are the Form 700 filing, Background check, Ethics Training, and the Commission handbook review, each having a designated due date.

**FISCAL IMPACT:** N/A

**WORK PLAN:** N/A

**OPTIONS:**

- Approve Staff recommendation to proceed with making an appointment to the vacancy.
- Do not approve Staff recommendation and extend deadline to receive new applications, allowing the expiring position to remain vacant until refilled.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that City Council appoint one (1) member to the **Parks and Recreation** Commission nominated/appointed by *Council-at-large* for a term ending January 2021.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department recommendation.



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

Attachments:

1. Policy No. 5 (*Appointment of Citizens to Boards, Commissions, Committees and Task Forces*)
2. Notice of Vacancy
3. Application (submitted to Council under separate cover)

<b>CITY OF SOLANA BEACH</b>	<b>Policy No. 5</b>
<b>COUNCIL POLICY</b>	Adopted: May 15, 1989 Revised: January 23, 2008 by Resolution 2008-23
<b>GENERAL SUBJECT:</b> Citizen Boards, Commissions & Committees	
<b>SPECIFIC SUBJECT:</b> Appointments of Citizens to Boards, Commissions, Committees and Task Forces.	

**PURPOSE:**

The purpose of this policy is to establish a consistent process and procedure for appointments to City sponsored Citizen Boards, Commissions, Committees and Task Forces.

**POLICY STATEMENT:**

Appointments to Citizen Boards, Commissions, Committees and Task Forces are made in accordance with the municipal code and/or specific guideline, as provided, to provide consistency.

**POLICY PROCEDURES:**

1. All private citizens interested in serving on any Board, Commission, Committee or Task Force or similar group must complete and file with the City Clerk a Citizen Interest Form (application) which may be obtained from the City Clerk's office.
2. Nominations  
Councilmembers may nominate private citizens for appointment subject to ratification by a majority of the City Council. Such ratification shall take place at a regular City Council meeting and a duly docketed agenda item.
3. Appointment Protocol
  - a. Appointments will be made in accordance with municipal code requirements. For example, the municipal code may require that a Commission have five positions appointed by individual Councilmembers.
  - b. Appointments that are not outlined in the municipal code and are at-large appointment positions may be nominated by any Councilmember. In the event of multiple appointments, appointments may be divided among individual Councilmembers to share the appointment responsibilities. If the appointments are

shared, it will be for that one time and will not be construed as official individual appointments that would carry forward.

- c. The decision to proceed with an individual appointment alternative for at-large positions will be subject to majority vote of the City Council with such vote taking place at a regular City Council Meeting.

4. Appointments to Outside Agencies

When the City is asked by an outside agency to recommend a private citizen to serve on a Board, Commission, Committee or Task Force or similar group, such recommendation shall be made by the Council and approved by a majority vote of the City Council.



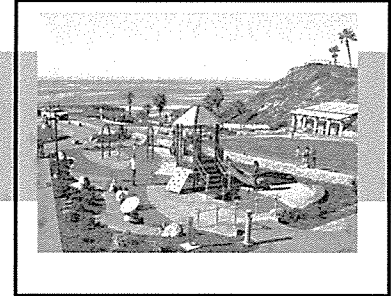
**PUBLIC NOTICE**  
**CITIZEN COMMISSION POSITION VACANCY**

**CITY OF SOLANA BEACH VOLUNTEERS SERVING ON BEHALF OF THE CITY COUNCIL**

Applications are currently being accepted through Monday, April 15, 2019 by 5:30 p.m. City Council is scheduled to make appointments at the April 24, 2019 City Council Meeting.

**PARKS & RECREATION COMMISSION**

*One vacancy – term will expire January 2021*



Regular Meetings: 2<sup>nd</sup> Thursday of each month at 4:00 p.m.

Requirements: At least 18 yrs. old • Resident of the City.

Composition: 7 members who are all appointed by the Council At-large.

Staff Liaison: Kirk Wenger 858-720-2453 [kwenger@cosb.org](mailto:kwenger@cosb.org)

**The Parks and Recreation Commission is directly responsible for planning, implementing, and working special events hosted by the Commission and/or the City.**

Sponsored events may include:

- Annual Spring Egg Hunt
- Bark in the Park
- Beach Blanket Movie Night
- Dia de los Muertos
- Holiday Tree Lighting Ceremony

The Parks and Recreation Commission makes recommendations to the City Council and brings matters to Staff pertaining to the creation, operation, maintenance, use, management and control of community recreational programs and activities, parks, beaches and other indoor and outdoor recreational facilities and areas.

The Commission may also advise the City Manager, through the Recreation Manager, regarding recreational programs or activities provided or proposed to be provided by the City, including such matters as types of programs and activities, fees and charges for participants, scheduling and other similar matters.



- ❖ **Attend a Citizen Commission public meeting.** It is recommended that new applicants attend a Commission meeting prior to being considered for an appointment. *Agendas are posted on the City's website. See the City's website for members, expiring positions, and further information.*

- ❖ [Agenda Posting page](#)

Citizen Interest Forms (Applications) and additional information on the Commissions can be found on the City's website at [www.cityofsolanabeach.org](http://www.cityofsolanabeach.org) (Left tabs: City Government, City Clerk, Citizen Committees) OR at City Hall, 635 S. Highway 101, Solana Beach, (858) 720-2400. Please contact the City Clerk with any questions regarding the recruitment/appointment process.

*For specific questions about the Commission, contact the Commission Staff Liaison above.*

## **APPLICATIONS**

***This Attachment is not posted online  
but is available for viewing at the  
City Clerk's Office.***